

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 7: Toxic and Hazardous Substance Control
§ 708. Penalties
Cite as: 27 CNCA § 708

Civil.

1. Any person who violates any provision of 27 CNCA § 707 shall be liable to Cherokee Nation for a civil penalty in an amount not to exceed Five Thousand Dollars (\$5,000.00) for each such violation. Each day such a violation continues shall, for purposes of this subsection, constitute a separate violation of 27 CNCA § 707.

2. a. A civil penalty for a violation of 27 CNCA § 714 shall be assessed by the CN EPC by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with the Cherokee Administrative Procedure Act, 1 CNCA § 101 et seq. Before issuing such an order, the CN EPC shall give written notice to the person to be assessed a civil penalty under such order of the CN EPC proposal to issue such order and provide such person an opportunity to request, within fifteen (15) days of the date the notice is received by such person, such a hearing on the order.

b. In determining the amount of a civil penalty, the CN EPC shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

3. Any person who requested in accordance with subparagraph a of paragraph 2 a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the District Court of Cherokee Nation. Such a petition may only be filed within the thirty- (30) day period beginning on the date the order making such assessment was issued.

Historical Data

LA 1–93, eff. June 14, 1993. Renumbered from 63 CNCA § 708.