

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

**WHEREAS,** the Tribal Council is concerned over the number of bootlegging violations occurring within the Fort Apache Indian Reservation; and

**WHEREAS,** the Tribal Council has directed the Legal Department to draft proposed amendments to the Liquor Ordinance to provide for stronger mandatory penalties for bootlegging violations; and

**WHEREAS,** the Legal Department has complied with the foregoing directive and presented proposed amendments to the Tribal Liquor Laws for review by the Tribal Council; and

**WHEREAS,** further proposed amendments to Section 11.10 have been drafted to amend the Tribal Liquor Laws to be consistent with newly revised state liquor laws; and

**WHEREAS,** the Tribal Council has reviewed the proposed amendments to the Tribal Liquor Laws as set forth in Chapter 11 of the Health and Safety Code of the White Mountain Apache Tribe and recommends that said proposed amendments, attached hereto and incorporated herein, be posted for public comment.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Council Secretary to post the proposed amendments to the Tribal Liquor Laws set forth in Chapter 11 of the Health and Safety Code, attached to this resolution and incorporated herein, in each District for ten days as required by the Constitution.


The foregoing resolution was on September 12, 1996, duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (a), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on 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).

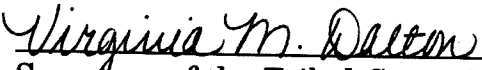
Resolution No. 09-96-220

**RECEIVED**

SEP 16 1996

PORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

  
\_\_\_\_\_  
Chairman of the Tribal Council

  
\_\_\_\_\_  
Secretary of the Tribal Council

**PROPOSED  
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 that Chapter 11 of the Health and Safety Code is hereby amended as follows:

**SECTION 11.2      DEFINITIONS**

(cc) **Bootlegging:** means the illegal manufacture, sale, possession, or transporting of liquor as defined in Section 11.2 (o) of this Chapter.

**SECTION 11.3      GENERAL BOOTLEGGING PROHIBITION**

A. It shall be unlawful to manufacture ~~for sale~~, sell, offer, ~~to~~ keep for sale, possess or transport ~~intoxicating liquor or lowpoint beer~~ liquor except upon the terms, conditions, limitations, and restrictions specified in this Chapter.

B. All liquor manufactured, sold, possessed or transported in violation of this Chapter is 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 forth in Rule 2.5 of the White Mountain Apache Rules of Criminal Procedure governing the disposition of seized property.

**SECTION 11.3.1      TULAPAI EXEMPTION:**

It shall not be a violation of this Chapter to manufacture, possess or consume Tulapai for ceremonial purposes.

**SECTION 11.10      ILLEGAL ACTIVITIES**

(15) It shall be a violation of this Chapter to employ a person under the age of ~~twenty-one (21)~~ nineteen (19) years in any capacity connected with the handling of spirituous liquors.

(17) It shall be a violation of this Chapter 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 Saturdays and one o'clock a.m. and ~~twelve o'clock noon~~ ten o'clock a.m. on Sundays.

~~(18) It shall be a violation of this Chapter for a 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.~~

**SECTION 11.11 TRIBAL COURT JURISDICTION; ENFORCEMENT**

F. **Criminal Penalties.** Any person subject to tribal criminal jurisdiction and prosecution and adjudged to be in violation of this Chapter may be subject to a criminal penalty of up to 180 days imprisonment and/or a maximum fine of \$500.00.

(1) Any person subject to tribal criminal jurisdiction and prosecution and adjudged to be in violation of Sections 11.10 A(3), 11.10 A(4), 11.10 A(5), 11.10 A(6) and Section 11.3 shall be sentenced as follows:

- (a) **First Offense:** Mandatory 180 days imprisonment in addition to a maximum fine of \$500.00;
- (b) **Second Offense:** Mandatory 240 days imprisonment in addition to a maximum fine of \$1,500.00;
- (c) **Third Offense:** Mandatory 365 days imprisonment in addition to a maximum fine of \$3,000.00.

The foregoing ordinance was on \_\_\_\_\_, 1996 duly adopted by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a), (i), (q), (t) and (u) of the Constitution of the Tribe, 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).

\_\_\_\_\_  
Chairman of the Tribal Council

\_\_\_\_\_  
Secretary of the Tribal Council