

TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA  
JAN 09 2020

DATE

ORDINANCE NO. 83 (2020)

WHEREAS, the Eastern Band of Cherokee Indians established the Tribal Employment Rights Office, (hereinafter TERO) under Cherokee Code Section 92-2, to promote growth and increase contracting opportunities for Native American owned businesses; and

WHEREAS, it has been determined by the Tribal Employment Rights Commission (hereinafter TERC) that amendments must be made to Cherokee Code Section 130-4(a), *Public Health and Sanitation Code*, to enable TERO to provide Indian preference to all legitimate Native owned businesses; and

WHEREAS, current Cherokee Code Section 130-4(a), prevent mobile food units (food trucks and trailers) and pushcarts from obtaining TERO certification because they are prohibited; and

WHEREAS, there is a need to amend Cherokee Code Section 130-4(a), to exempt all properly licensed mobile food units and pushcarts from Sec. 130-4(a) which prohibit the sale of meat, poultry, and seafood products; and

WHEREAS, the amendment will allow TERO to provide Native American owned mobile food units and pushcarts with increased economic opportunities and the other benefits of TERO certification.

THEREFORE, BE IT ORDAINED, by the Eastern Band of Cherokee Indians, in Tribal Council assembled, at which a quorum is present, that Cherokee Code Section 130-4(a) shall be amended to read as follows:

...

(a) It shall be unlawful for any person, individual, firm, association, organization, partnership, business trust, corporation or company to sell at wholesale or retail any meats, meat food products, poultry, poultry products, fish, shellfish, crustacea, scallop, and seafood products from any nonpermanent structure. Nonpermanent structures include, but are not limited to, trucks, vans and other mobile units. ~~Delivery units that transfer products between approved processors and meat and seafood markets possessing a valid operational permit required by North Carolina Administrative Code 10.A 0502 are exempted from this chapter.~~ The following shall be exempt from this section:

(1) Delivery units that transfer products between approved processors and meat and seafood markets, possessing all permits and licenses required by the State of North Carolina and the Eastern Band of Cherokee Indians.

(2) Mobile food units, as defined in 15A NCAC 18A .2651(12), possessing all of the permits and licenses required by the State of North Carolina and the Eastern Band of Cherokee Indians.

(3) Pushcarts, as defined in 15A NCAC 18A .2651(15), possessing all of the permits and licenses required by the State of North Carolina and the Eastern Band of Cherokee Indians.

...

BE IT FURTHER ORDAINED that all ordinances or resolutions that are inconsistent with this ordinance are hereby rescinded.

BE IT FINALLY ORDAINED that this ordinance shall become effective upon ratification by the Principal Chief.

*Submitted by the Tribal Employment Rights Office (TERO).*