

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE IV, SECTION 3,
PRE-TOW HEARING; INOPERABLE OR ABANDONED VEHICLES OF THE CITY OF
JOLIET CODE OF ORDINANCES**

WHEREAS, the City of Joliet is a home rule unit under the Illinois Constitution of 1970; and

WHEREAS, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morales and welfare; and

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Mayor and City Council recognize the need to update the Code of Ordinances from time to time; and

WHEREAS, the Mayor and City Council have seen fit to regulate abandoned and inoperable vehicles on public and private property; and

WHEREAS, the Mayor and City Council have seen fit to ensure the public have the opportunity to contest the tow of any inoperable or abandoned vehicle; and

WHEREAS, the Mayor and City Council have the authority to adopt ordinances to expedite the towing and disposal of abandoned or inoperable vehicles on public and private property within the City, in order to promote the safety and welfare of the citizens of the City of Joliet; and

WHEREAS, the Mayor and City Council declare abandoned and inoperable vehicles on public and private property a public nuisance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Chapter 3, Article IV, Section 3-150, paragraph (a) and (b), shall be amended as follows:

- (a) An owner of a vehicle, or any part thereof, which is abandoned or inoperable, on private property, and in view of the general public, that has been declared a nuisance and unlawful, shall be entitled to both a pre-tow emergency review hearing and a pre-tow administrative hearing prior to removal and impoundment of the vehicle.
- (b) The owner must request the pre-tow emergency review hearing, in writing, within three (3) calendar days from the date of notice of the City's intent to tow and impound the vehicle. The owner of a vehicle shall have the right to an emergency review, which shall be conducted by a representative of the city legal department within two (2) business days of receipt of a written demand from the person seeking the review or by agreement.
 - 1) The payment of the administrative fee, if any, shall constitute a waiver of the pre-tow emergency review.
 - 2) The scope of the review shall be limited to a determination of procedural integrity, and the existence of probable cause to support the violation for which the vehicle was towed and impounded.
 - 3) The pre-tow emergency review shall be conducted in an informal manner and is not bound by technical rules of evidence.
 - 4) The representative of the legal department shall have the authority to settle the claim.
 - 5) Failure of the registered owner or person who has legal entitlement to possession of the vehicle to request or attend the scheduled pre-tow emergency review shall be deemed a waiver of the right to such a review.
 - 6) After a finding of probable cause, upon a timely filed written request, the owner has the right to appeal the decision to an administrative hearing.
- (c) An owner of a vehicle, or any part thereof, which is abandoned or inoperable, on private property, and in view of the general public, that has been declared a nuisance and unlawful, shall be entitled to a pre-tow administrative hearing prior to removal and impoundment of the vehicle. The owner must request the pre-tow administrative hearing, in writing, within 7 (seven) calendar days from the date of notice of the City's intent to tow and impound vehicle.
- (d) Such notice may be given in any of the following manners:
 - 1) Affixing a "police tow" notice on the vehicle;
 - 2) Personal service of the notice on the owner or any person in charge or control of said property; or
 - 3) Sending notice by regular and certified mail to the owner or any person in charge of control of said property.

SECTION 3: That Chapter 3, Article IV, Section 3-151, paragraphs (c) and (d) be amended as follows:

- (a) A pre-tow administrative hearing shall be conducted pursuant to the terms of section 3-13, Administrative hearings. Said hearing shall be conducted on the next available administrative hearing date.
- (b) At a pre-tow administrative hearing, the authorized official's report shall be considered prima facie correct. The administrative hearing officer shall only determine that as to the vehicle in question either:
 - (1) There is probable cause to impound and tow the vehicle; or
 - (2) There is no such probable cause.
- (c) The city shall carry the burden of establishing that there is probable cause to impound and tow the vehicle in question. All interested persons shall be given a reasonable opportunity to be heard at the hearing. At the conclusion of the hearing, the hearing officer shall prepare a written decision. Failure of the registered owner or person who has legal entitlement to possession of the vehicle to request or attend a scheduled pre-tow administrative hearing shall be deemed a waiver of the right to such hearing.

SECTION 4: That Chapter 3, Article IV, Section 3-152, paragraph (a) be amended as follows:

- (a) In the event that the hearing officer determines that there is just cause to impound and tow the vehicle, the hearing officer shall prepare and date a certificate of just cause which will permit the authorized official to impound and tow the vehicle.
- (b) In the event that the hearing officer determines that there is no just cause to impound and tow the vehicle, the hearing officer shall prepare and date a certificate of no just cause which will prohibit the authorized official from impounding and towing the vehicle.
- (c) Copies of the certificate of just cause or the certificate of no just cause, whichever is appropriate, shall be given to the registered owner or person who has legal entitlement to possession of the vehicle and the authorized official.
- (d) If an administrative fee is imposed, the fee shall constitute a debt due and owing the city. Said debt shall be collectible pursuant to the terms of this chapter.

SECTION 5: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 6: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2025.

MAYOR

CITY CLERK

VOTING YES: _____

VOTING NO: _____

NOT VOTING: _____