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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAY 07 2026

ORDINANCE NO.: 188 (2026)

An ordinance to create a chapter governing Unmanned Aircraft Systems.

WHEREAS, Tribal Council has the power and authority to define and change criminal laws within the Cherokee Code to fit the needs of the Eastern Band of Cherokee Indians; and

WHEREAS, the Cherokee Code does not currently have a chapter or section permitting or regulating the use of unmanned aircraft (commonly known as drones); and

WHEREAS, the use of unmanned aircraft can serve a beneficial purpose to Tribal agencies and the general public; and

WHEREAS, this benefit, however, must be balanced with restrictions and protections for the general public; and

WHEREAS, this ordinance creates a chapter on unmanned aircraft systems that outlines use, prohibitions, and exceptions for the operations of unmanned aircraft systems on Tribal Land and amends Cherokee Code Chapter 14 to provide a criminal penalty for violating these restrictions.

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled at which a quorum is present, the Cherokee Code is hereby amended as follows:

Chapter 21

Unmanned Aircraft Systems

Sec 21-1. Restrictions on use of unmanned aircraft systems.

(a) Definitions. – The following definitions apply to this Article:

- (1) Manned aircraft. – An aircraft, as defined in N.C.G.S. § 63-1, that is operated with a person in or on the aircraft.
- (2) Unmanned aircraft. – An aircraft, as defined in N.C.G.S. § 63-1, that is operated without the possibility of human intervention from within or on the aircraft.
- (3) Unmanned aircraft system. – An unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

1 (b) General Prohibitions. – Except as otherwise provided in this section, no person, entity, or
2 government agency shall use an unmanned aircraft system to do any of the following:

3 (1) Conduct surveillance of:

4 a. A person or a dwelling occupied by a person and that dwelling's curtilage
5 without the person's consent.

6 b. Private real property without the consent of the owner, easement holder, or
7 lessee of the property.

8 (2) Photograph an individual, without the individual's consent, for the purpose of
9 publishing or otherwise publicly disseminating the photograph. This subdivision
10 shall not apply to newsgathering, newsworthy events, or events or places to which
11 the general public is invited.

12 (3) Attach a weapon or explosive of any kind to any unmanned aircraft. Attaching any
13 weapon or explosive to an unmanned aircraft shall automatically make it a
14 “dangerous device” and shall be a violation of C.C. 14-34.12.

15 (4) Violation of subsection (b)(1)-(2) of this section shall be considered a criminal
16 violation of Cherokee Code 14-15.12.

17 (c) Law Enforcement Exceptions. – Notwithstanding the provisions of subsection (b) of this
18 section, the use of unmanned aircraft systems by law enforcement agencies is not
19 prohibited in the following instances:

20 (1) To counter a high risk of a terrorist attack by a specific individual or organization
21 if the United States Secretary of Homeland Security or the Secretary of the North
22 Carolina Department of Public Safety determines that credible intelligence
23 indicates that such a risk exists.

24 (2) To conduct surveillance in an area that is within a law enforcement officer's plain
25 view when the officer is in a location the officer has a legal right to be.

26 (3) If the law enforcement agency first obtains a search warrant authorizing the use of
27 an unmanned aircraft system.

28 (4) If the law enforcement agency possesses reasonable suspicion that, under particular
29 circumstances, swift action is needed to prevent imminent danger to life or serious
30 damage to property, to forestall the imminent escape of a suspect or the destruction
31 of evidence, to conduct pursuit of an escapee or suspect, or to facilitate the search
32 for a missing person.

33 (5) To photograph gatherings to which the general public is invited on public or private
34 land.

35 (c1) Emergency Management Exception. – Notwithstanding the provisions of subsection (b) of
36 this section, an emergency management agency, as defined in Cherokee Code Chapter 166,
37 may use unmanned aircraft systems for all functions and activities related to emergency
38 management, including incident command, area reconnaissance, search and rescue,
39 preliminary damage assessment, hazard risk management, and floodplain mapping.

40 (d) Any person who is the subject of unwarranted surveillance, or whose photograph is taken in
41 violation of the provisions of this section, shall have a civil cause of action against the
42 person or entity that conducts the surveillance or that uses an unmanned aircraft system to
43 photograph for the purpose of publishing or otherwise disseminating the photograph. In
44 lieu of actual damages, the person whose photograph is taken may elect to recover five
45 thousand dollars (\$5,000) for each photograph or video that is published or otherwise
16 disseminated, as well as reasonable costs and attorneys' fees and injunctive or other relief

1 as determined by the court. This subsection is not a waiver of the sovereign immunity of
2 the Eastern Band of Cherokee Indians.

3 (e) Evidence obtained or collected in violation of this section is not admissible as evidence in a
4 criminal prosecution in any court of law except when obtained or collected under the
5 objectively reasonable, good-faith belief that the actions were lawful.

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7 **Sec. 21-2 through 21-5. reserved**

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9 **Sec. 21-6. Use of an unmanned aircraft system near the Justice Center prohibited.**

10 (a) Prohibition. – No person, entity, or State agency shall use an unmanned aircraft system
11 within either a horizontal distance of 500 feet, or a vertical distance of 250 feet from the
12 Anthony Edward Lossiah Justice Center and associated buildings and facilities on Seven
13 Clans Lane. For the purpose of this section, horizontal distance shall extend outward from
14 the furthest exterior building walls, perimeter fences, and permanent fixed perimeter, or
15 from another boundary clearly marked with posted notices. Posted notices shall be
16 conspicuously posted not more than 100 yards apart along a marked boundary and comply
17 with Department of Transportation guidelines.

18 (b) Exceptions. – Unless the use of the unmanned aircraft system is otherwise prohibited under
19 Tribal, state, or federal law, the distance restrictions of subsection (a) of this section do not
20 apply to any of the following:

21 (1) A person operating an unmanned aircraft system with written consent from
22 the official in responsible charge of the facility.

23 (2) A law enforcement officer using an unmanned aircraft system in accordance
24 with C.C. 21-1(c).

25 (3) An emergency management agency, as defined in C.C. 166, emergency
26 medical services personnel, firefighters, and law enforcement officers,
27 when using an unmanned aircraft system in response to an emergency.

28 (c) Disposition of Seized Property. – A law enforcement agency may seize an unmanned aircraft
29 system and any attached property, weapons, and contraband used in violation of this
30 section. An unmanned aircraft system used in violation of this section and seized by a law
31 enforcement agency is subject to forfeiture and disposition in the same manner as property
32 seized pursuant to C.C. 14-100. An innocent owner or holder of a security interest applying
33 to the court for release of the unmanned aircraft system, must do so in the same manner as
34 property seized in accordance with C.C. 14-100-1, providing proof of ownership or security
35 interest and written certification that the unmanned aircraft system will not be returned to
36 the person who was charged with the violation of subsection (a) of this section. The court
37 shall forfeit and dispose of any other property, weapons, or contraband seized by a law
38 enforcement agency in connection with a violation of this section.

39
40 **Sec. 14-5.12. Violation of privacy.**

41 (a) It shall be unlawful, except as authorized by law to:

42 (1) Trespass on property with intent to subject anyone to eavesdropping or other
43 surveillance, or to visually observe another, in a private place;

44
45 (2) Install in any private place, without the consent of the person or persons entitled to
46 privacy there, any device for observing, photographing, recording, amplifying or

1 broadcasting sounds or events in such place, or use any such unauthorized
2 installation;

3
4 (3) Install or use outside of any private place any device for hearing, recording,
5 amplifying, or broadcasting sounds originating in such place which would not
6 ordinarily be audible or comprehensible outside without the consent of the person
7 or persons entitled to privacy there; or

8
9 (4) Divulge without consent of the sender or receiver the existence or content of any
10 such message if the actor knows that the message was illegally intercepted, or if he
11 learned of the message in the course of employment with an agency engaged in
12 transmitting it.

13
14 (5) Violate any prohibition listed under Cherokee Code 21-1(b)(1)-(2) or 21-6(a).

15
16 (b) Definitions:

17 (1) *Eavesdrop* means to overhear, record, amplify, or transmit any part of an oral or
18 written communication of others without the consent of at least one party thereto
19 by means of any electrical, mechanical or other device. Such eavesdropping or
20 other surveillance shall include, but not be limited to, unauthorized access to
21 computers, data processing equipment or any electronic or manual data storage or
22 record keeping equipment or other such storage devices.

23 (2) *Private place* means a place where one can reasonably expect to be safe from casual
24 or hostile intrusion or surveillance.

25 (3) *Violation of privacy* shall be punishable by a fine not to exceed \$15,000.00, by a
26 term of imprisonment not to exceed three years, or both.

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29 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this
30 ordinance are rescinded for crimes committed subsequent to ratification of this
31 ordinance. This ordinance shall become effective upon ratification by the Principal
32 Chief.

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34 *Submitted by Carla Neadeau, Chief of Police.*