

SUBSTITUTE ORDINANCE

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

SECTION 1. Chapter 9-108 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:

ARTICLE I.

9-108-010 Definitions.

For purposes of this chapter, the definitions in Section 9-4-010 and the following definitions shall apply:

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

"Commercial motor vehicle" means any motor vehicle for which a wheel tax license is required under this chapter and (i) which is marked or emblazoned with the name of a business or is otherwise represented as being used for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, whether for hire or not for hire; or (ii) which is driven for profit or to transport property, merchandise or supplies of a commercial or industrial nature.

"Covered offense" means a parking or standing violation ~~within the pilot area~~ of Section 9-12-060, 9-40-060, 9-64-020(b), 9-64-080, 9-64-100, 9-64-110, 9-64-140, 9-64-150, 9-64-160(b), 9-64-180, or 9-64-190(c) of this Code.

"Pilot area" means the streets or parts of streets within the City's jurisdiction within the area bounded by a line, inclusive of both sides of the street, as follows: the easternmost point of North Avenue extended to Lake Michigan; then west on North Avenue to Ashland Avenue; then south on Ashland Avenue to Roosevelt Road; then east on Roosevelt Road to its easternmost point extended to Lake Michigan.

ARTICLE II.

9-108-020 Purpose – Establishment of automated parking enforcement pilot program.

(a) The purpose of this ~~article~~ chapter is to provide for a pilot program that utilizes automated parking enforcement systems mounted on public transit vehicles, City vehicles, City property, and other locations identified by the Chicago Department of Transportation to record covered offenses and enforce parking regulations within the pilot area. 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 pilot program established under this chapter, and to take all additional actions as necessary or appropriate to carry out the pilot program.

(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 parking enforcement system, the Commissioner shall notify the alderman of the ward in which the automated parking enforcement system is to be installed and solicit a recommendation for the location of such installation based on the alderman's analysis of any relevant factors.

ARTICLE III.

9-108-025 Purpose – Establishment of public enforcement pilot program.

(a) The purpose of this article is to provide for a pilot program that empowers members of the public to submit recorded evidence of violations of Section 9-12-060 or Section 9-40-060, either through the 3-1-1 application or through a website or other application designated by the Department of Transportation, for the City to use in enforcement of such violations. The program shall be administered by the Department of Transportation and Department of Finance, in consultation with the Department of Technology and Innovation. The program shall be enforced through a system of administrative adjudication within the Department of Administrative Hearings.

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

ARTICLE IV.

9-108-030 Parking and standing violations.

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 image of the covered offense is recorded pursuant to this chapter. ~~by an automated parking enforcement system within the pilot area.~~ A recorded image of a covered offense obtained pursuant to this chapter ~~by an automated parking enforcement system~~ that has been reviewed in accordance with Section 9-108-060 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.

9-108-040 Notice of violation.

(a) For each covered offense enforced pursuant to this chapter, ~~Section 9-108-030,~~ the Department of Finance shall mail a notice in accordance with Section 9-100-030, subject to the provisions of subsection (b) of this section.

(b) (1) No citation for a covered offense enforced pursuant to Section 9-108-030 that was captured pursuant to the Automated Parking Enforcement Pilot Program shall be issued until after

the expiration of 30 days after the installation of a new automated parking 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 enforced pursuant to Section 9-108-030 that was captured pursuant to the Automated Parking Enforcement Pilot Program, 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).

(3) Excluding violations by the operator of a commercial motor vehicle, for the first covered offense enforced pursuant to Section 9-108-030 that was captured pursuant to the Public Enforcement Pilot Program, 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)(3), the Department of Finance shall issue a notice of violation in compliance with subsection (a). For purposes of this chapter, there is hereby created a rebuttable presumption that a vehicle is a commercial motor vehicle if such vehicle: (i) bears an Illinois Secretary of State issued B-truck license plate, or the corollary from any other state; (ii) displays a United States Department of Transportation number; (iii) has more than two axles; (iv) is presented, by signage or other marking on the vehicle, as being used for the transportation of property for any commercial or industrial business; or (v) is visibly carrying merchandise or supplies of a commercial or industrial nature.

9-108-050 Administrative adjudication.

(a) A person charged pursuant to ~~this chapter Section 9-108-030~~ 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 9-108-030 shall be as set forth in Chapter 9-100 for parking and standing violations.

(b) In addition to those grounds set forth in Section 9-100-060(a), one or more of the following grounds shall be a defense to a covered offense enforced pursuant to Section 9-108-030:

(1) the owner of the vehicle was issued a uniform traffic citation or a parking citation, as applicable, for the covered offense;

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

(3) for violations captured pursuant to the Automated Parking Enforcement Pilot Program, the covered offense occurred outside the pilot area.

9-108-060 Standards of operation.

A technician shall, based on inspection of recorded images, make a determination that the vehicle was parked or standing in the commission of a covered offense. If the technician determines that the vehicle was not parked or standing in the commission of a covered offense, or is unable to determine that the vehicle was parked or standing in the commission of a covered offense, a citation shall not be issued. All determinations by a technician that a vehicle was parked or standing in the commission of a covered offense shall be subject to review and approval by an employee, officer, or contractor designated by the Traffic Compliance Administrator.

9-108-070 Reports to City Council.

(a) No later than 120 days prior to the expiration of the Smart Streets Pilot Program, the Chicago Department of Transportation and the Department of Finance shall jointly submit a written report to the City Council Committee on Pedestrian and Traffic Safety regarding the performance of the Smart Streets 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 parking enforcement systems on the following components: traffic safety, especially impacts affecting the most vulnerable road users; vehicle idling and emissions; traffic flow, bus service operations, cycling mobility, and pedestrian mobility; compliance with the City's laws; ticketing, especially 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 parking enforcement systems.

(b) No later than 30 days after the issuance of the first notice of violation under the Public Enforcement Pilot Program, the Department of Finance shall submit a report to the City Council Committee on Pedestrian and Traffic Safety regarding any amendments that could improve enforcement of this chapter and to notify the Committee of the timeline for the expiration of the Public Enforcement Pilot Program. No later than 120 days prior to the expiration of the Public Enforcement Pilot Program, the Chicago Department of Transportation and the Department of Finance shall jointly submit a written report to the City Council Committee on Pedestrian and Traffic Safety regarding the performance of the Public Enforcement Pilot Program. The report shall include, but shall not be limited to, information to assess the impact of the pilot program on the following components: traffic safety, especially impacts affecting the most vulnerable road users; vehicle idling and emissions; traffic flow, bus service operations, cycling mobility, and pedestrian mobility; compliance with the City's laws; ticketing, especially 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 complaints submitted by the public for enforcement of violations impacting pedestrian and traffic safety.

9-108-080 Expiration.

Article II of this This chapter shall be repealed, and the Automated Parking Enforcement Smart Streets Pilot Program shall expire and be terminated, without further action by the City Council, on June 30, 2025. Articles I, III, and IV of this chapter shall be repealed, and the Public Enforcement Pilot Program shall expire and be terminated, without further action by the City Council on the second anniversary of date on which the first the notice of violation is issued pursuant to the Public Enforcement Pilot Program.

SECTION 2. As soon as practicable, the Chicago Department of Transportation, in consultation with the Department of Innovation and Technology, the Department of Police, and any other appropriate City departments or offices, shall draft rules for the development and implementation of an on-line system to educate drivers found in violation of a covered offense as defined in Chapter 9-108 ("covered offense") on: (i) their duties and responsibilities under Illinois and City of Chicago law; and (ii) the dangers and costs of violations of a covered offense, particularly as such violations impact pedestrians, bicyclists, and public transportation. The Commissioner of the Chicago Department of Transportation shall present such draft rules to the Committee on Pedestrian and Traffic Safety, along with a legislative proposal to permit drivers found in violation of a covered offense to agree to participate in the education program in lieu of paying the first fine for a covered offense.

SECTION 3. This ordinance shall take effect on January 1, 2025.



Daniel La Spata
Alderman, 1st Ward