

## Chapter 61

### ZONING\*

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\***Cross references**—Real property, ch. 47; skeletal remains and burial site preservation, ch. 70; mineral rights, ch. 74; burial, ch. 90; pollution control and environment, ch. 113A; signs and billboards, ch. 136; roads and highways, ch. 136A; building codes and flood control, ch. 143.

**Sec. 61-1. Scope.**

The provisions of this chapter shall govern the nature and location of certain public gatherings and events within a specific area of the Qualla Boundary and upon specific areas of Tribal trust land maintained, reserved, or operated by or for the benefit of the Tribal Government.

(Ord. No. 280, 7-7-1996)

**Sec. 61-2. Purpose.**

The provisions of this chapter are intended to:

- (a) Prohibit certain public activities within a specific portion of the Qualla Boundary of the Cherokee Indian Reservation in order to control traffic or motor vehicles within the business district of the Cherokee community;
- (b) To prohibit from such area events which have been deemed by Tribal Council to constitute a nuisance to the residents of the community; and
- (c) To restrict the use of lands and facilities maintained, reserved, or operated for the direct benefit of the Eastern Band of Cherokee Indians and its members.

(Ord. No. 280, 7-7-1996)

**Sec. 61-3. Business zone.**

For the purposes of this chapter, the Business Zone of the Qualla Boundary shall be defined as that geographical area including:

- (1) On and along US 19 from the intersection of Old Mission Road running in a westerly direction to Owl Branch Road;
- (2) On and along US 441 access road and US 441 bypass from the exterior boundary line of the Cherokee Indian Reservation to the intersection with US 19;
- (3) On and along old US 441 from the exterior boundary line of the Cherokee Indian Reservation to the intersection with US 19;
- (4) On and along US 441 running from Cherokee Main Street to the entrance of the Great Smoky Mountain National Park;

(5) On and along Acquoni Road; and

(6) The state-maintained portions of Big Cove Road.

(Ord. No. 280, 7-7-1996)

**Sec. 61-4. Prohibited events or activities.**

(a) No event or activity shall be permitted within the Business Zone which shall sponsor the gathering of motorized vehicles for purpose of display or racing or events commonly referred to as "swap meets" or "rallies" or similar events under different names, at which motorized vehicles, parts or accessories are placed on display for view or sale without specific approval of the Tribal Council in a Tribal Council session with a quorum present.

(b) No event or activity involving the gathering of motorized vehicles, their parts, or accessories for display, racing or sale shall be permitted on any site, parcel or area of land that is owned or used by the Eastern Band of Cherokee Indians in its Tribal capacity or upon which is located any building or facility of the Tribal government or any federal agency. Such prohibited areas shall include, but not be limited to: Council House grounds, Ceremonial Grounds, BIA facilities, elementary or high school grounds.

(Ord. No. 280, 7-7-1996)

**Sec. 61-5. Violations.**

Any contract or lease entered into in violation of this chapter shall be deemed null and void and shall not be enforceable through the Cherokee Court. Violation of this chapter shall subject the violator to a civil fine in an amount equal to any income or revenue derived from such event or activities. Violators of this chapter subject to the criminal jurisdiction of the Cherokee Court shall be subject to criminal punishment in the form of a fine in an amount equal to any income or revenue derived from such event or activities and imprisonment for up to six months per offense. Both civil and criminal jurisdiction over such violations is vested in the Cherokee Court.

(Ord. No. 280, 7-7-1996)

**Sec. 61-6. Effective date.**

The chapter shall be effective on the date enacted by the Tribal Council and ratified by the Principal Chief.  
(Ord. No. 280, 7-7-1996)