



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

**(Resolution Regulating Automobile and Scrap Metal Recycling)**

- WHEREAS,** the White Mountain Apache Tribe, as a federally recognized Indian tribal government, with inherent rights of self governance, and pursuant to its laws and Tribal Constitution, exercises regulatory authority over commerce on the Fort Apache Indian Reservation; and
- WHEREAS,** the Tribal Council was presented with several complaints regarding the theft of scrap metal materials from tribal enterprises and individuals; and
- WHEREAS,** it was strongly suspected that the materials were stolen for the purpose of sale to various scrap metal dealers operating on the Fort Apache Indian Reservation; and
- WHEREAS,** several items that were reported stolen were eventually recovered with the help of individual scrap metal dealers; and
- WHEREAS,** because metal theft would not exist if businesses did not buy the stolen materials, the Tribal Council suspended all scrap metal purchasing and selling on the reservation; and
- WHEREAS,** in response to the shut-down, the owners of N'Dee Auto Body and representatives from S&D Recycling presented to the Tribal Council their concerns about the loss of jobs and income for several tribal members; and
- WHEREAS,** the Council discussed several regulations that would balance the need to deter theft of metal materials while allowing the scrap metal business to continue to operate; and
- WHEREAS,** the Council directed the Tribal Attorney to propose rules on a temporary basis that would allow for the continued operation of the scrap metal dealers on the reservation while a more permanent solution was developed; and
- WHEREAS,** the following temporary regulations were proposed:
- A. Any person or business entity engaged in the business of buying, trading for or otherwise acquiring metal material commonly known as scrap metal, including motor vehicles, for the purpose of selling or otherwise disposing of the metal material, parts or accessories is defined as a scrap metal dealer and is subject to the following requirements.
  - B. Every scrap metal dealer shall keep on the business premises a record of each transaction exceeding twenty-five dollars. The record shall be legible, written in ink and include the following information:
    1. The date, time and place of the transaction.
    2. A photograph and description of the specific material received.
    3. The dollar amount of the transaction.

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4. The seller's name, a physical description of the person including gender, height, weight, date of birth and physical address verified by a current driver license or photo identification card issued by a tribal government.
  5. The license plate number and state on the vehicle used to deliver the material.
- C. Every scrap metal dealer shall require proof of ownership for any motor vehicle prior to acquiring the motor vehicle and shall maintain a record at the business premises showing proof of ownership.
- D. The record shall be retained at the business premises for one year after making the final entry of any transaction.
- E. A scrap metal dealer's business premises, business records and business inventory shall be open during regular business hours for reasonable inspection by a White Mountain Apache Police Department or any other officer designated by the White Mountain Apache Tribe.
- F. A scrap metal dealer shall provide a receipt to the seller on site at the time of the scrap metal transaction, for every transaction, and shall include the following information:
1. The date, time and place of the transaction.
  2. An identifying description and weight of the specific scrap metal received.
  3. The dollar amount of the transaction.
- G. A scrap metal seller may not conduct a series of transactions for one vehicle load of scrap metal to avoid the requirements of this section.
- H. A scrap metal seller shall be at least sixteen years old.
- I. This section does not apply to transactions involving used aluminum beverage containers.
- J. A scrap metal dealer shall not knowingly purchase the following types of scrap metal in its original manufactured form:
1. Metal manhole covers that are used to cover street or alley service personnel access entrances to municipal sewers and storm drains.
  2. Brass or bronze valves or fittings that are commonly used on structures for access to water for the purpose of extinguishing fires.
  3. Brass or bronze commercial potable water backflow preventer valves that are valves commonly used to prevent backflow of potable water into municipal domestic water service systems from commercial structures.
  4. Water meters that are used for measurement of the use and consumption of domestic water.
  5. Aluminum trench shoring that is commonly used for shoring below ground trenches and excavations for the construction of buildings and structures.
  6. Aluminum loading ramps that are manufactured and used for loading motor vehicles for hauling the motor vehicles.
  7. Aluminum or stainless steel beer or malt beverage kegs that are commonly used by brewers or producers for the sale and transportation of beer or malt beverages.
  8. Catalytic converters. For the purposes of this paragraph, "catalytic converters" means motor vehicle exhaust system parts that are used for controlling the exhaust emissions from motor vehicles and that contain a catalyst metal.
  9. Items with obvious signs of theft related damage; and



- K. All scrap metal dealers shall have a permit issued by the White Mountain Apache Tribe to operate a scrap metal business.
- L. Violation of these regulations shall result in the loss of a permit.

**WHEREAS,** these regulations are in the best interest of the White Mountain Apache Tribe because they operate to deter the significant problem of scrap metal theft on the reservation yet are not unduly burdensome on scrap metal recycling businesses.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the following regulations regarding scrap metal dealers:

- A. Any person or business entity engaged in the business of buying, trading for or otherwise acquiring metal material commonly known as scrap metal, including motor vehicles, for the purpose of selling or otherwise disposing of the metal material, parts or accessories is defined as a scrap metal dealer and is subject to the following requirements.
- B. Every scrap metal dealer shall keep on the business premises a record of each transaction exceeding twenty-five dollars. The record shall be legible, written in ink and include the following information:
  - 1. The date, time and place of the transaction.
  - 2. A photograph and description of the specific material received.
  - 3. The dollar amount of the transaction.
  - 4. The seller's name, a physical description of the person including gender, height, weight, date of birth and physical address verified by a current driver license or photo identification card issued by a tribal government.
  - 5. The license plate number and state on the vehicle used to deliver the material.
- C. Every scrap metal dealer shall require proof of ownership for any motor vehicle prior to acquiring the motor vehicle and shall maintain a record at the business premises showing proof of ownership.
- D. The record shall be retained at the business premises for one year after making the final entry of any transaction.
- E. A scrap metal dealer's business premises, business records and business inventory shall be open during regular business hours for reasonable inspection by a White Mountain Apache Police Department or any other officer designated by the White Mountain Apache Tribe.
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  - 3. The dollar amount of the transaction.
- G. A scrap metal seller may not conduct a series of transactions for one vehicle load of scrap metal to avoid the requirements of this section.

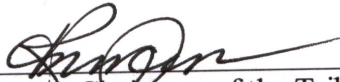



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  3. Brass or bronze commercial potable water backflow preventer valves that are valves commonly used to prevent backflow of potable water into municipal domestic water service systems from commercial structures.
  4. Water meters that are used for measurement of the use and consumption of domestic water.
  5. Aluminum trench shoring that is commonly used for shoring below ground trenches and excavations for the construction of buildings and structures.
  6. Aluminum loading ramps that are manufactured and used for loading motor vehicles for hauling the motor vehicles.
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  8. Catalytic converters. For the purposes of this paragraph, "catalytic converters" means motor vehicle exhaust system parts that are used for controlling the exhaust emissions from motor vehicles and that contain a catalyst metal.
  9. Items with obvious signs of theft related damage; and
- K. All scrap metal dealers shall have a permit issued by the White Mountain Apache Tribe to operate a scrap metal business.
- L. Violation of these regulations shall result in the loss of a permit and a \$500.00 fine.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on SEPTEMBER 28, 2011 duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (k), (s), (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).

  
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Ronnie Lupo, Chairman of the Tribal Council

  
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Mariddie J. Craig, Secretary of the Tribal Council