

ORDINANCE NO. 13,535

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by repealing Sections 27-485.13 and 27-485.15, thereof and enacting new Sections 27-485.13 and 27-485.15, all relating to impoundment of a vehicle.

Be It Ordained by the City Council of the City of Des Moines,

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, be and is hereby amended by repealing Sections 27-485.13 and 27-485.15 thereof and enacting new Sections 27-485.13 and 27-485.15, all relating to impoundment of a vehicle, as follows:

27-485.13. FAILURE OF OWNER TO CLAIM IMPOUNDED VEHICLE.

If an impounded vehicle is not claimed by the owner within 10 days after impoundment, the unclaimed vehicle shall be placed in the status of and shall be deemed an abandoned vehicle as provided by state law. However, the vehicle may be declared abandoned within the 10 day period by commencing the notification process provided by state law.

27-485.15. RIGHT TO HEARING.

(a) The registered owner or a person having a legal entitlement to possession of a vehicle impounded pursuant to this subchapter has a right to a post-seizure administrative hearing before a hearing officer designated by the city manager to determine whether there was probable cause to impound the vehicle and any personal property contained within the vehicle, provided the registered owner or person having a legal entitlement to possession files a written demand with the city clerk's office within 10 days of mailing of the notice of the impoundment. A copy of this subchapter shall be given to the person requesting a hearing.

(b) Failure to request a hearing within such time period or to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing.

Sec. 2. This ordinance shall be in full force and

effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip

Assistant City Attorney