

ORDINANCE NO. _____

Synopsis: Adoption of this ordinance would bring City regulations in line with State regulations on how a notice of hearing for seizure and impounding of vehicles is delivered through the mail system.

**AN ORDINANCE AMENDING CHAPTER 101 OF THE
CODE OF ORDINANCES OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS, ENTITLED "SEIZURE AND IMPOUNDING OF
VEHICLES" TO ALLOW FOR NOTICE OF HEARING VIA 1ST CLASS MAIL**

WHEREAS, the City Code of Ordinances at Chapter 101 provides seizure and impounding of vehicles; and

WHEREAS, the City of Washington is a home rule government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Washington may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the current ordinance is not consistent with the statewide format provided under 625 ILCS 5/11-208.7; and

WHEREAS, it is deemed to be in the best interest of the residents of the City that this portion of the chapter be revised to match the relevant Illinois Compiled Statute:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS**, an Illinois home rule municipality, as follows:

Section 1. That §101.006 of the Code of Ordinances is hereby amended as follows, with additions shown in underlined font and deletions shown in strikethrough font:

§ 101.006 FINAL HEARING

- (A) Notice of Hearing. Within ten (10) days after a vehicle is seized and impounded pursuant to this Chapter, the City shall provide a notice of hearing to the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State. The Notice of Hearing shall contain the date, time, and location of the hearing, and further, shall state the penalties that may be imposed at the Final Hearing, including a statement that a vehicle not released by payment of the penalty and fees and remaining impounded may be sold or disposed of by the City in accordance with state law. ~~notify the owner of record of the motor vehicle of the date, time and location of a hearing. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. However, no such Notice of Hearing need to be sent to the Owner of Record if the owner is personally served with the Notice of Hearing within ten (10) days after the vehicle~~

~~is seized and impounded, and the owner acknowledges receipt for the Notice of Hearing in writing. The Notice of Hearing shall state the penalties that may be imposed at the Final Hearing, including a statement that a vehicle not released by payment of the penalty and fees and remaining impounded may be sold or disposed of by the City in accordance with state law.~~

Section 2. That §101.009 of the Code of Ordinances is hereby amended as follows, with additions shown in underlined font and deletions shown in strikethrough font:

§ 101.009 CONDUCT OF HEARINGS

- (K) The record of all hearings before the Hearing Officer shall include the following:
- (1) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;
 - (2) all documents presented at the hearing; and
 - ~~(3) a copy of the notice of hearing or notice of violation; and~~
 - ~~(4)~~ (3) a copy of the findings and decision of the Hearing Officer.

Section 3. That all ordinances, or parts thereof, in conflict herewith are hereby expressly repealed.

Section 4. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2019.

AYES _____

NAYS _____

Mayor

ATTEST:

City Clerk