

TRIBAL CODE

CHAPTER 98:

ABANDONED VEHICLE AND JUNK CODE

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HISTORY NOTE:

Current Ordinance:

Resolution 2003-66, adopted May 6, 2003, adopts Tribal Code Chapter 98: Abandoned Vehicle and Junk Code, effective immediately.

TRIBAL CODE

CHAPTER 98

ABANDONED VEHICLE AND JUNK CODE

98.101 Purpose and Authority.

The Purpose of this Chapter is to regulate the disposition of abandoned or disabled vehicles and junk on Tribal lands within the jurisdiction of the Tribe.

98.102 Definitions.

(1) “Abandoned Vehicle” shall mean a motor vehicle left unattended on Tribal lands within the jurisdiction of the Tribe and not having a valid license plate.

(2) “Junk” shall mean any wrecked, dismantled, inoperative, abandoned or discarded appliance, furniture, remnants of wood, machinery, vehicles, trailers, all terrain vehicles, off-road vehicles, boats, snowmobiles, metal or any other cast-off material of any kind and tools of every nature, whether or not the same could be put to any reasonable use.

(3) “Owner of real property” shall mean any person in possession of any Tribal lands under an oral or written lease, the person listed as the real property lessee of said property in the applicable Tribal records of the applicable Tribal office or department, or the last grantee in the chain of title at the applicable county Register of Deed’s office.

(4) “Disabled motor vehicle” shall mean a motor vehicle which is either:

(a) Dismantled, in whole or in part, or which is unable to be operated on a public street as the result of a mechanical defect, malfunction or absence of properly functioning required safety equipment. A mechanical defect or malfunction includes, but is not limited to, one (1) or more deflated or missing tires, or a motor vehicle resting on supports other than inflated tires. The absence of minor and non essential parts such as antennas, or ornaments, hub caps, etc., shall not cause a motor vehicle to be deemed dismantled and thus disabled; or

(b) Not licensed and insured as required by law for operation in the rights-of-way of the streets, alleys or highways of the Tribe, state or city agency.

(5) “Tribal lands” shall mean:

(a) all land within the limits of the Tribe’s reservation, including trust land, fee patented land, and rights-of-way running through the reservation; and

(b) all land outside the boundaries of the Tribe's reservation land in trust by the United States for individual members of the Tribe or for the Tribe; and

(c) all other land considered "Indian Country" within as defined by 18 U.S.C. § 1151 that is associated with the Tribe.

98.103 Keeping prohibited.

(a) No Owner of real property shall permit any Junk to be placed or allowed to remain on their property in violation of the provisions of this ordinance.

(b) No Owner of real property shall permit any Disabled or Abandoned motor vehicle to be parked, placed, or allowed to remain on their property in violation of the provisions of this ordinance.

(c) Disabled motor vehicles shall not be permitted on rights-of-way of the streets, alleys or highways of the Tribe; provided, however, that this prohibition shall not apply to the towing or similar transportation of such vehicles; and provided further, that a reasonable time (not to exceed 72 hours from the time of disability) shall be permitted for the removal or servicing of the Disabled vehicle in an emergency caused by an accident or sudden breakdown of the vehicle.

(d) Disabled motor vehicles or any part of a motor vehicle shall not be permitted in the front, side or rear yards of all parcels of Tribal lands, except as provided below:

(1) Disabled motor vehicles or parts of motor vehicles may be kept in an entirely enclosed garage or other entirely enclosed structure; or

(2) Disabled motor vehicles are permitted to be stored in conjunction with a permitted gasoline service station, auto repair garage, or junk yard, as those uses are defined in the applicable Tribal Land Use Ordinance, controlling the location and the operation of such uses, and provided that such use has complied with all appropriate permits and licenses and other necessary approvals.

98.104 Junk regulated.

With the exception of a lawfully established junk yard conforming to all of the terms and regulation of the Tribe's Land Use Ordinance, it shall be unlawful for any person to keep or deposit, or allow to be kept or deposited, or allow to remain, any Junk on property located within the jurisdiction of the Tribe.

98.105 Notice.

(1) If a vehicle has remained on Tribal lands for a period of time so that it appears to the Sault Tribe's Chief of Police, or his designee, to be Disabled or Abandoned, the Tribal police may do the following:

(a) Issue a civil citation requiring that the Disabled vehicle be removed within 15 days.

(b) Issue a civil citation requiring that the Abandoned vehicle be removed within 48 hours.

(2) If Junk has remained on Tribal lands for an unreasonable period of time so that the Junk appears to the Sault Tribe's Chief of Police, or his designee, to be a public nuisance, the Tribal police may issue a civil citation requiring that the Junk be removed within 15 days.

98.106 Issuance of Permit, Exemption.

The Sault Tribe's Chief of Police, or his designee, upon written application, may exempt from the provisions of this ordinance for any reasonable period of time, any Junk, or any historic or classical vehicle, or any vehicle in the process of restoration or repair or any vehicle by reason of special circumstance is deemed to warrant such exemption.

98.107 Penalty.

Any person, firm or corporation who violates a provision of this ordinance including, but not limited to, failing to comply with a civil citation issued under Section 98.106, may be liable for penalty as follows:

(1) For a civil remedial penalty of not more than \$100.00.

(2) For any costs incurred in disposing of the Abandoned or Disabled vehicle or Junk.

(3) For Court costs as determined by the Judge.

98.108 Public nuisance.

(1) The presence of Junk in excess of 60 days shall be a violation of the provisions of this ordinance and is hereby declared to be a public nuisance per se. The Tribal Court may order such nuisance abated, to include but not limited to, the removal and disposal of the nuisance in accordance with applicable law and procedure and hold the owner liable for maintaining a nuisance per se and assess the applicable penalty.

(2) An Abandoned or Disabled vehicle shall be declared a public nuisance per se if said vehicle is inoperative for a period in excess of 30 days, provided however, any inoperative vehicle which is not in operation due to lack of license, shall not be declared a public nuisance unless it has been unlicensed more than 60 days. The Tribal Court may order such nuisance abated to include but not limited to, the removal and disposal of the nuisance in accordance with applicable law and procedure and hold the owner liable for maintaining a nuisance per se and assess the applicable penalty.