

TITLE 5 - COMMERCE

CHAPTER 1 - BUSINESS TRANSACTIONS

Legislative History: Ordinance No. 14, "To Regulate the Conduct of Business upon the Papago Reservations," was enacted by the Papago Council on June 20, 1947 and approved by the Sells Indian Agency Superintendent on [date unreadable]. [A notation below the Chairman's signature reads "Ord. 14 reviewed and not rescinded by I.O. letter dated Aug. 8, 1947."]

Ordinance No. 14 was amended (to rescind Section VII, "and the portion of Section VI dealing with termination of license for violation of Section VII") by Ordinance No. 38, "Regulations Governing Sanitation of Eating and Drinking Establishments," which was enacted by the Papago Council on May 6, 1960, approved by the Papago Agency Superintendent on May 16, 1960, and became effective on November 4, 1960. (Ordinance No. 38 appears in Title 17 - Health and Safety, Chapter 3 - Restaurant Sanitation Regulations.)

ORDINANCE
OF
THE PAPAGO COUNCIL

To Regulate the Conduct of Business
Upon the Papago Reservations:

no. 14

Section I - License Required

It shall be unlawful for any person to engage in or transact any business within the Papago, Gila Bend or San Xavier Indian Reservations without first having obtained from the Papago Council a Tribal Business License therefor, except as provided in Section II, below

Section II - License Not Required

A Tribal Business License shall not be required of any member of the Papago Tribe of Arizona to sell or barter any produce, livestock, handicraft, or other object raised, produced or made by him or by a member of his family, nor shall such license be required

- A) Of any Church, welfare agency, lodge, or other organization engaged in raising funds for charitable or religious purposes
- B) Of any school, athletic, or educational organization holding athletic games, motion pictures, social dances, etc., where the receipts are not used for private gain, or
- C) Of any member of the Papago Tribe of Arizona to peddle at any ceremony, fiesta, or other celebration, PROVIDED that all concessionaires at the events held by the Papago Fair & Rodeo Association shall pay such fees to that body as are required under its regulations

Section III - Application for License

Any person engaging in an activity for which a Tribal Business License is required under this Ordinance shall make written application therefor to the Papago Council.

Section IV - Approval of Licenses

All applications for Tribal Business Licenses under this Ordinance shall be approved by the Papago Council before issuance, PROVIDED that no license shall be approved for the conduct of a business at a permanent location unless the applicant has first obtained an assignment of Tribal Land for that location or the permission of the Papago Council for the use of an assignment of a member of the Papago Tribe, if either is necessary. Licenses for activities other than peddling, wood buying, and cattle buying for resale, shall be issued for one year, or the remaining fraction thereof, and shall be renewable on the first day of July of each year. Licenses for peddling, woodbuying, and cattle buying for resale shall be issued for one month only. Licenses for peddling shall not be renewable to cover 12 consecutive months unless the applicant has complied with the Indian Service regulations regarding trading with the Indians. Licenses for peddling shall not permit such activity within 500 feet of an established trading post.

Section V - License Fees

Any person authorized to trade with the Indians or to operate a business within the jurisdiction of the Papago Council shall pay to the Papago Council

Section V - License Fees (Continued)

issuance of his license, a fee as proscribed below:

- A) For the operation of a general mercantile business; a specialized mercantile business; a vehicle repair shop (garage); or a restaurant, cafe, or other eating place, \$10.00 for each \$5,000.00 gross business or remaining fraction thereof done the previous year, upon the sworn statement of the applicant. Licenses for new businesses to be the minimum fee, with an adjustment made at the beginning of the following year based upon the actual business done during the opening period.
- B) For the operation of a gas filling station, \$10.00 per year.
- C) For the operation of a slaughter house, \$50.00 per year,
- D) For peddling or soliciting trade; for buying or hauling wood; or for buying livestock for resale, \$5.00 per month,
- E) For any business not specifically set forth above, a fee to be set by the Papago Council at the time of the approval of the license, or
- F) For any combination of the above businesses, the sum of the fees set forth above for the individual activities.

PROVIDED, that any license fee exceeding \$50.00 may be paid in quarterly installments if the applicant so desires.

Section VI - Termination of Licenses

Any license issued under this Ordinance shall become void if ownership of the business is transferred, if the licensee or his employee violates the regulation regarding trading with the Indians, if the licensee or his employee commits a major violation of the Papago Law and Order Code, or if Section VII, below, is violated.

Section VII - Sanitation

- A) Any licensed establishment handling food shall be kept in a clean and sanitary condition; perishables shall be kept under sanitary refrigeration; slaughtering shall be done only at designated and licensed slaughterhouses and all facilities for sanitation shall be open for inspection by a sanitarian inspector designated by the Papago Council or by the officer in charge of the Sells Agency, who shall demand correction of any improper conditions, and if such conditions are not corrected, shall cause the license to be void
- B) No person shall handle food at a licensed establishment unless his so do. has been approved in writing by an Indian Service physician within one y

Section VIII - Disposition of Revenues

All revenues accruing under this ordinance shall be paid into the General Fund of the Papago Tribe.

*Amended by Res
no 548*

Item 14 - Previous Ordinances and Resolutions Repealed

Ordinance 23 of the Papago Council, Resolution #308, and any and all other ordinances or resolutions, or portions thereof, regarding the licensing of businesses on the Papago Reservations are hereby rescinded.

Section X - Effective Date

This Ordinance shall become effective July 1, 1947.

Section XI - Definitions

The term business as used in this Ordinance shall mean business, avocation, occupation, profession, trade, or calling for personal gain.

The term person shall include firm, company, association, partnership, or corporation.

The foregoing Ordinance was on June 20, 1947, duly enacted by a vote of 14 for and 0 against, by the Papago Council, pursuant to authority vested in it by Section 2 (a) and Section 3 (e), Article V, of the Constitution of the Tribe, ratified by the Tribe on December 12, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). Said Ordinance is effective as of the date of its approval by the Superintendent of the Sells Agency, subject to its rescission by the Secretary of the Interior pursuant to Section 6, Article V, of the Constitution and By-laws of the Papago Tribe.

THE PAPAGO COUNCIL

BY:

Thomas A. Segundo
Thomas A. Segundo, Chairman

Attest:

Ida H. Wilson
Ida H. Wilson, Secretary & Treasurer

Approved: _____

Morris Burge
Morris Burge, Superintendent

Ord. 14 reviewed and
not rescinded by I.O.
letter dated Aug. 8,
1947. See File
064.1