

## TITLE 10. HEALTH, SAFETY AND WELFARE

### Chapter 10.3

#### ABANDONED PERSONAL PROPERTY

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**10.3.1. Removal Authority.** Personal property abandoned on tribal trust property, any private or public way, highway, road, alley, or the Suquamish tribal tidelands may be removed and disposed of pursuant to the provisions of this chapter. (Prior code §7.08.010: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.2. Definitions.** (a) “Personal property” means any item of tangible property which is capable of being transported, moved, or removed and which is not a motor vehicle.

(b) “Abandoned” means property which remains on any property as defined in §10.3.1 for a period of at least seven (7) days, and the owner of said property has not made arrangements for its removal as allowed under §10.3.4.

(c) “Owner” means that person who has a right to possess the property, not the person in whom legal title resides. (Prior code §7.08.020: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.3. Actions to Remove Personal Property.** The Suquamish Tribal Council shall initiate an action to remove and dispose of abandoned personal property. Any individual, the Suquamish Tribal Court, or the Suquamish Tribal Police may apply to the Suquamish Tribal Council for the removal and disposal of abandoned personal property. If the Tribal Council determines that personal property is abandoned as defined in this chapter, the Tribal Council may act to have that property removed. (Prior code §7.08.030: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.4. Notice.** The Suquamish Tribal Council shall instruct the tribal police to place a notice on the abandoned personal property in a prominent and conspicuous place. The notice shall state that if the property is not removed within forty-eight (48) hours, it will

be subject to removal by the tribal police department and may ultimately be sold at auction. The notice shall identify the tribal police department as the agency where additional information can be obtained. If the owner of the property is known, notice shall also be mailed certified to the owner's last known address. (Prior code §7.08.040: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.5. Removal.** After the completion of the notice period provided in §10.3.4, the tribal police may cause the property to be removed and stored for the owner and at the owner's expense or until disposed of pursuant to this chapter. (Prior code §7.08.050: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.6. Notice of Disposition.** The Suquamish Tribal Police shall cause notice to be delivered to the owner of any personal property removed pursuant to §10.3.5. The notice shall inform the owner that unless reclaimed under §10.3.9 the property will be sold at auction. The notice shall also state where the property is located and whom to contact for more information. The notice shall set out a certain date when the property will be sold. That date shall be at least twenty (20) days after the delivery of the notice as set out in this section; provided that if the tribal police are unable to determine the actual owner of the abandoned property, the tribal police shall cause a written notice to be posted at the tribal police station setting out the same information as required in the written notice under this section. (Prior code §7.08.060: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.7. Sale.** All abandoned property removed pursuant to this chapter and not redeemed by the actual owner shall be sold at auction by the tribal police. The date for the auction shall be that date set in the notice provided under §10.3.6. All monies received at the auction sale shall first be applied to the repayment of expenses incurred by the tribal police in carrying out the provisions of this chapter. Any surplus monies shall be returned to the Suquamish tribal general fund. (Prior code §7.08.070: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.8. Arrangements for Removal.** Subsequent to the delivery of notice as required in §10.3.4, the owner of any abandoned property may make arrangements with the Suquamish Tribal Police for the voluntary removal of the property. The tribal police shall determine a reasonable time within which the property shall be removed. The tribal police in setting a reasonable time for the removal of the abandoned property shall take into consideration any special circumstances which have been presented by the owner of the property. (Prior code §7.08.080: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.9. Owner Redemption.** Subsequent to the removal of any personal property under §10.3.5 but prior to ultimate disposition as provided in §10.3.7, the property may be redeemed by the owner. The owner shall repay the Tribe for all expenses incurred by the Tribe in the removal, storage, and notices as required by this chapter and shall in addition pay a civil penalty of seventy-five dollars (\$75). Payment shall be made to the tribal police department. All money collected shall be remitted to the tribal general fund. Upon the payment of expenses and penalties provided in this section, the tribal police

shall turn over the abandoned property to the owner. (Prior code §7.08.090: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.10. Challenge to Removal.** Any owner of property which has been removed pursuant to this chapter may bring an action in the Suquamish Tribal Court to have such property returned to the owner without payment of expenses or penalties as provided in §10.3.9; provided that the Tribal Court shall hear no action unless the owner has deposited with the court clerk a bond or other security in an amount equal to three (3) times the actual expenses which have been incurred by the Tribe in enforcing this chapter. If the Tribal Court finds that the property was abandoned as provided in this chapter and that all notices provided herein were properly given, the Tribal Court shall dismiss the challenge. When a challenge is dismissed, the Court shall assess the owner for all court costs and all expenses provided in §10.3.9. Such assessment shall be paid out of the bond posted by the owner. Upon payment the property shall be returned. If the Court finds the challenge valid, it shall return the property without the assessment of any penalty or expenses. (Prior code §7.08.100: Res. 81-073 (part), passed Jul. 9, 1981)

**10.3.11. Sovereign Immunity.** No action for damages or other relief shall be maintained against the Suquamish Tribe, the Suquamish Tribal Council, or members thereof or members of Tribal staff for any action taken by those bodies, or individuals to enforce this chapter. Provided, the Tribal Council may by resolution authorize an action against the Suquamish Tribe when done by express Tribal resolution. Any waiver of sovereign immunity may be conditioned by the Suquamish Tribal Council. (Prior code §7.08.100: Res. 81-073 (part), passed Jul. 9, 1981)

Note: Subsections 10.3.2(1)-(3) changed to 10.3.2(a)-(c) for consistency. (Res. 2016-097, Jul. 11, 2016)