

ORDINANCE

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

SECTION 1. Title 9 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 9-109, as follows:

CHAPTER 9-109 AUTOMATED SCHOOL BUS ENFORCEMENT SYSTEM

9-109-010 Definitions.

In addition to the definitions in Section 9-4-010, for the purposes of this chapter:

“Automated school bus enforcement system” means a device, mounted on school bus, which obtains a recorded image of a vehicle and the vehicle registration plate of a vehicle used in the commission of a covered offense.

“Covered offense” means a violation of Section 9-36-050.

“Recorded image” has the meaning ascribed in Section 11-208.9 of the Illinois Vehicle Code, 625 ILCS 5/11-208.9.

9-109-020 Purpose; establishment.

(a) The purpose of this chapter is to provide for a program that utilizes automated school bus enforcement systems to record covered offenses and to enforce the applicable sections of this Code. The program shall be administered by the Department of Transportation and Department of Finance. The program shall be enforced through a system of administrative adjudication within the Department of Administrative Hearings.

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

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

(d) Prior to the installation of an automated school bus enforcement system, the Commissioner shall solicit recommendations from each member of City Council for school bus routes within or serving their respective wards for inclusion in the program, on such alderman's analysis of any relevant factors.

9-109-030 Violations.

(a) The registered owner of record of a vehicle shall be liable for a covered offense and the applicable fine set forth in Section 9-100-020 when an automated school bus enforcement system obtains a recorded image of a covered offense. A recorded image of a covered offense obtained by an automated school bus enforcement system that has been reviewed in accordance with Section 9-109-060 shall be prima facie evidence of a violation of the applicable section of this Code. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any covered offense.

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

(c) The provisions of this section are subject to Section 11-208.9 of the Illinois Vehicle Code, 625 ILCS 5/11-208.98, and the applicable defenses specified in Section 9-100-060(b).

(d) The determination to issue a citation for a violation of this section is vested solely with the City of Chicago and may not be delegated to any vendor retained by the City.

9-109-040 Notice of violations.

(a) For each covered offense enforced pursuant to Section 9-109-030, the Department of Finance shall mail a notice in accordance with Section 9-100-045, subject to the provisions of subsection (b) of this section.

(b) (1) No citation for a covered offense enforced pursuant to Section 9-109-030 shall be issued until after the expiration of 30 days after the installation of a new automated school bus enforcement system. For any covered offense occurring during such 30-day period, the Department of Finance shall, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, mail a warning notice to the registered owner of the vehicle used in the commission of the covered offense; provided that if the vehicle is leased and the lessor has provided the name and address of the lessee pursuant to Section 9-100-140(a), the Department of Finance shall mail a warning notice to the lessee of the vehicle within 30 days after the lessor notifies the Traffic Compliance Administrator of the name and address of the lessee. The warning shall advise such owner or lessee that the vehicle was used in the commission of a covered offense and any further violations may result in the issuance of a citation.

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

9-109-050 Administrative adjudications.

A person charged pursuant to Section 9-109-030 with a covered offense may contest the charge through an administrative adjudication pursuant to Chapter 9-100 of this Code, subject to the provisions of subsection (b) of this section. The administrative adjudication procedures, determination of liability, and notice of final determination for a covered offense enforced pursuant to Section 9-109-030 shall be as set forth in Chapter 9-100.

9-109-060 Standards of operation; compliance with statute.

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

(b) The operation of an automated school bus enforcement system shall comply with the applicable provisions of Section 11-208.9 of the Illinois Vehicle Code, 625 ILCS 5/11-208.9, including the placement and posting of signs, statistical analysis reporting requirements, training of technicians, testing of equipment, and any information required to be available to the public on the City's website.

SECTION 2. Section 9-100-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-100-020 Violation – Penalty.

(Omitted text is unaffected by this ordinance)

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

<i>Traffic Code Section</i>	<i>Fine</i>
9-12-060	\$90.00
<u>9-36-050</u>	<u>\$250.00</u>
9-40-060(a)(2)	\$250.00

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 9-100-045 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

9-100-045 Notice of violation – Automated speed enforcement system, automated school bus 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, or Section 9-109-030, the department of finance~~ 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 administrator 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 within 30 days after the lessor notifies the traffic compliance administrator of the name and address of lessee, but in no ~~even 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, and 11-208.9~~ of the Illinois Vehicle Code, 625 ILCS 5/11-208.3, 5/11-208.6, ~~and 5/11-208.8, and 5/11-208.9.~~

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 9-100-060 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

9-100-060 Grounds for contesting a violation.

(Omitted text is unaffected by this ordinance)

(b) A person charged with violating Section 9-101-020, ~~or Section 9-102-020, or Section 9-109-030~~ may contest the charge through an administrative adjudication limited to one or more of the following applicable grounds with appropriate evidence to support:

(Omitted text is unaffected by this ordinance)

(7) for covered offenses, as defined in Section 9-109-010, that:

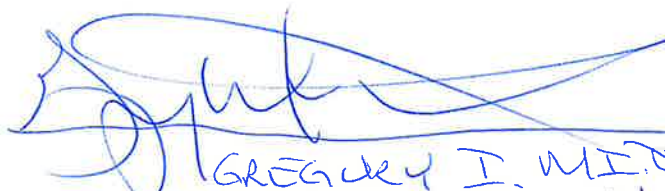
(i) the operator of the vehicle was issued a Uniform Traffic Citation;

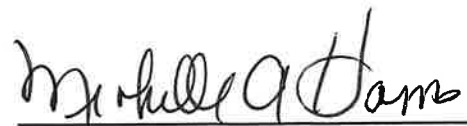
(ii) the operator of the vehicle engaged in such covered offense either to yield the right-of-way to an emergency vehicle or as part of a funeral procession; or

(iii) the facts alleged in the violation notice are inconsistent or do not support a finding that a covered offense was committed.

(Omitted text is unaffected by this ordinance)

SECTION 5. This ordinance takes effect 10 days after passage and publication.


GREGORY I. MITCHELL
ALDERMAN, 7th Ward


MICHELLE A. HARRIS
Alderman, 8th Ward