



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 01-2014-11

(Enactment of Ordinance No. 267, Amending Sections 2.11, 3.1, 6.3, 10.10, 10.11 and 12.2 of the Health & Safety Code of the White Mountain Apache Tribe)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and

WHEREAS, Ordinance No. 267 proposed changes to Sections 2.11, 3.1, 6.3, 10.10, 10.11 and 12.2 of the Health & Safety Code; and

WHEREAS, on December 4, 2013 the Tribal Council authorized the posting of Ordinance No. 267, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted on December 17, 2013. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

WHEREAS, the Council has reviewed Ordinance No. 267 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Health & Safety Code, as set forth in Ordinance No. 267 to be in the best interest of the White Mountain Apache Tribe.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 267, attached hereto and incorporated by reference, which amends Sections 2.11, 3.1, 6.3, 10.10, 10.11 and 12.2 of the Health & Safety Code.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all

documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on JANUARY 21, 2014 duly adopted by a vote of SIX for, ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (q), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Clive Luggs Acting
Ronnie Lupe, Chairman

Jan 31, 2014
Date

Marlinda Chastina for nje
Mariddie J. Craig, Secretary

01/31/2014
Date

**ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 267, amending White Mountain Apache Health & Safety Code to revise Sections 2.11, 3.1, 6.3, 10.10, 10.11, and 12.2 as follows:

SECTION 2.11 MARRIAGE EXAMINATION

~~An examination by a physician to determine freedom from venereal disease is necessary before marriage. No person found to be infected with a venereal disease will be permitted to marry until a licensed physician or Medical Officer shall have declared him or her under adequate treatment and/or non-infectious.~~

[NOTE: Section 2.11 was repealed by Ordinance No. 267, enacted January 21, 2014.]

SECTION 3.1 POISONING FOOD OR WATER

No person shall willfully mingle poison in any food, drink or medicine intended or prepared for the use of a human being, and no person shall willfully poison or pollute any spring, well, stream, river, reservoir, or other water. This shall be considered a crime punished under the “~~Law and Order Code~~” **Tribal Code**.

SECTION 6.3 PENALTIES: MEMBER; NON-MEMBER

B. Any non-member who shall violate this Chapter, or any part thereof, as provided in the ~~Law and Order Code~~ **Tribal Code**, may be expelled from this Reservation; and in addition, if the violation of this Chapter is also a violation of the Criminal Code of the State of Arizona, then said non-member shall be taken before the appropriate state court for punishment.

SECTION 10.10 PUBLIC NUISANCE

B. Anyone who harbors, owns or controls such an animal is guilty of the offense of “Public Nuisance” as set forth in the ~~Law and Order Code~~ **Tribal Code**.

**SECTION 10.11 UNLAWFUL INTERFERENCE WITH ANIMAL CONTROL
OFFICER**

B. Anyone found guilty of unlawful interference with the Animal Control Officer shall be punished as prescribed in ~~Section 2 of the Law and Order Criminal Code~~ **Tribal Code**.

SECTION 12.2 PARTIES TO CRIME IN MOTOR VEHICLE CASES

The ~~Law and Order Code~~ **Tribal Code** of the White Mountain Apache Tribe and any ordinances appertaining to parties to a crime in Motor Vehicle Cases are hereby amended by eliminating therefrom any provision including, but without limitation, Section 28-1051, Arizona Revised Statutes Annotated.