



Office of City Clerk

City Council Document Tracking Sheet

City Hall
121 North LaSalle Street
Room 107
Chicago, IL 60602
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Meeting Date: 9/13/2023

Sponsor(s): Hopkins (02) (C)
Dowell (03) (C)
Conway (34) (C)
Knudsen (43) (C)
Lee (11) (C)
Reilly (42) *

Type: Ordinance

Title: Amendment of Municipal Code Title 9 by adding new Chapter 9-109 entitled "Vehicle Noise Reduction Pilot Program"

Committee Assignment: Committee on Public Safety

To Public Safety

Committee on Public Safety
City Council Meeting September 14, 2023
Automated Muffler Noise Enforcement Pilot

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Maintaining health, safety, and welfare of Chicago residents are matters pertaining to the government and affairs of the City of Chicago; and

WHEREAS, Section 11-208.3 of the Illinois Vehicle Code authorizes municipalities to “provide by ordinance for a system of administrative adjudication of ... vehicle compliance violations” which include “violation[s] of a municipal or county regulation governing the condition or use of equipment on a vehicle”; and

WHEREAS, Noise pollution, including excessive traffic noise, has numerous negative health effects, such as high blood pressure, sleeplessness, nausea, heart attack, depression, dizziness, headache, and induced hearing loss; and

WHEREAS, The World Health Organization (WHO) has found that vehicular classified traffic noise as the “second worst environmental stressor affecting human health, exceeded only by air pollution”; in a study of the European Region, WHO found that “traffic-related noise accounts for more than 1 million healthy years of life lost annually ... disability-adjusted life-years (DALYs) lost from environmental noise total 61,000 years for ischemic heart disease, 903,000 years for sleep disturbance, and 654,000 years for annoyance”; and

WHEREAS, Additionally, WHO has found that exposure to vehicular noise, particularly at night, increases the risk for ischemic heart disease and potentially other cardiometabolic diseases, including stroke, obesity, and diabetes; and

WHEREAS, In recognition of these harms, both the Municipal Code of Chicago and the Illinois Vehicle Code regulate vehicle exhaust systems and noises generated by vehicles, including by requiring all vehicles be equipped with a muffler in good working order to prevent excessive or unusual noise; and

WHEREAS, The pilot area, as defined in this ordinance, contains the highest concentration of traffic congestion, public transit service, pedestrian activity, and commercial activity within the City; and

WHEREAS, The adoption of an automated compliance enforcement pilot program is anticipated to result in reduction of excessive and unusual noises and the accompanying negative effects on the health, safety, and welfare of residents of the pilot area; and

WHEREAS, To protect the health, safety, and welfare of the public and to reduce the foregoing problems, it is appropriate to establish automated compliance enforcement pilot programs within the City; now, therefore:

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 VEHICLE NOISE REDUCTION PILOT PROGRAM

9-109-010 Definitions.

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

"Automated compliance enforcement system" means a device which records, through audio-visual means, a vehicle and the vehicle registration plate of a vehicle used in the commission of a covered offense. An image or video recorded by an automated compliance enforcement system shall display the time, date, and location of the covered offense, and an audio recording by an automated compliance enforcement system shall include data sufficient to determine the time, date, and location of the covered offense.

"Covered offense" means a compliance violation within the pilot area of Section 9-76-140(a) 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 the Stevenson Expressway; then east on the Steven Expressway to its easternmost point extended to Lake Michigan.

9-109-020 Purpose – Establishment of automated compliance enforcement pilot program.

(a) The purpose of this chapter is to provide for a pilot program that utilizes automated compliance enforcement systems mounted on City light poles, City property, and other locations identified by the Chicago Department of Transportation to record covered offenses and enforce compliance 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 compliance enforcement system, the Commissioner shall notify the alderman of the ward in which the automated compliance 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.

9-109-030 Compliance 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 by an automated compliance enforcement system within the pilot area. Recorded audio and video or images of a covered offense obtained by an automated compliance enforcement system that have 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.

9-109-040 Notice of violation.

(a) For each covered offense enforced pursuant to Section 9-109-030, the Department of Finance shall mail a notice in accordance with Section 9-100-030, 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 compliance 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 adjudication.

(a) 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 for compliance 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 9-109-030:

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

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

(3) the covered offense occurred outside the pilot area.

9-109-060 Standards of operation.

A technician shall, based on inspection of recorded audio or video and images, make a determination that the commission of a covered offense occurred. If the technician determines that the commission of a covered offense has not occurred, a citation shall not be issued. All determinations by a technician that the commission of a covered offense has occurred shall be subject to review and approval by an employee, officer, or contractor designated by the Traffic Compliance Administrator.

9-109-070 Report to City Council.

No later than 120 days prior to the expiration of the Vehicle Noise Reduction Pilot Program, the Chicago Department of Transportation and the Department of Finance shall jointly submit a written report to the City Council Committee on Public Safety regarding the performance of the Vehicle Noise Reduction 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 compliance enforcement systems, including 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 compliance enforcement systems.

9-109-080 Expiration.

This chapter shall be repealed, and the Vehicle Noise Reduction Pilot Program shall expire and be terminated, without further action by the City Council, on January 1, 2028.

SECTION 2. Section 9-100-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-100-030 Prima facie responsibility for violation and penalty – Parking, standing or compliance violation issuance and removal.

(Omitted text is unaffected by this ordinance)

(b) Whenever any vehicle exhibits a parking, standing, or compliance violation, any police officer, traffic control aide, other designated member of the Police Department, parking

enforcement aide or other person designated by the Traffic Compliance Administrator observing such violation, or any person designated by the Traffic Compliance Administrator when a violation is enforced by an automated parking enforcement system or automated compliance enforcement system, may issue a violation notice, as provided for in Section 9-100-040 and serve the notice on the owner of the vehicle by: (i) handing the notice to the operator of the vehicle, if the operator is present, or (ii) affixing the notice to the vehicle in a conspicuous place, or (iii) mailing the notice to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the City of the identity of the owner or lessee of the vehicle, but not later than 90 days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of a parking, standing or compliance violation shall occur no later than 210 days after the date of the violation. The issuer of the notice shall specify on the notice his or her identification number, the particular ordinance allegedly violated, the make and state registration number of the cited vehicle, and the place, date, time, and nature of the alleged violation, and shall certify the correctness of the specified information by signing his or her name as provided in Section 11-208.3 of the Illinois Vehicle Code, as amended.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 9-100-060 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

9-100-060 Grounds for contesting a violation.

(a) A person charged with a parking, standing or compliance violation may contest the charge through an administrative adjudication limited to one or more of the following grounds with appropriate evidence to support:

(Omitted text is unaffected by this ordinance)

(7) that the compliance violation has been corrected prior to adjudication of the charge; provided, however, that this defense shall not be applicable to:

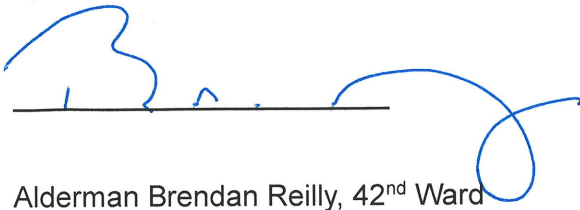
(Omitted text is unaffected by this ordinance)

(ii) compliance violations involving motor vehicle exhaust systems under subsection (a)~~(2)~~ of Section 9-76-140;

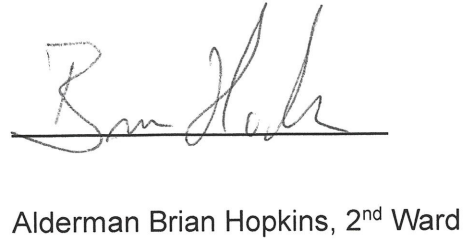
(Omitted text is unaffected by this ordinance)

SECTION 4. The Commissioner of Transportation, in consultation with the Traffic Compliance Administrator and the Chief Financial Officer, shall, to the maximum extent possible, seek to leverage available State, federal, and private grants and other sources to fund the Vehicle Noise Reduction Pilot Program created by this ordinance.

SECTION 5. This ordinance shall take effect January 1, 2024.



Alderman Brendan Reilly, 42nd Ward



Alderman Brian Hopkins, 2nd Ward



Alderman Pat Dowell, 3rd Ward



Alderman Bill Conway, 34th Ward



Alderman Timmy Knudson, 43rd Ward



Alderman Nicole Lee, 11th Ward