TITLE 5 - COMMERCE

CHAPTER 2 - PHOTOGRAPHING PERMITS

Legislative History: Ordinance No. 34, regulating still photographs and moving pictures used for commercial purposes, was enacted by the Papago Council on April 4, 1958 and approved by the Papago Agency Superintendent on April 11, 1958.

Related Legislation: Ordinance No. 28, governing permits for removal of plants and natural materials, camping, photography, and certain livestock purchases, was enacted by the Papago Council on November 15, 1947 and approved by the Sells Indian Agency Superintendent on November 25, 1947, but, according to multiple handwritten notations on the Ordinance, was vetoed by a Bureau of Indian Affairs Central Office letter dated January 31, 1958.

Note: Although a violation of Ordinance No. 34 is punishable, in part, as a trespass under Papago Law and Order Code Chapter 6, Section 1, Chapter 6 was repealed in 1985 by Ordinance No. 02-85, which was adopted by the Papago Council on April 11, 1985 and approved by the Papago Agency Acting Superintendent on April 23, 1985. (The legislative history of Ordinance No. 02-85, which enacted the "Criminal Code of the Papago Tribe," appears in Title 7, Chapter 1 of the Tohono O'odham Code.)

ORDINANCE
OF THE
PAPAGO COUNCIL

ORD. NO. 34

WHEREAS, The Papago Tribal Council receives requests from time to time from non-members of the Tribe for permission to take still photographs or moving pictures on the reservation, and

WHEREAS, The Tribal Council believe that it is good public relations to allow non-members to take pictures without permit or fee as long as it is not for commercial purposes but does believe that is should share in the income from any pictures taken for commercial purpose, and

WHEREAS, It believes this can best be accomplished by requiring permits and charging fees for any photography being done for a commercial purpose;

THEREFORE LET IT BE ORDAINED by the Papago Tribal Council that a permit be required in all cases where still photographs or moving pictures taken on the reservation are to be used for commercial purposes.

1. The minimum fee for a permit shall be $5.00 but the fee may be increased to whatever amount the Chairman or Treasurer decides should be paid depending upon the quantity and type of picture taking that is contemplated by the permittee.

2. A permit will not authorize taking pictures of any Tribal members unless their permission is secured first.

Any person violating any provisions of this ordinance shall be deemed a trespasser on the Papago Reservation pursuant to Chapter 6, Section 1, of the Papago Tribal Law and Order Code, and shall also be required to surrender any exposed film with pictures taken on the reservation.

The foregoing Ordinance was on April 4, 1958 duly enacted by a vote of 21 for and 0 against, at a meeting at which a quorum was present, pursuant to authority vested in it by Section 3 (h) of Article V of the Constitution of the Tribe ratified December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). Said Ordinance is effective as of the date of its approval by the Superintendent of the Papago Agency, subject to its recission by the Secretary of the Interior pursuant to Section 6, Section 6, Article V, of the Constitution and By-Laws of the Papago Tribe.

THE PAPAGO COUNCIL

ATTEST:

BY: /s/
Mark Manuel, Chairman

/s/
Virginia R. Jose, Secretary

APPROVED: --April-11, 1958

/s/
Harry W. Gilmore, Superintendent

The foregoing Ordinance (02-85), adopted as Title 1, Criminal Code of the Papago Tribe, repeals the provisions of Chapter 1, Section 1, as amended by Ordinance 06-82; Chapters 4 and 5 of the Law and Order Code, adopted by the Papago Council on April 7, 1945; Ordinance 46-73; and repeals all ordinances, laws and resolutions of the Papago Council in conflict with this Ordinance and shall have no further legal force or effect; and was duly enacted by the Papago Council on the 11th day of April, 1985, at a meeting at which a quorum was present with a vote of 687.0 for; 650.0 against; 103.0 not voting; and 1 absent, pursuant to the authority vested in the Papago Council by Section 2 (h) and (m) and Section 3 (b) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona as amended, ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Ordinance is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

Josiah Moore

Josiah Moore, Chairman

ATTEST:

Ophelia F. Campillo

Ophelia F. Campillo, Secretary

ORDINANCE APPROVED this 23 day of April, 1985.

James A. Barber

James A. Barber, Acting Superintendent
Papago Agency

APR 1985
PAPAGO TRIBE
ADMINISTRATION