

Table of Contents

CHAPTER IX – BOIS FORTE BLIGHT CODE.....	1
PART A – INTRODUCTION	1
900. Title.....	1
901. Authority.....	1
902. Purpose.....	1
903. Territorial Applicability.....	1
904. Effective Date.	1
905. Severability and Non-Liability.	1
PART B – DEFINITIONS.....	1
906. Abandoned Vehicle.....	1
907. Band Member.	1
908. Blight.	2
909. Bois Forte Reservation Tribal Council.	2
910. Junk.....	2
911. Junk Automobile.....	2
912. Tribal Court.....	2
PART C – GENERAL BLIGHT PROVISIONS.....	2
913. Blight Conditions.....	2
PART D – ENFORCEMENT.....	3
914. Appointment of Representative.	3
915. Notice.....	3
916. Hearing.....	3
917. Failure to Abate and Recovery of Costs.	4
918. Penalties for Failure to Abate.	4
919. Emergency Abatement.....	4
920. Immediate Abatement.....	5
921. Public Complaints.....	5
PART E – EXEMPTIONS	5
922. Exemption.....	5

CHAPTER IX – BOIS FORTE BLIGHT CODE

PART A – INTRODUCTION

900. Title. This ordinance shall be known as the Bois Forte Blight Code (“Code”).

901. Authority. This Code is enacted pursuant to the Bois Forte Band of Chippewa’s (the “Band”) inherent power of self-governance and Article VI of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, which authorizes the Band to manage lands and other resources.

902. Purpose. The purposes of this Code are to:

- (a) Prevent the presence of blighted structures, vehicles and other hazardous land uses from creating a public and private nuisance or a safety and health hazard.
- (b) Protect tribal land, including soil, surface water, and groundwater, from the pollution associated with blighted structures and activities on the Bois Forte Reservation.
- (c) Protect the overall health, safety, and general welfare of the Band, its members and visitors, as well as the Band’s natural resources and environment.

903. Territorial Applicability. This Code shall apply within the entirety of the Bois Forte Reservation.

904. Effective Date. This Code shall be effective on the date that it is enacted by the Bois Forte Reservation Tribal Council.

905. Severability and Non-Liability. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected thereby. Nothing herein shall constitute or be construed to be a waiver of the immunity of the Band or any committee, officer, employee or agent of the Band, nor shall this Code subject the Band to liability for damages or other relief resulting from enforcement of this Code, reliance upon it, or conformance to it.

PART B – DEFINITIONS

906. Abandoned Vehicle. “Abandoned Vehicle” means a vehicle left unattended and not having a valid license plate, current registration, or legal proof of ownership. A vehicle may also be abandoned if the registered owner cannot be contacted by reasonable means and the vehicle has been left on a public right of way for more than 14 days.

907. Band Member. “Band Member” means a person who is an enrolled member of the Bois Forte Band of Chippewa.

908. Blight. “Blight” means any vehicle, vehicle parts, machinery, appliances, junk, structures, plants, or other materials or things that create a condition that is patently dangerous, offensive, unsightly, decaying, annoying, unpleasant or decreases the use and enjoyment of the land for adjoining property owners or occupants, or any other condition which causes a public or private nuisance.

909. Bois Forte Reservation Tribal Council. “Bois Forte Reservation Tribal Council” and “Tribal Council” means the duly elected governing body of the Band.

910. Junk. “Junk” means parts of machinery or motor vehicles, stoves, or other appliances stored in the open, remnants of wood, decayed, weathered or broken construction materials no longer suitable for sale, metal or other material or cast off material of any kind, whether or not the same could be put to any reasonable use.

911. Junk Automobile. “Junk Automobile” means any motor vehicle or boat, part of a motor vehicle or boat, or former motor vehicle or boat, stored in the open, which is not currently licensed for use, and is either (1) unusable or inoperable because of lack of, or defects in component parts; (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; (3) beyond repair and, therefore not intended for use as a motor vehicle or boat; or (4) being retained on the property for possible use of salvageable parts.

912. Tribal Court. “Tribal Court” means the Bois Forte Tribal Court.

PART C – GENERAL BLIGHT PROVISIONS

913. Blight Conditions. The uses, structures and activities and causes of blight described herein, if allowed to exist, will tend to result in blighted and undesirable conditions, so as to be harmful to the public welfare, health and safety of the Band, Band Members, and the Bois Forte Reservation community. No person or entity of any kind shall maintain or permit to be maintained, any of the following blight conditions upon any property within the Bois Forte Reservation:

- (a) an Abandoned Vehicle;
- (b) a Junk Automobile;
- (c) the storage or accumulation of Junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days;
- (d) any structure or part of any structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended or permitted, or deterioration of which has become a hazard to the general public or adjoining properties, for any period longer than six (6) months;

- (e) buildings, fences or other structures which have been so poorly maintained that their physical condition and appearance detract from the surrounding area are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood or (c) adversely affect the Bois Forte Reservation in any other way;
- (f) any noxious or poisonous vegetation, such as poison ivy, ragweed or other poisonous plants or any weeds or grass over six inches tall, or brush or plants which are a fire hazard or otherwise detrimental to the health or appearance of the Bois Forte Reservation; and
- (g) any other condition of Blight.

PART D – ENFORCEMENT

914. Appointment of Representative or Committee. The Bois Forte Reservation Tribal Council shall appoint a representative or establish a compliance committee to act on its behalf in investigating, monitoring, and enforcing blight conditions under this Code. If the Tribal Council establishes a compliance committee, it shall also establish bylaws regarding the size, scope of delegated authority, and decision-making processes of the committee. Upon reasonable notice, including compliance with any specific notice requirements required by an applicable lease document, the representative or compliance committee shall have the authority to enter any area of the Bois Forte Reservation in order to investigate and monitor blight conditions.

915. Notice. If any blight conditions under Part C exist, the Tribal Council, designated representative or compliance committee shall deliver personally, or by registered or certified mail, to the property owner or occupant, a Notice identifying the blight condition and requiring the condition to be abated within 30 days of service. If the property owner or occupant does not have a current mailing address or refuses personal service or if personal service cannot be completed after reasonable efforts have been made, the Notice shall be posted on the front door of the residence or elsewhere on the property at issue in a conspicuous manner.

916. Hearing. Any individual or entity that receives a Notice may request a hearing to contest the blight condition(s) identified in the Notice in Tribal Court. The Notice shall describe how the recipient may request a hearing. If the individual fails to contest the Notice within 30 days of service by requesting a hearing in Tribal Court, the allegations in the Notice will be deemed admitted. The Tribal Court must hold the hearing within 30 days of receiving the request for a hearing, and the Tribal Prosecutor shall represent the Band at the hearing. The Tribal Court shall hear and weigh the evidence presented by the parties and make findings and a determination whether the blight condition identified in the Notice exists by a preponderance of the evidence. Evidence in proceedings under this Code shall be informal and may include reliable hearsay evidence. If the Tribal Court determines that the blight condition exists, it shall issue a decision requiring the person or entity to abate the blight within 15 days of the decision or pay the costs for the Band to abate the blight. For good cause shown, the Tribal Court may extend the period to abate the blight for a reasonable period of time not to exceed 45 days. If the Tribal Court

determines that the blight condition does not exist, it shall dismiss the Notice. The Tribal Court's decision shall be final with no right of appeal.

917. Failure to Abate and Recovery of Costs.

- (a) If the person or entity has not requested a hearing within 30 days of the Notice being issued and the blight is not timely abated or if the person or entity timely requested a hearing and the Tribal Court having held such hearing determines that a blight condition exists and the blight is not timely abated pursuant to the Court's Order, the Band may enter the premises and abate the blight. If abatement requires removal of an operative vehicle, the vehicle will be removed and impounded.
- (b) The Band shall be entitled to recovery of the costs incurred to abate the blight. To recover costs, the Band shall send a bill documenting the costs of the abatement to the person or entity and demanding payment of the costs within 30 days. If the debtor is a Band Member who does not timely pay the cost, the Band may garnish the member's per capita payments to satisfy the debt by obtaining a civil judgment in Tribal Court. The provisions provided herein shall not limit or replace any civil remedies at law available to the Band to recover debts owed.

918. Penalties for Failure to Abate. In addition to payment of costs as described in Section 917, a property owner or occupant who fails to timely abate the blight may be subject to the following penalties:

- (a) a fine of up to \$500 imposed by the Tribal Court;
- (b) enforcement of a real property lease with the Band, up to and including the cancellation or termination of said lease effectuated in accordance with its terms;
- (c) enforcement of a rental property lease with the Band, up to and including the cancellation or termination of said lease effectuated in accordance with its terms; and
- (d) disqualification from obtaining a future real property or rental property lease with the Band for a period of time not to exceed 10 years with the specific amount of time determined based on the extent of the blight, the extent of the hazard resulting from the blight, and the extent of cost associated with abatement performed by the Band.

919. Emergency Abatement. In case of emergency, where delay in abatement required to complete the notice and process requirements set forth in this Part D will permit a blight condition to unreasonably endanger public health, safety or welfare, the Tribal Council may order Emergency Abatement and abate the blight condition. To proceed with Emergency Abatement, the Tribal Council shall notify in writing the property owner or occupant of the nature of the blight condition and of the Band's intention to pursue Emergency Abatement, and the time and place of the Tribal Council meeting to consider the question of Emergency Abatement. If the Tribal Council determines (1) the condition identified in the notice to the owner or occupant is a blight condition under Part C and (2) the public health, safety or welfare

will be unreasonably endangered by delay in abatement required to complete the procedures set forth in this Part D, the Tribal Council may order that the blight condition be immediately abated within 48 hours or other period of time as determined by the Tribal Council. If the blight condition is not immediately abated within the applicable time period, the Band may enter the premises and abate the blight.

920. Immediate Abatement. Nothing in this Code shall prevent the Band, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

921. Public Complaints. In order to assist the Band in investigating blight conditions as defined in Part C, persons may submit written complaints to the Tribal Council or its designee regarding conditions which are believed to constitute blight. The complaint shall include:

- (a) The complete address of the property, or an accurate description of the location of the property, upon which the alleged blight exists; and
- (b) The conditions on the property which the complainant believes constitute blight.

PART E – EXEMPTIONS

922. Exemption. The Tribal Council or its designee, upon written application by a person or entity prior to any Notice being issued, may exempt from the provisions of this Code for any reasonable period of time a blight condition under Part C by reason of special circumstances deemed to warrant such exemption.