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**THE CITY OF BLUE ISLAND  
COOK COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 2014-052**

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**AN ORDINANCE AMENDING AND RESCINDING CERTAIN  
PROVISIONS OF ORDINANCE NO. 07-060 RELATING TO  
AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS FOR  
THE CITY OF BLUE ISLAND, COUNTY OF COOK, ILLINOIS.**

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**DOMINGO F. VARGAS, Mayor  
Randy Heuser, City Clerk**

<b>1st Ward</b>	<b>CHRISTINE BUCKNER</b>	<b>TOM HAWLEY</b>
<b>2nd Ward</b>	<b>LETICIA VIEYRA</b>	<b>CHARISSA BERRINI</b>
<b>3rd Ward</b>	<b>NANCY RITA</b>	<b>KEVIN DONAHUE</b>
<b>4th Ward</b>	<b>MARCIA STONE</b>	<b>CANDACE CARR</b>
<b>5th Ward</b>	<b>JANICE OSTLING</b>	<b>KENNETH PITTMAN</b>
<b>6th Ward</b>	<b>DEXTER JOHNSON</b>	<b>JAIRO FRAUSTO</b>
<b>7th Ward</b>	<b>NANCY THOMPSON</b>	<b>JAMES JOHANSON</b>

**Aldermen**

## ORDINANCE NO. 2014-052

### AN ORDINANCE AMENDING AND RESCINDING CERTAIN PROVISIONS OF ORDINANCE NO. 07-060 RELATING TO AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS FOR THE CITY OF BLUE ISLAND, COUNTY OF COOK, ILLINOIS

WHEREAS, the CITY OF BLUE ISLAND previously enacted Ordinance No. 07-060 to govern automated traffic law enforcement systems and administrative adjudications related to violations pursuant to the ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City, Cook County, Illinois, that certain portions of Ordinance No. 07-060 shall be amended or rescinded as set forth herein.

#### SECTION 1

Section 2 of Ordinance No. 07-060 setting forth the meanings of words or terms shall be amended to include the following:

*“Disregarding a traffic control device* means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code.

*No turn on red* means where the motor vehicle comes to a complete stop and does not enter the intersection as defined by Section 1-132 of the Code, during the cycle of the red signal indication unless one or more pedestrians are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of the Code or this Ordinance.

*Recorded images* means images produced by the automated traffic law enforcement system, which consist of either 2 or more photographs; 2 or more microphotographs; 2 or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

*Violation* means any violation of the Illinois Motor Vehicle Code or any local ordinance including but not limited to disregard a traffic

control device or turn on red in violation of Section 11-306 of the Illinois Motor Vehicle Code.”

All provisions of Section 4 of Ordinance No. 07-060 are hereby rescinded and shall be replaced with the following provisions:

“The City shall, at the recommendation of the Mayor or designee, identify and contract with an appropriate agency for the design, implementation, and provision of services related to the automated traffic law enforcement system utilized by the City. Such agreement shall be approved by city council.

All provisions of Section 6 of Ordinance No. 07-060 are hereby rescinded and shall be replaced with the following provisions:

“When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 14.261, the City shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the Illinois Secretary of State notifies the City of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The City shall only be required to notify a lessee if the leasing company/lessor provides the lessee’s name by an affidavit and a copy of the lease within 60 days of the notice’s issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Control Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of Section 14.261, or whether one of the defenses enumerated in Section 14.262 is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above. The Traffic Control Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice

and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in this Article.

The Notice of Violation shall include the following information:

1. the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
2. the make (only if discernable) and registration number of the motor vehicle involved in the violation;
3. the violation charged;
4. the location where the violation occurred;
5. the date and time of the violation;
6. a copy of the recorded images;
7. the amount of the civil penalty and the date by which the penalty should be paid (14 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
8. a statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
9. the amount of the late fee;
10. a statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
11. a statement that the recorded images constitute *prima facie* evidence of a violation;
12. a statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and
13. a statement of how an administrative hearing may be requested.”

All provisions of Section 8 of Ordinance No. 07-060 are hereby rescinded and shall be replaced with the following provisions:

“The owner of a vehicle being operated in violation of Section 14.261 may request a hearing by the respond-by date on the Notice of Violation (14 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall

constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of Section 14.261. The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 14.262.

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

The following may be considered defenses by the Hearing Officer for a violation as defined herein:

1. that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation (to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner).
2. that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession. "

All provisions of Section 9 of Ordinance No. 07-060 are hereby rescinded and shall be replaced with the following provisions:

"A final determination of an automated traffic law violation(s) liability shall occur:

A. Following the failure to pay the total assessed fine or penalty after the hearing officer's determination of vehicular standing, parking, compliance regulation or automated traffic law violation(s) liability within the required 25 days and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth, or

B. Where a person fails to appear at a prior requested administrative hearing provided to contest the alleged standing, parking or compliance regulation violation(s) on the date and at the time and place specified in a prior served or mailed notice, or fails to appear at the hearing for an automated traffic law violation on the date and at the time and place specified in a prior mailed notice. The hearing officer's determination of vehicular standing, parking, compliance regulation or automated traffic law violation(s) liability shall become final upon the exhaustion of or the failure to exhaust any administrative or judicial

review procedures hereinafter set forth:

1. Upon denial of a timely petition to set aside that determination, or
2. Upon the expiration of the period for filing a petition without a filing having been made.

A determination of Automated Traffic Law Violation liability shall occur following failure to pay the fine or penalty, or to contest the alleged violation within fourteen (14) days of the Notice of Violation. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the Hearing Officer will enter Findings, Decision and Order's determination of Automated Traffic Law Violation Liability which shall become final: (a) upon denial of a timely petition to set aside that determination, or (b) upon expiration of the period for filing such a petition without a filing having been made. If a person appears at a hearing and is found liable or contests the Violation by mail and is found liable, the Hearing Officer will enter Findings, Decision and Order, which is a final determination of Automated Traffic Law Violation Liability that is a final, appealable order."

All provisions of Section 10 of Ordinance No. 07-060 are hereby rescinded and shall be replaced with the following provisions:

"A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. Service of said notice shall be deemed complete upon deposit in the United States mail. The Notice of Final Determination shall include the following information:

1. a statement that the unpaid fine is a debt due and owing to the City of Blue Island and
2. a warning that a failure to pay any fine due and owing to the City of Blue Island within 14 days may result in a petition to the Circuit Court of Cook County to have the unpaid fine rendered as a judgment or may result in the suspension of the person's driver's license for failure to pay fines or penalties for 5 or more violation under this Article.

"

All provisions of Section 12 of Ordinance No. 07-060 are hereby rescinded and shall be replaced with the following provisions:

"A Notice of Impending Driver's License Suspension shall be sent to the person liable for any fine or penalty that remains due and

owing on 5 or more violations of this Article. The Notice of Impending Driver's License Suspension shall state the following information:

1. the failure to pay the fine owing within 45 days of the notice's date will result in the City of Blue Island notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code;
2. a statement that the person may obtain a copy of the original ticket imposing a fine by sending a self-addressed, stamped envelope to the City along with a request for the copy.

The Traffic Control Administrator, by certified report, shall request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of 5 automated traffic violations. The report shall be certified and contain the following:

1. the name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Article is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;
2. the name of the municipality making the report pursuant to this section; and
3. a statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent.

The Traffic Control Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein."

## **SECTION 2**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

## **SECTION 3**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

## **SECTION 4**

This ordinance shall be immediately in full force and effect after passage, approval and publication as required by law.

ADOPTED this 11th day of November, 2014, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Buckner-Cheatle			X		
Hawley	X				
Vieyra	X				
Berrini			X		
Rita			X		
Donahue	X				
Stone	X				
Carr	X				
Ostling	X				
Pittman	X				
Johnson			X		
Frausto	X				
Thompson	X				
Johanson	X				
Vargas (Mayor)					
TOTAL	10		4		

APPROVED by the Mayor on November 11, 2014.

*Domingo F. Vargas*  
 \_\_\_\_\_  
 MAYOR OF THE CITY OF BLUE ISLAND,  
 COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this

11<sup>th</sup> day of November, 2014.

*Randy Heuss*  
 \_\_\_\_\_  
 CITY CLERK

PUBLISHED in pamphlet form this

11<sup>th</sup> day of November, 2014

*Randy Heuss*  
 \_\_\_\_\_  
 CITY CLERK

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF COOK         )        ss.

CERTIFICATE

I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

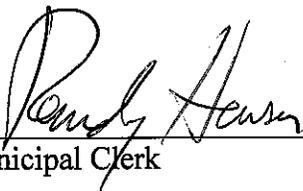
I further certify that on **November 11, 2014** the Corporate Authorities of such municipality passed and approved Ordinance No. **2014 - 052** entitled: **AN ORDINANCE AMENDING AND RESCINDING CERTAIN PROVISIONS OF ORDINANCE NO. 07-060 RELATING TO AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS FOR THE CITY OF BLUE ISLAND, COUNTY OF COOK, ILLINOIS.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2014 - 052** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **November 11, 2014** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **11th** day of **November, 2014.**

(SEAL)

  
\_\_\_\_\_  
Municipal Clerk