

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 7: Toxic and Hazardous Substance Control
§ 709. Specific enforcement and seizure
Cite as: 27 CNCA § 709

A. Specific enforcement. The District Court of Cherokee Nation shall have jurisdiction over civil actions to:

1. restrain any violation of 27 CNCA § 707;
2. restrain any person from taking any action prohibited by the toxic and hazardous waste sections of this chapter or rules and regulations set forth under this chapter;
3. compel the taking of any action required by or under this chapter:
 - a. to give notice of such fact to distributors in commerce of such substance or mixture and, to the extent reasonably ascertainable, to other persons in possession of such substance or mixture or exposed to such substance or mixture,
 - b. to give public notice of such risk of injury, and
 - c. to either replace or repurchase such substance or mixture, whichever the person to which the requirement is directed elects.

B. Seizure. Any chemical substance or mixture which was manufactured, processed, or distributed in violation of this chapter or any rule promulgated or order issued under this chapter or any article containing such a substance or mixture shall be deemed contraband and shall be liable to be proceeded against, for the seizure and condemnation of such substance, mixture, or article, in the District Court of Cherokee Nation or in any district court of the United States within the jurisdiction of which such substance, mixture, or article is found. Such proceedings of the District Court of Cherokee Nation shall conform as nearly as possible to proceedings in forfeiture of controlled dangerous substances deemed contraband pursuant to 21 CNCA § 2101 et seq.

Historical Data

LA 1–93, eff. June 14, 1993. Renumbered from 63 CNCA § 709.