

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: \_\_\_\_\_

ORDINANCE NO.: \_\_\_\_\_ (2026)

*An ordinance to clarify and correct the Cherokee Code to reflect the intent of Tribal Council concerning the use of UTV's on approved roads.*

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, Cherokee Code Chapter 20 provides for the use and restrictions associated with UTV's on approved roads within the Boundary; and

WHEREAS, Cherokee Code 20-308 provides that "UTVs operated on UTV-Allowed roads shall be operated in accord with applicable law and rules of the road as would apply to passenger motor vehicles on such roads"; and

WHEREAS, this provision can be interpreted to mean that all the rules of passenger motor vehicles traveling on the road, to include registration requirements, apply to UTV's while on the roads as well; and

WHEREAS, to alleviate any confusion or ambiguity, the Cherokee Code needs to be amended.

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:

**Sec. 20-308. Rules of the road apply.**

- (a) UTVs operated on UTV-Allowed roads shall be operated in accord with applicable law and rules of ~~this Article, the road as would apply to passenger motor vehicles on such roads.~~ At all times and at all locations, UTVs shall be operated in a reasonable and prudent manner.
- (b) Firearms may not be used or carried on UTVs on Tribal Reserve property except as authorized by Tribal law for hunting purposes or as otherwise allowed by Tribal law.
- (c) If the Tribe has posted directional signs, trail signs, hours of operation, entrance and exit routes, and other information, those signs and information must be obeyed.
- (d) UTVs may cross streams only at designated fording points or where the road or trail crosses the stream.

- 1 (e) UTVs that are not registered for use on UTV-Allowed roads shall not be used on  
2 paved roads except to cross them at designated points, and along the shoulder of  
3 paved roads designated and posted by the Tribe as trail linking routes.
- 4 (f) UTV operators should respect other users. Operators should slow down or stop  
5 their UTV when they approach others on a trail or dirt road. UTV operators  
6 overtaking others should do so slowly and with a wide berth. UTV operators  
7 should yield the right of way to those passing them or traveling uphill. UTV  
8 operators should yield the right of way to pedestrians, mountain bikers and horses.
- 9 (g) UTV operators should leave gates as they find them and should respect private  
10 land.
- 11 (h) UTVs should not be used in wet areas or during wet conditions if such use will  
12 cause a significant disturbance of or damage to the soil.
- 13 (i) Littering by any person on Tribal Reserve property or any other location, is  
14 prohibited.
- 15 (j) UTVs shall not widen single-track trails by being forced down the trail.
- 16 (k) Persons using UTVs should treat others courteously and should not use obscene  
17 or profane language, gestures, or abusive behavior.
- 18 (l) UTVs shall not be used to intentionally chase or disturb wildlife.
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21 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this  
22 ordinance are rescinded for crimes committed subsequent to ratification of this  
23 ordinance. This ordinance shall become effective upon ratification by the  
24 Principal Chief.

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