

# TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

JUN 01 2023

Date: \_\_\_\_\_

## ORDINANCE NO. 625 (2023)

*An ordinance to amend C.C. § 20-304 to clarify who may operate UTVs and other motorized vehicles on Tribal Reserve property and to require notice to area vendors.*

WHEREAS, the Eastern Band of Cherokee Indians is a federally-recognized Indian tribe with sovereign powers of self-government, including the authority to adopt laws and regulations for the general government of the Tribe, and to enforce obedience to those laws. (EBCI Charter and Governing Document § 23); and

WHEREAS, Cherokee Code (C.C.) § 20-304 describes who can operate side-by-sides and other utility task vehicles (UTVs) on Tribal reserve property; and

WHEREAS, reports of non-members of the Tribe operating vehicles on Tribal reserve property without Tribal permission have increased; and

WHEREAS, C.C. § 20-304 should be amended to clarify who may operate motorized vehicles on Tribal Reserve property and to require posting of restrictions and notice to area vendors.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that C.C. § 20-304 shall be amended to read as follows:

### **Sec. 20-304. - Who may use.**

(a) Only the following persons may operate UTVs and other motorized vehicles on Tribal Reserve property and on UTV-Allowed roads on trust land of the Tribe:

- (1) enrolled members of the Tribe, their spouses and their children, regardless of whether the spouses and children are members of the Tribe; or
- (2) other persons operating UTVs or other motorized vehicles within the course and scope of their employment with the Tribe or with a non-Tribal entity with notice to and permission of the Tribe and such use must be in performance of official job-related duties; or
- (3) non-members of the Tribe but only when accompanied by an enrolled member of the Tribe who may lawfully operate the UTV or other motorized vehicles under the

1 provisions of this Chapter, or with the written permission of the Tribe carried by the  
2 operator of the UTV or other motor vehicle; or

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4 (4) events and activities sponsored by or organized by the Tribe's Division of Commerce or  
5 lawfully conducted pursuant to written permission issued by the Division of Commerce.  
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7 (b) UTVs, regardless of the purpose for which they are used, may be operated on Tribal Reserve  
8 property and the roads designated in this Article only if the UTV has been registered as  
9 provided in Cherokee Code Section 20-106 and has affixed to it an official, current and  
10 valid UTV sticker as required in this Chapter, unless the UTV is exempt from the registration  
11 requirement pursuant to Cherokee Code Section 20-203.

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13 (c) The Tribe shall post or cause to be posted signs or other notice at strategic locations on Tribal  
14 Reserve property information as to who may operate UTVs and other motorized vehicles on  
15 such property, and shall periodically provide written notice to area vendors of such  
16 restrictions.

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19 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are  
20 rescinded, and that this ordinance shall become effective when ratified by the  
21 Principal Chief.  
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24 *Submitted by Alan B. Ensley, Vice Chief.*