

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: SEP 01 2022

ORDINANCE NO. 390 (2022)

An ordinance to prohibit begging, panhandling or soliciting contributions.

WHEREAS, Tribal Council is authorized and empowered to adopt laws and regulations for the general government of the Tribe, to govern the management of real and personal property held by the Tribe, and is vested with full power to enforce obedience to such laws and regulations as may be enacted by the Tribe (EBCI Charter and Governing Document § 23); and

WHEREAS, in the last several years, an increasing number of Tribal citizens have been approached or accosted, sometimes aggressively, by persons who are begging, panhandling or soliciting financial contributions in a public places in manner that threatens the safety and security of the citizens or of the person doing the begging, panhandling or soliciting; and

WHEREAS, Cherokee Code Chapter 14 should be amended by adding a new section to prohibit begging, panhandling or soliciting in certain situations.

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 Chapter 14 shall be amended by adding a new § 14-25.21, to read as follows:

Sec. 14-25.21. Begging, panhandling, or soliciting contributions.

(a) Definitions:

- (1) To beg, panhandle, or solicit contributions shall be defined to include, without limitation, the spoken, written, or printed word or such other acts as are conducted in furtherance of the purpose of obtaining contributions;**
- (2) Accosting another person shall be defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act or damage to property in his immediate possession;**
- (3) Intimidate another person shall be defined as acting in such a way as would cause a reasonable person to fear bodily harm and therefore to do something he or she would not otherwise have done;**
- (4) Forcing oneself upon the company of another person shall be defined as:**
 - (i) Continuing to request or solicit contributions in close proximity to the person addressed after that person has responded negatively;**

1 (ii) Blocking the passage of the person addressed; or

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3 (iii) Otherwise engaging in conduct which reasonably could be understood as intended to
4 force a person to accede to demands.

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6 (5) Public place shall be defined to include streets, highways, and roadways (including the
7 shoulders and medians), sidewalks and other areas held open to the public.

8 (6) Vocal appeal shall be defined as begging, panhandling, or solicitation of contributions
9 by spoken word or other verbal request. This shall not include the act of performing
10 live music or chiefting pursuant to a permit for such activities issued under C.C. § 105-
11 17.

12 (7) Direct written appeal shall be defined as begging, panhandling, or solicitation by
13 handing to a person or attempting to hand to a person a written solicitation for
14 immediate contributions.

15 (8) Nighttime shall be defined as the time from sunset to sunrise.

16 (b) No person shall beg, panhandle, or solicit contributions in a public place in a manner so as
17 to intimidate another person or by accosting another person, or by forcing oneself upon the
18 company of another person.

19 (c) No person shall beg, panhandle, or solicit contributions from another person within twenty
20 (20) feet of an entrance or exit of any bank or financial institution or within twenty (20) feet
21 of any automated teller machine.

22 (d) No person shall beg, panhandle, or solicit contributions in any public transportation vehicle
23 owned or operated by the Tribe or at any Tribal transit stop location for such vehicle or
24 within twenty (20) feet of a Tribal transit stop location, or Tribal transit stop sign, Tribal
25 transit stop shelter, or Tribal transit stop bench.

26 (e) No person shall beg, panhandle, or solicit contributions while sitting or standing on a
27 roadway or the shoulder or median of a roadway.

28 (f) No person shall beg, panhandle, or solicit contributions on property that is part of an
29 individual's possessory holding of Tribal trust land or on such property that is subject to a
30 commercial lease or use permit, unless the person has written permission from the
31 possessory holder, lessor, or permittee.

32 (g) No person shall beg, panhandle, or solicit contributions in a public place by vocal appeal or
33 direct written appeal during nighttime.

34 (h) Violation of this section shall constitute a misdemeanor and shall subject the violator to a
35 fine of not more than fifty dollars (\$50.00) or imprisonment for not more than five (5) days.

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37 BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are
38 rescinded, and that this resolution shall become effective when ratified by the
39 Principal Chief.

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41 *Submitted by Dike Sneed, Painttown Tribal Council Representative.*