

TITLE 5 - COMMERCE

CHAPTER 3 - TRADERS LICENSING

Legislative History: Ordinance No. 3, governing the licensing of non-members doing business upon reservations lands, was passed by the Papago Council on April 2, 1938 and approved by the Sells Agency Superintendent on April 2, 1938.

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AN ORDINANCE

No. 3

Relating to Licenses of Non-members doing business upon Reservation Lands.

Be it enacted by the Papago Council in regular meeting on April 2, 1938.

Section 1. License Required. It shall be unlawful for any person, firm, company, association, or corporation to engage in, pursue or transact any business or avocation within the territorial limits of the Sells, Gila Bend, and San Xavier Reservations without first having obtained a license therefor as herein provided.

Section 2. Application for License. Any person, firm, company, association or corporation who wishes to engage in, pursue or transact any business or avocation in the communities of the Sells, Gila Bend, and San Xavier Reservations shall make application in writing for a license and present same to the Papago Council for approval or otherwise.

Section 3. Issuance of Licenses Upon approval by the Council of an application for a license the same shall be issued in writing on an approved prescribed form stating in each license the name of the applicant, the type of license issued, with the amount paid, etc., to be signed by the Chairman and the Treasurer of the Papago Council, and countersigned by the Officer in charge of the Sells Agency or his authorized representative. Licenses shall be issued for a year or a fraction thereof, and shall be renewable on the first day of July of each year. Licenses shall be construed to include the use and occupancy of not more than one acre of tribal land for resident traders, the description of the said land to be included in the license.

Section 4. Payment of License Fees Any person, firm, company, association or corporation authorized to trade with the Indians or operate a business within the jurisdiction of the Papago Council, shall pay to the Treasurer of the Papago Council or Officer in charge of the Sells Agency at the time of issuance and approval of the license, fees as prescribed below:

- (a) For the operation of a general mercantile business, \$50.00 to \$200.00 per annum, depending on the location and volume of business.
- (b) For operating a garage for the repair of automobiles, trucks, etc., \$25.00 to \$50.00 per annum.
- (c) For operating a gas filling station, \$25.00 per annum.
- (d) For peddling and soliciting trade, not less than \$5.00 per annum nor more than \$25.00 per annum, according to the nature of the trade.

(e) For operating soft drink stands, concessions, such as at rodeos, fairs, 4th of July celebrations, etc., a fee of not less than \$5.00 nor more than \$25.00, according to the nature of the concession, to be determined by the Papago Council or its authorized representatives, provided, that no charge shall be made for a license or permit for any church, welfare agency, lodge, or other organization engaged in raising funds for charitable and religious purposes; nor shall any license fee be charged any school, athletic or educational organization, which may charge admission fees for football games, baseball games, basket ball games, motion pictures, social dances, etc., where such receipts are to be used for community purposes.

(f) For any and all businesses, occupations, professions, trades or calling not specifically mentioned in this Ordinance the Papago Council shall have power to license and collect a license fee thereon.

(g) Licenses issued for a fractional part of a year shall be prorated according to the above schedule based upon annual payments.

Section 5. Complying with Laws and Regulations. Any person, firm, company, association or corporation properly licensed and operating a business within the territorial limits of the Sells, Gila Bend and San Xavier Reservations shall comply with all the laws and regulations pertaining to Indians, provided further, that any person, firm, company, association or corporation proved to be charging excessive rates or otherwise indulging in practices detrimental to the economic welfare of the Papago people shall have their license revoked.

Section 6. Termination of Licenses. Any license shall be void after the thirtieth day of June next succeeding its issuance.

Section 7. Transfer of License. In the event a licensee under this Ordinance transfers the ownership of his place of business to another person, firm, company, association, or corporation he may also transfer his license by paying a transfer fee of One Dollar (\$1.00) to the Treasurer of the Papago Council and a record of such transaction shall be made.

Section 8. Disposition of Funds. License fees payable under this Ordinance shall be placed by the Council Treasurer or Officer in charge of the Sells Agency in an individual Indian money account with the Sells Agency, said account to be designated as the "Papago Council License and Permit Fund," until such time as a Corporate Charter may be issued to the Papago Tribe and the tribal Treasurer is duly qualified and bonded to handle such funds or any other funds without the general supervision of the Officer in charge of the Sells Agency. Said Fund is hereby exclusively set apart and made available for the payment of salaries, per diem, fees, expenses and expenditures of every sort and kind whatsoever authorized to be made by the Papago Council, in accordance with Sub-section (a), Section 3, Article V, of the Constitution and Section 4, Article I, of the By-laws of the Papago Tribe approved January 6, 1937.

The foregoing Ordinance was on April 2, 1938, duly adopted, by a vote of 15 for and 0 against, by the Papago Council, pursuant to authority vested in it by 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:

Jose Ignacio
Jose Ignacio, Chairman

Attest:

Ida N. Wilson
Ida N. Wilson, Secretary

APPROVED: April 2, 1938

T. B. Hall
T. B. Hall, Superintendent