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09-O-75 An Amendment to the Cook County Code, Chapter 74 Taxation, Article IV, Sections 74-150 through 74-152 (Home Rule County Retailer’s Occupation Tax). Sponsors: Commissioners Claypool, Daley, Gainer, Gorman, Goslin, Peraica, Reyes, Schneider, Silvestri, Steele and Suffredin. **Note: This Ordinance was vetoed by President Stroger on December 1, 2009 (See Agenda Item 1 for December 1, 2009), but was reconsidered and over ridden (See Agenda Item 3 for December 1, 2009) and approved and adopted.**

09-O-76 An Amendment to the Cook County Code, Chapter 74 Taxation, Article V, Sections 74-190 through 74-192 (Home Rule County Service Occupation Tax). Sponsors: Claypool, Daley, Gainer, Gorman, Goslin, Murphy, Peraica, Reyes, Schneider, Silvestri, Steele and Suffredin. **Note: This Ordinance was vetoed by President Stroger on December 1, 2009 (See Agenda Item 2 for December 1, 2009), but was reconsidered and over ridden (See Agenda Item 4 for December 1, 2009) and approved and adopted.**

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**10-O-02
ORDINANCE**

Sponsored by

THE HONORABLE JOAN PATRICIA MURPHY, COUNTY COMMISSIONER

AMENDMENT TO CLASSIFICATION SYSTEM FOR ASSESSMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Section 74-68 of the Cook County Code is hereby amended as follows:

Sec. 74-68. Classification system to apply with tax assessment year.

(a) The incentive provisions of this division provided to qualifying parcels of real estate for Class 6b, Class C, Class 7a, Class 7b and Class 8 shall expire on December 31, 2015, unless otherwise reviewed by action of the County. Real estate granted a Class 6, Class 6a, Class 6b, Class 7 or Class 8 classification on or before December 31, 1994, shall retain such classification under the terms and conditions of this division prior to January 1, 1995. Real estate for which an application for Class 6a, Class 6b, Class 7 or Class 8 classification is filed with the Assessor on or before December 31, 1994, and which thereafter is determined by the Assessor to be eligible for the classification under the terms and conditions of this division after January 1, 1995, shall be entitled to receive such classification under such terms and conditions.

(b) Real estate granted a Class 6b, Class 6c, Class 7a, Class 7b or Class 8 classification on or before December 31, 1999, shall retain such classification under the terms and conditions of this division prior to January 1, 2000. Real estate for which an application for Class 6b, Class 6c, Class 7a, Class 7b or Class 8 classification is filed with the Assessor on or before December 31, 1999, and which thereafter is determined by the Assessor to be eligible for classification under the terms and conditions of this division existing prior to January 1, 2000, shall be entitled to receive such classification under such terms and conditions.

(c) Real Estate granted a Class 6b, Class 7a, Class 7b or Class 8 classification on or before December 31, 2004, shall retain such classification under the terms and conditions of the Ordinance prior to January 1, 2005. Real estate for which an application for Class 6b, Class 7a, Class 7b or Class 8 classification is filed with the Assessor on or before December 31, 2004, and which thereafter is determined by the Assessor to be eligible for classification under the terms and conditions of this Ordinance existing prior to January 1, 2005, shall be entitled to receive such classification under such terms and conditions.

Effective Date: This Amended Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 1st day of December 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-04
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners, that Sections 66-88 and 66-91 of Chapter 66, Article III, Division 5 of the Cook County Code are hereby amended as follows:

ARTICLE III. PUBLIC WAY REGULATORY ORDINANCE

Division 5. Violations; Enforcement

Sec. 66-88. Notice and opportunity to cure.

In the event the County believes that a violation or breach has occurred, the County may notify a grantee, in writing, setting forth the nature and facts of such noncompliance.

(a) *Cure period.* In the discretion of the Superintendent or the Superintendent's designate, the grantee may be given five days to cure the violation described in such notice; provided that for violations (other than the payment of money and defaults described in Section 66-87(f) or 66-87(g), which are not curable) which cannot reasonably be cured within five days, the grantee may be given such additional period to cure as described in Section 66-88(c) below.

(b) *Penalties.* Where the grantee is given a five-day notice, grantee shall be subject to penalties for violations described in Sections 66-87(a) through 66-87(f) commencing on the fifth day after the date of such notice in accordance with Section 66-91, regardless of any additional cure period which may be provided below, except as specifically provided in Section 66-60(b).

(c) *Additional time to cure in appropriate instances.* As to violations which cannot reasonably be corrected within five days, then within such five-day period the grantee shall respond in writing identifying the steps which have been taken by grantee to correct such violation and the time frame reasonably necessary to complete such corrective action, and if the County is satisfied with the corrective action to be undertaken and approves the time frame requested, grantee shall have such additional time as is agreed by the County to complete such corrective action.

(d) *Stop work order.* As to permit violations, if such violation is not completely corrected within ten days after the notice described above, then notwithstanding any additional cure period which may be granted in accordance with Section 66-88(c), or in the case of an incurable violation in the discretion of the Superintendent, the Highway Department may also issue a "stop work" order under the permit. In addition to the foregoing, if at any time the Highway Department determines that a grantee's insurance has lapsed or that the continuance of the work is likely to cause imminent harm to persons or property, the Highway Department may issue a "stop work" order until such matter is corrected.

Sec. 66-91. Penalties.

The Superintendent (and the Director, in the case of a violation of a license agreement) may impose a fine of not less than \$100.00 and not more than \$1,000.00 for each offense (unless another specific fine has been specifically provided for by the Board), upon any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this article, a license agreement or a permit. Each day that a violation continues after expiration of applicable cure periods constitutes a separate and distinct offense. The current amounts of specific fines are set forth in Section 66-102. These penalties shall be in addition to any other costs or damages incurred by the County.

(a) *Suit to enforce payment.* If any person fails to remit any penalties required pursuant to this article upon request of the Superintendent or the Department of Revenue, the State's Attorney may bring, or cause to be brought, an action to enforce payment.

(b) Violations of the provisions in this article are declared to be public nuisances. If any person fails to remit any penalties required pursuant to this article, the Superintendent or the Department of Revenue may utilize the administrative hearing process provisions, set out in Chapter 2, Article IX of this Code, to enforce the provisions of this article, adjudicate liability, and enforce payment. The provisions of this subsection shall be applied prospectively and retroactively, regardless of the date of the violation.

Approved and adopted this 15th day of December 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-05
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners that Sections 30-121 through 30-124 of Chapter 30, Article II, Division 4, and Section 30-213 of Chapter 30, Article II, Division 7, Subdivision I are hereby amended as follows; and, Section 30-290 of Chapter 30, Article II, Division 9 is hereby enacted as follows:

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Division 4. Appeals, Variances, Grace Periods

Sec. 30-122. Period of grace.

(a) In the event any person is compelled to, or deems it advisable to, install any new equipment, processes, or devices, appliances, means, or methods, including needed control equipment, in order to comply with any provision of this chapter and exemption from the operation of this chapter is reasonably necessary in order to allow sufficient time for such installation such exemption may be granted by the Director on good cause shown. Upon complaint in writing by any such person setting forth that it is impossible in the operation of any plant, fuel-burning, combustion or process equipment or device, or apparatus, to operate the same in complete compliance with the requirements of this chapter, and stating evidence satisfactory to the Director that such person has taken, or will take all steps necessary to provide for future compliance with the provisions of this chapter, and giving assurance to the Director that the acquisition and installation of the proper equipment, process, device, or appliance, or control equipment, will be effected within a reasonable period of time, stating specifically by nature and extent thereof, and upon the finding by the Director on investigation of the facts, that the complaint is well grounded, the Director is authorized to permit the operation of such plant, fuel-burning, combustion, or process equipment or device, or apparatus, for a reasonable period of time within which period necessary equipment, process, device, means or methods, or control equipment, is to be acquired and installed. The Director, however, is empowered to grant further reasonable extensions of time upon proof of extenuating circumstances. An order of the Director denying a complaint for a period of grace or an extension of time shall be subject to an appeal as set out in Section 30-123 below. During any such granted period, such persons shall not be subject to the fines and penalties hereinafter provided for the noncompliance sought to be remedied. If, however, such person willfully fails in the time allowed to conform with the applicable provision or provisions of this chapter, or to comply with the person's assurance and agreement, such person shall be subject to all applicable fines and penalties herein provided dating from the date of the beginning of the period or periods.

(b) It shall be the duty of such person to notify the Director immediately of the completion of such installation.

Sec. 30-123. Filing for appeals.

Any person taking exception to and affected by any final decision, ruling, requirement, rule, regulation, or order, or failure to act upon request within a reasonable period by the Director, may take an appeal to the Department of Administrative Hearings. The Department's written decisions shall include information about the right to appeal to the Department of Administrative Hearings. Such appeal shall be taken within 30 days after receiving notice of such decision, ruling, requirement, rule, regulation, or order or failure to act upon request within a reasonable period, by filing with the Director and the Department of Administrative Hearings a notice of appeal, specifying the grounds thereof and the relief prayed for. The Director, upon receipt of notice of appeal, shall forthwith furnish to the Department of Administrative Hearings all the papers relating to the case.

Sec. 30-124. Variances.

The Director is hereby given authority for the granting of individual variances for any fuel-burning, combustion, or process equipment or device, beyond the limitations prescribed in this chapter whenever it is found, upon the presentation of adequate proof, that compliance with any provision of this chapter or other chapter relating to atmospheric pollution, or any rule, regulation, requirement, or previous order of the Director, will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation, or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of atmospheric pollution; in such case, there shall be prescribed other and different requirements, not more onerous, applicable to plants or equipment involved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Division 7. Enforcement Procedures

Subdivision I. In General

Sec. 30-213. Violations and penalty.

(a) *Persons liable.*

(1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.

Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

- (2) The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

(b) *Penalty clause.* Any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than \$300.00 and not more than \$10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided. The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration: (1) the gravity of the offense, (2) the respondent's past history with respect to compliance with the provisions of this chapter, (3) the respondent's financial situation, (4) the extent of respondent's cooperation (5) the likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and (6) any other factors relevant to the circumstances relating to the violation.

Section	Violation	Fine
30-542(a)	Release of ACM in the air	\$5,000.00
30-542(a)(2)	Workers with no valid IDPH ACM Abatement license	\$300.00
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	\$3,000.00
30-543(c)(1)	Lack of enclosure if required	\$5,000.00
30-543(d)	Visible release of ACM in the air	\$5,000.00
30-544(a)(3)	Structure not adequately wet	\$1,000.00
30-544(a)(4)	ACM dropped without dust tight method	\$3,000.00
30-544(a)(5)	ACM not contained for transportation	\$5,000.00
30-544(b)(2)a	No valid Demolition Permit	\$500.00
30-544(b)(2)b	No valid ACM Abatement Permit	\$500.00
30-92	Late payment of fees	\$300.00
30-186	No valid Certificate of Operation	\$300.00
30-455(a)	Noise	\$300.00
30-421	Noxious Odors	\$500.00

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Division 9. Environmental Management Fund

Sec. 30-290. Environmental management fund.

There is hereby created the Cook County Environmental Management Fund. The fund shall be used for environmental management purposes, including but not limited to consulting fees; long-term monitoring and maintenance of air pollution emitting sites; proper management of Cook County waste streams; environmental initiative planning, implementation, inspection, and enforcement; operational expenses for personnel and equipment procurement; and, other activities consistent with activities of the Cook County Environmental Control Ordinance.

Approved and adopted this 15th day of December 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-06
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**PROCEDURES AND FEES FOR HIGHWAY HAUL PERMITS REQUIRED BY
OVERWEIGHT AND OVERSIZE VEHICLES USING COUNTY HIGHWAYS**

WHEREAS, Cook County (the "County") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-111(a), establishes maximum wheel and axle loads and 625 ILCS 5/15-111(b), establishes gross weight limitations, for vehicles traveling on "non-designated" highways, which highways comprise the entirety of the County Highway System; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-102, 103, and 107 establishes maximum dimensions for width, height, and length of vehicles; and

WHEREAS, overweight and oversize vehicles traveling on County Highways cause excessive wear and tear and sometimes damage County Highways because of its heavy and oversized loads; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-301, authorizes local authorities upon application and good cause being shown, to issue permits for overweight and other nonconforming vehicles to travel highways under their jurisdiction; and

WHEREAS, Chapter 82, Article II, Section 82-41 (b) of the Cook County Code authorizes the Cook County Superintendent of Highways (the "Superintendent") to issue temporary permits to vehicles exceeding load restrictions on County Highways; and

WHEREAS, the Superintendent currently issues such permits at his discretion without charge; and

WHEREAS, the County is forced to bear the costs of repairing County Highways damaged by overweight and oversize vehicles; and

WHEREAS, it is in the interest of the citizens of the County that overweight and oversize vehicles that travel on County Highways be regulated and that the owners and operators of overweight vehicles contribute to the care and maintenance of the roads they utilize and be responsible for damage to the roads caused by their vehicles; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-101 et seq., has been amended to reflect new legal weight requirements for trucks from 73,280 to 80,000 lbs; and

WHEREAS, Cook County Highway is adopting the change to maintain uniformity with the Illinois Department of Transportation requirements.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 66 Roads and Bridges, Article IV, Sections 125 through 131 of the Cook County Code are hereby amended as follows:

ARTICLE IV. PROCEDURES AND FEES FOR HIGHWAY HAUL PERMITS REQUIRED BY OVERWEIGHT AND OVERSIZE VEHICLES USING COUNTY HIGHWAYS

Sec. 66-125. Definitions.

County Highway means any County highway as defined by the Illinois Highway Code, 605 ILCS 5/2-204, under the jurisdiction of the County, except for the purposes of this article only County highway shall not include any County highway located within the City of Chicago.

Department means the Cook County Highway Department.

Monthly use means any number of trips over a period of limited continuous operation made by a vehicle to and from the starting point and destination point as designated in the application for a highway haul permit; (the "application") subject to limitations imposed by the Superintendent, not to exceed 12 months of limited continuous operation.

Single trip means a one way journey made by a vehicle from the starting point to the destination point as designated in the application. It does not include a return trip from the destination point to the starting point.

Superintendent means the Cook County Superintendent of Highways and/or his designee.

Sec. 66-126. Permits: fees and provisions.

(a) The Superintendent may, upon application in writing and good cause being shown, issue a highway haul permit ("permit") authorizing a vehicle not in conformity with the size and weight limitations of vehicles set forth in Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15-101 et seq., to be operated or moved upon County highways pursuant to the terms and limitations of said permit.

(b) The fees for permits issued pursuant to this article shall be as follows:

- (1) *Fees for overweight-axle loads.* Fees for permits to move legal gross weight vehicles, vehicle combinations or loads with overweight-axle loads, predicated upon an 20,000 lb. legal single axle equivalency, and applied on a per-axle basis, shall be as follows:

Single trip:

Axle Weight in Excess of Legal (in pounds)	Single Axle	2-Axle Tandem	3-Axle Tandem
1--6000	\$5.00	\$5.00	\$5.00
6001--11,000	8.00	7.00	6.00
11,001--17,000	not permitted	8.00	7.00
17,001--22,000	not permitted	not permitted	9.00
22,001--29,000	not permitted	not permitted	11.00

Monthly use (multiply fee by number of months, not to exceed 12 months):

Axle Weight in Excess of Legal (in pounds)	Single Axle	2-Axle Tandem	3-Axle Tandem
1--6000	\$100.00	\$100.00	\$100.00
6001--11,000	200.00	200.00	200.00
11,001--17,000	not permitted	250.00	250.00
17,001--22,000	not permitted	not permitted	375.00
22,001--29,000	not permitted	not permitted	375.00

- (2) *Fees for overweight-gross loads.* Fees for permits to move vehicles, vehicle combinations or loads with overweight-gross loads shall be paid at the flat rate fees established in this Subsection (b)(2) for weights in excess of legal gross weights. With respect to fees for overweight-gross loads listed in this Subsection (b)(2) and for overweight-axle loads listed in Subsection (b)(1), one fee only shall be charged, whichever is the greater, but not both.

Weight (in pounds)	Single Trip	Monthly Use*
80,001--100,000	\$50.00	\$600.00/vehicle
100,001--200,000	100.00	1,500.00/vehicle
200,001--300,000	150.00	N/A
300,001--400,000	200.00	N/A
Over 400,000	250.00	N/A

*Multiply fee by number of months, not to exceed 12 months.

- (3) Fees for overweight and overdimension vehicles. Fees for permits issued for vehicles, vehicle combinations or loads which are both overweight and overdimension shall be paid at the rate equal to the sum of the applicable flat rate fees for overdimension vehicles, vehicle combinations or loads established in this Subsection (b)(3), plus the applicable flat rate fees for overweight vehicles, vehicle combinations and loads established in Subsection (b)(1) or (2).

		Single Trip	Monthly Use*
(i)	Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less	\$10.00	\$300.00/vehicle
(ii)	Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less	20.00	500.00/vehicle
(iii)	Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less	30.00	Single trip only
(iv)	Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less	60.00	Single trip only
(v)	Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet	70.00	Single trip only

*Multiply fee by number of months, not to exceed 12 months.

Escort requirements shall be as prescribed in the Department's Rules and Regulations. Fees for the escort, when required, shall be in addition to the permit fees.

- (4) *Fees for legal weight but overdimension vehicles, vehicle combinations or loads.* Fees for special permits to move overdimension vehicles, shall be paid as follows:

		Single Trip	Monthly Use*
(i)	Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less	\$30.00	\$300.00/vehicle
(ii)	Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less	40.00	500.00/vehicle
(iii)	Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less	55.00	Single trip only
(iv)	Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less	85.00	Single trip only
(v)	Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet	95.00	Single trip only

*Multiply fee by number of months, not to exceed 12 months.

Permits issued under this Subsection (b)(4) shall be for a vehicle, ~~or~~ vehicle combination or load not exceeding legal weights; and, in the case of the limited continuous operation, shall be for the same vehicle, vehicle combination or like load.

Escort requirements shall be as prescribed in the Department's Rules and Regulations. Fees for the escort, when required, shall be in addition to the permit fees.

- (5) *Fees for crossing a County Highway.* Fees for special permits to move overweight vehicles, overdimension and overweight vehicles, or combinations of vehicles and loads traveling on a highway under a local jurisdiction which crosses a County highway, shall be paid as follows:

\$10.00 per vehicle for weight up to 160,000 lbs. (includes legal weight/overdimension vehicles, overweight/legal dimension vehicles, and overweight/overdimension vehicles) and \$20.00 per vehicle for weight greater than 160,000 lbs. (includes overweight/overdimension vehicles and overweight/legal dimension vehicles).

- (6) *Fees for continuous operation of overweight and overdimension vehicles, vehicle combinations or loads upon the County highways by businesses located on a County highway or within 1 (one) mile of a County highway.* Fees for permits for continuous operation of overweight and overdimension vehicles, vehicle combinations or loads upon the County highways by businesses located on a County highway or within 1 (one) mile of a County highway, shall be paid as follows:

Travel within 2 (two) miles of the location of such business which is on or within 1 (one) mile of a County highway is \$100.00 per vehicle per calendar year for gross weight less than or equal to 160,000 lbs. and load width of less than or equal to 14 feet. Travel beyond 2 (two) miles or for vehicles exceeding the gross weight of 160,000 lbs. or exceeding the load width of 14 feet requires a permit at the rate fees established in this Subsection (b).

- (7) *Fees for other permits.* The County Board hereby authorizes the Superintendent to issue additional permits for vehicles which do not conform to the requirements of Chapter 15 of the Illinois Vehicle Code not otherwise specified in this Subsection (b), so long as such permits are authorized by Chapter 15 of the Illinois Vehicle Code. The Superintendent is further authorized to establish reasonable fees for such permits, which fees shall be made public by posting a schedule of said fees at the Department offices. The Superintendent shall report to the County Board the schedule of fees established under this Subsection (b)(7) on a yearly basis.

- (8) *Fees for special handling.* The County Board hereby authorizes the Superintendent to impose a service charge for special handling of a permit when requested by an applicant, such as same-day expedited issuance of a permit, credit card payment of permit fees or special transmission of a permit. Such charge shall be determined by the Superintendent and shall be not less than the actual cost of such special handling, if any, and not less than \$10.00 per permit for same-day processing.

(c) The Superintendent shall not issue a permit for any vehicle and/or load that is divisible and that can be carried, when divided, within the existing weight and size maximums specified in Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15-101 et seq.

(d) Engineering inspections assessing work to be done on the County highway related to travel by the permit applicant's overweight vehicle and final inspection, and/or field investigations of the proposed routing will be done by the Department when the Superintendent determines in his judgment that such an inspection or investigation is appropriate. The applicant will be required to pay a fee of \$40.00 per hour for each hour spent by Department personnel engaged in such engineering inspections or field investigations.

(e) When law enforcement escort vehicles are required by the Superintendent for the safety of the motoring public, and if, at the County's option, such escort is provided by the County, the permit applicant will be required to pay a fee of \$40.00 per hour per vehicle based upon pre-estimated time of movement to be agreed upon between the Superintendent and the applicant. The minimum fee paid under this subsection shall be \$80.00 per vehicle.

(f) All fees collected pursuant to this article shall be paid to the Department of Revenue and deposited in the general corporate fund of the County.

(g) The application shall specifically describe the vehicle, its contents to be operated or moved, the particular County highways for which the permit is requested, and whether the permit is requested for a single trip, round trip, or for monthly use.

(h) The Superintendent is authorized to grant requests for permits within his discretion. He may deny any such permit request or, if such permit is issued, limit the number of trips by establishing seasonal or other time limitations within which the vehicle may be operated on the County highways indicated, or otherwise prescribe conditions of operation of such vehicle, where such limitations, in the judgment of the Superintendent, are necessary to assure against undue wear and tear to the road foundations, surfaces or structures of County highways.

(i) The Superintendent shall not issue a permit unless the applicant shall have furnished a certificate of insurance indicating a minimum insurance coverage limit of the amount of \$1,000,000.00 for general liability; and \$1,000,000.00 for automobile liability so as to save the County harmless from any claim, loss or damage that may result from the granting of a permit or that may arise from or on account of the transportation of overweight and/or oversize vehicles permitted thereby, and further covering payment of all costs incurred by the Department to restore to a condition satisfactory to the Superintendent, any pavement, bridge, culvert, tunnel, sewer, pipe, conduit or other facility or appurtenance located within the County Highway right of way that may be damaged by reason of the transportation of such vehicle under a permit. Additional coverage may be required consistent with the regulations of the United States Department of Transportation Bureau of Motor Carrier Safety and the Illinois Commerce Commission.

(j) Every permit issued pursuant to this article shall be carried in the vehicle to which it refers and shall be produced for inspection upon the request of any law enforcement official or the Superintendent. The decision to grant, deny or impose limitations on the issuance of a permit lies within the sole discretion of the Superintendent whose decision is final.

Sec. 66-127. Violation and enforcement.

(a) It shall be unlawful for any person issued a permit under this section, or any employee or agent of such person, to violate any of the terms or conditions of the permit. Each and every single trip per vehicle in violation of the terms or conditions of the permit shall constitute a separate and distinct offense.

(b) It shall be unlawful for any person to operate a vehicle not in conformity with the wheel and axle load and gross weight provisions of Section 15-111 of the Illinois Vehicle Code, 625 ILCS 5/15-111, on any County highway without a permit issued for that vehicle by the Superintendent.

It shall be unlawful for any person to operate a vehicle not in conformity with the dimension requirements for width of vehicles in Section 15-102, height of vehicles in Section 15-103, and length of vehicles in Section 15-107 of the Illinois Vehicle Code, 625 ILCS 5/15-102, 103, and 107, on any County highway without a permit issued for that vehicle by the Superintendent.

Each and every single trip per vehicle made in violation of this article shall constitute a separate and distinct offense.

(c) Any person operating a vehicle in violation of this article may be prosecuted and fined in the manner provided by Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15-112, 15-113, and 15-301(j).

(d) In addition to any fine imposed, any person who violates this article shall pay all costs incurred by the Department to restore to a condition satisfactory to the Superintendent, any pavement, bridge, culvert, tunnel, sewer, pipe conduit or other facility or appurtenance located within the County Highway right-of-way that is damaged by reason of the transportation of such vehicle.

(e) If any person violates this article in any manner, three times in one 12-month period of time, the Superintendent may refuse to issue a permit to that person for 1 (one) year following the date of the third article violation.

Sec. 66-128. Severability.

If any clause, sentence, section, provision or part of this article or the application thereof to any person or circumstance shall be adjudged to be unconstitutional or otherwise unenforceable, the remainder of this article or its application to persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

Sec. 66-129. Interpretation.

Any headings of this article are for convenience of reference only and do not define or limit the provisions thereof. Words of any gender shall be deemed and construed to include correlative words of the other genders. Words importing the singular shall include the plural and vice versa, unless the context shall otherwise indicate. All references to any document or statute shall be deemed to include all supplements and/or amendments to any such document or statute. All references to any such person or entity shall be deemed to include any person or entity succeeding to the rights, duties, and obligations of such person or entity in accordance with the terms and conditions of the agreement.

Sec. 66-130. Compliance with all laws.

The vehicles and equipment used to move overweight and overdimension vehicles upon the County highways shall be maintained and operated safely, and shall be properly licensed, registered, insured, operated and equipped in accordance with the Laws of the State of Illinois and/or any political subdivision or administrative agency thereof having jurisdiction.

The requirements of this article apply in addition to all other applicable State and Federal laws, rules and regulations now existing or hereinafter in effect, which in any manner affect the subject matter of this article.

Sec. 66-131. Effective date.

This amended article shall take effect and be in force commencing January 1, 2010.

Approved and adopted this 15th day of December 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-09
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

ORDINANCE AMENDING CHAPTER 10 ANIMALS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 10 Animals, Sections 10-2 and 10-8 of the Cook County Code are hereby amended as follows:

Sec. 10-2. Definitions.

Tethering means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, clothes line by any means, including without limitation a chain, rope, cord, leash or running line.

Tow chain or log chain means any chain that is more than 1/4 of an inch in width.

Sec. 10-8. Animal care.

(a) No owner shall fail to provide his or her animal with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No person shall beat, torment, overload, overwork or otherwise abuse an animal.

(c) No person shall own, keep, harbor, or otherwise maintain within the County, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.

(d) No person shall use a tow or log chain as a collar, leash or tether.

(e) Restrictions on a dog that is tethered:

(1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.

(2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.

(3) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least 10 feet long.

(4) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.

- (5) No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.
- (6) No dog shall be tethered within 200 yards of a school.
- (7) No person shall permit at any time a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance.
- (f) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
- (g) No person shall hold a greased pig contest.
- (h) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
- (i) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- (j) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).
- (k) No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
- (l) No person shall bring or cause to have brought into the County, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
- (m) No person may knowingly poison or cause to be poisoned any domesticated animal. The only exception will be written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for euthanasia shall be by or under the direction of a licensed veterinarian.
- (n) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by Federal or State law. Birds that are regulated by the Illinois Department of Conservation are excluded from this restriction during the period of regulation.

(o) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.

(p) No person shall permit at any time their animal to:

(1) Run uncontrolled;

(2) Molest persons or vehicles by chasing, barking or biting;

(3) Attack other animals;

(4) Damage property other than the owner's; ~~or~~.

(q) No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing animal.

(r) No person shall fail to remove feces deposited by the person's cat or dog, except service animals, upon the public ways or within the public places of the County or upon the premises of any person other than the owner without that person's consent.

(s) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 30 degrees Celsius (86 degrees Fahrenheit) or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.

(t) No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.

(u) Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private premises shall be removed, if possible, to the care of the Cook County Department of Animal and Rabies Control, to the nearest humane society, to the nearest municipal pound, or to the nearest veterinarian or veterinary hospital willing to accept same without guarantee of payment. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.

(v) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.

(w) Any person having a dead animal within their possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610/1 et seq.).

(x) Every person in possession or control of any stable or place open for public use where any animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to State fire prevention regulations.

Effective Date: This Ordinance Amendment shall be in effect immediately upon adoption.

Approved and adopted this 26th day of January 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-11
ORDINANCE**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

ASSESSOR SPECIAL REVENUE FUND ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV Officers and Employees, Division 7 Assessor, Section 2-317 of the Cook County Code is hereby enacted as follows:

Sec. 2-317. Assessor special revenue fund.

(a) *Short Title-Purpose.* This section shall be known and may be cited as the Assessor Special Revenue Fund (“ASRF”) Ordinance. The intent of this ordinance is to create a special revenue fund from revenues derived by the efforts of the County Assessor to generate revenue from marketing previously unutilized commercial opportunities related to, but not limited to, the Assessor’s Website, Assessor Database, and Assessment Notices.

(b) *Definitions.*

Assessor Database means an electronic database maintained by the County Assessor’s Office containing property identification numbers, address information, property characteristics for all parcels in Cook County for the purposes of real estate taxation, and includes but is not limited to the County Assessor’s GIS data.

Assessor Websites mean any current or subsequent sites, websites, Internet pages, and/or web pages of the Offices of the Cook County Assessor, with the respective Internet addresses and/or subdomains of: www.cookcountyassessor.com

Assessment Notices means any and all notices required pursuant to the Illinois Property Tax Code.

(c) *Assessor Special Revenue Fund.*

(1) Beginning on or before March 1, 2010, the Comptroller shall create a special revenue fund to be entitled the, “Assessor Special Revenue Fund.” The revenue collected by the Assessor from marketing previously unutilized commercial opportunities related to, but not limited to, the Assessor’s Website, Assessor Database, and Assessment Notices shall be placed in such special fund for the Assessor to be held by the Treasurer of the County.

(2) Such revenues collected and placed in such special fund shall only be disbursed by appropriation of the County Board. Said appropriation shall be limited to budgetary purposes conforming to the line item description of Object Code 245 (Advertising for Specific Purposes) or Object Code 579 (Computer Equipment), and shall be further subject to the procedures set forth in Chapter 34, Article IV of the Cook County Code of Ordinances, as the case may be.

Effective Date: This Ordinance shall be effective upon adoption.

Approved and adopted this 9th day of February 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-12
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2, Article IX, Sections 2-908 and 2-927 through 2-930 are hereby amended as follows:

Sec. 2-908. Instituting administrative adjudication proceedings.

(a) Any authorized department, agency, board or commission of the County or Forest Preserve District of Cook County may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

(b) Incorporation of Forest Preserve District of Cook County Ordinances.

The following provisions in the Code of the Cook County Forest Preserve District (“Forest Preserve District”) Ordinances are hereby incorporated by reference into this section:

Title 2, Chapter 1 (Aviation in Forest Preserve), Chapter 2 (Protection of Natural Features and Wildlife), Chapter 3 (Trespass in Forest Preserve) and Chapter 4 (Recreation in Forest Preserve);

Title 3, Chapter 2 (Animal Control), Chapter 2a (Animal Control-Horses), Chapter 3 (Miscellaneous Misdemeanors) and Chapter 4 (Seizures and Impoundments);

Title 4, Chapter 1 (General Motor Vehicle and Traffic Provisions), Chapter 2 (Parking), Chapter 3 (Bicycles) and Chapter 4 (Snowmobiles);

Title 5, Chapter 1 (Construction and Maintenance);

Title 6, Chapter 2 (Hawkers and Peddlers)

Said incorporated ordinances shall apply exclusively to activities or conduct which occur on properties under the control of the Forest Preserve District. Violation of said incorporated ordinances are hereby declared to be public nuisances, and may be enforced by instituting an administrative adjudication proceeding with the Department of Administrative Hearings, as provided in this article. Any person adjudicated as having violated any of the above provisions shall be fined no less than \$50 or more than \$500 for each offense - except where the relevant provision, sets out a different fine amount, the fine shall be an amount permitted under that provision. No penalty of imprisonment shall be imposed where the person is found liable through the administrative adjudication process. The procedures set out in Division 5-41 of the Counties Code shall be applicable to hearings conducted pursuant to this paragraph.

The Department of Revenue is hereby authorized to receive and collect all fines and costs assessed for violation of any ordinance or incorporated by this paragraph. A fine or sanction paid to or collected by the Department of Revenue related to the adjudication of violation of an ordinance, incorporated by this paragraph, shall be deposited into a dedicated account. On or before the fifteenth day of each month, the funds deposited in said dedicated account during the previous month shall be paid to the Forest Preserve District, less any collection and audit costs incurred by the County. Any costs related to the collection and auditing of the collected fines shall be retained by the County. Costs assessed against the respondent by the hearing officer shall be retained by the County. For purposes of enforcing any County ordinance or ordinance incorporated by this paragraph, employees of the Forest Preserve District, who are bound by the Cook County Human Resource Ordinance, are deemed to be code enforcement officers of the County.

This Ordinance shall take effect immediately.

Approved and adopted this 2nd day of March 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-13
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 66, Article III, Division 1, Section 66-51 of the Cook County Code, and Chapter 66, Article IV, Section 66-127 of the Cook County Code are hereby amended as follows:

Chapter 66 ROADS AND BRIDGES

ARTICLE III. PUBLIC WAY REGULATORY ORDINANCE

DIVISION 1. GENERALLY

Sec. 66-51. Purposes.

The purposes of this article are to: provide policies and procedures for the regulation of the use of County public ways for the construction, reconstruction, ownership, replacement, relocation, modification, maintenance, upgrading, operation and removal of facilities, including but not limited to public utility, pipeline, telecommunication, cable television, electric, gas, water, wastewater, petroleum product facilities, driveways, curb cuts, and other facilities; and provide for recovery of costs incurred by the County for licensing, permitting, inspecting, monitoring and regulating such uses of the public ways in order to provide for the public safety and interest.

Notwithstanding the foregoing, the use of public ways under the jurisdiction or control of the County and located within the City of Chicago shall be licensed, permitted and regulated by the City of Chicago and governed by the fee structure of the City of Chicago. However, the provisions in Section 66-127, relating to overweight and oversized vehicles, shall apply to public ways under the jurisdiction or control of the County and located within the City of Chicago where the City of Chicago has not issued a permit authorizing excess vehicle weight or excess vehicle size.

This article regulates the use of the public ways only and does not supersede or waive any right of the County to enter into a franchise agreement with a grantee for the provision of services to residents of unincorporated Cook County, nor does this article take the place of any tax now or hereafter applicable to grantees and relating to the provision of services or use of the public ways.

A portion of the fines collected pursuant to this Chapter shall be deposited into an account, which the Department of Revenue administers, for the purpose of defraying additional costs which the Department of Revenue will incur in the enforcement of this Chapter; such additional costs may include, but are not limited to, collection and audits.

**ARTICLE IV. PROCEDURES AND FEES FOR HIGHWAY HAUL PERMITS REQUIRED
BY OVERWEIGHT AND OVERSIZED VEHICLES USING COUNTY HIGHWAYS**

Sec. 66-127. Violation and enforcement.

(a) It shall be unlawful for any person issued a permit under this ~~section~~ chapter, or any employee or agent of such person, to violate any of the terms or conditions of the permit. Each and every single trip per vehicle in violation of the terms or conditions of the permit shall constitute a separate and distinct offense. "Single trip" shall mean a one-way journey made by a vehicle from the starting point to the destination point as designated in the application. It does not include a return trip from the destination point to the starting point or a return trip from the destination point to any other point distinct from the destination point. The owner and the operator of the vehicle may be held jointly and severally liable for any fines or other penalties imposed under this section.

(b)(1) Except as specifically allowed by statute or other ordinance, no person shall operate on any public way within the County any vehicle whose gross weight exceeds the limits described in Section 15-111 of the Illinois Motor Vehicle Code. The weight limitations and formulae contained in Section 15-111 of the Illinois Motor Vehicle Code, as amended, are hereby incorporated by reference for purposes of calculating permissible weights under this section. Any vehicle which exceeds the weight or size limitations set out in this section is declared to be a public nuisance.

(b)(2) Any person who refuses or fails to stop and submit his or her vehicle and load after being directed to do so by the Sheriff or who removes or causes the removal of any portion of the load prior to weighing, shall be fined not less than \$500.00 and not more than \$2,000.00.

(b)(3) Any person who violates the weight limitations imposed by subsection (b)(1) of this section shall be subject to a fine equal to the amount set out in Section 15-113(a) of the Illinois Motor Vehicle Code, as amended. All fines shall be payable to the Cook County Department of Revenue. Section 15-113(a) of the Illinois Motor Vehicle Code, as amended, is hereby incorporated by reference for purposes of calculating the permissible fines payable to the Cook County Department of Revenue. Each and every single trip per vehicle made in violation of this section shall constitute a separate and distinct offense.

(c)(1) It shall be unlawful for any person to operate a vehicle not in conformity with the limitations for width of vehicles in Section 15-102, the limitations for height of vehicles in Section 15-103, and the limitations for length of vehicles in Section 15-107 of the Illinois Vehicle Code, as amended, on any County highway without a permit issued for that vehicle by the Superintendent. Each and every single trip per vehicle made in violation of this section shall constitute a separate and distinct offense.

(c)(2) Any person operating a vehicle in violation of subsection (c)(1) of this section shall be prosecuted and fined, for the first or second conviction in any one year period, in an amount equal to not less than \$50.00 and not more than \$500.00. The fine for a third and subsequent conviction by the same person, within a one year period, shall be in an amount equal to not less than \$500.00 and not more than \$1,000.00.

(d) In addition to any fine imposed, any person who violates this article shall pay all costs incurred by the Department to restore to a condition satisfactory to the Superintendent, any pavement, bridge, culvert, tunnel, sewer, pipe conduit or other facility or appurtenance located within County Highway right-of-way that is damaged by reason of the transportation of such vehicle.

(e) If any person violates this article in any manner, three times in one 12-month period of time, the Superintendent may refuse to issue a permit to that person for one year following the date of the third article violation.

(f) A person issued a notice or citation for a violation of any weight limitation, size limitation, or other limitation imposed by this chapter, or any term or condition of a permit issued under Section 66-126, shall, upon issuance of the notice or citation, deposit with the Sheriff a bond in an amount equal to the minimum fine established for such violation. The bond shall be in the form of a financial instrument approved by the Sheriff or the Sheriff's designee. The financial instrument shall be made payable to the Cook County Department of Revenue. In lieu of posting the entire amount or a portion of the amount of the bond, the Sheriff or the Sheriff's designee may, in his or her own discretion, accept an individual recognizance bond when, from the totality of the circumstances, it is the opinion of the Sheriff or the Sheriff's designee that the person issued the notice or citation will appear for a hearing. Any individual recognizance bond shall include, as a condition of the bond, the provisions of subsection (c) of this section.

(g) As a condition of any bond permitted under Section 66-127(g), the owner and/or operator of the vehicle shall agree to indemnify and hold the County harmless from all suits, claims, damages, or proceedings of any kind for injury to persons or damage to public or private property caused, in whole or in part, by the operation of the vehicle in violation of any weight limitation, size limitation, or other limitation imposed by this chapter, or any term or condition of a permit issued under Section 66-126.

(h) Any notice or citation for a violation of any weight limitation, size limitation, or other limitation imposed by this chapter, or any term or condition of a permit issued under Section 66-126, shall specify the date, time and location of a hearing before the department of administrative hearings pursuant to Chapter 2, Article IX of the Cook County Code of Ordinances.

(i) If at the hearing, the administrative law officer determines that the owner or operator violated any weight limitation, size limitation, or other limitation imposed by this chapter, or any term or condition of a permit issued under Section 66-126, the administrative law officer shall enter an order finding the owner and/or operator liable to Cook County for the amount of the administrative penalty prescribed for such violation. The proceeds of any deposit or bond posted pursuant to Section 66-127(g) shall first be used to satisfy in full or in part said penalty.

(j) If at the hearing, the administrative law officer determines that the owner or operator did not violate any weight limitation, size limitation, or other limitation imposed by this chapter, or any term or condition of a permit issued under Section 66-126, the administrative law officer shall enter an order finding the owner and/or operator not liable to Cook County and order a return of the proceeds of the deposit or bond posted pursuant to Section 66-127(g).

(k) If the owner or operator fails to appear at the hearing, the administrative law officer may enter a default order against the respondent, and may further order forfeiture of the deposit or bond posted pursuant to Section 66-127(g) to Cook County. If an individual recognizance bond was granted, the administrative law officer may enter an order of default in an amount equal to the administrative fines prescribed for such violation. For good cause, the administrative law officer may vacate a default order upon the timely filing of a motion pursuant to Section 2-922 of Article IX of the Cook County Code of Ordinances.

(l) Any fine or other sanction or costs imposed, or any part thereof, remaining unpaid after the expiration of the time limit prescribed for judicial review under the Administrative Review Law is a debt due and owed to Cook County and, as such, may be collected in accordance with applicable law.

(m) Service of the notice or citation on the operator of the vehicle shall constitute service of the notice of or citation for the violation on the owner of the vehicle.

(n) The owner and operator of the vehicle shall be jointly and severally liable for any claims, losses, expenses or damages incurred by Cook County for any injury to persons or damage to public or private property caused, in whole or in part, by the operation of the vehicle in violation of any weight limitation, size limitation, or other limitation imposed by this chapter, or any violation of a term or condition of a permit issued under Section 66-126.

Effective Date: The Amended Ordinance Amendment will be effective April 1, 2010.

Approved and adopted this 2nd day of March 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-15
ORDINANCE**

Sponsored by

THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER

**AMENDMENT TO THE SUBSTITUTE ORDINANCE
COOK COUNTY JAIL DIVERSION PROGRAM FOR ADULTS AND YOUTH**

ARTICLE I. GENERAL PROVISIONS

Section 1.1 Short Title.

This Ordinance shall be cited and known as the “Cook County Jail Diversion ~~Pilot~~ Program For Adults and Youth”.

Section 1.2 Preamble.

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Cook County has an ongoing responsibility for protecting the health and safety of its residents and remains committed to public service that is efficient, equitable and accountable; and

WHEREAS, approximately 15% of the jail population is diagnosed with mental illness and if coupled with the population suffering with substance abuse disorder the number increases to approximately 60%. The rate of recidivism for those not receiving service intervention ranges from 60-70%; and

WHEREAS, for each non-violent offender who is diverted from incarceration Cook County saves an estimated \$1,800 per month by avoiding the cost of prosecution and court expenses not including the cost of healthcare; and

WHEREAS, it has been documented that the number of arrests, the length of jail time, as well as hospital stays among the mentally ill are substantially reduced when diversionary measures are employed that provide appropriate assessment and treatment as an alternative to incarceration; and

WHEREAS, some diversionary methods are currently employed and among the most successful are the Mental Health court, the Drug Court, the Juvenile Delinquency Screening Diversion and small programs initiated at some of Chicago’s local police districts; and

WHEREAS, the establishment of a Cook County Jail Diversion Program, in partnership with the State of Illinois, local law enforcement, and community based mental health and social service providers, will reduce Cook County’s jail population and improve the quality of mental healthcare in Cook County.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article IV, Sections 46-171 through 46-307 of the Cook County Code are hereby amended as follows:

ARTICLE IV. JAIL DIVERSION PROGRAM

DIVISION 1. GENERALLY

Sec. 46-171. Short title.

This article shall be cited and may be known as the Cook County Jail Diversion Program for Adults and Youth.

Sec. 46-172. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appropriate authorities. The Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County, the Public Defender of Cook County, and local law enforcement.

Case management. The process of assisting and monitoring target population detainees in achieving their individualized treatment plan consistent with their diversion plans.

Class 4 felony. An offense for which a sentence to a term of imprisonment of one to three years in a penitentiary and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-8-1 and 730 ILCS 5/5-9-1)

Community based mental health service providers. Mental health service providers working within local organization and health facilities.

Co-occurring substance abuse disorder. Mentally ill detainees with addictions to alcohol, drugs and/or other chemical substances (M.I.S.A.).

Crisis intervention. To safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.

Diversion. A program that diverts target population detainees from jail in accordance with standardized procedures established by the Advisory Board in conjunction with the appropriate authorities, the detainee and/or their legal representative.

Diversion plan. An individualized community based treatment and supportive service plan as an alternative to incarceration with a focus on minimizing repeat unlawful conduct.

Diverted detainee. A target population detainee who is approved by the appropriate authorities for diversion.

Felony. An offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided. (720 ILCS 5/2-7)

Mental health assessment. An examination by a licensed mental health service provider and, if applicable, by a substance abuse service provider.

Mental health service providers. Mental health service provider with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association.

Mentally ill. Persons who have been clinically diagnosed with a mental illness including persons with co-occurring substance abuse disorder.

Misdemeanor. Any offense for which a sentence to a term of imprisonment, other than to a penitentiary, for less than one year may be imposed (720 ILCS 5/2-11):

- (1) *Class A.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to one year and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)
- (2) *Class B.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to six months and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)
- (3) *Class C.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to 30 days and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)

Post booking diversion. Diversion agreed to by the State's Attorney's Office after the arrest of a detainee as an alternative to prosecution.

Pre-booking diversion. Diversion agreed to by local law enforcement authorities prior to any formal charges being filed against a detainee.

Provider. A mental health service provider or a substance abuse service provider.

Special Court. Cook County Mental Health Court.

Substance Abuse. A pattern of harmful use of alcohol or drug use for mood altering purposes.

Substance abuse service providers. Individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.

Target population detainees. People with mental illness, including those with co-occurring substance abuse disorder, with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of the County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago.

Third party health coverage. Health coverage provided by a public or private reimbursement program including but not limited to Medicaid or Medicare.

Sec. 46-173. Applicability of article.

(a) As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this article conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within the municipality. This article shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America.

(b) Nothing in this article shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of the County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this article requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this article shall be contingent upon such statutory authorization, approval or agreement.

Sec. 46-174. Implementation dates.

(a) Within six weeks of the passage of Ordinance No. 05-O-46 an Advisory Panel shall be appointed and approved.

(b) The Jail Diversion Program shall take effect six months after the creation of the Advisory Panel.

(c) The Jail Diversion Program shall run for a period of 18 months.

(d) Within one year after the implementation of this Program, the Advisory Panel shall report to the County Board regarding the number of arrestees diverted, the cost benefits to the County, the effectiveness and future viability of an expanded County wide jail diversion program.

DIVISION 2. PROGRAM ESTABLISHED

Sec. 46-201. Purpose.

The purposes of the County Jail Diversion Program are to:

- (1) Improve public safety by establishing partnerships and cooperative working relationships between state, federal and local units of government and community based service providers for the housing and treatment of the mentally ill population in the County.
- (2) Provide mentally ill and substance abuse offenders with improved access to the appropriate assessment and treatment services.
- (3) Reduce rates of recidivism among mentally ill and substance abuse offenders.
- (4) Reduce the jail population in the County.
- (5) Assist in maintaining compliance with the Federal consent decree on jail overcrowding.

- (6) Afford equal access to all people, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, to alternatives to incarceration.
- (7) Improve positive relationships between target population citizens and law enforcement officers.
- (8) Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

Sec. 46-202. Scope.

The County Board calls upon persons responsible for the administration of the criminal justice system with the County and the officials and community service providers responsible for mental health services in the State of Illinois to work together to develop improved and expanded diversion programs for person suffering from mental illness and substance abuse disorder in order to determine how such programs might be expanded to promote treatment as an alternative to incarceration on a broader scale within the County.

- (1) *Assessments.* Detainees who are considered for diversion must agree to undergo an individualized mental health and physical evaluation and assessment and to accept referrals for appropriate services including housing and case management. The program must be designed to reduce the number of mentally ill and substance abuse detainees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.
- (2) *Provider service standards.* To the extent possible, Mental Health and Substance Abuse Disorder Service Providers who participate in the jail diversion program shall be those who are already receiving funds from Federal, State, County, and/or local units of governments for Mental Health and Substance Abuse Disorder services. All County funding for such services, if any, shall be performance based and any renewal shall be contingent upon the quality and quantity of service rendered the previous year. Each participating diverted detainee must have an individualized service plan which shall be developed by a licensed professional in the State in the field of mental health and substance abuse disorder. This plan must be in collaboration with the appropriate law enforcement officials and the criminal justice system when applicable. The treatment plan shall be consistent with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., standards adopted by recognized professional mental health and substance abuse service provider associations including the Illinois Psychological Association, and the Illinois Department of Human Services.
- (3) *Regional crisis resources for law enforcement.* A regional 24-hour crisis intervention resource center, operated by a lead agency, shall be established to be utilized by local law enforcement when there is no available service in the impacted area. The crisis center shall assist local law enforcement, including any law enforcement crisis intervention teams, when called upon to stabilize a crisis situation involving a mentally ill and substance abuse offender. The crisis center and the crisis intervention team shall be subject to funding by the intergovernmental agreement established in accordance with provisions set forth in Division 3 of this article.

- (4) *Third party health care reimbursement sources.* In those cases where a diverted detainee does not have a source of third party health coverage, the County Bureau of Health Services shall make every concerted effort to assist the diverted detainee in making application for any third party health care reimbursement.

Sec. 46-203. Target population.

The County's Jail Diversion Program shall focus on the following categories of detainees with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago:

- (1) Mentally ill detainees and substance abuse detained for Class A, B and C misdemeanors which are nonviolent.
- (2) Mentally ill detainees and substance abuse detained for non-violent Class 4 felony offenses.

Sec. 46-204. Eligibility.

For pre-booking jail diversion there is no mandatory requirement that a diverted detainee first plead guilty to an offense prior to participating in a diversion program.

Sec. 46-205. Types of jail diversion programs.

(a) This Jail Diversion Program is designed to strengthen existing jail diversion efforts which are currently used by some local law enforcement officials such as station adjustments, peer juries, special courts, and other alternatives to incarceration.

(b) This Jail Diversion Program will include four types of diversion, each of which shall be subject to the approval of the appropriate authorities and have agreed-upon conditions by all parties involved, the agreement shall be tailored to particular circumstances, for which diverted detainees shall be held accountable. The four categories of diversion are as follows:

- (1) *Pre-booking diversion.* Pre-booking diversion may be sought by local law enforcement for mentally ill detainees and substance abuse, booked for Class B and C misdemeanors, as often as possible. The arresting officer shall be the first line of contact and shall be encouraged to take the following basic steps prior to any official charges for minor and/or nuisance crimes:
 - a. Attempt to resolve any crisis without harm to the suspect, general public, or law enforcement officials.
 - b. Refer directly to a hospital or treatment center when appropriate.
 - c. Contact parent or guardian if mentally ill and substance abuse detainee is under 17.
 - d. Evaluate the situation and determine if the suspect is potentially divertible.

- e. Determine if detainee can be sent to his or her residence under conditions agreed upon by law enforcement, detainee, parent(s) or guardian, and the victim of the crime.
 - f. Contact a community based mental health and substance abuse service provider when appropriate for proper assessment and referral for services.
 - g. If no community based mental health and substance abuse service provider is available contact the 24-hour regional crisis center for crisis intervention.
 - h. In cases where the detainee has caused injury to a person or damage to one's property, the appropriate authorities shall be encourage to explore all efforts for restitution as a condition of pre-booking diversion.
 - i. Complete a detailed incident report.
- (2) *Post-booking diversion.* This category of diversion may be sought by the State's Attorney for mentally ill and substance abuse detainees who are detained for crimes that constitute Class A misdemeanors and Class 4 felonies and which are nonviolent. The State's Attorney may seek a pre-arraignment investigation which may include, but need not be limited to, assessment by a mental health and substance abuse service provider to determine whether the suspect is eligible for diversion. If a diversion plan is agreed upon by all parties involved, it may include a requirement that the diverted detainee adhere to an individualized treatment and service plan developed by an appropriate clinician, provision for restitution with respect to injuries or property damage caused by the diverted detainee and may identify a case manager who shall monitor the diverted detainee's compliance with the diversion plan and report on such compliance as required in the diversion plan.
- (3) *Pre-trial diversion to special courts.* This level shall continue to emphasize proper assessment and speedy trials for those detainees who have been diagnosed by the appropriate clinicians as being mentally ill or with substance abuse disorders. If a detainee has been diagnosed as being mentally ill or diagnosed with substance abuse disorders and is held over for trial the detainee shall have immediate access to the appropriate treatment services. The case should be referred to the appropriate special courts for a speedy trial. This category of diversion is subject to the approval of the court.
- (4) *Post-adjudication diversion.*
- a. This category of diversion is for persons adjudicated guilty of an offense by the courts. In cases where a person has also been found, by a licensed clinician, as being mentally ill and suffering with substance abuse it has been agreed on by the courts that a diversion plan may be developed, that person shall be eligible for immediate treatment.

- b. This category of diversion consists of dispositions in the Juvenile Court and the misdemeanor courts within the jurisdiction of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the Mental Health Court. In appropriate cases as ordered by the court, a diversion plan may be developed as a condition of a defendant's probation or supervision. The court may consider assignment of a case manager to monitor the defendant's compliance with the diversion plan and may require notification of the arresting law enforcement agency or other parties prior to the defendant's release from custody or discharge from hospitalization for mental health or substance abuse treatment.
- (c) *Resumption of prosecution.* Failure to comply with the diversion plan shall subject the diverted detainee to further prosecution.

Sec. 46-206. Crisis intervention training.

The intergovernmental agreement shall explore funding and promotion of training opportunities for law enforcement and service providers with respect to crisis intervention involving persons with mental illness and substance abuse which shall include recognition of mental illness and substance abusers, knowledge of available local resources and the use of less than lethal force.

Sec. 46-207. Confidentiality.

The rules of confidentiality, as set forth under the Illinois Mental Health and Developmental Disabilities Code and Alcoholism and Other Drug Abuse and Dependency Act and other applicable State, Federal and local laws, shall be adhered to.

DIVISION 3. PROGRAM PREREQUISITES

Sec. 46-231. Intergovernmental agreement; memorandum of understanding.

In order to implement the Jail Diversion Program, the County Board requests that one or more Memoranda of Understanding (MOU) or Intergovernmental Agreements be developed between the appropriate authorities including, but not limited to, the County of Cook, the State of Illinois, the Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County and participating units of local government on behalf of their respective police departments. The agreements shall address the following:

- (1) The roles of the State of Illinois, the County of Cook, and community mental health (708) boards in funding and providing services for the target population detainees in the County.
- (2) The feasibility of improved service coverage for diverted detainees through shared resources.
- (3) The establishment and funding of a 24-hour Crisis Intervention Center to assist police departments with crises involving mentally ill offenders.
- (4) Standardized policies and procedures to ensure equal opportunity for all mentally ill and substance abuse disorder population to participate in a diversion program not withstanding their place of residence.

Sec. 46-232. Funding.

Mental health and substance abuse service providers participating in the County Jail Diversion Program shall seek reimbursement for their services from third party reimbursement sources (i.e. Kidcare, Medicare/Medicaid, and/or private insurance entities) and, where applicable, may be compensated through federal, state and local grants. Subject to the appropriation and availability of funds and to the enactment of an ordinance establishing programmatic requirements, the County shall create a revolving loan fund program to assist community based providers with cash flow problems resulting from delays in reimbursement for diverted detainees from third party reimbursement sources. Service providers shall not be eligible to apply for a revolving loan fund unless reimbursement from the third party reimbursement source is at least 45 days late.

DIVISION 4. ADVISORY PANEL

Sec. 46-256. Purpose.

(a) The purpose of the Advisory Panel is to establish a strong advocacy and resource group to enhance the County's effort to improve the quality of mental health services for the mentally ill and substance abuse population in the County and to reduce this population in our the County jail.

(b) The 13-member panel shall be composed of persons with expertise in law enforcement, criminal justice, assessment and treatment of the mentally ill and substance abuse population.

Sec. 46-257. Structure.

(a) A 13-member Advisory Panel is established to report to the County Board regarding the implementation and evaluation of the County Jail Diversion Program.

(b) The Advisory Panel shall consist of 13 members as follows: one appointed by the Chief Judge, one appointed by the Cook County Sheriff, two appointed by the State's Attorney, one appointed by the Public Defender, two appointed by the City of Chicago, one appointed by the Village of Maywood, and five appointed by the President of the County Board from among the following: one selected from the Bureau of Health Services, one selected from University of Illinois Jane Addams School of Social Work, one selected from Illinois Community Mental Health Providers Association, and two selected from Consumer Organizations with one representing mental health.

(c) This Advisory Panel's composition will reflect the demographics of the County as a whole. The panel shall select officers from among its membership.

Sec. 46-258. Responsibilities.

The Advisory Panel shall:

- (1) Recommend administrative policies and procedures for implementation of the County Jail Diversion Program.
- (2) Identify current federal and state funding resources for services to the mentally ill and substance abuse detainee population.

- (3) Develop a feasibility study to determine the availability of essential mental health and substance abuse disorder services at the community level to ensure a successful mental health and substance abuse diversion program for both youth and adults.
- (4) Recommend a structure for maximizing the use of existing resources and making them readily available to law enforcement for appropriate referrals.
- (5) Assist in establishing a collaborative relationship between the State, the County, local municipalities and local community based mental health and substance abuse disorder service providers with emphasis on mutual goals, shared responsibilities and benefits.
- (6) Review existing training curriculum for law enforcement officials and make recommendations for change to enhance their ability, where needed, to identify mentally ill and substance abuse detainees.
- (7) Establish criteria for measuring the outcome of the program.
- (8) Devise a plan for minimizing cost through service integration and coordination.
- (9) Lobby Federal and State governments to improve funding resources for Jail Diversion Program services.
- (10) Request that the County apply for grants for support staff to the Advisory Panel.
- (11) Recommend procedures to ensure nondiscriminatory opportunities for Detainees to participate in a diversion program.

DIVISION 5. DATABASES

Sec. 46-281. Establishment of.

Law enforcement, the State's Attorney's Office and the Probation Department are requested to maintain a data base of information regarding persons who have been diverted by their respective agencies in order to assist in identifying "repeat" offenders who may have been previously diagnosed with a mental illness and/or mental illness with co-occurring substance abuse disorder.

DIVISION 6. EVALUATIONS

Sec. 46-306. Police evaluations.

Law enforcement is encouraged to include the following criteria for evaluation of police response to crises involving mentally ill and substance abuse offenders. Evaluations of police responses should be consistently conducted on a case-by-case basis to determine the quality of the processes that law enforcement use to respond to mentally ill and substance abuse detainees. Evaluation Criteria should include, but not be limited to, the following:

- (1) Was there any significant violence or harm done to the subject, the general public or law enforcement officials during the process of apprehension?
- (2) Was the crisis resolved on the scene? At the police station? Or elsewhere?

- (3) Were family members alerted and included in the problem resolution process?
- (4) Was the detainee transported or referred to the appropriate service provider when warranted?
- (5) Was the detainee formally incarcerated? If so, for what length of time?
- (6) Did law enforcement take advantage of community-based resources and were the resources readily available as well as suitable for the situation?
- (7) Was this a "repeat encounter" with the detainee within a year, six months, 90 days, or 45 days?

Sec. 46-307. Performance measurement standards.

In providing funding for provider services relating to mentally ill and substance abuse detainees, the County may consider:

- (1) Performance measurements for mental health service providers as recommended by the County Bureau of Health Services consistent with the Illinois Mental Health and Developmental Disabilities Code and standards of professional organizations including, but not limited to, the Illinois Psychological Association and the National Association of Clinical Social Workers.
- (2) Performance measurements for substance abuse service providers as recommended by the County Bureau of Health Services consistent with standards as set forth by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.
- (3) Performance measurement criteria shall include, but shall not be limited to, the following:
 - a. Case management.
 - b. Total number of detainees seen per quarter.
 - c. Number of appointments made by detainee and percentage of those kept.
 - d. Documentation that confirms detainees living arrangements.
 - e. The amount of periodic follow-up conducted with family-based detainees to determine if basic needs were being met.
 - f. Current and accurate detainee records that are available for review by any appropriate governmental agency.
 - g. Rate of recidivism.
 - h. Progress report of the detainee's efforts in accordance with the individualized treatment plan.

Effective Date: This Amended Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 16th day of March 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-16
ORDINANCE**

Sponsored by

**THE HONORABLE PETER N. SILVESTRI AND BRIDGET GAINER
COUNTY COMMISSIONERS**

**STATE'S ATTORNEY'S FOREST PRESERVE DISTRICT REPRESENTATION
SPECIAL PURPOSE FUND**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Section 2-330 of the Cook County Code is hereby enacted as follows:

DIVISION 9. STATE'S ATTORNEY

Sec. 2-330. State's Attorney's Forest Preserve District Representation Special Purpose Fund.

(a) The State's Attorney shall charge a fee as set out in an intergovernmental agreement for assistant state's attorneys assigned from the Civil Actions Bureau of the Office of the State's Attorney to represent the Forest Preserve District in certain civil litigation matters.

(b) Such fee collected shall be placed in a special fund to be held by the Treasurer of the County, to be expended exclusively for the operation of the Office of the State's Attorney.

Effective Date: This Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 6th day of April 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-19
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

LAW LIBRARY FILING FEE

WHEREAS, 55 ILCS 5/5-39001 authorizes the clerk of all civil trial courts at the county seat of government to collect a filing fee to defray the cost of operating and maintaining a county law library; and

WHEREAS, P.A. 96-0227, effective August 11, 2009, authorizes counties in Illinois to increase the County Law Library Filing Fee to defray the cost of operating and maintaining law libraries, from the current maximum of \$13, to maximums of \$18 in 2009, \$19 in 2010 and \$21 in 2011; and

WHEREAS, P.A. 96-0227 was supported by many other counties around the state including: DeKalb, DuPage, Kane, Kendall, Lake, Madison, McHenry, McLean, St. Clair, Tazewell, Will and Winnebago Counties; and

WHEREAS, prior to enactment of P.A. 96-0227, the General Assembly only increased the maximum filing fee by three dollars, during the previous 20 years, which is less than half of the CPI increase during that same time period; and

WHEREAS, the Cook County Board last authorized an increase in the filing fee for the Law Library in 2004; and

WHEREAS, thirteen dollars has been inadequate in defraying the costs of operating and maintaining the County Law Library; and

WHEREAS, the Law Library's budget has decreased by \$1.8 million (25%) which has led to a reduction in the Library's staff by 15 positions (24%) over the past five years; and

WHEREAS, a misperception exists that all relevant legal information is freely available online to the average citizen, when, the average citizen does not have subscriptions to online legal publications; and

WHEREAS, county law libraries provide the general public with access to justice, which includes both print and electronic legal information and research assistance they would not be able to access anywhere else; and

WHEREAS, Cook County's Law Library is a National Hub Law Library which provides citizens with access to over a quarter of a million print titles and several online legal databases and with seven branch libraries, it is the only law library in the area that is freely available to all people without restriction; and

WHEREAS, other counties, law library filing fees are much higher than Cook County's, for example: Los Angeles' filing fee, a similarly sized county, is \$24, Sacramento, California (\$50); San Francisco, California (\$42); San Diego, California (\$38); Alameda, California (\$37); El Paso, Texas (\$35); King, Washington (\$20); and Wayne, Michigan (\$20); and

WHEREAS, the Cook County Law Library has the vision of being able to more efficiently reach our constituency through technology and is in the process of migrating to a new online integrated library management system.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
CHAPTER 50, LIBRARIES		
50-31(b)	County Law Library fee	18.00

Effective Date: This Amended Ordinance shall be effective one month after adoption.

Approved and adopted this 6th day of April 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-21
ORDINANCE**

Sponsored by

**THE HONORABLE JOAN PATRICIA MURPHY AND DEBORAH SIMS
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS,
JOHN P. DALEY, BRIDGET GAINER, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, ANTHONY J. PERAICA, EDWIN REYES, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, ROBERT B. STEELE AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

ASSESSMENT CLASS 8B DESIGNATION

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Section 74-70 of the Cook County Code is hereby amended as follows:

Sec. 74-70. Class 8a and 8b Designation / Assessment Class

(a) *Class 8a.* Real estate that is used primarily for industrial or commercial purposes, which real estate would qualify for a Class 8 designation pursuant to Sections 74-62 through 74-64, except for the fact that the qualifying use of the property prior to application for the incentive does not comply with the definition of abandoned property provided for in Section 74-62(b), can receive a designation as a Class 8a property so long as the applicant can show that it has complied with all of the requirements necessary to receive a Class 8 designation per Sections 74-62 through 74-64, except for meeting the definition of abandonment provided for in Section 74-62(b), but only when the Cook County Board of Commissioners provides a resolution or ordinance in support of such designation absent abandonment.

- (1) The Cook County Board of Commissioners may only provide such a resolution or ordinance in support of Class 8a designation absent abandonment when:
 - a. An applicant who collects or transmits sales tax has obtained from the municipality in which the real estate is located or the Cook County Board of Commissioners, if the real estate is located in an unincorporated area, an agreement to abate a portion of the local government's sales tax generated by the industrial or commercial enterprise located on such real estate and such abatement of sales tax must cover the period of time for which the applicant would qualify for this Class 8a incentive; and
 - b. Applicant can demonstrate to the satisfaction of the Cook County Board of Commissioners that due to national and regional economic conditions beyond its control the industrial or commercial enterprise has undergone a significant reduction in net operating income of at least 40 percent in the year it makes application for this incentive as compared to the average net operating income of the industrial or commercial enterprise in the prior three years; and

- c. Applicant provides objective and credible evidence including, but not limited to, an economic impact study that demonstrates to the satisfaction of the Cook County Board of Commissioners that the ongoing industrial or commercial enterprise is not economically viable and as such it will cease operations within 60 days of the submission of an eligibility application for Class 8a designation to the Cook County Assessor, and thereafter the property will become vacant and unused for an extended period of time of at least 24 months; and
 - d. Applicant provides objective and credible evidence including, but not limited to, an economic impact study that demonstrates to the satisfaction of the Cook County Board of Commissioners that designation as a class 8a property will allow the industrial or commercial enterprise to be economically viable and thereby continue its operations so that the industrial or commercial enterprise can continue to occupy and fully utilize the real estate for an extended period of time.
- (2) Such a resolution or ordinance must contain:
- a. A finding that the Cook County Board of Commissioners has determined that industrial or commercial enterprise has undergone a significant reduction in net operating income of at least 40 percent in the year it makes application for the incentive as compared to the average net operating income of the industrial or commercial enterprise in the prior three years; and
 - b. A finding that the Cook County Board of Commissioners has determined that Class 8a designation of the property is necessary for the ongoing industrial or commercial enterprise to continue its operations and that without such designation the industrial or commercial enterprise would not be economically viable causing the property to become vacant and unused; and
 - c. A statement by the Cook County Board of Commissioners that it supports and consents to the designation of the property as a Class 8a property absent an abandonment requirement; and
 - d. A statement by the Cook County Board of Commissioners that it supports and consents to the application made to the Cook County Assessor requesting designation as a Class 8a property absent an abandonment requirement.
- (3) When the real estate is located in an incorporated area of the county, and designation as a class 8a property is sought using the provisions of this section, the municipality in which the real estate is located must provide to the Cook County Assessor a resolution or ordinance that contains the following:
- a. A finding by the municipality that it has determined that class 8a designation of the property is necessary for the ongoing industrial or commercial enterprise to continue its operations and that without such designation the industrial or commercial enterprise would not be economically viable causing the property to become vacant and unused; and
 - b. A statement by the municipality that it supports and consents to the action by the Cook County Board of Commissioners to support designation of the property as a Class 8a property; and

- c. A statement by the municipality that it supports and consents to the class 8a application to the Cook County Assessor; and
- (4) Real estate receiving a Class 8a designation pursuant to the provisions of this section shall be assessed at the lowest percentage of market value provided for in Section 74-64(11), however the term of the incentive will be limited to five years only and such Class 8a designation shall not be renewed:
 - a. After the initial application has been approved and granted, if the subject real estate receiving the Class 8a designation pursuant to the provisions of this section is sold or the applicant transfers ownership of any portion of the property at any time prior to the five-year term of the 8a classification, then the property's Class 8a classification shall be subject to an eligibility review by the Cook County Board of Commissioners, the municipality, and the Assessor under the procedures set forth in this Ordinance for the remainder of the five-year term.
 - (5) In order for real estate to qualify for a Class 8a designation an eligibility application must be made to the Cook County Assessor.
 - (6) Class 8a designation can not be applied to real estate unless the following has occurred: application is made to the Cook County Assessor; all required municipal and county ordinances and resolutions are provided to the Cook County Assessor; and the Cook County Assessor determines that the real estate which is the subject of the application for a Class 8a designation would qualify for designation as a Class 8 property but for the inability to comply with the definition of abandonment pursuant to Section 74-62(b).
 - (7) The Cook County Assessor may adopt rules consistent with this section to determine eligibility for the benefits provided under Class 8a.
 - (8) Upon receipt of an eligibility application for a Class 8a designation, the Cook County Assessor shall forward such application and any supporting documentation provided with such application to the Cook County Board of Commissioners or its designee for consideration as to whether the County Board will provide a resolution or ordinance in support of a Class 8a designation absent abandonment.
 - (9) Real estate receiving a Class 8a designation pursuant to the provisions of this section shall not be eligible for a Class 8a designation for any year prior to the assessment year for which an application for the designation is made to the Cook County Assessor.
 - (10) The Cook County Board of Commissioners or its designee may adopt rules consistent with this section that may be needed to ensure proper review of information, data and documents submitted in support of a request to the County Board for a resolution or ordinance in support of a Class 8a designation as provided for in this section.
 - (11) Applicants for a Class 8a designation of property can only make such an application for the following assessment years 2008, 2009, 2010, 2011, 2012, 2013 and the Cook County Assessor shall not designate any real estate as Class 8a property for assessment year 2018 or thereafter.

- (12) Real estate that receives a designation as a Class 8a incentive property will lose such designation and the corresponding reduced level of assessment, if the industrial or commercial enterprise located on the property ceases operations and the subject real estate becomes vacant and unused.
- (13) Real estate that receives a designation as a Class 8a incentive property will lose such designation and the corresponding reduced level of assessment upon termination of the required partial sales tax abatement by local government.

This Section 74-70 of the Real Estate Classification Ordinance will become effective upon passage.

(b) *Class 8b.* Real estate and improvements that house inpatient and outpatient hospital based services, where the property has been acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer, thereby avoiding Illinois Health Facilities and Services Review Board discontinuation approval, shall be considered for a class 8b designation if it meets the requirements of this section and the Cook County Board of Commissioners provides a resolution or ordinance in support of such designation.

- (1) The Cook County Board of Commissioners may only provide such a resolution or ordinance in support of class 8b designation when:
 - a. the applicant is a hospital, as defined in the Hospital Licensing Act, or an entity that owns the real property on which a hospital is located, the hospital is licensed by the state, and the abandonment of the hospital would require the applicant, or the hospital on behalf of which the applicant owns the real property on which the hospital is located, to obtain a permit or exemption from the State of Illinois Health Facilities and Services Review Board pursuant to the Illinois Health Facilities Planning Act prior to discontinuing hospital operations and to obtain a second permit or exemption prior to re-opening or otherwise re-establishing the hospital after abandonment;
 - b. the applicant demonstrated to the satisfaction of the Cook County Assessor that approval of the class 8b designation will materially increase the likelihood that the property will be retained for hospital use with the associated employment benefits relative to industrial or commercial use of the property;
 - c. the subject hospital is located in a zip code which has a 10 percent or greater incidence of families and/or individuals below the poverty level, as identified by the U.S. Census Bureau's most recent census; and
 - d. the subject hospital employs at least 750 full-time equivalents (full-time equivalent jobs being defined as total hours worked by all non full-time employees divided by average annual hours worked by the full-time employees).
- (2) Such a resolution or ordinance must contain:
 - a. a finding that the Cook County Board of Commissioners has determined that the applicant demonstrated to the satisfaction of the Cook County Assessor that approval of the class 8b designation will materially increase the likelihood that the property will be retained for hospital use; and

- b. a statement by the Cook County Board of Commissioners that it supports and consents to the designation of the property as a class 8b property.
- (3) When the real estate is located in an incorporated area of the county, and designation as a class 8b property is sought using the provisions of this section, the municipality in which the real estate is located must provide to the Cook County Assessor a resolution or ordinance that contains the following:
- a. a finding by the corporate authorities of the municipality that the proposed redevelopment contemplated for the subject hospital or the property on which the hospital sits is necessary and appropriate and that, without a classification having the impact of this section, the special circumstances that exist on the property on which the subject hospital sits including but not limited to the unique requirement that mandates that the subject hospital's operations are continually maintained without interruption in order for the State of Illinois Health Facilities and Services Review Board to issue a certificate of need and licensure approval for the continued operation of the subject hospital and the extraordinary need for the continued operation of the subject hospital within the applicable region, will not be addressed and the property on which the subject hospital sits will become vacant and underutilized and cause the continued exasperation of blighted factors within the municipality and region;
 - b. a finding by the corporate authorities of the municipality that a classification having the impact of this section is necessary for the redevelopment to occur on the property on which the subject hospital sits; and
 - c. a statement by the corporate authorities of the municipality supporting and consenting to the filing of an application for a classification having the impact of this section for the property on which the subject hospital sits.
- (4) Real estate receiving a class 8b designation pursuant to the provisions of this section shall be assessed at the lowest percentage of market value and for the term provided for in Section 74-64 (11).
- (5) In order for real estate to qualify for a class 8b designation, a class 8 or class 8b application must be made or have been made to the Cook County Assessor. Any application for class 8 submitted with required municipal approval after July 1, 2008 for hospital property where the property was acquired for hospital use by an unrelated for-profit acquirer, avoiding the Health Facilities and Services Review Board discontinuation approval, shall be reconsidered as an application pursuant to this section upon supplement of such class 8 application with the additional information required in this section, if any. Upon receipt of an application, the Cook County Assessor shall forward such application and any supporting documentation provided with the application to the Cook County Board of Commissioners for consideration as to whether the Cook County Board will provide a resolution or ordinance in support of a class 8b designation. Real estate receiving a class 8b designation pursuant to the provisions of this section shall be eligible for such designation beginning in the assessment year during which an application for the classification having the impact of this section is made to the Cook County Assessor.

- (6) Class 8b designation cannot be applied to real estate unless the following has occurred: application is made or has been made to the Cook County Assessor, and all required municipal and county ordinances and resolutions are provided to the Cook County Assessor.

Effective date. This Amended Ordinance shall take effect immediately upon adoption.

Approved and adopted this 6th day of April 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-23
ORDINANCE**

Sponsored by

**THE HONORABLE JOHN P. DALEY, FORREST CLAYPOOL, BRIDGET GAINER,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, EDWIN REYES,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JOSEPH MARIO MORENO, ANTHONY J. PERAICA
AND DEBORAH SIMS, COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article IV Procurement and Contracts, of the Cook County Code is hereby amended as follows:

Sec. 34-121. Contracts for supplies, material and work.

All contracts for supplies, materials and equipment for the County of Cook shall be let as provided in this Article IV. All contracts for supplies, materials and equipment for Cook County, including the separately elected Officials, which involve an expenditure of \$100,000.00 or more shall be approved by the Board of Commissioners and signed by the President of the Board, the County Purchasing Agent and the Comptroller. All contracts for supplies, materials, and equipment for Cook County, including the separately elected Officials, which involve an expenditure of less than \$100,000.00 shall be approved by the Purchasing Agent; however, all contracts for supplies, materials and equipment for Cook County, including the separately elected Officials, shall also require Board approval in circumstances where the aggregate of expenditures by a Department within the County, or any separately elected official, to the same vendor for the same, or substantially the same, supplies, materials, or equipment within the same fiscal year equal a sum of \$100,000.00 or more.

All contracts for professional and managerial services for the County of Cook shall be let as provided in this Article IV. All contracts for contractual services for Cook County, including the separately elected Officials, which involve an expenditure of \$25,000.00 or more shall be approved by the Board of Commissioners and signed by the President of the Board, the County Purchasing Agent and the Comptroller. All contracts for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of less than \$25,000.00 shall be approved by the Purchasing Agent; however, all contracts for contractual services for Cook County, including the separately elected Officials, shall also require Board approval in circumstances where the aggregate of expenditures by a Department within the County, or any separately elected official, to the same vendor for the same, or substantially the same contractual services within the same fiscal year equal a sum of \$25,000.00 or more.

The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment for Cook County, including the separately elected Officials, which involve an expenditure of less than \$100,000.00 that were approved by the Purchasing Agent and of payments pursuant to contracts for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of less than \$25,000.00 that were approved by the Purchasing Agent, within 72 hours of being made (excluding Saturdays, Sundays and holidays). Such reports shall include:

- a. The name of the Vendor;
- b. A description of the product or service provided;
- c. The name of the Using Department and budgetary account from which the funds are being drawn;
- d. The contract number under which the payment is being made; and
- e. Any related Board Agenda Communication Number or tracking number utilized by the office of the Comptroller related to the contract, if applicable.

Such report shall be provided to the Board of Commissioners in an electronic, sortable format.

Sec. 34-151. Purchase procedures and competitive bidding.

The purchases of and contracts for supplies, materials, equipment and contractual services and all sales of personal property which has become obsolete or unusable shall be based on competitive sealed bids in accordance with this Section 34-151 and the additional procedures set forth in Section 34-153, or shall be based on competitive requests for proposals or requests for qualifications as provided in Section 34-152, unless designated as charitable donations pursuant to Subsection 34-153(f). No purchases, orders, or contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more shall be made unless authorized by the County Board. All sales of obsolete or unusable material, property, or equipment shall be made to the highest bidder, except as provided for in Section 34-153. Notwithstanding the foregoing, if a governmental agency similar in size or larger than the County has awarded a bid to a vendor for the same or similar supplies, materials, equipment or contractual services as that sought by the County, the Purchasing Agent, in his or her discretion, is authorized to purchase the supplies, materials, equipment or contractual services from that vendor at the awarded bid price without having to issue a bid for the supplies, materials, equipment or contractual services as provided in this Section 34-151.

(a) Purchases and Contracts of less than \$100,000.00 or contracts for professional and managerial services of less than \$25,000. Purchases and contracts for supplies, materials and equipment and sales of personal property which has become obsolete or unusable and has a value of less than \$100,000.00, or contracts for professional and managerial services that has a value of less than \$25,000.00 as estimated by the Purchasing Agent, shall be made in accordance with this Subsection (a). Purchases, excluding professional services, having a cost of \$750.00 or less may be made with "petty cash" in the open market. All purchases greater than \$750.00 and less than \$100,000.00 may be made by competitive quotations on the open market without publication in a newspaper as provided below, but whenever practical shall be based on at least three such quotations.

Effective immediately, the Purchasing Agent shall provide to the Board of Commissioners a list of all purchases authorized by the Purchasing Agent greater than \$750.00 and less than \$100,000.00 pursuant to this subsection, within 72 hours of authorization (excluding Saturdays, Sundays and holidays). Such report shall include the name of the vendor, a description of the item or service purchased, the Using Department and the budget account from which payment shall be drawn.

(b) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Authorization to advertise for bids.* The Department shall be responsible for requesting that the Board of Commissioners authorize the advertisement of a competitive bid.

(c) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Advertisement for bids.* Upon authorization from the Board of Commissioners, the Purchasing Agent shall publish the advertisement at least once in a secular newspaper of general circulation within Cook County and at least five calendar days before the final date of submitting bids. Purchasing shall also post notification of the competitive bid on the Purchasing Agent's page of Cook County's web-site, located at www.cookcountygov/purchasing.com and on the Purchasing Office bulletin board in accordance with the provisions of Subsection 34-153(a). Such notices shall include a general description of the commodities or contractual services to be purchased or personal property, equipment or other property to be sold and shall state where all blanks and specifications may be obtained and the time and place for the opening of bids. The County Purchasing Agent may also send requests by mail to prospective suppliers.

(d) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Development and approval of specifications and contract terms.* The Department shall provide to the Purchasing Agent draft contract documents which shall include a description of the services or supplies to be procured, any minimum bidder qualifications, a description of the environment within which a successful bidder will be required to perform a site inspection, cost proposal information and any other information requested by the Purchasing Agent in order to prepare and finalize the bid specifications and contract documents. The Purchasing Agent may revise the draft documents prior to finalizing and issuing the contract documents.

(e) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Pre-bid conferences.* The Department shall include the details of any pre-bid conferences in the draft contract documents submitted to the Purchasing Agent. Any changes to the date, time or place of a pre-bid conference must be communicated in writing, not less than five business days, prior to originally scheduled Bid Opening to the Office of the Purchasing Agent, the Purchasing Agent will issue an Addendum to all entities or persons registered as having picked up a Bid Package by the Office of the Purchasing Agent.

(f) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Requests for information, clarifications or exceptions to contract documents.* As provided in the Instructions to Bidders, all requests for information, clarification or exceptions submitted by bidders must be directed in writing only to the Purchasing Agent, not less than five business days prior to the Bid Opening. Upon receipt of such a request, the Purchasing Agent's Office will determine if a response will be provided. If a Using Department or Elected Official receives a written inquiry, it shall be forwarded to the Purchasing Agent immediately. If the Department receives an oral inquiry, the prospective bidder shall be referred to the Instructions to Bidders which require that all inquiries be submitted in writing to the Purchasing Agent.

(g) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Communications with bidders during bid process.* From the time a Bid Package is made available until the recommendation for award of the contract is approved by the Board, all communications from bidders must be directed in writing to the Purchasing Agent. However, bidders may communicate with the County's Office of Contract Compliance relative to the submission of information regarding proposed minority and women owned business enterprise participation in the contract. All responses to inquiries regarding the status of a bid evaluation or award shall be provided by the Office of the Purchasing Agent in accordance with approved procedures.

(h) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Communication between bidders.* From the time a Bid Package is made available to bidders until the recommendation for award of the contract is approved by the Board, no bidder shall communicate with another bidder regarding the subject matter of the procurement, with the sole exception of communications a bidder may have with a minority or women owned business enterprise to meet requirements of minority or women owned business enterprise goals.

Such quotations shall not be solicited or provided in a manner that discloses or requires the disclosure of the amount of a prospective bid.

(i) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more.* Bids to conform to conditions in advertisements.

- (1) The County Board will not entertain or consider any bid:
 - a. Received after the exact time for submission of bids specified in the advertisement for bids, except as may be extended in an Addendum issued to all bidders by the Purchasing Agent;
 - b. Not accompanied by the required certified check, bid deposit, or bid bond;
 - c. Not accompanied by the affidavits, certifications or economic disclosure statements required to be submitted pursuant to this article; or
 - d. Which in any other way fails to fully comply with the terms and conditions as stated in the advertisement for bids.
- (2) No bid may be changed, amended, or supplemented in any way after the exact time for submission of bids specified in the advertisement for bids. Any bidder that cancels, withdraws or modifies its bid after the bid opening will result in the bidder being deemed unqualified and will prohibit said bidder from receiving a County contract for a period of one year from the date of bid opening. No certified check, bid deposit, or bid bond may be accepted after the exact time for submission of bids specified in the advertisement for bids.

(j) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Examination and tallying of bids.* All bids shall be opened and tallied at a time predetermined by the President, who shall appoint a member of the County Board to preside and witness the conduct of the reading and announcing in public of all bids before all who desire to attend. The bids shall then be reported to the County Board at the next meeting after the opening thereof. If it is evident that only one qualified bid has been submitted with respect to a particular contract, no bid envelope is opened and any sealed bid(s) shall be returned to the bidder(s) via certified mail unopened. The Clerk announces this fact and that the Purchasing Agent will thereafter determine whether to re-issue the solicitation of competitive bids as a result. If it is determined that an error was made in announcing the bid or there was a failure to read all bids into the record, the Purchasing Agent shall notify the Commissioner who presided over the Bid Opening and the Clerk of the Board of the need to reconvene the Bid Opening to correct the record. As soon as reasonably possible, the Bid Opening is reconvened for the purpose of correcting the record.

(k) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Evaluation of bids.* Immediately after the Bid Opening, a post bid meeting is scheduled wherein the Department and Contract Compliance reviews bids for technical specifications and minority business enterprise/women business enterprise requirements. Upon notification of a recommended vendor from the Department and Contract Compliance, the Office of the Purchasing Agent prepares the pre-award bids report and posts said report on the County's web-site and on the bulletin board outside the Purchasing Agent's Office. The time intervals required to evaluate bids are not always predictable. Bidders are responsible for monitoring the web-site or, if they lack web access, for calling the Office of the Purchasing Agent on Mondays after 12:00 noon at (312)603-5370 to determine whether a recommendation for award will be posted during the upcoming week.

(l) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Bid protest procedure.* Any bidder who has reason to believe that the bidder identified in the posted recommendation for award is not entitled to be awarded the contract, or who has a complaint about the bid process, may submit a written bid protest, in writing, directed to the Purchasing Agent. Such protest may be submitted at any time prior to the announcement of the recommended bidder, but no later than three business days after the date upon which the recommendation for award is posted on the County's web-site and on the Purchasing Agent's bulletin board. The bid protest must state with specificity the basis upon which the bidder believes that the recommendation for award is erroneous, or the basis upon which the bidder believes the bid procedure was unfair, including a statement of how the alleged unfairness prejudiced the protesting bidder. A bidder who could have submitted a request for exception, clarification or information prior to bid opening but failed to do so shall not be entitled to protest a bid on the basis of insufficient information or clarity after the bids have been opened.

(m) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; The Purchasing Agent shall decide all bid protests.* When a protest has been submitted, the Purchasing Agent shall defer presentation of a recommendation for award to the Board's Finance Committee until the bid protest has been decided.

(n) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Contract award and execution.* The final recommendation for award shall be transmitted to the Board, through its Finance Committee, for approval of the recommendation for award and execution of a contract with the approved bidder. The Purchasing Agent shall ensure that all required certifications are executed and all due diligence is performed prior to the request to award and execute the contract.

(o) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Right to reject bids reserved.* The County Board reserves the right to reject any and all bids.

(p) *Purchases and Contracts of \$100,000.00 or more or contracts for professional and managerial services of \$25,000.00 or more; Local business preference.*

- (1) In this section the term "local business" means a person authorized to transact business in this State and having a bona fide establishment for transacting business located within the County at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced and further which employs the majority of its regular, full-time work force within the County, including a foreign corporation duly authorized to transact business in this State and which has a bona fide establishment for transacting business located within the County at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced and further which employs the majority of its regular, fulltime work force within the County.
- (2) The Purchasing Agent shall, in the purchase of all supplies, services and construction by competitive sealed bidding, accept the lowest bid price or lowest evaluated bid price from a responsive or responsible local business, provided that the bid does not exceed the lowest bid price or lowest evaluated bid price from a responsive and responsible non-local business by more than two percent.
- (3) The Purchasing Agent shall be responsible for the implementation and enforcement of this section.

Sec. 34-152. Contracts not adaptable to competitive bidding; requests for proposals or qualifications.

(a) Contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; contracts for printing of Finance Committee pamphlets, controllers estimates, and departmental reports; contracts for the printing or engraving of bonds, tax warrants and other evidence of indebtedness; contracts for ballot cards, printing of election ballots and poll sheets, and moving of election equipment and supplies; contracts for utility services such as water, light, heat, telephone, or telegraph; and contracts for the purchase of magazines, books, periodicals, and similar articles of an educational or instructional nature, and the binding of such magazines, books, periodicals, pamphlets, reports, and similar articles shall not be subject to the competitive bidding requirements of Section 34-151.

- 1) *Criteria for use of requests for proposals or requests for qualifications* . Proposals for contracts not adaptable to competitive bidding shall be solicited through the issuance of requests for proposals ("RFP") or requests for qualifications ("RFQ") unless otherwise authorized by the Board. RFPs and RFQs are appropriate when competitive bidding is not practicable or advantageous to the County. RFPs and/or RFQs may result in the negotiation of a contract with one or more proposers selected as the result of an evaluation process which includes the simultaneous consideration of multiple evaluation factors.

- 2) *Notification.* In order to issue an RFP or RFQ, the Using Department or Elected Official must notify the Purchasing Agent in writing that it intends to issue a RFP or RFQ.
- 3) *Prescribed content of RFPs and RFQs.* All RFPs and/or RFQs shall include such forms and provisions as shall be issued from time to time by the Office of the Purchasing Agent. These forms shall include, but not be limited to: Instructions to Proposers; General Conditions; Cook County Certification and Execution Forms and a Proposer Registration Form and all additional documents as required by the Purchasing Agent. The Using Department or Elected Official shall be responsible for developing appropriate special conditions, a proposer questionnaire and a cost proposal form.
- 4) *Review prior to issuance.* RFPs and/or RFQs shall be submitted to the Office of the Purchasing Agent for review prior to their issuance. In addition to the direct transmittal of the RFP or RFQ to potential firms or individuals, all RFPs and RFQs shall be posted on the County's website. Such posting shall be performed by the Bureau of Information Technology and Automation upon the request of the Office of the Purchasing Agent.
- 5) *Opening of RFPs and RFQs.* The RFPs or RFQs shall be opened in the presence of one or more witnesses after the designated date for submission. A list of firms or individuals offering proposals or responding to RFQs shall be submitted to the Purchasing Agent within 24 hours of RFP or RFQ opening. The contents of the RFP or RFQ shall not be disclosed to competing offers during the process of negotiation. Any proposer that cancels, withdraws or modifies its proposal after the proposal due date without County approval may result in the proposer being deemed unqualified and may prohibit said proposer from receiving a County contract for a period of one year. A record of proposals shall be prepared and shall be open for public inspection after contract award.
- 6) *Evaluation.* The Using Department or Elected Official shall identify the factors to be used in evaluating proposals, which information shall be set forth in the RFP. These factors include, but are not limited to, price, experience and qualifications of the proposer, the quality and cost effectiveness of the proposal, and the demonstrated willingness and ability of the proposer to satisfy the requirements of the County as described in the request. The Using Department or Elected Official shall evaluate proposals and shall conduct any negotiations of a possible contract with one or more proposers.
- 7) *Discussions.* As provided in the RFP or RFQ, discussions may be conducted with responsible proposers who submit proposals determined to have the greatest likelihood of being selected for a contract for the purpose of clarifying and assuring full understanding of and responsiveness to the County's requirements. Those proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions to proposals may be permitted after submission for the purpose of obtaining best and final proposals before a recommendation is made to the Board of Commissioners. In conducting discussions there shall be no disclosure of any confidential information derived from proposals submitted by competing proposers. If information is disclosed to any proposer, it shall be provided to all competing proposers. Once a proposer has been recommended to and approved by the Board of Commissioners, the Using Department or Elected Official shall finalize the contract terms for the Board's execution consideration.

- 8) *Recommendations.* The Using Department or Elected Official shall recommend to the Board of Commissioners that the County enter into a contract with the responsible proposer whose proposal or qualifications is determined in writing by such Using Department or Elected Official to be the most advantageous to the County, taking into consideration price, qualifications and the evaluation factors set forth in the request for proposals. The Using Department or Elected Official shall document the results of its evaluation and the reasons for its recommendation to the Purchasing Agent. The Using Department or Elected Official shall be responsible for requesting that the Board of Commissioners authorize a contract with the recommended proposer. The authorization of the Board of Commissioners to enter into a contract shall not result in a contract unless and until the Board has authorized the execution of the final contract documents upon the request of the Purchasing Agent. The Purchasing Agent's request to the Board for contract execution shall be subject to the proposed contractor's compliance with all applicable laws and County procedures and to the Purchasing Agent's review of the subject contract.

Effective immediately, the Purchasing Agent shall provide to the Board of Commissioners a report of all notifications made pursuant to subsection (2), within 72 hours of receiving such notice.

(b) The Purchasing Agent is expressly authorized to procure from any Federal, State or local government unit or agency thereof such surplus materials, supplies, commodities, or equipment as may be made available through the operation of any legislation heretofore or hereinafter enacted and to enter into cooperative educational agreements with not-for-profit universities and hospitals without conforming to the competitive bidding requirements of this article. Regular employment contracts in the County service, whether with respect to the classified services or otherwise, shall not be subject to the provisions of this article, nor shall this article be applicable to the granting or issuance pursuant to powers conferred by laws, ordinances, or resolutions or license, permits, or other authorization by the County Board, or by departments, offices, institutions, boards, commissions, agencies or other instrumentalities of the County, nor to contracts or transactions, other than the sale or lease of personal property pursuant to which the County is the recipient of money.

(c) This section shall take effect and be in force from and after its passage and is specifically intended to supersede 55 ILCS 5/5-36001 (Cook County purchasing-contracts for supplies, materials and work), 55 ILCS 5/5-36004 (Cook County purchasing-definitions) and 55 ILCS 5/5-36006 (Cook County purchasing-competitive bids, government surplus materials).

Effective date: This Ordinance Amendment shall be in effect upon adoption.

Approved and adopted this 4th day of May 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-24
ORDINANCE**

Sponsored by

**THE HONORABLE JOHN P. DALEY, FORREST CLAYPOOL, BRIDGET GAINER,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, EDWIN REYES,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE EARLEAN COLLINS, JOSEPH MARIO MORENO,
ANTHONY J. PERAICA AND DEBORAH SIMS, COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article V, Departments and Similar Agencies, Division 3 Bureau of Finance, Subdivision II Comptroller, Section 2-424 of the Cook County Code is hereby enacted as follows:

Sec. 2-424. Report of Personnel Activity

Effective immediately, all personnel activity shall be reported within 72 hours (excluding Saturdays, Sundays and holidays) to Board of Commissioners by the County Comptroller and Director of Human Resources in a combined report indicating:

1. Any new hires of employees to any executive, administrative or professional positions, Graded 17 through 24, stating the department, position title, Shakman exempt status, name of employee and date of hire;
2. All executive, administrative or professional employees, Graded 17 through 24 who have left the County’s employ, stating the department, position title, Shakman exempt status, name of employee and leave date;
3. All executive, administrative or professional employees, Graded 17 through 24 who transfer positions, stating the name of employee, the department, position title, and Shakman exempt status of the position being transferred from and to, and transfer date;
4. All executive, administrative or professional employees, Graded 17 through 24 whose positions have been reclassified, stating the department, position title, and Shakman exempt status, for both the former classification and reclassified position, as well as name of the employee and reclassification date;
5. All executive, administrative or professional employees, Graded 17 through 24 whose salaries have been adjusted, stating the department, position title, Shakman exempt status, name of the employee, date of hire, and both the former and adjusted salary amount; and
6. All executive, administrative or professional employees, Graded 17 through 24, hired as Seasonal Work Employees; Extra Employees; Extra Employees for Special Activities; and Employees per Court Order, stating the department, position title, Shakman exempt status, name of employee and date of hire.

Such requirement applies to executive, administrative and professional positions in all County offices, including those under the jurisdiction and authority of the separately elected County offices, and including special administrative designations in the offices of the State's Attorney, Public Defender and the hospitals and clinics operated by the Cook County Health & Hospitals System.

An aggregate report of all personnel activity as described in this section shall be placed in its entirety on every County Board Meeting Agenda disclosing all such activity that has occurred since the last Board Meeting.

Effective date: This Ordinance shall be in effect upon adoption.

Approved and adopted this 4th day of May 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-30
ORDINANCE**

Sponsored by

**THE HONORABLE GREGG GOSLIN, BRIDGET GAINER,
ELIZABETH “LIZ” DOODY GORMAN, ANTHONY J. PERAICA,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

**REMOVES AUTOMATIC SUNSET CLAUSE
FROM COOK COUNTY HEALTH & HOSPITALS SYSTEM ORDINANCE**

CHAPTER 38 – HEALTH & HUMAN SERVICES

Sec. 38-93. Making CCHHS Permanent.

The Cook County Health & Hospitals System and this Ordinance shall continue, unless the Cook County Board of Commissioners acts to revoke its powers and responsibilities.

Approved and adopted this 1st day of June 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-31
ORDINANCE**

Sponsored by

THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER

Co-Sponsored by

THE HONORABLE JERRY BUTLER, JOHN P. DALEY,

ELIZABETH “LIZ” DOODY GORMAN, JOAN PATRICIA MURPHY,

ANTHONY J. PERAICA, EDWIN REYES, TIMOTHY O. SCHNEIDER AND DEBORAH SIMS

COUNTY COMMISSIONERS

PROPERTY TAX BILL INSERT ORDINANCE

WHEREAS, the Cook County Treasurer’s Office (CCTO) biannually conducts property tax bill mailings, each of which are in excess of 1.7 million pieces; and

WHEREAS, the printing and mailing of property tax bills currently necessitates the expenditure of significant County funds; and

WHEREAS, postage rates are expected to rise within the near future, thereby necessitating the further expenditure of County funds; and

WHEREAS, these costs could be offset in part by including promotional inserts within property tax bill mailings; and

WHEREAS, the Cook County Board of Commissioners desires to reduce the expenditure of County funds in connection with the preparation, printing and mailing of property tax bills.

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IV, Division 4, Section 2-256 of the Cook County Code is hereby enacted as follows:

Sec. 2-256. Advertising.

(a) Definitions. The following terms used in this Section shall have the meanings as set forth below:

Print Advertisements means printed advertising or marketing materials, including, but not limited to, cards, paper inserts, brochures, or placards.

Property Tax Bill Advertisements means Print Advertisements that are included as inserts within property tax bill mailings by the Office of the Cook County Treasurer in accordance with the terms of this Section. In no event shall the term “Property Tax Bill Advertisements” refer to or include Print Advertisements that appear on the face of an actual property tax bill.

Property Tax Bill Advertising Agreement means a contractual agreement between the Office of the Cook County Treasurer and a person or entity, which agreement provides for the inclusion of certain Print Advertisements within property tax bill mailings in exchange for a fee or fees and upon such other terms and conditions as may be agreed to by the Cook County Treasurer and such person or entity.

(b) The Cook County Treasurer is hereby authorized to include Property Tax Bill Advertisements within property tax bill mailings, at the Treasurer's discretion. The Office of the Cook County Treasurer may make requests for proposals and requests for quotations for the purpose of identifying potential advertisers.

(c) The Cook County Treasurer is hereby authorized to enter into Property Tax Bill Advertising Agreements upon such terms as may be determined by the Cook County Treasurer. The Cook County Treasurer may from time to time promulgate standards to which all Property Tax Bill Advertisements shall be subject.

(d) All revenues generated by Property Tax Bill Advertising Agreements and collected by the Cook County Treasurer shall be remitted to the Cook County Comptroller and credited against the postage expenditures of the Office of the Cook County Treasurer under Object Code 225 (Postage). Notwithstanding the foregoing, to the extent that revenues collected by the Cook County Treasurer under Property Tax Bill Advertising Agreements exceed expenditures within Object Code 225, any such surplus revenues may from time to time and at the Treasurer's direction be applied to other expenditures of the Cook County Treasurer associated with the preparation, printing and mailing of property tax bills.

Effective Date: This Ordinance shall be effective upon adoption.

Approved and adopted this 1st day of June 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-32
ORDINANCE**

Sponsored by

**THE HONORABLE JOHN P. DALEY AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article V Departments and Similar Agencies, Division 3 Bureau of Finance, Subdivision II Comptroller, Section 2-424 of the Cook County Code is hereby amended as follows:

Sec. 2-424. Report of Personnel Activity

Effective immediately, all personnel activity shall be reported to the Board of Commissioners at the close of every pay period by the County Comptroller and Director of Human Resources in a combined report indicating:

1. Any new hires of employees to any executive, administrative or professional positions, Graded 17 through 24, stating the department, position title, Shakman exempt status, name of employee and date of hire;
2. All executive, administrative or professional employees, Graded 17 through 24 who have left the County's employ, stating the department, position title, Shakman exempt status, name of employee and leave date;
3. All executive, administrative or professional employees, Graded 17 through 24 who transfer positions, stating the name of employee, the department, position title, and Shakman exempt status of the position being transferred from and to, and transfer date;
4. All executive, administrative or professional employees, Graded 17 through 24 whose positions have been reclassified, stating the department, position title, and Shakman exempt status, for both the former classification and reclassified position, as well as name of the employee and reclassification date;
5. All executive, administrative or professional employees, Graded 17 through 24 whose salaries have been adjusted, stating the department, position title, Shakman exempt status, name of the employee, date of hire, and both the former and adjusted salary amount; and
6. All executive, administrative or professional employees, Graded 17 through 24, hired as Seasonal Work Employees; Extra Employees; Extra Employees for Special Activities; and Employees per Court Order, stating the department, position title, Shakman exempt status, name of employee and date of hire.

Such requirement applies to executive, administrative and professional positions in all County offices, including those under the jurisdiction and authority of the separately elected County offices, and including special administrative designations in the offices of the State's Attorney, Public Defender and the hospitals and clinics operated by the Cook County Health & Hospitals System.

An aggregate report of all personnel activity as described in this section shall be placed in its entirety on every County Board Meeting Agenda disclosing all such activity that has occurred since the last Board Meeting, subject to the following exceptions, which may be submitted under a separate cover at the first possible Board Meeting:

1. All personnel activity as described in this section that is the result of the approval of the Annual Appropriation Bill; and
2. All personnel activity as described in this section that is the result of grant renewals.

Effective date: This Ordinance Amendment shall be in effect upon adoption.

Approved and adopted this 15th day of June 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-33
ORDINANCE**

Sponsored by

**THE HONORABLE TIMOTHY O. SCHNEIDER, LARRY SUFFREDIN, GREGG GOSLIN,
ELIZABETH "LIZ DOODY GORMAN AND PETER N. SILVESTRI**

COUNTY COMMISSIONERS

Co-Sponsored by

THE HONORABLE ANTHONY J. PERAICA, COUNTY COMMISSIONER

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 82 Traffic and Vehicles, Article IV Automated Red Light Traffic Safety System, Section 82-101 of the Cook County Code is hereby amended as follows:

Sec. 82-101. Purpose; establishment of automated red light traffic safety system.

(a) The purpose of this article is to establish an automated red light violation traffic safety system as provided in Section 11-208.6 of the Vehicle Code, 625ILCS 5/11-208.6, which shall be administered by the Cook County Highway Department, in consultation with the Sheriff of Cook County.

(b) The system shall utilize a traffic control signal monitoring device which records, through photographic means, the vehicle and the vehicle registration plate of a vehicle operated in violation of Sections 11-305 and 11-306 of the Vehicle Code, 625 ILCS 5/11-305 and 11-306. The photographic record shall also display the time, date and location of the violation.

(c) A program shall be established which utilizes an automated red light safety system at various vehicle traffic intersections identified by the Highway Department, with the advice of the Sheriff. The intersections chosen for the program shall be located throughout the County, upon highways in the County's maintenance jurisdiction. Signs shall be posted at all intersections equipped with traffic control signal monitoring devices indicating that the intersection is being monitored by an automated red light traffic safety system. Upon application by a local municipality, the County may permit, through intergovernmental agreement, the local municipality to install and maintain such a system and issue citations, with all cost paid by and all fines paid to the local municipality, at intersections which are under maintenance and operation jurisdiction of the County, but within the police jurisdiction of such municipality. Upon passage by Resolution, a municipality may opt-out of participation in the County's automated red light traffic safety system for any vehicle traffic intersection within its incorporated boundaries.

(d) Recorded images made by an automated red light traffic safety system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for the purpose of adjudicating a violation of Section 11-208.6 of the Vehicle Code, for statistical purposes, or for other governmental purposes, but shall be admissible in any court proceeding concerning the violation.

(e) The Highway Department and the Sheriff shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this article.

Effective date: This Ordinance Amendment shall be in effect upon adoption.

Approved and adopted this 15th day of June 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-34
ORDINANCE**

Sponsored by

THE HONORABLE WILLIAM M. BEAVERS, COUNTY COMMISSIONER

GIS FEE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV Officers and Employees, Division 3 Recorder of Deeds, Subdivision II Fees, Section 2-214 GIS Fee of the Cook County Code is hereby amended as follows:

Sec. 2-214. GIS fee.

- (a) The terms used in this section shall have the meanings set forth below:

Additional charge is a charge as set out in Section 32-1, which is added to the existing fees imposed by the County Recorder for the filing of every instrument, paper, or notice of record.

Countywide map is a parcel-based map of the County which includes all the supporting Geographic Information System.

Geographic information system is an organized collection of computer hardware, software, and geographic data designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information.

- (b) The charge will be distributed as follows:

- (1) Twelve dollars will be deposited into a distinct fund set up by the County Bureau of Technology. These monies will be used solely to finance equipment, materials, and other necessary expenses incurred in implementing and maintaining a geographic information system.
- (2) Three dollars will be deposited by the Recorder pursuant to 55 ILCS 5/3-5005.4 (deposit of fee income-special funds).

Effective date: This Ordinance Amendment will take effect December 1, 2010.

Approved and adopted this 15th day of June 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-39
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Article II Administration and Enforcement, Division 7 Enforcement, Subdivision I In General, Section 30-213 of the Cook County Code is hereby amended as follows:

Sec. 30-213. Violations and penalty.

(a) *Persons liable.*

(1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.

Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

(2) The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

(b) *Penalty clause.* Any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than \$300.00 and not more than \$10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided.

Any person firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of \$25.00 and shall be liable for interest upon the amount at the rate of 9% annually.

The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration:

The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a \$25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine the following factors shall be taken into consideration: (1) the gravity of the offense, (2) the respondent's past history with respect to compliance with the provisions of this chapter, (3) the respondent's financial situation, (4) the extent of respondent's cooperation (5) the likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and (6) any other factors relevant to the circumstances relating to the violation.

TABLE INSET:

Section	Violation	Fine
30-542(a)	Release of ACM in the air	\$5,000.00
30-542(b)(1)(a)	Workers with no valid IDPH ACM Abatement license	\$300.00
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	\$3,000.00
30-543 (c)(1)	Lack of enclosure if required	\$5,000.00
30-543 (d)	Visible release of ACM in the air	\$5,000.00
30-544 (a)(3)	Structure not adequately wet	\$1,000.00
30-544 (a)(4)	ACM dropped without dust tight method	\$3,000.00
30-544 (a)(5)	ACM not contained for transportation	\$5,000.00
30-544 (b)(2)a	No valid Demolition Permit	\$500.00
30-544 (b)(2)b	No valid ACM Abatement Permit	\$500.00
30-92	Late payment of fees	\$300.00
30-186	No valid Certificate of Operation	\$300.00
30-455(a)	Noise	\$300.00
30-421	Noxious Odors	\$500.00

Effective date: This Ordinance Amendment shall be in effect upon adoption.

Approved and adopted this 27th day of July 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-40
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Section 30-215 of the Cook County Code is hereby enacted as follows:

Sec. 30-215. Public nuisance cessation and abatement.

- (a) Definitions.
 - (1) For the purposes of this section, “imminent and substantial risk to the public health or safety or to the environment” shall include a threat to human health or safety or to the environment that is expected to occur within a reasonably short time, or that is present now, although the impact of the threat may not be felt until later.
 - (2) For the purposes of this section, “cease and desist” or “cessation” shall mean stopping or suspension or bringing an end to a particular course of action or conduct, including but not limited to the closure of any business or part of any business or the closure or dismantling of any equipment.
 - (3) For the purposes of this section, “abate” or “abatement” shall include the remediation or correction of any activity or condition that amounts to a public nuisance or a violation of any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, including but not limited to the controlling, sealing, removing or disposing of any such activity or condition.
 - (4) For the purposes of subsection (b)(4) of this section, “current threat” shall mean an emergency that (i) poses a direct and serious threat to human health, public health or safety or to the environment, and (ii) which is occurring now.
- (b) Emergency cessation and abatement.
 - (1) Emergency cessation – Authority. The Director is hereby authorized to issue an emergency cessation order to any person who the Director concludes is (i) causing, creating or contributing to any activity or condition that poses an imminent and substantial risk to the public health or safety or to the environment; or (ii) operating a facility or conducting an activity without a required permit or other written authorization issued by the Director.
 - (2) Emergency abatement – Authority. In the event that the Director concludes that any person is causing, creating or contributing to any activity or condition that has created, or is creating, an imminent and substantial risk to the public health or safety or to the environment, then the Director may order such person to abate the risk within a time frame prescribed by the Director.

- (3) Duty to comply. Upon service of an order issued under this subsection (b), the person to whom the order is issued shall immediately comply with the requirements of the order. The duty to comply with such order shall arise at the moment of service of the order and shall continue until the time of cancellation, if any, of such order by the Director, or until the order automatically expires in accordance with subsection (b)(9) of this section. Submittal of a demand for hearing as set out in subsection (b)(6) of this section shall not relieve any person of the duty to comply with the order issued by the Director.
- (4) Authority to abate.
 - (i) If the person to whom an order was issued under this subsection (b) does not comply with the requirements in the order as ordered by the Director, then the Director may undertake any abatement activities reasonably necessary to correct any imminent and substantial risk to the public health or safety or to the environment.
 - (ii) Nothing in this subsection shall be construed to prevent the Director from acting without issuing an emergency abatement or emergency cessation order, where issuing such order is not practicable and the activity or condition poses a current threat to public health or safety or to the environment, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.
- (5) Cancellation of order. The Director shall cancel a cessation or abatement order issued by the Director in accordance with this subsection (b) when the Director determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the Director. Cancellation of the Director's order shall be made in writing and shall be served in the same manner as an order or notice may be served.
- (6) Demand for a hearing. The person to whom an order was issued pursuant to this subsection (b) shall have 14 calendar days from the service date of the order to notify the Director, on the appropriate form as provided by the Director, of her or his demand for a hearing. Failure to notify the Director of a demand for a hearing in accordance with this subsection shall constitute a waiver of the opportunity for a hearing.
- (7) Initiation of a hearing. Within 7 calendar days of receiving a demand for a hearing on the appropriate form as provided by the Director, the Director shall initiate an administrative hearing in the department of administrative hearings, specifying the basis for the order, any related violations alleged in the order, and any allegation of noncompliance with such order. At the time of initiating such hearing, the Director shall serve notice upon the person demanding the hearing. Said notice shall set out the date, time, the location of the hearing, and an explanation of the penalties for failure to appear at the hearing.
- (8) Hearing. The hearing shall be commenced in the department of administrative hearings, no later than 14 calendar days after the date on which the Director received the demand for such hearing, unless a later hearing date is scheduled upon mutual consent of the parties. Upon the conclusion of the hearing, in addition to the finding of liability or no liability and imposing of fines and penalties consistent with this section, the administrative hearings officer shall have the authority to affirm or vacate the Director's order.

- (9) Expiration of order. If a hearing is not initiated or commenced in accordance with the terms set out in subsection (b)(7) or subsection (b)(8) above, then the order that would have been the subject of such hearing shall expire at 11:59 P.M. on the fourteenth calendar day after the date on which the Director received notice of the demand for a hearing or at 11:59 P.M. on the hearing date scheduled upon mutual consent of the parties.
- (c) Non-emergency cessation and non-emergency abatement.
- (1) Non-emergency cessation – Authority. The Director is hereby authorized to issue a non-emergency cessation order to any person, in the event that the Director determines that any such person is violating any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above.
- (2) Non-emergency abatement – Authority. If the Director determines that any person is violating any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation has not created, or is not creating, an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above, then the Director may provide the person with a written order to address and correct the violation(s) within a time frame prescribed by the Director.
- (3) Cancellation of order. The Director shall cancel a cessation or abatement order issued by the Director in accordance with this subsection (c) when the Director determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the Director. Cancellation of the Director's order shall be made in writing and shall be served in the same manner as an order or notice may be served.
- (4) Demand for a hearing. Any person to whom the Director issues an order under this subsection (c) shall comply with such order as ordered by the Director; provided, however, that if the person contests the order, she or he shall notify the Director within 15 calendar days from the service date of the order, on the appropriate form as provided by the Director, of her or his demand for a hearing. If the person notifies the Director of her or his demand for a hearing in accordance with this subsection, the order shall be stayed by the Director until the department of administrative hearings issues a final determination finding the person liable for one or more of the violations, or not liable for any of the violations, specified in the Director's order, or affirming or vacating the Director's order. Failure to notify the Director of a demand for a hearing in accordance with this subsection shall constitute a waiver of the opportunity for a hearing, and the person to whom the Director issued an order shall comply with the order and shall not recommence any operations or activities prohibited by such order unless the order is cancelled by the Director.

- (5) Initiation of a hearing. Within 30 calendar days of receiving a demand for a hearing on the appropriate form as provided by the Director, the Director shall initiate an administrative hearing in the department of administrative hearings, specifying the basis for the order, and any related violations alleged in the order. At the time of initiating such hearing, the Director shall serve notice upon the person demanding the hearing of the date, time, the location of the hearing, and the penalties for failure to appear at the hearing. Upon the conclusion of the hearing, in addition to the finding of liability or no liability and imposing of fines and penalties consistent with this section, the administrative hearings officer shall have the authority to affirm or vacate the Director's order.
- (6) Expiration of order. If a hearing is not initiated in accordance with the terms set out in subsection (c)(5) above, then the order that would have been the subject of such hearing shall expire at 11:59 P.M. on the thirtieth calendar day after the date on which the Director received notice of the demand for a hearing.
- (7) Authority to abate. If (i) the person to whom an order was issued under this subsection (c) does not comply with the requirements in the order as ordered by the Director, and does not notify the Director of her or his demand for a hearing as provided in subsection (c)(4), or (ii) if any person does not comply with the requirements in the order after the department of administrative hearings has affirmed the Director's order, and such order has not been stayed by a court of competent jurisdiction, then the Director may proceed to control, remove, dispose or otherwise abate the nuisance.
- (d) Order or notice.
 - (1) Content. The order or notice issued by the Director under this section shall (i) be in writing; (ii) specify the activities to be ceased or the nuisance to be abated or the violation(s) to be corrected; (iii) specify the time frame within which the activities must be ceased or the nuisance must be abated or the violation(s) must be corrected; (iv) specify any related violations, for which the Director seeks any remedy, that the person to whom such order or notice is issued is alleged to have committed; (v) inform such person of the time and manner to request a hearing before the department of administrative hearings, to present evidence as to why the person is not liable for all or any of the violations specified in the Director's order, and/or why the order should be vacated, and to contest any allegations specified in the order; and (vi) inform such person of the consequences of failing to request a hearing, and the consequences of failing to comply with the order or notice.
 - (2) Manner of service. An order or notice issued by the Director under this section shall be served (i) by first class or priority mail, or express courier service at the person's residence address or, if the person is a business entity, at any mailing address identified for its registered agent or at its principal place of business; or (ii) by facsimile transmission or e-mail at the person's facsimile or e-mail address or, if the person is a business entity, at the facsimile or e-mail address identified for its registered agent; or (iii) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or (iv) if service cannot be made by either of (i) or (ii) or (iii) above, when the alleged violator is the owner or manager of the property by posting a copy of the order or notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the order or notice in a prominent place upon the property where the violation is found.

- (3) Date of service. An order or notice issued by the Director under this section shall be deemed served (i) four days after mailing if issued by first class mail, (ii) upon delivery confirmation or four days after delivery to the United States Postal Service for delivery by priority mail with delivery confirmation if issued by priority mail, whichever occurs sooner, (iii) upon delivery confirmation or four days after delivery to an express courier service if issued by express courier service, whichever occurs sooner, (iv) at 9:00 A.M. on the next business day if issued by facsimile transmission or e-mail, (v) upon delivery if issued by personal service, or (vi) upon posting of the copy of the order or notice if issued as provided in subsection 11-4-025(d)(2)(iv) above.
- (e) Penalty, cost recovery and remedies.
 - (1) Penalty. Failure to comply with an order or notice issued under this section constitutes a violation of this section and is a separate and distinct violation from any related or unrelated violations of any other provision of this Code. Any person who violates subsection (b) of this section shall pay a penalty of \$5,000 per day for every day the person is in violation; and any person who violates subsection (c) of this section shall pay a penalty of \$500 per day for every day the person is in violation. Such person incurs daily penalties for her or his violations of an order or a notice during the pendency of that order or notice, regardless whether that order or notice is ultimately cancelled or modified by the Director.
 - (2) Cost recovery. The County shall be authorized to bring a civil action to recover penalties from the person to whom an order or notice was issued under this section, and up to the amount of three times the abatement costs incurred by the department plus its attorney fees may be recovered in an appropriate action instituted by the State's Attorney or in a proceeding initiated by the Director at the department of administrative hearings.
 - (3) Liability. In addition to the penalties set forth herein-above, any person adjudicated liable for any related or unrelated offenses alleged by the Director in an administrative hearing held pursuant to this section shall also be liable for all applicable penalties for those violations.
 - (4) Injunction. In addition to any other remedies, penalties or means of enforcement, the Director may request the State's Attorney to make application on behalf of the county to any court of competent jurisdiction for an injunction requiring compliance with this section or for such other order as the court may deem necessary or appropriate to secure such compliance.

Effective date: This Ordinance shall be in effect upon adoption.

Approved and adopted this 27th day of July 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-45
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IX Administrative Hearings, Section 2-919 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-919. Collection of unpaid fines or other sanctions.

(a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed.

(b) This subparagraph (b) shall apply to orders entered by a hearing officer prior to July 28, 2010. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the circuit court of Cook County for purposes of obtaining a judgment on the hearing officer's findings, decision, and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions, and orders against a person or property in such a proceeding.

Upon commencement of the action, the County shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order were issued and the applicable County ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision, and order does not exceed the amount authorized by ordinance.

If the court is satisfied that the findings, decision, and order were entered properly within the provisions of the applicable County Ordinance and that the respondent had an opportunity for a hearing and for judicial review:

- (1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision, and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
- (2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the hearing officer or to correct a Code violation.

(c) This subparagraph (c) shall apply to orders entered by a hearing officer on and after July 28, 2010. After the expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a Code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. In any case in which a respondent has failed to comply with a judgment ordering a respondent to correct a Code violation or imposing any fine or other sanction as a result of a Code violation, any expenses incurred by the County to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the County and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the County shall provide notice to the respondent that states that the respondent shall appear at a hearing before the administrative hearing officer to determine whether the respondent has failed to comply with the judgment. The notice shall set the date for the hearing, which shall not be less than 7 days after the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail. Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the County under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

Approved and adopted this 1st day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-46
ORDINANCE**

Sponsored by

**THE HONORABLE JOHN P. DALEY AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JERRY BUTLER, EARLEAN COLLINS,
ELIZABETH ‘LIZ’ DOODY GORMAN AND PETER N. SILVESTRI
COUNTY COMMISSIONERS**

AN ORDINANCE DEALING WITH TRANSITION IN THE OFFICE OF THE PRESIDENT

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article II President of the County Board, Section 2-43 be enacted as follows:

Sec. 2-43.

Because the general election is held on the first Tuesday of November and the new term of any county elected official begins on the first Monday of December, then at any general election for the office of President of the Cook County Board of Commissioners where the incumbent President is not elected, the President, not more than 1 day after such election, shall provide space located at the George W. Dunne Cook County Office Building, 69 West Washington, Chicago, Illinois, for not more than 5 persons designated by the President-elect to enable the President-elect to begin a review and analysis of budgeted expenditures during the then current budget and budget requests for the ensuing budget and to acquire a working knowledge of the various offices, departments, commissions, boards and other agencies of County government. The President, Sheriff, State’s Attorney, Chief Judge, Recorder of Deeds, Clerk of the Circuit Court of Cook County, Treasurer, Clerk, Assessor, Board of Review and the Cook County Health & Hospitals System shall cooperate with the President-elect and the staff so designated and provide on the first day after such election any assistance that may be reasonably requested, including, but not limited to, reports from all the various offices, departments, commissions, boards and other agencies of County government on the current operations and budgets. If the outcome of the election is in doubt 1 day after such election, then all information, services and assistance mentioned above shall be provided to all candidates who have a reasonable chance of being declared President-elect.

Effective date: This Ordinance shall take effect immediately upon adoption.

Approved and adopted this 1st day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-48
ORDINANCE**

Sponsored by

THE HONORABLE BRIDGET GAINER, COUNTY COMMISSIONER

Co-Sponsored by

THE HONORABLE JERRY BUTLER, COUNTY COMMISSIONER

**PROVIDING FOR REIMBURSEMENT FOR MEDICAL CARE
TO PERSONS IN THE CUSTODY OF THE COOK COUNTY JAIL
AT THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
RATES FOR MEDICAL ASSISTANCE**

WHEREAS, the County Jail Act, 730 ILCS 125/17, provides that the Cook County Sheriff shall furnish medical aid for all persons in his custody; and

WHEREAS, the County Jail Act further provides that reimbursement for medical expenses for all persons remanded to the Cook County Sheriff shall be provided by Cook County; and

WHEREAS, the County Jail Act provides that the County Board may, by ordinance limit reimbursement for hospital and/or physician services furnished to inmates to the rates set by the Illinois Department of Healthcare and Family Services; and

WHEREAS, Cook County currently reimburses hospitals and physicians for the cost of medical services provided to detainees in the custody of the Cook County Sheriff at rates which exceed those established by the Illinois Department of Healthcare and Family Services for medical assistance; and

WHEREAS, limiting the reimbursement for the cost of hospital and/or physician services provided to inmates in the custody of the Cook County Sheriff to the rates established by the Illinois Department of Healthcare and Family Services for medical assistance will result in great savings to the taxpayers of Cook County.

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Section 46-3, of the Cook County Code is hereby amended as follows:

Sec. 46-3. Jail cost reimbursement.

(a) *County Jail Medical Costs Fund.*

(1) *Fund established.* There is hereby established a fund to be known as the County Jail Medical Costs Fund, to be held by the County Treasurer for the purpose of making payment to the County or any private hospital, physician or any public agency which provides hospital or medical services to any person held in the custody of the Cook County Department of Corrections.

(2) *Fee to be taxed as costs.* A fee as set out in Section 32-1 shall be taxed for each conviction or order of supervision for a criminal violation, other than a petty offense or business offense, in the Circuit Court of the County. Such fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction or entry of an order of supervision. Such fee shall not be considered a part of the fine for purposes of any reduction in the fine. The Clerk of the Circuit Court shall remit all fees so collected to the County for deposit in the County Jail Medical Costs Fund.

(3) *Payments from County Jail Medical Costs Fund.* The County shall receive, adjudicate and make payment of requests for reimbursement of hospital or medical expenses from the County Jail Medical Costs Fund in accordance with law.

(b) *County health services costs; detainee obligation to reimburse County.* Detainees who are reasonably able to pay for hospital or medical services provided or paid for by the County, as defined as payment through any insurance program or other medical benefit programs available to such detainee, shall be required to reimburse the County for the costs of such services.

(c) *Reimbursement for Patient Arrestee Medical Care.* Pursuant to 730 ILCS 125/17, reimbursement by the County of Cook for that portion of hospital and/or physician services provided to inmates after remanded to the custody of the Cook County Sheriff shall be limited to the Illinois Department of Healthcare and Family Services rates for medical assistance in effect at the time the costs are incurred.

Effective Date: This Ordinance Amendment shall be in effect upon adoption.

Approved and adopted this 1st day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-52
ORDINANCE**

Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
EARLEAN COLLINS, JOHN P. DALEY, BRIDGET GAINER,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOSEPH MARIO MORENO,
JOAN PATRICIA MURPHY, ANTHONY J. PERAICA, EDWIN REYES,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

LOBBYIST REGISTRATION ORDINANCE AMENDMENT

BE IT ORDAINED, Pursuant to Cook County's home rule authority under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, by the Cook County Board of Commissioners (“County Board”) that amends Chapter 2 Administration, Section 2-622 entitled “Definitions” and creates 2-641 entitled “Prohibition from Lobbying Activities” of the Cook County Code are thereafter amended, included and renumbered as follows:

Sec. 2-622. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative action means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

Board means the County Board and any and all of its standing or special committees or subcommittees.

Clerk means the duly elected or appointed Clerk of the County.

Commissioner means any of the duly elected or duly appointed County Board members.

Compensation means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

County agency means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

County employee means an individual employed by the County whether part-time or full-time.

County matter means any executive action, legislative action or administrative action.

County official means the Assessor, members of the Board of Review, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney and Treasurer of the County, and any County agency or member thereof.

Direct Affiliation means relationship with any natural person or spouse, father, mother, son or daughter possessing or owning an interest in a Lobbying Enterprise.

Executive action means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

Expenditure means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

File, filed, or filing means:

- (1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or
- (2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

Gift means anything having a value of \$10.00 or more given without consideration or expectation of return.

Legislation means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

Legislative action means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

Lobby or lobbying means to, for compensation, attempt to influence a County official or County employee with respect to any County matter.

Lobbyist means any person who lobbies.

"*Lobbying Enterprise*" means any entity that hires, retains, employs, or compensates a natural person to lobby local, state or federal governments or agencies.

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political contribution means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

Sec. 2-641. Prohibition from Lobbying Activities.

The President of the Cook County Board, the Assessor, the Clerk of the Circuit Court, the County Clerk, the Board of Review, the Recorder of Deeds, the Sheriff, the State's Attorney, the Public Defender, the Treasurer and any Cook County Commissioner are hereby prohibited, while serving in such elected or appointed position, from lobbying (as defined under Chapter 2, Section 2-622 of Article I of the County Code).

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-53
ORDINANCE**

Sponsored by

THE HONORABLE ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONER

AMENDMENT TO SECTION 2-622 REGARDING DEFINITIONS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Division 3 Lobbyist, Subdivision I In General, Section 2-622 of the Cook County Code is hereby amended as follows:

Sec. 2-622. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative action means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

Board means the County Board and any and all of its standing or special committees or subcommittees.

Clerk means the duly elected or appointed Clerk of the County.

Commissioner means any of the duly elected or duly appointed County Board members.

Compensation means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

County agency means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

County employee means an individual employed by the County whether part-time or full-time.

County matter means any executive action, legislative action or administrative action.

County official means the Assessor, members of the Board of Review, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney and Treasurer of the County, and any County agency or member thereof.

Executive action means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

Expenditure means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

File, filed or filing means:

- (1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or
- (2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

Gift means anything having a value of \$10.00 or more given without consideration or expectation of return.

Legislation means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

Legislative action means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

Lobbyist means any person who on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to:

- (1) A bond inducement ordinance;
- (2) A zoning matter;
- (3) A concession agreement;
- (4) The creation of a tax increment financing district;
- (5) The establishment of a Class 6(b) Cook County property tax classification;
- (6) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Cook County Board of Commissioners;
- (7) The preparation of contract specifications;
- (8) The solicitation, award or administration of a contract;

- (9) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or
- (10) Any other determination made by an elected or appointed county official or employee of the county with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a county permit or license or by responding to a county request for proposals or qualifications.

The term “lobbyist” shall include, but not be limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing, unless said attorney is also an elected official of the county; and provided further that the term “lobbyist” shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a profit-seeking enterprise; further provided that an employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political contribution means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-54
ORDINANCE**

Sponsored by

**THE HONORABLE FORREST CLAYPOOL
AND GREGG GOSLIN, COUNTY COMMISSIONERS
AND FORMER COUNTY COMMISSIONER THE HONORABLE MIKE QUIGLEY**

Co-Sponsored by

THE HONORABLE ANTHONY J. PERAICA, COUNTY COMMISSIONER

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2, Administration, Article VII, Section 2-585 of the Cook County Code is hereby amended as follows:

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-55
ORDINANCE**

Sponsored by

**THE HONORABLE FORREST CLAYPOOL, BRIDGET GAINER, GREGG GOSLIN,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, LARRY SUFFREDIN, JOHN P. DALEY
AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE EARLEAN COLLINS, JOAN PATRICIA MURPHY
AND ANTHONY J. PERAICA, COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-585 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-585 Limitations of contributions to candidates and elected officials.

(a) No person who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$750.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To an elected official of the government of the County during any nonelection year of his or her term.
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

(b) For purposes of Subsection (a) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(c) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12-consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives in any 12 consecutive months during the previous four years.

(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.

The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

(f) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (d) of this section.

(i) Any candidate for any county office, or any current elected official in Cook County government, shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under section 2-602(d).

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-56
ORDINANCE**

Sponsored by

**THE HONORABLE FORREST CLAYPOOL, BRIDGET GAINER, GREGG GOSLIN,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, LARRY SUFFREDIN, JOHN P. DALEY
AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JOSEPH MARIO MORENO AND ANTHONY J. PERAICA
COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-583 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-583. Political activity.

a) No official or employee shall compel, coerce or intimidate any County official or employee to make or refrain from making any political contribution. No official shall directly solicit any political contribution from his or her employees or the spouses of or immediate family living with his or her employees. Nothing in this subsection shall be construed to prevent any official or employee from voluntarily making a contribution or from receiving a voluntary contribution.

b) No employee with contract management authority shall serve on the political fundraising committee of any elected official or candidate for County office.

c) County employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). County employees or officials shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

d) At no time shall any official or employee intentionally misappropriate the services of any County employee by requiring that employee to perform any prohibited political activity:

- (1) As part of that employee's County duties;
- (2) As a condition of County employment; or
- (3) During any time off that is compensated by the County (such as vacation, personal, or compensatory time off).

(e) A County employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(f) A County employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

(g) Nothing in this section prohibits activities that are otherwise appropriate for a County employee to engage in as a part of his or her official County employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-57
ORDINANCE**

Sponsored by

**THE HONORABLE FORREST CLAYPOOL, BRIDGET GAINER, GREGG GOSLIN,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, LARRY SUFFREDIN, JOHN P. DALEY
AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JOSEPH MARIO MORENO, ANTHONY J. PERAICA
AND EDWIN REYES, COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article V Sanctions for Violation, Section 2-602 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-602. Fines.

(a) As authorized by the State Officials and Employees Ethics Act, the Board may impose a fine of up to \$5,000.00 per violation against any person found by the Board to have violated, intentionally obstructed or interfered with an investigation of, or intentionally made a false, frivolous or bad faith allegation under Section 2-574 or 2-583.

(b) As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 2-574 is guilty of a business offense and subject upon conviction to a fine of at least \$1,001.00 and up to \$5,000.00.

(c) As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 2-583 is guilty of a Class A misdemeanor.

(d) Any person, including officials or candidates, found by the Board to have knowingly violated any provision of this article other than Section 2-574 or 2-583, or to have knowingly furnished false or misleading information to the Board, shall be subject to a fine of at least \$500.00 and up to \$5,000.00, for any one offense.

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-58
ORDINANCE**

Sponsored by

**THE HONORABLE EDWIN REYES, BRIDGET GAINER
AND GREGG GOSLIN, COUNTY COMMISSIONERS**

PROHIBITION OF PLASTIC OR UNDETECTABLE KNIVES

WHEREAS, the Cook County Board pursuant to Section 6 of Article VII of the Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the corporate authorities of the Cook County Board recognize the importance of protecting its residents from the dangers associated with dangerous weapons; and

WHEREAS, technological advancements have led to the manufacture of non-metallic knives that have the capability of evading metal detectors; and

WHEREAS, some non-metallic knives are blatantly marketed as being "completely undetectable"; and

WHEREAS, undetectable knives pose the risk of individuals evading metal detectors in order to carry dangerous weapons into government buildings such as courthouses, thereby threatening the safety of the judiciary and others; and

WHEREAS, there is no legitimate purpose for an individual to possess an undetectable knife that is manufactured for the express purpose of being able to evade metal detectors.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Sections 58-176 through 58-177 of the Cook County Code are hereby enacted as follows:

Sec. 58-176. Plastic or undetectable knives.

(a) As used in this section, *undetectable knife* means any knife or other instrument constructed of materials including but not limited to: hardened plastic, polymer resin, or graphite with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death that is commercially manufactured to be used as a weapon and is not detectable by a metal detector or magnetometer, either handheld or otherwise, that is set at standard calibration.

(b) It shall be unlawful for any person in Cook County to commercially manufacture or cause to be commercially manufactured, or who knowingly imports into the County for commercial sale, keep for commercial sale, or offer or expose for commercial sale, any undetectable knife.

(c) It shall be unlawful for any person in Cook County to keep, carry, possess, loan or give to any person any undetectable knife.

(d) This subsection shall not apply to the carrying or possession of undetectable knives by peace officers, wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps.

(e) It shall be unlawful for any person to bring or attempt to bring an undetectable knife as described in Section 58-176 into a court facility or on to county property.

(f) This section shall not apply to the sale of undetectable knives to a federal, state or local law enforcement or military entity with a valid agency, department, or unit purchase order.

(g) This section shall not apply to the manufacture or importation of undetectable knives for sale to federal, state, and local historical societies, museums, and institutional collections, which are open to the public, provided that the undetectable knives are properly housed and secured from unauthorized handling, nor shall this section apply to the subsequent sale of the knives to these societies, museums, and collections.

(h) This section will not apply to plastic knives whose intent is to aid in the consumption of food.

(i) Any person found in violation of subsection (a) or (b) should be subject to a fine of at least \$500.00 and not more than \$1000.00.

(j) In addition to all other penalties, knives used in violation of this section shall be forfeited to, and confiscated by the Sheriff.

Sec. 58-177. Administrative adjudication.

Any person issued a notice of violation for violation of Section 58-176 of this Article may request an administrative hearing in accordance with Chapter 2 Administration, Article IX, Administrative Hearings of this Code.

Effective date: This Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-59
ORDINANCE**

Sponsored by

THE HONORABLE WILLIAM M. BEAVERS, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE T TODD H. STROGER, PRESIDENT, JERRY BUTLER,
FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY, BRIDGET GAINER,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOSEPH MARIO MORENO,
JOAN PATRICIA MURPHY, ANTHONY J. PERAICA, EDWIN REYES,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**THE ILLINOIS STATE CRIME COMMISSION’S VETERANS EQUITY TRANSITION
PROPOSAL FOR POST 9-11 VETERANS OF THE UNITED STATES MILITARY**

WHEREAS, the Cook County Veterans Preference and Qualified Veteran Owned Business Incentive Acts serves as mechanisms to assist those persons who served in active duty in the United States military under conditions as set forth below; and

WHEREAS, the people of the Cook County owe a debt of gratitude to these individuals; and

WHEREAS, Cook County seeks to ensure that employment and entrepreneurial opportunities are available to its veterans in their time of need; and

WHEREAS, the following legislation is a proposal of the Illinois State Crime Commission.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Section 34-158 of the Cook County Code is hereby amended as follows:

Sec. 34-158. Preference to citizens on public works projects.

(a) The Purchasing Agent shall specify in the call for bids for any contract for public works that contractors bidding on public works contracts of the County shall conform to the Public Works Preference Act (30 ILCS 560/0.01 et seq.). The Purchasing Agent in awarding the contract shall cause to be inserted in any contract for public works a stipulation to the effect that the contractor shall conform to such Act.

(b) *Veterans preference.* A preference will be given to bidders that utilize at least five percent of eligible veterans of the United States Armed Forces as defined in this Article who are bona fide veterans of a post-September 11, 2001 military conflict and are County residents.

(1) For purposes of this section, in the employment and appointment to fill positions in the construction, addition to, or alteration of all public works undertaken or contracted for by the County, preference shall be given to persons who have been members of the armed forces of the United States or who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities occurring after September 11, 2001, with a foreign country. and have served under one or more of the following conditions:

- a. The veteran served a total of at least 6 months, or
- b. The veteran served for the duration of hostilities regardless of the length of engagement; or
- c. The veteran served in the theater of operations but was discharged on the basis of a hardship; or
- d. The veteran was released from active duty because of a service connected disability and was honorably discharged.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Section 34-160 of the Cook County Code is hereby enacted as follows:

Sec. 34-160. Qualified veteran owned business incentive.

(a) *Qualified veteran owned business* means a business entity that is 51% or more owned by one or more veterans as defined in Sec. 34-158(b)(1).

(b) In awarding a contract under this section, the Purchasing Agent shall give a preference of up to 5% of the amount of the contract to a qualified veteran owned business. If the qualified veteran owned business otherwise meets the requirements of the contract solicitation and with the preference is the lowest bidder, the purchasing agent shall enter into a procurement contract with the qualified veteran owned business under this act. If two or more qualified veteran owned businesses are the lowest bidders on a contract, all other things being equal, the qualified veteran owned business with the lowest bid shall be awarded the contract under this act.

(c) It is the goal of the County to award each year not less than 5% of its total expenditures for construction, goods, and services to qualified veteran owned businesses. The purchasing agent may count toward its 5% yearly goal described in this subsection that portion of all procurement contracts in which the business entity that received the procurement contract subcontracts with a qualified veteran owned business. Each year, the Purchasing Agent shall report to the Board of Commissioners on all of the following for the immediately preceding twelve month period:

- (1) The number of qualified veteran owned businesses who submitted a bid for a County procurement contract.
- (2) The number of qualified veteran owned businesses who entered into procurement contracts with this county and the total value of those procurement contracts.
- (3) Whether the county achieved the goal described in this subsection.
- (4) Each year, the Purchasing Agent shall review the progress of all County agencies in meeting the 5% goal with input from countywide veterans service organizations and from the business community including qualified veteran owned businesses, and shall make recommendations to the Board of Commissioners regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of qualified veteran owned business and on the continued need to encourage and promote businesses owned by qualified veterans.

(5) The President shall recommend to the Board of Commissioners changes in programs to assist qualified veteran owned businesses.

(d) Any person who knowingly and willfully violates the provisions of this Act, is guilty of a petty offense and shall be fined not less than \$75 nor more than \$300 for each offense.

Effective Date: This Ordinance Amendment shall take effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-60
ORDINANCE**

Sponsored by

**THE HONORABLE JOSEPH MARIO MORENO AND JOAN PATRICIA MURPHY
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE T EDWIN REYES AND PETER N. SILVESTRI
COUNTY COMMISSIONERS**

WHEREAS, as a result of the terrorist attacks of September 11, 2001, the United States of America has redeployed its military for the “war on terror” with personnel seeing active combat, most notably in Afghanistan and Iraq; and

WHEREAS, the men and women of the U.S. Armed Forces selflessly serve our country and sacrifice much by placing their personal safety and ambitions second to protecting our country, our ideals and our freedom; and

WHEREAS, many veterans have incurred or aggravated disabilities while in the line of duty serving on active duty; and

WHEREAS, recognizing the extraordinary service of our veterans, President George W. Bush sought to honor veterans with disabilities by issuing Executive Order 13360 on October 20, 2004, which seeks to provide increased opportunity for service-disabled veteran businesses to participate in contracts through the Federal government; and

WHEREAS, in order to achieve this objective the President established a goal of not less than 3 percent participation for Federal contracting and subcontracting for service-disabled veteran businesses; and

WHEREAS, the County of Cook should also seek to honor and assist service-disabled veteran businesses by similarly seeking to increase the participation of said businesses in County contracts.

BE IT ORDAINED; by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Sections 34-271 through 34-285 of the Cook County Code is hereby amended as follows:

ARTICLE IV. PROCUREMENT AND CONTRACTS

DIVISION 6. MINORITY-AND-WOMEN OWNED BUSINESS ENTERPRISES

Sec. 34-271. Short title.

This division shall be known and may be cited as the Cook County Minority- and Women-Owned Business Enterprise Ordinance.

Sec. 34-272. Purpose; policy and findings.

(a) It is the public policy of the County to ensure the full and equitable participation of minority and female owned businesses in the County's procurement process as both prime and subcontractors.

(b) The County is committed to a policy of preventing discrimination in the award of or participation in County contracts and eliminating arbitrary barriers to full participation in such contracts by all persons, regardless of race, sex, or ethnicity.

(c) Minority and women's businesses have contributed significantly to the economic development of the community, and played a similar role in increasing employment, including that of minorities.

(d) Various Federal, State and local legislative bodies and governmental agencies have adopted affirmative action programs in order to eradicate the practice of racial, ethnic and sexual discrimination in the award of public contracts.

(e) The County has heretofore adopted a Minority Business Enterprise Ordinance to ensure that minority and women's businesses are provided full and equal opportunity to participate in County contracts.

(f) The Supreme Court of the United States in *City of Richmond v. Croson*, 488 U.S. 469 (1989), has enunciated certain standards which are necessary to maintain effective affirmative action programs in compliance with constitutional requirements.

(g) The County is committed to implementing its affirmative action program in conformance with the United States Supreme Court's decision in *City of Richmond v. Croson*.

(h) In furtherance of this commitment, the Cook County Board directed the County staff and its outside consultants to conduct an investigation into the scope of any discrimination in the award of and participation in County contracts as well as in the metropolitan Chicago economy, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women's business enterprises equal opportunity to participate in County contracts and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.

(i) Pursuant to the County Board's direction, the County staff and its outside consultants conducted such an investigation.

(j) The County Board, having reviewed the report of the County's staff and its outside consultants and having conducted public hearings and received the testimony of witnesses, makes the following findings:

- (1) Minority and women's businesses continue to be awarded prime contracts and subcontracts in dollar amounts that are disproportionately lower than the availability of such businesses willing and able to perform County contracts.
- (2) The County's procurement practices in the past have contributed to the above identified underutilization of minority and women's businesses on County contracts.

- (3) Minority and women's businesses continue to be disadvantaged by discriminatory practices in the local construction industry and economy when competing for County contracts and in seeking subcontracting opportunities on such contracts.
- (4) The County was a passive participant in the discriminatory practices of businesses which discriminate against minority and women's businesses by entering into contracts with such businesses.
- (5) Despite its good faith efforts and implementation of previous affirmative action programs, minority and women's businesses remain at a competitive disadvantage in competing for County contracts and subcontracts.
- (6) Race and gender neutral measures or affirmative action programs without numerical goals have not and are not likely to eliminate the competitive disadvantage of minority and women's businesses in participating in County contracts due to discrimination in the local economy.
- (7) The numerical goals for the participation of minority and women's businesses in County contracts are commensurate with the availability of minority and women's businesses willing and able to perform County work.

Sec. 34-273. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bona fide resident of the County means a person whose legal and actual residency is within the County borders.

Certified or certification means registration of the Minority Business Enterprises or Women's Business Enterprise status of a business in the County's Directory of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises ("PCE Directory").

Commercially useful function means the performance of real and actual services in the discharge of any contractual endeavor. The contractor must perform a distinct element of work which the business has the skill and expertise to perform and have the responsibility of actually performing, managing and supervising such element of work.

Contract Compliance Administrator (CCA) means the Contract Compliance Administrator of the County.

Contractor means any person or business entity that bids on or enters into a Contract with the County, and includes all partners and all joint venturers of such person or entity.

Controlled, for purposes of determining whether a business is a minority business enterprise or women's business enterprise, means the minority or the female owner shall:

- (1) Possess and exercise the legal authority and power to manage business assets, good will and daily operations of the business; and

- (2) Actively and continuously exercise such managerial authority and power in determining the policies and directing the daily operations of the business. If the owners who are not minorities or females are disproportionately responsible for the operation of the business, then the business is not controlled by minorities or females.

County contracts means any contract, purchase order or agreement (other than a lease or collective bargaining agreement):

- (1) Where the cost is to be paid from funds belonging to or administered by the County, including such funds subject to Federal reimbursement or which requires that monies be paid to the County; and
- (2) That is Board-valued at more than \$25,000.00.

Joint venture means an association of two or more businesses formed to carry out a single business enterprise for profit, and for which purpose they combine their expertise, property, capital, efforts, skills and knowledge.

Minority Business Enterprise (MBE) means a certified participating business at least 51 percent of which is owned and controlled by one or more members of one or more minority groups or, in the case of a publicly held corporation, 51 percent of the stock is owned by one or more members of one or more minority groups and whose daily business operations are controlled by one or more such individuals. A minority group member is an individual who is one of the following:

- (1) African-American or Black (persons with origins in any of the Black racial groups of Africa);
- (2) Hispanic American (persons of Spanish culture with origins from Puerto Rico, Mexico, Cuba, South or Central America, Spain, Portugal, or the Caribbean Islands regardless of race);
- (3) Native American (American Indian);
- (4) Asian-Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan, or the Indian subcontinent); or
- (5) Any other ethnically or racially identifiable group found by the Contract Compliance Administrator to have suffered actual racial or ethnic discrimination resulting in a competitive disadvantage or decreased opportunities to do business with the County.

Owned means having all the customary incidents of ownership, including the right of disposition, and the sharing in all risks and profits commensurate with the degree of ownership interest.

Participating business means a business located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State (the "Six-County Region") that has the majority of its regular, full-time work force located within the Six-County Region and/or a business which has been placed on the vendors list maintained by the Purchasing Agent and/or has bid on or sought County work.

Program means the Minority and Women Owned Businesses Enterprise Program established herein.

Protected Class Enterprise (PCE), for the purposes of this Program, shall mean those businesses qualifying under the definitions of *Minority Business Enterprise* and *Women's Business Enterprise* contained in this section.

Purchasing Agent means the Purchasing Agent of the County.

Women's Business Enterprise (WBE) means a certified participating business at least 51 percent of which is owned and controlled by one or more women, or, in the case of a publicly held corporation, 51 percent of the stock of which is owned by one or more women and whose daily business operations are controlled by one or more such individuals. Determination of whether a business is at least 51 percent owned by a woman or women shall be made without regard to community property laws.

Sec. 34-274. Staffing and responsibilities for affirmative action.

(a) *Contract Compliance Committee.* The members of the County Board shall elect, from the Board membership, a Contract Compliance Committee ("CCC") which shall consist of seven members of the County Board and which shall hereinafter become and remain a permanent Standing Committee of the County Board.

(b) *Contract Compliance Administrator.*

(1) The provisions of this division and the affirmative action/procurement program ("program") established hereunder shall be administered, supervised and monitored by a Contract Compliance Administrator ("CCA") and staff.

(2) The Contract Compliance Administrator's duties shall include (but not be limited to) the following areas:

a. Devising a certification procedure to assure that businesses taking advantage of this division are legitimate minority- or female-owned businesses.

b. Maintaining a list of all bona fide, certified businesses.

c. Recommending guidelines and regulations for the use of Protected Class Enterprise participation procedures which shall be approved by the Contract Compliance Committee prior to submission to the County Board. These guidelines shall include, but shall not be limited to, definition of goals; conditions warranting and limiting waivers; and establishment of procedures for participation in the program.

d. Recommending enforcement procedures which shall be approved by the Contract Compliance Committee prior to submission to the County Board, whereby the Committee may recommend to the State's Attorney that the County exercise its legal remedies to ensure reasonable and timely progress toward established goals and to prevent prime contractors from engaging in any practices through which they qualify for protected participation on the basis of misrepresentation of subcontracts or qualifications of subcontractors.

e. Insuring the County's conformance with Federal and State affirmative action and equal employment opportunity laws and regulations.

f. Participating in all purchasing, bidding, and awards processes.

- g. Participating in all precontract conferences.
- h. Maintaining liaison with community groups.
- i. Investigating affirmative action complaints, and reporting findings to the Contract Compliance Committee for presentation to the County Board.
- j. Maintaining liaison with contractor, professional, and supplier groups and associations.
- k. Providing technical assistance to appropriate County departments, offices, and divisions in drawing specifications to include opportunities for minority- and women-owned businesses.
- l. Generating publicity, through media appearances and public speaking engagements, to provide information and clarification about the program to as broad-based an audience as possible.
- m. Recommending measures for revision and updating of the program as the need is indicated.

(3) Various parts of this program require information on the County's business and contracting activities be widely disseminated throughout the protected class community.

(c) *Purchasing Agent.* The Purchasing Agent shall take whatever steps are necessary to ensure that the purchasing staff views the implementation of this division as a priority. The Purchasing Agent shall report quarterly to the Contract Compliance Administrator on the status of the program and shall be responsible for the following duties:

- (1) A listing of minority vendors and suppliers shall be prepared by the Purchasing Department and continually updated. This listing may use, but shall not be limited to, the County's Protected Class Enterprise Directory; and updating of this list should be forwarded to the Contract Compliance Administrator;
- (2) All new vendors on this list shall be forwarded bidders list forms and instructions; these forms and instructions shall also be distributed to protected class vendors at conferences and workshops;
- (3) All Protected Class Enterprise vendors who complete the bidders list forms shall become part of the bidders list and shall be sent notice of upcoming bids related to the Protected Class Enterprise's business at the same time that such notice is sent to all prospective bidders;
- (4) All Protected Class Enterprise vendors who become part of the bidders list shall have their records coded so that the vendor's history kept by the Purchasing Department will show a monthly accounting of Protected Class Enterprise purchases which can be reviewed by the Contract Compliance Administrator;
- (5) All staff in the Purchasing Department shall take part in periodic training, with respect to making purchases from protected class companies; the Contract Compliance Administrator shall be consulted by the Purchasing Agent with regard to these training efforts and shall monitor both the training content and procedures;

- (6) The Purchasing Agent, in conjunction with the Contract Compliance Administrator, shall set up procurement "best effort" guidelines for the various members of the procurement staff; these guidelines shall set the standards by which Purchasing Department staff will seek to make purchases from protected businesses; they shall also serve as a measure for the compliance review of the department with respect to the protected class program; these "best effort" guidelines shall include, but shall not be limited to, the following:
- a. Assist in identifying protected class suppliers and/or vendors located in greater Cook County area, by product or service line, and assessing their present capability and long-term business potential with the County.
 - b. Aggressively pursue protected class suppliers, seeking out qualified and qualifiable protected class businesses in deliberate outreach efforts.
 - c. Review expected purchases on a continuous basis with the aim of matching potential protected class vendors and projected needs.
 - d. Arrange meetings with management of vendors, and make facility visits where appropriate.
 - e. Provide information to potential protected class suppliers regarding the County's purchasing policies and requirements.
 - f. Provide information to protected class suppliers or vendors regarding the County's competitive standards and prices.
 - g. Maintain accurate recordkeeping of all efforts and actual purchases made from protected class companies.

Sec. 34-275. Application of division.

This division shall be applied to all County contracts, including those contracts under which there are residency qualifications, except to the extent it may be inconsistent with any applicable State or Federal statute, regulation or program.

Sec. 34-276. Program goals.

(a) In fulfillment of its policy to promote equal opportunity in its procurement process, the County establishes the goal that Protected Class Enterprises shall participate in not less than 35 percent of the annual aggregate value of all contracts awarded by the County. County procurement personnel will make their best efforts to recruit and solicit bids and make purchases from qualified Protected Class Enterprises.

- (1) Not less than 25 percent of the annual total dollar amount of County contracts and 30 percent of the annual total dollar amount of construction contracts will be established as a goal to be awarded to Minority Business Enterprises.
- (2) Not less than ten percent of the total dollar amount of County contracts, will be established as a goal to be awarded to Women's Business Enterprises.

- (3) The above stated percentages relate to the total dollar amount of County contracts during each fiscal year calculated by examining independently each type of contract.
- (b) The County shall comply with all applicable Federal and State policies requiring affirmative action to increase the employment opportunities of minority and female workers on its construction projects.
- (c) No goal shall be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.

Sec. 34-277. Implementation.

- (a) *Contract goals.*
 - (1) To achieve the goals stated in Section 34-280, the Purchasing Agent, except as provided in Subsection (a)(2) of this section, shall include in the bid specifications a requirement that each contractor commit that Minority Business Enterprise and Women's Business Enterprise participation in the contract will equal at least 25 percent (30 percent in the case of construction contracts) and ten percent, respectively, of the total dollar value of the contract.
 - (2) The Contract Compliance Administrator shall evaluate the applicability of the Minority Business Enterprise and Women's Business Enterprise goals to a specific contract. Where the Contract Compliance Administrator, in consultation with the Purchasing Agent and the user Departments, determines that the established goals are not appropriate for a specific contract because of its particular requirements, the Contract Compliance Administrator shall set an appropriate goal for the contract, based upon the availability of Protected Class Enterprises which are capable of providing the goods and/or services required by the particular contract, the past level of Protected Class Enterprise participation in similar contracts, the specifications of the contract and any other criteria adopted by the Contract Compliance Administrator.
 - (3) The applicable goals for a specific contract shall be designated in the contract specifications.
- (b) *Contractor responsibility and requirements.*
 - (1) As a precondition to selection, each contractor shall submit with its bid a completed and signed utilization plan which lists the names, addresses and contact persons of businesses intended to be used as Protected Class Enterprises on the contract, the type and scope of work or service each business will perform and the dollar amount to be allocated to each Protected Class Enterprise. Such listing shall not be duplicative (e.g., two or more entities each listed as performing 100 percent of the same work or service). Within three business days following submission of bids, a bidder shall submit its letters of intent to Protected Class Enterprises listed on its utilization plan, provided that no substitutions shall be permitted prior to bid award. Each contractor's utilization plan shall commit to Protected Class Enterprise participation equal to or greater than each of the applicable Protected Class Enterprise goals, unless the contractor requests a partial or total waiver of the requirement that it file a utilization plan or achieve a particular goal for Protected Class Enterprise participation by submitting with the filing of its bid a signed waiver request form.

- (2) Notwithstanding its compliance with any other requirement of County ordinances and contract specifications, no bidder or offer or shall be awarded an eligible contract unless the Contract Compliance Administrator has approved its utilization plan or granted a waiver on the contract. Such utilization plan shall be designed to meet the applicable Minority Business Enterprise and Women's Business Enterprise goals set for such project and shall be incorporated into the contract.
- (3) A contractor may achieve the applicable Protected Class Enterprise goals by its status as a Protected Class Enterprise or by joint venture with one or more Protected Class Enterprises or by subcontracting a portion of the work to one or more Protected Class Enterprises or by purchase of materials or services from one or more Protected Class Enterprises or by the indirect participation of Protected Class Enterprises in other aspects of the contractor's business such as through a Mentor/Protege agreement as provided herein (in accordance with applicable guidelines and provided that such Protected Class Enterprise indirect participation may not be credited toward goal attainment on more than one contract subject to this article) or by any combination of the above, subject to the following guidelines:
- a. *Joint ventures.* Where a contractor engages in a joint venture to satisfy its affirmative action commitment, the Contract Compliance Administrator shall review the profits and losses, initial capital investment, actual participation of the joint venture partners in the performance of the contract, and other pertinent factors to determine the amount of credit to be granted for the joint venture toward attainment of the applicable Minority Business Enterprise and Women's Business Enterprise goals. The Contract Compliance Administrator may review all records pertaining to joint venture agreements before or after the award of a contract in order to assess compliance with this article. A contractor shall receive credit towards achievement of the applicable goals in proportion to the percentage of the contract to be performed by the Protected Class Enterprise, provided that the Contract Compliance Administrator may deny or limit Protected Class Enterprise credit to a contractor where the Protected Class Enterprise joint venture partner is found not to be performing a commercially useful function or not to have duties, responsibilities, management control or risk with respect to the joint venture commensurate with or in proportion to its joint venture ownership.
- b. *Subcontracts.* A contractor may count toward its Protected Class Enterprise goals only expenditures to Protected Class Enterprises that perform a commercially useful function in the performance of a contract for work actually performed or materials supplied by the Protected Class Enterprise. To determine whether a Protected Class Enterprise is performing a commercially useful function, the Contract Compliance Administrator may evaluate the amount of work subcontracted, industry practices, whether the Protected Class Enterprise has the skill and experience to perform the work for which it is being utilized and other relevant factors. Consistent with normal industry practices, a Protected Class Enterprise subcontractor may enter into second tier subcontracts. However, if a Protected Class Enterprise contractor or subcontractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the Minority Business Enterprise or Women's Business Enterprise shall be presumed not to be performing a commercially useful function.

- c. *Manufacturers and suppliers.* Where a contractor utilizes one or more suppliers to achieve its Protected Class Enterprise goals, such Protected Class Enterprise supplier participation may be 100 percent credited toward goal attainment where the Protected Class Enterprise supplier manufactures the goods supplied or where such Protected Class Enterprise supplier owns or operates a store, warehouse or other establishment (and related distribution equipment) in which it maintains, consistent with industry standards, an inventory of the materials or supplies required for performance of the contract for sale in the normal course of business. The participation of a Protected Class Enterprise supplier who acts as a broker (i.e., who performs no manufacturing or warehousing) shall be credited toward the applicable Protected Class Enterprise goals at a rate equal to ten percent of the payments to such Protected Class Enterprise broker.

- d. *Protected Class Enterprise prime contractors or joint venturers.* A Minority Business Enterprise or Women's Business Enterprise contractor may count its own participation toward the achievement of the applicable Minority Business Enterprise or Women's Business Enterprise goal, respectively, but such a contractor will be required to meet all other applicable goals by joint ventures, subcontracting or purchase of materials or services. Where a contractor is a business owned and controlled by minority women ("M/WBE") or where the contractor utilizes a M/WBE in a joint venture, as a subcontractor or a supplier, the contractor may count the M/WBE participation either toward the achievement of its Minority Business Enterprise or Women's Business Enterprise goal but not both.

- e. *Mentor/protege agreements.* Where a contractor enters into a written agreement ("mentor/protege" agreement) with a Protected Class Enterprise to improve or develop certain aspects of the business of the Protected Class Enterprise, such an agreement may be evaluated by the Contract Compliance Administrator to assess appropriate credit toward the Protected Class Enterprise goals of the contractor. The contractor and Protected Class Enterprise shall remain separate and independent business entities under the agreement. The mentor/protege agreement may provide for the contractor to assist the Protected Class Enterprise in such areas as technical aspects of its business, improving financial management, or providing on-the-job training. No such credit shall be available unless:
 - 1. The Protected Class Enterprise provides a commercially useful function in the performance of its agreement with the contractor;
 - 2. The agreement is in writing and is submitted to the Contract Compliance Administrator before the award of the contract; and

3. The agreement clearly defines the respective responsibilities of the contractor and the Protected Class Enterprise and includes specific, measurable goals to be attained by both parties through the performance of the agreement. Upon recommendation by the Contract Compliance Administrator, the Contract Compliance Committee shall determine the amount of credit to be counted toward the applicable goals of this division. The Contract Compliance Administrator shall require the contractor to submit periodic reports summarizing the progress of the execution of the mentor/protege agreement, and shall notify both parties of any deficiencies in performance. In order to qualify for credit, the mentor/protege agreement must coincide in duration with, or not be for a shorter length of time than, the contract between the contractor and the County.
- (4) Where a contractor seeks relief from all or part of a contract's goals, the contractor shall submit with its bid a proposal or request for a waiver.
- (5) A contractor's submission of a utilization plan which commits to a Protected Class Enterprise participation goal equal to or greater than the applicable goals shall not provide a basis for a higher bid, an increase in contract price or later change order.
- (c) *Review of bid or offer.*
 - (1) The Contract Compliance Administrator shall review each bid or offer to determine if the contractor has included in its submission a completed and signed utilization plan which meets the Protected Class Enterprise goals for the contract, and approve or reject the plan.
 - (2) The Purchasing Agent, at the direction of the Contract Compliance Administrator, shall declare the bid or offer nonresponsive where the Contract Compliance Administrator determines that a contractor:
 - a. Failed to submit with its bid a completed utilization plan;
 - b. Failed to identify in its plan sufficient Minority Business Enterprises and/or Women's Business Enterprises by name, scope of work and dollar value of work to meet the applicable goals for the contract; or
 - c. Failed to submit with its bid a request for a total or partial waiver of the applicable goals.
 - (3) Where a partial or total request for waiver of a goal is made, the Contract Compliance Administrator shall determine whether a bidder or offer or has made good faith efforts to meet the applicable Protected Class Enterprise goals and whether a total or partial waiver of a goal should be granted. Good faith efforts, as defined herein, shall include, but are not limited to, the following:
 - a. Attend any prebid conference conducted by the County to acquaint contractors with Protected Class Enterprises available to provide relevant goods and services and to inform Protected Class Enterprise's of subcontract opportunities on the contract;

- b. Review lists of available Protected Class Enterprises maintained by the County and other State and local governments and agencies prior to the bid opening to identify qualified Protected Class Enterprises for solicitation for bids;
 - c. Advertise, not less than 15 calendar days before the bid opening date, in one or more daily newspapers and/or trade publications, for bids by Protected Class Enterprises for subcontracts or the supply of goods and services on the contract;
 - d. Make timely written solicitations of available Protected Class Enterprises identified on the County's list as providing relevant services for bids for subcontracts or the supply of goods and services; and provide Protected Class Enterprises with a convenient and timely opportunity to review and obtain relevant plans, specifications or terms and conditions of the contract to enable such Protected Class Enterprises to prepare an informed response to a contractor solicitation;
 - e. Divide total contract requirements into small tasks or quantities and adjust performance bond and insurance requirements or otherwise assist Protected Class Enterprises in obtaining the required bonding, insurance or financing, where economically feasible, to encourage participation of Protected Class Enterprises;
 - f. Follow up initial solicitation of Protected Class Enterprises by contacting Protected Class Enterprises to determine if the enterprises are interested in making bids;
 - g. Negotiate in good faith with Protected Class Enterprises prior to the bid opening and do not reject as unsatisfactory any bids submitted by Protected Class Enterprises without justifiable reason;
 - h. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by Protected Class Enterprises;
 - i. Establish joint ventures with Protected Class Enterprises;
 - j. Use the services and assistance of the Contract Compliance Administrator's staff, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce and where the contractor seeks a waiver, make timely notice of the need for Protected Class Enterprise subcontractors to an appropriate community and minority and women's business organization identified as an assist agency with respect to this article.
- (4) A contractor seeking a total or partial waiver shall, in accordance with guidelines issued by the Contract Compliance Administrator, be required to submit evidence of its good faith efforts to achieve the applicable Protected Class Enterprise goals and in support of its reasons for seeking a waiver. Performance of all the actions set out in Subsection (c)(3) of this section by the contractor shall create a rebuttable assumption that the contractor has made good faith efforts to meet the applicable Protected Class Enterprise goals. The determination of the adequacy of a contractor's good faith efforts will be evaluated on the basis of the contractor's actions as of the date of the bid opening.

- (5) The Contract Compliance Administrator may grant the waiver request of a contractor based upon the following criteria:
 - a. Sufficient qualified Protected Class Enterprises capable of providing the goods or services required by the contract are unavailable despite the good faith efforts of the contractor;
 - b. The specifications of and the reasonable and necessary requirements for performing the contract make it impossible or economically infeasible to divide the contract into sufficiently small tasks or quantities to enable the contractor to utilize Protected Class Enterprises in accordance with the applicable utilization goals;
 - c. The price quoted by any potential Protected Class Enterprise source of goods or services is more than ten percent above competitive levels; and
 - d. Any other factor determined to be relevant by the Contract Compliance Administrator.
- (6) Where a partial waiver is granted, the Contract Compliance Administrator shall specify the amount of the applicable goal.
- (7) Where the Contract Compliance Administrator determines that a contractor has not made a good faith effort to meet the applicable goals and/or comply with the provisions herein, including, but not limited to, failing to timely submit the required letters of intent or other information request and/or has not otherwise met the requirements for a total or partial waiver, the Purchasing Agent may declare the contractor nonresponsive and reject the bid and reject any waiver request which may have been filed.
- (8) Where the Contract Compliance Administrator determines that the utilization plan submitted by a contractor is false or fraudulent, the Purchasing Agent shall reject the bid or, if such a determination is made after the bid award, the contract may be forfeited and canceled.
 - (d) *Subcontract requirements.* Within 30 days after demand, the prime contractor shall furnish fully executed copies of all protected class subagreements and these shall be reviewed by the Contract Compliance Administrator and submitted to the Contract Compliance Committee of the County Board. Subsequently, the prime contractor shall obtain and submit a copy of all Minority Business Enterprise or Women's Business Enterprise related subtier contracts on demand.
 - (e) *Review of contract performance.*
 - (1) The Contract Compliance Administrator shall review the contractor's efforts during the performance of the contract to achieve its Protected Class Enterprise commitments as stated in its utilization plan. If the contractor meets or exceeds its stated goals, it shall be presumed to be in compliance. Where the Contract Compliance Administrator finds that the contractor has failed to achieve its stated goals or otherwise has failed to comply with the requirements of the division, including failure to provide any documentation required by the Contract Compliance Administrator, has not satisfactorily demonstrated good faith efforts, and/or has deviated without authorization from the compliance related portions of the contract as originally approved, the Contract Compliance Administrator shall report findings to the Contract Compliance Committee.

- (2) The Contract Compliance Administrator may establish such requirements for periodic contractor reporting on the fulfillment of its goals and its utilization of Protected Class Enterprises as the Contract Compliance Administrator determines appropriate and necessary for effective enforcement of this division. A contractor also shall be required to provide the Contract Compliance Administrator any additional requested compliance documentation within 14 days of such request.
 - (3) If the Contract Compliance Committee determines that the contractor has failed to comply with its contractual commitments or any portion of this division, the Contract Compliance Committee will notify the contractor of such noncompliance and may take any of the following actions:
 - a. Instruct the Comptroller to withhold 50 percent of the current progress payment due the prime contractor.
 - b. Withhold up to 100 percent of further progress payments until the contractor demonstrates that it is in compliance with the requirements of this division.
 - c. Debar the contractor from future bids or offers until the contractor demonstrates that it is in compliance with the requirements of this division.
- (f) *Protected Class Enterprise bid and target market programs.* To address more specifically the barriers to Protected Class Enterprise participation as prime contractors in County work, the Contract Compliance Administrator may direct the Purchasing Agent to institute the following special Protected Class Enterprise bidding provisions, following determination of the appropriateness of such provisions.
- (1) In connection with the award of a contract subject to competitive bidding on which a Protected Class Enterprise has bid and where the Protected Class Enterprise meets the following criteria:
 - a. It is bidding on the item in question for the first time; and
 - b. It never has successfully bid on a Cook County purchasing contract, the Contract Compliance Administrator may, at the opening of the bids on the item, compare the Protected Class Enterprise bid with the lowest bid, and, if the Protected Class Enterprise's bid is closely competitive as defined by guidelines to be established by the Contract Compliance Administrator with that of lowest actual bids, direct the Purchasing Agent to declare the Protected Class Enterprise the successful bidder. A Protected Class Enterprise may use this procedure only once to become the successful bidder on any particular item. Thereafter, the Protected Class Enterprise must be totally competitive in terms of price to be the successful bidder.
 - (2) The Contract Compliance Administrator shall develop and coordinate a target market program as follows:
 - a. The Contract Compliance Administrator shall review the availability of Protected Class Enterprises providing various goods and services and shall identify for inclusion in a potential program for bidding among Protected Class Enterprise firms certain commodity areas with sufficient Protected Class Enterprise availability to ensure that the County receives a competitive price. The Contract Compliance Administrator shall report his/her findings and recommendations to the Contract Compliance Committee;

- b. Upon a determination by the Contract Compliance Committee that such a program is advisable for any particular commodity procurement, the Contract Compliance Administrator will institute the following procedures:
1. The Contract Compliance Administrator will notify the Purchasing Agent of identification of those commodity codes appropriate for a target market program;
 2. To the extent practicable, the Purchasing Agent, with the aid of the Contract Compliance Administrator, shall divide procurement in the designated commodity areas into economically feasible sizes to facilitate bids or offers from Protected Class Enterprises and shall designate contracts to be offered under the target market program;
 3. The Purchasing Agent shall offer Protected Class Enterprises the opportunity to bid on such contracts in a limited competition;
 4. All standard County rules for bidding will then become effective and, provided that at least three Protected Class Enterprises bid or make an offer on the contract, the lowest responsive and responsible bidder among the Protected Class Enterprise firms will receive the contract;
 5. In the event less than three Protected Class Enterprises bid or make an offer on the contract or if there is no responsive bid or offer received from a responsible Protected Class Enterprise, the Purchasing Agent shall rebid the contract not subject to the target market program.
- c. Participation in the target market program shall be limited to Minority Business Enterprises, Women's Business Enterprises and joint ventures consisting exclusively of Minority Business Enterprises, Women's Business Enterprises or both. The Protected Class Enterprise contractor on a target market contract may subcontract up to 50 percent of the dollar value of the target market contract to subcontractors who are not Minority Business Enterprises or Women's Business Enterprises.

(g) *Fifty percent Protected Class Enterprises required for informal bid solicitations.* All buyers shall solicit 50 percent PCEs in their informal bid solicitations for materials under \$10,000.00, which are not bid by formal advertising.

(h) *Buyers to use Protected Class Enterprises in requisitions.* All buyers will make every effort to use *Protected Class Enterprises* whenever possible in their requisitions for materials under \$10,000.00, which are not bid.

(i) *Division of large contracts to facilitate offers from Protected Class Enterprises.* With respect to large contracts for which subcontracting possibilities are impracticable, all buyers will, to the extent practicable, divide such contracts into economically feasible sizes to facilitate bids or offers from *Protected Class Enterprises*.

(j) *Technical assistance.* The contractor is bound by all the requirements, terms, and conditions of this article. Subsequent to the acceptance of an awarded contract, there will be no waiver of the requirements, terms and conditions. The County Board, through its Contract Compliance Committee and the Contract Compliance Administrator, will make technical assistance in meeting the terms and conditions of this article available to all interested bidders.

- (k) *Finance; measures for reduction of cash flow problems of protected class contractors.*
 - (1) As needed, the Contract Compliance Administrator shall assist *Protected Class Enterprises* with training seminars in the technical aspects of preparing a bid for a County contract.
 - (2) All prime contractors shall be urged to follow the County's example by making prompt and timely payments to Protected Class Enterprise subcontractors working on Cook County projects. The timeliness of such payments shall be monitored by the Contract Compliance Administrator on a regular basis, and an investigation shall be made of every complaint or charge of excessive delay in payment. Reports of these investigations shall be made to the Contract Compliance Committee and to the County Comptroller.
 - (3) If at any time during the progress of the work, the contractor shall fail or neglect to pay a Protected Class Enterprise subcontractor for any labor performed, furnished, or tools, machinery, appliances, fuels, provisions or supplies of any sort or kind used or consumed upon, in or on account of the work for ten days after payment for same shall become due, then the County shall have the power and authority to pay such indebtedness, and the amount so paid shall be retained out of the money due or to become due the contractor. The County Comptroller may refuse to make the payment hereinafter specified to the extent of such indebtedness, until satisfactory evidence in writing has been furnished that the indebtedness has been discharged. In any such case, the Purchasing Agent is hereby authorized and empowered by the contractor to ascertain the amount due or owing from the contractor to any laborer or laborers, or to any person or persons, or corporation, for labor, equipment, material, tools, machinery, appliances, provisions, fuels, or supplies of any sort or kind consumed upon, in or on account of the work covered by this contract in such manner and upon such proofs as may be deemed sufficient.
 - (4) The County Board shall encourage major prime contractors to make available to Protected Class Enterprise subcontractors working on their projects their sources of financial assistance.
- (1) *Contract award considerations.* Where the lowest responsive contractor submits a bid/offer which exceeds by ten percent or more the bid/offer of the lowest PCE nonresponsive contractor ["PCE nonresponsive" for purposes of this subsection means nonresponsive pursuant to Subsection (c)(2) of this section, but otherwise responsive to the contract specifications], the County shall have the right to reject all bids/offers and rebid or request further offers.

Sec. 34-278. Professionals and consulting services and sole source agreements.

All Department heads who may employ the professional services of accountants, attorneys, physicians, dentists, statisticians, data analysts, engineers, and other such personnel or who require goods or services procured through sole source agreements shall implement this article and compliance programs in a "best effort" manner. In lieu of the requirements set forth in Section 34-281(b), all providers of such professional services or goods or services are to be notified that:

- (1) In the case of term contracts (annually or for more than six months), they are to maximize the use of Protected Class Enterprises or individuals as subconsultants or subcontractors.

- (2) In the case of contracts instituted on an as-needed basis or lasting less than six months, they are to submit to the County affirmative action plans and goals and maximize the number of women and minority professionals in their firm who participate in various County projects.
- (3) In both of the above cases the internal affirmative action plans and goals of the providers shall be submitted to the Contract Compliance Administrator and shall be reviewed against the provider's actual affirmative action achievements and shall become a part of the provider's protected class compliance review; this twice yearly review by the Contract Compliance Administrator shall become a factor in the County's continued use of the services of providers.
- (4) The County sets a "best efforts" goal of 35 percent Protected Class Enterprise participation for the total professional services and consulting services utilized by the County. The County must be able to call upon those professionals whose particular training and experience most closely fit our needs. The County shall endeavor to increase utilization of protected class firms. Because use of such services is not programmed or predictable, a "best effort" standard shall be used for attainment of the goal amounts.

Sec. 34-279. Other Federal and State regulations.

Nothing in this division shall be interpreted to diminish or supplant equal employment opportunity requirements contained in Federal or State grant funded contracts.

Sec. 34-280. Preference to residents of County.

In addition to the goals established pursuant to Section 34-280, there is established as a goal that on any contract approved by the County Board there will be utilization of at least 50 percent bona fide County residents and 30 percent minorities in each trade for each project awarded by the County and in the aggregated workforce in each project five percent will be females.

Sec. 34-281. Preference to Service-Disabled Veteran Businesses.

- (a) *Definitions.* For the purposes of this section:

The term *service-disabled* means, with respect to disability, that the disability was incurred or aggravated in the line of duty in the active service in the United States Armed Forces;

The term *service-disabled veteran* means a veteran who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable, with a disability that is service-connected, such that the disability was incurred or aggravated in the line of duty in the active military, naval, or air service;

The term *service-disabled veteran business* means a small business concern owned and controlled by service-disabled veterans such that:

- (1) not less than 51 percent of which is owned by one or more service-disabled veterans; and
- (2) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

The term *small business concern* shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation.

(b) The goals in this section shall be identical to the goals in Section 34-280 of this Code. In addition to the goals established pursuant to Section 34-280, there is established as a goal that on any contract approved by the County Board there will be utilization of at least 3 percent service-disabled veteran businesses of the annual aggregate value of all contracts awarded by the County.

(c) County procurement personnel will make their best efforts to recruit and solicit bids and make purchases from qualified service-disabled veteran businesses.

(d) The above stated percentage relates to the total dollar amount of County contracts during each fiscal year calculated by examining independently each type of contract.

(e) The above stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.

Sec. 34-282. Reporting and review.

The County Board directs the Contract Compliance Administrator to report to the County Board on an annual basis with respect to the following:

- (1) The level of Protected Class Enterprise participation achieved in each year in County contracts subject to this division;
- (2) The then current estimated availability of *Protected Class Enterprises* to perform County contracts;
- (3) An evaluation of the effectiveness of the article in ensuring full and equitable participation by *Protected Class Enterprises* in County contracts and in mitigating the competitive disadvantage suffered by Minority Business Enterprises and Women's Business Enterprises due to the present effects of discrimination in the local economy and award public contracts;
- (4) An assessment of the continuing need for utilization goals for specific types of goods and services used in County contracts;
- (5) Identification of any enforcement problems; and
- (6) Any recommendations with respect to improving the County's effectiveness in remedying the effects of discrimination against Minority Business Enterprises and Women's Business Enterprises and/or discontinuing or modifying any affirmative action requirements in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in County contracts.

Secs. 34-283-34-285. Reserved.

Effective date: This Ordinance Amendment shall be in effect immediately upon adoption.

Approved and adopted this 15th day of September 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-63
ORDINANCE**

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT AND JOHN P. DALEY,
WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS,
BRIDGET GAINER, ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN,
JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY, ANTHONY J. PERAICA,
EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**COOK COUNTY NEIGHBORHOOD PRESERVATION HOMEOWNER
EXEMPTION ORDINANCE (“N.P.H.E.”)**

PREAMBLE

WHEREAS, the County of Cook, Illinois, is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and pursuant to the authority therein granted, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the reassessment system in the County of Cook causes a shift of the tax burden; and

WHEREAS, the shifting tax burden often results in homeowners receiving significant, unpredictable increases in their property tax bills, causing severe financial hardship for them; and

WHEREAS, the Cook County Board of Commissioners previously recognized this issue for mixed use residential property and Class 3 rental property by reducing the applicable assessment levels; and

WHEREAS, on July 12, 2004, the 93rd General Assembly of Illinois enacted Public Act 93-0715, which authorized a county to adopt an alternative general homestead exemption, 35 ILCS 200/15-176, (“7% assessment cap”); and

WHEREAS, on July 13, 2004, the Cook County Board of Commissioners adopted by ordinance (04-O-33) the provisions of the alternative general homestead exemption, 35 ILCS 200/15-176; and

WHEREAS, effective October 12, 2007, the 95th General Assembly of Illinois overrode the Governor’s Amendatory Veto (Public Act 95-0644), and extended the alternative general homestead exemption for another triennial for each reassessment district; and

WHEREAS, on October 22, 2007, the Cook County Board of Commissioners adopted by ordinance (07-O-73) the provisions of the alternative general homestead exemption, 35 ILCS 200/15-176 (Public Act 95-0644); and

WHEREAS, the 7% assessment cap resulted in a taxable value that grows more predictably, allowing homeowners the peace of mind of being able to plan and anticipate their tax bills; and

WHEREAS, the 7% assessment cap provided an immediate and effective form of property tax relief available to homeowners in the County of Cook; and

WHEREAS, the 7% assessment cap is but one aspect of the effort to stop the ever increasing tax burden on the neighborhoods of Chicago and Cook County, with the long-term goal of restructuring a fairer and more predictable property tax system; and

WHEREAS, Illinois' tax structure is over-reliant on property taxes to fund schools and local taxing districts and is in need of major reform; and

WHEREAS, Cook County homeowners have relied upon and have benefited from the 7% assessment cap as a reliable form of property tax relief from the shifting tax burden; and

WHEREAS, on August 2, 2010, the 96th General Assembly of Illinois enacted Public Act 96-1418, which extended the alternative general homestead exemption for another triennial for each reassessment district; and

WHEREAS, the County Board is desirous of implementing the provisions of 7% assessment cap as provided in Public Act 96-1418.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF COOK, ILLINOIS, PURSUANT TO PUBLIC ACT 96-1418, THE COUNTY OF COOK DOES HEREBY SUBJECT ITSELF TO THE PROVISIONS OF 35 ILCS 200/15-176, (“7% ASSESSMENT CAP”).

Section 74-43 of the Cook County Code is hereby amended to read as follows:

Sec. 74-43. Neighborhood preservation homeowner exemption.

(a) *Administration.*

(1) *Determination of entitlement to annual alternative general homestead exemption.* The County Assessor shall have the authority to determine which homestead property is entitled to an annual alternative general homestead exemption by application, visual inspection, questionnaire, or other reasonable method. Each year, at the time the assessment books are certified to the County Clerk by the County Board of Review, the Assessor shall furnish to the Clerk a list of properties qualified for the alternative general homestead exemption. The list shall note the adjusted homestead value of each property to be used in the calculation of the homestead exemption for the current tax year.

(2) *Exemption amount.* The amount of the alternative general homestead exemption is the equalized assessed value of the homestead property for the current tax year, minus the adjusted homestead value, with the following exceptions:

a. The amount of the exemption shall not exceed \$20,000.00 in equalized assessed value for any taxable year through taxable year:

- i. 2005, if the general assessment year for the property is 2003;
- ii. 2006, if the general assessment year for the property is 2004; or
- iii. 2007, if the general assessment year for the property is 2005.

- b. Thereafter, the amount of the exemption is as follows:
 - i. if the general assessment year for the property is 2006, then the exemption amount may not exceed: \$33,000 for taxable year 2006; \$26,000 for taxable year 2007; \$20,000 for taxable year 2008; and 2009; \$16,000 for taxable year 2010; and \$12,000 for taxable year 2011;
 - ii. if the general assessment year for the property is 2007, then the exemption amount may not exceed: \$33,000 for taxable year 2007; \$26,000 for taxable year 2008; \$20,000 for taxable year 2009 and 2010; \$16,000 for taxable year 2011; and \$12,000 for taxable year 2012; and
 - iii. if the general assessment year for the property is 2008, then the exemption amount may not exceed: \$33,000 for taxable year 2008; \$26,000 for taxable year 2009; \$20,000 for taxable year 2010 and 2011; \$16,000 for taxable year 2012; and \$12,000 for taxable year 2013.
 - c. For the 2006 taxable year only, the maximum exemption amount provided in subsection (2)(b)(i) of this Section may be increased by: (i) \$7,000 if the equalized assessed value of the property for taxable year 2006 exceeds the equalized assessed value for taxable year 2002 by 100% or more; or (ii) \$2,000 if the equalized assessed value of the property for taxable year 2006 exceeds the equalized assessed value for taxable year 2002 by more than 80% but less than 100%.
 - d. In the case of homestead property that also qualifies for the exemption under Section 15-172 of the Property Tax Code, the property is entitled to the alternative general homestead exemption limited to the amount of (i) \$4,500.00 for tax year 2003; (ii) \$5,000.00 for tax years 2004 and 2005; or (iii) the lesser of the amount of the general homestead exemption under Section 15-175 or an amount equal to the increase in the equalized assessed value for the current tax year above the equalized assessed value for 1977 in tax year 2006 and thereafter.
- (3) *Initial value subject to review.* For any tax year for which the Assessor determines or adjusts an initial value for base homestead value purposes, the initial value shall be subject to review by the same procedures applicable to assessed values established by the Property Tax Code, 35 ILCS 200/1 et seq., for that tax year.
- (4) *Revision of base homestead value.* The base homestead value shall remain constant, except that the Assessor may revise it under the following circumstances:
- a. If the equalized assessed value of a homestead property for the current tax year is less than the previous homestead value for that property, then the equalized assessed value for the current tax year shall become the base homestead value in subsequent tax years, provided it is not based on a reduced assessed value resulting from a temporary irregularity in the subject property.
 - b. For any tax year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the Assessor shall adjust the base homestead value with due regard to the value added by the new improvements.

- c. Except to sales or transfers between spouses or between a parent and a child, if the homestead property is sold or ownership is otherwise transferred after December 31, 2002, the base homestead value of the property shall be adjusted as provided in subdivision (b)(3)(b) of Section 15-176 of the Property Tax Code, 35 ILCS 200/15-176.
 - d. Pursuant to the recalculation of the base homestead value as provided in subdivision (b)(3)(A-5) of Section 15-176 of the Property Tax Code, 35 ILCS 200/15-176.
- (5) *Cooperatives or life care facilities.* In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property under Section 15-176 of the Property Tax Code, 35 ILCS 200/15-176, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each qualified residential unit. The cooperative association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the owner or other person responsible for payment of taxes as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.
 - (6) *Married persons maintaining separate residences.* When married persons maintain separate residences, the homestead exemption provided under Section 15-176 of the Property Tax Code, 35 ILCS 200/15-176, shall be claimed by only one such person and for only one residence.
 - (7) *Sale or transfer of homestead property.* In the event the homestead property is sold or ownership otherwise transferred after December 31, 2002, other than sale or transfers between spouses or between a parent or child, the homestead exemption provided under Section 15-176 of the Property Tax Code, 35 ILCS 200/15-176, shall remain in effect for the remainder of the tax year and beginning with the 2006 taxable year, the exemption shall be calculated using the same base homestead value in which the sale or transfer occurs, but for any subsequent tax year it shall be calculated using the new base homestead value as provided in subdivision (b)(3)(b) of Section 15-176 of the Property Tax Code, 35 ILCS 200/15-176. The Assessor may require the new owner of the homestead property to apply for the exemption in the following year.
 - (8) *State law provisions.* The provisions of the homestead exemption as provided under Section 15-176 of the Property Tax Code apply as follows:
 - a. If the general assessment year for the homestead property is 2003, this exemption applies for assessment years 2003 through 2011. Thereafter, the provisions of Section 15-175 of the Property Tax Code, 35 ILCS 200/15-175, apply.
 - b. If the general assessment year for the homestead property is 2004, this exemption applies for assessment years 2004 through 2012. Thereafter, the provisions of Section 15-175 of the Property Tax Code, 35 ILCS 200/15-175, apply.

- c. If the general assessment year for the homestead property is 2005, this exemption applies for assessment years 2005 through 2013. Thereafter, the provisions of Section 15-175 of the Property Tax Code, 35 ILCS 200/15-175, apply.
- (b) *Applying the exemption.*
 - (1) The Cook County Assessor shall provide to the County Clerk the information necessary to calculate the seven percent (7%) assessment cap homestead exemption in accordance with this section.
 - (2) The Clerk shall have the authority to compute tax rates, to remove the seven percent (7%) assessment cap homestead exemption value from the calculation of the property tax bill and to provide this information to the County Treasurer to implement the provisions of this section.
 - (3) The Treasurer shall state on the property tax bill the amount of taxes saved by the seven percent (7%) assessment cap homestead exemption.

Approved and adopted this 5th day of October 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-64
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$90,000,000
AGGREGATE PRINCIPAL AMOUNT OF RECOVERY ZONE FACILITY REVENUE BONDS
(NAVISTAR INTERNATIONAL CORPORATION) SERIES 2010 OF THE COUNTY OF COOK,
ILLINOIS, AND AUTHORIZING THE SALE THEREOF; AUTHORIZING THE EXECUTION
AND DELIVERY OF A LOAN AGREEMENT, AN INDENTURE OF TRUST,
A BOND PURCHASE CONTRACT, A TAX EXEMPTION CERTIFICATE AND AGREEMENT
AND RELATED DOCUMENTS; APPROVING THE DISTRIBUTION OF A PRELIMINARY
LIMITED OFFERING MEMORANDUM AND A LIMITED OFFERING MEMORANDUM;
AND AUTHORIZING AND APPROVING RELATED MATTERS.**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois (the “*Act*”) provides that “a County which has a Chief Executive Officer elected by the electors of the County. . . (is) a Home Rule Unit,” and The County of Cook, Illinois (the “*County*”) has a Chief Executive Officer elected by the electors of the County and is therefore a home rule unit and, under the power granted by said Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois, as supplemented by the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts, as amended, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Board of Commissioners of the County (the “*Board*”) has heretofore and it hereby expressly is determined that it is essential and necessary and in the best interests of the County and its residents that the County relieve conditions of unemployment, maintain existing levels of employment, aid in the rehabilitation of returning veterans, encourage the increase of industry and commerce within the County, increase the tax base of the various municipalities within the County and permit the County to take as much advantage of the provisions of Section 103 of the United States Internal Revenue Code of 1986, as amended (the “*Code*”) as possible, which are all declared to be public purposes and for the safety, benefit and welfare of the residents of the County; and

WHEREAS, the Congress of the United States adopted the American Recovery and Reinvestment Act of 2009 (the “*Stimulus Act*”); and

WHEREAS, the Stimulus Act authorizes the issuance of “recovery zone facility bonds,” which are a new category of private activity tax-exempt bonds, provided that certain enumerated conditions are satisfied; and

WHEREAS, the Stimulus Act requires (i) the Secretary of the United States Treasury to have awarded the issuer of recovery zone facility bonds a portion of a nationwide volume limitation and (ii) the issuer to have designated a “recovery zone,” in each case prior to issuing recovery zone facility bonds; and

WHEREAS, the Board has heretofore determined by Ordinance No. 09-O-43, adopted July 2, 2009, that the County qualifies as a “recovery zone” as provided in the Stimulus Act, and to that end designated the County as a recovery zone under the Stimulus Act; and

WHEREAS, the Secretary of the United States Treasury has awarded the County a portion of a said nationwide volume limitation, said portion awarded to the County being in the amount of \$196,814,000; and

WHEREAS, pursuant to the Act and to the Stimulus Act, the County is authorized to issue recovery zone facility bonds in an amount not to exceed the aggregate par amount of \$196,814,000; and

WHEREAS, on September 15, 2010, the Board approved the application of Navistar International Corporation (the "*Company*") for \$90,000,000 of said volume limitation to finance the renovation, expansion and equipping of the existing office and manufacturing plant of the Company located at 10400 West North Avenue in Melrose Park, Illinois 60160-1028, including, but not limited to, space and facilities to be used for research, development and project testing (the "*Project*") and authorized the Bureau of Community Development of the County to take such preliminary actions as necessary to effectuate the Project and the issuance by the County of recovery zone facility bonds therefore; and

WHEREAS, pursuant to reasonable published notice, a public hearing on the proposal to issue recovery zone facility bonds to finance the Project was held by the Board on the date hereof, and all who desired to do so were given the opportunity to express their views with respect to such proposal, as required by Section 147(f) of the Code; and

WHEREAS, the County, at the request of the Company, wishes to issue one or more series of its recovery zone facility bonds (the "*Bonds*") to obtain funds to (i) finance or reimburse the Company for all or a portion of the costs of the Project, (ii) pay a portion of the interest accruing on the Bonds during construction of the Project and (iii) pay certain costs incurred in connection with the issuance of the Bonds; and

WHEREAS, pursuant to and in accordance with the provisions of the Act, the County is now prepared to proceed with the financing of the Project and to issue and sell an amount not to exceed \$90,000,000 in aggregate principal amount of its Recovery Zone Facility Revenue Bonds (Navistar International Corporation Project) Series 2010 (the "*Bonds*"), such Bonds to be secured by the Indenture as described therein, and, except to the extent payable from Bond proceeds or income from the temporary investment thereof, to be payable solely from the revenues and income and other amounts received by the County as described in the Indenture (as hereinafter defined); and

WHEREAS, it is now necessary, desirable and in the best interests of the County to authorize the execution and delivery of an Indenture of Trust (the "*Indenture*") between the County and Citibank N.A., as trustee (the "*Trustee*"), a Loan Agreement (the "*Loan Agreement*") between the County and the Company, a Bond Purchase Contract (the "*Bond Purchase Contract*") among the County, the Company and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "*Underwriter*"), a Tax Exemption Certificate and Agreement dated the date of issuance of the Bonds (the "*Tax Agreement*"), among the County, the Company and the Trustee, and to approve a Preliminary Limited Offering Memorandum (the "*Preliminary Limited Offering Memorandum*"), all in connection with the issuance of the Bonds; and

WHEREAS, the County has caused to be prepared and presented to its members drafts of the following documents which the County proposes to enter into or approve:

- (i) the Indenture;
- (ii) the Loan Agreement;
- (iii) the Bond Purchase Contract;

- (iv) the Preliminary Limited Offering Memorandum; and
- (v) the Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF COOK, ILLINOIS, AS FOLLOWS:

Section 1. The recitals contained in the preambles to this Ordinance are hereby incorporated into this Ordinance by reference. All capitalized terms used in this Ordinance, unless otherwise defined herein, shall have the meanings ascribed thereto in the Indenture.

Section 2. In order to provide funds to carry out the public purposes set forth in the preambles hereto, the County hereby authorizes and approves the issuance at one time or from time to time of Bonds in an aggregate principal amount of not to exceed \$90,000,000 which Bonds shall be designated “The County of Cook, Illinois Recovery Zone Facility Revenue Bonds (Navistar International Corporation Project) Series 2010,” with such additional identifying changes as may be approved by the President of the County Board (the “*President*”) or the Chief Financial Officer of the County.

The Bonds and the interest thereon shall be limited obligations of the County, payable solely from the income and revenues to be derived by the County pursuant to the Loan Agreement (except such income and revenues as may be derived by the County pursuant to the Unassigned Rights (as defined in the Indenture)) and amounts from a Bond Guarantee from Navistar, Inc. to the Trustee (the “*Bond Guarantee*”). The Bonds and the interest thereon shall never constitute a general obligation or commitment by the County to expend any of its funds other than (i) the proceeds of the sale of the Bonds, (ii) the income and revenues derived by the County pursuant to the Loan Agreement and other amounts available under the Indenture, and (iii) any money arising out of the investment or reinvestment of said proceeds, income, revenues or receipts.

Section 3. The County is hereby authorized to enter into the Indenture with the Trustee in substantially the same form now before the Board; the form, terms and provisions of the Indenture be, and they hereby are, in all respects approved; the President of the County Board and the Chief Financial Officer of the County be, and each of them hereby is, authorized, empowered and directed to execute and deliver, and the County Clerk of the County be and hereby is authorized, empowered and directed to attest and to affix the official seal of the County to, the Indenture in the name, for and on behalf of the County, and thereupon to cause the Indenture to be executed, acknowledged and delivered to the Trustee, and the Indenture shall constitute an assignment for the security of the Bonds issued thereunder of the revenues and income to be received by the County pursuant to the Loan Agreement and an assignment of other rights under the Loan Agreement, as described in such Indenture (with the exception of the Unassigned Rights as specified in such Indenture), in substantially the form now before the Board or with such changes therein as the President or the Chief Financial Officer shall approve, his execution thereof to constitute conclusive evidence of such approval of any and all changes or revisions therein from the form of such Indenture now before the Board; when the Indenture is executed, attested, sealed and delivered on behalf of the County as hereinabove provided, the Indenture shall be binding on the County; and from and after the execution and delivery of the Indenture, the officers, employees and agents of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Indenture as executed.

Section 4. The designation by the Company of Citibank N.A., as trustee, paying agent and registrar with respect to the Bonds is hereby approved by the Board. The designation by the Company of the following members of the financing team is hereby approved by the Board: Bond Counsel: Chapman and Cutler LLP; Underwriter: Merrill Lynch, Pierce, Fenner & Smith Incorporated; Underwriter's Counsel: Squire Sanders & Dempsey L.L.P., Issuer's Counsel: Perkins Coie LLP; and Special Counsel to the Bureau of Community Development: Chapman and Cutler LLP.

Section 5. The County is hereby authorized to enter into the Loan Agreement with the Company in substantially the same form as presented to the Board herewith; the form, terms and provisions of the Loan Agreement be, and they hereby are, in all respects approved; the President or the Chief Financial Officer of the County be and hereby is, authorized, empowered and directed to execute, and the County Clerk of the County be and hereby is, authorized, empowered and directed to attest and to affix the official seal of the County to, the Loan Agreement in the name, for and on behalf of the County, and thereupon to cause the Loan Agreement to be delivered to the Company, the Loan Agreement (as executed) to provide for the loan of the proceeds of the Bonds to the Company and the use of such proceeds to finance, refinance and reimburse all or a portion of the costs of the Project, including interest, if any, and pay certain costs relating to the issuance of the Bonds, in the manner and with the effect therein provided, to be in substantially the same form as now before the County or with such changes therein as the President or the Chief Financial Officer shall approve, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of the Loan Agreement now before the Board; when the Loan Agreement is executed, attested, sealed and delivered on behalf of the County as hereinabove provided, such Loan Agreement will be binding on the County; and from and after the execution and delivery of the Loan Agreement, the officers, employees and agents of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such Loan Agreement as executed.

Section 6. The County is hereby authorized to enter into the Tax Agreement with the Company and the Trustee in the form to be approved by bond counsel, by counsel for the County and by counsel for the Company; the President or the Chief Financial Officer of the County be, and each of them hereby is, authorized, empowered and directed to execute and deliver the Tax Agreement, in the form so approved; when the Tax Agreement is executed and delivered on behalf of the County as hereinabove provided, such Tax Agreement will be binding on the County; and from and after the execution and delivery of the Tax Agreement, the officers, employees and agents of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such Tax Agreement as executed.

Section 7. The form of the Bonds now before the Board, subject to appropriate insertions and revisions in order to comply with the provisions of the Indenture (as executed and delivered) be, and the same hereby is, approved; the Bonds shall be executed in the name, for and on behalf of the County with the manual or facsimile signature of its President and attested with the manual or facsimile signature of the County Clerk and the seal of the County shall be impressed or imprinted thereon; the President or any other officer of the County shall cause the Bonds, as so executed and attested, to be delivered to the Trustee for authentication; and when the Bonds shall be executed on behalf of the County in the manner contemplated by the Indenture and this Ordinance, they shall represent the approved form of Bonds of the County; *provided* that the Bonds shall bear interest at such rate or rates (not to exceed 8% per annum) as set forth in the Indenture, and shall be payable over a term not exceeding 30 years from their date of issuance.

Section 8. The sale of the Bonds in an aggregate principal amount not to exceed \$90,000,000 to the Underwriter at an underwriting discount of not more than 2.00% of the aggregate principal amount of the Bonds (less any original issue discount in an amount not to exceed 2.00% of the aggregate principal amount of the Bonds), plus accrued interest, if any, to the date of delivery, is hereby approved and confirmed, and the County is hereby authorized to enter into the Bond Purchase Contract with the Company and the Underwriter in substantially the same form as presented to the members of the County; the form, terms and provisions of the Bond Purchase Contract be, and they hereby are, in all respects approved; the President or the Chief Financial Officer of the County be, and each of them hereby is, authorized, empowered and directed to execute and deliver the Bond Purchase Contract, among the County, the Company and the Underwriter, such Bond Purchase Contract to provide for the issuance and sale of the Bonds of the County in an aggregate principal amount not to exceed \$90,000,000, in substantially the same form as presented to the members of the County Board or with such changes therein as the President or the Chief Financial Officer shall approve, his execution thereof to constitute conclusive evidence of his approval of any and all changes and revisions therein from the form of the Bond Purchase Contract now before the Board and of his approval of the final principal amount, final maturities, interest rates and redemption provisions for the Bonds; when the Bond Purchase Contract is executed and delivered on behalf of the County as hereinabove provided, such Bond Purchase Contract shall be binding upon the County; and from and after the execution and delivery of the Bond Purchase Contract, the officers, employees and agents of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such Bond Purchase Contract as executed. The President or the Chief Financial Officer are hereby authorized to proceed not later than the 31st day of December, 2010, without any further authorization or direction from the Board, to sell and deliver the Bonds upon the terms as prescribed in this Ordinance.

Section 9. The distribution of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum by the Underwriter is hereby approved, the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum to be in substantially the same form as the draft of the Preliminary Limited Offering Memorandum now before the County, or with such changes therein as shall be approved by the President or the Chief Financial Officer of the County; and each of them hereby is authorized, empowered and directed to certify that the information contained in the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum under the heading “THE ISSUERS—The County of Cook,” to the extent such information pertains to the County, is in a form “Deemed Final” by the County.

Section 10. This Ordinance constitutes the public approval of the plan of financing of the Project required by Section 147(f) of the Code.

Section 11. The President, the Chief Financial Officer and the County Clerk and any other officer of the County be, and each of them hereby is, authorized to execute and deliver such documents, certificates, and undertakings of the County and to take such other actions as may be required in connection with the execution, delivery and performance of the Indenture, the Loan Agreement, the Bond Purchase Contract and the Tax Agreement, and the distribution of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum, all as authorized by this Ordinance.

Section 12. All acts of the officers, employees and agents of the County which are in conformity with the purposes and intent of this Ordinance be, and the same hereby are, in all respects, ratified, approved and confirmed.

Section 13. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision hereof shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions of this Ordinance.

Section 14. All Ordinances and orders, or parts thereof, in conflict herewith are hereby superseded to the extent of such conflict.

Section 15. This Ordinance shall be in full force and effect immediately upon its passage, as by law provided.

Approved and adopted this 5th day of October 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-69
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 44, Article II, Section 44-44 of the Cook County Code is hereby amended as follows:

Sec. 44-44. Exemptions.

The provisions of this article and the Human Resources Management System thereby created shall be construed as the law regulating the civil services of the County for all purposes including 70 ILCS 810/17 (Cook County Forest Preserve District Act Application of Human Resource Ordinance) except as exempted in this article. There shall be three categories of exemptions from the provisions of this article.

- (1) The following positions shall be exempt from the classification authority of the Chief of Human Resources and from the career service provisions of this article.
 - a. Elected officials;
 - b. Bureau chiefs;
 - c. Executive heads of departments;
 - d. Members of boards and commissions.

- (2) The following positions shall be exempt only from the career service provisions of this article; these positions shall be subject to classification and all other provisions of this article:
 - a. Employees working directly for the County Board and its various committees;
 - b. Employees working in the office of the President, and employees in the offices of the Bureau Chiefs and the Office of Capital Planning and Policy;
 - c. Employees of departments directly or indirectly headed by an elected official other than the President;
 - d. Employees whose position has been designated as an exempt position pursuant to the Judgment in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145 entered on January 7, 1994, in the United States District Court for the Northern District of Illinois, Eastern Division or as otherwise amended and subsequently designated as exempt by court Order;

- e. Employees holding a position labeled in Group One, Group Two or Group Three on the November 9, 2010 Court Order (Docket No. 1938) in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145 .
 - f. Employees designated as executive service because they are responsible for the development of departmental management policy or because their positions are at the nexus where policy and implementation meet and are therefore, essential to the successful implementation of policy;
 - g. Positions exempted from the career service pursuant to the rules of the Bureau upon recommendation of a department head and after comment and recommendation by the Chief of Human Resources and the approval of the President. These additional exemptions must be based on the need for flexibility in appointment to positions which are:
 - 1. Necessary in order to maintain confidentiality; or
 - 2. Administratively necessary in order to effect a program including, but not limited to, such programs as internships, student work experience programs, trainee programs, Federal public service employment programs, and any other programs, which, because of the program requirements, cannot be subject to career service requirements. All employees exempted in the above category are considered to be "at will" employees and shall serve at the pleasure of the appointing authority unless otherwise provided for by law or contract.
- (3) Physicians and dentists employed by the County to work within the Cook County Bureau of Health Services shall be exempt from career service and shall be governed by the provisions of Section 44-52. Unless exempted under this section, all other employees under the direction and control of the Office of the President shall be covered under the career service provisions provided for in this article.

Approved and adopted this 16th day of November 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-71
ORDINANCE**

Sponsored by

THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER

GENERAL BUSINESS LICENSE ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Sections 54-391, 54-392 and 54-395 of the Cook Code are hereby amended as follows:

ARTICLE X. GENERAL BUSINESS LICENSES

Sec 54-391. License denial, non-renewal, suspension, & revocation

(a) Any County department or agency issuing citations pursuant to applicable Cook County Code of Ordinances shall have the authority to issue to the applicant or licensee a notice of violation recommending denial, non-renewal, suspension, or revocation of an applicant's or licensee's General Business License.

- (1) After an authorized County department or agency issues a notice of violation recommending denial, non-renewal, suspension or revocation to the applicant or licensee, a copy of this notice of violation, along with copies of any documents supporting the above recommendation shall be forwarded to the Department of Revenue. The notice of violation and documents supporting the recommendation shall be "Prima Facie" or on its face legally sufficient to deny issuance, deny renewal, suspend or revoke the license, until disproved by documentary evidence.
- (2) The Director of Revenue or his or her designee shall have the authority to deny, renew, suspend, or revoke a General Business License issued under the provisions of this Article if he or she determined the applicant or licensee violated any Federal or State statute or any provision of the Cook County Code of Ordinances.
- (3) However, no General Business License shall be denied issuance or renewal, suspended, or revoked except after a License Administration Hearing. The applicant or licensee shall be given written notice at least seven days prior to the date of the hearing, where the Director of Revenue or his or her designee shall make a determination based on the documentation provided by both the applicant or licensee and the Department(s) issuing the citation. The Director of Revenue or his or her designee may upon a show of good cause grant the applicant or licensee one continuance. The Director of Revenue or his or her designee shall have the right to authorize the examination of the books and records of any applicant or licensee who appears before him or her for a Determination Hearing.
- (4) If the Director of Revenue or a designee determines, after the License Administration Hearing, the license shall be denied, not renewed, suspended, or revoked, a written notice of determination and order to close the applicant or licensee's business, pursuant to Section 54-393 of this Article, shall be issued to the applicant or licensee and the Sheriff. The Department of Revenue, with the assistance of the Sheriff, will immediately close the business.

- (5) An applicant or licensee who disagrees with the determination issued by the Director of Revenue or his or her designee may file an appeal, for an administrative hearing, with the Cook County Department of Administrative Hearings in accordance with the Cook County Code of Ordinances, Chapter 2 Administration, Article IX Administrative Hearings. The filing of an appeal does not stop or prevent the physical closing of the applicant or licensee's business. The business shall remain closed unless an order to reopen is issued by the Department of Administrative Hearings or the Cook County Circuit Court.
- (6) If after the administrative hearing the Department of Administrative Hearings determines the license shall be denied, not renewed, suspended or revoked the Department of Administrative Hearings shall immediately prepare and issue a written determination informing the applicant or licensee that the Notice of Determination issued by the Director of Revenue or his designee is upheld and the business will remain closed.
- (7) An applicant or licensee who wishes to appeal the determination of the Cook County Department of Administrative Hearings must provide written notice to the Department of Administrative indicating an appeal has been filed with the Circuit Court pursuant to Sec. 2-917 of this Code.
- (8) If after the administrative hearing the Department of Administrative Hearings issues a written determination indicating the license shall not be denied, suspended, revoked, or shall be renewed, the license shall be reinstated in accordance with Department of Revenue policy or procedures. However, a determination issued by the Department of Administrative Hearings in favor of the applicant or licensee does not forfeit the Department of Revenue's right to file an appeal with the Circuit Court.

(b) The license of any person who has failed to pay any fine, assessment of costs or other sum of money owed to the County pursuant to an order of the Department of Revenue, an order of the Department of Administrative Hearings or a court order, by the due date indicated in the order, or within 30 calendar days of becoming a debt due and owing may be suspended by the Department of Revenue, in accordance with its rules and after affording a hearing. The license shall be suspended until such time that the fine, assessment of costs or other sum of money has been fully paid.

(c) A Person whose license has been denied renewal, suspended or revoked may seek re-issuance or reinstatement of the license the in accordance with procedures prescribed by Department of Revenue.

Sec. 54-392. License not required.

(a) A General Business License shall not be required in unincorporated Cook County if the Person, doing business in Cook County as defined in this Ordinance, is:

- (1) Required to obtain a County business license pursuant to any other County ordinance or regulation, or
- (2) exempt by any Federal or State law or County ordinance.

Sec 54-395. Effective date.

Approved and adopted this 16th day of November 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**10-O-72
ORDINANCE**

Sponsored by

**THE HONORABLE LARRY SUFFREDIN, PETER N. SILVESTRI, JERRY BUTLER,
FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY, BRIDGET GAINER,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOSEPH MARIO MORENO,
JOAN PATRICIA MURPHY, ANTHONY J. PERAICA, EDWIN REYES,
TIMOTHY O. SCHNEIDER AND DEBORAH SIMS, COUNTY COMMISSIONERS**

ARTICLE I. COOK COUNTY VEHICLE CODE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 82 Traffic & Vehicles, Sections 82-1 through 82-193 of the Cook County Code are hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 82-1. Title.

This Article of the Cook County Code of Ordinances shall be known and may be cited as the “Cook County Vehicle Code.”

Sec. 82-2. Purpose.

In order to better promote the public safety, health, and welfare of its citizens this Vehicle Code was established. This Vehicle Code will apply to:

- (1) Properties owned and managed by Cook County;
- (2) Private properties and roads within Cook County where by the County has entered into an agreement to enforce parking and/or traffic regulations; and
- (3) Public Properties and public ways, streets and highways located in incorporated areas of Cook County, where by the County has entered into an intergovernmental agreement to enforce parking and/or traffic regulations.
- (4) Public ways, streets and highways under the jurisdiction of the County located in unincorporated areas of the County.

Sec. 82-3. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Abandoned vehicle means any vehicle that: (a) is in such a state of disrepair as to render the vehicle incapable of being driven in its present condition or (b) has not been moved or used for seven consecutive days and is apparently deserted.

Alley means a public way, under the jurisdiction of the County, intended to give access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Authorized emergency vehicle means any vehicle of any fire department or police department and any repair, service or other emergency vehicle of a governmental agency or public service corporation authorized by the Sheriff's police.

Bicycle means every device propelled solely by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Boulevard means a through street, except that its use is limited exclusively to certain specified classes of traffic.

Bridle path means a path designated for travel by persons upon horses.

Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

Bus stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Bus stop means a fixed area in the roadway parallel and adjacent to the curb set aside for the expeditious loading and unloading of passengers only.

Business street means the length of any street between street intersections on which more than 50 percent of the entire frontage at ground level of the street is in use by retail or wholesale businesses, hotels, banks, office buildings, railway stations, or public buildings other than schools.

Carriage means any device in, upon or by which any person is or may be transported or drawn upon a public way and designed to be or capable of being drawn by a horse.

Carriage stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by horse-drawn vehicles for loading and unloading passengers or waiting for passengers.

Commercial vehicle means a motor vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire; including but not limited to a motor vehicle of the first division displaying a placard indicating authorization of the Illinois Commerce Commission to operate as a motor carrier of property but not including, however, public passenger vehicles.

Compliance violation means a violation of a county regulation governing the condition or use of equipment on a vehicle or governing the display of a county wheel tax license.

Compliance violation notice means a handwritten or computer generated notice that is either, (a) placed on a vehicle that exhibits a vehicular equipment violation, or (b) is given to the driver of the vehicle, both are returnable to the Department of Administrator Hearings.

Compliance violation notice copy means any duplicate, photocopy or reproduction, including any computer-stored or computer-generated representation of an original vehicular equipment violation notice.

Controlled or limited-access highway means every public way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points and in such manner as may be determined by the public authority having jurisdiction over such public way.

Crossing guard means an adult civilian officially authorized to supervise and expedite the crossing of school children or other pedestrians at hazardous or congested traffic points.

Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of sidewalk lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by markings.

Department of Revenue means the Cook County Department of Revenue.

Director of Revenue or Revenue Director means the Director of the Cook County Department of Revenue.

Drag racing means the act of two or more individuals competing or racing on any street or highway in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway.

Driver means every person who operates or is in actual physical control of a vehicle.

Driveway or private road means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Electric personal assistance mobility device means a self-balancing 2 non-tandem wheeled device designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

Firelane means every way or place in private ownership used expressly for vehicular travel by emergency equipment and marked as such by signs or pavement markings.

Funeral procession means a procession consisting of motor vehicles which are designed and used for the carrying of not more than ten passengers, a funeral hearse and floral cars, or combinations thereof, with or without foot or equestrian units, proceeding to a funeral service or place of burial.

Hazardous dilapidated motor vehicle means any motor vehicle with a substantial number of essential parts, as defined by Section 1-118 of the Illinois Vehicle Code, either damaged, removed, altered or otherwise so treated that the vehicle is incapable of being driven under its own motor power or, which by its general state of deterioration, poses a threat to the public health, safety and welfare. "Hazardous dilapidated motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repairs.

Highway means the entire width between the boundary lines of every public way, under the jurisdiction of the County, publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Highway Department means the Cook County Highway Department.

Holidays when used in the traffic code or on official signs erected by authority of the traffic code, the term "holidays" means New Year's Day (January 1st), Memorial Day (the last Monday in May), Independence Day (July 4th) Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and Christmas Day (December 25th).

Intersection means the area embraced within the prolongation or connection of the property lines of two or more streets which join at an angle, whether or not one such street crosses the other. Where a highway includes two roadways 40 feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

Laned roadway means a roadway, under jurisdiction of the County, which is divided into two or more marked lanes for vehicular traffic.

Mass transportation vehicle means a public passenger vehicle having seating capacity for 35 or more passengers.

Merging traffic means a maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding farm tractors.

Motor-driven scooter means any electric or gas wheeled scooter, cycle or other vehicle for which the State of Illinois does not issue a title document, and does not issue license plates or registration documents.

Motorized wheelchairs means any motorized vehicle designed for and used by a person with disabilities.

Motor vehicle means every vehicle which is propelled by a motor.

Motor vehicle of the first division means every motor vehicle designed and used for the carrying of not more than ten persons.

Motor vehicle of the second division means every motor vehicle designed for the carrying of more than ten persons, every motor vehicle designed or used for living quarters, every motor vehicle designed for pulling or carrying freight or cargo, and every motor vehicle of the first division remodeled for use and used as a motor vehicle of the second division.

One-way street or alley means a public way upon the roadway of which traffic is permitted to travel in one direction only.

Operator means every person who operates or is in actual physical control of any device or vehicle whether motorized or propelled by human power.

Parking or to park means the standing of an unoccupied or occupied vehicle otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Parking meter means a traffic control device which, upon being activated by deposit of currency of the United States or other acceptable forms of payment in the amount indicated thereon or otherwise, either: (1) displays a signal showing that parking is allowed from the time of such activation until the expiration of the time fixed for parking in the parking meter zone in which it is located, and upon expiration of such time indicates by sign or signal that the lawful parking period has expired, or (2) issues a ticket or other token on which is printed or otherwise indicated the lawful parking period in the parking meter zone in which the parking meter is located, such ticket or other token to be displayed in a publicly visible location on the dashboard or inner windshield of a vehicle parked in the parking meter zone." *Parking meter zone*" means a certain designated and marked-off section of the public way within the marked boundaries where a vehicle may be temporarily parked and allowed to remain for such period of time as the parking meter attached thereto, or the ticket or other token issued by the parking meter, may indicate.

Parking violation notice means a handwritten or computer generated notice either (a) placed on a vehicle that is parked or standing in violation of the vehicle code, or (b) given to the driver of the vehicle, both are returnable to the Department of Revenue.

Parking violation notice copy means any duplicate, photocopy or reproduction, including any computer-stored or computer-generated representation of an original parking violation notice.

Second notice of parking or compliance violation means the notice, mailed to the address supplied to the Secretary of State by the registered owner of a vehicle, sent after the registered owner has failed to respond within the time allotted by ordinance to a parking or compliance violation notice placed on or given to the driver of such vehicle.

Parkway means any portion of a street not considered as roadway, sidewalk, driveway or private road.

Pedestrian means any person afoot.

Police officer means every sworn officer of the Sheriffs police department.

Property line means the line marking the boundary between any public way and the private property abutting thereon.

Public building means a building used by any government agency.

Public passenger vehicle means a motor vehicle which is used for the transportation of passengers for hire.

Public way means any sidewalk, roadway, street, alley, highway or other public thoroughfare under jurisdiction of the County and open to the use of the public, as a matter of right, for purposes of travel, excepting bridle paths.

Push cart means a conveyance designed to be propelled by a person afoot.

Railroad means a carrier of persons or property upon cars operated upon stationary rails.

Railroad train means a steam engine, electric or other motor with or without cars coupled thereto, operated upon rails.

Recreational vehicle means every camping trailer, motor home, mini-motor home, travel trailer, truck or van camper used primarily for recreational purposes and not used commercially nor owned and used by a commercial business.

Registered owner means the person in whose name the vehicle is registered with the Secretary of State of Illinois or such other state's registry of motor vehicles.

Residential street means the length of any street between street intersections when 50 percent or more of the occupied frontage of the street is in use for residence purposes.

Right-of-way means the right of a vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger or collision unless one grants precedence to the other.

Roadway means that portion of a public way, under jurisdiction of the County, between the regularly established curb lines, or that part improved, and intended to be used for vehicular travel.

School bus means every motor vehicle of the second division operated by or for a public or governmental agency or by or for a private or religious organization solely for the transportation of pupils in connection with any school activity.

Second notice of parking or compliance violation means the notice, mailed to the address supplied to the Secretary of State by the registered owner of a vehicle, sent after the registered owner has failed to respond within the time allotted by ordinance to a parking or vehicle equipment violation notice placed on or given to the driver of such vehicle.

Semi-trailer means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Service drive means a narrow portion of a public way open to vehicular traffic for the purpose of providing access to the front of abutting property between intersections and separated by physical means from through traffic, if the latter exists, on the same public way.

Sheriff means the Sheriff Office of Cook County Illinois.

Sidewalk means that portion of a public way, under jurisdiction of the County, between the curb, or the lateral lines of the roadway, and the adjacent property lines, intended for the use of pedestrians.

Snowmobile means a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

Standing or to stand means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers; provided, that, an operator is either in the vehicle or in the immediate vicinity, so as to be capable of immediately moving the vehicle at the direction of a police officer or traffic control aide.

Stop means the complete cessation of movement.

Street means the entire width between boundary lines of every way publicly maintained and under the jurisdiction of the County when any part thereof is open to the use of the public for purposes of general traffic circulation.

Taxicab stand means a fixed area in the roadway alongside and parallel to the curb set aside for taxicabs to stand or wait for passengers.

Through street means every public way or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrance to which vehicular traffic from intersecting public ways is required by law to yield right-of-way to vehicles on such through street in obedience to a traffic signal, stop sign or yield sign, when such traffic control devices are erected as provided in the traffic code.

Traffic means pedestrians, ridden or herded animals, bicycles, vehicles, and other conveyances either singly or together while using any public way for purposes of travel.

Traffic control aide means any person designated by the Chief of the Sheriff's Police to exercise the power of a police officer to direct or regulate traffic or to issue citations for violation of parking and vehicular equipment violation ordinances.

Traffic control devices means all signs, signals, markings, and devices placed or erected under authority of the County Board for the purpose of regulating, warning, or guiding traffic.

Traffic violation means a violation of the provisions of the Cook County Vehicle Code, other than a standing or parking violation. A compliance violation observed on a vehicle operated on the public way may be treated as a traffic violation, if the operator of the vehicle is also charged with a criminal offense. The Chief of the Sheriff's Police shall issue standards for the treatment of a compliance violation as a traffic violation.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle constructed that no part of its weight rests upon the towing vehicle.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except motorized wheelchairs, devices moved solely by human power, devices used exclusively upon stationary rails or tracks and snowmobiles, as defined in the Snowmobile Registration and Safety Act of Illinois.

Yield right-of-way means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left.

Secs. 82-4 - 82-9. Reserved.

DIVISION 2. TRAFFIC CONTROL DEVICES, SIGNALS AND VEHICLE OPERATION

Sec. 82-10. Traffic control devices and signals.

(a) The Cook County Board of Commissioners is hereby authorized to approve the placement, erection and maintenance of traffic control devices as provided in the traffic code, as required to make effective the traffic ordinance of the County, and as necessary to guide and warn traffic. The Highway Department is also authorized to place and maintain temporary traffic-control devices as needed in connection with construction or special events or experimental devices for the purposes of an engineering study; provided, however, such devices shall not be maintained for longer than 180 days without county board approval. Upon authorization by the Cook County Board of Commissioners, the actual erection, placement and maintenance of any traffic-control device shall be performed by the Highway Department. All traffic-control devices placed and maintained pursuant to the traffic code shall conform to the manual and specifications approved by the State of Illinois Department of Transportation and shall so far as practicable be uniform as to type and location throughout the County. All traffic-control devices so erected and not inconsistent with the provisions of state law or this Ordinance shall be official traffic-control devices.

(b) The driver of any vehicle shall obey the instructions of any applicable traffic control device placed in accordance with the provisions of the vehicle code, unless otherwise directed by a police officer or other authorized personnel.

(c) No operator of a vehicle shall attempt to avoid obedience to any traffic-control device by driving upon or through any private property, alley or traffic island.

(d) No provision of any traffic ordinance for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs or other devices are required, such section shall be effective even though no signs or other devices are erected or in place.

Any person violating subsections (b) or (c) of this section shall be fined no less than \$90.00 and no more than \$300.00.

Sec. 82-11. Traffic-control signal legend.

Whenever traffic is controlled by traffic-control devices exhibiting steady colored lights, successively one at a time, in combination or with arrows, the following colors only shall be used and the signals shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green Indication:

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left except as such movement is modified by lane-control signs, turn prohibition signs, lane markings, or roadway design. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal indication is exhibited.

- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise directed by a pedestrian-control signal as provided in Section 82-14, pedestrians facing any green signal, except when the sole green signal is a turn arrow may proceed across the roadway within any marked or unmarked crosswalk.
- (b) **Steady Yellow Indication:**
 - (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 82-14, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.
- (c) **Steady Red Indication.**
 - (1) Except as provided in Section 82-12, vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown.
 - (2) Except as provided in Section 82-12, vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

Sec. 82-12. Flashing signals.

Whenever flashing red or yellow signal indications are in place, the signals shall indicate and apply to drivers of vehicles as follows:

- (a) *Flashing Red Indication.* When a red signal is illuminated with rapid intermittent flashes, the operator of any vehicle shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (b) *Flashing Yellow Indication.* When a yellow signal is illuminated with rapid intermittent flashes, the operator of any vehicle may proceed through the intersection or past such signal only with caution.

Sec. 82-13. Lane control signals.

Whenever vehicular traffic is controlled and directed by overhead lane-control signals displaying illuminated colored indications, one over each lane, the following indications only shall be used and the illuminated colored lane-control signal indications shall apply to drivers of vehicles as follows:

(a) *Downward-pointing Green Arrow.* A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise he shall obey all other traffic controls present and follow normal safe driving practices.

(b) *Red X Symbol.* A driver facing this indication shall not drive in the lane over which the symbol is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls and follow normal safe driving practices.

(c) *Yellow X Symbol.* A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid occupying that lane when a steady red X is displayed.

Sec. 82-14. Special pedestrian-control signals.

Whenever special pedestrian-control signals are in place, such signals shall indicate as follows:

(a) *Walk or Symbolic Walk Figure* Pedestrians facing such signal indication when illuminated may proceed across the roadway in the direction of the indication and shall be given the right-of-way by the operator of any vehicle. When such signal indication is extinguished, no pedestrian facing the signal indication shall enter the roadway.

(b) *Don't Walk or Symbolic Don't Walk Figure* No pedestrian facing such signal indication which is illuminated or flashing shall start to cross the roadway in the direction of the indication; provided, however, any pedestrian who has partially completed his crossing on the "Walk" signal indication shall proceed to a sidewalk or safety zone while the "Don't Walk" signal indication is illuminated.

Sec. 82-15. Interference with traffic-control devices prohibited.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal. Every person convicted of a violation of this section shall be punished by a fine of not less than \$250.00 nor more than \$500.00 for each offense.

Sec. 82-16. Driving from or onto controlled-access highway.

No person shall drive a vehicle onto or from the roadway of any controlled access highway except at such entrances and exits as are established by public authority.

Sec. 82-17. Speed limits.

All speed limits established by the County Board are hereby ratified and confirmed. All ordinances amending or enacting speed limits are on file in the office of the County Clerk.

Sec. 82-18. Speed limits within construction or maintenance zones.

(a) *Superintendent of Highways authorized to set.* The Members of the Board of Commissioners of hereby authorize the Superintendent of Highways to set and post reduced speed limits for construction or maintenance zones; as defined in 625 ILCS 5/11-605.1.

(b) *Signing.* Such reduced speed limits shall be temporary and be in-effect and in full force from the time appropriate signing giving notice of the reduced speed limits are erected until such time that said signing is removed; and

(c) *Speed limit signs.* Construction or maintenance zone speed limit signs shall:

(1) Be of a design approved by the Illinois Department of Transportation;

(2) Give proper warning that a construction or maintenance speed zone is being approached;

(3) Indicate the maximum speed limit in effect; and

(4) State the amount of the minimum fine for a violation as established by 625 ILCS 5/11-605.1 (special limit while traveling through a highway construction or maintenance speed zone).

(d) *Record of speed limit locations.* A record be maintained by the Highway Department naming each location, the reduced speed limit set and posted for the construction or maintenance zone and dates during which the reduced speed limit was in effect.

(e) *Notification of changes in speed limits.* Affected jurisdictions shall be notified of the changes in the posted speed limits so that they may be properly enforced.

Sec. 82-19. Minimum speed regulations.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law.

Sec. 82-20. Turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) *Right Turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) *Left Turns on Two-way Roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection or on that portion of the roadway that may be specifically designated for such purpose by appropriate markings, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) *Left Turns on Other Than Two-way Roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle or on that portion of the roadway that may be specifically designated for such purpose by appropriate markings, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) *Right-of-way on Left Turn.* The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

Sec. 82-21. Turns on red signals.

(a) Except as provided in subsection (c) of this section, the driver of a vehicle may turn right when facing a steady red signal; provided, however, he may do so only from the lane closest to the right-hand curb or edge of roadway, must come to a full stop and must yield the right-of-way to pedestrians and to other traffic lawfully using the intersection.

(b) Except as provided in subsection (c) of this section, the driver of a vehicle on a one-way roadway, facing a steady red signal, may turn left into an intersecting one-way roadway in which traffic travels to the left; provided, however, he may do so only from the lane closest to the left-hand curb or edge of roadway, must come to a full stop and must yield the right-of-way to pedestrians and to other traffic lawfully using the intersection.

(c) Drivers may not turn left or right on a steady red signal when official traffic control devices have been erected indicating that such turns are prohibited.

Sec. 82-22. Intersections--procedure after completed stop.

After the operator of a vehicle has stopped in obedience to a stop sign, at an intersection where a stop sign is erected at one or more entrances thereto, such operator shall proceed cautiously yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed, subject to the provisions of Section 82-27.

Sec. 82-23. Crosswalks-pedestrians to have right-of-way.

Where stop signs are in place at a plainly marked crosswalk at an intersection or between intersections, pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles stopped in obedience to such signs. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

Sec. 82-24. Intersections--more than one vehicle.

(a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different roadway.

(b) When two vehicles enter an intersection from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

Sec. 82-25. Pedestrians in roadway to have right-of-way.

When the movement of traffic is not controlled by traffic-control devices, a police officer or traffic control aide, the operator of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

Sec. 82-26. Right-of-way at sidewalks.

The driver of a vehicle emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto any sidewalk or sidewalk area extending across an alleyway, yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

Sec. 82-27. Yield right-of-way signs.

Where a yield right-of-way sign has been erected at an intersection, the driver of a vehicle facing the sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary and shall yield the right-of-way to other vehicles which have entered the intersecting roadway either from the right or left or which are approaching so closely on the intersecting roadway as to constitute an immediate hazard, but thereafter may proceed at such time as a safe interval occurs.

Sec. 82-28. Authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle giving audible signal by sirens, exhaust whistle, or bell or displaying an oscillating, rotating, or flashing blue beam or displaying an oscillating, rotating or flashing red beam visible under normal atmospheric conditions from a distance of 500 feet (150 meters), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge, except on one-way streets where drivers shall drive as close as possible to the nearest edge, of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer or fireman in the lawful exercise of his duties. Any person who violates any provision of this subsection (a) shall be subject to a fine of \$500.00.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 82-29. Equestrians to have right-of-way when.

The operator of any vehicle shall yield the right-of-way to a person riding a horse on a bridle path where such bridle path crosses a driveway, when signaled to do so by the raising of the arm of the rider. Nothing in this section shall relieve an equestrian from the duty of exercising due care and of obeying official traffic control devices.

Sec. 82-30. Blind persons to have right-of-way when.

(a) Notwithstanding any other provision of this chapter, any blind person who is carrying in a raised or extended position a cane which is white in color, or white tipped in red, or who is being guided by a dog shall have the right-of-way in crossing any roadway.

(b) The driver of a vehicle approaching the place where a blind person carrying a cane as described in subsection (a) or guided by a dog is crossing a roadway shall bring his vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person.

(c) The provisions of this section shall not apply to a blind person who is neither carrying a cane as described in subsection (a) nor guided by a dog, but the other provisions of this chapter relating to pedestrians shall then be applicable to such person.

Sec. 82-31. Overtaking vehicle on the left.

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Sec. 82-32. Overtaking vehicle on the right.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn and there is sufficient safe clearance distance between the turning vehicle and the right edge of the roadway;
- (2) Upon any roadway with unobstructed pavement of sufficient width for two or more lanes of moving vehicles in each direction; or
- (3) Upon any roadway on which traffic is restricted to one direction of movement, where the unobstructed pavement is of sufficient width for two or more lanes of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Sec. 82-33. Limitation on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction of any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

Sec. 82-34. Driving on right side of roadway.

(a) All vehicles shall be driven in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway:

- (1) When proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing; or
- (2) When designed and used for transportation, pulling or hauling of freight, except when overtaking another vehicle proceeding in the same direction or when preparing for a left turn at the intersection or into a private road or driveway.

(b) Upon all roadways of sufficient width, a vehicle shall be driven in the right hand lane available for traffic, except:

- (1) When the right half of a roadway is closed to traffic while under construction or repair;
- (2) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (3) Upon a roadway designated by signs for one-way traffic.

Sec. 82-35. Overtaking school bus.

(a) The driver of a vehicle on a roadway, upon meeting or overtaking, from either direction, any school bus which has stopped for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus where there is in operation on the school bus a visual signal as specified in Section 12-805 of the Illinois Vehicle Code, and the driver shall not proceed until the school bus resumes motion, or the school bus driver signals the driver to proceed, or the visual signals are no longer actuated.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in letters not less than eight inches in height and in addition shall be equipped with visual signals, meeting the requirements of the Illinois Vehicle Code, which shall be actuated by the school bus whenever the brakes are applied.

(c) The driver of a vehicle upon a street or highway of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway, and the driver of a vehicle on a controlled access highway need not stop when a school bus is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross such controlled access highway.

Sec. 82-36. Overtaking at crosswalks.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake or pass such stopped vehicle.

Sec. 82-37. Obedience to police and fire department orders.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, fire department official or other authorized officer.

Sec. 82-38. Following responding fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into the block where the fire apparatus has stopped in answer to a fire alarm. Any person found in violation of this Section shall be fined no less than \$500.00 and may be required to perform reasonable community service in a program under direction of the Sheriff.

Sec. 82-39. Driving over fire hose prohibited.

No person shall drive or move a vehicle over any unprotected hose of the fire department when laid down on any street or private driveway unless he has obtained the consent of the fire department official in command. Any person found in violation of this Section shall be fined no less than \$25.00.

Sec. 82-40. Driving, standing or parking on bicycle paths or lanes prohibited.

The driver of a vehicle shall not drive, unless entering or exiting a legal parking space, or stand, or park the vehicle upon any on-street path or lane designated by official signs or markings for the use of bicycles, or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path or lane. Any person who violates this section shall be fined \$100.00 for each offense. Any vehicle parked in violation of this section shall be subject to an immediate tow under provisions provided for in Section 58-164 of this Code.

Sec. 82-41. Driving on sidewalks or parkways prohibited.

The driver of a vehicle shall not drive on any sidewalk or parkway except on a permanent or temporary driveway. Any person found in violation of this Section shall be fined no less than \$50.00.

Sec. 82-42. Dimming headlights required when.

On approaching another vehicle proceeding in an opposite direction and when within not less than 350 feet of such vehicle, the operator of a motor vehicle equipped with electric headlight or headlights shall dim such headlight or headlights.

Sec. 82-43. Prohibited driving to left of center of roadway.

(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

- (1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing;

- (3) When approaching within 100 feet of any bridge, viaduct, tunnel or subway;
- (4) When official signs are in place directing that traffic keep to the right, or a continuous yellow colored centerline is marked.
- (b) The foregoing limitations shall not apply upon a one-way roadway.

Sec. 82-44. Operating vehicle in reverse.

The driver of a vehicle shall not operate vehicle in reverse unless such movement can be made with reasonable safety and without interfering with other traffic.

Sec. 82-45. Obstruction of intersection or crosswalk prohibited.

Notwithstanding any traffic-control signal indication to proceed, no operator of a vehicle shall enter an intersection or crosswalk unless there is sufficient space beyond such intersection or crosswalk, in the direction in which the vehicle is proceeding, to accommodate the vehicle without obstructing the passage of other vehicular traffic or pedestrians. Any person who violates this section shall be subject to a fine of \$200.00.

Sec. 82-46. Obstruction of traffic.

The operator of a vehicle shall not so operate the vehicle as to form an unreasonable obstruction to traffic.

Sec. 82-47. Negligent driving.

It shall be unlawful for any person to operate any vehicle upon a public way negligently, heedlessly and without due caution in a manner which endangers or is likely to endanger any person or property or to swerve within, between or across lanes of traffic in such a manner. Any person who violates this section shall be fined not less than \$300.00 nor more than \$1,000.00 for each offense.

Sec. 82-48. Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon the condition of the roadway.

Sec. 82-49. Drivers to exercise due care for pedestrians.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precautions upon observing any child or any confused or incapacitated person upon a roadway.

Sec. 82-50. Driving or moving vehicle in unsafe condition.

It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any roadway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property or which contains equipment prohibited by the vehicle code or is not equipped with such lamps and other equipment in proper condition and adjustment as required in the traffic code, or which is equipped in any manner in violation of this Code.

Sec. 82-51. Coasting downhill prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a motor vehicle of the second division when traveling upon a down grade shall not coast with the clutch disengaged.

Sec. 82-52. Pulling out from parked position.

No person shall move a vehicle which is stopped, standing, or parked on any roadway unless and until such movement can be made with reasonable safety.

Sec. 82-53. Operator's signals.

(a) No person shall turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate visual signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) A turn signal shall be given to indicate an intention to change lanes or start from a parallel parked position.

Sec. 82-54. Operator's signals--stop or decrease in speed.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 82-55. Operator's signals--means.

Any stop or turn signal when required by the traffic code shall be given either by means of the hand and arm or by mechanical device, all of which signals shall be plainly visible and understandable in normal sunlight and at night from a distance of 100 feet to the front and rear, but shall not project a glaring or dazzling light; except that a stop signal need be visible only from the rear. All mechanical signal devices shall be self-illuminated at all times when in use. Any person found in violation of this Section will be fined \$25.00 dollars.

Sec. 82-56. Operator's signals--hand and arm--manner.

Hand and arm signals shall be given from the left side of the vehicle in the following manner:

(a) Left turn, hand and arm extended horizontally;

(b) Right turn, hand and arm extended upward;

(c) Stop or decrease speed, hand and arm extended downward.

Sec. 82-57. Use of horns and signals devices.

(a) The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn at any time.

(b) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control, or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, or the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of any such device for an unnecessary and unreasonable period of time, is hereby prohibited.

Sec. 82-58. Driving with view obstructed prohibited.

(a) No person shall drive a motor vehicle with any sign, poster, card, sticker or other non-transparent material upon the front windshield, or upon or protruding from any rear window, side window or roof which materially obstructs, obscures or impairs the view from both within or without the vehicle.

(b) No person shall drive any motor vehicle upon a roadway with any object so placed in or upon the vehicle as to obstruct the driver's clear view through the windshield, except required or permitted equipment of the vehicle.

(c) No person shall drive a vehicle when it is loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicles or as to interfere with the driver's control over the driving mechanism of the vehicle.

(d) No person shall drive any motor vehicle upon a roadway with any human being placed upon or protruding from the vehicle's roof, trunk, hood or any window; provided, however, that this section shall not apply (i) if the motor vehicle is part of a parade, public assembly or athletic event and for which a permit has been obtained; or (ii) if the motor vehicle is being used by an officer or employee of the County in the performance of his or her official duties.

(e) Any person who violates this section shall be fined not less than \$300.00 nor more than \$1,000.00 for each offense.

Sec. 82-59. Towing or pushing regulations of disabled vehicles.

(a) When one vehicle is towing another, the vehicles shall be connected to a drawbar of sufficient strength to pull all weight towed, and the drawbar shall not exceed eight feet in length. In addition to the drawbar, the vehicles shall be connected by two chains or cables of sufficient strength to pull all weight towed independently of the drawbar. Such chains or cables shall not exceed the length of the drawbar by more than two feet when fastened to the towed vehicle.

(b) No person shall push a vehicle with another vehicle upon any public way for a distance greater than 600 feet, or in a school zone while school children are present.

(c) Every disabled vehicle being pushed or towed on any public way shall have displayed on its roof or cab a flashing amber light. Such light shall be visible for a distance of at least 500 feet from the sides and rear if the vehicle is being towed or 500 feet to the front and sides if the vehicle is being pushed. Such light shall be in addition to any other lights required by law or ordinance.

Sec. 82-60. Safe speed required.

No person shall drive any vehicle pushing or towing another vehicle a rate of speed greater than is reasonable under the conditions so as not to endanger life or property.

Sec. 82-61. Towing of vehicle containing passenger prohibited.

No person shall operate a vehicle to tow another vehicle if the towed vehicle contains one or more passengers.

Sec. 82-62. Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon return from any fire alarm, may:

- (1) Park or stand, irrespective of the provisions of the vehicle code;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(b) The exemptions herein granted to an authorized emergency vehicle shall apply only:

- (1) when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and the vehicle is displaying an oscillating, rotating or flashing red beam visible under normal atmospheric conditions from a distance of 500 feet of the front of such vehicle; or
- (2) when the authorized emergency vehicle is operated as a police vehicle and such vehicle is displaying an oscillating, rotating or flashing blue beam.

(c) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard of others.

Sec. 82-63. Buses-stopping, standing and parking.

(a) The driver of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers other than at a designated bus stop, bus stand, passenger loading zone, or bus terminal except in case of an emergency or as permitted in paragraph (d) of this section.

(b) The driver of a bus shall enter a bus stop or passenger loading zone on a public way only in such a manner that the bus when stopped to load or unload passengers shall be in a position with the right front wheel of such bus not further than 18 inches from the curb, or 30 inches from the curb if the bus is lift equipped, and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(c) When bus lanes are designated and appropriately indicated by signs and markings, it shall be unlawful for the driver of any bus to operate the vehicle on any other portion of the roadway for travel in the direction allowed in the designated lane.

(d) The driver of a bus may stop such vehicle at any intersection of any street on which it has authority to operate between the hours of Midnight and 5:00 a.m. for the purpose of loading or unloading passengers.

Sec. 82-64. Taxicabs--stopping, standing and parking.

(a) The driver of any taxicab shall not stop such vehicle upon any business street at any place other than a taxicab stand, except for the expeditious loading or unloading of passengers or when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, traffic control aide or traffic sign or signal; provided, however, that this section shall not apply when the taxicab is unoccupied, not for hire and otherwise lawfully parked.

(b) No driver, involved in the expeditious loading or unloading of passengers shall be charged with a violation of any parking ordinance contained in this code, unless such driver fails to move his vehicle after having been directed by a police officer or traffic control aide to do so.

Sec. 82-65. Cruising of public passenger vehicles prohibited.

No operator of a public passenger vehicle shall solicit business in such manner as to interfere with the lawful movement of traffic.

Sec. 82-66. Operation of motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person unless the cycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the cycle.

Sec. 82-67. Operation of motor driven scooters restricted.

(a) No person shall operate a motor driven scooter upon any public street, sidewalk, parking lot, bike path, park or on any other public property.

(b) The following shall be exempt from the prohibitions contained in this section:

(1) Any police vehicle, fire vehicle, municipal vehicle, special district vehicle, County vehicle or Forest Preserve District vehicle operated by an employee in the course of his or her duties.

(2) Motorized wheelchairs. For purposes of this section, a motorized wheelchair means any motorized vehicle designed for and used by a person with disabilities.

(3) Electric personal assistance mobility devices

(d) *Applicability of section.* Without limitation, this section applies to areas of unincorporated Cook County, to areas owned or operated by Special Districts within unincorporated Cook County, and to areas within municipalities within the County which have not adopted ordinances governing the operation of motorized scooters within the said municipalities. To the extent a municipality has adopted an ordinance addressing the operation of motorized scooters, or to the extent a municipality adopts an ordinance electing not to be bound by this section, the ordinance of the municipality shall apply, and this section shall not apply, to any areas within the jurisdiction of the municipality.

(e) *Violations.* Any person 18 years of age or older who violates any of the provisions of this section shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 for each offense. An offense committed by a minor under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties provided in this section.

Sec. 82-68. Snowmobile operation.

It shall be unlawful for a person to operate a snowmobile in any unincorporated area of the County except in those areas of the Forest Preserve where snowmobile operation is specifically allowed. Any person found in violation of this Section shall be subject to a fine of \$50.00.

Sec. 82-69. Duty upon striking unattended vehicle.

The operator of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of his name, address and telephone number and of the state registration number of the vehicle striking the unattended vehicle or shall leave in a conspicuous place on the vehicle struck a written notice giving his name, address and telephone number and the state registration number of the vehicle doing the striking and a statement of the circumstances thereof.

Sec. 82-70. Duty upon striking fixtures or other property.

The operator of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to public way shall take reasonable steps to locate and notify the owner or persons in charge of such property of such fact and of his name, address and telephone number and of the state registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license.

Sec. 82-71. Special weight and load permits

(a) The County Board hereby declares it necessary to impose upon certain highways, under the jurisdiction of the County, weight and load restrictions, in accordance with the Illinois Motor Vehicle Law. The highways to be so designated shall be based upon the recommendations of the County Superintendent of Highways.

(b) In the event it is necessary for a vehicle to use a highway, upon which load restriction limits have been placed and, where load limit restrictions will be exceeded, the County Superintendent of Highways, in such cases, is hereby authorized to issue a temporary permit for such highway use. The County Superintendent of Highways be and is hereby directed to submit recommendations to the County Board concerning load limit restrictions and the highways upon which said load limit restrictions shall be imposed.

Sec. 82-72. Picking up riders-prohibited.

No person operating a private vehicle shall pick up any person standing in a roadway for the purpose of soliciting a ride. Any person who is found in violation of this Section will be fined \$100.00.

Sec. 82-73. Unlawful riding.

- (a) No person shall board or alight from any vehicle while such vehicle is in motion.
- (b) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.
- (c) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or with his control over the driving mechanism of the vehicle.
- (d) Any person found in violation of this Section will be fined \$100.00 for each offense.

Sec. 82-74. False, stolen or altered temporary registration permits.

No person shall operate or park on the public way, under the jurisdiction of the County, any vehicle bearing a false, stolen or altered state temporary registration permit. A vehicle operated or parked in violation of this section is subject to immediate impoundment. The owner of record of such vehicle shall be liable to the county for an administrative penalty of \$500.00 in addition to fees for towing and storage of the vehicle. Whenever a Sheriff's police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the County or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 58-164 of this Code. If the vehicle is unattended, notice shall be sent to the last registered owner of the vehicle, at the address indicated in the last valid registration of the vehicle.

Sec. 82-75. Television receivers.

No person shall operate a motor vehicle when the vehicle is equipped with television broadcast receiver equipment so located that the viewer or screen is visible from the driver's seat. Any person who violates the provisions of this section shall be fined not less than \$200.00 nor more than \$500.00 for each offense and shall be required to perform reasonable community service in a program under the direction of the Sheriff.

Sec. 82-76. Unauthorized signs declared a nuisance--exceptions.

- (a) No person shall place, maintain, or display upon or in view of any public way any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain upon any public way any traffic sign or signal bearing thereon any commercial advertising.

(b) Every person convicted of a violation of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense. Every sign, signal, or marking prohibited under this section is hereby declared to be a public nuisance, and the commissioner of transportation is empowered to and shall remove the same or cause it to be removed without notice.

(c) This section shall not apply to crossing guards displaying portable stop signs to permit the street crossing of children or to "Neighborhood Watch" signs installed and maintained by local residents or organizations; provided, however, that "Neighborhood Watch" signs shall be uniform in size, color and design as approved by the Sheriff's Police Department and shall be installed only on residential streets, at least eight feet above curb grade, not less than 150 feet from any intersection and in such a manner as not to obstruct any traffic or other regulatory sign or signal. This section also shall not be deemed to prohibit the erection, upon private property adjacent to public ways, of signs giving useful directional information and of a type that cannot be mistaken for official traffic signs.

Sec. 82-77. Obstruction of or interference with traffic.

Any person who shall willfully and unnecessarily hinder, obstruct or delay or who shall willfully and unnecessarily attempt to hinder, obstruct or delay any other person in lawfully driving or traveling along or upon any street or who shall offer to barter or sell any merchandise or service on the street so as to interfere with the effective movement of traffic or who shall repeatedly cause motor vehicles traveling on public thoroughfares to stop or impede the flow of traffic shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$200.00 or imprisoned for not more than ten days, or both, for the first offense, fined not more than \$500.00 or imprisoned for not more than 20 days, or both, for the second offense, and fined not more than 30 days, or both, for each such subsequent offense.

Sec. 82-78. Mobile food dispensers.

No person shall conduct the business of a mobile food dispenser or peddler as defined in this Code, on any portion of the public way in such a way as to obstruct the flow of traffic. Any person who violates the provisions of this section shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

Secs. 82-79 - 82-85. Reserved.

DIVISION 3. VEHICLE PARKING

Sec. 82-86. Stopping, Standing and Parking, prohibited in various locations.

Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a police officer or official traffic-control device, no person shall:

- (1) Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;

- e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks or within a distance of ten feet from the outer rails thereof;
 - i. At any place where official signs prohibit stopping;
 - j. On a controlled-access highway;
 - k. In the area between roadways of a divided highway, including crossovers.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
- a. In front of a public or private driveway;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet upon the approach to any flashing signal, yield sign, or traffic control signal located at the side of a roadway;
 - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly sign-posted);
 - f. At any place where official signs prohibit standing;
 - g. In a fire lane or within eight feet of the entrance to a fire lane.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- a. Within 50 feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking.
- (4) Any person who shall violate or fail to comply with any provision of the above Section with the exception of subsections 1(h), 2(e) and 3(a), shall be fined \$50.00 for each offense.

- (5) Any person who shall violate or fail to comply with any provision of subsection 2(e) and 3(a) shall be fined \$75.00 for each offense.
- (6) Any person who shall violate or fail to comply with any provision of subsection 1(h) shall be fined \$100.00 for each offense.

Sec. 82-87. Distance from the curb.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) No person shall move a vehicle not lawfully under such person's control into any prohibited area or away from a curb such distance as is unlawful.

(c) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left side of the left-hand shoulder. Any person found in violation of any provision this Section will be fined \$50.00.

Sec. 82-88. Violation of posted signs; penalty.

(a) No person shall stop, park or leave standing at any time any vehicle, whether attended or unattended, within the right-of-way of any roadway under the jurisdiction of the County where necessary signs are posted prohibiting parking, which such signs shall be posted at the discretion of the Cook County Superintendent of Highways.

(b) Every person found guilty of violating this section shall be guilty of a misdemeanor and be punished by a fine of not less than \$5.00 and not more than \$100.00 for each offense.

Sec. 82-89. Stopping, standing or parking outside of business or residential district.

(a) *Unobstructed width opposite a standing vehicle.* Outside a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practical to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) *Posting signs.* The Cook County Department of Highways with respect to highways under its jurisdiction or for the maintenance of which it is responsible may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Any such regulations adopted by the Department regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways become effective at the time of the erection of appropriate signs indicating such regulations. Any such signs may be erected by the Department or by a local authority with the approval of the State Department of Transportation.

(c) *Exception.* This section and Sections 82-93 and 82-94 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

Sec. 82-90. Parking on county property.

It shall be unlawful to park any vehicle upon any property owned by the County and used for the transaction of public business where such parking is prohibited by order of the custodian of the property; provided, this section shall not apply to County-owned vehicles or to other vehicles whose operation is useful or essential to the proper functioning of the department, board or commission occupying the property. The custodian of the property shall post "No Parking" signs indicating the foregoing prohibition. Any person found in violation of any provision of this Section will be fined \$50.00.

Sec. 82-91. Parking in alleys.

(a) It shall be unlawful to park any vehicle in any alley for a period of time longer than is necessary for the expeditious loading, unloading, pick-up or delivery of materials from such vehicle.

(b) It shall be unlawful to park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic or to block the entrance to any abutting property. Any person found in violation of any provision of this Section will be fined \$50.00.

Sec. 82-92. Parking of trucks restricted.

(a) No person shall stand or park any truck, tractor, semi-trailer, recreational vehicle more than 22 feet in length, self-contained motor home, or bus on any residential street for a longer period than is necessary for the reasonably or expeditious loading or unloading of such vehicle.

(b) No person shall stand or park any truck, tractor, semitrailer, trailer or self-contained motor home, or bus on any business street for a longer period than is necessitated for the reasonably expeditious loading or unloading of such vehicle. Any person found in violation of this Section will be fined \$50.00.

Sec. 82-93. Parking privileges for persons with disabilities.

(a) A motor vehicle bearing registration plates issued to a person with disabilities, as defined by 625 ILCS 5/1-159.1 (person with disabilities defined), pursuant to 625 ILCS 5/3-616 (person with disabilities license plates), or to a disabled veteran pursuant to 625 ILCS 5/3-609 (disabled veterans' plates), or a special decal or device issued pursuant to 625 ILCS 5/3-616 (person with disabilities license plates) or pursuant to 625 ILCS 5/11-1301.2 (special decals for a person with disabilities parking) or a motor vehicle registered in another jurisdiction, State territory or foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a handicapped person shall be exempt from the payment of parking meter fees and exempt from ordinances imposing time limitations on parking, except limitations of one-half hour or less, on any street or highway zone, or any parking lot or parking place which are owned, leased or owned and leased by a municipality or a municipal parking utility; but, such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, crosswalks, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Any motor vehicle bearing registration plates or a special decal or device specified in this section or in 625 ILCS 5/3-616 (person with disabilities license plates) or such as specifically authorized in 625 ILCS 5/11-1301.2 (special decals for a person with disabilities parking) as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran may park, in addition to any other lawful place, in any parking place specifically reserved for such vehicles by the posting of an official sign.

(b) Parking privileges granted by this section are strictly limited to the person to whom the special registration plates, special decal or device were issued and to qualified operators acting under his express direction while the person with disabilities is present.

(c) Such parking privileges granted by this section are also extended to motor vehicles of not-for-profit organizations used for the transportation of persons with disabilities when such motor vehicles display the decal or device issued pursuant to 625 ILCS 5/11-1301.2 (special decals for a person with disabilities parking).

Sec. 82-94. Unauthorized use of parking places reserved for persons with disabilities.

(a) *Registration plates or decals.* It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined in 625 ILCS 5/1-159.1 (person with disabilities defined) pursuant to 625 ILCS 5/3-616 (person with disabilities license plates) or 625 ILCS 5/11-1301.2 (special decals for a person with disabilities parking), or to a disabled veteran pursuant to 625 ILCS 5/3-609 (disabled veterans' plates), as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street facility, specifically reserved, by the posting of an official sign.

(b) *Removal of authorized vehicles.* Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the Sheriff's Police Department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plates or a special decal or device as required under this section.

(c) *Fine.* Any person found guilty of violating the provisions of this section shall be fined \$250.00, in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this section.

Sec. 82-95. Parking meters.

It shall be unlawful to park any vehicle in a designated parking meter zone or space without depositing a United States coin or any other acceptable form of payment of the denomination indicated on the meter and putting the meter in operation or to park any vehicle in such zone or space for a period longer than is designated on the meter for the value of the coin or coins deposited in the meter; provided, however, these provisions shall not apply during such hours of the day as designated from time to time by order of the County Board. Any person found in violation of this Section will be fined \$50.00.

Sec. 82-96. Repairs to vehicles on Public Way.

No person shall change any parts, repair, wash, grease, wax, polish or clean a vehicle on any public way, under jurisdiction of the County, except such repairing, cleaning or polishing as is necessary to insure good vision, or such emergency repairs as are necessary to remove such vehicle from the public way. Such emergency repairs shall be made only as close as possible to the right-hand edge of the roadway, with the vehicle facing in the direction of the traffic flow.

Sec. 82-97. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway, under jurisdiction of the County or in any public off-street parking facility for any of the following purposes:

- (a) To display such vehicle for sale;
- (b) To perform maintenance or repair such vehicle, except for repairs necessitated by an emergency;
- (c) To sell merchandise from such vehicle.
- (d) Any person who violates subsection (a) shall be fined \$50.00 for each offense. Any person who violates subsections (b) or (c) above shall be fined \$25.00 for each offense.

Sec. 82-98. Unattended motor vehicles.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(b) Nothing in this section prohibits the use of a remote ignition start device which is capable of starting a vehicle's ignition without the vehicle's ignition key, if (a) the vehicle is equipped with an anti-theft feature which prevents the vehicle from being driven without the ignition key being properly inserted; and (b) the owner of the vehicle displays on the vehicle a decal or sticker indicating the presence of such a remote ignition start device.

Sec. 82-99. Parking in parking lots.

- (a) It shall be unlawful for any person not so entitled to park a vehicle in a public parking lot.

(b) It shall be unlawful for any person not so entitled to park a vehicle in a private parking lot established voluntarily or pursuant to the County Zoning Ordinance to provide off-street parking facilities for tenants or employees of the owner.

(c) Whenever any vehicle is parked in violation of this section, any police officer or other person authorized to issue parking violation notices. Upon a written complaint signed by the owner of the parking lot or by his authorized agent that the vehicle is not entitled to the privileges of the parking lot, may attach a parking violation notice to the vehicle.

(d) Any person who violates subsection (a) or (b) of this section shall be fined \$50.00 for each offense.

Sec. 82-100. Removal of parking permit or notice of violation.

(a) It shall be unlawful for any person, other than the driver of the vehicle, to remove from a vehicle a notice of violation affixed pursuant to the vehicle code.

(b) Every person found in violation of this section shall be fined not less than \$100.00.

Secs. 82-101 - 82-109. Reserved.

DIVISION 4. COMPLIANCE VIOLATIONS

Sec. 82-110. Brakes--required.

(a) Every motor vehicle, other than a motorcycle, when operated on any roadway under the County's jurisdiction shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle. The brake system shall include two separate means of applying the brake, each of which means shall operate to apply the brakes to at least two wheels. If the two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle and motor-driven cycle when operated on any roadway under the County's jurisdiction shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semi-trailer of a gross weight of 3,000 pounds or more when operated on any roadway under the County's jurisdiction shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab. Such brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes are automatically applied. Any person found in violation of any provision of this Section will be fined \$25.00.

Sec. 82-111. Brakes--stopping capability--maintenance.

(a) The service brakes upon any motor vehicle or combination of vehicles operating on a level surface shall be adequate to stop such vehicle or vehicles within a distance of 30 feet when traveling 20 miles per hour upon dry asphalt or concrete pavement surface free from loose material.

(b) Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of 55 feet and the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

(c) Under the above conditions the service brakes upon an antique vehicle, as defined in the Illinois Vehicle Code, shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted by law.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate evenly with respect to the wheels on opposite sides of the vehicle. Any person found in violation of any provision of this Section will be fined \$25.00

Sec. 82-112. Windshield wipers.

Every motor vehicle, except motorcycles and motor-driven cycles, operating or parked on any roadway under the County's jurisdiction and equipped with a windshield shall also be equipped with a self-operating windshield wiper which shall be maintained in good operating condition. The windshield wiper shall provide clear vision through the windshield for the driver and shall be operated under conditions of fog, snow or rain. This section shall not apply to snow removal equipment equipped with adequate manually operated windshield wipers. Any person found in violation of this Section will be fined \$25.00.

Sec. 82-113. Horns and warning devices.

(a) Every motor vehicle when operated upon any roadway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except that this shall not apply to an authorized emergency vehicle as otherwise permitted in the traffic code. Any person found in violation of this Section will be fined \$25.00.

Sec. 82-114. Required lighting.

When upon any roadway, subject to exceptions with respect to parked vehicles:

(a) Every motorcycle shall exhibit at all times at least one lighted lamp showing a white light visible at a distance of 500 feet in the direction of travel;

(b) All motor vehicles other than motorcycles shall exhibit at least two lighted head lamps showing white lights or lights with a yellow or amber tint, during the period of sunset to sunrise, and at any other times when due to insufficient natural light or unfavorable atmospheric conditions (fog, snow or rain), person and vehicles are not clearly discernible for a distance of 1,000 feet in the direction of travel;

(c) Each motor vehicle, trailer or semi-trailer shall also exhibit at least one lighted lamp which shall be so situated as to throw a red light visible for at least 500 feet in the reverse direction;

(d) The registration plate at the back of every motorcycle and every motor vehicle shall be so lighted that the numbers on said plate shall be plainly legible and intelligible at a distance of 50 feet; and

(e) Every trailer having a gross weight of 3,000 pounds or less including the weight of the trailer and maximum load shall be equipped with two lighted lamps, one on each side of the rear of such trailer which shall be so situated as to throw a red light visible for at least 500 feet in the reverse direction. Any person found in violation of any provision of this Section shall be fined \$25.00 dollars.

Sec. 82-115. Spot lamps and auxiliary driving lamps.

(a) Any motor vehicle may be equipped with not to exceed one spot lamp, except authorized emergency vehicles, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Any person found in violation of this Section shall be fined \$25.00.

Sec. 82-116. Side cowl, fender, running board courtesy and back-up lamps.

(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion.

(d) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candle-power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. Any person found in violation of any provision of this Section shall be fined \$25.00.

Sec. 82-117. Non-motor-driven vehicles--lighting requirements.

All non-motor-driven vehicles including animal-drawn vehicles while being operated or parked on any roadway under the jurisdiction of the County between the period of sunset to sunrise shall at all times be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear. Any person found in violation of this Section shall be fined \$25.00.

Sec. 82-118. Parked vehicles--lighting regulations.

(a) Whenever a vehicle is lawfully parked at nighttime upon any lighted street within a business or residence district, no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked upon an unlighted street or highway during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 500 feet to the rear.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. Any person found in violation of this Section will be fined \$25.00.

Sec. 82-119. Suspension system.

(a) It shall be unlawful to operate or park a motor vehicle on any roadway, that is under jurisdiction of the County, when the suspension system has been modified from the original manufactured design by lifting the body from the chassis in excess of three inches or to cause the horizontal line from the front to the rear bumper to vary over the three inches in height when measured from a level surface of the highway to the lower edge of the bumper.

(b) Nothing in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person to operate a motor vehicle with normal wear of the suspension system if such condition does not affect the control or safe operation of the vehicle. This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes while such vehicles are in tow or to motorcycles or motor-driven cycles. Any person found in violation of this Section will be fined \$25.00.

Sec. 82-120. Bumpers.

(a) Every motor vehicle of the first division and recreational vehicles must be equipped with both front and rear bumpers while being operated or parked on any roadway within the County's jurisdiction. The bumper height shall not be modified to vary more than three inches from the original manufactured bumper height for that vehicle when measured from a level surface of the highway to the lower edge of the bumper. Nothing in this section shall prevent the installation of manufactured bumper guards.

(b) This section shall not apply to any motor vehicle designed or modified primarily for off-highway racing purposes while such vehicle is in tow or to motorcycles or motor-driven cycles or to an antique vehicle when registered as such and where the original design did not include bumpers. Any person found in violation of subsection (a) of this Section will be fined \$25.00.

Sec. 82-121. Rear view mirrors.

Every motor vehicle, whether parked, operated singly or when towing another vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the roadway for a distance of at least 200 feet to the rear of such vehicle. Any person found in violation of this Section will be fined \$25.00.

Sec. 82-122. Rear reflectors on trailers.

Every trailer having a gross weight of 3,000 pounds or less including the weight of the trailer and maximum load, towed either by a motor vehicle of the first division or a motor vehicle of the second division shall be equipped with two red reflectors, which will be visible when hit by headlight beams 300 feet away at night, located on the rear of the body of such trailer, not more than 12 inches from the lower left hand and right hand corners. Any person in violation of this Section will be fined \$25.00.

Sec. 82-123. Exhaust system.

- (a) (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke
- (2) No person shall use a muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle on a public way.

For purposes of this subsection (a), the term "straight pipe" shall mean a muffler without baffles or any other noise inhibiting device.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Any person in violation of any provision of this Section will be fined \$25.00.

Sec. 82-124. Burglar alarms.

(a) In any vehicle equipped with a continuous or intermittent audible signal device which acts as a burglar alarm, such device shall be limited in operation to four minutes after activation and shall be incapable of further operation until reset to become active again.

(b) No person shall install or maintain in any vehicle registered in the County any continuous or intermittent audible signal device for use as a burglar alarm unless the device is equipped with an automatic shut-off mechanism to terminate the alarm sound after four minutes and an automatic reset mechanism to reengage the alarm for further operation. No person shall operate or park on any roadway any vehicle equipped with any continuous or intermittent audible signal device for use as a burglar alarm unless the device is equipped with an automatic shut-off mechanism to terminate the alarm sound after four minutes and an automatic reset mechanism to reengage the alarm for further operation.

(c) Any person who violates this section shall be subject to a fine of \$50.00 for each offense. Any person who violates this section a second time shall be subject to a fine of \$75.00, any person who violates this section a third or subsequent time shall be subject to a fine of \$100.00. Each installation and each use of an alarm in violation of this section shall constitute a separate and distinct offense; provided, however, it shall not be a violation of this section to operate a device for a period of time in excess of four minutes if the device is designed to be triggered by the unauthorized opening of the hood, trunk or door of the vehicle, or by the breaking of a window, and the operation of the device in excess of four minutes was so caused.

Sec. 82-125. Registration plates.

(a) Registration plates issued for a motor vehicle other than a motorcycle, trailer, semi-trailer or truck-tractor shall be attached to the front and rear of the vehicle.

(b) The registration plate issued for a motorcycle, trailer or semi-trailer shall be attached to the rear thereof.

(c) The registration plate issued for a truck-tractor shall be attached to the front thereof.

(d) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible. No registration plate shall be covered by any tinted or colored screen.

(e) It is illegal to park a vehicle on any roadway under the County's jurisdiction if the registration plate or other registration material fails to comply with subsections (a) through (d) or subsection (f) of this section.

(f) Every registration plate, temporary permit or evidence of temporary registration must bear evidence of proper registration for the current period and be displayed in the manner required by the secretary of state. Any person in violation of any provision of this Section will be fined \$50.00.

Sec. 82-126. County wheel tax sticker.

The County wheel tax sticker shall be purchased and displayed in accordance with the provisions of Chapter 74, Article XIV of the County Code. Any person who violates this section shall be fined pursuant to Chapter 74, Article XIV of the County Code.

Sec. 82-127. Safety belts.

(a) Each driver and front seat passenger of a passenger motor vehicle shall wear properly adjusted and fastened seat safety belts, except that a child less than six years of age shall be protected as required by the Child Passenger Protection Act of the State of Illinois. Each driver of a passenger motor vehicle transporting a child six years of age or more, but less than 16 years of age, in the front seat of a passenger motor vehicle shall be responsible for securing such child in a properly adjusted and fastened seat safety belt. For the purposes of this section, use of seat safety belts shall include the use of shoulder harnesses where such harness is a standard part of the equipment of the passenger motor vehicle.

(b) All school buses, as defined in Section 1-182 of the Illinois Vehicle Code, codified as 625 ILCS 511-182, as amended, that meet the minimum Federal Motor Vehicle Safety Standards 222 for the purposes of transporting children 18 and under shall be equipped with an individual set of seat safety belts meeting Federal Motor Vehicle Safety Standards 208 and 209 as they apply to a multi-passenger vehicle with a gross weight at or under 10,000 pounds, in good operating condition for each passenger. No school bus shall be operated unless all passengers' safety belts are fastened.

(c) The provisions of this section shall not apply to:

(1) A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour;

(2) A driver or passenger possessing a written statement from a physician that he or she is unable for medical or physical reasons to wear a seat safety belt;

(3) A driver or passenger possessing a certificate or license endorsement issued by the Motor Vehicle Division of the state or a similar agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a seat safety belt;

- (4) A driver operating a motor vehicle in reverse;
 - (5) A passenger motor vehicle manufactured before January 1, 1965;
 - (6) A motorcycle, motortricycle or moped;
 - (7) Any passenger motor vehicle which is not required to be equipped with seat safety belts under state or federal law, except school buses;
 - (8) A passenger motor vehicle operated by a postal carrier of the United States Postal Service while such carrier is performing his or her duties as a postal carrier; or
 - (9) A school bus transporting students who reside and attend schools situated outside of the city.
- (d) Any person who shall violate the provisions of this section shall be fined \$25.00.

Sec. 82-128. Broken or inoperable lamps; broken or cracked glass.

(a) No person shall operate or park any vehicle on any roadway under the County's jurisdiction if any lamp or light required for the vehicle by this Code is broken or inoperable.

(b) No person shall operate or park any vehicle on any roadway under the County's jurisdiction, if any window of the vehicle is missing, broken, or cracked and the crack exceeds six inches in length. Any person found in violation of this Section will be fined \$25.00.

Sec. 82-129. Obstruction of driver's vision; tinted and non-reflective windows.

(a) No person shall operate or park a motor vehicle on any roadway under the County's jurisdiction, with any sign, poster, window application, reflective material, non-reflective material or tinted film on the front windshield, side-wings or side windows immediately adjacent to either side of the operator. A non-reflective tint screen may be used along the uppermost portion of the front windshield if the material does not extend more than six inches down from the top of the windshield.

(b) It is unlawful to park or stand a vehicle on any portion of the public way under the County's jurisdiction if the vehicle is equipped with non-reflective, smoked or tinted glass or non-reflective film on the front windshield, side-wings or side windows immediately adjacent to either side of the driver's seat.

(c) It is a defense to a charged violation of subsection (a) or subsection (b) of this section that the motor vehicle complies with the use, medical prescription and documentation provisions of Paragraph (g) of Section 12-503 of the Illinois Vehicle Code, as amended. Any person found in violation of subsection (a) and (b) of this section will be fined \$25.00.

Sec. 82-130. Blue lights and flashing, rotating or oscillating blue beams.

No person shall drive, move, or park any vehicle or equipment upon any roadway under the County's jurisdiction with any device thereon displaying a blue thereof, except a vehicle owned and operated by a police department, law enforcement agency or an emergency vehicle, or place, maintain, or display upon or in view of any public or oscillating blue beam. Any person found in violation of this Section will be fined \$100.00.

Sec. 82-131. Red lights and flashing lights.

(a) No person shall drive, move or park any vehicle or equipment upon any roadway, under the County's jurisdiction, with any lamp or device thereon displaying a red light visible from directly in front thereof.

(b) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn or an emergency stop.

(c) The provisions of this section shall not apply to authorized emergency vehicles. Any person found in violation of subsection (a) or (b) of this section will be fined \$100.00.

Sec. 82-132. Destructive substances on public way.

(a) No person shall throw or deposit upon any public way any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such public way.

(b) Any person who drops, or permits to be dropped or thrown, upon any public way any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing wrecked or damaged vehicle from a public way shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(d) No person shall cast, throw or deposit any litter, upon any public way.

(e) Any police officer or law enforcement officer observing a violation of this section may issue a notice of violation or other appropriate citation to any person violating any of the provisions of this section. Any person found violating any provision of this section will be fined \$100.00.

Sec. 82-133. Metal-tired vehicles or equipment.

No person shall drive, move, or park on any public way, under the County's jurisdiction any metal-tired vehicle or equipment having on the periphery of any wheel a block stud, flange, cleat, or spike or any other protuberance of any metal other than rubber which projects beyond the tread of the traction surface of the tire; provided, however, it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, mud or other conditions tending to cause a vehicle to skid.

Secs. 82-134 - 82-139. Reserved.

DIVISION 5. PEDESTRIANS

Sec. 82-140. Jaywalking

No pedestrian shall cross a roadway other than in a crosswalk on any through street. Any person who shall violate this provision will be fined \$10.00 for each offense.

Sec. 82-141. Limited access streets and highways--public pedestrian tunnels and bridges.

(a) No pedestrian shall cross the roadway of a limited-access street or highway other than by means of those facilities which have been constructed as pedestrian crossings or at those points where marked crosswalks have been provided.

(b) No pedestrian shall cross a roadway where a public pedestrian tunnel or bridge has been provided other than by way of the tunnel or bridge within a section to be determined by the Highway Department and to be so designated by the erection of appropriate signs or fencing.

(c) Any person found in violation of this Section will be fined \$10.00.

Sec. 82-142. Pedestrian to yield right-of-way when.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) The foregoing rules in this section have no application under the conditions stated in Section 82-84 when pedestrians are prohibited from crossing at certain designated places.

(c) Any person found in violation of this Section will be fined \$10.00.

Sec. 82-143. Pedestrian crossing.

(a) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Any person found in violation of this Section will be fined \$10.00.

Sec. 82-144. Use of crosswalk.

Pedestrians shall move whenever practicable upon the right side of crosswalks. Any person found in violation of this Section will be fined \$10.00.

Sec. 82-145. Walking along roadways.

(a) Where sidewalks are provided it shall be unlawful for a pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a roadway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(c) Any person in violation of this Section will be fined \$20.00.

Sec. 82-146. Soliciting rides prohibited.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Any person found in violation of this Section will be fined \$100.00 for each offense.

Sec. 82-147. Traffic-control signals.

Pedestrians shall be subject to traffic-control signals as provided in Sections 82-11 and 82-14, but at all other places shall be granted those rights and be subject to the restrictions stated in this Article.

Sec. 82-148. Imitation of blind persons prohibited.

It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of Cook County any cane or walking stick which is white in color, or white with a red end on the bottom.

Sec. 82-149. Pedestrians to exercise due care.

Nothing in this Article shall relieve a pedestrian from the duty of exercising due care.

Secs. 82-150 - 82-154. Reserved.

DIVISION 6. BICYCLES

Sec. 82-155. Rights and duties of bicycle riders.

(a) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

(b) The regulations in the traffic code applicable to bicycles shall apply whenever a bicycle is operated upon any roadway or public sidewalk or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(c) Whenever authorized signs are erected indicating that no right or left turn or turn in the opposite direction is permitted, no person operating a bicycle shall disobey the direction of any such sign unless he dismounts from the bicycle to make the turn, in which event he shall then obey the regulations applicable to pedestrians.

(d) Every person convicted of a violation of any provision of Section 82-155 through 82-166 regulating bicycles shall be fined a minimum of \$25.00.

Sec. 82-156. Riding bicycles on sidewalks and certain roadways.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) No person 12 or more years of age shall ride a bicycle upon any sidewalk in any area , unless such sidewalk has been officially designated and marked as a bicycle route.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Sec. 82-157. Riding bicycles on sidewalks--penalty.

(a) The penalty for any person age 18 and older who rides a bicycle on the sidewalk shall be \$25.00.

(b) Following passage and approval, this section shall be in force and effect upon posting of signage notifying bicyclists of the penalty for violation of this section.

Sec. 82-158. Speed of bicycles.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Sec. 82-159. Yielding right-of-way.

(a) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(c) Every person operating a bicycle upon a roadway shall ride as near as practicable to the right-hand side of the roadway, exercising due care when passing a standing vehicle or one proceeding in the same direction and at all times giving the right-of-way to other moving vehicles.

Sec. 82-160. Riding in single file required--exceptions.

Persons riding bicycles upon a roadway shall not ride other than single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

Sec. 82-161. Carrying articles on bicycles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

Sec. 82-162. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk against a rack, parking meter or sign pole to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

Sec. 82-163. Abandoned bicycles.

(a) It shall be unlawful for any person to abandon any bicycle on any public way within the Cook County. A bicycle shall be deemed abandoned if it: (1) is in such a state of disrepair as to be incapable of being operated in its present condition, or (2) has not been moved or used in more than seven days and bears physical indicia of having been deserted.

(b) Any bicycle deemed abandoned pursuant to subsection (a) of this section may have a notice affixed to it which informs the bicycle's owner that the bicycle appears to be abandoned. The Sheriff's Department is authorized to affix such notices upon bicycles. This notice shall indicate:

- (1) a telephone number for the owner to call to inform the Sheriff's Department that the bicycle is not abandoned; and
- (2) the date after which the bicycle may be removed if it is not claimed by its owner. A bicycle shall not be deemed to be abandoned if the owner of the bicycle, within seven days of the affixing of a notice of abandonment, notifies the Sheriff's Department that the bicycle is not abandoned.

(c) If a bicycle is not relocated or claimed by its owner within seven days of the affixing of a notice of abandonment, that bicycle may be removed and disposed of by the Sheriff's Department.

Sec. 82-164. Headlamps, reflectors and brakes.

(a) Every bicycle when in use at nighttime shall be equipped with a head lamp which shall emit a white light visible from a minimum distance of 500 feet from the front and with a rear red reflector capable of reflecting the head lamp beams of an approaching motor vehicle back to the operator of such vehicle at distances up to 200 feet or a rear lamp emitting a red light visible from a distance of at least 200 feet from the rear.

(b) Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

Sec. 82-165. Riding regulations.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 82-166. Parents or legal guardians responsibility.

No parent or legal guardian of any child shall authorize or knowingly permit the child to violate any of the provisions of this Article applicable to bicycles.

Secs. 82-167 - 82-169. Reserved

DIVISION 7. ENFORCEMENT

Sec. 82-170. Violation-penalty.

(a) Every person found in violation of any provision of this Article for which no penalty is specifically provided shall be punished by a fine of not less than \$75.00 nor more than \$500.00 for each offense.

(b) Payment and adjudication of all violations in this Article shall be carried out pursuant to Section 82-192 except for all standing, parking violations in Division 3 and all compliance violations in Division 4, which shall be carried out pursuant to Section 82-180.

Sec. 82-171. Administrative Adjudication of Standing, Parking, and Compliance Violations.

(a) The purpose of this section is to provide for the administrative adjudication of violations of ordinances defining compliance violations and regulating vehicular standing and parking within the county, and to establish a fair and efficient system for the enforcement of such ordinances.

(b) The Director of Revenue shall appoint, in consultation with the Sheriff, a Cook County traffic compliance administrator who authorized to:

- (1) adopt, distribute, and process parking and compliance violation notices and additional notices, collect money paid as fines and penalties for violations of standing, parking, and compliance regulations;
- (2) establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system; and
- (3) adopt rules and regulations pertaining to: the hearing process, the selection and appointment of administrative law officers, the content of forms and procedures, and the daily operation of the administrative adjudication of standing, parking and compliance violations.

(c) The county traffic compliance administrator *shall* delegate to the Cook County Department of Administrative Hearings his or her authority to appoint administrative law officers, to adopt rules and regulations pertaining to administrative hearing proceedings and to conduct administrative hearing proceedings, including the functions of the traffic compliance administrator set forth in Sections 82-179(a); 82-180(a), (b) and (g); 82-181(c); 82-182(c); and subsection (b)(3) of this section.

Sec. 82-172. Vehicle impoundment.

Any person who, as an operator of a motor vehicle, who violates any offenses listed in Section 58-165 shall be subject to vehicle seizure & impoundment as specified under Sections 58-164 and 58-165 of this Code.

Sec. 82-173. Vehicle code compliance - required.

It shall be unlawful for any person to do any act forbidden, or fail to perform any act required, in the Vehicle Code.

Sec. 82-174. Applicability.

(a) The provisions of this Article shall apply to any driver, including the driver of any vehicle owned by or used in the service of the United States government, this state, or any political subdivision thereof, and it shall be unlawful for any said driver to violate any of the provisions of the vehicle code, except as otherwise permitted in this Ordinance or by state statute.

(b) Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of the vehicle code applicable to the driver of any vehicle, except those provisions of this Code which by their very nature can have no application.

Sec. 82-175. Parking and compliance violations enforcement prima facie responsibility designated.

(a) Whenever any vehicle is parked in violation of any provision of the vehicle code prohibiting or restricting vehicular stopping, standing, parking or compliance violations, the person in whose name the vehicle is registered with the Secretary of State of Illinois shall be prima facie responsible for the violation and subject to the penalty therefore. The county and the ticketing agent shall accurately record the state registration number of the ticketed vehicle. A prima facie case shall not be established when:

- (1) the ticketing agent has failed to specify the proper state registration number of the cited vehicle on the notice;
- (2) the county has failed to accurately record the specified state registration number; or
- (3) for the purpose of Section 82-126 registered owner was not a resident of unincorporated Cook County on the day the violation was issued.

(b) Whenever any vehicle is parked in violation of any provision of the vehicle code prohibiting or restricting vehicular stopping, standing, parking, or compliance violation, any police officer, traffic control aide, other designated members of the Sheriff's Office, parking enforcement aide or other person designated by the County Traffic Compliance Administrator observing such violation may issue a parking or compliance violation notice and serve the notice on the owner of the vehicle by handing it to the operator of the vehicle, if he is present, or by affixing it to the vehicle in a conspicuous place. The issuer of the notice shall specify on the notice his identification number, the particular standing, parking or compliance regulation 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 name.

(c) The county traffic compliance administrator shall withdraw a violation notice when said notice fails to establish a prima facie case as described in this section; provided, however, that a violation notice shall not be withdrawn if the administrator reasonably determines that (1) a state registration number was properly recorded by the county and its ticketing agent, and (2) any discrepancy between the vehicle make or model and the vehicle registration number as set forth in the violation notice is the result of the illegal exchange of registration plates. A final determination of liability that has been issued for a violation required to be withdrawn under this subsection (c) shall be vacated by the county. The county shall extinguish any lien which has been recorded for any debt due and owing as a result of the vacated determination and refund any fines and/or penalties paid pursuant to the vacated determination.

(d) It shall be unlawful for any person, other than the owner of the vehicle or his designee, to remove from a vehicle a parking or compliance violation notice affixed pursuant to this Article.

(e) Notice admissible in administrative or legal proceedings. A parking or compliance notice issued, signed and served in accordance with this section, or a copy of such notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the fact shown therein. The notice or copy thereof shall be admissible in any subsequent administrative or legal proceedings.

Sec. 82-176. Violation notices – contents, distribution and recordkeeping.

(a) Parking and compliance violation notices shall contain the information required under Section 82-175. In addition, the notices shall state the applicable fine, the monetary penalty which shall be automatically assessed for late payment, and driver's license suspension (if applicable) may be imposed if fines and penalties are not paid in full, that payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation, and information as to the availability of an administrative hearing in which the violation may be contested on its merits and the time and manner in which such hearing may be had.

(b) The county traffic compliance administrator shall distribute parking and compliance violation notices to parking enforcement aides, other persons authorized to issue parking and vehicle equipment violating notices, and the department of police for issuance pursuant to Section 82-175. The Chief of the Sheriff's Police or his designee shall be responsible for the distribution of the notice forms both within the department of police and to other authorized members of the Sheriff's Office, and shall maintain a record of each set of notices issued to individual members of the police department and Sheriff's Office and shall retain a receipt for every set so issued.

(c) The county traffic compliance administrator shall compile and maintain complete and accurate records relating to all parking violation notices issued pursuant to Section 82-175 and the dispositions thereof. In addition, the county traffic compliance administrator shall make certified reports to the Secretary of State pursuant to Section 6-306.5 of the Illinois Vehicle Code.

Sec. 82-177. Determination of liability.

(a) A person on whom a parking or compliance violation notice has been served pursuant to Section 82-175 shall within seven days from the date of the notice: (1) pay the indicated fine; or, in the manner indicated on the notice, either (2) submit the materials set forth in Section 82-179 to obtain an adjudication by mail; or (3) request an administrative hearing as set forth in Section 82-177 to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.

(b) If the respondent submits documentary evidence to obtain an adjudication by mail pursuant to Section 82-179, the county traffic compliance administrator shall send the respondent a copy of the administrative law officer's determination in accordance with subsection (f) herein.

(c) If the respondent requests an administrative hearing to contest the cited violation pursuant to Section 82-180, the county traffic compliance administrator shall notify the respondent in writing of the location and time available for a hearing in accordance with subsection (f) herein.

Where a respondent who has requested an administrative hearing either fails to pay the indicated fine prior to the hearing or appear at a hearing, a determination of parking or compliance violation liability, as the case may be, shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 21 days of issuance of a determination of liability will result in the imposition of a late payment penalty pursuant to subsection (e) herein. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the county. The county traffic compliance administrator will cause a notice of hearing providing this information to be sent to the respondent in accordance with subsection (f) herein.

(d) If no response is made in accordance with subsection (a) of this section, the county traffic compliance administrator shall cause a second notice of violation to be sent to the respondent in accordance with subsection (f) herein. The notice shall specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine, and the time and manner in which the respondent may obtain adjudication by mail or request a hearing to contest the violation. If the respondent requests an administrative hearing to contest the cited violation, the county traffic compliance administrator will cause a notice of hearing to be sent to the respondent as provided in subsection (c) herein.

If the respondent fails to pay the indicated fine, submit documentary evidence to obtain an adjudication by mail, or request a hearing to contest the charged violation within 14 days from the date of such notice, or prove compliance as provided in subsection (7) of Section 82-178, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 21 days of issuance of the determination of liability will result in the imposition of a late payment penalty pursuant to subsection (e) herein. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the county. The second notice of violation shall provide the above information.

(e) Failure by any respondent to pay the fine for a parking or compliance violation within 21 days of the issuance of the determination of liability will automatically subject the respondent to a penalty for late payment. The penalty for late payment shall be an amount equal to the amount of the fine for the relevant parking or compliance violation.

(f) The county traffic compliance administrator shall serve the notice of hearing, the second notice of violation, the administrative law officer's determination, the notice of final determination of liability, and the notice of impending driver's license suspension, where applicable, by first class mail, postage prepaid, to the address of the registered owner of the county vehicle as recorded with the Secretary of State of Illinois. If the vehicle is registered in a state other than Illinois, the county traffic compliance administrator shall send the appropriate notice to the address of the registered owner as recorded in such other state's registry of motor vehicles. In the event a mailing sent pursuant to this section is returned as undeliverable, subsequent mailings may be sent to the address of the registered owner of the vehicle as recorded with the United States Postal Service.

Sec. 82-178. Grounds for adjudication by mail or administrative hearing.

(a) Except as otherwise provided in subsection (b) of this section, a person charged with a parking or compliance violation may contest the charge through an adjudication by mail or at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:

- (1) that the respondent was not the owner or lessee of the cited vehicle at the time of the violation;

- (2) that the cited vehicle or its state registration plates were stolen at the time the violation occurred;
- (3) that the relevant signs prohibiting or restricting parking were missing or obscured;
- (4) that the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;
- (5) that the facts alleged in the parking or compliance violation notice are inconsistent or do not support a finding that the specified regulation was violated;
- (6) that the illegal condition described in the compliance violation notice did not exist at the time the notice was issued;
- (7) that the compliance violation has been corrected prior to adjudication of the charge; provided, however, that this defense shall not be applicable to compliance violations involving display of the county wheel tax license emblem under Section 82-126; to compliance violations involving motor vehicle exhaust systems under subsection (a)(2) of Section 82-123; to compliance violations involving registration plates under subsection (a) of Section 82-125; to compliance violations involving display of temporary registration or temporary permits under subsection (f) of Section 82-125; to compliance violations relating to glass coverings or coating under Section 82-129.

Sec. 82-179. Adjudication by mail – procedure.

(a) Administrative hearings to review materials submitted for the adjudication by mail of parking and compliance violations cited pursuant to Section 82-175 shall be held by an administrative law officer appointed by the county traffic compliance administrator and conducted in accordance with this Article.

(b) The respondent may contest a parking or compliance violation based on one or more of the grounds provided in Section 82-175, by mailing to the department of revenue the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

(c) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued in accordance with Section 82-178 shall be prima facie evidence of the correctness of the facts specified therein.

(d) Upon review of the materials submitted in accordance with subsection (b) herein, the administrative law officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided in this Article. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

Sec. 82-180. Administrative hearings – procedure.

(a) Administrative hearings for the adjudication of standing, parking and compliance violations issued pursuant to Section 82-175 shall be held before an administrative law officer appointed by the county traffic compliance administrator and conducted in accordance with this Article.

(b) The respondent may appear pro se, by a designee or, at his own expense, by an attorney. An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided by the county traffic compliance administrator for such purpose.

(c) The formal and technical rules of evidence shall not apply in the conduct of the hearing.

(d) All testimony shall be given under oath or affirmation, which shall be administered by the administrative law officer. The administrative law officer may issue subpoenas to secure the attendance and testimony of witnesses and the production of relevant documents; provided, however, that a respondent who appears by an attorney shall not be compelled to attend the hearing and may submit his testimony, if any, by affidavit. In addition, witnesses who have not been subpoenaed to attend the hearing may submit their testimony, if any, by affidavit.

(e) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a standing, parking or compliance violation notice, or a copy thereof, issued and signed in accordance with Section 82-175 shall be prima facie evidence of the correctness of the facts specified therein.

(f) The administrative law officer may, on a showing of good cause, grant a continuance.

(g) The county traffic compliance administrator shall cause a record to be made of each hearing, and recording devices may be used for such purpose.

Sec. 82-181. Hearing – determination of liability or of no liability – petition.

(a) Upon conclusion of a hearing under Section 82-180, the administrative law officer shall issue a determination of liability or of no liability in the amount of the fine for the relevant violation as provided in this Article. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

(b) If a person fails to respond to the violation notice and the second notice of violation, a determination of liability shall be entered against the respondent pursuant to Section 82-177(d) and shall be served upon the respondent in accordance with Section 82-177(f). Such determination shall become final for purposes of judicial review under the Administrative Review Law of Illinois upon the denial of, or the expiration of the time in which to file, a timely petition to set aside the determination as provided in subsection (c) of this section.

(c) Within 21 days from the issuance of a determination of liability pursuant to subsection (b) herein, the person against whom the determination was entered may petition the county traffic compliance administrator by appearing in person, at the location specified in the determination, to set aside the determination; provided, however, the grounds for the petition shall be limited to: (1) the person not having been the owner or lessee of the cited vehicle on the date the parking violation notice was first issued; (2) the person having already paid the fine or penalty for the parking violation in question; or (3) excusable failure, based upon criteria established by the county traffic compliance administrator, to appear at or request a new date for a hearing. The petitioner shall appear with appropriate evidence, pursuant to Section 82-178, so that if the petition is granted, he is prepared to proceed immediately with a hearing on the merits.

Sec. 82-182. Notice of final determination.

(a) If any fine or penalty is owing and unpaid after a determination of liability under this chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the county traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 82-177(f).

(b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the county. Failure of the respondent to pay such fine or penalty within 14 days of the date of the notice may result in, the suspension of the person's driver's license for failure to pay fines or penalties for ten or more parking or compliance violations.

(c) The county shall withdraw a violation notice, following reasonable collection efforts, when such notice was issued to a state registered owner who is deceased at the time collection efforts are undertaken.

Sec. 82-183. County-owned vehicles.

Officers and employees of the Cook County who commit parking and traffic violations, in a County-owned vehicle shall be subject to the provisions of Chapter 2, Article VIII of the Cook County Code (Cook County Vehicle Policy).

Sec. 82-184. Officers and employees of federal, state and municipal law enforcement agencies.

(a) Officers and employees of law enforcement agencies of federal, state and municipal government may request a release of liability for an alleged parking violation subject to the following conditions:

- (1) The officer or employee certifies, on a form provided for that purpose, that the vehicle was in use for the performance of official government business during an emergency or during an official investigation at the time of the alleged violation;
- (2) The head of the respective government agency or a designee chosen by such person concludes that the statements contained in the certificate are accurate and submits a written request to the county traffic compliance administrator that the liability for the alleged violation be released; and
- (3) The county traffic compliance administrator approves the release of liability for the alleged parking violation.

If the county traffic compliance administrator approves the release of liability for the alleged violation, the parking violation notice shall be withdrawn.

It shall not be a defense to a compliance violation involving the personal vehicle of an officer or employee of any unit of government that the officer or employee was using the vehicle for official government business at the time of the alleged violation.

(b) A violation issued pursuant to Sections 82-125, 82-126 or 82-129 involving a vehicle owned by a law enforcement agency of federal, state or municipal government may be withdrawn pursuant to this section, if:

- (1) The officer or employee possessing or using the vehicle at the time of the alleged violation certifies that the vehicle was in use for the performance of official government business during an emergency or during an official investigation at the time of the alleged violation;
- (2) The head of the respective government agency or a designee chosen by such person concludes that the statements contained in the certificate are accurate and submits a written request to the county traffic compliance administrator that the liability for the alleged violation be released; and
- (3) The county traffic compliance administrator approves the release of liability for the alleged violation.

If the county traffic compliance administrator director approves the release of liability for the alleged violation, the compliance violation notice shall be withdrawn.

Sec. 82-185. Lessor of vehicle not liable for violations – when.

(a) In accordance with Section 11-1306 of the Illinois Vehicle Code, no person who is the lessor of a vehicle pursuant to a written lease agreement shall be liable for a violation of any standing or parking regulation of this chapter involving such vehicle during the period of the lease if upon receipt of a notice of violation sent within 120 days of the violation he shall, within 60 days thereafter, provide to the county traffic compliance administrator the name and address of the lessee.

(b) Upon receipt of a lessor's notification of the name and address of his lessee, provided pursuant to Sections 11-1305 or 11-1306 of the Illinois Vehicle Code, the county traffic compliance administrator shall cause a notice of violation to be sent to the lessee as provided for in Section 82-177(d).

Sec. 82-186. Owner of vehicle not liable for violations when in custody of valet.

(a) No person who is the owner of a vehicle shall be liable for a violation of any standing, parking or equipment violation of this Article involving such vehicle during the period that such vehicle was in the custody of a valet parking service, if upon receipt of a notice of violation sent within 120 days of the violation he shall, within 60 days thereafter, provide to the county traffic compliance administrator the valet parking receipt or a clearly legible copy thereof.

(b) Upon receipt of the valet parking receipt or copy and upon being satisfied that it is genuine and not altered and that the violation took place while the vehicle was in the custody of the valet parking service, as shown by the times indicated on the receipt, the county traffic compliance administrator shall cause a notice of violation to be sent to the valet parking service as provided for in Section 82-177(d).

Sec. 82-187. Driver's license suspension.

(a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking or compliance violations the county traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 82-177(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the county's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

(b) If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the county traffic compliance administrator may file with the Secretary of State a certified report, in accordance with Section 6-306.5(c) of the Illinois Vehicle Code, that the person is eligible for initiation of suspension proceedings. The county traffic compliance administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the city for the expense of preparing and filing the certified report with the Secretary of State.

(c) A person named in a certified report filed pursuant to subsection (b) may, within 21 days of the date of the notice sent by the Secretary of State pursuant to Section 6-306.5(b) of the Illinois Vehicle Code, file with the county traffic compliance administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving ten or more parking or compliance violation notices or five or more automated red light violations on the date or dates such notices were issued or (2) the person having already paid the fine and penalty for the ten or more violations or five or more automated red light violations indicated on the report. The county traffic compliance administrator shall send notice of the decision on the challenge of the report after receipt thereof.

(d) If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the county traffic compliance administrator to be in error, the county traffic compliance administrator shall notify the Secretary of State in accordance with Section 6-306.5(d) of the Illinois Vehicle Code. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein.

Sec. 82-188. Standing, parking and compliance violations punishable by fine.

The violation of any provision of the vehicle code prohibiting or restricting vehicular standing, parking or compliance violations shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in this Code, shall be imposed.

Sec. 82-189. Officers authorized to remove vehicles.

(a) Whenever any law enforcement officer finds a vehicle in violation of any of the provisions of Sections 82 -89, 82-93 or 82-94, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same to a position off the roadway.

(b) Any law enforcement officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any street, highway, bridge, causeway, or in a tunnel, in such a position or under such circumstances as to obstruct the normal movement of traffic. When the County Department of Highways finds an abandoned or disabled vehicle standing upon the paved or main-traveled part of a highway, which vehicle is or may be expected to interrupt the free flow of traffic on the highway or interfere with the maintenance of the highway, the County Department of Highways is authorized to move the vehicle to a position off the paved or improved or main-traveled part of the highway.

(c) Any law enforcement officer is hereby authorized to remove or cause to be removed to the nearest authorized tow vendor or other place of safety any vehicle found upon a highway when:

- (1) A report has been made that such vehicle has been stolen or taken without the consent of its owner;

- (2) The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
- (3) When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Sec. 82-190. Traffic regulations and vehicle laws-enforcement.

(a) It shall be the duty of the Sheriff's Department to enforce the traffic regulations of this county and all of the state vehicle laws applicable to street traffic in this county, to make arrests for traffic violations, to investigate accidents and to cooperate with the Highway Department and other officers of the county in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties imposed by the vehicle code or other ordinances of this county.

(b) Officers of the Sheriff's police department and or otherwise authorized Sheriff's personnel are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws or ordinances. In the event of fire or other emergency or in order to expedite traffic or safeguard pedestrians, officers of the police department, sworn members of the fire department and traffic control aides may direct traffic contrary to traffic control devices as conditions may require.

(c) Any person who is found guilty of circumventing, ignoring or disobeying any direction or order authorized by subsection (b) of this section shall be subject to a fine of not less than \$100.00 and not more than \$300.00 for the first offense and not less than \$300.00 and not more than \$500.00 for each subsequent offense occurring within 12 consecutive months.

Sec. 82-191. Traffic violation notices.

(a) Traffic violation notice forms for notifying violators to appear and answer to charges of violating traffic laws and ordinances in the Circuit Court of Cook County and the corresponding complaint forms therefore, in serially numbered sets consisting of three copies of the notices and one copy of the corresponding complaint shall be provided in books and in the form prescribed and approved jointly by the State's Attorney and the Sheriff. The Sheriff shall be responsible for the issuance of such books, shall maintain a record of every such book and each set of notices and complaint therein issued to the individual members of the police department, shall require and retain a receipt for every book so issued, and shall require the return to him of a copy of every traffic violation notice issued by a member of the police department and all copies of every traffic violation notice and the corresponding complaint which have been spoiled or upon which any entry has been made and not issued to an alleged violator.

(b) Every police officer or otherwise authorized sheriff's personnel, upon issuing a traffic violation notice to an alleged violator of any provision of the motor vehicle laws of the state or of any traffic ordinance of this county shall deposit the corresponding traffic violation complaint of the notice with his immediate superior officer who shall cause the complaint to be filed in the Circuit Court of Cook County.

Sec. 82-192. Adjudication and payment of County traffic violations.

The adjudication and payment of county traffic violations will be conducted in accordance with the Rules of the Circuit Court of Cook County, the Code of Criminal Procedure (725 ILCS 5/1-101 et seq.), any and all appropriate Supreme Court rules and the rules and laws of the State of Illinois.

Sec. 82-193. Right to inspect.

(a) Officers of the Cook County Sheriff's Office are hereby authorized to issue citations to any vehicle that is in violation of any of the above stated Sections in this Article. Furthermore, officers of the Cook County Sheriff's Police and any other authorized Sheriff's personnel shall have the authority to enter the following places for the purposes of ascertaining whether vehicles parked therein are in compliance with this Article and issue citations accordingly:

- (1) Any public or private property as outlined in the Illinois Vehicle Code 625 ILCS Sections 11-209 and 11-209.1, where the County has entered into an agreement to enforce parking and traffic regulations.
- (2) Any property owned by the County.

Sec. 82-194. Notice to the Secretary of State for failure to pay for traffic violations.

(a) Whenever any person fails to pay any traffic fine, penalty, or cost imposed for a violation of this Code, the Clerk of the Circuit Court shall cause a notice of non-payment to be sent to such person at the person's last known address as shown on the court's records. The notice shall state that failure to pay the full amount owing within 45 days of the date of the notice will result in the Clerk notifying the Secretary of State that the person is eligible for prohibition of license renewal, reissue or reinstatement pursuant to Section 6 306.6 of the Illinois Vehicle Code.

(b) If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the Clerk of the Circuit Court may notify the Secretary of State on a report prescribed for that purpose by the Secretary, and the Secretary shall prohibit the renewal, reissue or reinstatement of such resident's driving privileges until such fine, penalty, or cost has been paid in full in accordance with Section 6-306.6 of the Illinois Vehicle Code.

(c) Upon payment in full of a traffic fine, penalty, or court cost which has previously been reported under this Section as unpaid, the Clerk of the Circuit Court shall forward forthwith directly to the Secretary of State a notice, on a form prescribed by the Secretary, stating that the fine, penalty, or cost has been paid in full and shall provide the person with a signed receipt containing the seal of the court, indicating that the fine, penalty, and cost have been paid in full. The receipt may not be used by the driver to clear the driver's record.

(d) The provisions of this Section shall be limited to a single action per violation and as a post conviction measure only. Fines, penalty, or costs to be collected subsequent to orders of court supervision, or other available court diversions are not applicable to this Section.

Secs. 82-195 - 82-199. Reserved.

DIVISION 8. AUTOMATED RED LIGHT TRAFFIC SAFETY SYSTEM

Sec. 82-200. Purpose; establishment of automated red light traffic safety system.

(a) The purpose of this article is to establish an automated red light violation traffic safety system as provided in Section 11-208.6 of the Vehicle Code, 625 ILCS 5/11-208.6, which shall be administered by the Cook County Highway Department, in consultation with the Sheriff of Cook County.

(b) The system shall utilize a traffic control signal monitoring device which records, through photographic means, the vehicle and the vehicle registration plate of a vehicle operated in violation of Sections 11-305 and 11-306 of the Vehicle Code, 625 ILCS 5/11-305 and 11-306. The photographic record shall also display the time, date and location of the violation.

(c) A program shall be established which utilizes an automated red light safety system at various vehicle traffic intersections identified by the Highway Department, with the advice of the Sheriff. The intersections chosen for the program shall be located throughout the County, upon highways in the County's maintenance jurisdiction. Signs shall be posted at all intersections equipped with traffic control signal monitoring devices indicating that the intersection is being monitored by an automated red light traffic safety system. Upon application by a local municipality, the County may permit, through intergovernmental agreement, the local municipality to install and maintain such a system and issue citations, with all cost paid by and all fines paid to the local municipality, at intersections which are under maintenance and operation jurisdiction of the County, but within the police jurisdiction of such municipality.

(d) Recorded images made by an automated red light traffic safety system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for the purpose of adjudicating a violation of Section 11-208.6 of the Vehicle Code, for statistical purposes, or for other governmental purposes, but shall be admissible in any court proceeding concerning the violation.

(e) The Highway Department and the Sheriff shall adopt rules and regulations as may be necessary for the proper enforcement and administration of this article.

Sec. 82-201. Automated red light violation.

(a) The registered owner of record of a vehicle is liable for a violation of Section 11-208.6 of the Vehicle Code, 625 ILCS 5/11-208.6, and a fine of \$100.00 when the vehicle is used in violation of Section 11-305 or Section 11-306 of the Vehicle Code, 625 ILCS 5/11-305 and 306, and that violation is recorded by a traffic control signal monitoring device. If the registered owner fails to pay the fine in a timely manner, the registered owner shall be subject to an additional penalty of \$100.00.

(b) A photographic recording of a violation obtained by a traffic control signal monitoring device shall be prima facie evidence of a violation.

(c) It shall be a defense to a violation of Section 11-208.6 of the Vehicle Code that:

(1) The operator of the vehicle was issued a uniform traffic citation for a violation of Section 11-305 or Section 11-306 of the Vehicle Code, 625 ILCS 5/11-305 and 306, or similar local ordinance provision; or

(2) The violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation; or

(3) The vehicle was leased to another, and, within 60 days after the citation was mailed to the owner, the owner submitted to the Sheriff the correct name and address of the lessee of the vehicle identified in the citation at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the Sheriff. Where the lessor complies with the provisions of this section, the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the vehicle for purposes of this chapter. The Sheriff, within 30 days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a citation which contains the information required under Section 11-208.6(d) of the Vehicle Code, 625 ILCS 5/11-208.6. For the purposes of this article, the term "leased vehicle" shall be defined as a vehicle in which a motor vehicle dealership or manufacturer has, pursuant to a written document, vested exclusive possession, use, control and responsibility of the vehicle to the lessee during the periods the vehicle is operated by or for the lessee.

(d) The provisions of this section do not apply to any authorized emergency vehicle or any vehicle lawfully participating in a funeral procession.

(e) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of Section 11-305 or Section 11-306 of the Vehicle Code, 625 ILCS 5/11-305 and 306, or similar local ordinance provision.

Sec. 82-202. Citation notice.

For each violation of Section 11-305 or Section 11-306 of the Vehicle Code, 625 ILCS 5/11-305 and 306, recorded by a traffic control signal monitoring device, the Sheriff shall mail a citation, within 30 days after receiving information about the registered owner of the vehicle from the Secretary of State, to the registered owner of record of the vehicle used in the commission of the violation. The citation shall include the name and address of the registered owner of the vehicle; the vehicle make, if available and readily discernable, and registration number; the offense charged; the time, date and location of the alleged violation; a copy of the recorded images; a warning that failure to pay the penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner; the applicable fine and where and in what manner payment of the fine may be made to the Clerk of the Circuit Court prior to the court date; the time and place of the court hearing at which the registered owner may contest the citation; and that the basis of the citation is a photographic record obtained by a traffic control signal monitoring device, which has been inspected by a technician who has determined the vehicle was being operated in violation of Section 11-208.6 of the Illinois Motor Vehicle Code.

Sec. 82-203. Supplementary enforcement.

The program authorized by Section 82-161 shall supplement enforcement of traffic regulations provided by the Illinois Motor Vehicle Code and shall not replace or substitute for enforcement of the Illinois Motor Vehicle Code or any other law or ordinance.

Effective date: This Ordinance Amendment shall take effect immediately upon adoption July 1, 2011.

Approved and adopted this 16th day of November 2010.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk