

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

WHEREAS, the Tribal Council, by Resolution No. 86-12, directed that the proposed House Mover's Ordinance be posted for a period of ten (10) days as required by the Tribal Constitution; and

WHEREAS, said proposed ordinance has been posted for more than ten (10) days and the Tribal Council has not received any public comments opposing said ordinance; and

WHEREAS, the Tribal Council concludes that the House Mover's Ordinance be finally passed for the benefit of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the House Mover's Ordinance attached hereto is hereby enacted and shall be in full force and effect on the date of this enactment.

The foregoing resolution was on July 14, 1986, duly adopted by a vote of 11 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 Bylaws 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)


Alvin Hawthorne Sr.
Chairman of the Tribal Council

Maridie J. Craig
Secretary of the Tribal Council

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

HOUSE MOVER'S
REGULATIONS AND LICENSE REQUIREMENTS

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that the House Movers Ordinance is hereby enacted as follows:

Section 1. Definitions:

(a) "House Mover" as used in this Ordinance means any person, firm, partnership, corporation, association, contractor, or other organization, or a combination of any of the above, who undertakes or offers to undertake, or purports the capacity to undertake or submits a bid to, or does by himself or by or through others, move, wreck or demolish any house, building, or other structure, and/or any appurtenances thereto, within the boundaries of the Fort Apache Indian Reservation.

(b) "House" as used in this ordinance is synonymous with building and structure and means any residential structure, community building, garage, storage room, shed, barn or other shelter or building and shall include all appurtenances thereto.

(c) "House Mover's Permit" as used in this Ordinance shall mean a White Mountain Apache Tribal House Mover's Permit issued by the White Mountain Apache Tribe.

(d) "Person" as used in this Ordinance shall mean any person, firm, corporation, contractor, house mover, or other business.

(e) "Reservation" as used in this Ordinance shall mean the Fort Apache Indian Reservation and shall include all areas within the exterior boundaries of the Fort Apache Indian Reservation.

(f) "Tribe" or "Tribal" as used in this Ordinance shall mean the White Mountain Apache Tribe of the Fort Apache Indian Reservation.

(g) "Tribal Agent" as used in this Ordinance shall mean the person appointed by the White Mountain Apache Tribal Council as the designated agent of the Tribe to issue House Mover's Permits and collect fees therefore.

Section 2. Engaging in House Moving without a Permit Prohibited:

(a) It is unlawful for any person, firm, contractor, partnership, corporation, association, or other organization, or a combination of any of them, to engage in the business, act or offer in the capacity, or purport to have the capacity of a house mover without having a House Mover's Permit in his own name as required herein unless he is exempt as provided in Section 7 of this ordinance.

Section 3. Contractor's License Required:

(a) No House Mover's Permit shall be issued to any person who is not a licensed contractor duly licensed by the Registrar of Contractors or whose license has been suspended or revoked.

(b) Nothing in this section shall be construed as a consent to jurisdiction by the State of Arizona on the Fort Apache Indian Reservation.

Section 4. Trader's License and House Mover's Permit Required:

(a) No person shall move or contract to move any building or structure on the Reservation without first obtaining a Trader's License to conduct business on the Fort Apache Indian Reservation.

(b) No person shall move or contract to move any building or structure on the Fort Apache Indian Reservation without first obtaining a House Mover's Permit for each building or structure.

Section 5. Issuance of Display of Licenses and Permits:

(a) Upon receipt of the required fees and bonds as required by this Ordinance, and the applicant submitting evidence that he is a licensed contractor, and upon the applicant's submitting a House Mover's Permit Application and Agreement, and if the Tribal Agent determines that the applicant is qualified to obtain a Permit, he shall issue a House Mover's Permit to the applicant permitting him to move a designated house, building or other structure under the terms of the Permit and pursuant to this Ordinance.

(b) Permits issued under this Ordinance shall be signed by the Tribal Agent or his designated representative and by the permittee. The Permit shall be non-transferable and satisfactory evidence of possession of the permittee's Contractor's License, Trader's License and House Mover's Permit shall be exhibited by the permittee to any authorized agent, police officer, or game ranger of the White Mountain Apache Tribe.

Section 6. License, Permit and Bond Fees:

(a) An annual license fee of \$100.00 shall be paid by every person prior to obtaining a Trader's License.

(b) A House Mover's Permit fee of \$5.00 for each Permit shall be paid by every person prior to obtaining a House Mover's Permit.

(c) Each person applying for a House Mover's Permit shall post a cash bond with the Treasurer of the White Mountain Apache Tribe in the amount of \$2,000.00 per Permit, which bond shall be deposited in the Tribal Treasury and shall be refunded provided that all work is performed in accordance with this Ordinance and the Permit Agreement. Any violation of this Ordinance, the Permit Agreement, or the laws and regulations of the White Mountain Apache Tribe is cause for forfeiture of said bond.

Section 7. Exemptions:

The White Mountain Apache Tribal Government, its operations and enterprises and members of the White Mountain Apache Tribe are exempt from the provisions of this Ordinance and the license, permit and bond requirements shall not apply to any tribal government operation or to any member of the White Mountain Apache Tribe.

Section 8. Violations; Penalties:

(a) Any person found in violation of this Ordinance or any other laws and/or regulations of the White Mountain Apache Tribe shall be considered a trespasser and may be subject to arrest, tribal and/or federal court action, expulsion and exclusion from the Reservation, and seizure of property as security for potential financial obligations and damages to the White Mountain Apache Tribe as well as forfeiture of any bond posted in accordance with this Ordinance.

Section 9. Jurisdiction:

The Tribal Court of the White Mountain Apache Tribe shall have jurisdiction of all actions arising under this Ordinance pursuant to the provisions of the Tribal Code relating to Civil and Criminal Jurisdiction.

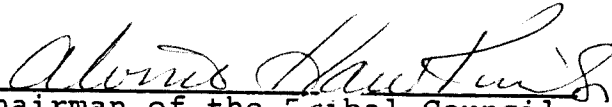
Section 10. Sovereign Immunity:


Nothing in this Ordinance shall be construed as a waiver of the sovereign immunity of the White Mountain Apache Tribe in any court for any purpose.

Section 11. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

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