

**ORDINANCE 11-B
JUNK VEHICLES AND WRECKING YARD
ORDINANCE**

BE IT ENACTED by the Blackfeet Tribal Business Council of the Blackfeet Indian Reservation:

This Ordinance, 11-B, hereinafter known as the "JUNK VEHICLES, JUNK YARDS AND MOTORVEHICLE WRECKING YARD ORDINANCE", provides for the licensing and regulation of all motor vehicle wrecking facilities, the controlling of junk vehicles in non-wrecking yard locations and matters related thereto on the Blackfeet Indian Reservation.

SECTION 1 PURPOSE AND DECLARATION OF POLICY.

The Purpose of this Ordinance is to provide for the regulation, collection, removal, destruction and storage of Junk Vehicles, as hereinafter defined, within the exterior boundaries of the Blackfeet Indian Reservsation.

Junk vehicles have become a serious health problem within the Blackeet Indian Reservation. Dangerous fluids often leak from the vehicles, eventually contaminating domestic water sources and posing a serious health threat to people and domestic animals. These vehicles sometimes become garbage dumps and home to rodents which present the risk of hanti-virus and other deases. Stray animnals find homes in these vehicle and become a risk to the public.

It is the public policy of the Blackfeet Tribe to maintain the Reservation environment in highest possible state, to protect Mother Earth and restore the Reservation to the environmental values of Blackfeet Nation.

SECTION 2 APPLICABILITY.

A person may not conduct, maintain, or operate a motor vehicle wrecking yard without compliance with the provisions of this Ordinance. As hereinafter set forth this Ordinance applies to all owners/operators of wrecking yards located within the exterior boundaries of the Blackfeet Indian Reservation.

This Ordiance shall otherwise apply to all persons within the exterior boundaries of the Blackfeet Indian Reservation who own or operate a wrecking yard or who otherwise own vehicles or otherwise allow junk to collect on their property within the Blackfeet Reservation.

SECTION 3 DEFINITIONS.

"Board" means the "ENVIRONMENTAL ENHANCEMENT BOARD", also known as the "ALLIANCE FOR A CLEAN RESERVATION" of the Blackfeet Indian Reservation.

"Code compliance officer" means Blackfeet Law Enforcement, Blackfeet Fish and Game, Blackfeet Housing Security, employees of the Blackfeet Utilities Commission, the Town of Browning or any other designated official of the Environmental Enhancement Board.

"Fluids" means Oil, Gas, Antifreeze, Freon and any other toxic liquids including petroleum by-products.

"Junk vehicle" means any motor vehicle as that term is defined herein, which does not have lawfully affixed thereto both an unexpired license plate and the condition of which is wrecked, junked, dismantled, or partially dismantled, inoperative, abandoned or discarded including parts thereof, and which is not being utilized for its manufactured or intended purpose.

"Junkyard" means a lot or yard used to store junk.

"Junk" means discarded material that maybe used in some form, but which in its present form, has no immediate use or value to any person.

"Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport persons or property upon the highways and streets within the Blackfeet Indian Reservation, The Town of Browning, and the State of Montana. The term includes any moped, power driven bicycle, motorcycle, motor scooter, automobile, truck or other vehicle propelled by a motor of any kind. It does not include a bicycle that does not have a motor.

"Motor vehicle graveyard" means a collection point for junk vehicles prior to their disposal.

"Motor vehicle wrecking facility" means a facility or location for the dismantling or wrecking of motor vehicles, trailers or the storage, sale or dumping of dismantled or partially dismantled obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped, dismantled motor vehicles or motor vehicle parts. The presence on any lot or parcel of land of four or more motor vehicles, which for a period exceeding ten (10) days, have not been capable of operating under their own power and/or parts from which parts have been removed for reuse or sale, may be evidence that the owner is operating a salvage or wrecking yard.

"Person" means any individual, firm, partnership, association, corporation, or any other entity whether organized for profit or non-profit.

SECTION 4 ADMINISTRATION, REGULATION AND ENFORCEMENT.

1. The provisions of this ordinance shall be administered by and through the ENVIRONMENTAL ENHANCEMENT BOARD, also known as the Alliance for A Clean Reservation.
2. The Board shall be composed of -5- members appointed by the Blackfeet Tribal Business Council. The term of the Board members shall be designated by the action appointing them to the Board.
3. The Board shall adopt the rules and regulations necessary to administer and enforce this Ordinance including but not limited to:
 1. The control, operation, and licensing of motor vehicle wrecking facilities.
 2. The control, and removal of junk vehicles located which threaten any stream, lake, pond, ground water or other body of water or domestic water supply.
 3. The inspection and evaluation of premises and records are subject to this Ordinance.
 4. Regulations ensuring that the Blackfeet Tribal Junk Vehicles and Wrecking Yard Ordinance (Ordinance 11-B) will be interpreted and administered consistent with the guidelines set forth in the Blackfeet Aquatic Lands Ordinance (Ordinance 90).
 5. Regulations related to the storage of motorvehicles by a motorvehicle wrecking facility, including requirements for shielding, fencing and other esthetic concerns.

SECTION 5 AUTHORITY OF BOARD; LICENSING; REVOCATION.

In addition to the powers of the Board set forth herein, the Board may deny, suspend, or revoke a motor vehicle wrecking facilities license when it proves that the facility:

- k. Sold or otherwise disposed of a motor vehicle, trailer, junk, any part thereof or any other items listed in the Ordinance or any parts thereof when it knew the vehicle or part was taken without the consent of the owner.
- l. Committed forgery of a "Certificate of Title" from a vehicle that has been re-assembled from parts obtained from the dismantling of other vehicles.
- m. Failed to comply with this Ordinance or with a rule, resolution or Ordinance from the Blackfeet Tribe or any department thereof.
- n. Obtained a license fraudulently

SECTION 6 DECLARATION OF PUBLIC NUISANCE.

The Blackfeet Tribal Business Council hereby finds and declares that any junkyard that does not conform to the requirements of this Ordinance or of any regulation of the Board promulgated pursuant to this Ordinance, is considered a public nuisance.

- A. The Board may apply to the Tribal Court for an injunction when it finds a junkyard facility not conforming to the requirements of this Ordinance.
- B. The Board may sue to shut down the operation or maintenance of an unlicensed junk yard either permanently or until compliance with the Ordinance and the rules of the Board has been demonstrated to the satisfaction of the Board.

**SECTION 7 MOTOR VEHICLE WRECKING FACILITIES;
ADMINISTRATIVE REQUIREMENTS; RECORDS; LICENSING; FEE.**

1. **Administrative Requirements.** Every motor vehicle wrecking facility shall maintain books or files that should include a record and description of every junk vehicle on their property along with the name or the person from whom the vehicle was purchased. All records must be kept on file at the site office.

2. **Records.** Records will also include:

- a. The certificate of title, "Sheriff's Certificate of Sale", a written release from the former owner, or an order from the Blackfeet Tribal Court that states the ownership of the motor vehicle;
- b. The name of the state where the vehicle was last registered;
- c. The number of the last license plate;
- d. The make of the vehicle;
- e. The vehicle/motor or identification number or serial number;
- f. The date purchased;
- g. The disposition of motor and chassis;
- h. Records of proper fluid removal and disposal from all vehicles upon entry to the wrecking facility as well as records of removal and disposal of Freon, all fluids. Batteries and other hazardous materials from all vehicles on site.
- i. "Emergency spill plan" for all hazardous waste.
- j. Records of all vehicles located within the wrecking facility should include final disposal

3. **Licensing.** The following procedure will be required for licensing a wrecking facility:

- a. Application for a license shall be made on forms furnished by the Board.
- b. An annual fee of \$250.00 will be paid to the Board. Licensing Fee may be pro rated quarterly. If the Blackfeet Tribe decides to operate a wrecking facility, they will not be required to pay license fee.
- c. The license will be displayed in a prominent place in the office of the wrecking facility.
- d. The license will expire on December 31st of the year that it was issued.
- e. If a motor vehicle wrecking facility ceases to do business, the license shall be surrendered to the Board. The license is non-transferable.
- f. All wrecking facilities must be shielded from public view on the date that the license for business is issued for new facilities established after the date

of this Ordinance and for existing facilities there is a 30 day period after the issuance of renew on the license or notification of such shielding requirements.

- g. All existing wrecking yards will be grand-fathered in and become licensed if they are able to meet all the conditions set for within this Ordinance within 6 months of the passing of this Ordinance.

SECTION 8 CODE COMPLIANCE OFFICERS; DUTIES; PENALTIES.

The provisions of this Ordinance shall be enforced through the Environmental Enhancement Board. Any and all enforcement actions shall be subject to the direction, control and review of the Board.

The Blackfeet Tribal Police, Blackfeet Environmental Office, Blackfeet Utilities Commission, Blackfeet Fish and Game, Blackfeet Housing, employees of the United States Public Health Service and any other authorized agent of the Board, are hereby empowered and authorized to act as enforcement agents under the provisions of this Ordinance. When so acting, all the above-named officials shall be considered as Code Compliance Officers.

Any Code Compliance Officer who has reasonable grounds to believe that a motor vehicle wrecking facility is being operated on a certain premises or in a certain facility within the Blackfeet Indian Reservation, shall be empowered to enter that premises or facility for the purpose of making inspections pursuant to this Ordinance; and it is hereby the duty of every person, firm, corporation, group, or organization to allow free access to all facilities as outlined herein and to render all aid and assistance necessary to enable the Code Compliance officers to make a complete inspection with the privacy of no person to be violated without their consent.

However, refusal to allow appropriate access to Code Compliance officers, upon a showing of reasonable cause by the Compliance officer, shall constitute a violation of this Ordinance.

The Code Compliance officers shall report their finding to the Board. Any person, firm, corporation, householder, group, organization being found in violation of this Ordinance, by the Board, shall be given ten (10) calendar days or any such reasonable time as determined by the Board, to make necessary corrections. Failure to comply with a violation order or corrective order issued by the Board within the period of time prescribed for corrective action, shall constitute a violation of this Ordinance and upon conviction by the Blackfeet Tribal Court, the violator will be subject to a fine of not less than \$150.00 (one hundred fifty dollars) nor more than \$500.00 (five hundred dollars) per violation or per violation per day that the condition exists.

SECTION 9 ABATMENT, SHIELDING AND REMOVAL OF JUNK VEHICLES.

1. **Public Nuisance Declared:** All vehicles which are certified as junk vehicles by a Code Compliance Officer according to this Ordinance are declared or constitute a public nuisance are subject to removal, impoundment and disposal.
2. **Notice of non-compliance:** Whenever it comes to the attention of the Code Compliance Officer that a nuisance exists within the Reservation limits due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicle or vehicles upon property within the Reservation a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no occupant, then upon the person being the owner of the property, notifying them of the existence of the nuisance and ordering its removal in a reasonable period of time.
 - A. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner at the last known address as exists upon the records of Tribe, Housing, County, or Town. An alternative notice may be served in the same manner as other legal process is served on the Reservation.
 - B. The time for compliance with the Notice shall begin one day after the Notice is received by the owner or served in person by the Code Compliance officer or other agent of the Board. The notice shall specify clearly the name and address of the property owner, the vehicle or vehicles description including VIN number and/ or license plate number, make and model or parts, thereof upon the property, which constitutes the nuisance and shall order the removal of the same as specified within this Ordinance. The notice shall advise the failure to remove as specified in this Ordinance and the penalty therefore as set forth in this Ordinance. The notice shall contain the name, address and telephone number of the Code Compliance Officer for contact by the occupant or owner.
3. **Shielding:** Upon notice of violation, the owner of the property or the junk vehicle shall be allowed to commence building a suitable fence or other structure to shield the junk vehicle from public view and to otherwise abate the problem giving rise to the violation.
4. **Notice of Civil Violation:** If the Code Compliance Officer does not receive notification from said violator by the time set forth in the Notice that the owner or violator has begun appropriate shielding or abatement action, the officer may issue a "Notice of Civil Violation" to the violator in accordance with the provisions of this Ordinance.
5. **Removal of Junk Vehicles:** Pursuant to the hearing examiner's orders, the Board may use any lawful means e.g. (licensed motor vehicle wrecker or bulk loader) to

have junk vehicles removed from property.

6. **Recovery of Costs and Expenses:** The Board may file with appropriate State or County Offices a claim/s for lien of costs and expenses for removal of junk vehicle/s. The impoundment and disposal of junk vehicle/s will be enforced in accordance with this Ordinance and any regulations set by the Board. All costs associated with removing, impounding, administration and disposing of the vehicles will be the responsibility of the landowner or registered owner of the property.

SECTION 10 CONSTRUCTION AND LOCATION OF A WRECKING FACILITY.

In addition to any regulation promulgated or enacted by the Board, no person shall establish, operate or maintain a vehicle wrecking facility without first meeting the following requirements:

- A. The site will be shielded from public view
- B. The shielding will be made of materials that best protects the site from illegal entrance, does not allow for the viewing of the objects from outside the facility.
- C. The minimum height of the shielding will be 8 feet. This can and will change if the objects with the shielding are viewable from the exterior of the facility. If such a case does present itself the shielding must be increased in height to a height that meets the above listed requirements.
- D. The shielding must be maintained and not allowed to go into disrepair.
- E. The site will have only one access point of which will be constructed as to the above standards and lockable.
- F. The facility cannot be located within 150 yards of a stream, river, wetland, drainage waterway, or any other water body situated within the Reservation boundaries.
- G. The facility has to have an on-site "Emergency Spill Response Plan" for dealing with spillage of hazardous materials.
- H. The facility must have a plan for the storing and disposing of hazardous materials, fluids, refrigerants, batteries, etc.

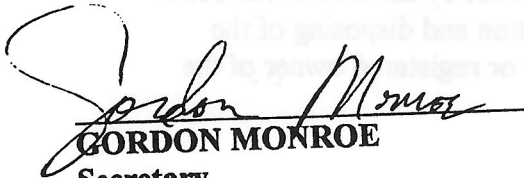
SECTION 11 EFFECTIVE DATE.

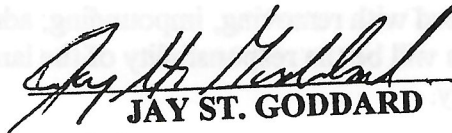
This Ordinance shall become effective upon enactment by the Blackfeet Tribal Business Council and appointment of the Environmental Enforcement Board. Provided, however, that prior to any enforcement, notice of this Ordinance and of any regulations enacted or promulgated by the Board shall be made available by reasonable and appropriate public notice and delivered by a Code Compliance Officer to any known or suspected motor vehicle wrecking facility or junk yard which is subject to the terms of this Ordinance.

DATED this 20th day of May 2003.

ATTEST:

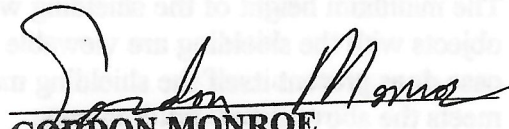
**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**


GORDON MONROE
Secretary


JAY ST. GODDARD
Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance Number 11-B was adopted by the Blackfeet Tribal Business Council in a duly called noticed and convened Special Session assembled for business this 20th day of May 2003, with Seven (7) members present to constitute a quorum and by a vote of Seven (7) members FOR and Zero (0) OPPOSED.


GORDON MONROE
Secretary