

TITLE 1 – GENERAL PROVISIONS
CHAPTER 2 – DEFINITIONS AND RULES OF CONSTRUCTION

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TITLE 1 – GENERAL PROVISIONS
CHAPTER 2 – DEFINITIONS AND RULES OF CONSTRUCTION

Legislative History: Definitions and Rules of Construction Ordinance adopted on April 19, 2006 by Resolution No. C04-60-06 and Ordinance No. 02-06.

Section 10 Purpose (1 PYTC § 2-10)

- (A) This ordinance shall be known as the “Definitions and Rules of Construction Ordinance.”
- (B) The Pascua Yaqui Tribal Council finds it in the best interest of the Tribe to have a uniform set of definitions and rules of construction that shall apply throughout the Tribal Code so as to assist Tribal Members, Tribal Court, and others in interpreting the Tribal Code.
- (C) This ordinance shall be codified at Title 1, Chapter 2, Sections 10 - 60 of the Tribal Code.

Section 20 Definitions (1 PYTC § 2-20)

The following definitions shall be applied when construing the provisions of this Code.

- (A) “Adult” means a person who has attained the age of eighteen years.
- (B) “Chairman,” “Chairwoman,” or “Chairperson,” means that elected officer of the Tribal Council, described as “Chairman” in the Constitution, and as defined in Articles VII and XV of the Constitution, in whom is vested the authority and responsibility to perform the executive duties and obligations of the Executive Branch of the Pascua Yaqui Tribe government.
- (C) “Code” or “Tribal Code” means the Pascua Yaqui Tribal Code.
- (D) “Constitution” or “Tribal Constitution” means the Constitution of the Pascua Yaqui Tribe as adopted on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).
- (E) “Council” or “Tribal Council” means that body, as defined in Article V, Section 2 of the Constitution, which is comprised of 11 Council Members.
- (F) “Court” or “Tribal Court” means the Pascua Yaqui Tribal Court.
- (G) “Court of Appeals” means the Court of Appeals for the Pascua Yaqui Tribe.
- (H) “Daytime” means the period between sunrise and sunset.
- (I) “Department” means any executive branch department, division, agency, commission, board, office, or enterprise created by Tribal Council and responsible for the operations, administration, or business of the executive branch of the Tribal Government or Tribal Enterprise.
- (J) “Juvenile,” “Child” or “Minor” means an individual under the age of 18 years of age.
- (K) “Member” or “Tribal Member” means a duly enrolled member of the Pascua Yaqui Tribe.
- (L) “Month” means a calendar month unless otherwise expressed.
- (M) “Nighttime” means the period between sunset and sunrise.

- (N) “Ordinance” means the ordinances, all amendments and supplements, of the Tribe duly enacted by the Tribal Council pursuant to the Constitution.
- (O) “Person” means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law. Person also includes the United States and any of its political subdivisions, and a State and any of its political subdivisions.
- (P) “State” means the State of Arizona, unless otherwise expressed, and its political subdivisions.
- (Q) “Tribe” means the Pascua Yaqui Tribe, a federally recognized Indian tribe with self-government and sovereign government powers.
- (R) “United States” includes the territories, possessions, and political subdivisions, including the District of Columbia, of the United States of America.

Section 30 Rules of Construction (1 PYTC § 2-30)

The following principles of construction will apply to all ordinances and provisions of the Code unless a different construction is obviously intended.

- (A) Words shall be given their plain meaning and technical words shall be given their usually understood meaning where no other meaning is specified.
- (B) This Code shall be construed as a whole to give effect to all its parts in a logical, consistent manner.
- (C) “And” may be read “or,” and “or” may be read “and” if the sense requires it.
- (D) Definitions given within a title or chapter apply only to the words or phrases used in such title or chapter unless otherwise provided.
- (E) Words importing the masculine gender include the feminine and neuter as well as the masculine.
- (F) Words used in the singular include the plural and the plural includes the singular.
- (G) Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.
- (H) Criminal offense ordinances shall be construed according to the fair import of their terms, with a view to affect their object and to promote justice.
- (H) Whenever the meaning of a term used in this Code is not clear on its face or in the context of the Code, such term shall have the meaning given to it by the laws of the State of Arizona, unless such meaning would undermine the underlying principles and purposes of this Code.
- (I) When there is a conflict between one provision of this Code which treats a subject in a general way and another provision which treats the same subject in a specific manner, the specific provision will prevail.
- (J) Any typographical errors or omissions shall be ignored whenever the intended meaning of the provision containing the error or omission is otherwise reasonably certain to the Court.

Section 40 Conflicting Provisions (1 PYTC § 2-40)

If the provisions of different titles, parts, chapters, or sections of this Code conflict with or contravene each other, the provisions of the most recently enacted ordinance shall prevail if such ordinance indicates that its provisions shall prevail over previous provisions. Otherwise, the original ordinance shall prevail.

Section 50 Catchlines and Headings (1 PYTC § 2-50)

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such section, nor as any part of such section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 60 Severability (1 PYTC § 2-60)

It is the intention of Tribal Council that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or words of this Code is declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs, subsections and sections of this Code, since the same would have been enacted by the Tribal Council without the incorporation in this Code of any such unconstitutional word, clause, sentence, paragraph or section.