

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe by previous resolution required the posting of a proposed liquor ordinance for a period of ten (10) days in conformity with the Constitution and By-Laws of the White Mountain Apache Tribe, and

WHEREAS, comments have been received reference to the imposition of a tribal sales tax on the sale of liquor, and

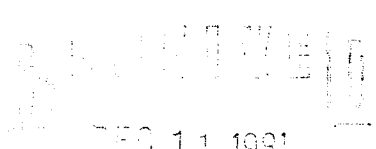
WHEREAS, the Tribal Council concludes after great discussion with the Tribal Attorney, Apache Enterprise and Tribal citizens that it would be unwise at this time to impose such a tax for reasons of economic necessity.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the final passage of the Liquor Ordinance without the sales tax, said ordinance to be effective immediately.

BE IT FURTHER RESOLVED that Kenneth Hart, Manager of the White Mountain Apache Enterprise is appointed Liquor Business Manager to carry out the powers and duties set forth in the White Mountain Apache Tribal Liquor Control Ordinance.

BE IT FURTHER RESOLVED by the Tribal Council that the Chairman of the Tribal Council is hereby directed to submit this Ordinance to the Secretary of the Interior for publication in the Federal Register in the most expeditious manner.

The foregoing resolution was on December 03, 1981 duly adopted by a vote of 7 for 2 against 0 Abstention 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).


Lynn Cady
Acting Chairman of the Tribal Council


Mary C. Confield
Secretary of the Tribal Council

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

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe, duly assembled: That Ordinance No. 92, dated August 30, 1972, and Ordinance No. 115, dated October 1, 1980, amending Ordinance No. 92, are hereby repealed by this Ordinance which shall be known as the White Mountain Apache Tribal Liquor Control Ordinance.

SECTION I
DECLARATION OF PUBLIC POLICY AND PURPOSE

(a) The introduction, possession, and sale of liquor on the White Mountain Apache Reservation has since executive order time, been clearly recognized as a matter of special concern to the White Mountain Apache Tribe.

(b) Federal Law currently prohibits the introduction of liquor into Indian Country (18 USC 1154), and expressly delegates to the tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 USC 1161).

(c) The Tribal Council finds that a complete ban on liquor within the Fort Apache Indian Reservation is ineffective and unrealistic. However, it recognizes a need still exists for strict regulation and control over liquor transactions within the reservation because of the many potential problems associated with the unregulated or inadequately regulated sale, possession, and consumption of liquor. The Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the tribe, to protect the health and welfare of our tribal members, and to address specific tribal concerns relating to alcohol use on the reservation.

(d) The enactment of a tribal ordinance governing liquor sales on the Fort Apache Indian Reservation and providing for exclusive purchase and sale through a tribally owned and operated establishment will enhance the ability of the tribal government to control reservation liquor distribution and possession, and, at the same time, will provide an important source of revenue for the continued operation of the tribal government and the delivery of essential tribal social services.

(e) This ordinance shall be cited as the "White Mountain Apache Tribal Liquor Control Ordinance" and under the inherent sovereignty of the White Mountain Apache Tribe, shall be deemed an exercise of the Tribe's power, for the protection of the welfare, health, peace, morals, and safety of the people of the tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic beverages if it affects the public interest of the people, should be

(2) A chapter, lodge, parlor, or other local unit of an American national fraternal organization which has as the owner, lessee or occupant operated an establishment for fraternal purposes in this state. An American national fraternal organization as used in this subdivision shall actively operate in not less than thirty-six states or have been in active continuous existence for not less than twenty years.

(3) A hall or building association of such a local unit mentioned in subdivision (1) and (2), all of the capital stock of which is owned by the local unit or the members, and which operates the club room facilities of the local unit.

(4) A golf club which has more than fifty bona fide members which owns, maintains or operates a bona fide golf links together with a club house.

(5) A social club with more than one hundred bona fide members who are actual residents of the county in which it is located, which owns, maintains or operates club quarters, and which is authorized and incorporated to operate as a non-profit club under the laws of this state, and has been continuously incorporated and operating for a period of not less than one year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club's membership shall consist of bona fide dues paying members paying at least six dollars per year, payable monthly, quarterly or annually, which have been recorded by the secretary of the club and the members at the time of application for a club license shall be in good standing having for at least one full year paid dues. At least fifty-one percent of the members shall have signified their intention to secure a social club license by personally signing a petition, on a form prescribed by the board, which shall also include the correct mailing address of each signer. The petition shall not have been signed by a member at a date earlier than thirty days prior to the filing of the petition. The club shall qualify for exemption from the payment of state income taxes under the provisions of title 43, it being the intent of this paragraph that a license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide club, where the sale of liquor is incidental to the main purpose of the club.

(i) "Company" or "Association" when used in reference to a corporation includes successors or assigns.

(j) "Distillery" "winery" and "brewer" shall mean not only the premises wherein alcohol is distilled, or rectified wine is fermented or beer is brewed, but in addition a person owning, representing, or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of intoxicating liquor or beer in any form.

(k) "Election days" means the biennial primary election for the nomination of United States, state, county and precinct officers, a special election called pursuant to Section 1, Article 21 of the Constitution of the State of Arizona, the biennial general election of the State of Arizona and all White Mountain Apache tribal elections.

(l) "Foreign Corporation" shall mean any corporation not incorporated under the laws of the White Mountain Apache Tribe.

(m) "Legal Age" shall mean the age requirements as defined in this Ordinance.

(n) "Liquor Store" shall mean any store, established by Apache Enterprise for the sale of alcoholic beverages.

(o) "Liquor" includes the four varieties of liquor herein defined [alcohol, spirits, wine and beer], and all fermented spirituous, vinous, or malt liquor as combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid semi-solid, solid, substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(p) "Malt Liquor" means beer, ale, stout, and porter.

(q) "Package" shall mean the bottle or immediate container of any alcoholic beverage.

(r) "Package Dealer" shall mean the White Mountain Apache Tribe as distinguished from a distiller, manufacturer, or wholesaler, that sells, or keeps for sale, any alcoholic beverage authorized under the Ordinance for consumption off the premises where sold.

(s) "Person" includes partnership, association, enterprise, company or corporation, as well as a natural person.

(t) "Public Places" means any house, building, outhouse or enclosures in which a still or distilling apparatus is operated, or in which any still, distilling apparatus or spirituous liquors upon which all taxes imposed have not been sold.

(u) "Sale" and "Sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor or any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor, or of wine, by any person to any person.

(v) "Spirituous Liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol and any liquid mixture or preparation.

whether patented or otherwise, which produced intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume.

(w) "Stamp" shall mean the various stamps required by this Ordinance to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by this Ordinance.

(x) "Vehicle" means any means of transportation by land, water or air, and includes everything made use of in any way for such transportation.

(y) "Veteran" means a person who served in the United States Army, Navy, Marine Corp, revenue marine service, as an active nurse in the services of the American Red Cross, in the army and navy nurse corps in the time of war, or in any expedition of the armed forces of the United States, and has received a discharge other than dishonorable.

(z) "Wholesaler" shall mean any person other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or low-point beer; no wholesaler shall be permitted to sell for consumption upon the premises.

(aa) "Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four per cent of alcohol by volume.

SECTION III GENERAL PROHIBITION

It shall be unlawful to manufacture for sale, sell, offer, or keep for sale, possess or transport intoxicating liquor or low-point beer except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

SECTION IV LIQUOR AGENCY CREATED

There is hereby established a branch of White Mountain Apache Tribal Enterprises known as the Liquor Agency. This branch shall be constituted as an agency and department of the White Mountain Apache Tribal Government and be known as Apache Enterprise.

SECTION V
WHITE MOUNTAIN APACHE LIQUOR BOARD

(a) Liquor Board Established -- Composition. There is hereby established a White Mountain Apache Liquor Board. The members of the White Mountain Apache Tribal Council shall serve as the White Mountain Apache Liquor Board. The Board is empowered to:

1. Administer this Ordinance by exercising general control, management, and supervision of all liquor sales, places of sale, and sales outlets as well as exercising all powers necessary to accomplish the purposes of this Ordinance;

2. Adopt and enforce rules and regulations in furtherance of the purposes of this Ordinance and the performance of its administrative functions;

3. Employ managers and such other persons as shall be reasonably necessary to allow the Board to perform its functions. Pursuant to this authority, the Board shall appoint a manager who shall have the powers and perform the duties set forth in Section 6;

4. Bring suit in the appropriate court to enforce the provisions of this Ordinance with the consent of the White Mountain Apache Tribal Council. The Board shall not, without the specific consent of the Council, waive the Board's or the Tribe's immunity from suit.

SECTION VI
LIQUOR BUSINESS MANAGER

(a) Powers and Duties. The manager appointed by the Board shall have the following powers and duties in regard to the Liquor Agency:

1. To manage the Liquor Agency for the benefit of the White Mountain Apache Tribe.

2. To purchase, in the name of the White Mountain Apache Tribe, liquor products from wholesale distributors, and distribute them to such tribal liquor outlets as he deems appropriate.

3. To establish, with the Board and subject to its approval, such administrative procedures as are necessary to govern the operation of the Liquor Agency.

4. To report and account to the Board at least four times a year regarding the operation and financial status of the Liquor Agency. The Board and the manager shall establish the dates on which such accounting shall take place. The Board may require more frequent accounting if deemed necessary.

5. To hire and set the salaries of additional personnel, subject to Board approval, as he deems necessary to the successful operation of the Liquor Agency.

6. To supervise all persons employed by the Liquor Agency.

7. To purchase, with Board approval, and to maintain the Liquor Agency's real and personal property.

8. To collect the White Mountain Apache Liquor excise tax.

9. To transfer all tax revenues and gross proceeds of the Liquor Agency to the tribal treasurer for disposition in accordance with Section XIII.

10. To set the retail price for liquor in cooperation with and subject to the approval of the Board.

11. To obtain and maintain in full force and effect a policy of general liability insurance covering the premises in an amount set by the Board. The policy shall contain the stipulation that the Tribe shall be given ten days notice of the proposed cancellation or expiration of such policy. The manager shall submit to the Board a certificate of insurance from such policy and shall have available for inspection, a complete copy of such policy.

12. The manager shall be bonded for such additional amount and for such additional purposes as the Board shall determine to be appropriate in managing the Liquor Division.

SECTION VII SOVEREIGN IMMUNITY PRESERVED

Nothing in this Ordinance is intended or shall be construed as a waiver of the sovereign immunity of the White Mountain Apache Tribe.

No manager or employee of the Liquor Agency shall be authorized nor shall he attempt to waive the immunity of the Tribe.

SECTION VIII SALES

(a) Only Tribal Sales Allowed. No sales of alcoholic beverages shall be made within the exterior boundaries of the Fort Apache Indian Reservation except at Tribal Liquor Store Outlets, the Sunrise Ski area, and other locations which from time to time, the Liquor Agency Manager with the Liquor Board's approval may designate.

(b) All Sales Cash. All sales at tribal liquor stores shall be on a cash only basis and no credit shall be extended to any person, organization, or entity except by means of recognized bank and other credit cards.

(c) All Sales for Personal Use. All sales shall be for the personal use of the purchaser, and resale for profit of any alcoholic beverage purchased at a tribal liquor store is prohibited within the Fort Apache Indian Reservation. The purchase of an alcoholic beverage at a tribal store and subsequent resale of that beverage for profit, whether in the original container or not, shall be a violation of this Ordinance and the violator shall be subject to the penalties prescribed in Section XI.

(d) Tribal Property. The entire stock of liquor and alcoholic beverages referred to under this ordinance shall remain tribal property, owned and possessed by the White Mountain Apache Tribe until sold.

SECTION IX TAXATION

(a) Tax imposed. There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on the Fort Apache Indian Reservation in the amount of 5% of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on the Reservation and shall pre-empt any tax imposed on such liquor sales by the State of Arizona. No municipality, city, town, county, nor the State of Arizona shall have any power to impose an excise tax on liquor or alcoholic beverages as defined by this title, or to govern or license the sale or distribution thereof in any manner within the Fort Apache Indian Reservation.

(b) Distribution of Taxes. All taxes from the sale of alcoholic beverages on the Fort Apache Indian Reservation by or through the Board shall be paid over to the tax fund of the White Mountain Apache Tribe and be subject to distribution by the White Mountain Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services. Provided, however, that priority in funding shall be given to those tribal programs which demonstrate greatest need and past successful performance in providing community services to tribal members, with specific consideration to the Detox Program as more fully set forth in Section XIII of this Ordinance.

SECTION X ILLEGAL ACTIVITIES

(a) Violations.

1. Liquor Stamp Contraband. It shall be a violation of this ordinance for any person to sell alcoholic beverages on the Fort Apache Indian Reservation without a stamp of the Board affixed to the package. All alcoholic beverages not so stamped which are sold or held for sale on the Fort Apache Indian Reservation are hereby declared contraband and, in addition to any penalties or fines imposed by the Court for violation of this section, shall be confiscated and forfeited in accordance with the procedures set out in the White Mountain Tribal Court Rules of Civil Procedure.

11. Unlawful Transfer of Identification. It shall be a violation of this ordinance for any person to transfer in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor. Provided, that corroborative testimony of a witness other than the minor shall be a requirement for conviction.

12. Possession of False or Altered Identification. It shall be a violation of this ordinance for any person to attempt to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of twenty-one (21) years.

13. Identification - Proof of Minimum Age. Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his signature and photograph:

- [1] Liquor Control Authority Card of identification of any state.
- [2] Driver's license of any state or an identification card issued by any State Department of Motor Vehicles.
- [3] United States Active Duty Military identification.
- [4] Passport.

14. It shall be a violation of this ordinance to employ a person under the age of twenty-one (21) years to manufacture, sell or dispose of spirituous liquors.

15. It shall be a violation of this ordinance to employ a person under the age of twenty-one (21) years in any capacity connected with the handling of spirituous liquors.

16. It shall be a violation of this ordinance to engage in the following: For an employee of a tribally owned outlet, during his working hours or in connection with his employment, to give to or purchase for any other person, accept a gift or, purchase for himself or consume spirituous liquors.

17. It shall be a violation of this ordinance for an employee of a tribal liquor outlet to sell, dispose of, deliver or give spirituous liquor to a person, or to allow a person to consume spirituous liquors on the outlet premises, between the hours of one o'clock a.m. and six o'clock a.m. on week days and one o'clock a.m. and twelve o'clock noon on Sundays.

18. It shall be a violation of this ordinance for an employee of a tribal liquor outlet to sell, dispose of, deliver or give away spirituous liquor on the outlet premises on election days during the hours polling places are open for voting.

19. It shall be a violation of this ordinance for an employee of a tribal liquor outlet to sell spirituous liquors except in the original container, to permit spirituous liquor to be consumed on the outlet premises, or to sell spirituous liquor in a container having a capacity of less than eight ounces except as approved by the liquor business manager and Board.

20. It shall be a violation of this ordinance for a person to consume spirituous liquor from a broken package in a public place, throughfare or gathering except as approved by the liquor business manager and Board.

21. For a person to have in his possession or to transport spirituous liquor which is manufactured in a distillery, winery, brewery or rectifying plant contrary to the laws of the United States and the State of Arizona.

22. It shall be a violation of this ordinance for an employee of a tribal liquor outlet, when engaged in waiting on or serving customers, to consume spirituous liquor or remain on or about the premises while in an intoxicated or disorderly condition.

23. It shall be a violation of this Ordinance for any person to be in a state of intoxication or to sell, attempt to sell, solicit, consume, possess, acquire or transfer liquor within three hundred (300') feet of a Sunrise Dance or Painting Ceremony.

SECTION XI TRIBAL COURT JURISDICTION, ENFORCEMENT

(a) The White Mountain Apache Tribal Court of the White Mountain Apache Tribe, Arizona, shall have jurisdiction over all offenses and unlawful acts enumerated in this ordinance when committed by an Indian, be they members or non-members of the White Mountain Apache Tribe.

(b) Proof of Unlawful Sale - Intent. In any proceeding under this Ordinance, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this Ordinance.

(c) General Penalties. Any person adjudged to be in violation of this Ordinance shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500) for each such violation. The Board may adopt by separate rule or regulation a schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members. Such a schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than the Five Hundred Dollars (\$500) limitation set forth above. The penalties which may hereafter be imposed by separate chapter or provision of the White Mountain Apache Tribe.

amount may be recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any other penalties provided for in this ordinance.

(c) In all cases where any person has been adjudged to be in violation of this ordinance or tribal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought in Tribal Court to abate as a nuisance any real estate or other property involved in the commission of the offense, and in any such action, a certified copy of the record of such judgment shall be admissible in evidence as prima facie evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

SECTION XIII PROFITS

(a) Distribution of Profits. The gross proceeds collected by the Board for all sales of alcoholic beverages on the Fort Apache Indian Reservation shall be distributed as follows:

1. For the cost of goods;
2. For the payment of taxes provided in Section IX of this ordinance if authorized by the Tribal Council;
3. For the payment of all necessary personnel, administrative costs of the liquor business management and board;
4. To the White Mountain Apache Tribe's Alcohol and Detox Program in an amount of at least 0% of the total tax received;
5. The remainder of the taxes received shall be turned over to the general fund of the White Mountain Apache Tribe on a monthly or other periodic payment schedule established by the Board and shall be expended by the White Mountain Apache Tribal Council for the general governmental services of the Tribe;
6. The remainder of all gross proceeds shall be paid over to Apache Enterprise except for those monies paid over in items 1 through 5 inclusive, and except for the gross proceeds obtained from the sale of alcoholic beverages at Sunrise Ski Complex and Hotel.

SECTION XIV SEVERABILITY AND REVISION

(a) If any section of any Chapter of this ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any clause whatsoever, the remainder of the Chapter or Ordinance shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared to be invalid.

2. Use of Seal. It shall be a violation of this Ordinance for any person, other than an employee of the Board, to willfully keep or have in his possession any legal seal prescribed under this ordinance unless the same is attached to a package which has been purchased from a tribal liquor store, or to willfully keep or have in his possession any design in imitation of any official seal prescribed under this ordinance or calculated to deceive by its resemblance to any official seal, or any paper upon which such design is stamped, engraved, lithographed, printed or otherwise marked.

3. Illegal Sale of Liquor by Drink or Bottle. It shall be a violation of this ordinance for any person to sell by the drink or bottle of any liquor, except as otherwise provided in this ordinance.

4. Illegal Transportation, Still, or Sale Without Permit. It shall be a violation of this ordinance for any person to sell or offer for sale or transport in any manner any liquor in violation of this ordinance, or to operate or have in his possession without a permit, any mash capable of being distilled into liquor.

5. Illegal Purchase of Liquor. It shall be a violation of this ordinance for any person within the boundaries of the Fort Apache Indian Reservation to buy liquor from any person other than at a properly authorized tribal liquor store or approved outlet or location.

6. Illegal Possession of Liquor - Intent to Sell. It shall be a violation of this ordinance for any person to keep or possess liquor upon his person or in any place or on premises conducted or maintained by him as a principal or agent with the intent to sell it contrary to the provisions in this ordinance.

7. Sales to Persons Apparently Intoxicated. It shall be a violation of this ordinance for any person to sell liquor to a person apparently under the influence of liquor.

8. Possession and Use of Liquor by Minors. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one (21) years by his parent or guardian, for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, it shall be a violation of this ordinance for any person under the age of twenty-one (21) years to consume, acquire, or have in his possession any alcoholic beverage except when such beverage is being used in connection with religious services.

9. Furnishing Liquor to Minors. It shall be a violation of this ordinance for any person to permit any other person under the age of twenty-one (21) to consume liquor on his premises under his control, except in those special situations set forth in Section X above.

10. Sales of Liquor to Minors. It shall be a violation of this ordinance for any person to sell any liquor to any person under the age of twenty-one (21) years.

(c) All Sales for Personal Use. All sales shall be for the personal use of the purchaser, and resale for profit of any alcoholic beverage purchased at a tribal liquor store is prohibited within the Fort Apache Indian Reservation. The purchase of an alcoholic beverage at a tribal store and subsequent resale of that beverage for profit, whether in the original container or not, shall be a violation of this Ordinance and the violator shall be subject to the penalties prescribed in Section XI.

(d) Tribal Property. The entire stock of liquor and alcoholic beverages referred to under this ordinance shall remain tribal property, owned and possessed by the White Mountain Apache Tribe until sold.

SECTION IX TAXATION

(a) Tax Imposed. There is hereby levied and shall be collected, a tax on each retail sale of alcoholic beverages on the Fort Apache Indian Reservation in the amount of five percent (5%) of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on the Reservation and shall pre-empt any tax imposed on such liquor sales by the State of Arizona. No municipality, city, town, county, nor the State of Arizona shall have any power to impose an excise tax on liquor or alcoholic beverages as defined by this title, or to govern or license the sale or distribution thereof in any manner within the Fort Apache Indian Reservation, not to be effective until ordered by the Tribal Council and the White Mountain Apache Liquor Board.

(b) Distribution of Taxes. All taxes from the sale of alcoholic beverages on the Fort Apache Indian Reservation by or through the Board shall be paid over to the tax fund of the White Mountain Apache Tribe and be subject to distribution by the White Mountain Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services. Provided however, that priority in funding shall be given to those tribal programs which demonstrate the greatest need and past successful performance in providing community services to tribal members, with specific consideration to the Detox Program as more fully set forth in Section XIII of this Ordinance.

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(b) All Prior Ordinances and Resolutions Repealed. All prior ordinances and resolutions or provisions thereof that are repugnant or inconsistent to any provision of this Ordinance are hereby repealed.

(c) Application of 18 USC 1161. All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with the laws of the State of Arizona as that term is used in 18 USC §1161.

The foregoing Ordinance No. 125 was on November 4, 1981, duly enacted by a vote of 7 for and 2 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (g) and (q) 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).

Dyann C. C.
Chairman of the Tribal Council

Mary G. Goodrich
Secretary of the Tribal Council