

**TITLE 1 – GENERAL PROVISIONS  
CHAPTER 1 – CODIFICATION ORDINANCE**

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## **TITLE 1 – GENERAL PROVISIONS**

### **CHAPTER 1 – CODIFICATION ORDINANCE**

#### *Legislative History:*

*Codification Ordinance No. 06-05 adopted June 22, 2005 by Resolution No. C06-247-05.*

*Amended on May 12, 2010 by Resolution No. 05-69-10 and Ordinance No. 11-10.*

#### **Section 10 Authority and Purpose (1 PYTC §1-10)**

- (A) The purpose of this ordinance is to establish a system of codification for the ordinances of the Pascua Yaqui Tribe. This codification system is designed to provide a logically consistent ordering of the Tribal Code, and also contains a format and referencing system to ensure that there is one consistent, authoritative version of the Tribal Code. The authority for this ordinance is the Constitution of the Pascua Yaqui Tribe.
- (B) This ordinance shall be codified at Title 1, Chapter 1, Sections 10 – 90.

#### **Section 20 Citation of Code (1 PYTC §1-20)**

The ordinances embraced in this and the following Title, Chapter, and Sections shall constitute and be designated as the “Pascua Yaqui Tribal Code” or “Tribal Code.”

#### **Section 30 Definitions (1 PYTC §1-30)**

- (A) For the purposes of this ordinance, the following definitions shall apply:
- (1) **“Code Reviser”** shall mean that person designated by Tribal Council pursuant to the Code Revision Ordinance, Section 20 to maintain, update, and revise the Tribal Code.
  - (2) **"Secretary"** shall mean the Secretary of the Tribal Council of the Pascua Yaqui Tribe.
  - (3) **“Tribal Code”** shall mean the Pascua Yaqui Tribal Code.
  - (4) **"Tribal Council"** shall mean the Tribal Council of the Pascua Yaqui Tribe.
  - (5) **“Tribal Ordinance or Ordinance”** shall mean those laws passed by the Tribal Council on matters of general and permanent interest to the members of the Tribe and which are the laws, rules, or regulations of the Tribe.
  - (6) **"Tribe"** shall mean the Pascua Yaqui Tribe.

- (7) **“Scrivener’s error”** shall mean one or more of the following:
- (a) Misspelling.
  - (b) Grammatical error.
  - (c) Numbering error.
  - (d) Cross-referencing error.
  - (e) Inconsistency with the rules of style adopted for the tribal code.

#### **Section 40 Establishment of a Tribal Codification System (1 PYTC §1-40)**

There is hereby established a codification system for the organization of and reference to all tribal ordinances. This codification system and the persons responsible for its maintenance are set out in the sections below. The Office of the Attorney General shall, within a reasonable time from the adoption of this ordinance, reformat and renumber the current Tribal Code and any ordinances passed but not yet codified to be consistent with the codification system set out herein.

#### **Section 50 Organization of the Pascua Yaqui Tribal Code (1 PYTC §1-50)**

- (A) The codification of ordinances pursuant to this ordinance shall be referred to as the "Pascua Yaqui Tribal Code" or “Tribal Code.”
- (B) The Tribal Code shall be organized in groups of ordinances with similar subject matter. Each major subject matter grouping shall be designated as a title of the Tribal Code, and shall be identified by a whole number. For example, the second title of the Tribal Code, covering Government Administration, shall be designated as Title 2. Each title shall be divided into chapters, subchapters, and sections. A title may be divided in parts if necessary.
- (C) To reference or cite a provision of the Tribal Code, the provision shall be referenced or cited as follows: The title number, followed by the letters "PYTC," followed by the appropriate chapter and section number, and where applicable, the letters and numbers of the relevant subsection in parentheses. For example, when citing to this section of the Codification Ordinance, the citation will read "1 PYTC §1-1-50(C)." Whenever a reference is made to the Tribal Code, any portion of the Tribal Code, or any ordinance of the Tribe codified therein, the reference shall include all amendments, corrections and revisions made at the time this ordinance is originally adopted or any time thereafter.
- (D) This ordinance hereby establishes the following subject matter titles, parts, and chapters, and the numbering system following this section. Not all of the ordinances listed below have been adopted or codified by the Tribal Council. Those not yet adopted or codified are listed as "reserved," meaning that the part or chapter so designated shall be reserved for the ordinance named, if such ordinance is thereafter adopted or codified by the Tribal Council.

#### **TITLE 1: GENERAL PROVISIONS**

- Chapter 1: Codification Ordinance
- Chapter 2: Definitions and Rules of Construction

- Chapter 3: Enactment of Ordinances; Effects of Repeals (reserved)
- Chapter 4: Code Revisions

## TITLE 2: GOVERNMENT ADMINISTRATION

### Part I – Tribal Council

- Chapter 1-1: Tribal Council Code of Ethics & Standards of Conduct
- Chapter 1-4: Tribal Council Oversight Committees
- Chapter 1-5: Budget Preparation Guidelines Ordinance

### Part II – Departments; Divisions

- Chapter 2-1: Office of Attorney General
- Chapter 2-2: Economic and Community Development Division
- Chapter 2-3: Education Department
- Chapter 2-4: Finance and Operations (reserved)
- Chapter 2-5: Health Services Division
- Chapter 2-6: Housing Division
- Chapter 2-7: Human Resources
- Chapter 2-8: Police Department
- Chapter 2-9: Enrollment Department
- Chapter 2-10: Tribal Gaming Office
- Chapter 2-11: Surveillance (reserved)
- Chapter 2-12: Division of Audit Services
- Chapter 2-13: Legal Services
- Chapter 2-14: Land Office
- Chapter 2-15: Public Defender
- Chapter 2-16: Fire Department
- Chapter 2-17: Office of the Prosecutor
- Chapter 2-18: Social Services Department
- Chapter 2-19: Facilities Management Department
- Chapter 2-20: Information Technology Department
- Chapter 2-21: Tribal Administrator
- Chapter 2-22: Department of Language and Culture
- Chapter 2-23: Office of Emergency Management
- Chapter 2-24: Department of Senior Services

### Part III – Enterprises; Foundations

- Chapter 3-1: Gaming Enterprise Division
- Chapter 3-2: Tribal and Other Enterprises

### Part IV – Commissions; Boards

- Chapter 4-2: Athletic Commission
- Chapter 4-3: Board of Elections Supervisors
- Chapter 4-4: Language & Culture Commission

### Part V – Government Accountability

- Chapter 5-1: Fiscal Management
- Chapter 5-2: Personnel (reserved)
- Chapter 5-3: Code of Ethics (reserved)

- Chapter 5-4: Public Records (reserved)
- Chapter 5-5: Administrative Procedures (reserved)
- Chapter 5-6: Grants and Contracts Administration

Part VI – Miscellaneous

- Chapter 6-1: Membership
- Chapter 6-2: Elections
- Chapter 6-3: Personnel (reserved)
- Chapter 6-4: Code of Ethics (reserved)
- Chapter 6-5: Emergency Preparedness and Response

**TITLE 3: COURTS AND RULES OF COURT**

Part I – Courts

- Chapter 1-1: Jurisdiction
- Chapter 1-2: Organization of the Tribal Court
- Chapter 1-3: Judges
- Chapter 1-4: Court Staff
- Chapter 1-5: Court Records
- Chapter 1-6: Pretrial Services

Part II – Rules of Court

- Chapter 2-1: Rules of Civil Procedure
- Chapter 2-2: Rules of Criminal Procedure
- Chapter 2-3: Rules of Appellate Procedure
- Chapter 2-4: Rules of Evidence
- Chapter 2-5: Notice to Tribe
- Chapter 2-6: Rules of Juvenile Court
- Chapter 2-7: Electronic Filing in Court of Appeals

Part III – Judgments

- Chapter 3-1: Declaratory Judgments; Equitable and Injunctive Relief
- Chapter 3-2: Foreign Judgments (reserved)
- Chapter 3-3: Enforcement

**TITLE 4: CRIMINAL CODE**

- Chapter 1: Offenses
- Chapter 2: Sentences
- Chapter 3: Domestic and Family Violence
- Chapter 4: Sentences
- Chapter 5: Victims Rights

**TITLE 5: CIVIL CODE**

- Chapter 1: Civil Actions
- Chapter 2: Domestic Relations
- Chapter 3: Residential Landlord and Tenant
- Chapter 4: Probate
- Chapter 5: Elderly & Adult Protection
- Chapter 6: Guardianship

- Chapter 7: Juveniles
- Chapter 8: Providing for the Exclusion and Removal of Non-Members and Executive Closure of Reservation
- Chapter 9: Mediation

## TITLE 6: TRIBAL ASSISTANCE PROGRAMS

### Part I - General Provisions

- Chapter 1-1: General Welfare Policy

### Part II - General Welfare Assistance

- Chapter 2-1: Temporary Assistance to Needy Families
- Chapter 2-2: Coronavirus Relief Fund General Welfare Grant Program

### Part III - Housing Assistance

- Chapter 3-1: Housing Assistance Program

### Part IV - Education Assistance

- Chapter 4-1 Language & Culture
- Chapter 4-2 Higher Education Assistance Program

## TITLE 7: BUSINESS AND COMMERCIAL CODE

- Chapter 1: General Provisions; Administration; Appeals (reserved)
- Chapter 2: Corporations Code
- Chapter 3: Business Licenses
- Chapter 4-1: Transaction Privilege Tax
- Chapter 4-2: Tobacco Tax
- Chapter 5: Secured Transactions
- Chapter 6: Arbitration
- Chapter 7: Pascua Yaqui Tribe Inkeepers Ordinance

## TITLE 8: REGULATORY CODE

### Part I – General Provisions; Administration (reserved)

- Chapter 1-1: Definitions
- Chapter 1-2: Administration
- Chapter 1-3: Appeals

### Part II - Gaming

- Chapter 2-1: Gaming Ordinance

### Part III – Labor

- Chapter 3-1: Employment
- Chapter 3-2: Wages (reserved)
- Chapter 3-3: Workers Compensation (reserved)
- Chapter 3-4: Pascua Yaqui Preference Act
- Chapter 3-5: Pascua Yaqui Right to Work Ordinance

### Part IV – Property

- Chapter 4-1: Land
- Chapter 4-2: Building and Construction

- Chapter 4-3: Zoning (reserved)
- Chapter 4-4: Public Parks
- Chapter 4-5: Business Site Leasing
- Chapter 4-6: Residential Leasing Ordinance
- Chapter 4-7: Solar and Renewable Energy Leasing

Part V – Public Health

- Chapter 5-1: Environment (reserved)
- Chapter 5-2: Health and Sanitation
- Chapter 5-3: Public Health Code

Part VI – Public Safety

- Chapter 6-1: Animal Control
- Chapter 6-2: Dances
- Chapter 6-3: Fire Protection (reserved)
- Chapter 6-4: Motor Vehicles; Traffic
- Chapter 6-5: Liquor Control Act
- Chapter 6-6: Boxing

Part VII - Research Protection

- Chapter 7-1: Research Protection

- (E) Ordinances should be inserted into existing subject matter titles and chapters, as deemed appropriate by the Code Reviser; provided that Tribal Council may establish additional subject matter titles and chapters as required to maintain the logical and orderly organization of the Tribal Code. This ordinance shall not be construed as requiring the Tribe to enact any specific ordinance.

**Section 60 Tribal Code Numbering (1 PYTC §1-60)**

- (A) Major sections in each chapter shall be designated sequentially by section numbers. Subsections to these major sections shall be designated sequentially in alphabetical order by uppercase letters. Subparts of these subsections shall be designated sequentially by Arabic numerals in sequential order. Subparts of these subparts shall be designated sequentially by lowercase letters. Sub-subparts shall be designated sequentially by small Roman numerals. Each chapter shall be formatted by indenting each successive sublevel further to the right than the previous level. An example follows:

Sec. 10 Section

(A) Subsection

(1) Subpart

(a) Subpart

(b) Subpart

(i) Sub-subpart

- (B) Every section of the Tribal Code shall be annotated with a history of the original enacting ordinance and subsequent amendments or repeals. The enactment history shall be included at the end of the section and italicized. Enactment history shall contain the resolution and ordinance numbers and date for the original adoption of the section and subsequent amendments or repeals.
- (C) If there are two or more inconsistent ordinances or, if existing provisions in the current Tribal Code are in conflict, the ordinance or provision with the more recent date of amendment shall be presumed to be controlling. The Tribal Code shall contain only the most recently amended version of the ordinances that comprise the Tribal Code.

## **Section 70 Amendments to Tribal Code (1 PYTC §1-70)**

- (A) Amendments to any of the provisions of the Tribal Code adopted by Tribal ordinance must be specifically referenced in such ordinance in substantially the following language: “That Title\_\_\_\_, Chapter\_\_\_\_, Section \_\_\_\_\_ of the Pascua Yaqui Tribal Code is hereby amended to read as follows: . . . .” The amended section(s) should then be set out in full as desired. Each ordinance section shall specify the corresponding Title, Chapter, and Section in the Tribal Code to be amended, and such indication may be by citation as defined in Section 50(C).
- (B) In the event a new title, chapter, or section(s) are added by Tribal ordinance, the ordinance should incorporate the following language: “The Pascua Yaqui Tribal Code is hereby amended by adding the following (Title) (Chapter) (Section) . . . .” Alternatively, the ordinance may state: “This Ordinance shall be codified at Title\_\_\_\_, Chapter \_\_\_\_\_, Section(s)\_\_\_\_\_.” The new section(s) should then be set out in full as desired. Each ordinance section shall specify the corresponding Title, Chapter, and Section in the Tribal Code, and such indication may be by citation.
- (C) Any Tribal ordinance that repeals a title, chapter, section, or subsection shall state in substantially the following language: “That Title\_\_\_\_, Chapter\_\_\_\_, Section \_\_\_\_\_ of the Pascua Yaqui Tribal Code is hereby repealed.”
- (D) Failure to include the language required in this section shall not affect the validity of any ordinance.

## **Section 80 Recordkeeping; Code Reviser (1 PYTC §1-80)**

- (A) The Code Reviser is hereby designated the primary responsibility for the recordkeeping of and updating the Tribal Code, pursuant to the Code Revision Ordinance. The Code Reviser shall be responsible for obtaining an accurate and complete copy of any ordinance adopted, for formatting that document in accordance with the requirements of this ordinance, and for updating and distributing the Tribal Code in accordance with the Code Revision Ordinance, Section 70.



- (B) Copies of the Tribal Code shall be kept in volumes that organize the Tribal Code in numerical order as set out above. The Code Reviser may create as many copies of the Tribal Code Books, in paper copy or electronic form, as he deems necessary. An adequate supply of Code Books shall always be available for distribution to any tribal member or other person who requests one. The Tribe may charge a nominal fee to cover reproduction and binding costs to persons who request a paper copy of the Tribal Code. A copy of the Tribal Code shall also be available for inspection free of charge at the depositories designated in the Code Revision Ordinance, Section 30(B).

**Section 90      Legal Effects of Formatting (1 PYTC §1-70)**

The use of the format and organization required by this ordinance shall, in and of itself, have no legal effect, and shall not be construed to influence in any way the force and effect of Pascua Yaqui Tribal ordinances and governing documents.

**Section 100    Correcting Scrivener's Errors (1 PYTC §1-100)**

- (A) The Secretary's Office and Code Reviser are each individually authorized to correct scrivener's errors in the Tribal Code, and in ordinances and resolutions adopted by the Tribal Council without the need for re-adoption of the town code provision, ordinance, or resolution.
- (B) A scrivener's error correction made under the authority granted by this section shall be documented as follows:
- (1) A correction to the Tribal Code shall be noted with the explanatory and historical notes in the right-hand margin of the code.
  - (2) A correction to an ordinance or resolution shall be accompanied by a scrivener's note on or attached to the corrected ordinance or resolution.