

ORDINANCE AMENDING CHAPTER 17

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE III., OF THE GREENSBORO CODE OF ORDINANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Sec. 17-57 of the Greensboro Code of ordinances is hereby amended to read as follows:

Sec. 17-57. – Hearing.

- (a) The owner or any other person entitled to claim possession of the vehicle towed pursuant to this article may request a hearing either before towing or after towing of the motor vehicle. The only issue at this hearing is whether or not the city can demonstrate probable cause to tow the motor vehicle. The request shall be filed with the code enforcement officer, and he shall set the hearing within seventy-two (72) hours of receiving the request. The owner or any other person entitled to claim possession of the vehicle shall be notified of the time and place of the hearing, the specific grounds for the classification of the vehicle as an abandoned vehicle or a junked vehicle, and the reason for removal of the vehicle. The director of neighborhood development or their designee shall be the hearing officer.
- (b) The owner and any other interested parties may present evidence at the hearing and may cross-examine all parties.
- (c) If the hearing is pre-tow and the hearing officer finds that the city has probable cause, the motor vehicle will be removed and the cost for removal will become a lien on the motor vehicle. If the hearing officer finds that probable cause does not exist, the city will not tow the vehicle and no costs shall be charged.
- (d) If the hearing is post-tow and the hearing officer finds that the city had probable cause, the lien for cost of removal shall remain. If the hearing officer finds that probable cause did not exist, the lien shall be extinguished.
- (e) The hearing officer shall prepare a written report within five (5) days of the hearing stating his conclusion concerning whether the vehicle was in violation of this article and the reasons and evidence upon which the conclusion has been based. The owner or any other person entitled to claim possession of the vehicle shall be notified of this decision by regular mail.
- (f) Any aggrieved party may appeal the hearing officer's decision to ~~district court~~ board of adjustment by filing an appeal in writing ~~appropriate judicial pleadings~~ within fifteen (15) calendar days after the date of the report of the hearing officer, but not thereafter.
- (g) At any stage in the proceedings, including before the probable cause hearing, the owner or other person entitled to possession may obtain possession of the vehicle by:
 - (1) Paying the towing fee and costs incident to such fee; or
 - (2) Posting a bond for double the amount of the towing fee.

Section 2. That this ordinance shall become effective upon adoption and shall apply to all pending and future appeals.

Section 3. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.