

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


WHEREAS, it has been proposed to the Tribal Council that Tribal Ordinance No. 120, the Peddlers Ordinance, be amended; and

WHEREAS, the Tribal Council is of the opinion that Tribal Ordinance No. 120 should be amended in accordance with the draft amendment which is attached hereto.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Tribal Ordinance No. 120 is hereby amended in accordance with the language of the proposed draft attached hereto. The Tribal Council Secretary is directed to post the amendment for a minimum of ten days in accordance with the requirements of the Tribal Constitution.

The foregoing resolution was on August 7, 1987, duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a) 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).


Chairman of the Tribal Council


Secretary of the Tribal Council

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AUG 17 1987

Fort Apache Indian Agency
Whiteriver, Arizona

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

REGULATIONS OF PEDDLERS

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 113 enacted on September 10, 1980, regarding the regulation of peddlers on the Fort Apache Indian Reservation, be and hereby is re-enacted as follows:

SECTION I

A. Definitions

(1) "Peddler" means a person who offers goods or services for sale within the exterior boundaries of the Fort Apache Indian Reservation, but does not do business from a fixed location or site on the Reservation under the authority of a federal and tribal trader's license.

(2) "Peddling" as used herein shall mean the selling or the offering for sale of any article or service within the exterior boundaries of the Fort Apache Indian Reservation by any person not doing such business from a fixed location or site on the Reservation under the authority of a federal and tribal trader's license.

(3) "Non-member" shall mean any person who is not a member of the White Mountain Apache Tribe as defined in the Constitution and By-Laws of the Tribe.

(4) "Selling or offer for sale" shall include the sale or offering for sale of any goods or services directly to the consumer, and shall not include sales, at wholesale, to the Tribe, to the Federal Government, or to established licensed traders.

(5) Tribal Fair and Rodeo Commission as used herein means the Tribal Fair and Rodeo Commission, its individual members, and any of its authorized delegates, inspectors or representatives as it may from time to time designate.

SECTION II

A. Peddlers Permit Required:

(1) Any non-member who undertakes peddling, defined herein, shall secure a permit before any goods or services are offered for sale or sold to consumers within the Reservation.

(2) No peddlers permit shall be issued to any non-member peddler for the purpose of selling or offering for sale any items or food or beverage, except for the Labor Day and Fourth of July holidays.

(3) The Tribal Fair and Rodeo Commission is empowered to issue the peddlers permit provided for herein and to carry out and enforce the provisions and regulations of this ordinance.

B. Permit Fees:

~~{1}--A fee for a peddlers permit shall be charged in the amount of \$25.00 for the first day issued and \$1.00 for each succeeding day; or \$150.00 for one year from the date of issuance said fee amount to be established from time to time by amendment of the Tribal Council.~~

~~{2}--Fees paid for any peddlers permit shall be credited to the account of the White Mountain Apache Tribal Fair and Rodeo Commission and shall be expended for the purpose of offsetting the operation costs of the Tribal Fair and Rodeo Commission.~~

(1) A fee for a peddlers permit shall be charged in the amount of \$25.00 for the first day issued and \$1.00 for each succeeding day; or \$75.00 for monthly fee from the date of issuance or \$300.00 annually from date of issuance said fee amount to be established from time to time by amendment of the White Mountain Apache Tribal Fair and Rodeo Commission and approval from the Tribal Council.

(2) That said permit sold to be used for one permit per location.

(3) Fees paid for any peddlers permit shall be credited to the account of the White Mountain Apache Tribal Fair and Rodeo Commission and shall be expended for the purpose of offsetting the operations costs of the Tribal Fair and Rodeo Commission.

C. Bonding or Other Assurances:

(1) For the protection of the people of the Reservation, Tribal Fair and Rodeo Commission issuing a peddlers permit hereunder may require the permit applicant to furnish satisfactory evidence that the goods or services offered will be delivered, or to furnish a bond in lieu thereof satisfactory to the Tribal Fair and Rodeo Commission. The surety bond required may not be more than ten thousand dollars (\$10,000.00).

(2) The provisions of this section do not apply to amusement companies where the contract between the Tribe and the amusement company provides for the payment of a fee to the Tribe and for the protection of the public against personal injury and property damage by bond in the amounts that may be specified by the Tribal Fair and Rodeo Commission.

(3) For the protection of the people of the Reservation, the Tribal Fair and Rodeo Commission issuing a peddlers permit hereunder, which authorizes the peddler to sell or offer for sale any item of food or beverage, may require the permit applicant to furnish satisfactory evidence that the food or beverage offered is uncontaminated, properly stored, prepared or packaged, as relevant, and that such item shall be maintained in the condition evidenced as satisfactory to the issuing Commission may require the permit applicant to post a bond in lieu thereof, in an amount satisfactory to the issuing officer, in addition to any assurances or bonds required in subsection C (1) above.

(4) Any goods or services offered for sale or sold by a peddler on the Reservation shall be subject to inspection at any time by persons authorized by the Tribal Fair and Rodeo Commission, for the purposes of determining if a peddlers permit has been duly issued for the sale of said items, and if all other provisions of this Ordinance have been fully complied with.

SECTION III

A. Enforcement Powers, Procedures and Remedies Penalties and Forfeiture of Merchandise:

(1) Any person who introduces to attempts to introduce goods or services or to trade within the exterior boundaries of the Fort Apache Indian Reservation without a peddlers permit shall forfeit all merchandise offered for sale to the Indians, members of the White Mountain Apache Tribe, or White Mountain Apache Tribe or found in the persons possession and is liable to a civil penalty of Five Hundred Dollars (\$500.00). This section may be enforced by commencing a civil action in the Tribal Court of the White Mountain Apache Tribe.