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Title: Amendment of Municipal Code Titles 2 and 9 regarding traffic law enforcement and safety

Sponsors: Emanuel, Rahm, Beale, Anthony, Burnett, Jr., Walter, Tunney, Thomas, Mitts, Emma, Cappleman, James, Sposato, Nicholas, Reboyras, Ariel

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5/5/2015	1	Committee on Pedestrian and Traffic Safety	Recommended to Pass	Pass
5/5/2015	1	Committee on Pedestrian and Traffic Safety	Direct Introduction	

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

May 5, 2015

TO THE HONORABLE CHAIRMAN AND
MEMBERS OF THE CITY COUNCIL COMMITTEE ON
PEDESTRIAN AND TRAFFIC SAFETY

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith, together with Aldermen Beale, Burnett and Tunney, an ordinance amending various Municipal Code provisions regarding traffic law enforcement and safety.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

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

SECTION 1. Section 9-8-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

9-8-020 Traffic-control signal legend.

Whenever traffic is controlled by traffic-control devices exhibiting steady colored lights, successively one at a time, in combination or with arrows, the following colors only shall be used and the signals shall indicate and apply to drivers of vehicles and pedestrians as follows:

(Omitted text is unaffected by this ordinance)

(c) **Steady Red Indication.**

1) Except as provided in subsection (c)(3) ~~Section 9-16-030~~, vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown.

2) Except as provided in in subsection (c)(3) ~~Section 9-16-030~~, vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

3) The driver of a vehicle:

i) may turn right when facing a steady red signal; provided, however, he may do so only from the lane closest to the right-hand curb or edge of roadway, must come to a full stop and must yield the right-of-way to pedestrians and to other traffic lawfully using the intersection;

ii) on a one-way roadway, facing a steady red signal, may turn left into an intersecting one-way roadway in which traffic travels to the left; provided, however, he may do so only from the lane closest to the left-hand curb or edge of roadway, must come to a full stop and must yield the right-of-way to pedestrians and to other traffic lawfully using the intersection; or

(iii) may not turn left or right on a steady red signal when official traffic-control devices have been erected indicating that such turns are prohibited.

SECTION 2. Chapter 9-16 of the Municipal Code of Chicago is hereby amended by repealing section 9-16-030, as follows:

~~9-16-030 Turns on red signals.~~

~~(a) Except as provided in subsection (c), the driver of a vehicle may turn right when facing a steady red signal; provided, however, he may do so only from the lane closest to the right-hand curb or edge of roadway,~~

~~must come to a full stop and must yield the right of way to pedestrians and to other traffic lawfully using the inter~~

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~~(fe) Except as provided in subsection (e), the driver of a vehicle on a one-way roadway, facing a steady red signal, may turn left into an intersecting one-way roadway in which traffic travels to the left; provided, howe~~

~~(e) Drivers may not turn left or right on a steady red signal when official traffic control devices have bee~~

SECTION 3. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

9-100-050 Determination of liability.

(a) A person on whom a ~~parking, 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 shall within seven days from the date of the a parking or compliance violation notice, or within 21 days of an automated speed enforcement system or automated traffic law enforcement system violation 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 daysr or 21 days, whichever is applicable, of the issuance of the notice of violation.

(Omitted text is unaffected by this ordinance)

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 liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 24 ~~25~~ 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) (1) If no response is made to a parking or compliance violation notice in accordance with subsection (a) of this section, the city traffic compliance administrator shall cause a second notice of a parking or compliance 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.

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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 suefr the violation notice required by this subsection (d)(1), 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 24 25 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.

(2) If a respondent issued an automated traffic law enforcement system or automated speed enforcement system violation notice pursuant to subsection (a) 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 21 days from the date of the violation notice, 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 25 days of issuance of the determination of liability 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.

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) Where applicable, the T-be 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 cited 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 cited vehicle as recorded with the United States Postal Service.

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

(Omitted text is unaffected by this ordinance)

(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:

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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, er- 9-12-077 or 9-101-020 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

(Omitted text is unaffected by this ordinance)

9-100-090 Hearing - Determination of liability or of no liability - Petition.

(Omitted text is unaffected by this ordinance)

(b) If a person fails to respond to the violation notice ar*4 or any the second notice of violation required by section 9-100-050(d)(1), a determination of liability shall be entered against the respondent pursuant to Section 9-100-050(d) and shall be served upon the respondent in accordance with Section 9-100-050(f). Such determination shall become final for purposes of judicial review under the Administrative Review Law of Illinois upon the denial of, or the expiration of the time in which to file, a timely petition to set aside the determination as provided in subsection (c) of this section.

(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 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 qualifying hardship participant;~~

~~i) if the owner's vehicle is not impounded or immobilized the time the owner enters into the installment plan, no greater than 25 percent of the vehicle owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fee6 under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date;~~

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~~ii) if the owner's vehicle is impounded or immobilized at the time of entering into the installment plan, the lesser of \$250.00 or 25% of the owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic~~

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~~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.~~

(A 8) For all other vehicle owners prior to: (i) the vehicle being immobilized or impounded immobilization or impoundment: or (ii) the vehicle owner's driver's license being suspended pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, the greater of \$500.00 or 25 percent of the vehicle owner's combined liability for parking, compliance, and automated 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.

(B C) For all other vehicle owners after vehicle immobilization or impoundment, or after

the owner's driver's license has been suspended pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, the greater of \$750.00 or 50 percent of the vehicle owner's combined liability for parking, compliance, and automated 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)

(5) If the vehicle owner fails to make all required payments in a timely manner, the vehicle owner's motor vehicle shall be subject to immobilization or impoundment, or the vehicle owner's driver's license shall be subject to suspension pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, if applicable, and the vehicle owner shall be liable for the outstanding balance plus an additional penalty of \$100.00.

(Omitted text is unaffected by this ordinance)

(d) Notwithstanding subsections (a)(2) and (3), as part of an installment payment plan entered into under this section, for any vehicle owner who is a qualifying hardship participant, the traffic compliance administrator is authorized to establish the installment plan's duration and the amount of any initial minimum payment which the traffic compliance administrator deems appropriate for the payment of such owner's combined liability for parking, compliance, automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) for immobilization, impoundment, towing and storage to date.

SECTION 4. Section 9-101-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

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 at a time and location where the automated speed enforcement system is authorized to be operational and a recorded image was recorded by a

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automated speed enforcement system and the recorded speed is six or more miles per hour in excess of the applicable speed limit.

(Omitted text is unaffected by this ordinance)

SECTION 5. Chapter 9-102 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

9-102-010 Purpose - Establishment of automated traffic law enforcement system.

(Omitted text is unaffected by this ordinance)

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(e)~~. The photographic record shall also display the time, date and location of the violation.

(Omitted text is unaffected by this ordinance)

9-102-020 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 a recorded image of the violation is recorded by an automated traffic law enforcement system.

(Omitted text is unaffected by this ordinance)

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)~~.

(Omitted text is unaffected by this ordinance)

9-102-040 Standards of operation - Compliance with statute.

(Omitted text is unaffected by this ordinance)

d) After the effective date of this subsection (d):

- 1) no automated traffic law enforcement system shall be installed, removed or relocated except after a public community meeting commenced by the commissioner of transportation; and
- 2) no automated traffic law enforcement system shall be installed unless the intersection is equipped with pedestrian signal heads that include a pedestrian change interval countdown display indicating the number of seconds remaining in the change interval.

e) No later than June 1, 2015, all intersections where an existing automated traffic law enforcement system is operating shall be equipped with pedestrian signal heads that include a pedestrian change interval countdown display indicating the number of seconds remaining in the change interval.

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SECTION 6. Section 2-102-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

2-102-030 Commissioner - Powers and duties.

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

(Omitted text is unaffected by this ordinance)

(x) Subject to the approval of the corporation counsel as to form and legality, to negotiate and execute agreements on behalf of the City with public or private universities to conduct reviews of traffic safety and automated traffic law enforcement systems programs.

SECTION 7. This ordinance shall take effect after its passage and approval.

Anthony Beale
Alderman, 9th Ward

Thomas M. Tunney;
Alderman, 44th Ward

Walter Burnett, Jr. Alderman, 27th Ward