TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAY 07 2026

ORDINANCE NO.: 184 (2026)

An ordinance amending Chapter 19 regarding caging bears on Tribal lands.

WHEREAS Section 23 of the EBCI Charter and Governing Document vests Tribal Council with the power to adopt laws and regulations for the general government of the Tribe; and

WHEREAS caring for and living with and among our native bears has a long and storied tradition; and

WHEREAS the bears were the first to meet in council in their townhouse under Kuwohi, the mulberry place (Mooney, Myths of the Cherokee p. 250); and

WHEREAS the bears are transformed Cherokee of the old clan of the Ani-Tsaguhi, and their chief is the White Bear, who lives at Kuwohi near the enchanted lake of Atagahi, to which the wounded bears would go to be cured of their hurts (Mooney p. 264); and

WHEREAS under Kuwohi the bears hold dances every fall before retiring to their dens for the winter (Mooney p. 264); and

WHEREAS being really human, they can talk if only they would, and once a mother bear was heard singing to her cub in words which the hunter understood (Mooney p. 264); and

WHEREAS caging these highly intelligent animals, who are so important to our Tribal people through history, in sad concrete pens, is a relic of the past and needs to be remedied; and

WHEREAS the practice of caging these bears has been a blight on our Tribe, making this action necessary today.

NOW THEREFORE BE IT ORDAINED that Tribal Council in Annual Council assembled and with a quorum of Council members present as provided by law hereby adopts the following Ordinance amendment to Chapter 19 of the Cherokee Code:

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Sec. 19-15. - Caging of animals.

(a) It shall be unlawful for any person or business enterprise to cage wildlife, livestock or domestic animals within the territorial jurisdiction of the Eastern Band of Cherokee Indians except in compliance with this Chapter and any rules promulgated for the administration of this Chapter, as well as with the Animal Welfare Act, Pub. L. 91-579, 7 U.S.C. 2131-2156, and all federal regulations promulgated thereunder.

(b) Violation of this Section shall result in a fine not to exceed $5,000.00.

(c) Any person or business within the territorial jurisdiction of the Eastern Band of Cherokee Indians who shall cage or hold in captivity any bear for the purpose of exhibiting the bear to the public shall be guilty of a crime punishable by imprisonment of up to one year or a fine not to exceed $5,000 or both.

Sec. 19-16. - Black bears.

~~The minimum standards for facilities used for captivity of legally acquired bears shall include the following:~~

~~(1) Enclosure. The bear must be maintained in a stationary, permanent metal cage constructed of iron or steel bars at least one-fourth inch in diameter, or of heavy gauge chainlink steel fencing, of dimensions not less than eight feet by 12 feet by six feet. The gate of such cage shall be equipped with a lock or with a safety catch. The cage shall have a concrete floor in which there shall be a drainable pool at least one and one-half feet deep containing not less than 18 square feet. There shall be running water provided immediately adjacent to the cage to provide for flushing the floor and for changing the pool during hot weather. The cage shall be located within a shaded area during the mid-day and afternoon hours of the summer months. The cage shall also include a den not smaller than five feet by five feet by four feet, which shall be constructed in such a manner that it may be cleaned regularly.~~

~~(2) Sanitation. The floor of the cage shall be flushed daily with clean water. The enclosed den shall be flushed weekly. Disinfectant shall be used to flush the entire cage and den every 60 days. The cage shall have a removable food trough which shall be cleaned daily. Adequate food shall be available to the bear at all times.~~

~~(3) Prohibited acts. It shall be unlawful to use collars, chains or stakes to confine a bear except as a temporary safety device. The use of lumber or timber in the outer cage shall be strictly prohibited.~~

~~(4) Enrichment Required. Public display of bears at authorized businesses must include documented species-appropriate enrichment procedures as approved by the Animal Control Department to promote well being.~~

~~(5) Enforcement. These minimum standards shall be enforced by the Cherokee Indian Police Department, the Natural Resource Enforcement or the Department of Agriculture.~~

~~(6) No licensee shall sell or giveaway any size salamander or a turtle less than four inches in size.~~

~~(7) Violation of this section shall result in a fine not to exceed $5,000.00.~~

Henceforth no bear shall be caged or held in captivity for the purpose of exhibiting the bear to the public by any person or business within the territorial jurisdiction of the Eastern Band of Cherokee Indians. Violation of this section is a crime punishable pursuant to Section 19-15(c). Any such bear previously held in captivity under this prior Section 19-16(1) through (7) shall be safely and humanely transferred to an animal sanctuary off the territorial lands of the Eastern Band of Cherokee Indians. The Cherokee Animal Control Department shall work with any previous bear owners to supervise and coordinate such safe and humane transfer, which shall occur within 30 days of the ratification of this Ordinance by the Principal Chief.

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BE IT FURTHER ORDAINED that this ordinance is effective upon ratification of the Principal Chief.

BE IT FINALLY ORDAINED that all prior inconsistent ordinances are rescinded.

Submitted by:
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