

Bond Case Briefs

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MUNICIPAL ORDINANCE - ILLINOIS

Tucker v. City of Chicago

United States Court of Appeals, Seventh Circuit - October 19, 2018 - F.3d - 2018 WL 5095151

Property owner filed putative class action under § 1983 alleging that city violated her due process rights as result of six-month delay between property inspection and citation for violation of city's yard weed ordinance.

The United States District Court dismissed complaint, and owner appealed.

The Court of Appeals held that:

- City did not violate owner's due process rights as result of delay, and
- Administrative law judge's purportedly incorrect interpretation of ordinance did not violate due process.

City did not violate property owner's due process rights as result of six-month delay between property inspection and citation for violation of city's yard weed ordinance, despite owner's contention that she was unable to make any measurements of average height of vegetation on her lot at or near time of inspection or to use photographs taken contemporaneously with date of alleged violation, where owner received hearing before administrative law judge, in which she was represented by counsel, presented evidence in her defense, and made legal arguments, owner was not deprived of anything until hearing, and owner failed to demonstrate actual and substantial prejudice.

City administrative law judge's purportedly incorrect interpretation of law in fining property owner for violation of city's yard weed ordinance did not violate due process, where owner could have appealed her fine to state courts, and there was no indication that that avenue of redress was inadequate.