

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

TABLE OF CONTENTS

Section 10	Authority and Purpose	1
Section 20	Citation of Code.....	1
Section 30	Definitions	1
Section 40	Establishment of a Tribal Codification System	1
Section 50	Organization of the Pascua Yaqui Tribal Code.....	2
Section 60	Tribal Code Numbering	6
Section 70	Amendments to Tribal Code	6
Section 80	Recordkeeping; Code Reviser.....	7
Section 90	Legal Effects of Formatting	7

**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)

For the purposes of this ordinance, the following definitions shall apply:

- (A) “**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.
- (B) “**Secretary**” shall mean the Secretary of the Tribal Council of the Pascua Yaqui Tribe.
- (C) “**Tribal Code**” shall mean the Pascua Yaqui Tribal Code.
- (D) “**Tribal Council**” shall mean the Tribal Council of the Pascua Yaqui Tribe.
- (E) “**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.
- (F) “**Tribe**” shall mean the Pascua Yaqui Tribe.

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 Committee

- Chapter 1-5 Budget Preparation Guideline Ordinance

Part II – Departments; Divisions

- Chapter 2-1: Office of Attorney General

- Chapter 2-2: Development Services

- Chapter 2-3: Education
- Chapter 2-4: Finance and Operations (reserved)
- Chapter 2-5: Health Services (reserved)
- Chapter 2-6: Housing Division
- Chapter 2-7: Human Resources
- Chapter 2-8: Police Department
- Chapter 2-9: Enrollment; Administration Office
- Chapter 2-10: Tribal Gaming Office
- Chapter 2-11: Surveillance (reserved)
- Chapter 2-12: Division of Internal Audit
- Chapter 2-13: Legal Services
- Chapter 2-14: Land Department
- Chapter 2-15: Public Defenders (reserved)
- Chapter 2-16: Fire Department

Part III – Enterprises; Foundations

- Chapter 3-1: Gaming Enterprise Division

Part IV – Commissions; Boards

- Chapter 4-1: Employee Relations Review Board
- 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)

Part VI – Miscellaneous

- Chapter 6-1: Membership
- Chapter 6-2: Elections
- Chapter 6-3: Personnel (reserved)
- Chapter 6-4 Code of Ethics (reserved)

TITLE 3: COURTS AND RULES OF COURT

Part I – Courts

- Chapter 1-1: Jurisdiction
- Chapter 1-2: Organization
- Chapter 1-3: Judges
- Chapter 1-4: Court Staff
- Chapter 1-5 Court Records

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

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: Sex Crimes
- Chapter 3: Domestic Violence
- Chapter 4: Sentences
- Chapter 5: Victims Rights

TITLE 5: CIVIL CODE

- Chapter 1: Civil Actions
- Chapter 2: Domestic Relations
- Chapter 3: Landlord and Tenant
- Chapter 4: Probate
- Chapter 5: Elderly & Adult Protection
- Chapter 6: Guardianship
- Chapter 7: Juveniles

TITLE 6: TRIBAL ASSISTANCE PROGRAMS

Part I - General Provisions

- Chapter 1-1: General Welfare Policy

Part II - General Welfare Assistance

- Chapter 2-1: TANF

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

Part V - (RESERVED)

TITLE 7: BUSINESS AND COMMERCIAL CODE

- Chapter 1: General Provisions; Administration; Appeals (reserved)
- Chapter 2: Corporations Code
- Chapter 3: Licensing (reserved)
- Chapter 4-1: Transaction Privilege Tax
- Chapter 4-2: Tobacco Tax

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

Part IV – Property

- Chapter 4-1: Land
- Chapter 4-2: Building and Construction (reserved)
- Chapter 4-3: Zoning (reserved)

Part V – Public Health

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

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

- (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.