

## ORDINANCE NO. 4258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTION 5 OF CHAPTER 25, CODE OF THE CITY OF CHANDLER, RELATING TO MOTOR VEHICLE IMPOUNDMENT APPEAL PROCEDURES.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, that Section 5 of Chapter 25, Code of the City of Chandler, is hereby amended to read as follows:

25-5. Motor vehicle impoundment appeal procedure.

*25-5.1. Jurisdiction of Chandler Police Department.* The Chandler Police Department is hereby authorized to conduct post-storage hearings pursuant to Arizona Revised Statutes § 28-3514 for vehicles impounded by or on behalf of the Chandler Police Department.

*25-5.2. Notice of impoundment.* Whenever a Chandler police officer impounds a motor vehicle pursuant to A.R.S. § 28-3511, the officer shall deliver to the driver of the vehicle a notice of impound. Within two (2) days of the impound of the vehicle, the police department/designee shall also serve the notice of impound on all persons, other than the driver, who have an interest in the vehicle as reflected by the vehicle's registration. Service shall be made either by personal service or by certified mail sent to the address reflected on the vehicle's registration records. The Police Department shall prepare the Notice of Impoundment on forms complying with the provisions of A.R.S. § 28-3514(E).

*25-5.3. Petition for hearing.* A person having an interest in an impounded vehicle as reflected by vehicle registration records may file a written petition for a hearing within ten (10) days of the date of the Notice of Impound with the Chandler Police Department. The Chandler Police Department impound hearing officer or designee shall conduct a hearing within five (5) days of the receipt of the petition and consider the issues set forth in A.R.S. § 28-3514(A) and set forth the court's findings in a written order. The order shall be served on the petitioner.

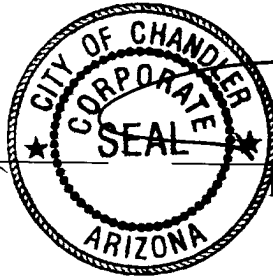
*25-5.4. Assignment of hearings.* Hearings pursuant to this Ordinance shall be conducted by an impound hearing specialist as chosen by the Chandler police chief, or any sworn Chandler police officer or police legal advisor as deemed qualified by the police chief.

*25-5.5. Hearing procedures.* A hearing conducted pursuant to this Ordinance will be conducted informally and technical rules of evidence shall not apply. Any and all evidence that the assigned hearing officer conducting the hearing deems reliable, relevant and not unduly repetitious may be considered.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 16<sup>th</sup> day of August 2010.

ATTEST:

  
CITY CLERK

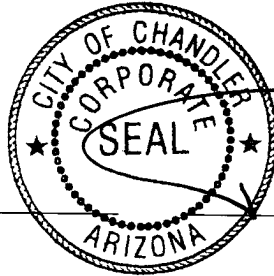



  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 19<sup>th</sup> day of August 2010.

ATTEST:

  
CITY CLERK



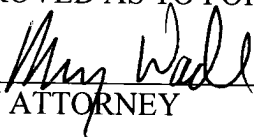
  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4258 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 19<sup>th</sup> day of August 2010, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

PUBLISHED in the Arizona Republic on August 6 and August 13, 2010.