

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, Section 15-316 of the Illinois Vehicle Code authorizes municipalities to “by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways” (625 ILCS 5/15-316(c)); and

WHEREAS, Section 9-72-030 of the Municipal Code of Chicago permits the Executive Director of the Office of Emergency Management and Communications to designate streets or parts of streets “upon which the operation of trucks or other commercial vehicles shall be prohibited”; and

WHEREAS, Despite numerous such prohibitions being adopted by City Council each year, the recent explosion in ecommerce and rapid development of distribution centers and other warehouses has far outpaced the City’s ability to meaningfully enforce such prohibitions; and

WHEREAS, According to a 2012 report from the Chicago Metropolitan Agency for Planning (CMAP), the export and import freight shipped by truck was approximately 702,700,000 tons, and was expected to grow by 48% by 2040 to over 1,000,000,000 tons annually; and

WHEREAS, A 2022 CMAP study of traffic and transit following the pandemic found that freight traffic was increasing faster than previously estimated – volumes for single-unit trucks, generally used for first- and last-mile delivery, were 20% above pre-pandemic levels, and volumes for tractor-trailers were 10% above pre-pandemic levels; and

WHEREAS, Section 11-208 of the Illinois Vehicle Code authorizes certain municipalities, including the City, to “enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance” (625 ILCS 5/11-208(f)); and

WHEREAS, The adoption of an automated enforcement pilot program to enforce Section 9-72-030 is anticipated to result in reduction of violations of such ordinances and protect the health, safety, and welfare of the public; now, therefore

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

SECTION 1. Section 9-72-090 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-72-090 Deposits for compliance violations.

(a) A person issued a notice of for a violation of any weight limitations imposed by this chapter, or any term or condition of a permit issued under 9-72-070, shall, upon issuance of the notice of violation citation, deposit with the city ~~City~~ a bond in the form of a money order issued by a money transfer service company which has been approved by the Commissioner of Business Affairs and Consumer Protection ~~commissioner of business affairs and consumer~~

~~protection~~ in an amount equal to the minimum fine established for such violation. The money order shall be made payable to the City of Chicago Department of Finance.

(b) In lieu of the money order deposit, the Commissioner of Business Affairs and Consumer Protection ~~commissioner of business affairs and consumer protection~~ may promulgate rules and regulations to adopt standards for the acceptance of an individual recognizance bond, when from the totality of the circumstances, it is the opinion of the ~~commissioner, or his or her~~ Commissioner, or their designee, that the person issued the notice of violation citation ~~will~~ appear for a hearing. Any individual recognizance bond shall include as a condition of the bond, the provisions of subsection (c) of this section.

(omitted text is unaffected by this ordinance)

SECTION 2. Section 9-72-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-72-100 Administrative hearings.

(a) Within 15 days after the issuance of any ~~citation for a~~ notice of violation of any weight limitations imposed by ~~under~~ this chapter, or any term or condition of a permit issued under 9-72-070, the owner or operator may file a written request for a hearing before the Department of Administrative Hearings ~~department of administrative hearings~~ to challenge whether a violation has occurred. The hearing date must be scheduled no later than 30 days after the request for a hearing is filed.

(omitted text is unaffected by this ordinance)

(f) Service of ~~the citation~~ a notice of violation on the operator of the truck shall constitute service of notice of the violation on the owner of the truck.

SECTION 3. Chapter 9-72 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-72-120, as follows:

9-72-120 Automated enforcement.

(a) *Definitions.* For purposes of this chapter, the definitions in Section 9-4-010 and the following definitions shall apply:

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

"Covered offense" means a violation, within a pilot area, of a prohibition of the operation of trucks or commercial vehicles that has been designated and for which an official sign has been erected pursuant to Section 9-72-030.

"Pilot area" means the following streets or parts of streets that have been designated pursuant to Section 9-72-030:

- (1) South Keeler Avenue from West 31st Street to West 33rd Street;

- (2) South Kostner Avenue from West 31st Street to West Cermak Road;
- (3) West 32nd Street from South Pulaski Road to South Lawndale Avenue;
- (4) East 112th Street from South Avenue O to South State Line Road; and
- (5) East 134th Street from South Avenue O to South Avenue K.

(b) *Purpose; Establishment of pilot program.* (1) The purpose of this chapter is to provide for a pilot program that utilizes automated enforcement systems mounted on locations identified by the Department of Transportation to record covered offenses and enforce violations within the pilot areas. The program shall be administered by the Executive Director, in consultation with the Department of Transportation, the Department of Business Affairs and Consumer Protection, and the Department of Finance. The program shall be enforced in accordance with this chapter.

(2) 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 section, and to take all additional actions as necessary or appropriate to carry out the pilot program.

(3) The Executive Director and the Traffic Compliance Administrator, in consultation with the Department of Police the Department of Transportation, and the Department of Business Affairs and Consumer Protection, shall adopt rules as may be necessary for the proper administration and enforcement of this chapter.

(c) *Violations.* The registered owner of record of a vehicle shall be liable for a covered offense and the applicable fine when an image of the covered offense is recorded by an automated enforcement system within a pilot area. Recorded video or images of a covered offense obtained by an automated enforcement system that have been reviewed in accordance with this section 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.

(d) *Notices of Violation.* For each covered offense enforced pursuant to this section, a notice of violation shall be mailed to the notice address of the registered owner as recorded with the Secretary of State. The issuer of the notice of violation shall specify on the notice of violation their 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.

(e) *Adjudication.* A person issued a notice of violation under this section may contest the charge through an administrative adjudication pursuant to Chapter 9-72-100 of this Code.

(f) *Standards of operation.* A technician shall, based on inspection of recorded video and images, make a determination that the commission of a covered offense occurred. If the technician determines that the commission of a covered offense has not occurred, a notice of violation shall not be issued. All determinations by a technician that the commission of a

covered offense has occurred shall be subject to review and approval by an employee, officer, or contractor designated by the Traffic Compliance Administrator.

(g) *Report to City Council.* No later than 120 days prior to the expiration of the pilot program established by this section, the Executive Director, in consultation with the Department of Transportation, the Department of Business Affairs and Consumer Protection, and the Department of Finance, shall submit a written report to the City Council Committee on Pedestrian and Traffic Safety regarding the performance of the 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 enforcement systems, including 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 enforcement systems.

(h) *Expiration.* This section shall be repealed, and the pilot program shall expire and be terminated, without further action by the City Council, on the second anniversary of the date on which automated enforcement systems are installed in each pilot area.

SECTION 4. Chapter 9-72 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-72-130, as follows:

9-72-130 Publication of GIS data.

The Executive Director, in consultation with the Chief Information Officer, shall create and maintain an online and downloadable database, in GIS or other geospatial format, on the City of Chicago Data Portal of each street or parts of streets subject to a restriction, limitation, or designation under this chapter.

SECTION 5. The Executive Director of the Office of Emergency Management and Communication, in consultation with the Traffic Compliance Administrator, the Chief Financial Officer, and the Commissioner of Transportation, shall, to the maximum extent possible, seek to leverage available State, federal, and private grants and other sources to fund the pilot program created by this ordinance.

SECTION 6. The following ordinances adopted pursuant to Section 9-72-030 of the Municipal Code of Chicago are hereby amended, as follows:

WARD LIMITATIONS

22 South Keeler Avenue; Amend SO2020-758, passed on February 19, 2020, and appearing in the Journal of Proceedings for that date on pages 14137 - 14138, which reads: "South Keeler Avenue from West 31st Street to West 33rd Street WEIGHT LIMITATIONS 5 TON" by striking "Weight Limitations 5 - Tons", and inserting "Weight Limitations Signs; No Trucks, All Times, All Days" in lieu thereof.

22 South Kostner Avenue, Amend SO2020-1833, passed April 24, 2020, appearing in the Journal of Proceedings for that date on pages 15531 - 15532, which reads:

“South Kostner Avenue from West 31st Street to West Cermak Road; Weight Limitations Signs; No Vehicles Over 5 Tons, All Times, All Days” by striking “No Vehicles Over 5 Tons”, and inserting “No Trucks” in lieu thereof.

- 22 West 32nd Street; Amend SO2021-742, passed on February 26, 2021, and appearing in the Journal of Proceedings for that date on pages 27786 - 27787, which reads: “West 32nd Street from South Pulaski Road to South Lawndale Avenue WEIGHT LIMITATIONS 5 TON” by striking “WEIGHT LIMITATIONS 5 TON”, and inserting “Weight Limitations Signs; No Trucks, All Times, All Days” in lieu thereof.
- 10 East 112th Street, Amend that ordinance passed on July 1, 1963, and appearing in the Journal of Proceedings for that date on pages 533-534, which reads: “E. 112th Street from S. Avenue O to State Line Road – 5 tons” by striking “5 tons”, and inserting: “Weight Limitation Signs; No Trucks, All Times, All Days” in lieu thereof.
- 10 East 134th Street, Amend that ordinance passed on November 15 1961, and appearing in the Journal of Proceedings for that date on page 5768, which reads: “E. 134th Street between S. Avenue O and S. Avenue K - 5 tons ” by striking “5 tons”, and inserting: “Weight Limitation Signs; No Trucks, All Times, All Days” in lieu thereof.

SECTION 7. Section 6 of this ordinance shall take effect upon passage and publication. The remainder of this ordinance shall take effect 90 days after passage and publication.



Aldersperson Michael D Rodriguez, 22nd Ward



Alderman Peter Chico, 10th Ward