

# TABLED

## CHEROKEE COUNCIL HOUSE CHEROKEE, NORTH CAROLINA

Date: FEB 07 2019

### ORDINANCE NO. 484 (2019)

WHEREAS, Cherokee Code § 61-4 prohibits certain events and activities within the Qualla Boundary, including the Tribe's Business Zone as defined in C.C. § 61-3; and

WHEREAS, the prohibited events and activities include motor vehicle gatherings for display or racing, and motor vehicle swap meets or rallies; and

WHEREAS, Resolution No. 9, which was passed by Tribal Council on October 13, 1997, purported to delete the prohibition in so far as it applied to motor vehicle rallies at the Ceremonial Grounds; and

WHEREAS, Resolution No. 9 (1997) stated "BE IT FINALLY RESOLVED that any and all resolutions that prevent motorcycles, or other vehicles, from holding rallies or events on the Ceremonial Grounds, are hereby rescinded"; and

WHEREAS, a resolution cannot be used to amend an ordinance, and since it became law C.C. § 61-4 has not been amended to reflect the Tribe's long-standing practice of allowing motor vehicle events and activities when they are sponsored or permitted by the Tribe; and

WHEREAS, Cherokee Code § 61-4 should be amended allow motor vehicle events and activities when they are approved by Tribal Council, sponsored by the Tribe or conducted under a permit issued by the Tribe.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that Cherokee Code § 61-4 shall be amended to read as follows:

#### **Sec. 61-4. - Prohibited events or activities.**

(a) Except as provided in subsection (c). ~~No~~ event or activity shall be ~~permitted~~ conducted within the Business Zone which shall sponsor the gathering of motorized vehicles for purpose of display or racing or events commonly referred to as "swap meets" or "rallies" or similar events under different names, at which motorized vehicles, parts or accessories are placed on display for view or sale ~~without specific approval of the Tribal Council in a Tribal Council session with a quorum present.~~

(b) Except as provided in subsection (c). ~~No~~ event or activity involving the gathering of motorized vehicles, their parts, or accessories for display, racing or sale shall be ~~permitted~~

1 conducted on any site, parcel or area of land that is owned or used by the Eastern Band of  
2 Cherokee Indians in its Tribal capacity or upon which is located any building or facility of the  
3 Tribal government or any federal agency. Such prohibited areas shall include, but not be  
4 limited to: Council House grounds, Ceremonial Grounds, BIA facilities, elementary or high  
5 school grounds.

6 (c) The prohibitions expressed in this section do not apply to events and activities sponsored by  
7 or organized by the Tribe's Division of Commerce or lawfully conducted pursuant to  
8 written permission issued by the Division of Commerce; provided, however, if an entity  
9 other than the Tribal government has lawful control of the property to be used (such as the  
10 BIA for BIA property), then permission of that other entity must be obtained as well.  
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13 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are  
14 rescinded, and that this ordinance shall become effective when ratified by the  
15 Principal Chief.  
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18 *Submitted by Michael W. McConnell, Interim Attorney General.*  
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