

|                |       |           |
|----------------|-------|-----------|
| Aluminum       | Al    | 5.0 mg/l  |
| Arsenic        | As    | 0.5 mg/l  |
| Barium         | Ba    | 0.5 mg/l  |
| Boron          | B     | 0.5 mg/l  |
| Cadmium        | Cd    | 0.5 mg/l  |
| Cobalt         | Co    | 0.5 mg/l  |
| Copper         | Cu    | 0.5 mg/l  |
| Cyanide        | cN    | 0.1 mg/l  |
| Iron           | Fe    | 35.0 mg/l |
| Lead           | Pb    | 0.5 mg/l  |
| Manganese      | MN    | 0.5 mg/l  |
| Mercury        | Hg    | 0.5 mg/l  |
| Nickel         | No    | 0.5 mg/l  |
| Silver         | Ag    | 0.5 mg/l  |
| Total Chromium | Cr    | 0.5 mg/l  |
| Vanadium       | V     | 0.5 mg/l  |
| Zinc           | Zn    | 0.5 mg/l  |
| Chloroform     | CHC13 | 1.0 mg/l  |
| Selenium       | Se    | 0.5 mg/l  |
| Sulfate        | SO4   | 500 mg/l  |

|              |  |          |
|--------------|--|----------|
| Sulfide      | S  | 2.0 mg/l |
| Free Acidity |  | 0        |
| Alkalinity   | The Tribe may require alkalinity addition up to 7.5 times the NH <sub>3</sub> -N concentration of the discharge in question. |          |

Except in cases where one or more of the above constituents are found in the drinking water supply. In such cases, the limits shall be amounts listed plus the amounts found in drinking water. The amount of constituents in the drinking water supply shall be determined on samples caught at the particular industry during a normal operating day. The sample will be caught within the plant at a well used tap after running the tap a suitable length of time to remove water that has been standing in the lines. (15 mm minimum).

- (2) Having an ammonia nitrogen content of more than 40 mg/l.
- (3) Having a five-day BOD of more than 1,000 mg/l.
- (4) Having a TSS content of more than 1,000 mg/l.
- (5) Having a COD of more than 2,500 mg/l.
- (6) Having a pH lower than 6.5.
- (7) Having a pH higher than 9.0.
- (8) Containing more than 100 mg/l (total) of oil and grease on animal or vegetable and of mineral or petroleum origin.
- (9) Containing in excess of 0.02 mg/l total identifiable Chlorinated Hydrocarbons.
- (10) Containing 1.0 mg/phenolic compounds which cannot be removed by the Tribal treatment process.
- (11) Containing any toxic substances or poisonous substances in sufficient quantities to interfere with the biological processes used at the Tribal treatment works.
- (12) Containing strong iron pickling wastes or concentrated plating solutions unless pretreated in such a way as to comply with all other limitations of section 145-23.
- (13) Containing any solid or viscous substance including, but not being limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, slurry, lime residues, waxes, asphalt, hair, tar, plastics, wood, paunch manure, butcher's offal, animal viscera, lime or any solid or viscous substances being capable of obstruction of any kind in either the collection system or at any point in the treatment plant. Also any waste resulting from processes involving textiles, fabrics, wool or other processes containing inert fibrous materials shall undergo evaluation by the DivisionCounty. Some of these processes have been shown to be detrimental to the treatment of waste at the existing waste plant, the evaluation procedure will be concerned with residual fiberre within the treatment plant and its discharges. Any process determined by the DivisionTribe to be creating adverse conditions within the treatment plant by the collection of fibrous or inert materials in its basins, clarifiers or discharges, shall not be allowed to continue

disposing of its waste into the sanitary sewer collection system of the DivisionTribe, but shall dispose of its waste by alternative means.

- (14) Containing any liquid waste or other such substance that contains dyes or other color of such character and quantity as to prevent removal by biological processes employed at the treatment plant.
  - (15) Containing any liquid or other substance that after normal treatment require excessive amounts of chlorine for pathogenic disinfection. This excess chlorine demand exerted by such waste shall be determined by comparing the chlorine demand of said waste to obtain a free residual of 0.5 mg/l to 15 ppm, which shall be considered to be the maximum use rate for domestic waste to obtain the same residual.
  - (16) Of the industrial variety with such a volume that the peak hourly flow rate exceeds 200 percent of the average daily flow rate of the industry. In such cases where a peak hourly flow of more than 200 percent is discharged, the Tribe may require the discharger to provide holding facilities of sufficient capacity so as to discharge into the collection system at an assigned rate over a specified period of time. Industrial dischargers which discharge hydraulic volumes equal to or greater than 15 percent of the treatment works design capacity, may be required to provide flow equalization facilities designed in accordance with the current edition of EPA's "Process Manual for Upgrading Existing Wastewater Treatment Plants."
- (b) Users in industrial categories subject to effluent guidelines issued under section 304(b) of the Federal Safe Drinking Water Act which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the administrator pursuant to section 304(b) of the Act. Where the Eastern Band of Cherokee Indians treatment works was designed to and does achieve substantial removal of pollutants other than the four pollutants listed in the definition for compatible pollutants in section 145-2, BOD, TSS, pH and fecal coliform bacteria, the Approving Authority may not require the user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removal in the order of 80 percent or greater; minor incidental removals in the order of ten to 30 percent are not considered substantial. For some industrial categories it may be necessary to define pretreatment guidelines from problems that may arise as a result of the discharge into the Tribal sewer system. However, any adjustments required for particular industrial categories should be considered in connection with the Tribal requirements rather than in the national pretreatment standard. And in no case shall any user be allowed to exceed the limits stated in section 2-21(a).
- (1) Limitations on wastewater strength in this chapter may be supplemented with more stringent limitations pursuant to section 145-28 and the rules adopted by the Division.
  - (2) If the Tribe determines that the limitations in section 145-23 may not be sufficient to enable the Tribal treatment works to comply with water quality control standards or effluent limitations specified in the Tribe's National Pollutant Discharge Elimination System (NPDES) permit, or if National Pretreatment Guidelines issued by EPA in the future exhibit lower values than those listed in section 145-23, the Tribe may require additional compliance by reissuance of permits outlined in section 145-28.

#### Sec. 145-24. - Disposal of unacceptable waste.

Waste not permitted to be discharged into the Tribal sewer must be transported to an an-state-approved disposal site.

#### Sec. 145-25. - Special provisions concerning discharges to public sanitary sewers.

If any waters or wastes (discharged or proposed to be discharged to the public sewers) contain the substances or possess the characteristics enumerated in article II, and which in the judgment of the

Approving Authority, may have a deleterious effect upon the wastewater treatment works, processes, equipment or receiving waters, or which create a hazard to life, or constitute a public nuisance, the Approving Authority may reject the wastes.

The ~~Tribe~~Division may discontinue water service or sewer service, or both, to any user who violates article II when, in the judgment of the Approving Authority, such action is necessary to protect the wastewater treatment works, processes, equipment or receiving waters from injury or damage, or if necessary to protect life or health. Such action shall be in accordance with the rules adopted by the Division consistent with C.C. Chapter 150.

### ARTICLE III. - WASTEWATER VOLUME DETERMINATION

#### Sec. 145-26. - Metered water supply.

When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources, public and/or private, determined by means of the user and approved by the ~~Division~~Tribe, adding private sources volume to the metered water consumption.

When unpolluted water is prohibited as per section 145-18 of this chapter, charges and fees will be applied only against the total wastewater discharged to the Tribal sanitary sewer. In such case, volume of wastewater shall be determined by a flow measuring and totalizing device purchased, installed and maintained by the user. The location and type of the devices must be approved by the Approving Authority.

### ARTICLE IV. - DISCHARGE REPORT, WASTEWATER DISCHARGE PERMITS AND ADMINISTRATION

#### Sec. 145-27. - Discharge reports.

The ~~Division~~Tribe may require that any person discharging or proposing to discharge wastewater of the industrial variety into a Tribal sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. Two copies of the report shall be provided to the ~~Division~~Eastern Band of Cherokee Indians to allow one copy to be forwarded to the Division's Department of Public Infrastructure and Facilities and the Department of wWater and Ssewer Operations and Maintenancedepartment. In addition to discharge reports, the ~~Tribe~~Division may require information in the form of wastewater discharge permit applications and self-monitoring reports.

#### Sec. 145-28. - Wastewater discharge permits.

- (a) *Mandatory permit.* Each discharger of industrial wastewaters, if not connected to a Tribal sewer, must obtain a wastewater discharge permit before connecting to or discharging into a Tribal sewer. Each currently connecting industry must obtain a wastewater discharge permit within 90 days after the effective date of this chapter (April 8, 1986).
- (b) *Optional permits.* The ~~Division~~Tribe may issue a wastewater discharge permit to any user upon application, in accordance with the terms of this section in the following category: any user showing wastewater containing no incompatible waste and whose compatible waste strength is less than the normal range for domestic wastes because of pretreatment, process changes or other reasons.
- (c) *Permit applications.* Users seeking a wastewater discharge permit shall complete and file with the ~~Division~~water and sewer department, an application in the form prescribed by the ~~Division~~Eastern Band of Cherokee Indians, and accompanied by the applicable fees. The application shall be filed with two copies more than the number required by the ~~Division~~Eastern Band of Cherokee Indians. A

separate check payable to the Tribe shall accompany the application in payment of the applicable fees. ~~The Director of Water and Sewer will submit the permit application to the Tribe, along with recommendations from the Water and Sewer Department and Indian Health Service.~~ The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and Standard Industrial Classification number of applicant.
  - (2) Volume of wastewater to be discharged.
  - (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in section 145-23, as determined by a laboratory approved by the Tribe. The Tribe will make this determination available to the industry for a fee.
  - (4) Time and duration of discharge.
  - (5) Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
  - (7) Description of activities, facilities and plant processes on the premises including all materials, processes and types of materials which are or could be discharged.
  - (8) Each product produced by type, amount and rate of production.
  - (9) Number and type of employees, and hours of work.
  - (10) Any other information as may be reasonably deemed by the Approving Authority to be necessary to evaluate the permit application.
- (d) *Permit conditions.* ~~Permits issued by the Tribe shall not be in force within the Reservation limits of jurisdiction until countersigned by the Principal Chief.~~ Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other ordinances, regulations, charges and fees established by tribal law or rules and regulations adopted by the Division to administer the laws in this Chapter, the Eastern Band of Cherokee Indians. The conditions of wastewater discharge permits shall be uniformly enforced by the Rates Commission Division in accordance with this chapter and rules adopted by the Division, ~~and applicable state and federal regulations.~~ Permits may contain the following:
- (1) The unit charge or schedule of charges and fees for the wastewaters to be discharged into a Tribal sewer.
  - (2) The average and maximum wastewater constituents and characteristics.
  - (3) Limits on rate and time of discharge or requirements for flow regulations and equalization.
  - (4) Requirements for installation of inspection and sampling facilities.
  - (5) Pretreatment requirements.
  - (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling number, types and standards for tests and reporting schedule.
  - (7) Requirements for maintaining plant records relating to wastewater discharges as specified by the Division Eastern Band of Cherokee Indians.
  - (8) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by section 145-2) are proposed or present in the user's wastewater discharge.
  - (9) Other conditions as may be reasonably deemed appropriate by the Division Eastern Band of Cherokee Indians to ensure compliance with this chapter.
  - (10) Where the Division Eastern Band of Cherokee Indians has records of previous monitors of wastes of existing industries, this information will be used to determine frequency and methods

of sampling, number, type and standards for tests, reports and charges will be set accordingly and included in the permit conditions. Also, where pollutants are discharged which can be accepted but are not surcharged and costs of treatment can be determined, these charges will also be included in the permit.

- (e) *Duration of permits.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than one year or may be stated to expire on a specific date. If the user is notified by the Division-Tribe, 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the Division-Eastern Band of Cherokee Indians during the life of the permit as limitations or requirements, as identified in section 145-23, are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (f) *Transfer of a permit.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or another or changes in operation.
- (g) *Suspension of revocation of permit.* Any user who violates the conditions of the wastewater discharge permit, and provisions of this chapter, applicable tribal or state and federal rules and regulations, or any of the following is subject to having his permit suspended or revoked:
  - (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
  - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
  - (4) Failure to report a chemical spill or accidental discharge as in section 145-42.

Sec. 145-29. - Monitoring facilities.

- (a) Users who propose to discharge, or who in the judgment of the Approving Authority likely could discharge, wastewater with constituents and characteristics different from that produced by a domestic premises, may be required to install a monitoring facility.
- (b) When more than one user can discharge into a common building sewer, the Approving Authority may require the installation of a separate monitoring facility for each user. Also, when in the judgment of the Approving Authority there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single user, the Approving Authority may require that separate monitoring facilities be installed for each separate discharge.
- (c) Monitoring facilities that are required to be installed shall be constructed, operated and maintained by the user at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is required by the Tribe, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. However, the Tribe may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.
- (d) If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for Tribal personnel, such as a gate secured with a Tribal lock. There will be ample room in or near such facility to allow accurate sampling and composition of samples for

analysis. The entire facility and the sampling and measuring equipment shall or may be supplied by the user, at his expense.

- (e) Whether on public or private property, the monitoring facilities shall be constructed in accordance with the Tribe's requirements and all applicable and local Tribal construction standards and specifications. When in the judgment of the Tribe the existing user is required to have a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following a written notification unless a time extension is otherwise granted by the Division. ~~Eastern Band of Cherokee Indians.~~

Sec. 145-30. - Inspection and sampling.

The Secretary of the Division of Operations~~Tribe~~ may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Eastern Band of Cherokee Indians, or its representatives, ready access at all reasonable times to all parts of the premises for purposes of inspection or sampling or in performance of any of their duties. The Division~~Tribe~~ shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with their security guards so that upon the presentation of suitable identification, personnel from the Division~~Tribe~~ will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Sec. 145-31. - Pretreatment.

Users shall make wastewater acceptable under the limitations established herein before discharging into any Tribal sewer. Any facilities required to pretreat wastewater to a level acceptable to the Tribe shall be provided and maintained at the user's expense. Pretreatment facilities shall be operated continuously during periods of wastewater discharge to the Tribal sewer in such a manner as to produce a pretreated discharge acceptable to the Tribe as defined in sections 145-22, 145-26, 145-27, 145-28 and 145-34. Detailed plans showing the pretreatment facility and operating procedures shall be submitted to the Division~~Eastern Band of Cherokee Indians~~ before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this chapter. Any subsequent changes in the pretreatment facility or method of operation shall be reported to and be approved by the Approving Authority.

Sec. 145-32. - Protection from accidental discharge.

- (a) Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent actual discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Division~~Tribe~~ for review, and shall be approved by the Division~~Tribe~~ before construction of the facility.
- (b) The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this chapter.

Sec. 145-33. - Control manhole.

A control manhole shall be provided downstream from any building, treatment, storage tank or any other approved works to facilitate monitoring of industrial waste. The discharger shall provide and maintain the control manhole pursuant to section 145-29. Any and all users may be required by the Tribe

to construct a control manhole. The user who has constructed a monitoring facility, section 145-29, may be waived of the requirement of a control manhole by the Approving Authority.

Sec. 145-34. - Flow control measuring equipment.

Where preliminary treatment, flow-equalizing facilities, or flow monitoring facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the property owner at his expense. All flow control equipment including, but not limited to, pumps, nozzles, weirs, gates, valves, and flumes shall be subject to the approval of the Approving Authority.

ARTICLE V. - WASTEWATER CHARGES AND FEES

Sec. 145-35. - Schedule of charges and fees.

A schedule of charges and fees shall be adopted by the Tribe ~~which will enable it to comply with the revenue requirements of the State Clean Water Grant Program and Public Law 92-500~~, and said charges and fees shall be as shown on the attached rate schedule. These rates shall be in effect for all users, and shall take precedence over any terms or conditions of agreements, or contracts between the Tribe and the users. All industries using the Tribal collection works are subject to industrial waste surcharges on discharges whose characteristics exceed the limits set in section 145-36 for certain pollutants.

(Ord. No. 133, 4-8-1986)

Sec. 145-36. - Types of charges and fees.

The charges and fees as established in the Tribal schedules of charges and fees, may include, but not be limited to:

- (a) User classification charges.
- (b) Fees for extra monitoring; i.e., that which require costs above the average cost of assessing an average or representative analysis.
- (c) Fees for permit applications (include regular monitoring charges on permits).
- (d) Appeal fees.
- (e) Charges and fees based on wastewater constituents and characteristics.
- (f) Ad valorem tax.
- (g) Industrial waste surcharges.
- (h) User charge payments.

(Ord. No. 133, 4-8-1986)

Sec. 145-37. - Basis for determination of surcharges.

- (a) Charges and fees shall be based upon a minimum basic charge for each premises, computed on the basis of wastewater from a domestic premises with the following characteristics:

|     |          |
|-----|----------|
| BOD | 250 mg/l |
| TSS | 150 mg/l |

|                        |          |
|------------------------|----------|
| Oil and grease (total) | 40 mg/l  |
| COD                    | 625 mg/l |
| Ammonia Nitrogen       | 15 mg/l  |

- (b) The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, ammonia, oil and grease, chlorine demand and volume.

(Ord. No. 133, 4-8-1986)

**Sec. 145-38. - Method of determining surcharges.**

The charges for excesses of the constituents listed in section 145-36 will be based upon the "mass emission rate" of those constituents and determined as follows:

- (a) Mass Emission Rate, MER () =  $MG \times C \times 8.34$  where:

**MER** is the mass emission rate in pounds of a particular constituent.

**MG** is the millions of gallons of wastewater discharged; and

**C** is the concentration in mg/l of the particular constituency being charged for (as an example) BOD, COD, etc. and 8.34 is equal to the number of lbs./one gallon of water.

- (b) The amount of the charge in dollars will be calculated as follows:  $Ao = R \times MER ()$  where:

**Ao** is equal to the amount of the charge in dollars; and

**R** is equal to the rate of charge per lb. of constituents; and

**MER ()** is equal to the lbs. of a constituent.

- (c) Where a single discharge is such that more than one constituent is excessive and subject to surcharge, the actual surcharge will be based on the most costly constituent rather than on the total of excessive constituents.

An Example of Surcharge:

"X" Corporation is a producer of canned food. They discharged 1,000,000 gallons of wastewater in the month of January. Analysis found that the wastewater had the following characteristics: BOD - 400 mg/l; 155 - 950 mg/l. There were no other limitations exceeded in this example. There were 100 employees employed at the cannery. The limits of BOD and TSS are 250 mg.

The MER of BOD is equal to:

|        |   |   |
|--------|---|---|
| MERBOD | = | $(400-250) \times 8.34 \times 1 \text{ MG}$ |
|        | = | $(150) \times 8.34 \times 1$                |

|  |   |   |
|--|---|---|
|  | = | 1251 lbs. of BOD or 1.212 thousand lbs. BOD |
|--|---|---|

If the charge for BOD is R = \$70.00/1,000 lbs. BOD, the total charge for BOD is equal to, as...

$$\begin{array}{rcl}
 A_o & = & R \qquad \qquad \qquad \times \qquad \qquad \qquad \text{MER} \\
 A_o & = & \$70.00 \qquad \qquad \qquad \times \qquad \qquad \qquad 1.121 \\
 A_o & = & \$78.47
 \end{array}$$

For TSS, the charge would be computed as follows:

$$\text{MERTSS} = (950-250) \times 8.34 \times 1 \text{ MG} = 700 \times 89.34 \times 1 = 5838 \text{ lbs. TSS or 5.838 thousand lbs. TSS.}$$

At a charge of \$70.00/thousand lbs., the charge for TSS -  $5.838 \times \$70.00 = \$408.66$ .

Total charges for January -

|                              |        |   |          |       |
|------------------------------|--------|---|----------|-------|
| BOD                          | Charge | - | \$       | 78.47 |
| TSS                          | Charge | - | \$378.66 | =     |
| The higher charge = \$378.66 |        |   |          |       |

(Ord. No. 133, 4-8-1986)

Sec. 145-39. - Method of determining charge rates.

- (a) The Utility Commission will annually review the actual cost of operation, maintenance, and Tribal Treatment Charges and adjust the surcharge rates and the User charge rate (per 100 cubic feet) to reflect the true cost of constituent treatment. The adjustments, if any, will become effective 30 days following the adjustment of Tribal Treatment Charges. The Tribal Utility Commission may review these rates and adjust them accordingly at any time it deems adjustments are in the best interest of the Tribe, but the Commission must review these rates at least every two years. In addition, the Commission shall make notification to each user at least annually in conjunction with the regular billing process, of the rate and that portion of the user charge which is attributable to the wastewater treatment.

The Formula for the setting of the user charge rate is as follows:

Base Rate (Minimum payment) based on 400 cubic feet of usage  
CU + Administrative Overhead calculated by Commission

|      |                                 |  |
|------|---------------------------------|--|
| CU = | Ct                              | Ct = Total operation & Maintenance cost. |
|      | Vt                              | Vt = total volume.                       |
| CU = | Cost per 100 cubic feet treated |  |

- (b) The Tribal Utility Commission does hereby set the following surcharge rates effective from the date of this chapter (April 8, 1986):

|                       |  |
|-----------------------|--|
| COD                   | - \$70.00 per 1,000 lbs. in excess of 625 mg/l |
| BOD5                  | - \$70.00 per 1,000 lbs. in excess of 250 mg/l |
| TSS                   | - \$70.00 per 1,000 lbs. in excess of 250 mg/l |
| Total oil<br>& grease | - \$70.00 per 1,000 lbs. in excess of 40 mg/l  |

(Ord. No. 133, 4-8-1986)

Sec. 145-40. - Sampling procedures and analysis.

- (a) All samples and determinations of wastewater characteristics shall be as representative of the waste discharge as possible. The costs of regular sampling and analysis will be included in the permit or class type. The DivisionTribe may take additional samples after a significant process change which significantly affects the quantity of strength of the wastewater discharges. The frequency of sampling shall be as follows:

| Daily Average<br>Flow-Gallons<br>Per Day | Thousand Minimum<br>Required Frequency<br>of Tests of<br>Surcharge Parameters* |
|--|--|
| 0—10                                     | 0—1 per year   |
| 10—20                                    | 1 per year   |
| 20—30                                    | 1 per six months   |
| 30—40                                    | 1 per three months   |
| 40—50                                    | 1 per month  |
| Over 50                                  | 2 per month  |

\* More frequent sampling may be done at any time at the option of the DivisionTribe for any industry where pretreatment is required or that has discharged incompatible wastes in the past.

- (b) Upon request by the person concerned, the DivisionTribe shall make available split samples of the composite sample collected. If the person feels the results are not representative of their wastes, the Tribe may re-sample at a cost to the person of the actual cost to the Tribe, which will include sampling and analysis for BOD, TSS, COD, Ph, chlorine demand and oil and grease or heavy metals, if necessary.

Sec. 145-41. - Sampling small industries.

Small industries with inadequate sampling facilities may, in the event that waste characteristics do not vary more than 25 percent, be charged an estimated or average surcharge for that industry.

(Ord. No. 133, 4-8-1986)

ARTICLE VI. - ENFORCEMENT

Sec. 145-42. - Duties of user upon unlawful discharges.

- (a) Any user who discharges wastes in violation of this chapter shall, upon discovery thereof, immediately notify the Secretary of the Division of OperationsTribe so that the Tribe may take necessary countermeasures to minimize the damage to the Tribal sewer, treatment facilities, treatment process and receiving waters. The user shall immediately correct the source of the violation. In addition, such user shall, within 15 days of such occurrence deliver to the SecretaryTribe, a written detailed report describing the cause of such discharge and the measures taken or to be taken to prevent a reoccurrence in the future.
- (b) Any user who has an accidental discharge which violates this chapter and who gives notice and report provided for in the preceding paragraph shall be relieved from any civil or criminal penalties unless the violations continue or reoccur. In no case shall the user be relieved from liability to the Tribe for any expenses, loss or damage to the Tribal sewer system, treatment facility, treatment processes or receiving waters, nor from liability for any fines imposed upon the Tribe: by the Environmental Protection Agency, under any applicable federal law or regulation, or the Tribe under the wastewater discharge chapter nor from termination of service, suspension or revocation of any discharge permit or injunctive relief if the measures taken or to be taken to prevent a reoccurrence are not adequate.
- (c) Any user or individual who causes malicious damage to the treatment works and or appurtenances shall have civil or criminal actions taken against them.

Sec. 145-43. - Penalties for violation of chapter.

- (a) Any person, including but not limited to any responsible officer or employee of a corporate violator, who willfully or negligently violates any provisions of this chapter, or falsifies any information or data in any application, report or other document given to the Tribe under this chapter, shall be guilty of a misdemeanor. All such persons who are subject to the criminal jurisdiction of the Cherokee Indian Court shall be subject to imprisonment of 60 days or a fine of \$500.00, or both. Persons who are not subject to the criminal jurisdiction of the Cherokee Indian Court shall be subject to punishment in the North Carolina or United States Courts, as appropriate, under the provisions of N.C.G.S. 14-4.
- (b) Any person, including any corporation, who violates any provisions of this chapter shall be subject to the imposition by the Division Tribal Utilities Commission of a civil penalty not to exceed \$5,000.00 for each violation, and, in addition, shall reimburse the Tribe, upon demand for any expenses, loss or damage actually sustained by the Tribe to its sewer system, treatment plant, treatment process or receiving waters as a result of such violation and for the amount of any fine or penalty imposed upon the Tribe by any any-state or federal regulatory agency as a result of such violation. A civil penalty

shall be assessed only according to the rules and regulations adopted by the Division in accordance with C.C. Chapter 150. Unpaid civil penalty, fees and assessments are a debt to the Tribe and shall be collected as such after the Tribe shall have given the alleged violator notice of contemplated Board action, and hearing if requested. If the offender fails to pay the civil penalty so assessed within 15 days after written notice of final assessment thereof, then said penalty may be recovered by the Tribe in a civil action in the nature of debt.

Sec. 145-44. - Injunction and abatement.

The violation of this chapter is hereby declared to be a public nuisance, and this chapter may be enforced by injunction and order of abatement. Such actions may be commenced in the Cherokee Indian Court, ~~against all persons subject to its jurisdiction while those not subject to the jurisdiction of the Cherokee Court may be subjected to the provisions of N.C.G.S. 160A-175 in the North Carolina Courts or the United States Courts, as may be appropriate.~~

Sec. 145-45. - Termination of service; revocation of permits; issuance of cease and desist orders.

In addition to penalties provided elsewhere in this chapter, if any person violates any provision of this chapter, the Division ~~Tribe~~ may:

- (a) Terminate water or sewer service, or both, to the property in or upon which such violation occurred;
- (b) Suspend for a specified period of time or permanently revoke any permit or business license or lease granted to such user under any provisions of tribal law ~~this chapter~~; or
- (c) Issue a cease and desist order directing such user to:
  - (1) Comply with this chapter forthwith;
  - (2) Comply with this chapter in accordance with a time schedule set forth by the Tribe; or
  - (3) Take appropriate remedial or preventive action; or
  - (4) A combination of section (2) and (3) above.

Sec. 145-46. - Notice.

- (a) ~~Water and sewer service shall be terminated, cease and desist orders shall be issued and permits shall be denied, suspended or revoked by the Budget and Finance Office, as authorized by the Utilities Commission, only after the Budget and Finance Office has given written notice to the user of the contemplated action which may be by information provided on their monthly bill; provided, however, t~~Notice shall be given according to the rules and regulations adopted by the Division or the Utility Commission prior to the disruption in service, suspension or revocation of permits, or other corrective actions or penalties. However, this section shall not be held to prohibit the temporary suspension, without written notice, of water or sewer service, or both, to any user if, in the considered opinion of the Approving Authority, an emergency exists or is imminent which threatens the public health, or is likely to cause severe injury or damage to or interruption of the Tribal sewer system, treatment plant, treatment process or threatens the lives or severe injury to Tribal employees, agents or other authorized personnel.

ARTICLE VII. - ADJUSTMENT OF MONEY OWED

Sec. 145-47. - Adjustment of money owed.

The Division shall adopt rules for the adjustment of a consumer's bill for water and sewer services. The manager of the Department of Water and Sewer Operation and Maintenance Office may approve an adjustment of a consumer's bill for water and sewer service in an amount not to exceed a total of

\$150.00; Requests for any adjustments exceeding that amount must be approved by the Utilities Commission at the request of the Department.

#### ARTICLE VIII. - FATS, OILS AND GREASES (FOG)

##### Sec. 145-48. - Fats, oils and greases (FOG).

Fats, oils and greases are any one or a combination of mineral, vegetable or animal fats, shortening or other such oily matter. Fats, oils and greases are used for the purposes of or are the result of cooking and/or preparing foods. Included are oils, fats, cellulose, starch, proteins and waxes.

Fats, oils and greases are organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to as "grease" or "greases."

##### Sec. 145-49. - Greases containment devices required.

Whereas the major sources of fats, oils and greases are from commercial cooking and/or food processing operations, all food service establishments shall be required to have in operation or have installed a properly designed grease containment device (aka: grease trap/interceptor). Cooking and/or food processing operations shall be defined as the following: restaurants, commercial kitchens, caterers, hotels, cafeterias, delicatessens, meat cutting-preparations, bakeries, ice cream parlors, cafes, hospitals, schools, bars, correctional facilities, care institutions and any other facilities discharging kitchen or food preparation wastewaters which may contain more than the 100 mg/l limit of fats, oils and greases.

##### Sec. 145-50. - Discharge limit on FOG.

No facility discharging to the wastewater collection and transportation system, other than a private residence, may discharge wastewater which contains more than 100 mg/l of FOG.

##### Sec. 145-51. - Design requirements.

All grease traps/interceptors shall be designed by a professional engineer, licensed in the state of North Carolina and be approved by the Division's Chief Building Inspector ~~or a member of the Tribal Engineering Department.~~ Grease containment devices may be of the outdoor or indoor type.

Only wastewater from food processing areas shall be routed to the grease containment device, no wastewater from bathrooms, janitorial sinks or any other form of wastewater containing human waste may be discharged into the containment device.

Outdoor grease containment devices shall be a minimum of 1,000 gallons capacity, two chambers with each chamber directly accessible from the surface. It shall be located to allow complete access to both chambers for servicing and maintenance. A baffle or screen shall prevent any object greater than ½ inch from entering the sanitary sewer system from the device and shall be removable for cleaning. All outdoor grease containment devices shall be designed for a minimum of 20 minutes of detention at regular flow with 20 percent solids buildup on the bottom of the tank. A location for sampling effluent shall be included in the design.

Indoor, or "under counter" units shall be a minimum of 100 gallons capacity and designed to handle the anticipated flow as a prefab unit.

All plans for grease interceptor shall be to scale, shall depict the location of the interceptor unit, access, plumbing showing distinct separation from bathrooms and details of the individual unit.

##### Sec. 145-52. - Maintenance and inspection.

The food service establishment is solely responsible for maintaining the grease control device at a capacity capable of intercepting fats, oils and greases and operating at all times to comply with the 100 mg/l limit on discharge.

The use of enzymes, solvents and emulsifiers is not allowed as a maintenance practice. Use of certain bacteria may be allowed with the approval of the managers of the collection system and the wastewater treatment plant.

The food service establishment shall schedule service of the grease containment device with an approved removal service as needed to achieve the 100 mg/l requirement on discharge. Indoor units shall be cleaned on a daily basis. No materials removed from any grease containment device shall be reintroduced into the waste stream or building sewer.

The food service establishment shall maintain records of all materials removed from the grease containment device and make the records available to the Division and the Building Tribal Inspector upon request.

The Division Tribal Office of Environmental Health shall conduct monthly inspections and obtain random grab samples of effluent for testing. Any food service establishment which test higher than the 100 mg/l for fats, oils and greases shall be deemed in violation of this portion of the Cherokee Code.

#### Sec. 145-53. - Violation and corrective action.

Any food service establishment not having an approved grease containment device at the time of ratification of this law shall be deemed to be in non-compliance with the Cherokee Code. Any food service establishment remaining in non-compliance for more than one year from the date of notification by the Department Manager of the Water and Sewer Operations and Maintenance O&M department shall be issued a letter of non-compliance. ~~Only one letter of non-compliance will be provided to each food service establishment.~~ All future actions after a letter of non-compliance will proceed directly to a notice of violation and enforcement procedures as outlined within Article VI of this chapter and pursuant to rules adopted by the Division to carry out this Chapter.

The primary reasons for issuance of a notice of violation are, but are not limited to:

- (1) If any food service establishment shall still not have an approved grease containment device after more than one year and one month for the date of notification by the Department Manager of the Water and Sewer Operations and Maintenance within the Division of Operations. O&M department.
- (2) Any grease containment device is not being maintained.
- (3) Any effluent grab sample tests greater than 100 mg/l.
- (4) Failure or refusal to provide Inspector with records of grease containment device maintenance.
- (5) Denial of Inspector reasonable access to a grease containment device.

A notice of violation shall be sent by registered mail to the manager of the food service establishment. The notice of violation shall list the circumstances of the violation, the recommended corrective actions to be taken and a time frame for correction of the violation.

The Division of Operations Utility Commission has authorization to adopt and implement rules regulations, fees, fines and penalties and fines in accordance with this chapter to enforce the standards for wastewater discharges and the use of and compliance with the tribal water and sewer system. Such rules for the administration of this chapter shall be in accordance with C.C. chapter 150.

## Chapter 19 - ANIMALS

### ARTICLE I. - ANIMAL CONTROL

#### 1 Sec. 19-1. - Animal Control Department.

2 Notwithstanding other tribal laws that protect public health and that specifically authorize  
3 the Division of Agriculture and Natural Resources to regulate and monitor wildlife and trace  
4 wildlife diseases chapter 113-1(b). ~~The Tribal Animal Control Department shall regulate the~~  
5 ownership, possession, treatment and disposal of domesticated animals and any and all animals  
6 that are or may are likely to be affected by rabies based upon observed neurological  
7 abnormalities within the territorial jurisdiction of the Eastern Band of Cherokee Indians, which  
8 shall include all lands held in trust for the Eastern Band of Cherokee Indians ~~or its members~~ and  
9 all other lands owned by the Eastern Band of Cherokee Indians. These ~~laws~~ regulations are  
10 intended to protect the public from unvaccinated, diseased, stray, roaming, or dangerous animals;  
11 to authorize ~~enforcement of these laws provisions of this Chapter which make unlawful those~~  
12 acts of so that domesticated animals and animals with rabies do not that iInterfere with the  
13 enjoyment of property or the peace and safety of the community; to protect animals from abuse  
14 or conditions harmful to their well-being; and to perform any other duties authorized by  
15 applicable law.

#### Sec. 19-2. — Duties of the Animal Control Department.

(a) The Tribal Animal Control Department shall be charged with enforcing all applicable laws relating to the control of domesticated animals and animals that are or may be affected by rabies within the territorial jurisdiction of the Eastern Band of Cherokee Indians, and shall have the following responsibilities:

- (1) Administer laws concerning rabies set forth in Issue appropriate permits, civil penalties and notices required for the enforcement of this Chapter;
- (2) Operate an animal shelter;
- (3) Investigate complaints regarding the possession, care, custody, and control of animals that are dangerous and that pose a health and safety risk and issue written orders and/or seize the animal;
- (4) Investigate all reported animal bites, reports of animals that may or have had or other human physical contact with when that animal is known or suspected to be rabid animals and ensure that all animal bites and animals suspected or known to have been rabid are reported required reporting to the tribal public health department where monitoring of the human's health shall occur until such time the human's health is not at risk from rabies infections agencies occurs;
- (5) Engage in appropriate emergency response activities, including seizing and impounding animals, enforcing animal quarantine directives, ordering owners to take certain preventive measures, and any other activities related to the enforcement of animal care and control regulations;

- (6) Adopt rules under Ch. 150 and mMaintain all records as required by this chapter and any other tribal health law.

Sec. 19-2.1- Division of Agriculture and Natural Resources.

The Division of Agriculture and Natural Resources shall regulate the ownership, possession, treatment and disposal of ~~non-domestic native and exotic animals~~wildlife and livestock within the territorial jurisdiction of the Eastern Band of Cherokee Indians pursuant to rules adopted under Ch. 150.

Section 19-2.2- Wild Animal Bites.

Any wild animal that has bitten a human and is deemed a viscous animal or that shows signs of being infected with rabies or other zoonotic disease shall be destroyed.

(Section 19-2.3 through Section 19-2.99 Reserved).

Sec. 19-3. - Definitions.

*Acts deemed public nuisance.* The keeping of any animal in such manner or in such numbers as to constitute a public nuisance. A public nuisance shall include, but is not limited to: maintaining an animal that is diseased and dangerous to the public; allowing or permitting an animal to damage the property of any-one other than the owner; allowing or permitting an animal to interfere with the enjoyment of another's property, such as by creating offensive odors, defecating on another's property, allowing an animal to enter another's property (enclosed or otherwise) and creating a disturbance; maintaining an animal that habitually or repeatedly chases or snaps at pedestrians, other animals, or vehicles; or failing to securely confine a female dog in heat.

*Animal control officer.* Any person designated by the Tribe's Department of Animal Control to enforce these regulations.

*Animal shelter.* Any premises designated by the Tribe or Department for impounding and caring for animals found running at large or otherwise subject to seizure and/or impoundment in accordance with the provisions of this chapter.

*At large.* Any animal shall be deemed to be at large when it is off the property of his owner and is not under the control of a competent person.

*Boarding kennel.* Any place other than a veterinary hospital where the owner, tenant, or occupant keeps or allows others to keep or board any dogs, cats, or other animals for longer than 12 hours for a fee or donation.

*Department.* The Tribal Animal Control Department.

*Domesticated animal.* Any animal kept, cared for, sheltered, fed or harbored for use as a pet, labor or as a source of food or income excluding wildlife and livestock as defined herein.

Exotic wildlife. Species that exists outside of its historical range and usually moved to a new geographic location due to human activities, including introduced species which have become naturalized

*Exposed to rabies.* An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by or has been exposed to body fluids of any animal known or suspected ~~by an animal control officer~~ to have been infected with rabies.

Livestock. Farm animals regarded as an asset or raised for consumption.

Native wildlife. Species which have historically existed or currently exist in the wild without the introduction by humans

*Neutered male.* Any male domestic animal which has been operated on to prevent reproduction.

*Owner.* Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, intentionally feeding but not including "baiting" animals for purposes of hunting them for sport or food, harboring or taking care of any animal. The owner is responsible for the care, action, and behavior of his animal.

*Pet shop.* A business establishment where animals, including but not limited to, dogs, cats, fish, birds, reptiles, amphibians or rodents are kept for sale, ~~or commercial barter or for exhibition for public viewing.~~

*Restrain.* An animal is under restraint within the meaning of this chapter if it is directly controlled by the owner to prevent escape and/or damage to people or property, controlled by means of a chain, leash, fence, or other like device, is sufficiently near the owner or handler to be under his direct control and is obedient to that person's commands; is on or within a vehicle being driven or parked; or is within a secure enclosure.

*Spayed female.* Any female domestic animal which has been operated on to prevent conception.

*Stray.* Any dog, cat or domestic animal wandering at large or lost within the territorial jurisdiction of the Eastern Band of Cherokee Indians.

*Vicious and/or dangerous animal.* Certain breeds of animals, as well as any animal determined by the Animal Control Officer to ~~be vicious or dangerous to the~~ endanger public safety of the public. A vicious animal is one that bites or attempts to bite any person; bites another animal; or in a vicious or terrorizing manner is allowed to approach any person in an apparent attitude of attack, whether or not the attack is consummated. The following breeds or species are considered dangerous: Pit bulls (including bull terriers and American pit bull terriers) and Rottweilers. If an animal is deemed vicious, dangerous and aggressive, it may be required to be registered with Animal Control for monitoring purposes.

Wild-life animal. Any ~~animal-non-plant organism that is non-domestic as defined in this Chapter and also animals~~ which can normally be found in the wild state, either native or exotic, particularly those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including, but not limited to deer, bear, fox, wolves, lions, monkeys, raccoons, skunks, squirrels, rabbits, tigers, and snakes mammals, reptiles, amphibians, birds, fishes, and invertebrates

Zoo. An establishment which maintains a collection of wildlife or livestock for study, conservation, or display to the public.

Sec. 19-4. Rabies vaccination and control.

- (a) ~~Every person who owns, keeps, or controls a dog, cat, kitten or puppy, or ferret that is kept any time during the year within the territorial jurisdiction of the Eastern Band of Cherokee Indians, or permits a dog, cat, kitten or puppy, or ferret to remain in or about his home, place of business or other premises within the territorial jurisdiction of the Eastern Band of Cherokee Indians, shall have such dog, cat, kitten or puppy, or ferret regularly vaccinated against rabies. Such regular vaccinations shall begin on or before the animal reaches four months of age, but not earlier than three months of age, by a licensed veterinarian with an approved anti rabies vaccine and shall be kept up to date revaccinated as directed by the veterinarian. The veterinarian shall issue a rabies tag which shall be stamped with the number and year issued. The owner of the animal shall take such steps as necessary to ensure that the current, unexpired rabies tag is worn by the vaccinated animal by providing a collar or harness to which the tags may be securely attached. The collar or harness with attached tags must be worn at all times except when the animal is confined to an enclosure on the owner's premises or in an animal control facility.~~
- (b) ~~If the animal has received the proper vaccinations but the owner has not obtained a tag issued by the veterinarian, the owner of the animal shall be in violation of this section.~~
- (c) ~~Should it be deemed necessary by the Animal Control Department or his designee that a person's other pet(s) (i.e., pets other than dog, cat, kitten or puppy) should be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, then such person shall provide for a current inoculation against rabies for that animal as well. Failure to comply with this paragraph shall subject the animal to impoundment by the Animal Control Department. The owner will be allowed to redeem the animal only upon payment of all applicable fines and fees and agreement that the vaccination will be obtained immediately. (See Section 19-12, Cherokee Code, describing "Impoundment and redemption.")~~
- (d) ~~It shall be unlawful to transfer a rabies tag from one animal to another and no person shall affix a rabies tag to any animal other than the animal for which the tag was issued at the time of its rabies vaccination. Nor shall any person affix a registration tag to an animal that has not been vaccinated against rabies, nor shall any person counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies tag.~~
- (e) ~~Any wild animal which has bitten anyone or which shows symptoms of rabies shall be destroyed. Any domestic animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately and promptly reported to the Tribal Animal Control Department by the owner of the animal or any person having charge of the animal. Such animal shall be securely quarantined, unless exception is granted by written permission from the Animal Control Department or his designee. The animal, along with its records of vaccination and registration shall be inspected by the Animal Control Officer, who will then observe the following policy:~~
  - (1) ~~A dog, cat or other domestic animal, with adequate proof of vaccination, belonging to an owner, shall immediately be confined for ten days in a veterinary hospital or the Tribal Animal Shelter, and such expense of confinement shall be borne by the owner.~~

- (2) ~~All biting animals without adequate proof of vaccination shall be picked up by the Animal Control Officer and delivered to the Animal Shelter for testing and euthanasia.~~
- (3) ~~The attending medical provider shall determine the definition of "animal bite." Exceptions to the aforementioned procedures may be granted in cases involving animals biting their owners.~~
- (f) ~~Except as provided in subsection (e) of this section, it shall be unlawful for the owner of an animal which has bitten a human to refuse to surrender said animal to the department for the purposes outlined above upon demand. Refusal to surrender such an animal shall result in immediate seizure of the animal. The expense of any supervised quarantine shall be borne by the owner of the animal. If rabies does not develop within ten days, the animal may be reclaimed upon payment of the confinement fee, payment of any assessed fines, and compliance with other provisions of this chapter.~~
- (g) ~~When reports indicate a positive diagnosis of rabies, the Animal Control Department with signed approval from the Secretary of Agriculture and Natural Resources Director of Public Safety may order an area wide quarantine for such period as is deemed necessary. Upon invoking such emergency quarantine, no animal shall be taken onto the street or permitted to be in the street, nor taken or shipped from the territorial jurisdiction of the Eastern Band of Cherokee Indians, without the written permission of the Animal Control Department and Director of Public Safety.~~
- Members of the Animal Control Department, Natural Resource Enforcement, and the Cherokee Indian Police Department are authorized during such emergency to impound any animal found running at large on the territorial jurisdiction of the Eastern Band of Cherokee Indians. During the quarantine the Department shall be empowered to provide for further mass immunization by the establishment of temporary emergency rabies vaccination clinics strategically located throughout the territorial jurisdiction of the Eastern Band of Cherokee Indians. No animal which has been impounded by reason of being a stray or unclaimed by its owner shall be allowed to be adopted from the Animal Shelter during the period of emergency rabies quarantine.
- (h) ~~An animal without current rabies inoculation bitten by a known rabid animal shall be immediately destroyed by the Animal Control Officer. If the animal has as current rabies inoculation, the owner may agree to a re-vaccination and confinement for a period of two weeks at the Animal Shelter or at a veterinarian hospital, at the owner's expense.~~
- (i) ~~In the event additional positive cases of rabies occur during the period of quarantine, such quarantine period may be extended at the discretion of the Animal Control Department, or his designee. During the quarantine period, the Animal Control Department may require additional vaccinations of dogs against rabies.~~
- (j) ~~It shall be unlawful for any person to remove from the territorial jurisdiction of the Eastern Band of Cherokee Indian, to kill, or to release, any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, without permission of the Animal Control Department.~~
- (k) ~~The carcass of any dead animal exposed to rabies or any animal which dies while under observation for rabies shall be surrendered to the Animal Control Department. The head of such animal shall be submitted to the North Carolina Laboratory of Hygiene for diagnosis.~~