



RESOLUTION #99-13

At a duly called meeting of the tribal council, the Pueblo of Jemez, the following resolution was passed.

WHEREAS, the Pueblo of Jemez Tribal Council, several years prior to this Resolution, ordered that Jemez tribal members not be allowed to bring mobile homes into the Jemez Indian Reservation without first obtaining written permission from tribal council; and,

WHEREAS, in recent cases, individual tribal members have had mobile homes illegally transported into the Jemez reservation without obtaining permission from tribal council; and,

WHEREAS, a need has arisen to adopt a formal Ordinance prohibiting further illegal deliveries of mobile homes into the Jemez reservation; and,

WHEREAS, the Tribal Council has reviewed the Mobile Home Ordinance and deems the Ordinance to be acceptable.

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby adopt the Mobile Home Ordinance which shall be followed by the Pueblo of Jemez tribal members and enforced by the Pueblo Governors until otherwise amended, revised or repeated by the Tribal Council.

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Office Of The Governors

PO Box 100 • Jemez Pueblo • New Mexico • 87024
(505) 834-7359 • Fax (505) 834-7331

CERTIFICATION

I, the undersigned as Governor of the Pueblo of Jemez, hereby certify that at a duly called tribal council meeting held on the 21st day of April, 1999, the Jemez Tribal council approved this resolution, a quorum being present and that 11 voted for with 0 opposed.

Raymond Gachupin
Governor, Pueblo of Jemez

ATTEST:

Lucia Pecos

Councilmen:

J. Leonard Leretto
Jose Magdala
Arthur Sanchez
Paul A. Kinross
Jose Latorre
Leticia Padilla

Paul Tosa
Rosendo Gachupin
Candela Zuniga
Jose L. Pecos
Maxwell Coy

PUEBLO OF JEMEZ
MOBILE HOME ORDINANCE No. 1999-01

Section 1. Authority

Pursuant to its inherent sovereign powers of tribal self-government, the Pueblo of Jemez, through its governing body, the Tribal Council, enacts this ordinance to regulate mobile homes. Such regulations may exclude mobile homes from the lands within the exterior boundaries of the Jemez Pueblo Grant.

Section 2. Purpose

The Jemez Tribal council hereby declares that the historical, cultural, agricultural, and Indian heritage of the Pueblo is among its most valued and important assets and that it is the intention of this Ordinance to empower the Governors of the Pueblo with as full and complete powers to preserve, protect and enhance the pueblo's historical, cultural, and agricultural attributes.

Section 3. Definitions

a. "mobile home" means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities designed to be installed in a permanent or semipermanent manner with or without a permanent foundation, which dwelling is capable of being drawn over public highways as a unit or in sections by special permit. "Mobile home" does not include a recreational travel trailer or a recreational vehicle.

Section 4. Mobile Homes; Prohibited

a. It shall be unlawful for any Jemez tribal member, or a nonmember spouse to purchase a mobile home with the intention of transporting the mobile home to the Pueblo of Jemez without first obtaining the written permission from the Jemez Tribal Council in the form of a tribal resolution.

b. It shall be unlawful for any tribal member or other person without the written permission of the tribal council to physically introduce a mobile home or permit a mobile home seller through their agents, drivers, transporters or common carriers to enter the jurisdiction of Jemez Pueblo and physically place a mobile home upon any Jemez Pueblo lands.

Section 5. Criminal Penalties

Any tribal member or their spouse who knowingly, intentionally or willfully commits or violates this ordinance is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days or both.

Section 6. Transportation of Mobile Homes

It shall be unlawful for any Mobile home business owner, seller, driver transporter or common carrier to enter the jurisdiction of the Jemez Pueblo and to physically introduce, deliver, leave or place a mobile home upon any Jemez Pueblo lands for or on behalf of a Jemez Tribal member or other person not authorized by the Jemez tribal council pursuant to this ordinance

Section 7. Sale of Mobile Homes

It shall be unlawful for any Mobile home business owner to sell to a Jemez tribal member a mobile home intended for delivery to the Jemez Pueblo without first obtaining a Federal Indian Trader's permit pursuant to 25 Code of Federal Regulations Part 140.

Section 8. Civil Penalties

Any person whether Indian or non-Indian, who violates this ordinance will be subject civil liability for trespass and assessed civil penalties as deemed appropriate by the Jemez Tribal Court including costs and attorney fees incurred to enforce the ordinance.

Section 9. Enforcement

Should the pueblo governors and designated tribal officials have reason to believe that a mobile home is being introduced or placed upon Jemez Pueblo lands in violation of this ordinance, the tribal officials may institute any of the following appropriate action or proceedings to restrain, correct or abate the violation:

- (1) prevent water and sewer line hookups;
- (2) prevent electrical hookups; and
- (3) prevent the occupancy of such mobile home.

Section 10. Other Remedies

a. Upon a finding by the Jemez Tribal court that this ordinance was violated, judgement shall be entered accordingly. The judgment shall advise the mobile home owner to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires and otherwise making the mobile home safe and ready for highway travel.

b. Should the mobile home owner fail to have the mobile home safe and ready for physical removal from the pueblo, the mobile home owner shall be subject to contempt charges. Should inclement weather or other unforeseen problems occur the mobile home owner must ask for an extension from the Jemez tribal court.

c. If the mobile home is not removed from the pueblo on behalf of the mobile home owner within the time permitted by the judgment, the pueblo shall have the right to take possession of the mobile home for the purposes of removal and storage.

Section 11. Amendments

This ordinance may be repealed, amended and additions made by the tribal council. Such additions, deletions and amendments shall become effective when passed by a duly executed Tribal Council Resolution.