

# TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

JAN 08 2020

Date: ~~JAN 09 2020~~

ORDINANCE NO.: 80 (2020)

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WHEREAS, Cherokee Code Chapter 106 governs the regulation of business conducted on Tribal trust land; and

WHEREAS, as currently written, Cherokee Code Section 106-2 requires all persons and entities entering into a contractual agreement with the Tribe or any of its entities to have a valid Tribal business license; and

WHEREAS, this requirement is too far reaching and imposes an unreasonable burden on persons, including Tribal members, who may enter a contract with the Tribe on a very limited basis and for very modest amounts; and it imposes an unnecessary complexity on Tribal entities and remote vendors who may have no contact with Cherokee except by phone, the internet and delivery by UPS or other common carriers; and

WHEREAS, Cherokee Code Section 106-2 should be amended to clarify that only businesses that have their primary place of business on Tribal trust land are required to obtain a Tribal business license.

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 Cherokee Code Sec. 106-2 shall be amended to read as follows:

**Sec. 106-2. - License required.**

- (a) Unless otherwise exempted by this Chapter or other Tribal ordinance, any person or entity whose primary place of business is located on Tribal land (as defined in this Chapter) that wants to conduct business on Tribal land may do so only with permission of the Tribe as evidenced by issuance and maintenance of a current, valid Tribal business license.
- ~~(b) Any person or entity entering into a contractual agreement with the Eastern Band of Cherokee Indians or any of its entities may do so only with the permission of the Tribe as evidenced by issuance and maintenance of a current, valid Tribal business license.~~

45 (c) Persons and entities that have been issued a Tribal business license must prominently  
46 display the license at each business location so they are easily visible to tribal inspectors  
47 and the public.  
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49 (d) A separate license is required for each business operating under a different name, even if  
50 owned or operated by the same person or entity. A separate license is required for each  
51 business location.  
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53 (e) On and after January 1, 2006, Traders licenses issued by the BIA will not be accepted by  
54 the Tribe as authority for operating a business on Tribal land. Persons and entities  
55 operating under Traders licenses on that day must obtain a Tribal business license, but in  
56 most cases will not be subject to background checks under Cherokee Code Section 106-  
57 50.  
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59 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance  
60 are rescinded, and this ordinance shall become effective upon ratification by the  
61 Principal Chief.  
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64 *Submitted by the Office of the Attorney General*