

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

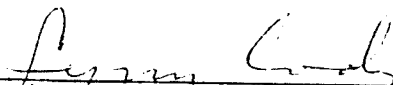
WHEREAS, the Tribal Council of the White Mountain Apache Tribe has previously enacted Ordinance No. 117 which regulates the sale of toxic substances, gasoline and tobacco to minors, and

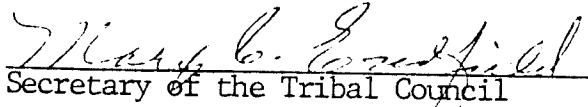
WHEREAS, the Tribal Council has reviewed and discussed the necessity to amend said ordinance and good cause appearing.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 117 be amended in the form attached to this Resolution and incorporated by reference herein.

BE IT FURTHER RESOLVED that said attached form of the amended ordinance be publicly posted for a period of ten (10) days as required by the Amended Constitution and By-Laws of the White Mountain Apache Tribe.

The foregoing resolution was on February 17, 1981 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

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Fort Apache Indian Agency
Whiteriver, Arizona

PROPOSED ORDINANCE NO. 119

PROPOSED AMENDMENT
TO ORDINANCE NO. 117 OF THE
WHITE MOUNTAIN APACHE TRIBAL LAW AND ORDER CODE

BE IT ENACTED by the Tribal Council of the White Mountain
Apache Tribe assembled that Ordinance No. 117
be amended as follows:

REGULATION OF SALE OF TOXIC SUBSTANCES, GASOLINE
AND TOBACCO TO MINORS

ARTICLE I

Section I-Definitions

- A. PERSON - shall mean a natural person, Indian or Non-Indian, or any individual employed by a business.
- B. BUSINESS - a profession, trade or occupation or other calling carried out for profit or livelihood, or any employee or agent of the same.
- C. AGENCY - Any organizational unit engaged in carrying out business on the Fort Apache Indian Reservation, i.e. United States Government, White Mountain Apache Tribe or Non-Tribal Government.
- D. PSYCHO TOXIC CHEMICAL SOLVENTS OR TOXIC SUBSTANCE -
Any-petroleum-based-substance,-paint,
solvent-or-any-toxic-agent-of
stimulation,-narcotic,-or-anesthetic-
nature-producing-toxic-products-or
poisons.
As used in this section the terms
Psychotoxic chemical solvents and
toxic substances shall be used
interchangeably and include any glue,
cement or other substance containing
one or more of the following chemical
compounds: acetone and acetate,
benzene, butyl-alcohol, ethyl-
alcohol, ethylene dichloride,
isopropyl alcohol, methyl alcohol,
methyl ethyl, petone, pentachlorophenol,
petroleum ether, or other chemical
substance capable of causing a
condition of intoxication, inebriation,
excitement, stupefaction, or the
dulling of the brain or nervous
system as a result of the inhalation
of the fumes or vapors of such

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of such substance without further expert testimony if it reasonably appears that the substance in such container is the same substance placed therein by the manufacturer or producer.

- E. TOBACCO - Any substance derived from the tobacco leaf. Cigarettes, cigars, snuff, chewing tobacco, and loose tobacco.

ARTICLE II

- SECTION I. It shall be unlawful for any business or person to permit, attempt to sell, sell, conspire to sell, trade, give, or transfer any psychotoxic chemical solvents or tobacco products to any person under the age of eighteen (18) years of age.
- SECTION II. It shall be unlawful for any business person or business engaged in the sale of psycotoxic chemical solvents petroleum-products-or employees to permit the sale of gasoline said Psycotoxic chemical or-petroleum-based solvents to any person under the age of eighteen (18) years of age. It will only be permitted if the substance is directly introduced into a motor vehicle fuel tank.
- SECTION III. All businesses on the Fort Apache Indian Reservation engaged in the sale of paint-solvents, (aerosol)-spray-paints, solvent-glues- Psycotoxic chemical solvents and tobacco products will place such products behind counters or in locked display counters and in any way make them inaccessible to persons under the age of eighteen (18) years of age, and prohibit the sale of these items to such minors.
- SECTION IV. All White Mountain Apache Tribe, United States Government, and other Non-Tribal Governmental Agencies on the Fort Apache Indian Reservation shall install locking gas caps on their respective vehicles.
- SECTION V. All businesses' operating construction-companies working on the Fort Apache Indian Reservation will destroy or remove all paint-solvents, spray-paints-and-other-toxic-substances- Psycotoxic chemical solvents and their containers when no longer in use. All toxic substances shall be placed in a safe locked place when not in use.
- SECTION VI. All construction-companies businesses, United

SECTION VII.

A business or person violates this Ordinance if it or he sells to, or otherwise obtains for or arranges for the obtaining of tobacco or a tobacco product for a person under the age of eighteen (18), or knowingly permits such a person to operate a machine dispensing tobacco products in his place of business or in an area of a place of business over which he is charged with the management or operation.

ARTICLE III

SECTION I.

Any person or business found guilty of violating this Ordinance or committing unlawful acts against this Ordinance shall be punished by a Civil Penalty of not less than Twenty-Five (\$25.00) Dollars or more than Two Hundred (\$200.00) Dollars.

SECTION II.

Any Indian or Non-Indian business licensee violating any provision of this Ordinance shall be subject to a business license suspension of not less than two (2) days or not more than fourteen (14) days. Failure to comply with the suspension shall result in the business license being revoked.

SECTION III.

If any provision of this Ordinance, or the application thereof, is held invalid, the remainder of this Ordinance, or other applications of such provisions, shall not be affected.