

Cherokee Nation Code Annotated

Title 41: Landlord and Tenant

Chapter 5: Recreational and Hospitality Lodging Rights Act

§ 2004. Right of Owner or Operator to Eject Guests

Cite as: 41 CNCA § 2004

A. An Owner or Operator may eject a person from the Lodging Establishment premises for any of the following:

1. Nonpayment of the Lodging Establishment charges for accommodations or services;
2. Intoxication;
3. Unlawful conduct or activity;
4. Conduct or activity that threatens other guests or property;
5. Disorderly conduct;
6. Property destruction;
7. Public disturbance;
8. Reasonable belief that the individual is using the premises for unlawful purposes including, but not limited to, the unlawful use or possession of controlled substances or for the consumption of alcohol by any person under the age of twenty-one (21) years in violation of any statute, ordinance or regulation;
9. Violations of any tribal, federal, state or local laws or regulations relating to the Lodging Establishment; or
10. Violations of any rule of the Lodging Establishment which is Posted as defined herein in the Lodging Establishment, however, no such rule may authorize the Owner or Operator to eject or to refuse or deny service or accommodations to a person because of race, creed, color, national origin, sex, disability, or marital status.

B. After an Owner or Operator informs a person that he or she is being ejected for a reason stated in subsection A of this section, the person is considered a trespasser and not a Guest of the Lodging Establishment. If the person fails to vacate the Lodging Establishment after being told of his or her ejection by the Owner or Operator, the person shall be removed from the Lodging Establishment by law enforcement for trespass pursuant to applicable tribal or state law, including 21 C.N.C.A. § 1835.2 or 21 O.S. § 1835.

C. Ejection under this section is specifically excluded from ev1ct10n proceedings requirements under tribal or state law, regardless of length of previous stay or lease or contract with the Owner or Operator. If a valid lease or valid contract conflicts with this provision, the valid lease or valid contract shall prevail.

Historical Data

LA 26-26, eff. July 13, 2026.