



Office of the Chicago City
Clerk



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City Council Document Tracking Sheet

Meeting Date:	3/14/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Establishment of Children's Safety Zones program
Committee(s) Assignment:	Committee on Pedestrian and Traffic Safety

SUBSTITUTE
ORDINANCE

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

SECTION 1. Section 2-14-140 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-14-140 Vehicle hearings division.

(a) The department of administrative hearings shall operate a system of administrative adjudication of violations of ordinances regulating an automated speed enforcement system or an automated traffic law enforcement system, as those terms are defined in section 9-4-010, and vehicular standing, parking and compliance in accordance with the applicable provisions of Chapter 9-100, Chapter 9-101 or Chapter 9-102 of this Code.

(b) The administrative adjudication system shall be operated within a vehicle hearings division created within the department of administrative hearings.

SECTION 2. Section 2-102-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-102-030 Commissioner – Powers and duties.

The commissioner of transportation shall have the following powers and duties:

(a) To control the design and construction of any subway or other mass transit project for local transportation purposes constructed by the city, to control the acquisition of rights-of-way for and the construction and maintenance of all such projects, and to acquire and operate or lease such projects, all as provided by law;

(Omitted text is unaffected by this ordinance)

(s) To administer the program concerning decorative banners or other decorations designed to be placed on light poles that is provided for in Section 10-8-340 of the Code.

(t) To administer Chapters 9-101 and 9-102.

SECTION 3. Section 9-4-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-4-010 Definitions.

Whenever the following words and phrases are used in Chapter 9-4 through 9-103, they shall have the meanings respectively ascribed to them in this section:

(Omitted text is unaffected by this ordinance)

"Authorized emergency vehicle" means any vehicle of any fire department or police department or the city's office of emergency management and communications and any repair, service or other emergency vehicle of a governmental agency or public service corporation authorized by the superintendent of police.

"Automated speed enforcement system" has the meaning ascribed to that term in section 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.8.

"Automated speed enforcement system violation" or "violation of an automated speed enforcement system" means a violation of section 9-101-020.

"Automated traffic law enforcement system " has the meaning ascribed to that term in section 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.6.

"Automated traffic law enforcement system violation" or "violation of an automated traffic law enforcement system" means a violation of section 9-102-020.

"Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

(Omitted text is unaffected by this ordinance)

SECTION 4. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by adding a new section 9-100-045, by deleting the language struck through and inserting the language underscored, as follows:

CHAPTER 9-100

ADMINISTRATIVE ADJUDICATION OF PARKING, OR COMPLIANCE, AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM OR AUTOMATED SPEED ENFORCEMENT SYSTEM VIOLATIONS.

9-100-010 Purpose – Scope – Adoption of rules and regulations.

(a) The purpose of this chapter is to provide for the administrative adjudication of violations of ordinances defining compliance, automated speed enforcement system, and automated red light traffic law enforcement system violations and regulating vehicular standing and parking within the city, and to establish a fair and efficient system for the enforcement of such ordinances. The administrative adjudication system set forth in this chapter is established pursuant to Division 2.1 of the Illinois Municipal Code and Sections 11-208.3, and 11-208.6 and 11-208.8 of the Illinois Vehicle Code.

(b) The comptroller shall serve ex officio as the city's city traffic compliance administrator and in that capacity is authorized to:

(i) adopt, distribute, and process parking, compliance and automated red light traffic law enforcement system and automated speed enforcement system violation notices and additional notices, collect money paid as fines and penalties for violations of parking, compliance and automated red light ordinances;

(Omitted text is unaffected by this ordinance)

9-100-020 Violation – Penalty.

(a) The violation of any provision of the traffic code prohibiting or restricting vehicular standing or parking, or establishing a compliance, automated speed enforcement system, or automated red light traffic law enforcement system violation, shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in the traffic code, shall be

imposed.

(Omitted text is unaffected by this ordinance)

(d) The fines listed below shall be imposed for a violation of the following sections of the traffic code:

Traffic Code Section	Fine
9-102-020	\$100.00
<u>9-101-020</u>	
<u>(1)</u>	<u>\$35 if the recorded speed is 6 or more miles over the applicable speed limit, but less than 11 miles over such speed limit;</u>
<u>(2)</u>	<u>\$100 if the recorded speed is 11 or more miles per hour over the applicable speed limit.</u>

9-100-045 Notice of violation -Automated Speed Enforcement System and Automated Traffic Law Enforcement System Violations.

(a) Subject to subsection (b) of this section, for each violation of Section 9-101-020 or Section 9-102-020, the department of finance shall mail a violation notice to the address of the registered owner of the vehicle as recorded with the Secretary of State within 30 days after the Secretary of State notifies the traffic compliance administer of the owner of such vehicle, but in no event later than 90 days after the violation; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee in compliance with Section 9-100-140(c), the department of finance shall mail a violation notice to the lessee of the vehicle with in 30 days after the lessor notifies the traffic compliance administer of the name and address of lessee, but in no event later than 210 days after the violation. The notice shall include all applicable information required in Sections 11-208.3, 11-208.6 and 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3, 5/11-208.6 and 5/11-208.8.

(b) (1) No citation for a violation of Section 9-101-020 shall be issued until after the expiration of 30 days after the installation of a new automated speed enforcement system on a roadway. For any violation of section 9-101-020 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 violation; 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(c), 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 administer 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 violation of Section 9-101-020 and any further violations of the section will result in the issuance of a citation.

(2) In addition to the warning notice provided in subsection (b)(1), for the first violation of Section 9-101-020, 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 violation; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee in compliance with Section 9-100-140(c), 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 violation of Section 9-101-020 and any further violations of the section 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).

(c) Prior to the issuance of any notice of a violation, the determination of the violation of Section 9-101-020 or Section 9-102-020, and the review of that determination, shall be in accordance with the provisions of subsection (b)(3) of Section 11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3.

(d) A notice of violation served in accordance with this section shall be prima facie evidence of the correctness of the facts shown on the notice.

9-100-050 Determination of liability.

(a) A person on whom a parking, or compliance, automated speed enforcement system or automated traffic law enforcement system violation notice has been served pursuant to Section 9-100-030; ~~or Section 9-100-045 9-102-030 or Section 9-103-030~~ shall within seven days from the date of the notice: (1) pay the indicated fine; or, in the manner indicated on the notice, either (2) submit the materials set forth in Section 9-100-070 to obtain an adjudication by mail; or (3) request an administrative hearing as set forth in Section 9-100-080 to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.

(b) If the respondent submits documentary evidence to obtain an adjudication by mail pursuant to Section 9-100-070, the city traffic compliance administrator shall send the respondent a copy of the administrative law officer's determination in accordance with subsection (f) herein.

(c) If the respondent requests an administrative hearing to contest the cited violation pursuant to Section 9-100-080, the city traffic compliance administrator shall notify the respondent in writing of the location and time available for a hearing in accordance with subsection (f) herein.

Where a respondent who has requested an administrative hearing either fails to pay the indicated fine prior to the hearing or appear at a hearing, a determination of ~~parking or compliance violation liability, as the case may be,~~ shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 21 days of issuance of a determination of liability, or 25 days of issuance of a determination of liability for a violation of an automated speed enforcement system or an automated traffic law enforcement system, will result in the imposition of a late payment penalty pursuant to subsection (e) herein. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the city. The city traffic compliance administrator will cause a notice of hearing providing this information to be sent to the respondent in accordance with subsection (f) herein.

(d) If no response is made in accordance with subsection (a) of this section, the city traffic compliance administrator shall cause a second notice of violation to be sent to the respondent in accordance with subsection (f) herein. The notice shall specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine, and the time and manner in which the respondent may obtain an adjudication by mail or request a hearing to contest the violation. If the respondent requests an administrative hearing to contest the cited violation, the city traffic compliance administrator will cause a notice of hearing to be sent to the respondent as provided in subsection (c) herein.

If the respondent fails to pay the indicated fine, submit documentary evidence to obtain an adjudication by mail, or request a hearing to contest the charged violation within 14 days from the date of such notice, or prove compliance as provided in subsection (7) of Section 9-100-060, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 21 days of issuance of the determination of liability, or 25 days of issuance of a determination of liability for a violation of an automated speed enforcement system or an automated traffic law enforcement system, will result in the imposition of a late payment penalty pursuant to subsection (e) herein. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the city. The second notice of violation shall provide the above information.

(e) Failure by any respondent to pay the fine for a parking or compliance violation within 21 days of the issuance of the determination of liability, or 25 days of issuance of a determination of liability for a violation of an automated speed enforcement system or an automated traffic law enforcement system, will automatically subject the respondent to a penalty for late payment. The penalty for late payment shall be an amount equal to the amount of the fine for the relevant parking or compliance violation.

(f) The city traffic compliance administrator shall serve the notice of hearing, the second notice of violation, the administrative law officer's determination, the notice of final determination of liability, the notice of impending vehicle immobilization and the notice of impending driver's license suspension, where applicable, by first class mail, postage prepaid, to the address of the registered owner of the city vehicle as recorded with the Secretary of State of Illinois. If the vehicle is registered in a state other than Illinois, the city traffic compliance administrator shall send the appropriate notice to the address of the registered owner as recorded in such other state's registry of motor vehicles. In the event a mailing sent pursuant to this section is returned as undeliverable, subsequent mailings may be sent to the address of the registered owner of the city vehicle as recorded with the United States Postal Service.

9-100-060 Grounds for adjudication by mail or administrative hearing.

(a) Except as otherwise provided in subsection (b d) of this section, a person charged with a parking or compliance violation may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:

- (1) that the respondent was not the owner or lessee of the cited vehicle at the time of the violation;
- (2) that the cited vehicle or its state registration plates were stolen at the time the violation occurred;
- (3) that the relevant signs prohibiting or restricting parking were missing or obscured;
- (4) that the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;
- (5) that the facts alleged in the parking or compliance violation notice are inconsistent or do not support a finding that the specified regulation was violated;
- (6) that the illegal condition described in the compliance violation notice did not exist at the time the notice was issued;
- (7) that the compliance violation has been corrected prior to adjudication of the charge; provided, however, that this defense shall not be applicable to compliance violations involving display of the city wheel tax license emblem under Section 9-64-125; to compliance violations involving motor vehicle exhaust systems under subsection (a)(2) of Section 9-76-140; to compliance violations involving registration plates under subsection (a) of Section 9-76-160; to compliance violations involving

display of registration plates, temporary registration or temporary permits under subsection (f) of Section 9-76-160; to compliance violations relating to glass coverings or coating under Section 9-76-220; or to compliance violations involving the use of a mobile, cellular, analog wireless or digital telephone while driving a motor vehicle under Section 9-76-230.

(b) A person charged with violating Section 9-101-020 or Section 9-102-020 may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following applicable grounds with appropriate evidence to support:

(1) for violations of Section 9-101-020 that:

(i) the operator of the vehicle was issued a Uniform Traffic Citation for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;

(ii) the facts alleged in the violation notice are inconsistent or do not support a finding that Section 9-12-070, 9-12-075, or 9-12-077 was violated;

(2) for violations of section 9-102-020 that:

(i) the operator of the vehicle was issued a Uniform Traffic Citation for a violation of Section 9-8-020(c) or Section 9-16-030(c);

(ii) the operator of the vehicle passed through the intersection when the light was red either to yield the right-of-way to an emergency vehicle or as part of a funeral procession; or

(iii) the facts alleged in the violation notice are inconsistent or do not support a finding that Section 9-8-020(c) or Section 9-16-030(c) was violated

(3) the violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation;

(4) the vehicle was leased to another and the lessor has provided the name and address of the lessee in compliance with section 9-100-140(c);

(5) the vehicle was an authorized emergency vehicle; or

(6) the respondent was not the registered owner or lessee of the cited vehicle at the time of the violation.

(c) Where the lessor complies with subsection (b) (4), the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the leased vehicle for purpose of this chapter. The department of finance, within 30 days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a citation which contains the information required under Section 9-100-045; provided that service of the violation notice shall not occur more than 210 days after the violation.

(bd) Compliance violations involving the use of mobile, cellular, analog wireless or digital telephones under Section 9-76-230 may not be contested through an adjudication by mail.

9-100-070 Adjudication by mail – Procedure.

(a) Administrative hearings to review materials submitted for the adjudication by mail of parking and compliance violations cited pursuant to Section 9-100-030 shall be held by an a

administrative law officer appointed by the city traffic compliance administrator and conducted in accordance with this section.

(b) The respondent may contest a ~~parking or compliance~~ violation based on one or more of the applicable grounds provided in Section 9-100-060, by mailing to the department of revenue the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

(c) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued in accordance with Section 9-100-030, a notice of violation of an automated speed enforcement system or of an automated traffic law enforcement system issued in accordance with section 9-100-045 shall be prima facie evidence of the correctness of the facts specified therein.

(d) Upon review of the materials submitted in accordance with subsection (b) herein, the administrative law officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided in Section 9-100-020. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

9-100-080 Administrative hearings – Procedure.

(a) Administrative hearings for the adjudication of parking, ~~and compliance, violations issued pursuant to Section 9-100-030~~ automated speed enforcement system or automated traffic law enforcement system violations shall be held before an administrative law officer appointed by the city traffic compliance administrator and conducted in accordance with this section.

(Omitted text is unaffected by this ordinance)

(e) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued and signed in accordance with Section 9-100-030 or a notice of violation of an automated speed enforcement system or an automated traffic law enforcement system issued in accordance with Section 9-100-045 shall be prima facie evidence of the correctness of the facts specified therein.

(Omitted text is unaffected by this ordinance)

9-100-101 Installment payment plans.

(a) The traffic compliance administrator may establish a program allowing the payment of parking, compliance, or automated ~~camera speed enforcement system or automated traffic law enforcement system~~ penalties, administrative fees, and related collection costs or attorney's fees pursuant to Section 1-19-020 or 1-19-030, in installments under the following conditions:

(Omitted text is unaffected by this ordinance)

(3) The minimum initial payment under any installment plan shall be:

(A) For a vehicle owner who is a participant in a qualifying assistance program, the lesser of \$250.00 or 25 percent of the vehicle owner's combined liability for parking, compliance, and automated ~~camera~~ speed enforcement system or automated traffic law enforcement system

finest and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date. The director of revenue shall waive any administrative fee provided for in subparagraph (a)(2)(B)(IV) if the owner is in a qualifying assistance program and participates in an installment plan. "Qualifying assistance program", for purposes of this section, means any of the following: the Illinois Low-Income Home Energy Assistance Program (L.I.H.E.A.P.); the Housing Subsidy Program For Renters, administered by the United States Department of Housing and Urban Development under the Federal Housing Act of 1937, as amended (Section 8 Program); the Supplemental Security Income Program administered by the United States Social Security Administration (S.S.I.); the Medicaid Program administered by the Illinois Department of Public Aid; the Nutrition Assistance Program administered by the United States Department of Agriculture, Food and Nutrition Service (food stamps); the Temporary Assistance for Needy Families (TANF) program administered by the United States Department of Health and Human Services, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and any federal or state unemployment compensation system, including, but not limited to, the system of unemployment compensation established under the Illinois Unemployment Insurance Act, as amended. The minimum initial payment amount under this paragraph (a)(3)(A) shall also be available to: high school, college, vocational school or trade school students with a valid school identification card; persons 65 years of age or older; persons who have claimed the Earned Income Tax Credit on their state or federal individual income tax return for the most recent tax year; persons receiving worker's compensation income benefits; active military duty service members, Reservists and the members of the National Guard while on active duty; and persons whose liability for fines and penalties remains after obtaining a bankruptcy discharge; and persons who have received a notice of foreclosure, entered into a consent foreclosure, gave a deed in lieu of foreclosure, or have had a judgment of foreclosure entered, on their primary residence within three years prior to the date of the application for an installment plan pursuant to this section.

(B) For all other vehicle owners prior to vehicle immobilization or impoundment, the greater of \$500.00 or 25 percent of the vehicle owner's combined liability for parking, compliance, and automated camera speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date; provided, however, that for vehicle owners whose maximum amount of combined liability for parking, compliance, and automated camera fines and penalties does not exceed \$500.00, the minimum initial payment shall be 50 percent of the vehicle owner's combined liability for parking, compliance, and automated camera fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

(C) For all other vehicle owners after vehicle immobilization or impoundment, the greater of \$750.00 or 50 percent of the vehicle owner's combined liability for parking, compliance, and automated camera speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

(Omitted text is unaffected by this ordinance)

9-100-120 Immobilization program.

(a) The city traffic compliance administrator is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking, compliance, and automated traffic law enforcement system, camera or automated speed enforcement system ordinances of the traffic code. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle located on the public way or any city-owned property by placement of a restraint

in such a manner as to prevent its operation or if the eligible vehicle is parked or left in violation of any provision of the traffic code for which such vehicle is subject to an immediate tow pursuant to Section 9-92-030, or in any place where it constitutes an obstruction or hazard, or where it impedes city workers during such operations as snow removal, the city traffic compliance administrator may cause the eligible vehicle to be towed to a city vehicle pound or relocated to a legal parking place and there restrained.

(b) When the registered owner of a vehicle has accumulated (i) three or more final determinations of liability or (ii) two notices which are more than one year past the date of issuance, for parking, compliance, ~~or automated camera~~ a violation of an automated traffic law enforcement system, including a final determination of liability for a violation of Section 9-102-020, a violation of an automated speed enforcement system violation, or a violation of Section 9-105-020, in any combination, for which the fines, penalties, administrative fees provided for in Section 9-100-101, or related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030, if applicable, have not been paid in full, the city traffic compliance administrator shall cause a notice of impending vehicle immobilization to be sent, in accordance with Section 9-100-050(f). The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of parking, compliance or automated camera violation notices which have resulted in final determination of liability or which are more than one year past the date of issuance for which the fines or penalties remain unpaid. Failure to pay the fines and penalties owed within days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by requesting a hearing and appearing in person to submit evidence which would conclusively disprove liability within 21 days of the date of the notice. Documentary evidence which would conclusively disprove liability shall be based on the following grounds:

(1) That all fines and penalties for the violations cited in the notice have been paid in full;

(2) That the registered owner has not accumulated three or more final determinations, or two notices which are more than one year past the date of issuance, of parking, compliance, automated speed enforcement system violation, or automated camera traffic law enforcement system violation liability which were unpaid at the time the notice of impending vehicle immobilization was issued; or

(3) In the case of a violation of Section 9-102-020, ~~Section 9-101-020,~~ or Section 9-105-020, that the registered owner has not been issued a final determination of liability under Section ~~9-100-100~~ 9-102-060, or Section 9-105-060.

(Omitted text is unaffected by this ordinance)

~~(j) This section shall be subject to the City of Chicago Parking and Compliance Fines and Penalties Amnesty Ordinance of 2008.~~

9-100-130 Driver's license suspension.

(a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking or compliance violations, or five or more automated red-light traffic law enforcement system violations or automated speed enforcement system violations, or combination thereof, the city traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 9-100-050(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the city's notifying the Secretary of State that the person is eligible for initiation of suspension

proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

(Omitted text is unaffected by this ordinance)

9-100-140 Lessor of vehicle not liable for violations – When.

(a) In accordance with Section 11-1306 of the Illinois Vehicle Code, no person who is the lessor of a vehicle pursuant to a written lease agreement shall be liable for a violation of any standing or parking regulation of this chapter involving such vehicle during the period of the lease if upon receipt of a notice of violation sent with within 120 days of the violation he shall, within 60 days thereafter, provide to the city traffic compliance administrator the name and address of the lessee.

(b) Upon receipt of a lessor's notification of the name and address of his lessee, provided pursuant to Sections 11-1305 or 11-1306 of the Illinois Vehicle Code, the city traffic compliance administrator shall cause a notice of violation to be sent to the lessee as provided for in Section 9-100-050(d).

(c) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for a violation of section 9-101-020(a) or section 9-102-020(a) during the period of the lease; provided that upon request from the department of finance received within 120 days after the violation occurred, the lessor provides within 60 days after the receipt the name and address of the lessee. Upon receipt of the information from the lessor, the lessee shall be issued a notice of violation pursuant to section 9-100-045. Any lessor who fails to provide the lessee's name and address after requested by the department of finance pursuant to this section shall be liable for the violation.

SECTION 5. The Municipal Code of Chicago is hereby amended by repealing Chapter 9-101 in its entirety and inserting a new Chapter 9-101 as follows:

9-101-010 Purpose – Establishment of automated speed enforcement program; definitions.

(a) The purpose of this chapter is to establish an automated speed enforcement system, which shall be administered by the department of transportation, in consultation with the office of emergency management and communications and the department of finance, and enforced through a system of administrative adjudication within the department of administrative hearings.

(b) The automated speed enforcement system shall utilize technology which detects, through radar or other means, the speed of a vehicle operated in violation of Section 9-12-070, 9-12-075 or 9-12-077 and which records, through photographic or other means, the vehicle and the vehicle registration plate of the vehicle. Detection and recording devices used by the system may be stationary or mobile.

(c) The terms "automated speed enforcement system," "owner," "recorded image" and "safety zone" have the meanings ascribed to those terms in subsection (a) of Section 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.8(a).

(d) The automated speed enforcement system shall be operated only at such times and in such locations as is authorized by Section 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.8, and shall be subject to all of the requirements applicable to those systems in that section and in Section 11-208.3 of that Code, 625 ILCS 5/11-208.3.

(e) The department of transportation, in consultation with the office of emergency

management and communications, the police department and the department of finance, shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this chapter.

9-101-020 Automated speed enforcement system violation-speed limit.

(a) The registered owner of record of a vehicle is liable for a violation of this section and a fine when the vehicle is used in violation of Section 9-12-070, 9-12-075 or 9-12-077 and that violation occurred in a safety zone and a recorded image was recorded by a automated speed enforcement system and the recorded speed is six or more miles per hour in excess of the applicable speed limit.

(b) The automated speed enforcement system shall be operational and violations of subsection (a) shall be recorded only at the following times:

- (1) if the safety zone is based upon the property line of any facility, area or land owned by a school district, only on school days and no earlier than 7 a.m. and no later than 7 p.m., Monday through Friday; and
- (2) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, during the time the facility, area or land is open to the public or other patrons.

(c) A recorded image of a violation obtained by the automated speed enforcement system that has been reviewed in accordance with Section 11-208.3(b)(3) of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 shall be prima facie evidence of a violation of subsection (a).

(d) The amount of the fine shall be as set forth in section 9-101-020(d).

(e) The provisions of this section are subject to Sections 11-208.3 and 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 11-208.8 and the defenses specified in Section 9-100-060(b).

(f) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of Section 9-12-070, 9-12-075 or 9-12-077.

(g) No citation for a violation of this section shall be issued until after the expiration of 30 days after the installation of a new automated speed enforcement system on a roadway; provided that the owner or lessee of the registered vehicle used in the commission of the violation shall be mailed a warning notice of such violation in compliance with section 9-100-045.

9-101-030 Notice of violation, administrative adjudication, and determination of liability.

(1) The notice of violation, determination of liability, and administrative adjudication procedures for violations of section 9-101-020 shall be as set forth in chapter 9-100.

(2) For the first violation of Section 9-101-020, the department of finance shall mail a warning that complies with section 9-100-045.

9-101-040 Standards of operation-compliance with statute.

(a) The operation of an automated speed enforcement system, including the placement and posting of signs, statistical analysis reporting requirements or any information required to be available to the public on the city's website shall comply with the applicable provisions of Section 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.8.

(b) The training of technicians and testing of the equipment used in an automated speed

enforcement system shall comply with section 11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3.

(c) The commissioner of transportation is authorized to post signs in conformance with the Manual on Uniform Traffic Control Devices and Illinois Vehicle Code which indicate that a roadway is being monitored by an automated speed enforcement system and the speed limit. The commissioner is further authorized to post signs which indicate that an area is a safety zone.

9-101-050 Number and placement of automated speed enforcement systems.

(a) No more than 20% of all eligible safety zones shall be equipped with an automated speed enforcement system.

(b) The commissioner of transportation shall divide the city into 6 geographical regions for purposes of installing automated speed enforcement systems in eligible safety zones within those regions. No less than 10% of the total number of eligible safety zones authorized in subsection (a) shall be installed in each region.

(c) The commissioner of transportation shall notify an alderman of the installation of an automated speed enforcement system in the ward prior to its installation.

9-101-060 Limits on expenditures of net proceeds.

(a) The net proceeds received from civil penalties imposed for a violation of an automated speed enforcement system pursuant to this chapter, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be maintained in separate accounts and shall be expended or obligated, subject to appropriation by the City Council, only for the purposes specified in subsection (d) of Section 11-208.8 of the Illinois Vehicle Code, 625 ILCS 5/11-208.8(d).

SECTION 6. Chapter 9-102 of the Municipal Code of Chicago is hereby amended by adding a new section 9-102-015, by deleting section 9-102-050, 9-102-060 and 9-102-070, by adding the language underscored and by deleting the language struck through, as follows:

9-102-010 Purpose – Establishment of automated red light camera program.

(a) The purpose of this chapter is to provide for the establishment of an automated red ~~light violation enforcement~~ traffic law enforcement system which shall be administered by the department of transportation pursuant to powers delegated to that department by the traffic compliance administrator, in consultation with the office of emergency management and communications and the department of finance and enforced through a system of administrative adjudication within the department of administrative hearings.

(b) The system shall utilize a traffic control signal monitoring device which records, through photographic means, the vehicle and the vehicle registration plate of a vehicle operated in violation of Section 9-8-020(c) and Section 9-16-030(c). The photographic record shall also display the time, date and location of the violation.

(c) A program shall be established which utilizes an automatic ~~red-light~~ traffic law enforcement system at various vehicle traffic intersections identified by the department of transportation, with the advice of the police department and the office of emergency management and communications. The intersections chosen for the program shall be located throughout the city.

(d) The department of transportation, the office of emergency management and

communications, the police department and the department of finance through the traffic compliance administrator shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this chapter.

9-102-015 Definitions.

For purposes of this chapter, "Recorded image" has the same meaning ascribed to that term in Section 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.6.

9-102-020 Red-light-violation Automated traffic law enforcement system violation.

(a) The registered owner of record of a vehicle is liable for a violation of this section and the fine set forth in Section 9-100-020 when the vehicle is used in violation of Section 9-8-020(c) or Section 9-16-030(c) and that violation a recorded image of the violation is recorded by an automated traffic law enforcement system, a traffic control signal monitoring device as determined by a technician who inspects the recorded image created by the device. A photographic recording of a violation obtained by a traffic control signal monitoring device and that has been inspected by a technician shall be prima facie evidence of a violation of this chapter. It shall be a defense to a violation of this section that:

(1) ~~The operator of the vehicle was issued a uniform traffic citation for a violation of Section 9-8-020(c) or Section 9-16-030(c); or~~

(2) ~~The violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation; or~~

(3) ~~The vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the department of revenue the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department. Where the lessor complies with the provisions of this section, the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the vehicle for purposes of this chapter. The department of revenue, within 30 days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a notice which contains the information required under Section 9-102-030. For the purposes of this chapter, the term "leased vehicle" shall be defined as a vehicle in which a motor vehicle dealership or manufacturer has, pursuant to a written document, vested exclusive possession, use, control and responsibility of the vehicle to the lessee during the periods the vehicle is operated by or for the lessee.~~

(b) The provisions of this section do not apply to any authorized emergency vehicle or where the technician inspecting the recorded image determines that the vehicle was lawfully participating in a funeral procession, or that the vehicle entered into the intersection in order to yield the right-of-way to an emergency vehicle.

(c) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of Section 9-8-020(c) or Section 9-16-030(c).

(d) A recorded image of a violation obtained by the automated traffic law enforcement system that has been reviewed in accordance with Section 11-208.3(b)(3) of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 shall be prima facie evidence of a violation of subsection (a).

(e) The amount of the fine shall be as set forth in section 9-100-020(d).

(f) The provisions of this section are subject to Sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 11-208.6 and the defenses specified in Section 9-100-060(b).

9-102-030 Automated red light violation notice: Notice of violation-administrative adjudication determination of liability.

For each violation of Section 9-8-020(c) or Section 9-16-030(c) recorded by a traffic control signal monitoring device, the traffic compliance administrator shall mail an automated red light violation notice, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, and in no event later than 90 days after the violation, to the registered owner of record of the vehicle used in the commission of the violation. The notice shall include the name and address of the registered owner of the vehicle; the vehicle make, if available and readily discernable, and registration number; the offense charged; the time, date and location of the alleged violation; the applicable fine and monetary penalty which shall be automatically assessed for late payment; information as to the availability of an administrative hearing in which the notice may be contested on its merits and the time and manner in which such hearing may be had; and that the basis of the notice is a photographic record obtained by a traffic control signal monitoring device.

The notice of violation, determination of liability, and administrative adjudication procedures for violations of section 9-102-020 shall be as set forth in chapter 9-100.

9-102-040 Grounds for adjudication by mail or administrative hearing: Standards of operation-compliance with statute.

A person charged with violating Section 9-8-020(c) or Section 9-16-030(c) recorded by a traffic control signal monitoring device may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:

- (1) That the operator of the vehicle was issued a uniform traffic citation for a violation of Section 9-8-020(c) or Section 9-16-030(c); or
- (2) That the violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation; or
- (3) That the vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the department of revenue the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department; or
- (4) That the vehicle was an authorized emergency vehicle or was a vehicle lawfully participating in a funeral procession; or
- (5) That the facts alleged in the violation notice are inconsistent or do not support a finding that Section 9-8-020(c) was violated; or
- (6) That the respondent was not the registered owner or lessee of the cited vehicle at the time of the violation.

(a) The operation of an automated traffic law enforcement system, including the placement and posting of signs, statistical analysis reporting requirements or any information required to be available to the public on the city's website shall comply with the applicable provisions of Sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 5/11-208.6.

(b) The training of technicians and testing of the equipment used in an automated traffic law enforcement system shall comply with section 11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3.

(c) The commissioner of transportation is authorized to post signs in conformance with the

Manual on Uniform Traffic Control Devices and Illinois Vehicle Code which indicate that an intersection is being monitored by an automated traffic law enforcement system.

~~9-102-050 Determination of liability.~~

~~The determination of liability for a violation notice issued under this chapter shall be made in accordance with Sections 9-100-050, and 9-100-070 through 9-100-090.~~

~~9-102-060 Notice of final determination.~~

~~(a) If any fine or penalty is owing and unpaid after a determination of liability under this chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the department of revenue shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 9-100-050(f).~~

~~(b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the city which may be enforced in the manner set forth in Section 2-14-103 of this Code. Failure of the respondent to pay such fine or penalty within 21 days of the date of the notice may result in the immobilization of the person's vehicle pursuant to the procedures described in Section 9-100-120.~~

~~(c) The city shall withdraw a violation notice, following reasonable collection efforts, when the notice was issued to a registered owner who is deceased at the time collection efforts are undertaken.~~

SECTION 7. Section 1-4-170 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and by deleting the language struck through, as follows:

1-4-170 Reserved Reference to Statutes.

Whenever any section of this Code makes reference to the Illinois Compiled Statutes such reference shall be deemed to include the current statute in effect, or as thereafter amended, unless the context indicates otherwise.

SECTION 8. This ordinance takes effect July 1, 2012, following due passage and approval.