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Legislation Details (With Text)

File #: SO2022-1897
Type: Ordinance **Status:** Passed
File created: 6/22/2022 **In control:** City Council
Final action: 12/14/2022

Title: Amendment of Municipal Code Titles 9 and 10 by modifying various sections and adding new Section 10-20-020 regarding safe closure of public way

Sponsors: Vasquez, Jr., Andre, La Spata, Daniel, Rodriguez, Michael D., Rodriguez Sanchez, Rossana, Reilly, Brendan, Martin, Matthew J., Lopez, Raymond A., Hadden, Maria E., Nugent, Samantha, Gardiner, James M., Smith, Michele, Cardenas, George A., Cappleman, James, Taliaferro, Chris, Burnett, Jr., Walter, Sadlowski Garza, Susan, Quinn, Marty, Waguespack, Scott, Reboyras, Ariel, Brookins, Jr., Howard, Tunney, Thomas, Osterman, Harry, Hopkins, Brian, Silverstein, Debra L., Dowell, Pat, Harris, Michelle A., O'Shea, Matthew J., Austin, Carrie M., Hairston, Leslie A., Sawyer, Roderick T., Burke, Edward M., Lee, Nicole T., Mitchell, Gregory I., Sposato, Nicholas, Napolitano, Anthony V., Cardona, Jr., Felix, Villegas, Gilbert, Curtis, Derrick G., Tabares, Silvana, Ramirez-Rosa, Carlos, King, Sophia D., Taylor, Jeanette B., Coleman, Stephanie D., Scott, Monique L.

Indexes: Ch. 4 Traffic Definitions & General Provisions, Ch. 20 Work On & Under Public Ways, Ch. 40 Driving Rules, Ch. 68 Restricted Parking-Permits & Regulations, Ch. 8 Use Of Public Ways & Places, Ch. 92 Impounding & Relocation of Vehicles

Attachments: 1. SO2022-1897.pdf, 2. O2022-1897.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|----------------------|--------|
| 12/14/2022 | 1 | City Council | Passed as Substitute | Pass |
| 6/22/2022 | 1 | City Council | Referred | |

Type: Title:

Committee(s) Assignment:
Coleman (16) Scott (24) Ordinance

Amendment of Municipal Code Titles 9 and 10 by modifying various sections and adding new Section 10-20-020 regarding safe closure of public way Committee on Transportation and Public Way

HOWARD B. BROOKINS, JR. ALDERMAN, 21ST WARD

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COMMITTEE MEMBERSHIPS TRANSPORTATION AND PUBLIC WAY (CHAIRMAN)

AVIATION

BUDGET & GOVERNMENT OPERATIONS

CITY OF CHICAGO CITY COUNCIL

ECONOMIC CAPITAL & TECHNOLOGY DEVELOPMENT

FINANCE

COUNCIL CHAMBER CITY HALL ROOM 305

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December 14, 2022

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass the proposed ordinance transmitted herewith for a MISCELLANEOUS to AMENDMENT OF MUNICIPAL CODE 9-68-060- - (SUBSTITUTE) - SO2022-1897 An amendment of Municipal Code Titles 9 and 10 by modifying various sections and adding new section 10-8-272 regarding closure of bicycle lanes. This ordinance was referred to Committee on July 13, 2022.

This recommendation was concurred unanimously by viva voce vote of the members of the Committee with no dissenting vote.

(Ward 40)

Howard Brookins, Jr., Chairman

Respectfully submitted,

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 9-4-025 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken, and by inserting the language underscored, as follows:

9-4-025 Bicycle safety violation - Penalty.

(a) (1) Any person who violates subsection (e) or (f) of Section 9-16-020 or ~~subsection (c) of Section 9-36-010, or Section 9-40-060,~~ of this Code, shall be subject to a fine of \$150.00 for each offense.

(2) Except as provided in subsection (a)(3) of this Section 9-4-025, any person who violates subsection (e) or (f) of Section 9-16-020, subsection (c) of Section 9-36-010, or Section 9-

40-060, of this Code, when such violation causes a collision between a motor vehicle and a bicycle, shall be subject to a fine of \$500.00 for each offense.

(3) Any person who violates Section 9-40-060 of this Code by standing or parking on bicycle paths or lanes, ~~when such violation causes a collision between a motor vehicle and a bicycle~~ shall be subject to a fine of \$250.00 for each offense.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 9-40-060 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken, and by inserting the language underscored, as follows:

9-40-060 Driving, standing or parking on bicycle paths or lanes prohibited.

(a) Prohibition.

1) ~~The driver of a vehicle shall not drive, unless entering or exiting a legal parking space, or stand, or park the vehicle upon any on-street path or lane designated by official signs or markings for the use of bicycles, or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path or lane. The driver of a vehicle shall not stand or park the vehicle upon any lane designated by pavement markings for the shared use of motor vehicles and bicycles, or place the vehicle in such a manner as to impede bicycle traffic on such lane; provided, however, the driver of a bus may stop the bus in any such lane (i) at a designated bus stop for the purpose of loading or unloading of passengers, (ii) in case of an emergency; or (iii) as permitted in Section 9-48-050(d) of this Code. In addition to the fine provided in Section 9-4-025 of this Code, any vehicle parked in violation of this section shall be subject to an immediate tow and removal to a city vehicle pound or authorized garage.~~

2) The driver of a vehicle shall not: (i) stand or park a vehicle upon any on-street path or lane designated by official signs or markings for the use of bicycles; (ii) stand or park upon any lane designated by pavement markings for the shared use of motor vehicles and bicycles; or (iii) stand the vehicle in such a manner as to impede bicycle traffic on such lane.

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3) In addition to the fine provided in Section 9-4-025 of this Code, any vehicle parked in violation of subsection (a)(2) shall be subject to an immediate tow and removal to a city vehicle pound or authorized garage pursuant to Section 9-92-030.

4) Notwithstanding subsections (a)(1) and (a)(2), the driver of a bus may stop the bus in any such lane: (i) at a designated bus stop for the purpose of loading or unloading of passengers; (ii) in case of an emergency; or (iii) as permitted in Section 9-48-050(d) of this Code.

b) Exception. Notwithstanding any provision of this code to the contrary, an electric personal assistive mobility device, as that term is defined in Section 9-80-205, may enter and drive upon the Randolph Protected Bike Lane located on Upper East Randolph Street, between North Michigan Avenue and North Harbor Drive.

c) Class 3 electric bicycles. The rider of a Class 3 electric bicycle shall not ride in a bike lane.

d) Enforcement. Any police officer shall have authority to enforce the provisions of this section-In addition, any traffic control aide, or other designated member of the Police Department, or any parking enforcement

aide or other person designated by the Traffic Compliance Administrator, Commissioner of Transportation, or the Commissioner of Streets and Sanitation shall have authority to enforce the provisions of subsection (a)(2) of this section.

SECTION 3. Section 9-68-060 of the Municipal Code is hereby amended by inserting the language underscored, as follows:

9-68-060 Service vehicle permits - Restrictions.

Subject to and in accordance with the procedures and requirements described in Sections 9-68-060 through 9-68-100, the Commissioner of Transportation ~~commissioner of transportation~~ may issue permits for parking contrary to general parking regulations with the exception that such permit shall not allow parking contrary to Section 9-40-060 of this Code. Permits issued under this program may be issued only for vehicles of the second division, as defined in the Illinois Motor Vehicle Code, as amended. Permits may be issued only to the following types of vehicles:

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 9-68-100 of the Municipal Code is hereby amended by inserting the language underscored, as follows:

9-68-100 Violation - Penalty.

a) No permit issued under Section 9-68-070 shall be altered, defaced, or transferred from one vehicle to another or from the applicant to any other person.

b) At the direction of a police officer or member of the fire department, a vehicle properly displaying a permit issued under Section 9-68-070 shall be removed in order to allow access to a fire hydrant or allow for the free-flow of traffic on a street path or lane designated for the use of bicycles.

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c) The Commissioner of Transportation ~~commissioner of transportation~~ shall revoke a permit issued to any person who violates subsection (a) or subsection (b) of this section, or of any permittee who violates Section 9-40-060 or Section 10-20-020, or who misrepresents or falsifies any information in order to obtain the permit.

d) Any person who violates subsection (a) or (b) of this section, or who misrepresents or falsifies any information in order to obtain a permit under Section 9-68-070, or interferes with the administration of this permit program by the Commissioner of Transportation ~~commissioner of transportation~~, shall be fined \$200.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 5. Section 9-92-030 of the Municipal Code is hereby amended by inserting the language underscored, as follows:

9-92-030 Authority to impound or otherwise relocate vehicle.

Members of the Police Department and employees of the Department of Streets and Sanitation, and employees of the Department of Aviation with respect to violations occurring at O'Hare International Airport, are authorized to issue a notice of parking violation and may authorize the removal of a vehicle from any public way to a City vehicle pound or authorized garage or other legal parking space in the public way under

the following circumstances:

- a) When a vehicle upon any public way is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- b) When an unattended vehicle is unlawfully parked so as to constitute a hazard or obstruction to the normal movement of traffic;
- c) When an unattended vehicle is parked, stopped, or standing in violation of Section 9-40-060, 9-64-020; 9-64-050, 9-64-070, 9-64-100, 9-64-110, 9-64-120, 9-64-130(b), 9-64-140(b), 9-64-150(b), 9-64-160(b), 9-64-165(f), 9-64-170, 9-64-210, 9-80-080(a), or 9-80-130;
- d) When a vehicle has been abandoned or found to be a hazardous dilapidated motor vehicle in violation of Section 9-80-110;
- e) When a vehicle illegally occupies a parking meter space for more than 24 hours;
- f) When an unattended vehicle is parked illegally in an officially designated and marked "tow zone;"
- g) When a vehicle is in violation of any provision of the traffic code authorizing towing and impoundment for that violation;
- h) When a vehicle is subject to towing or removal under the Illinois Vehicle Code, the Criminal Code of 1961, or any other law;
- (i) When towing or removal is necessary as an incident to an arrest.

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Whenever an employee of the Department of Finance is aware of circumstances listed in subsection (a) through (i) of this section, they shall refer such vehicle to the Department of Streets and Sanitation, who shall issue a notice of parking violation and initiate the removal of a vehicle from any public way to a City vehicle pound or authorized garage or other legal parking space in the public way pursuant to the Department of Streets and Sanitation's applicable rules, provided that failure of an employee to refer or to issue a notice shall not create or form the basis for liability on the part of the City, its agents, or agencies.

SECTION 6. Chapter 10-20 of the Municipal Code of Chicago is hereby amended by adding a new Section 10-20-020, as follows:

10-20-020 Safe closure of the public way.

a) Any person whose work results in the closure of the public way shall ensure the work site provides the appropriate traffic control devices, as that term is defined in Section 9-4-010, and takes appropriate measures to warn the public of the closure. Appropriate traffic control devices and measures for the situation shall be set by the Commissioner of Transportation by rule, including any applicable standards for construction canopies required under Section 10-28-284 of the Code. Any person who violates this section or rules promulgated hereunder shall be fined no less than \$500 and no more than \$2,500 for each violation. Each day that a violation shall continue shall constitute a separate and distinct offense.

b) The Commissioner of Transportation shall semiannually report to the City Council Committee on

Transportation and Public Way, or its successor committee, regarding all changes made to rules pursuant to this section. Upon request of the Chair of the Committee, the Commissioner of Transportation or the Commissioner's designee shall present such report at a subject matter hearing of the Committee.

SECTION 7. No later than February 15, 2023, the Comptroller shall, in consultation with the Commissioner of Transportation and the Office of Emergency Management and Communication, submit to City Council, or to an appropriate committee as a direct introduction, a proposed ordinance to establish a pilot program for the automated enforcement of Section 9-40-060 of the City Code.

SECTION 8. This ordinance shall take effect 10 days after passage and publication.