

TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: MAY 05 2022

ORDINANCE NO.: 265 (2022)

*An ordinance to amend service of notices for dangerous buildings.*

WHEREAS, the Eastern Band of Cherokee Indians is duly authorized to enact and enforce laws for the health, safety, and welfare of the Tribe under its sovereign powers as a federally recognized Indian Tribe; and

WHEREAS, Article IV of Chapter 143 of the Cherokee Code was enacted in 2017 to set out the process by which unlawful dangerous buildings on Tribal land are remedied; and

WHEREAS, there are many dangerous buildings on Tribal land and they pose a threat to the health, safety, and welfare of enrolled members and other persons visiting Cherokee; and

WHEREAS, possessory holding owners are entitled to notice of action taken by the Tribal government to remedy dangerous buildings, but often reliable mailing addresses for owners cannot be determined; and

WHEREAS, it has come to the attention of the Division of Operations that the process of notifying possessory holding owners of dangerous buildings could be simplified and streamlined if service of notices were handled similar to civil actions in the Cherokee Court; and

WHEREAS, in order to amend the Cherokee Code to reflect the policy of more efficient service of notices for dangerous buildings, the Division of Operations suggest an amendment to the Cherokee Code.

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 in order to amend the service of process for dangerous buildings for the reasons described above, Cherokee Code Chapter 143 is hereby amended as follows:

**Sec. 143-63. Notice of dangerous building and hearing.**

- (a) Notice requirement. Notwithstanding any other provisions of this article, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

- 45 (b) Parties entitled to notice. The notice shall be served on each owner of or party in interest in  
46 the building or structure in whose name the property appears on the possessory holding ~~as~~  
47 ~~defined in C.C. 45-1.~~
- 48 (c) Contents of notice. The notice shall specify the time and place of a hearing on whether the  
49 building or structure is a dangerous building and state that the person to whom the notice is  
50 directed shall have the opportunity at the hearing to show cause why the Hearing Officer  
51 should not order the building or structure to be demolished, otherwise made safe, or  
52 properly maintained.
- 53 (d) Service of notice. The notice shall be in writing and shall be served upon the person to  
54 whom the notice is directed ~~by any method allowed pursuant to the Rules of Civil Procedure~~  
55 ~~for the Cherokee Court, either personally or by certified mail, return receipt requested,~~  
56 ~~addressed to the owner or party in interest at the address shown at the Eastern Band of~~  
57 ~~Cherokee Indians Enrollment Office. If a notice is served upon a person by certified mail, a~~  
58 ~~copy of t~~The notice shall also be posted upon a conspicuous part of the building or structure.  
59 The notice shall be served upon the owner or party in interest at least ten working days  
60 before the date of the hearing included in the notice.

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63 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance  
64 are rescinded, and this ordinance shall become effective upon ratification by the  
65 Principal Chief.

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68 *Submitted by Jeremy Hyatt, Secretary of Operations*