

## CHAPTER 33

### JUNK VEHICLES AND JUNK ORDINANCE

**1. Purpose.** The purpose of this ordinance is to regulate the presence within Penobscot Indian territory of junk vehicles and other junk as defined in this ordinance.

**2. Definitions.**

- (1) "Vehicle" shall mean any device by which any person or property may be propelled, moved, or drawn upon a road, street, right of way, path, or highway. Vehicles include without limitation automobiles, cars, trucks, trailers, buses, motorcycles, scooters, all-terrain vehicles, off-road vehicles, and snowmobiles.
- (2) "Junk Vehicle" shall mean any wrecked, dismantled, inoperative, inoperable, abandoned or discarded vehicle, or parts thereof. It includes a vehicle which is dismantled, in whole or in part, or which is unable to be operated because of physical or mechanical defect, malfunction or absence of properly functioning required safety equipment such as doors, windows or lights, or does not display valid license plates, or does not display an inspection decal which is valid or does display an inspection decal that has expired for more than 12 months.
- (3) "Junk" shall mean any wrecked, dismantled, inoperative, inoperable, abandoned, or discarded appliance, furniture, remnants of wood, machinery, tools of any kind, metal or any other cast-off materials, tires, building and construction materials, and including trash or rubbish of any kind.
- (4) "Penobscot Indian territory" means all lands within the exterior boundaries of the Penobscot Indian reservation and trust lands.

**3. Nuisance.** It is hereby declared a nuisance and it is unlawful for any person in control of any property within Penobscot Indian territory, whether as owner, tenant, occupant or otherwise, to store, or permit the storage or accumulation in or upon such property of any Junk Vehicle or Junk.

**4. Enforcement.** The Chief or their authorized designee is empowered to notify in writing the owner, tenant, or occupant of any property within Penobscot Indian territory to abate and remove any Junk Vehicle or Junk located on such property. Such written notice shall give the owner, tenant, occupant, a minimum of thirty (30) days to abate or remove the Junk Vehicle or Junk. If after written notice, the Junk Vehicle or Junk is not abated or removed within the time specified in such notice, the Chief or their authorized designee may direct the Department of Public Safety to issue a civil citation requiring the vehicle be removed within twenty-one (21) days thereafter. Alternatively, if after written notice, the owner, tenant, or occupant fail to remove the Junk Vehicle or Junk within the time specified in the notice, the Chief and Council may order the abatement or removal of the Junk Vehicle or Junk by the Nation. The cost of such abatement or removal shall be certified and submitted to the Nation's Finance Department. Upon certification, a bill will be sent to the owner, tenant, or occupant requesting immediate

payment of this amount. Failure to pay such certified amount within sixty (60) days from mailing of the bill shall result in the withholding of all per capita payouts from the Nation to the owner, tenant, or occupant until the certified amount has been reimbursed to the Nation.

**5. Exemption.** The Chief or their designee may exempt from the provisions of this ordinance for any reasonable period any Junk Vehicle that may reasonably be regarded as a historic or classic vehicle, which is in the process of restoration or repair, or any vehicle by reason of special circumstances deemed to warrant such exemption in the discretion of the Chief. The Chief or their designee can place such conditions on the location, storage, and use of any such exempted Junk Vehicle(s).

**6. Penalties.** Any person who violates a provision of this ordinance, including, but not limited to, failing to comply with a civil citation issued under Section 4 above, may be liable for penalties as follows:

- (1) For a civil remedial penalty of not less than \$100 and no more than \$500.
- (2) For costs incurred in disposing of the Junk Vehicle or Junk.
- (3) For costs as determined by Tribal Court.