

ORDINANCE QT 02-94

DEFINITIONS

Firm: A business unit or enterprise.

For-profit Organization: Any person or entity engaged in activity whose goods and services are solicited for the benefit of that person or entity where such proceeds are used for private purposes.

Non-profit Organization: Any person or entity engaged in activity whose services are solicited for the benefit of a church, school or other organization engaged in raising funds for charitable or religious purposes where such proceeds are to be used for public and community purposes.

Business Activity: An act or commerce, trade or barter for the purpose of gaining financial compensation in exchange for goods and/or services.

Fort Yuma Indian Reservation: 43,500 acres, more or less, within the exterior boundaries identified by the Bureau of Indian Affairs map.1981, as revised 1991.

President: The duly elected official of the Quechan Indian Tribe, or his/her official designated representative.

Tribal Land: Any portion of land within the Fort Yuma Indian Reservation that is owned by the Quechan Indian Tribe.

Allotted Land: Any portion of land owned by an enrolled member of the Quechan Indian Tribe.

Indian Owned Enterprise: Any Firm or For-profit Organization that is wholly owned and operated by an enrolled member of a Native American Tribe.

Non-Indian Owned Enterprise: Any Firm or For-profit Organization that is not wholly owned and operated by an enrolled member of a Native American Tribe.

Quechan Owned Enterprise: Any Firm or For-profit Organization that is wholly owned and operated by an enrolled member of the Quechan Indian Tribe.

Written Proposal: A letter addressed to the Quechan Indian Tribe outlining the purpose, intent, start dates, finishing dates and proposed payment amount for the business activity to be conducted on the Fort Yuma Indian Reservation.

Permit: Written document granting the Permittee the right to conduct business activity on the Fort Yuma Indian Reservation as described in this Ordinance. Permit includes Name (Person, Firm, For-profit Organization, Non-profit Organization). Permit Period, Specific Location Description and Fee Amount.

Permittee: Any Person, Firm, For-profit Organization or Non-profit Organization holding a Permit with the Quechan Indian Tribe.

Section 1. Intent

This ordinance is intended for use by the Quechan Indian Tribe and Person, Firm, For-profit Organization, or Non-profit Organization that intends to conduct business activity on the Fort Yuma Indian Reservation.

Section 2. Authorization

The Quechan Indian Tribe is a Federally recognized Indian Tribe pursuant to the Indian Reorganization Act of 1934. The Quechan Indian Tribe is a sovereign nation with all the rights, privileges and responsibilities associated with such sovereignty.

Section 3. Permit Requirements

It shall be unlawful for any Person, Firm, For-profit Organization, or Non-profit Organization to conduct business activity on the Fort Yuma Indian Reservation without first acquiring a Permit in accordance with the Code of Federal Regulations. 25 Indians. Section 251, and an additional license as herein provided under the Constitution of the Quechan Indian Tribe. Article IV, Section 6.

Section 4. Application for Permit

Any Person, Firm, For-profit Organization, or Non-profit Organization to conduct business activity on the Fort Yuma Indian Reservation must first file an Application with the Quechan Indian Tribe. Prescribed Application form will be made available by the Quechan Indian Tribe. Written proposals should accompany the Application upon the request of the President of the Quechan Indian Tribe.

Section 5. Permit Status

Permits shall be issued as having status of one of the following:

1. Indian Owned Enterprise

Person, Firm, For-profit Organization, or Non-profit Organization must provide proof of Indian Owned Status under this Ordinance. Indian Owned Enterprises may submit a Written Proposal to request a waiver of the Fee in part or in full upon submitting Application. Otherwise, Indian Owned Enterprises will be treated as Non-Indian Owned Enterprises under this Ordinance.

2. Non-Indian Owned Enterprise

A Person, Firm, For-profit Organization, or Non-profit Organization that is not owned and operated by an enrolled member of a Federally recognized Native American Tribe or Alaska Native is given Permit Status of Non-Indian Owned Enterprise.

3. Quechan Owned Enterprise

All Permit Fees shall be waived for enrolled members of the Quechan Indian Tribe upon submittal of Application. Tribal enrollment number shall be made available as a part of the application. In other than the above, Quechan Owned Enterprises will be treated as all others having Permit Status in the Ordinance.

4. Non-profit Organizations

All Non-profit Organizations must submit a Written Proposal describing the nature of the Organization in order to solicit goods and services on the Fort Yuma Indian Reservation. All Permit fees shall be waived for Non-profit Organizations. Permits shall indicate Permit Status of Non-profit Organization.

Section 6. Payment of Fees

Any Person, Firm, For-profit Organization, or Non-profit Organization authorized to conduct Business Activity on the Fort Yuma Indian Reservation shall, by virtue of this Ordinance, pay to the Quechan Indian Tribe at time of application approval the following prescribed fees. Fees are categorized as either Flat Fee Permits or Prorated Fee Permits according to the following prescribed status.

1. Flat Fee Permit Status

Flat Fees are paid for the Permit Period extending one calendar year from the date of issuing the Permit. Flat Fee Permit rates are non-negotiable in all cases except as described in Section 5.1 of this Ordinance. For the operation of Business Activity not described under Section 6 of this Ordinance, that Person, Firm, For-profit Organization, or Non-profit Organization shall be given Special Use Status as described in Section 7 of this Ordinance.

- A. For the operation of a grocery store.....\$150.00
(Permitting the sale of groceries, fresh and cured meats, dry goods, produce, hardware goods, pastries, tobacco, soft drinks, etc.)
- B. For the operation of a service store\$150.00
(Permitting the sale of fuel, lubrication, batteries, auto accessories and the service of tire repair, general auto maintenance, automobile towing including Recreation Vehicles)
- C. For the operation of a restaurant\$150.00
(Permitting the preparation and sale of food and beverage within a dwelling open for patronage.)
- D. For the operation of a Motel, Hotel or Trailer Park\$150.00
(Permitting the operation of an enterprise that generates revenue from providing temporary accommodations for living.)
- E. For the operation of a Barber Shop, Beauty Shop or Cosmetic supply\$150.00
- F. For the operation of door to door solicitations\$150.00
(Permitting the door to door solicitation of household appliances, furniture, magazines and other literary publications, food, novelties, and all other related goods or services.)

- G. For the operation of a wholesale dealership or distributor\$150.00
(Permitting the sale of wholesale food and beverage items.)
- H. For the selling of petroleum products\$150.00
- I. For the operation of fertilizer, compost, insecticide, herbicide or pesticide business activity.....\$200.00
- J. For the operation of airplane spraying\$300.00
- K. For the operation of roadside advertising\$150.00

2. Prorated Fee Permit Status

- A. For the operation of a concession stand or road-side swap meet\$9.00 per day
 - 1. Option for Flat Fee Permit\$150.00
(Concession stand and swap meet operators have the option to apply for a Flat Fee Permit good for one calendar year from date of issuance.)

Section 7. Special Use Permits

A Special Use Permit shall be issued to those Persons, Firms, For-profit Organizations, or Non-profit Organizations that engage in business activity not described in Section 6 of this Ordinance and that could potentially bring harm to person or property. Special Use Permits will be issued to Persons, Firms, For-profit Organizations, or Non-profit Organizations where conducting Business Activity on the reservation could cause harm or irreversible wear and tear upon the land owned by the Quechan Indian Tribe or anywhere within the exterior boundaries of the Fort Yuma Indian Reservation. Payment of Special Use Permits not prescribed herein will be negotiated with the President of the Quechan Tribal Council. Special Use Permits are described as follows:

1. Permit to sell Fireworks

All interested Persons, Firms, For-profit Organizations, or Non-profit Organizations interested in selling fireworks shall deliver to the Quechan Tribal Council a Written Proposal. Terms and conditions of the Special Use Permit will be negotiated by the President of the Quechan Tribal Council.

- a. Permit Fee\$1,000.00

2. Permit to remove sand and gravel material from Tribal Lane

Preference is hereby given to the sand and gravel operating located at Pilot Knob for purposes of utilizing sand, gravel, concrete or asphalt for use with projects located on the Fort Yuma Indian Reservation. Unless otherwise stipulated, a Special Use Permit to remove sand and gravel shall be issued upon receipt of Written Proposal to remove material from the Fort Yuma Indian Reservation. Permit Fee is negotiable and will be on a per ton basis.

3. Permit to conduct the filming of a motion picture

All interested Persons, Firms, For-profit Organizations, or Non-profit Organizations must submit a Written Proposal to the Quechan Tribal Council to acquire a Special Use Permit for purposes of filming a motion picture on the Fort Yuma Indian Reservation. Upon review and approval by the Quechan Tribal Council, Special Permit shall be issued.

4. Quechan Tribal Housing Authority Contractors and Sub-Contractors

All Contractors and Sub-Contractors conducting Business Activity with the Quechan Tribal Housing Authority shall submit an Application with the Quechan Indian Tribe. Special Use Permit will be delivered upon approval by the President.

a. Permit Fee\$500.00

5. Quechan Irrigation Rehabilitation and Betterment Program Contractors and Sub-Contractors.

All Contractors and Sub-Contractors conducting Business Activity with the Quechan Tribal Irrigation Rehabilitation and Betterment Program shall submit an Application with the Quechan Indian Tribe. Special Use Permit will be delivered upon approval by the President.

a. Permit Fee\$500.00

Section 8. Request for Waiver or Alteration of Permit Fee or Prorated Fee Permit Status

Any Person, Firm, For-profit Organization requesting a waiver or alteration of the prescribed Payment Fee or inclusion in Prorated Fee Permit Status shall submit a written proposal to the Quechan Indian Tribe to justifying the request.

Section 9. Disposition of Funds

All Permit Fees, Special Use Permit Fees, Taxes, Transfer Fees and Citation Fees shall be deposited in the Tribal Account designated as “Quechan Economic Development Fund” for use in further developing the Fort Yuma Indian Reservation according to the goals and objectives of the Quechan Indian Tribe.

Section 10. Permit Renewal

Permits and Special Use Permits will be renewed upon approval of the President. Flat Fee Permit Status holders will be notified in writing within ten (10) days of Permit expiration date.

Section 11. Transfer of Permit

In the event that it becomes necessary to transfer a Permit from one Person, Firm, For-profit Organization, or Non-profit Organization to another, a Written Proposal must be submitted to the Quechan Indian Tribe to

accompany an Application completed by the Permittee. A Transfer Fee of \$25.00 shall be charged to the Permittee.

Section 12. Permit Holding Requirements

Every Permit issued by the Quechan Indian Tribe shall be held at the Specific Location by Permittee at all times during the period of the Permit.

Section 13. Specific Location Requirements

Specific Location where Permittee will conduct Business Activity shall be indicated on Permit. Permittee shall conduct Business Activity only at the Specific Location identified on the Permit.

Section 14. Allotted Lands

Any Person, Firm, For-profit Organization, or Non-profit Organization wishing to conduct Business Activity only on Allotted Lands shall be referred to the Bureau of Indian Affairs, Fort Yuma Agency.

Section 15. Indian Preference

In the event that conducting Business Activity on the Fort Yuma Indian Reservation requires employment of persons to conduct such business, members of the Quechan Indian Tribe shall be given employment preference in accordance with the Tribal Employment Rights Office. All Permittees shall make a good faith effort to contract with enterprises that are wholly owned and operated by the Quechan Indian Tribe, any member of the Quechan Indian Tribe or under partnership or permit agreement with the Quechan Indian Tribe.

Section 16. Termination. Violations and Citations

Should the Quechan Indian Tribe elect to Terminate the Permit or Special Use Permit, termination shall be upon the discretion of the President of the Quechan Indian Tribe. Citations shall be issued upon the discretion of the President of the Quechan Indian Tribe. Termination shall be the result of any violation stipulated within this Ordinance. Written notice of termination shall be issued by the Quechan Indian Tribe upon documented citation. All Business Activity shall cease immediately upon written notification of termination. Citation Fees shall be paid at the rate of 50% of Permit Fee amount.

Section 17. Hold Harmless Provisions

Permittee hereby shall hold harmless the Quechan Indian Tribe for any and all damage or injury of any kind or nature whatsoever including, but not limited to, loss of personal property, death, fire, flood, water damage, windstorm, explosion, riot, strike, civil commotion, aircraft, vehicles, smoke, vandalism, malicious mischief, theft, and the Quechan Indian Tribe, under any circumstances, unless otherwise specified, be liable or accountable to the Permittee for such loss.

Section 18. Jurisdiction

Every Permittee shall at all times while holding a Permit or Special Use Permit comply with all Tribal and Federal laws, rules and regulations enforceable within the boundaries of the Fort Yuma Indian Reservation and under the jurisdiction of the Quechan Indian Tribe.

Section 19. Dumping

Picacho Landfill is available for those who need to dispose of waste material. All waste material disposal must be in compliance with all Federal regulations.

Section 20. Sequence

This Ordinance, QT-02-94, shall supersede Ordinance QT-01-91, Ordinance No. 3 dated February 13, 1940, Ordinance QT-01-77 and Ordinance QT-02-79.

Please reply to:

Quechan Indian Tribe	Phone: 760-572-0213
Fort Yuma Indian Reservation	Fax: 760-572-2102
P O Box 1899	
Yuma, AZ 85366-1899	

Attn: Economic Development Planning Program

For Allotted Lands refer to:

Bureau of Indian Affairs	Phone: 928-782-1202
Fort Yuma Agency	Fax: 928-782-1266
P O Box 1591	
Yuma, AZ 85366	