

TABLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
JUN 04 2026
DATE

ORDINANCE NO. 212 (2026)

An ordinance to amend Cherokee Code Chapter 19

WHEREAS, C.C. 19-7 states that it is unlawful for any owner to create a public nuisance with their animals; and,

WHEREAS, there have been multiple issues with the process that is established to have a written order to begin the process for establishing a public nuisance case against the owner of said animal(s); and,

WHEREAS, there are two tribal programs that must cooperate efficiently in order to successfully follow through in these processes to maintain the safety of the communities that they monitor and safeguard; and,

WHEREAS, this can cause confusion and frustration when the two programs are not contacted in the appropriate manner during times of distress from an animal; and,

WHEREAS, the public relies on Animal Control and the Cherokee Indian Police Department to work in the best interest of the communities to create a healthy and safe homeland.

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 that Tribal Council amends Cherokee Code Chapter 19 Section 7 as listed in the attached EXHIBIT A,

BE IT FINALLY ORDAINED that all ordinances and resolutions that are inconsistent with this ordinance are rescinded, and that this ordinance shall become effective upon ratification of the Principal Chief.

Submitted by: Michael Stamper, Painttown Tribal Council Representative

Sec. 19-7. Public nuisance prohibited.

- (a) It shall be unlawful for any owner to permit his animal to create a public nuisance.
- (b) Written order. Upon receiving a report that an animal has created a public nuisance, ~~and after investigating the report and determining that the report is supported by the evidence,~~ the authorized official shall make reasonable efforts to notify the owner or caretaker to take special preventive measures. The written order should identify the specific preventive measures that must be taken and should designate the time period for carrying out compliance with this order. Any extension of time granted for carrying out this order shall be in writing. In the event the owner or caretaker cannot be immediately located, the authorized official shall impound the animal.
- (c) Failure to comply with written order. It shall be unlawful for an owner or caretaker to fail to comply with a written order or any extension thereof. Violation of this paragraph will subject the animal to impoundment. In addition, the owner will be assessed the following penalties:
 - (1) First offense: \$100.00 fine.
 - (2) Second offense: \$250.00 fine.
 - (3) All subsequent offenses within a three-year period shall be \$500.00.

(Ord. No. 917, 9-24-2001; Ord. No. 80, 1-25-2010; Ord. No. 2, 1-30-2020)