

ORDINANCE NO. 2010-12-03160

AN ORDINANCE AMENDING SECTION 70.07 – AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM

WHEREAS, the City of Oak Forest is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the City of Oak Forest is a home rule municipality as defined by Article VII of the Illinois Constitution; and

WHEREAS, the Oak Forest Municipal Code has established an Automated Traffic Law Enforcement System and regulates and enforces same; and

WHEREAS, it is the desire of the City to amend the Automated Traffic Law Enforcement System by revising and updating the Municipal Code to comply with revisions to the Illinois Vehicle Code as adopted by reference in Municipal Code Section 71.01.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK FOREST, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: The foregoing recitals are incorporated as substantive portions hereof as though fully set forth herein.

SECTION 2: That Section 70.07 (E) (2) *Notice of Violation*, shall be deleted in its entirety and replaced in lieu thereof with the following:

(2) (a) A notice of violation associated with an automated traffic law violation shall require a review and approval of the associated recorded image by a law enforcement officer or retired law enforcement officer from the City, who shall inspect the image and determine whether the motor vehicle was being operated in violation of division (B) above, or whether one of the defenses enumerated in division (D) of this section 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 Compliance 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 section.

(b) Where a vehicle crosses a stop line or crosswalk but still comes to a complete stop and does not proceed to further enter the intersection during the red light cycle, no violation shall be issued unless one or more pedestrians or cyclists are present.

SECTION 3: That a new sub item Section 70.07 (F) (7), *Hearing*, be added as follows:

(7) The owner or violator shall have 25 days following an administrative hearing to pay any penalty imposed.

SECTION 4: That a new item Section 70.07 (N), *City Requirements*, be added as follows:

(N) City Requirements

(1) No additional fee may be charged to an alleged violator for exercising his or her right to an administrative hearing.

(2) The recorded image of the motor vehicle's violation is accessible to the alleged violator at the website address provided by the automated traffic law enforcement system vendor.

(3) The locations of the red light camera intersections shall be posted on the City's website.

(4) The intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms to the Illinois Manual on Uniform Traffic Control devices.

(5) A statistical study shall be completed to assess the the safety impact of each automated traffic law enforcement system. This study shall be posted on the City's website.

(6) A certified report shall be made to the Secretary of State whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic law violations.

SECTION 5: All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: If any section, paragraph, clause or provision of this Ordinance shall be invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.