

TABLED

Cherokee Council House
Cherokee North Carolina

Date: MAY 04 2023

Ordinance No.: 593 (2023)

Short Title: An ordinance to establish method of notice for non-compliance with laws meant to protect the public water and sewer systems.

WHEREAS, the Eastern Band of Cherokee Indians prioritize the health of our environment and clean water; and

WHEREAS, the Water and Sewer Operations and Maintenance Program must enforce legal standards for private and public water and sewer system use in order to keep our waters in our homes, businesses and rivers safe; and

WHEREAS, in order to enforce tribal standards for clean and safe waters it must provide legal notice to businesses that may be out of compliance with the Tribe's water and sewer standards and such notice should not be a legal barrier to the Program's duties to ensure compliance with water and sewer standards.

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 Tribal Council hereby amends Chapter 62 as follows:

Sec. 62-8 – Notice of Non-compliance.

Any business subject to the water and sewer safety standards of the Tribe shall be notified of administrative or other legal action by mailing notice of such proposed action to the business licensee at the mailing address on file with the Tribe's Division of Treasury and Office of Finance. Notice shall be mailed in regular mail to the business licensee and the program shall maintain a copy of the notice and a certificate of service indicating the date when the notice was placed in the mail at the address on file with the Office of Finance. After notice has issued, and response times have expired, the Program may proceed to enforce the standards adopted for the Tribe's water and sewer systems.

BE IT FINALLY ORDAINED, that all resolutions and ordinances inconsistent with this ordinance are rescinded, and this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by: Water and Sewer Operations and Maintenance Program