

**TITLE 7**  
**LUMMI NATION CODE OF LAWS**  
**MOTOR VEHICLE IMPOUNDMENT CODE**

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**TITLE 7  
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**Chapter 7.01 Definitions**

**7.01.010 Definitions**

Unless otherwise stated herein, all terms in this chapter shall be as defined in Title 6 (Traffic Code) of this Code.

(a) Hulk Vehicle means any Vehicle whose approximate value is equivalent to or less than the approximate scrap value.

(b) Landowner means a legal owner of private property, a person with possession or control of private property, a person with possession or control of property held in trust by the United States government, or a public official having jurisdiction over public property.

(c) Vehicle means any car, truck, motorcycle, other wheeled machine, or boat, that was designed to be, or which at one time, was self-propelled or towed, or in the case of boats, propelled by mechanical, natural, or human force, and which was capable of being operated over land, a roadway, or water.

(d) Public Property means any area within the exterior boundaries of the Lummi Reservation that is generally open to the public including but not limited to, (1) beaches and tidelands, (2) roadways and right of ways, (3) property owned by the Tribe or that is held in trust for the Tribe, except areas containing residential, single family structures.

**Chapter 7.02 Unauthorized Vehicles in a Public Right of Way**

**7.02.010 Unauthorized Vehicles in the Right of Way**

Any Lummi law enforcement officer discovering an unauthorized Vehicle left unattended or inoperable within a public right of way or traveled waterway within the exterior boundaries of the Lummi Nation shall place on the vehicle a readily visible notice that the Vehicle is subject to impoundment under Title 7 of the Lummi Code of Laws if it remains in the right of way for more than 48

hours. The Notice shall also state 1) the date and time the Notice was placed on the vehicle; 2) the identity of the officer who placed the Notice and; 3) the event identification number.

**7.02.020 Contacting Vehicle Owners**

Upon discovery of an unauthorized motorized vehicle left unattended or inoperable within a public right of way, a Lummi law enforcement officer shall check any readily available records to learn the identity of the Vehicle owner. Upon determining ownership, an officer shall make a reasonable attempt to contact the owner.

**7.02.030 Towing and Impoundment**

If a Vehicle remains in a public right of way for more than 48 hours from the posting of Notice under 7.02.010, a Lummi law enforcement officer may take custody of the Vehicle and arrange for its impoundment.

**7.02.040 Emergency Removal of Vehicles in the Public Right of Way**

Notwithstanding the prior sections of 7.02, any Vehicle left within a public right of way and causing a hazard may be immediately taken into custody and impounded by a Lummi law enforcement officer.

**7.02.050 Responsibility for Costs**

The registered owner of a Vehicle shall be responsible for paying all costs incurred under this Chapter and associated with removing their vehicle from a right of way.

**7.02.060 Impoundment Procedures**

The Lummi Nation Police Department shall have the authority to adopt rules and procedures governing the impoundment of Vehicles under this Chapter.

**Chapter 7.03 Impoundment of Vehicles not Within a Public Right of Way**

**7.03.010 Impoundment - Generally**

Any Vehicle not located within a public right

of way or traveled waterway within the exterior boundaries of the Lummi Nation without the consent of the Landowner and which remains in such location for more than 24 hours, or which causes damage to real or personal property shall be subject to impoundment as hereinafter provided.

**7.03.020 Impoundment - Persons Authorized**

Vehicles subject to impoundment under Chapter 7.03.010 may be impounded at any convenient place on the Reservation by any Landowner on which the vehicle is located or by a Lummi law enforcement official.

**7.03.030 Registration with Court**

Within 24 hours after impoundment, the individual who impounded the Vehicle (or their representative) shall register the Vehicle with the Lummi Nation Tribal Court. The registration shall show a description of the Vehicle as well as the name and address of the registered owner (if such information is ascertainable).

**Chapter 7.04 Hearing**

**7.04.010 Notice**

Upon registration with Lummi Nation Tribal Court, the court shall cause a notice of hearing to be served as hereinafter provided upon the owner of the Vehicle impounded.

**7.04.020 Time**

The hearing shall be at a time and place indicated in the notice and not less than five 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.

**7.04.030 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 the validity of the Vehicle impoundment.

**7.04.040 Hearing**

The owner may be represented by counsel at the hearing. If the owner does not appear at the hearing, or after hearing, it appears to the court by a preponderance of the evidence that the impounded Vehicle was negligently or willfully driven on the Lummi Indian Reservation outside of designated or traveled roads without the consent of the Landowner on whose land the Vehicle was found, the court shall order the Vehicle sold no earlier than fourteen (14) days from the date of the hearing to pay all damages caused by the impounded Vehicle unless the owner shall appear prior to the sale date and pay all such damages including costs of the hearing accrued to date. If the court finds that the Vehicle was impounded in bad faith, the individual impounding the Vehicle shall be responsible for paying all costs of the impoundment.

**7.04.050 Service of Notice**

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

(b) Unknown Owners. If the owner of the Vehicle is unknown, the notice shall be served by posting notice in two public places on the Reservation and by publication at least 7 days prior to the hearing.

**7.04.060 Contents of Notice**

(a) The notice of hearing shall state that the Vehicle has been impounded, the reason for the impoundment, a general description of the place where the Vehicle was located, the present location of the Vehicle impounded, 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 a Vehicle of the following description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

was \_\_\_\_\_ impounded  
by \_\_\_\_\_ on or  
about the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_, and is  
now in the safekeeping  
of: \_\_\_\_\_

\_\_\_\_\_. Such impound occurred at  
or \_\_\_\_\_ near  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ for  
\_\_\_\_\_  
\_\_\_\_\_

YOU ARE HEREBY ORDERED TO  
APPEAR before the tribal court at the hour  
of \_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_, to show cause  
why the vehicle seized in this action should  
not be sold to satisfy damages for driving said  
vehicle in violation of this Code, 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 validity of the  
vehicle impoundment. The vehicle will then  
be sold fourteen (14) days after the hearing  
date noted above to satisfy all charges accrued  
to the date of sales unless redeemed by you  
prior to the date of sale by payment of all  
damages and charges accrued.

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

\_\_\_\_\_  
(Signature) Tribal Judge  
Date

### **Chapter 7.05 Sale of Vehicle**

#### **7.05.010 Sale**

If, within the time allotted in this Title, the  
owner of impounded Vehicle impounded has  
not appeared, or if after hearing in which the  
validity of the impoundment was sustained,

the damages and charges accrued have not  
been paid to the presiding judge, the court  
shall order the Vehicle sold. The Vehicle may  
be sold at a private sale subject to the approval  
of the court or otherwise after notice and on  
such terms and conditions as the court shall  
require.

#### **7.05.020 Proceeds**

After deducting all costs of sale and court  
costs, the proceeds of the sale shall be applied  
to the satisfaction of the judgment assessed in  
this action for damages and shall be paid over  
in that amount to the individual suffering  
damages from the Vehicle's improper  
operation. 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.

### **Chapter 7.06 Appellate Proceeding**

#### **7.06.010 Appeal - Generally**

Any person aggrieved by the decision of the  
court shall have the right to appeal such  
decision as prescribed in Title 1 of this Code.

### **Chapter 7.07 Hulk Vehicles—Removal and Disposal**

#### **7.07.010 Purpose**

The purpose of this Chapter is to provide a  
means for removal of Hulk Vehicles from  
public and private property within the Lummi  
Reservation.

#### **7.07.020 Persons Authorized to Dispose of Hulk Vehicles**

(a) Private Property: Any Landowner or their  
designated representative may request  
authorization for the disposal of any Hulk  
Vehicle on the landowner's property in  
accordance with this chapter.

(b) Public Property: A Lummi Police Officer  
or other person authorized by the LIBC may  
request authorization for the disposal of any  
Hulk Vehicle on public property.

#### **7.07.030 Inspection and Information from Law Enforcement**

Prior to removal of a Vehicle under this

chapter, a Landowner must have the Vehicle certified as a Hulk Vehicle by a Lummi law enforcement official. Upon the request of a Landowner, the law enforcement officer shall:

- (a) Conduct an inspection of the Vehicle;
- (b) Record the make and vehicle identification number and license number of the Vehicle if available;
- (c) Verify that the approximate value of the Vehicle is equivalent to or less than the approximate scrap value of the Vehicle; and
- (d) Provide the registered and legal owner's name and address for the Vehicle.

**7.07.040 Notice to Owner**

(a) Upon receiving information on the Hulk Vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners by certified mail. The notice shall contain the following information: A description of the Hulk Vehicle, the person's name attempting to dispose of the Hulk Vehicle, the present location of the Hulk Vehicle, including address if applicable, that the vehicle must be removed within 15 days from the date of mailing of the Notice to Owner, and that if the vehicle is not removed, the registered owner may be held responsible for up to two times the cost of removing the Hulk Vehicle. The Notice shall be signed by the person seeking to dispose of the Hulk Vehicle.

(b) Form of Notice

TO: Registered and Legal Owners of the Following Described Hulk Vehicle

Legal Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Registered Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

YOU ARE HEREBY NOTIFIED that a Hulk Vehicle of the follow description

\_\_\_\_\_

is located on the property of \_\_\_\_\_.

The Hulk Vehicle has been at this location for at least thirty days if operable or five days if damaged or has been hulk on public property. The vehicle must be removed within fifteen days from the date of mailing of this Notice. If you are the Registered Owner of the Hulk Vehicle you may be held responsible for up to two times the costs incurred in removing the Hulk Vehicle.

**7.07.050 Liability for Failure to Remove Vehicle**

If, after mailing notice to the registered owner, the registered owner fails to remove the Hulk Vehicle the costs of removal may be recovered as follows:

(a) The Landowner of the property upon which the Hulk Vehicle is located is entitled to recover from the Hulk Vehicle's registered owner any costs incurred in the removal of the Hulk Vehicle.

(b) If the Hulk Vehicle is located on public property, the LIBC shall be entitled to recover twice the costs incurred in the removal of the Hulk Vehicle.

**7.07.060 Order for Disposal**

(a) The Landowner shall present the Officer Inspection Report and proof that the registered and legal owner were sent notice as required under this Chapter to the Lummi Tribal Court.

(b) Upon proof that the Landowner has sent notice to the registered and legal owner, that 15 days have elapsed since the Notice was sent, that the Vehicle has not been removed within the required 15 days, and that the Vehicle has been inspected as required by §7.07.030, the Tribal Court shall authorize the disposal of the Hulk Vehicle on an ex-parte basis.

**7.07.070 Non-Owner Identifiable Hulk Vehicles**

(a) If a Hulk Vehicle does not have any identification markings such as a license plate or a Vehicle Identification Number, the Landowner may immediately dispose of the

Hulk Vehicle upon approval under §7.07.060. It shall not be necessary to send notice or wait the fifteen days otherwise required by this Chapter.

**7.07.080      Release of Liability**

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A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made under this Chapter.

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