VILLAGE OF ORLAND PARK

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Master

File Number: 2008-0169

File ID: 2008-0169	**Type:** ORDINANCE	**Status:** PASSED
Version: 1	**Reference:**	**Controlling Body:** Board of Trustees
Department: Police Department	**Cost:**	**File Created Date :** 03/06/2008
Agenda Entry: Automated Traffic Law Enforcement Systems - Ordinance		**Final Action:** 03/17/2008

Title: AN ORDINANCE PROVIDING FOR AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS AND FOR ADMINISTRATIVE ADJUDICATION OF AUTOMATED TRAFFIC LAW VIOLATIONS IN THE VILLAGE OF ORLAND PARK AND AUTHORIZING THE VILLAGE OF ORLAND PARK TO ENTER INTO AGREEMENTS CONCERNING THE ENFORCEMENT SYSTEMS AND SERVICES RELATED THERETO

Notes: AMEND VILLAGE CODE - 9-16 (new section) See Attachments to view amendment in Village Code See Attachments - Please print Ordinance from Attachments, not Legistar, spacing issues.

Code Sections:	**Agenda Date:** 03/17/2008
Indexes:	**Agenda Number:**
Sponsors:	**Res/Ord Date:**
Attachments: Title 9 Chapter 16 ,Ordinance 4351 ,EXHIBIT A, B, C, & D	**Res/Ord Number:** 4351
Drafter:	**Hearing Date:**
Department Contact: police@orland-park.il.us	**Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	Police Department	03/11/2008	INTRODUCED TO BOARD	Board of Trustees			
	Action Text:	INTRODUCED TO BOARD to the Board of Trustees					
0	Board of Trustees	03/17/2008	PASSED				Pass
	Action Text:	This matter was PASSED on the Consent Agenda.					
	Notes:	*In 2007, police department staff researched automated red light enforcement. This research supported claims that automated red light enforcement will reduce the number of motor vehicles that drive through red stop lights and thereby reduce the number of accidents in these intersections. This claim is supported by statistics that show the number of violations is reduced by approximately 57% after the first year of enforcement.*					
		Subsequent to this research, which included the review of several vendors and proposals from at least three of them, staff brought a proposal from Red Flex to the Board for consideration. On August 20, 2007, the Village Board authorized the department to negotiate a contract with Red Flex for height					

resolution digital red light enforcement and authorized the Village Manager to execute the contract.

At this point the Red Flex agreements are ready for signature and the red light enforcement ordinance is drafted and now before the Board for review and approval. The Board approval of this ordinance is required prior to the execution of the agreements.

Aye: 7 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

1 Village Clerk 03/20/2008 PUBLISHED

Action Text: PUBLISHED

Text of Legislative File 2008-0169

AN ORDINANCE PROVIDING FOR AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS AND FOR ADMINISTRATIVE ADJUDICATION OF AUTOMATED TRAFFIC LAW VIOLATIONS IN THE VILLAGE OF ORLAND PARK AND AUTHORIZING THE VILLAGE OF ORLAND PARK TO ENTER INTO AGREEMENTS CONCERNING THE ENFORCEMENT SYSTEMS AND SERVICES RELATED THERETO

WHEREAS, pursuant to the Illinois Vehicle Code, as recently amended by Public Act 94-0795, municipalities in the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair and Will are authorized to provide by ordinance for "automated traffic law enforcement systems," as that term is defined in Section 11-208.6 of the Vehicle Code; and

WHEREAS, establishing automated traffic law enforcement systems at specified intersections in the Village of Orland Park at which traffic is controlled by signals exhibiting different colored lights or color lighted arrows will benefit the public health, safety and welfare by deterring drivers from entering those intersections in violation of red light signals, thereby decreasing the potential for personal injury and property damage due to vehicle collisions caused by red light violations; and

WHEREAS, it is therefore in the best interests of the Village of Orland Park to establish automated traffic law enforcement systems and to provide for administrative adjudication of automated traffic law violations as specified in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The statements set forth in the preamble to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

SECTION 2

As used in this Ordinance, words or terms shall have the following meanings unless the

context or usage clearly indicates that another meaning is intended:

(a) "Administrator" means the Village's Traffic Control Administrator.

(b) "Automated Traffic Law Violation" means a violation described in Section 11-208.6 of the Code.

(c) "Automated Traffic Law Enforcement System" means a device with one (1) or more motor vehicle sensors working in conjunction with a red light signal to produce Recorded Images of motor vehicles entering an intersection against a red light signal in violation of Section 11-306 of the Code or a similar provision of a Village ordinance.

(d) "Certified Report" means a report concerning five (5) or more unpaid fines or penalties for Automated Traffic Law Violations made by the Village to the Secretary in accordance with Section 6-306.5 of the Code.

(e) "Village" means the Village of Orland Park, Cook and Will Counties, Illinois.

(f) "Code" means the Illinois Vehicle Code, 625 ILCS 5/1-100, et seq.

(g) "Determination Notice" means a notice of final determination of Automated Traffic Law Violation liability issued pursuant to Section 11-208.3 of the Code and pursuant to the provisions of this Ordinance.

(h) "Recorded Images" means images showing the time, date and location of an Automated Traffic Law Violation recorded by an Automated Traffic Law Enforcement System on: (i) two (2) or more photographs, (ii) two (2) or more microphotographs, (iii) two (2) or more electronic images or (iv) a video recording showing the motor vehicle and, on at least one (1) image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(i) "Secretary" means the Illinois Secretary of State.

(j) "Suspension Notice" means a notice of impending driver's license suspension issued pursuant to Section 11-208.3 of the Code and pursuant to the provisions of this Ordinance.

(k) "System" means, individually, an Automated Traffic Law Enforcement System or, collectively, Automated Traffic Law Enforcement Systems established in the Village pursuant to this Ordinance.

(l) "Violation Notice" means an Automated Traffic Law Violation notice issued pursuant to Sections 11-208.3 and 11-208.6 of the Code and pursuant to the provisions of this Ordinance.

SECTION 3

The Village hereby establishes Systems at all intersections within the corporate limits that

are regulated by authorized traffic control siganls, on a schedule devised by Village Staff.

SECTION 4

The Village is authorized to enter into agreements, substantially in the forms attached hereto as Group Exhibit A and incorporated herein by reference (collectively, the "Agreements"), with Redflex Traffic Systems, Inc. ("Redflex") for the design and implementation of the System(s) and for services related to the System(s). The Agreements shall be subject to final modification by the attorneys for the Village and Redflex. The Village President is hereby authorized and directed to execute the Agreements, once finalized, thereby binding the Village to their terms. The Village Clerk is authorized and directed to attest to the Village President's signature, as necessary.

SECTION 5

There is hereby established the office of Administrator, which shall be filled by appointment of the Village President. The Administrator or his designee shall be authorized to adopt, distribute and process Violation Notices and other notices required by Section 11-208.3 of the Code, collect money paid as fines and penalties for Automated Traffic Law Violations and operate an administrative adjudication system for Automated Traffic Law Violations. The Administrator is also authorized to make a Certified Report to the Secretary pursuant to Section 6-306.5 of the Code, and any such Certified Report shall contain the information required under Section 6-306.5(c) of the Code.

SECTION 6

A Violation Notice, substantially in the form attached hereto as Exhibit B and incorporated herein by reference, shall be served by mail to the address of the registered owner of a vehicle cited for an Automated Traffic Law Violation as recorded with the Secretary within thirty (30) days after the Secretary notifies the Village of the identity of the owner of the vehicle, but in no event later than ninety (90) days after the violation. Service of a Violation Notice shall be deemed complete as of the date of deposit in the United States mail. The original or a facsimile of a Violation Notice or, in the case of a Violation Notice produced by a computerized device, a printed record generated by the device showing the facts entered on the Violation Notice, shall be retained by the Administrator, and shall be a record kept in the ordinary course of business. A Violation Notice issued, signed and served in accordance with this Ordinance and Section 11-208.3 of the Code, a copy of the Violation Notice or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the Violation Notice. The Violation Notice, copy or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

SECTION 7

Before a citation may be issued for any Automated Traffic Law Violation, a determination must be made by a technician employed or contracted by the Village that, based on inspection of Recorded Images generated by the System, the motor vehicle was being

operated in violation of Section 11-208.6 of the Code or an ordinance of the Village. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued.

SECTION 8

The registered owner of the vehicle cited in a Violation Notice shall have the opportunity for a hearing in which said owner may contest the merits of the alleged violation. The lessee of a vehicle cited in a Violation Notice likewise shall be afforded the opportunity for a hearing of the same kind afforded the registered owner. The formal or technical rules of evidence shall not apply at any such hearing. Such hearings shall be recorded, and the person conducting the hearing on behalf of the Administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at such a hearing may be represented by counsel at their own expense.

SECTION 9

A final determination of Automated Traffic Law Violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability. 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's determination of violation liability 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.

SECTION 10

A Determination Notice, substantially in the form attached hereto as Exhibit C and incorporated herein by reference, shall be sent following a final determination of Automated Traffic Law Violation liability and the conclusion of judicial review procedures taken under Section 11-208.3 of the Code. A Determination Notice shall be sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database or, under Section 11-1306 of the Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office database. Service of the Determination Notice shall be deemed complete as of the date of deposit in the United States Mail.

SECTION 11

A person owing an unpaid fine or penalty for Automated Traffic Law Violation penalty may file a petition to set aside a final determination of such liability within ten (10) days after service by the Village of a Determination Notice. Such a petition shall be filed by sending

the same, together with any documentation in support thereof, to the Administrator by certified mail, return receipt requested, or by personal delivery to the Administrator. The grounds for such a petition shall be limited to: (a) the person not having been the owner or lessee of the cited vehicle on the date the Violation Notice was issued, (b) the person having already paid the fine or penalty for the violation in question, and (c) excusable failure to appear at or request a new date for a hearing. A hearing on such a petition shall be held within thirty (30) days after the filing of same. In the event that such a petition is granted upon a showing of just cause, and the subject determination of Automated Traffic Law Violation liability is thereby set aside, the registered owner shall be provided with a hearing on the merits for that violation.

SECTION 12

A Suspension Notice, substantially in the form attached hereto as Exhibit D and incorporated herein by reference, shall be sent to the person liable for any fine or penalty that remains due and owing on five (5) or more unpaid Automated Traffic Law Violations. The Suspension Notice shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. Service of a Suspension Notice shall be deemed complete as of the date of deposit in the United States mail.

SECTION 13

If the Administrator provides a Suspension Notice to a vehicle owner and subsequently makes a Certified Report to the Secretary, the subject vehicle owner may challenge the accuracy of the Certified Report in writing. To do so, the vehicle owner must submit to the Administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the Certified Report: (1) that the person was not the owner or lessee of the subject vehicle or vehicles receiving five (5) or more Automated Traffic Law Violations on the date or dates such Violation Notices were issued, or (2) that the person already paid the fines or penalties for the five (5) or more Automated Traffic Law Violations indicated on the Certified Report. Such statement and supporting documentation must be sent to the Administrator by certified mail, return receipt requested, or hand-delivered to the Administrator within five (5) days after the person receives notice from the Secretary that that the person's driver's license will be suspended at the end of a specified period of time unless the Secretary is presented with a notice from the Village certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the Certified Report was in error.

SECTION 14

Non-residents of the Village who receive Violation Notices may contest the merits of the alleged Automated Traffic Law Violation without attending a hearing by sending a signed statement, under oath, together with any supporting documentation, to the Administrator via certified mail, return receipt requested, within ten (10) days after service of the

Violation Notice. Such a statement shall set forth the reasons why a finding of liability should not be entered. The Administrator shall rule on such a statement within ten (10) days after receipt of same, and shall inform the non-resident of his decision within ten (10) days thereafter.

SECTION 15

Unless the driver of the motor vehicle cited for an Automated Traffic Law Violation received a Uniform Traffic Citation from a police officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of seventy-five dollars ($75) per violation. In the event that such penalty is not paid within fourteen (14) days after service of a Violation Notice, the penalty shall increase to one hundred dollars ($100).

SECTION 16

This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication as provided by law. If any portion of this Ordinance is held to be invalid, then that portion shall be stricken from this Ordinance and the remaining portions of this Ordinance shall continue in full force and effect to the extent possible.