

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE DOWNERS GROVE MUNICIPAL CODE  
CONCERNING RAILROAD GRADE CROSSINGS**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 14-9 of the Downers Grove Municipal Code is hereby amended as follows:

**~~14-9. through 14-33. Reserved~~ Railroad Grade Crossings.**

(a) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(b) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by the Downers Grove Police Department that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in violation of this Section. The photograph or other recorded image shall also display the time, date and location of the violation.

(c) For each violation of this Section recorded by an automated railroad grade crossing system, the Downers Grove Police Department shall issue a citation of the violation to the registered owner of the vehicle. The citation shall be delivered to the registered owner, by mail, within 30 days of the violation. The citation shall include the name and address of the vehicle owner, the vehicle registration number, the offense charged, the time, date and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The citation issued to the violator shall be accompanied by a written document which explains the violator's rights and obligations and how the violator can elect to proceed by either paying the fine or challenging the issuance of the citation.

(e) Any photograph or other recorded image evidencing a violation of this Section shall be admissible in any proceeding resulting from the issuance of the citation. Photographs or recorded images made by an automated railroad grade crossing enforcement system shall be confidential, and shall be made available only to the defendant, governmental and law enforcement agencies for the purposes of adjudicating a violation of this Section.

(f) Rail crossings equipped with an automated railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for the violation.

(g) A violation of this Section shall result in a mandatory fine of \$500 or 50 hours of community service.

SECTION 2. That Section 14-10 of the Downers Grove Municipal Code is hereby added as follows:

**14-10. through 14-33. Reserved.**

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

[railroad.xng]