

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JUL 11 2024

ORDINANCE NO. 240 (2024)

An ordinance to prohibit discrimination against Tribal members at hotels and motels.

WHEREAS, hotels, motels and other businesses that provide overnight lodging to guests for a fee are required in Cherokee Code (C.C.) Chapter 106 to have an annual, duly issued, Tribal Business License; and

WHEREAS, the Tribe has received complaints that at least one hotel or motel operator has refused to rent a room to an enrolled member of the Tribe who also lives in Cherokee, and that refusal is based on some generalized complaint about local Tribal member guests, not individualized reasons regarding the person trying to rent a room; and

WHEREAS, refusing to rent a room to a person solely because they are an enrolled member of the EBCI who lives in Cherokee is discriminatory and offensive and should be prohibited; and

WHEREAS, the Tribe should amend its business licensing law to prohibit such discriminatory actions.

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. Sec. 106-15 shall be amended to read as follows:

Sec. Sec. 106-15. Unlawful and prohibited conduct.

(a) No person or entity may use or permit its business to be used for any unlawful conduct or purpose. Violation of this section shall subject the violator to criminal prosecution, suspension or revocation of the business license, and other action as the Tribe deems necessary under law. This section is deemed to be violated when someone is charged with unlawful conduct or purpose. Violations do not require convictions and/or sentencing.

(b) No person or entity, regardless of whether they are required to be licensed under this chapter, may engage in unfair methods of competition or engage in unfair or deceptive acts or practices in or effecting commerce on Cherokee trust lands. In this section, "commerce" shall include, but is not limited to, the exchange of property, goods or services for anything of value, lease transactions, assignments and debt collection.

(1) An "unfair act" is an act that offends established public policy, as well as when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers. This definition shall include, but is not limited to, the act by a motel, hotel,

1 campground or other commercial provider of overnight lodging, of refusing to rent a
2 room to a person solely because the person is an enrolled member of the EBCI who
3 resides on or near EBCI trust land.

4 (2) A "deceptive act" means an act that has capacity or tendency to deceive. Proof of
5 actual deception is not required.

6 (c) After notice and an opportunity to be heard before the Business Committee, a person or
7 entity found by the Business Committee to have violated this section may be ordered by the
8 Committee to pay fines not to exceed \$1,000.00 per violation, restitution to the Tribe and
9 victims in amounts considered reasonable and appropriate by the Committee, and may have
10 their business license denied, suspended or revoked.

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12 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are
13 rescinded, and that this ordinance shall become effective when ratified by the
14 Principal Chief.

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17 *Submitted by Michael Parker, Tribal Council Chairman.*