

**Title 10 – Community Health**  
**Chapter 7 – Junk Vehicles and Abandoned Property**

**Sec.**

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**Legislative History**

**Enacted:**

Ordinance 356 Amending STC Title 10, Chapter 7 (12/1/15), BIA (12/17/15).  
Ordinance 344 (2/10/15) BIA (2/19/15); Ordinance 266A, Amending Junk  
Vehicle Disposal Chapter, STC Title 10, Chapter 7, and Ordinance 169  
(3/10/2009), BIA (4/27/2012).  
Ordinance 169, Public Health and Welfare (6/30/03), BIA (7/3/03).

**Repealed or Superseded:**

Enacting Res. 91-9-94, BIA (11/1/91) (amending Ord. 76)  
Defining and Clarifying Definition of “Junk Vehicle,” Ord. 83 (9/24/91)  
Junk Vehicle Disposition, Ord. 76 (5/7/91), Enacting Res. 91-5-49, BIA  
(8/19/91).

**Rescinded:**

General Impoundment Ordinance, Ord. 59 (12/6/88), BIA (never approved).

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**10-07.010 Title.**

This Chapter shall be referred to as the “Junk Vehicle and Abandoned Property Disposal Chapter.”

[History] Ord. 344 (2/10/15) BIA (2/19/15); Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.020 Purpose and Scope.**

The purpose of this Chapter is to protect the health, safety and welfare of all Reservation residents by disposing of junk vehicles located on property within the exterior boundaries of the Reservation and abandoned property located on Tribal properties in a lawful and efficient manner.

[History] Ord. 356 (12/1/15); Ord. 344 (2/10/15) BIA (2/19/15); Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.030 Authority.**

This Chapter is adopted pursuant to authority provided by Article VI, Section 1(k) and (l) of the Swinomish Constitution, as most recently amended.

[History] Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.040 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- (A) **“Landowner”** includes a legal owner of private property, a person with possession or control of private property, or a Swinomish tribal official having jurisdiction over tribal property.
- (B) **“Junk Vehicle”** means a vehicle certified as meeting the following requirements:
  - (1) Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing or damaged equipment necessary to the operation or normal use of the vehicle, such as, wheels, tires, motor or transmission;
  - (2) Apparently inoperable or unusable;
  - (3) Without any required indicia of a valid, current registration, such as a license plate or visible registration number; or
  - (4) A fair market value equal only to its value as scrap.
- (C) **“Vehicle”** includes automobiles, cars, trucks, trailers, motor homes, mobile homes, boats, airplanes, motorcycles and motor scooters, and any other transportation device that is propelled by force other than human effort or that is designated to be towed by such device.

- (D) **“Abandoned property”** means personal property – to include vehicles and vessels – or unattended gear as defined in STC 18-03.320 that is not owned by the Tribe but is left on Tribal properties without the permission of the Tribe for greater than 72 hours or on Tribal Tidelands or the beach fronting on the Swinomish Channel in excess of the time limits specified in STC 18-03.320.
- (E) **“Tribal properties”** means Tribal properties as defined in STC 2-03.030(R).

[History] Ord. 356 (12/1/15); Ord. 344 (2/10/15) BIA (2/19/15); Ord. 266A (3/10/09); Ord. 169 (6/30/03); Ord. 83 (11/24/91).

**10-07.050 Certification of Junk Vehicle.**

- (A) Notwithstanding any other provision of law, any law enforcement officer having authority or any person authorized by the Tribe may inspect and certify that a vehicle meets the requirements of a junk vehicle.
- (B) The person making the certification shall record the make, model or manufacturer and vehicle identification number, registration number or license number of the vehicle if available or, if not available, a description of the vehicle, and shall also describe in detail how the vehicle meets the requirements for a junk vehicle as described in Section 10-07.040(B).

[History] Ord. 344 (2/10/15) BIA (2/19/15); Ord. 266A (3/10/09); Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.060 Notification.**

- (A) Junk Vehicles
  - (1) The law enforcement officer or tribal representative shall provide information on the vehicle’s registered and legal owner, if available, to the landowner.
  - (2) Upon receiving information on the vehicle’s registered and legal owner, the landowner shall obtain a junk vehicle notification form from the Tribe. The landowner shall either 1) deliver by personal service; or 2) send by first class mail notification to the registered and legal owners shown on the records of the Washington Department of Licensing, the Tribe’s Fisheries Department, or other registering or licensing agency. The notification shall describe the redemption procedure and the right to contest the sale or disposal of a junk vehicle in a Tribal Court hearing.

- (3) If the vehicle remains unclaimed more than fifteen days after the landowner has personally served or sent by first class mail notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.
- (4) If no information on the vehicle's registered and legal owner is found in the records of the Washington Department of Licensing, the Tribe's Fisheries Department, or other registering or licensing agency, the landowner or authorized Tribal Representative in the case of junk vehicles located on Tribal Properties, may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.
- (5) If the location of the vehicle causes a nuisance or imminent threat to human health or the environment the Swinomish Police Department may immediately arrange for impound and storage of the property either by the Tribe or a licensed tow company pending disposition of the case.

(B) Abandoned Property Located on Tribal Properties

- (1) Personal property that is not owned by the Tribe that remains on Tribal properties for more than seventy-two (72) hours, or on Tribal Tidelands in excess of the time limits specified in STC 18-03.320, is hereby deemed and declared to be abandoned property.
- (2) If the identification of the owner of the abandoned property is visibly apparent on the abandoned property, the Tribe shall either 1) deliver by personal service; or 2) send by first class mail notification to such owner that the Tribe has deemed the property as abandoned and will seize and sell or destroy the property 15 days after the date of the mailing or personal service. The notification shall describe the redemption procedure and the right to contest the sale of abandoned property in a Tribal Court hearing. In the alternative, the Tribe shall conspicuously post on the abandoned property itself a highly visible notice indicating that the Tribe has deemed the property as abandoned and will seize and sell or destroy the property 15 days after the date of posting.
- (3) If the identification of the owner of the abandoned property is not visibly apparent on the abandoned property, the Tribe shall either 1) deliver by personal service; or 2) send by first class mail notification to any individuals residing on properties immediately adjacent to the Tribal Property or, in the alternative, the Tribe shall conspicuously post on the abandoned property itself a highly visible notice indicating that the Tribe has deemed the property as abandoned and will seize and sell or destroy the property 15 days after the date of posting, mailing, or personal service. The notification shall describe the redemption procedure and the right to contest the sale of abandoned property in a Tribal Court hearing.

- (4) In the case of numerous items of abandoned property in a single location it shall be sufficient to conspicuously post four (4) such notices on different pieces of abandoned property in the same general vicinity indicating that the entirety of the described property (either described by type and quantity or geographic description) has been deemed abandoned under this Title.
- (5) If the location of the abandoned property causes a nuisance or imminent threat to human health or the environment the Swinomish Police Department may immediately arrange for impound and storage of the property either by the Tribe or a licensed tow company pending disposition of the case.

[History] Ord. 356 (12/1/15); Ordinance 344 (2/10/15) BIA (2/19/15); Ord. 266A (3/10/09); Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.070 Right to a Hearing.**

- (A) The owner of a junk vehicle, or abandoned property located on Tribal properties, shall have a right to a hearing in the Swinomish Tribal Court.
- (B) The owner of the junk vehicle or abandoned property shall request a hearing contesting the seizure and sale or destruction of the property in the Swinomish Tribal Court within 15 days of mailing, personal service, or posting of notice on the property itself.
- (C) As described above, if the location of the junk vehicle or abandoned property causes a nuisance or imminent threat to human health or the environment the Swinomish Police Department may immediately arrange for impound and storage of the property either by the Tribe or a licensed tow company pending disposition of the case. Notice shall be provided in the same manner as described above, and notice by posting shall be deemed sufficient if done conspicuously in the location from which the property was removed and the notice contains a description of the property along with a description of the redemption procedure and the right to contest the sale of abandoned property in a Tribal Court hearing.
- (D) The procedure for the hearing shall be governed by the Rules of Civil Procedure.

[History] Ord. 356 (12/1/15); Ord. 344 (2/10/15) BIA (2/19/15)

**10-07.080 Sale or Disposal.**

- (A) **Known Owner.** If the junk vehicle, or abandoned property located on Tribal properties remains unclaimed and no demand for a hearing has been filed within fifteen (15) days notification to the registered and legal owner of the junk vehicle

or abandoned property, the landowner or the Tribe in the case of abandoned property located on Tribal Properties may sign an affidavit of sale to be used as a title document.

- (B) **Unknown Owner.** If the junk vehicle or abandoned property located on Tribal properties remains unclaimed and no demand for a hearing has been filed within the required timeframe described above, the landowner or Tribal Representative in the case of abandoned property located on Tribal properties may sign an affidavit of sale to be used as a title document. If no information on a junk vehicle's registered and legal owner is found in the records of the department, the landowner or Tribe may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document, without adhering to the notice requirements.

[History] Ord. 356 (12/1/15); Ord. 344 (2/10/15) BIA (2/19/15); Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.090 Storage and Removal Costs.**

The landowner of the property upon which the junk vehicle is located or the Tribe in the case of abandoned property located on Tribal properties is entitled to recover from the owner of the junk vehicle or abandoned property any costs incurred in the storage and removal of the junk vehicle or abandoned property.

[History] Ord. 356 (12/1/15); Ord. 344 (2/10/15) BIA (2/19/15); Ord. 169 (6/30/03); Ord. 76 (5/7/91).

**10-07.100 Proceeds of Abandoned Property Located on Tribal Properties.**

- (A) All proceeds derived from the sale of abandoned property seized pursuant to this Chapter are the property of and shall be paid to the Tribe.
- (B) The proceeds shall be allocated to Tribal accounts in the following order of priority:
- (1) Seizure, storage, and retrieval costs;
  - (2) Costs of the sale;
  - (3) Taxes, fees, or any other debt the owner owes to the Tribe; and
  - (4) The remainder, if any, to the Talawhalt account, which is a sub-account of the general fund.

[History] Ord. 356 (12/1/15); Ord. 344 (2/10/15) BIA (2/19/15).

**10-07.110 Repealer.**

Ordinances 83, 76, and 59 are hereby repealed and superseded.

[History] Ord. 344 (2/10/15) BIA (2/19/15); Ord. 169 (6/30/03).

**10-07.120 Severability.**

[Reserved]

**10-07.130 Effective Date.**

This Chapter shall take effect and be enforced immediately from and after its approval by the Secretary of the Interior or the Secretary's designated representative.

[History] Ord. 344 (2/10/15) BIA (2/19/15).