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Legislation Details (With Text)

File #: SO2023-874

Type: Ordinance **Status:** Passed

File created: 1/18/2023 **In control:** City Council

Final action: 3/15/2023

Title: Amendment of Municipal Code Title 9 by creating new Chapter 9-108 entitled Smart Streets Pilot Program, adding new Section 9-64-175 regarding Smart Loading Zone Pilot Program, and modifying Section 9-100-030 concerning responsibility for violation and penalty

Sponsors: Lightfoot, Lori E., Reilly, Brendan, Hopkins, Brian, La Spata, Daniel, Martin, Matthew J., Vasquez, Jr., Andre, Villegas, Gilbert

Indexes: Ch. 64 Parking Regulations, Ch. 100 Admin. Adjudication of Parking, Compliance, Automated Traffic Law Enforcement System or Automated Speed Enforcement System Violations, Ch. 108 Smart Streets Pilot Program

Attachments: 1. SO2023-874.pdf, 2. O2023-874.pdf

Date	Ver.	Action By	Action	Result
3/15/2023	1	City Council	Passed as Substitute	Pass
3/3/2023	1	Committee on Pedestrian and Traffic Safety	Recommended to Pass	
3/3/2023	1	Committee on Pedestrian and Traffic Safety	Substituted in Committee	
1/18/2023	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

January 18, 2023

TO THE HONORABLE. THE CITY COUNCIL OF THE
CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith, together with Aldermen Reilly, Hopkins, LaSpata, Martin and Vasquez, the Smart Streets Pilots Ordinance.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government as defined in Article VII, Section 6 (a) of the Illinois Constitution and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, maintaining public safety, transit performance, efficient use of curb space, and compliance with the Municipal Code of Chicago are matters pertaining to the government and affairs of the City of Chicago; and

WHEREAS, Section 11-208 of the Illinois Vehicle Code authorizes local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, to regulate the parking and standing of vehicles; and

WHEREAS, vehicles often park or stand in violation of the Municipal Code of Chicago, obstructing the City's streets, hindering public access to Chicago Transit Authority vehicles, and creating unsafe conditions for motorists, pedestrians, and public transit users; and

WHEREAS, the pilot area, as defined in this ordinance, contains the highest concentration of serious crashes, traffic congestion, public transit service, pedestrian activity, and commercial activity within the City; and

WHEREAS, the adoption of an automated parking enforcement pilot program is anticipated to result in safer driver behavior throughout the City and a reduction in the number of parking and standing violations within the pilot area; and

WHEREAS, the adoption of a smart loading zone pilot program is anticipated to provide a reliable, efficient way for drivers to safely use curb space and a reduction in the number of parking and standing violations within the pilot area; and

WHEREAS, to protect the safety of the public and to reduce the foregoing problems, it is appropriate to establish automated parking enforcement and smart loading zone management pilot programs within the City; now, therefore,

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

This ordinance is organized into four articles, as follows:

Article I:	Smart Streets Pilot Program
Article II:	Smart Loading Zone Pilot Program
Article III:	Correlating Amendments
Article IV:	Effective Date

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**ARTICLE I. SMART STREETS PILOT
PROGRAM**

SECTION 1. The Municipal Code of Chicago is hereby amended by inserting a new Chapter 9-108, as follows:

**CHAPTER 9-108 SMART STREETS PILOT
PROGRAM**

9-108-010 Definitions.

For purposes of this chapter, the definitions in Section 9-4-010 and the following definitions shall apply:

"Automated parking enforcement system" means a device which records, through photographic means, a vehicle and the vehicle registration plate of a vehicle used in the commission of a covered offense. An image recorded by an automated parking enforcement system shall display the time, date, and location of the covered offense.

"Covered offense" means a parking or standing violation within the pilot area of Section 9-12-060, 9-40-060, 9-64-020(b), 9-64-080, 9-64-100, 9-64-110, 9-64-140, 9-64-150, 9-64-160(b), 9-64-180, or 9-64-190(c) of this Code.

"Pilot area" means the streets or parts of streets within the City's jurisdiction within the area bounded by a line, inclusive of both sides of the street, as follows: the easternmost point of North Avenue extended to Lake Michigan; then west on North Avenue to Ashland Avenue; then south on Ashland Avenue to Roosevelt Road; then east on Roosevelt Road to its easternmost point extended to Lake Michigan.

9-108-020 Purpose - Establishment of automated parking enforcement pilot program.

a) The purpose of this chapter is to provide for a pilot program that utilizes automated parking enforcement systems mounted on public transit vehicles, City vehicles, City property, and other locations identified by the Chicago Department of Transportation to record covered offenses and enforce parking regulations within the pilot area. The program shall be administered by the Department of Transportation and Department of Finance. The program shall be enforced through a system of administrative adjudication within the Department of Administrative Hearings.

b) The Mayor, the Chief Financial Officer, the Comptroller, and the Commissioner are each authorized, severally or jointly, to negotiate, execute, and deliver any and all agreements, contracts, cost reimbursement or revenue-sharing partnerships, or instruments as the executing officer shall deem necessary, advisable, or appropriate in connection with the implementation of the pilot program established under this chapter, and to take all additional actions as necessary or appropriate to carry out the pilot program.

c) The Commissioner and Traffic Compliance Administrator, in consultation with Office of Emergency Management and Communications and Department of Police, shall adopt rules as may be necessary for the proper administration and enforcement of this chapter.

(d) Prior to the installation of an automated parking enforcement system, the Commissioner shall notify the alderman of the ward in which the automated parking enforcement system is to be installed and solicit a recommendation for the location of such installation based on the alderman's analysis of any relevant factors.

9-108-030 Parking and standing violations.

The registered owner of record of a vehicle shall be liable for a covered offense and the applicable fine set forth in Section 9-100-020 or Section 9-4-025 when an image of the covered offense is recorded by an automated parking enforcement system within the pilot area. A recorded image of a covered offense obtained by an automated parking enforcement system that has been reviewed in accordance with Section 9-108-060 shall be prima facie evidence of a violation of the applicable section of this Code. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any covered offense.

9-108-040 Notice of violation.

a) For each covered offense enforced pursuant to Section 9-108-030, the Department of Finance shall mail a notice in accordance with Section 9-100-030, subject to the provisions of subsection (b) of this section.

b) (1) No citation for a covered offense enforced pursuant Section 9-108-030 shall be issued until after the expiration of 30 days after the installation of a new automated parking enforcement system. For any covered offense occurring during such 30-day period, the Department of Finance shall, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, mail a warning notice to the registered owner of the vehicle used in the commission of the covered offense; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee pursuant to Section 9-100-140(a), the Department of Finance shall mail a warning notice to the lessee of the vehicle within 30 days after the lessor notifies the Traffic Compliance Administrator of the name and address of the lessee. The warning shall advise such owner or lessee that the vehicle was used in the commission of a covered offense and any further violations will result in the issuance of a citation.

(2) In addition to the warning notice provided in subsection (b)(1), for the first covered offense, the Department of Finance shall, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, mail a warning notice to the registered owner of the vehicle used in the commission of the covered offense; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee pursuant to Section 9-100-140(a), the Department of Finance shall mail a warning to the lessee of the vehicle within 30 days after the lessor notifies the Traffic Compliance Administrator of the name and address of lessee. The warning notice shall advise such owner or lessee that the vehicle was used in the commission of a covered offense and any further violations of any covered offense will result in the issuance of a citation. After the first warning notice issued to the owner or lessee pursuant to this subsection (b)(2), the Department of Finance shall issue a notice of violation in compliance with subsection (a).

9-108-050 Administrative adjudication.

a) A person charged pursuant to Section 9-108-030 with a covered offense may contest the charge through an administrative adjudication pursuant to Chapter 9-100 of this Code.

b) In addition to those grounds set forth in Section 9-100-060(a), one or more of the following grounds shall be a defense to a covered offense enforced pursuant to Section 9-108-030:

- 1) the owner of the vehicle was issued a uniform traffic citation or a parking citation, as applicable, for the covered offense;
- 2) the vehicle was an authorized emergency vehicle; or
- 3) the covered offense occurred outside the pilot area.

9-108-060 Standards of operation.

A technician shall, based on inspection of recorded images, make a determination that the vehicle was parked or standing in the commission of a covered offense. If the technician determines that the vehicle was not parked or standing in the commission of a covered offense, a citation shall not be issued. All determinations by a technician that a vehicle was parked or standing in the commission of a covered offense shall be subject to review and approval by an individual designated by the Traffic Compliance Administrator.

9-108-070 Report to City Council.

No later than 120 days prior to the expiration of the Smart Streets Pilot Program, the Chicago Department of Transportation and the Department of Finance shall jointly submit a written report to the City Council Committee on Pedestrian and Traffic Safety regarding the performance of the Smart Streets Pilot Program. The report shall include, but shall not be limited to, information to assess the impact of the pilot program and the future potential of automated parking enforcement systems on the following components: traffic safety, especially impacts affecting the most vulnerable road users; vehicle idling and emissions; traffic flow, bus service operations, cycling mobility, and pedestrian mobility; compliance with the City's laws; ticketing, especially impacts as they affect different population groups and geographic areas; and other relevant outcomes. The report shall also make recommendations to the City Council regarding the establishment of a permanent program that utilizes automated parking enforcement systems.

9-108-080 Expiration.

This chapter shall be repealed, and the Smart Streets Pilot Program shall expire and be terminated, without further action by the City Council, on June 30, 2025.

ARTICLE II. SMART LOADING ZONE PILOT PROGRAM

SECTION 1. Chapter 9-64 of the Municipal Code of Chicago is hereby amended by adding a new Section 9-64-175, as follows:

9-64-175 Smart Loading Zone Pilot Program.

a) Establishment. The Chicago Department of Transportation and Department of Finance are authorized to establish and administer a pilot program to be known as the Smart Loading Zone Pilot Program as provided in this section. The Smart Loading Zone Pilot Program shall be administered in a pilot area consisting of the streets or parts of streets within the area bounded by a line, inclusive of both sides of the street, as follows: the easternmost point of North Avenue extended to Lake Michigan; then west on North Avenue to Ashland Avenue; then south on Ashland Avenue to Roosevelt Road; then east on Roosevelt Road to its easternmost point extended to Lake Michigan.

b) Purpose. The purpose of the Smart Loading Zone Pilot Program is to: (i) test technological and operational solutions for managing the performance and compliance of curbside commercial and passenger loading zones; (ii) increase compliance with the City's laws to enhance the safety of pedestrians, bicyclists, and transit user (iii); test the effectiveness of new technologies for consideration for City-wide deployment; (iv) reduce congestion by improving curbside management; (v) enhance the livability of the City's streets; and (vi) better understand the impacts of such a program on social and economic equity, City revenue, and the business community.

c) Implementation. The Commissioner and the Traffic Compliance Administrator are authorized to implement the following measures:

1) to test solutions that improve the management of the following loading zone uses: (i) commercial and delivery loading and unloading; (ii) passenger vehicle loading and unloading; (iii) short-term vehicle standing; and (iv) taxi, bus, or paratransit operations;

2) to manage and enforce, including through the use of an automated enforcement system, differing loading zone uses at different hours of the day or days of the week;

3) to cause appropriate signs or markings to be posted and maintained within the pilot area; and

4) to cause appropriate equipment to be installed and maintained within the pilot area.

d) Authority to institute fees. The Traffic Compliance Administrator, in consultation with the Commissioner, is authorized to institute a reasonable fee for the use of curb space in the pilot area. The Traffic Compliance Administrator is authorized to set rates for use and may vary rates for different uses at different hours of the day or days of the week. The Traffic Compliance Administrator may institute fees for the use of curb space in locations already established as commercial loading zones pursuant to Section 9-64-165 of this Code.

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e) Authority to promulgate rules. The Commissioner and Traffic Compliance Administrator are authorized to promulgate rules as may be necessary for the proper administration and enforcement of this section.

f) Authority to enter into agreements. The Mayor, the Chief Financial Officer, the Comptroller, and the Commissioner are each authorized, severally or jointly, to negotiate, execute, and deliver any and all agreements, contracts, revenue-sharing partnerships or instruments as the executing officer shall deem necessary, advisable or appropriate in connection with the implementation of the pilot program established under this section, and to take all additional actions as necessary or appropriate to carry out the Smart Loading Zone Pilot Program.

g) Notification. The Commissioner shall notify the alderman of each ward that is located or partially located within the pilot area 30 days prior to the implementation of the Smart Loading Zone Program.

h) Report to City Council. No later than 120 days prior to the expiration of the Smart Loading Zone Pilot Program, the Chicago Department of Transportation and Department of Finance shall jointly submit a written report to the City Council Committee on Pedestrian and Traffic Safety regarding the performance of the Smart Loading Zone Pilot Program. The report shall include, but shall not be limited to, information to assess the impact of the pilot program and the future potential of smart loading zones on the following components: traffic safety, especially impacts affecting the most vulnerable road users; vehicle idling and emissions; traffic flow, bus service operations, cycling mobility, and pedestrian mobility; compliance with the City's laws; curb use and efficiency; and other relevant outcomes. The report shall also make recommendations to the City Council regarding the establishment of a permanent smart loading zone program.

(i) Term. This section shall be repealed, and the Smart Loading Zone Pilot Program shall expire and be terminated, without further action by the City Council, on June 30, 2025.

ARTICLE III. CORRELATING AMENDMENTS

SECTION 1. Section 9-100-030 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-100-030 Prima facie responsibility for violation and penalty - Parking, standing, or compliance violation issuance and removal.

(a) Whenever any vehicle exhibits a parking, standing[^] or compliance violation, any person in whose name the vehicle is registered with the Secretary of State of Illinois or such other state's registry of motor vehicles shall be prima facie responsible for the violation and subject to the penalty therefor. ~~The city and the ticketing agent Cityv shall accurately record the state registration number of the ticketed vehicle. A prima facie case shall not be established when: (1) the ticketing agent Cityv has failed to specify the proper state registration number of the cited vehicle on the notice; (2) the city Cityv has failed to accurately record the specified state registration number; or (3) for the purposes of Section 9-64-125, the registered owner was not a resident of the Gity Cityv on the day the violation was issued.~~

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b) Whenever any vehicle exhibits a parking, standing[^] or compliance violation, any police officer, traffic control aide, other designated member of the ~~police department~~ Police Department, parking enforcement aide or other person designated by the ~~traffic compliance administrator~~ Traffic Compliance Administrator observing such violation, or any person designated by the Traffic Compliance Administrator when a violation is enforced by an automated parking enforcement system, may issue a violation notice, as provided for in Section 9-100-040 and serve the notice on the owner of the vehicle by: (i) handing the notice to the operator of the vehicle, if the operator is present, or (ii) affixing the notice to the vehicle in a conspicuous place, or (iii) ~~if the operator drives away in the vehicle before notice can be served in the manner prescribed in items (i) or (ii) of this subsection,~~ mailing the notice to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the City of the identity of the owner or lessee of the vehicle, but not later than 90 days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of a parking, standing or compliance violation shall occur no later than 210 days after the date of the violation. The issuer of the notice shall specify on the notice his or her identification number, the particular ordinance allegedly violated, the make and state registration number of the cited vehicle, and the place, date, time and nature of the alleged violation, and shall certify the correctness of the specified

information by signing his or her name as provided in Section 11-208.3 of the Illinois Vehicle Code, as amended.

c) ~~The traffic compliance administrator~~ Traffic Compliance Administrator shall withdraw a violation notice when said notice fails to establish a prima facie case as described in this section; provided, however, that a violation notice shall not be withdrawn if ~~the administrator~~ Traffic Compliance Administrator reasonably determines that (1) a state registration number was properly recorded by the ~~city and its ticketing agent~~ City, and (2) any discrepancy between the vehicle make or model and the vehicle registration number as set forth in the violation notice is the result of the illegal exchange of registration plates. A final determination of liability that has been issued for a violation required to be withdrawn under this subsection (c) shall be vacated by the ~~city~~ City. The ~~city~~ City shall extinguish any lien which has been recorded for any debt due and owing as a result of the vacated determination and refund any fines and/or penalties paid pursuant to the vacated determination.

d) It shall be unlawful for any person, other than the owner of the vehicle or his designee, to remove from a vehicle a violation notice affixed pursuant to this chapter.

ARTICLE IV. EFFECTIVE DATE

SECTION 1. This ordinance shall take effect ten days after passage and publication.