

TITLE 14
LUMMI NATION CODE OF LAWS
GENERAL IMPOUNDMENT CODE

Enacted: Resolution S-13 (10/7/74)

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**TITLE 14
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Chapter 14.01 Definitions

14.01.010 Object

“Object” as used herein shall mean any physical object capable of being held as personal property including but not limited to guns and weapons of all types, fish and game, domestic animals, fishing and camping gear, recreational equipment, licenses or permits, and all vehicles not included in the provisions of Title 7 of the Lummi Code of Laws.

14.01.020 All other Terms

All other terms shall be as defined in Chapter 1.01 of this Code.

**Chapter 14.02 Impoundment and
Confiscation**

**14.02.010 Impoundment and
Confiscation - Generally**

Any object used in violation of this Code or any valid regulation of the Tribe or Council or which object is the instrument which causes damage to real property, personal property or any person, shall be subject to impoundment and confiscation as hereinafter provided.

**14.02.020 Impoundment - Persons
Authorized**

Such object may be impounded at any convenient place on the Reservation by,

- (a) the person owning or leasing the premises where such object is found,
- (b) the Superintendent of the Lummi Indian Reservation or his representative, or
- (c) any tribal law enforcement official.

14.02.030 Registration with Court

Within twenty-four (24) hours after impoundment, the person impounding the object shall register the same with the presiding judge of the Tribal Court. The registration shall show a description or serial numbers and the name and address of the

person who was in possession thereof.

Chapter 14.03 Hearing

14.03.010 Notice

Upon registration with the presiding judge of the Tribal Court, the judge shall cause a notice of hearing to be served as hereinafter provided upon the owner of the object impounded.

14.03.020 Time

The hearing shall be at a time and place indicated in the notice and not less than five (5) days after service or mailing of the notice as provided herein, whichever is later, where the owner is known, unless the owner requests and is granted an earlier date, and not less than fourteen (14) days after posting and publication of the notice as provided herein where the owner is unknown.

14.03.030 Failure to Appear

Failure of the owner to appear at the hearing shall be deemed an admission to all material allegations in the notice and to the validity of the impoundment.

14.03.040 Hearing

The owner may be represented by counsel at the hearing, provided that such counsel is admitted to practice as provided in Chapter 1.07 of this Code. If the owner does not appear at the hearing, or is adjudged to have violated this Code by a preponderance of the evidence, the court may order the object sold fourteen (14) days from the date of the hearing to pay all damages caused by the impounded object or to pay a fine levied as a result of the owner’s or possessor’s act, unless the owner shall appear prior to the sale date and pay all such damages or fines including costs of the hearing accrued to date.

14.03.050 Service of Notice

(a) Known Owners: If the owner of the object impounded is known the notice of hearing may be personally served or sent by certified mail.

(b) Unknown Owners: If the owner of the object is unknown, the notice shall be served by posting notice in two (2) public places on the Reservation and by publication in one issue of a newspaper of general circulation in the Reservation area at least seven (7) days prior to the hearing.

14.03.060 Contents of Notice

(a) The notice of hearing shall state that the object has been impounded, the name of the person impounding it, and the reason therefore, a general description of the place where the violation occurred, and the present location of the object impounded and the keeper thereof, the fact that damages may be assessed and information concerning the hearing in the following form:

(b) Form of Notice

TO: _____

YOU ARE HEREBY NOTIFIED that an object of the following description:

was impounded by

_____ on
or about the ____ day of _____,
20__ and is now located at

_____ in the safekeeping of _____.

Such impound occurred at or near

_____ for the reason that _____

YOU ARE HEREBY ORDERED TO APPEAR before the Tribal Court at the hour of

_____ on the _____ day of _____, 20__, to show cause why the object seized in this action should not be sold or confiscated to satisfy damages

caused or a fine levied for violation of the Lummi Code of Laws, and for a hearing to determine the validity of the impoundment.

If you do not appear on the date and time noted above, such failure to appear shall be deemed an admission of all material allegations of this notice and the validity of the impoundment. The object will then be sold or confiscated fourteen (14) days after the hearing date noted above to satisfy all damages, fines, or charges accrued to the date of sale unless redeemed by you prior to the date of sale by payment of all damages, fines and charges accrued.

If at the hearing, the impoundment is found to be not valid, the object will be released to you as soon as is practical. If the impoundment is found to be valid, you may redeem the object within fourteen (14) days thereafter by payment of all damages, fines and charges accrued to the date of redemption.

Tribal Court Judge

Date

Chapter 14.04 Sale of Impounded Object

14.04.010 Sale

If within the time allotted in this Title, the owner of the object impounded has not appeared or if after the hearing in which the validity of the impoundment was sustained, and the damages, fines and charges accrued have not been paid to the presiding judge, he shall order the object sold. The object may be sold at a private sale subject to the approval of the presiding judge, or otherwise after notice and on such terms and conditions as the judge shall require.

14.04.020 Proceeds

After deducting all costs of sale and court costs, the proceeds of the sale shall be applied to the satisfaction of any damages or fines assessed. The surplus, if any, shall be transmitted to the owner if known. If unknown, the surplus shall be transmitted to the general fund of the Lummi Nation of the

Lummi Reservation, Washington.

Chapter 14.05 Appellate Proceeding

14.05.010 Appeal-Generally

Any person aggrieved by the decision of the Tribal Court shall have the right to appeal such decision as prescribed in Chapter 1.08 of this Code.

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