

1 **TABLED**

**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

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3
4 Date: SEP 01 2022

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6 **ORDINANCE NO. 391 (2022)**

7
8 *An ordinance to exempt persons in construction trades from the*
9 *contractor licensing requirement imposed in C.C. § 87-1, in certain circumstances.*

10
11 WHEREAS, the Eastern Band of Cherokee Indians is a federally-recognized Indian tribe with
12 sovereign powers of self-government; and

13
14 WHEREAS, Tribal Council is authorized and empowered to adopt laws and regulations for the
15 general government of the Tribe, to govern the management of real and personal
16 property held by the Tribe, and is vested with full power to enforce obedience to
17 such laws and regulations as may be enacted by the Tribe (EBCI Charter and
18 Governing Document § 23); and

19
20 WHEREAS, Cherokee Code (C.C.) § 87-1 requires licensing of professionals practicing certain
21 trades, including construction trades, within the territory of the Tribe; and

22
23 WHEREAS, this licensing requirement causes a hardship on some people who are engaging in
24 the categories of work and constructing the items expressed in C.C. § 143-6(c) as
25 being excepted from the requirements of the building code; and

26
27 WHEREAS, C.C. § 87-1 should be amended so the licensing requirement reflects the the
28 exceptions to the building code expressed in C.C. § 143-6(c).

29
30 NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal
31 Council assembled, at which a quorum is present, that C.C. § 87-1 shall be
32 amended to read as follows:

33
34 **Sec. 87-1. Licenses required.**

35
36 (a) Except as otherwise provided in Tribal law, the following professionals, in order to
37 practice their profession within the territory of the Eastern Band, must have a current license
38 issued by the appropriate state regulatory agency authorizing them to practice their profession in
39 the State of North Carolina, and must be in good standing with that regulatory agency:

40
41 (1) Professionals in the construction trades required to be licensed in Chapter 87 of the
42 North Carolina General Statutes; provided, however, that such professionals shall be
43 exempted from this licensing requirement when performing the work and constructing
44 the items expressed in C.C. § 143-6(c) (declaring certain exceptions to the building code).

45
46 (2) Health care professionals required to be licensed in Chapter 90 of the North Carolina
47 General Statutes;

- 1 (3) Alarm systems contractors;
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- 3 (4) Architects;
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- 5 (5) Attorneys;
- 6
- 7 (6) Certified public accountants;
- 8
- 9 (7) Engineers;
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- 11 (8) Fire sprinkler contractors;
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- 13 (9) Geologists;
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- 15 (10) Land surveyors, except BIA staff members certified under federal law to perform
- 16 their duties;
- 17
- 18 (11) LP gas technicians;
- 19
- 20 (12) Notaries public;
- 21
- 22 (13) Real estate appraisers;
- 23
- 24 (14) Pesticide applicators and other parties applying pesticide chemicals intended for use
- 25 by a licensed professional for hire or in public places must be licensed in structural pest
- 26 control and wood destroying organisms or work under the direct supervision of a licensed
- 27 holder;
- 28
- 29 (15) Bail bondsmen;
- 30
- 31 (16) Water Treatment Facilities Operators.
- 32

33 (b) In this section, "Territory of the Eastern Band" means all lands held by the United
34 States in trust for the Eastern Band of Cherokee Indians or its enrolled members, and all other
35 lands owned or acquired by the Eastern Band, notwithstanding the issuance of any right-of-way.

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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 Alan B. Ensley, Vice Chief.*