



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

**(Approving the Posting of Ordinance No. 241, Amending the
Housing & Construction Code of the White Mountain Apache Tribe)**

WHEREAS, the Fire & Rescue Department and the Legal Department have this day proposed revisions to the Housing & Construction Code for the White Mountain Apache Tribe as set forth in Ordinance No. 241 attached hereto and incorporated by reference; and

WHEREAS, Ordinance No. 241 proposes changes to Sections 1.2, 1.3, 2.2, 2.3, 3.2, 3.3, 4.2, 4.3, 4.5, 5.2, 5.3, 5.5, moving Chapter Six to Chapter Eleven, moving Chapter Seven to Chapter Twelve, moving Chapter Eight to Chapter Thirteen, and creating a new Chapter Seven, Eight, Nine and Ten; and

WHEREAS, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

WHEREAS, the Council has reviewed Ordinance No. 241 carefully, and considered the recommendations and the implications thereof in great detail and finds the adoption of updated housing and construction codes is in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 241 attached hereto, which amends multiple sections of the Housing & Construction Code, is hereby recommended for posting by the Tribal Council.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution, Ordinance No. 241, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. Any and all comments concerning Ordinance No. 241 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.

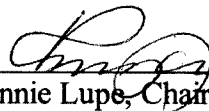
Resolution No. 11-2011-216
Ordinance No. 241

3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council as well as the Legal Department and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

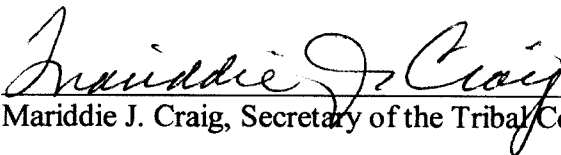
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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 **NOVEMBER 14, 2011** duly adopted by a vote of **FIVE** for, **ZERO** against and **ONE** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (q), (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).



Ronnie Lupe, Chairman of the Tribal Council



Mariddie J. Craig, Secretary of the Tribal Council

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 241, amending White Mountain Apache Housing & Construction Code to amend or add Sections 1.2, 1.3, 1.5, 2.2, 2.3, 2.5, 3.2, 3.3, 3.5, 4.2, 4.3, 4.5, 5.2, 5.3, 5.5, Chapter Six, Chapter Seven, Chapter Eight, Chapter Nine, Chapter Ten, Chapter Eleven, Chapter Twelve and Chapter Thirteen, as follows:

SECTION 1.2 ADOPTION OF UNIFORM BUILDING CODE

The ~~Uniform Building Code, 1964 Edition, of the International Conference of Building Officials~~ 2006 International Building Code of the International Code Council and any amendments thereto, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

SECTION 1.3 EFFECTIVE AREAS

The ~~Uniform Building Code, 1964 Edition,~~ 2006 International Building Code shall be effective in certain areas to be designated by the Tribal Council.

SECTION 1.5 VIOLATION; PENALTY

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION 2.2 ADOPTION OF UNIFORM PLUMBING CODE

The ~~Uniform Plumbing Code, 1964 Edition, of the Western Plumbing Officials Association~~ 2006 International Plumbing Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

SECTION 2.3 EFFECTIVE AREAS

The ~~Uniform Plumbing Code, 1964 Edition,~~ 2006 International Plumbing Code shall be effective in certain areas to be designated by the Tribal Council.

SECTION 2.5 VIOLATION; PENALTY

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION 3.2 ADOPTION OF UNIFORM HOUSING CODE

~~The Uniform Housing Code, 1964 Edition, by the International Conference of Building Officials,~~ 2006 International Residential Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe is approved.

SECTION 3.3 EFFECTIVE AREAS

~~The Uniform Housing Code, 1964 Edition,~~ 2006 International Residential Code shall be effective in certain areas to be designated by the Tribal Council.

SECTION 3.5 VIOLATION; PENALTY

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION 4.2 ADOPTION OF UNIFORM ELECTRICAL CODE

The National Electrical Code of ~~1965~~ 2008 of the National Fire Protection Association, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

SECTION 4.3 EFFECTIVE AREAS

The National Electrical Code of ~~1965~~ 2008 and amendments thereto shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

B. The Tribal Council considers it necessary to have a Uniform Fuel Gas Code in order to accomplish the above objectives.

C. A Uniform Fuel Gas Code is considered necessary and in compliance with the reservation program and comprehensive neighborhood planning.

SECTION 8.2 ADOPTION OF FUEL GAS CODE

The 2006 International Fuel Gas Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

SECTION 8.3 EFFECTIVE AREAS

The 2006 International Fuel Gas Code shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

SECTION 8.4 CONTRACTS

All future contracts, leases and agreements with persons not under the jurisdiction of the tribal court shall have incorporated therein an agreement to abide by this code.

SECTION 8.5 VIOLATION; PENALTY

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

CHAPTER NINE

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CHAPTER TEN

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**CHAPTER ~~SIX~~ ELEVEN
HOUSING AUTHORITY**

[Note: Chapter ~~Six~~ Eleven is derived from Ordinance no. 102, enacted February 2, 1977, and Ordinance No. 134, amending Article V, Section 2 of Ordinance 102, enacted June 1, 1983.]

- SECTION 6 11.1 HISTORY; EFFECTIVE DATES
- SECTION 6 11.2 CONSTITUTIONAL AUTHORITY
- SECTION 6 11.3 AUTHORIZATION OF HOUSING AUTHORITY TO TRANSACT BUSINESS AND EXERCISE POWERS; PROOF
- SECTION 6 11.4 DECLARATION OF NEED
- SECTION 6 11.5 PURPOSES:
- SECTION 6 11.6 DEFINITIONS
- SECTION 6 11.7 BOARD OF COMMISSIONERS
- SECTION 6 11.8 POWERS; WAIVER OF IMMUNITY; CONSENT TO SUE AND BE SUED; TRIBAL COURT JURISDICTION
- SECTION 6 11.9 OBLIGATIONS
- SECTION 6 11.10 MISCELLANEOUS
- SECTION 6 11.11 COOPERATION IN CONNECTION WITH PROJECTS
- SECTION 6 11.12 APPROVAL BY SECRETARY OF INTERIOR

**CHAPTER SEVEN TWELVE
RESIDENTIAL LEASES**

[Note: Chapter ~~Seven~~ Twelve is derived from Ordinance No. 44, enacted December 7, 1961; Ordinance No. 75, enacted April 14, 1966; Ordinance No. 91, enacted May 3, 1972; Ordinance No. 189 enacted June 1, 1994; and Ordinance No. 199 enacted November 21, 1995.]

- SECTION 7 12.1 RESIDENTIAL LEASE FORM FOR TRIBAL MEMBERS
- SECTION 7 12.2 RESIDENTIAL LEASE FORM FOR VETERAN'S ADMINISTRATION
- SECTION 7 12.3 RESIDENTIAL LEASE FORM FOR FARMER'S HOME
- SECTION 7 12.4 LIMITATION ON LEASED GROUND
- SECTION 7 12.5 LEASEHOLD MORTGAGES

SECTION 4.5 **VIOLATION; PENALTY**

Any person, firm, or corporation, ~~under the jurisdiction of the Tribal Court,~~ violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION 5.2 **ADOPTION OF FIRE PREVENTION CODE**

The ~~Fire Prevention Code, 1965 Edition, of the American Insurance Association,~~ 2006 International Fire Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

SECTION 5.3 **EFFECTIVE AREAS**

The ~~Fire Prevention Code, 1965 Edition,~~ 2006 International Fire Code shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

SECTION 5.5 **VIOLATION; PENALTY**

Any person, firm, or corporation, ~~under the jurisdiction of the Tribal Court,~~ violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

CHAPTER SIX
HOUSING AUTHORITY

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CHAPTER SEVEN
MECHANICAL CODE

[Note: The Mechanical Code is derived from Ordinance No. 241, enacted _____.]

SECTION 7.1 **POLICY**

Ordinance No. 241

A. The White Mountain Apache Tribe is endeavoring to provide adequate housing for its members through participation in various housing and loan programs.

B. The Tribal Council considers it necessary to have a Uniform Mechanical Code in order to accomplish the above objectives.

C. A Uniform Mechanical Code is considered necessary and in compliance with the reservation program and comprehensive neighborhood planning.

SECTION 7.2 ADOPTION OF MECHANICAL CODE

The 2006 International Mechanical Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

SECTION 7.3 EFFECTIVE AREAS

The 2006 International Mechanical Code shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

SECTION 7.4 CONTRACTS

All future contracts, leases and agreements with persons not under the jurisdiction of the tribal court shall have incorporated therein an agreement to abide by this code.

SECTION 7.5 VIOLATION; PENALTY

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**CHAPTER EIGHT
UNIFORM FUEL GAS CODE**

[Note: The Uniform Fuel Gas Code is derived from Ordinance No. 241, enacted _____.]

SECTION 8.1 POLICY

A. The White Mountain Apache Tribe is endeavoring to provide adequate housing for its members through participation in various housing and loan programs.

**CHAPTER EIGHT THIRTEEN
WASTEWATER MANAGEMENT**

[Note: Chapter ~~Eight~~ Thirteen is derived from Ordinance No. 131, enacted April 6, 1983.]

SECTION 8 13.1 PURPOSE

**SECTION 8 13.2 PROHIBITED WASTE DISCHARGES AND DISCHARGE
OF RAINWATER**

**SECTION 8 13.3 CONSTRUCTION AND INSPECTION OF NEW SEWERS AND
CONNECTIONS**