



City Council Work Session

Crest Hill, IL

January 08, 2024

7:00 PM

Council Chambers

20600 City Center Boulevard, Crest Hill, IL 60403

Agenda

- [1.](#) Candidate for Cable Television
- [2.](#) White Smoke & Ash BYOB Request
- [3.](#) Division at Churnovic-21320 W Division St.
- [4.](#) Burglar Alarm Residential Renewal
- [5.](#) Ordinance and Executive Order-Intercity Buses Discussion
6. Public Comments
7. Mayor's Updates
8. Committee/Liaison Updates
9. City Administrator Updates

The Agenda for each regular meeting and special meeting (except a meeting held in the event of a bona fide emergency, rescheduled regular meeting, or any reconvened meeting) shall be posted at the City Hall and at the location where the meeting is to be held at least forty-eight (48) hours in advance of the holding of the meeting. The City Council shall also post on its website the agenda for any regular or special meetings. The City Council may modify its agenda for any regular or special meetings. The City Council may modify its agenda before or at the meeting for which public notice is given, provided that, in no event may the City Council act upon any matters which are not posted on the agenda at least forty-eight (48) hours in advance of the time for the holding of the meeting.



Agenda Memo**Crest Hill, IL**

Meeting Date: January 8, 2023
Submitter: Mayor Raymond R. Soliman *RS*
Department: Mayor's Office
Agenda Item: Candidate for Cable Television

Summary: Mr. Jeff Prah will be present to meet city council for assuming the duties and responsibilities of Cable Television Coordinator for the City of Crest Hill.

Recommended Council Action: Discussion

Financial Impact:

Funding Source:

Budgeted Amount:

Cost:

Attachments:

Class Q BYOB Permit (Available only to a Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq.): A Class Q BYOB Permit shall authorize the on-premises consumption of a customer's own bottle (BYOB) of unopened beer, wine and/or liquor brought onto the premises of a business operating as a Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. but solely as a complement to the sale, purchase, and/or on-site consumption of tobacco products.

It shall be expressly permissible for a Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. in the City of Crest Hill to allow customers to bring in their own alcoholic beverages and for the Retail Tobacco Store to provide glassware or other vessels to those customers, provided they have a City-issued Class Q BYOB Permit for the same. A Retail Tobacco Store may also provide storage lockers for customers to keep their alcoholic beverages on premises, but each such individual locker shall be keyed or coded individually so that no one other than the customer assigned that locker shall have access to it. The Retail Tobacco Store may maintain a master key or combination for the purposes of cleaning out the lockers in the event of disuse by a customer or other legitimate business reasons.

No opened alcohol may be removed from the premises. When lockers are not available, the business offering the BYOB service must provide and designated secured area for the storage of unconsumed products or discard any opened alcohol.

CLASSIFICATION

To qualify for a Class Q BYOB Permit, the Retail Tobacco Store must have a current Class B Tobacco Dealer's License issued by the City of Crest Hill. Further, the qualifying business must not be in arrears in any fees owed to the City, and no person owning more than 5% of the business shall have been convicted of a felony or a misdemeanor involving dishonesty, such as fraud or theft.

An applicant seeking a Class Q BYOB Permit shall be required to submit a copy of the lease, deed, or other document demonstrating that the applicant has, or will have, the right to establish the proposed business pursuant to the City of Crest Hill Zoning Ordinance and other applicable Federal, State and/or Local Codes.

The owner of a qualifying business may apply for the Class Q BYOB Permit by completing the application document provided by the City Clerk, which shall include a sworn statement and an agreement to submit to a background check, and payment of the \$1,000 annual fee, which shall be paid in full before the Permit will be issued. The \$1,000 annual fee is in addition to all other Business License or other fees applicable to businesses within the City of Crest Hill.

It shall be unlawful for any Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. to allow any person to consume alcohol on the premises unless it holds a valid current CLASS Q BYOB Permit.

No person under the age of 21 shall be allowed to consume alcohol on the premises of any business holding a Class Q BYOB Permit.

It shall be unlawful for the business owner, manager, and/or employees of the Class Q BYOB Permit to allow public intoxication on the business premises and shall promptly

remove or have removed any customers who are intoxicated, and, if necessary, shall promptly call for police assistance when necessary.

A Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. which has been issued a Class Q BYOB Permit shall not allow customers to consume any alcoholic beverage on the premises without first being served cigars or other tobacco products. It shall be unlawful for a Class Q BYOB Permit holder to allow customers to consume alcohol without also consuming cigars and/or other tobacco products.

It shall be unlawful for any Retail Tobacco Store, including the holder of a Class Q BYOB Permit, to allow gambling of any kind on the premises.

No employee or owner of a Retail Tobacco Store issued a Class Q BYOB Permit shall consume alcohol on the premises or be intoxicated while working at the premises.

It shall be unlawful and a violation of the Class Q BYOB Permit to allow consumption of alcohol outside the Permitted Business.

The hours of CLASS Q BYOB Permit shall be limited to the hours that the Retail Tobacco Store is open to the public. However, the CLASS Q BYOB Permit shall allow on-premises alcohol consumption for private or after-hours events held at the Retail Tobacco Store provided that the on-site consumption of alcohol shall in no event be allowed during the prohibited times as outlined in Section 5.08.180 of the Crest Hill City Code.

The Retail Tobacco Store issued a Class Q BYOB Permit shall be permitted to charge a fee for providing glassware, ice, or opening bottles, which is sometimes known as "corkage fee." However, the owner and employees of the business shall not be permitted to pour any alcoholic beverage. The Class Q BYOB Permit holder shall also be permitted to charge locker fees if lockers are provided for customers.

The Class Q BYOB Permit is not considered a pouring license, and a Retail Tobacco Store which is issued a Class Q BYOB Permit shall not be considered a liquor licensee of the City.

The Class Q BYOB Permit Holder shall also provide to the City a certificate of insurance reflecting General Liability in the amount of \$1,000,000 each occurrence, and Liquor Liability coverage \$250,000 each occurrence. At the time of Permit issuance (and renewal), and at any time the foregoing insurance policies are renewed or changed, the Class Q BYOB Permit Holder shall provide to the City a certificate of insurance naming the City of Crest Hill as an additional insured on the Permittee's General Liability and Liquor Liability Insurance Policies.

The Class Q BYOB Permit Holder shall defend, indemnify and hold harmless the City of Crest Hill, its agents, employees, elected and appointed officials from any and all claims or causes of action arising out of the consumption of alcoholic beverages on the premises. The City shall have the sole ability and right to its choice of defense counsel on any such claim for which the Class Q BYOB Permit Holder is obligated to defend and indemnify the City.

Any violation of this Section shall be considered grounds for revocation of the Class Q BYOB Permit by the Mayor who may, after a hearing held within 14 days of service on the Permit Holder of written notice of the alleged violation, decide to suspend or revoke

the Permit. In the event of revocation, the Permit Holder may appeal to the City Council, whose majority decision shall stand as the final administrative act of the City.

All other terms for application for the Class Q BYOB Permit, permit renewal, revocation, suspension, forfeitures, fines, and penalties shall be pursuant to Chapter 5.08 of the Crest Hill, Illinois Code of Ordinances.

Applications for a Class Q BYOB Permit shall be made to the Local Liquor Control Commissioner, in writing, under oath, and signed by the applicant, in accordance with the directions set forth in the application. Ownership and personal interest forms shall be completed in writing, under oath, for each person signing the application and each manager employed or to be employed at the Licensed Retail Tobacco Store.

A Class Q BYOB Permit shall not be issued to:

A person who is not of good character and reputation in the community. A person who is not a citizen of the United States.

A person who has been convicted of a felony under the laws of the state.

A person who has been convicted of pandering or other crimes or misdemeanors opposed to decency and morality. A person whose Crest Hill Business License has been revoked for cause.

A person who at the time of application for renewal of any liquor license issued hereunder would not be entitled to such license upon a first application.

A corporation, if an officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation would not be eligible to receive a Liquor License for any reason other than citizenship and residence within the City.

A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to January 31, 1934, or shall have forfeited his or her bond to appear in court to answer charges for any such violation.

A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued; a purchaser under the terms of a real estate installment contract shall be deemed to be the owner of the premises for the purpose of this Section.

Any person, association, or corporation not eligible for a state retail liquor dealer's license.

TERM OF LICENSE; RENEWALS; FORFEITURES:

A Class Q BYOB Permit shall be valid until December 31 following issuance, unless sooner terminated, revoked or suspended as provided in this Section.

Renewal Of License: Any licensee may apply for renewal of a license at the expiration thereof; provided, that he or she is then qualified to receive a license and the premises for which such renewal license is sought continue to be suitable for such purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Liquor Control Commissioner and City Council from decreasing the number of Class Q BYOB Permits to be issued within the City.

Cessation Of Business; Forfeiture Of License: Any Class Q BYOB Permittee who ceases to do business or closes the Retail Tobacco Store business for a period of more than thirty (30) successive days shall be subject to having the Class Q BYOB Permit declared forfeited and lapsed by order of the Local Liquor Control Commissioner.

Failure To Renew: Failure to renew a Class Q BYOB Permit, including the full payment of the required Permit fee, prior to January 15 in any given year may be considered by the Local Liquor Control Commission as the Permittee's abandonment of the right to a renewal of the Permit.

REVOCATION; SUSPENSION; COSTS:

The Local Liquor Control Commissioner or appointed Deputy Local Liquor Control Commissioner may revoke or suspend a Class Q BYOB Permit if it is determined that the Permittee has violated any of the provisions of the Liquor Control Act or any provision of this Code or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. In addition to any suspension or revocation, the Local Liquor Control Commissioner or Deputy Local Liquor Control Commissioner may levy a fine on the Permittee.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than \$250 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In addition to any other penalties imposed pursuant to this Section, any person who violates any regulation of this chapter may be required to complete a duly licensed Beverage Alcohol Sellers and Servers Education And Training ("BASSET") program. Failure to complete the BASSET program when so required shall constitute a violation of this chapter and may result in suspension or revocation of the Permit.

The imposition of a fine under this section shall not affect the right of the Local Liquor Commissioner to seek the imposition of additional penalties, including but not limited to, suspension or revocation of the Permit due to any alleged violations.



Agenda Memo

Crest Hill, IL

Meeting Date:	January 8, 2024
Submitter:	Ronald J Wiedeman
Department:	Engineering
Agenda Item:	Division at Churnovic-21320 W Division St.

Summary: Staff has received a complaint from the resident at 21320 W Division St. They are concerned with access to their property due to the existing configuration of the traffic signal and trucks entering and existing the Crest Hill Business Park. The current traffic signal does not include signal heads for the driveway to this home located on the north side of Division St.

Staff have visited the location and did notice that during certain times of the day traffic backs up at this intersection making it difficult to either exist or enter this property. Also due to the presents of heavy truck traffic visibility is limited making if very difficult to view oncoming traffic.

The installation of new traffic signal heads and detector loops in the driveway for this north leg is the most cost-effective way to make entering and existing this driveway more efficient and safer. The cost of this work can be paid out of MFT funds and can be completed in the spring of 2024.

One other solution was looked at, but due to existing underground utilities and estimated construction costs being significantly higher than the quote provided by Meade this option was not pursued further.

Recommended Council Action: Motion to approve Meade to modify the existing traffic signals at the intersection of Division and Churnovic to add a traffic signals for the driveway along the north leg for a cost of \$22,557.21.

Financial Impact:

Funding Source: MFT

Budgeted Amount: \$22,557.21 (Work to be included in 2024-2025 MFT program.

Cost: \$22,557.21

Attachments:

2023-12-6 Crest Hill (Division Churnovic Ln) TS Modification.pdf



December 6, 2023

City of Crest Hill
2090 Oakland Ave
Crest Hill, IL 60403

Attn: Ronald J Wiedeman

Re: Division & Churnovic Lane TS Modification

Meade, Inc. is pleased to provide the City of Crest Hill with a proposal to modify the existing traffic signal at Division & Churnovic Ln to add a South Bound Phase. Our price is as follows:

Lump Sum - \$22,557.21

Scope:

- Install concrete foundation on SW Quadrant
- Run Conduit to new foundation
- Furnish and install new post & signal head on new foundation
- Furnish and install new signal head on existing post South East quadrant
- Furnish and install new signal head on existing post North West quadrant
- Furnish and install #14 5/c signal cable to (3) new signal heads
- Furnish and install a traffic signal detector loop in South Bound driveway
- Modify existing traffic signal controller and cabinet for new south bound phase

Should you have any questions regarding the above-mentioned matter please feel free to contact me at 708-243-1758.

Thank you,

Bryan Knutson
Project Manger

ORDINANCE NO. _____**AN ORDINANCE AMENDING SECTIONS 5.48.020, 5.48.030, AND 5.48.060 OF TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.48 AUTOMATIC AND MANUAL BURGLAR AND FIRE ALARMS OF THE CREST HILL CITY CODE OF ORDINANCES**

WHEREAS, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, City Council for the City of Crest Hill has heretofore enacted a Ordinance providing for the regulation and licensing of automatic and manual burglar and fire alarms in the City, specifically Chapter 5.48 of the City of Crest Hill Code of Ordinances, which includes a fee for false alarms; and

WHEREAS, the City Council has from time to time determined that its Ordinances and Code Section should be updated or amended and is authorized to do so; and

WHEREAS, in 2022, by Ordinance 1912, the City Council for the City of Crest Hill determined to increase initial and renewal alarm registration fees and false alarm fees; and

WHEREAS, the City Council has now determined that the initial and renewal registration fees for residential alarms presents a disproportionate financial burden on the City's residents in relation to the resources required of the City's staff to register said alarm systems; and

WHEREAS, the City Council has also determined that there is no such burden on Commercial Businesses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The City Council hereby finds that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: That Sections 5.48.020, 5.48.030, and 5.48.060 of Title 5, Business Licenses and Regulations, Chapter 5.48 Automatic and Manual Burglar and Fire Alarms, are hereby repealed in their entirety and replaced as follows and with all other remaining Sections of Chapter 5.48 remaining the same:

§ 5.48.020 ANNUAL PERMIT.

All **commercial or business** permit holders shall be required to renew their permit each year by filling out the appropriate forms as supplied by the City Clerk and paying a \$100 renewal permit fee to the city on or before January 31 of each year. It is the intent of this section that each alarm equipment installing company shall pay only one \$100 renewal permit fee per year, regardless of how many alarms and signaling devices it has installed and has operating within the city during that year. **New and existing residential permit holders shall not be required to pay an initial or renewal registration fee but shall be required to continue to register their alarm system each year.**

('78 Code, § 5.48.020) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91)

§ 5.48.030 FALSE ALARMS.

(A) Each person, firm or corporation holding a permit for the operation or maintenance of an automatic protection device or signaling device shall be responsible for any false alarms transmitted by the device which they operate or maintain. The Chief of Police or his designee shall maintain a record of all false alarms transmitted and pursuant to the required notice and opportunity to be heard, may revoke or suspend the user permit for the operation of an automatic protection device or signaling device involved in the transmission of four false alarms in any calendar year or may make reasonable charges therefor.

(B) The Chief of Police shall charge a **user permit holder** a fee of \$50 for the first false alarm in excess of one in any calendar year transmitted by any automatic protection device or signaling device. For each subsequent false alarm thereafter, the Chief of Police shall charge a user permit holder a fee of \$100. Such charges shall be remitted to the city by such user permit holder upon receipt of a statement of such charge. If the user permit holder does not pay said fee or fees within 30 days of the assessment thereof, the Chief of Police shall have the right to suspend the license of the permit holder until such time as the fee is paid.

(C) Whenever a **user permit holder** is charged a fee by the Chief of Police, the **user permit holder** may within seven days of the issuance of the fee submit a written appeal to the Chief of Police requesting that the fee be waived for the particular violation involved. This appeal shall specify the reasons by the user permit holder believes that the fee should be waived for the particular circumstances involved. The Chief of Police may, at his sole discretion, waive the fee or decide to impose the fee. (78' Code, § 5.48.040) (Ord. 522, passed - -81)

§ 5.48.060 APPLICATION FOR PERMIT BY USER.

New **commercial or business** applications for permits to maintain and operate an automatic protection device shall be filed with the Chief of Police on forms supplied

by the city with a new application fee of \$100 to the City Clerk. The application shall include the following:

- (A) Name, address and telephone number of the applicant; the name, address and telephone number of the location where the alarm is to be installed, and a list of names and telephone numbers for persons who can be contacted for after hours emergencies.
- (B) Name, address and telephone number of the alarm equipment installing company and type of business organization (individual, partnership, corporation); if a partnership, names and addresses of the partners; if a corporation, the names and addresses of the principal officers and the state where incorporated.
- (C) A description of, and operational specifications for the automatic protection device or devices offered to the public, together with a statement that the equipment does comply with the standards of the Underwriters' Laboratories, the National Fire Protection Association, Factory Mutual or equal.
- (D) A statement that all installations shall comply with the City Electrical Code and the National Code.
- (E) All new residential systems shall be registered in the same fashion as commercial or business alarm systems with the exception that there shall be no initial or renewal registration fee.
('78 Code, § 5.48.060) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91; Am. Ord. 979, passed 2-19-96)

SECTION 3: In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4: That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5: That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6: That this Ordinance shall take effect on January 1, 2024 but shall be published in pamphlet form and made available immediately upon its passage and approval and as provided by law.

[Left Intentionally Blank]

PASSED THIS _____ DAY OF _____, 2024.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderpersion Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS _____ DAY OF _____, 2024.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

**Agenda Memo**

Crest Hill, IL

Meeting Date: January 8, 2023

Submitter: Mayor Raymond R. Soliman *R.S.*

Department: Mayor's Office

Agenda Item: Discussion on Ordinance or Executive Order on Unscheduled Intercity Buses

Summary:

Recommended Council Action: Attached are several Ordinances or Executive Orders on Unscheduled Intercity Buses from surrounding municipalities for your review.

Financial Impact:**Funding Source:****Budgeted Amount:****Cost:****Attachments:**

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2023-0-087

AN ORDINANCE ADOPTING AND RATIFYING A POLICY REGARDING
UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY PARK,
ILLINOIS

MICHAEL W. GLOTZ, PRESIDENT
NANCY O'CONNOR, VILLAGE CLERK

WILLIAM P. BRADY
WILLIAM A. BRENNAN
DENNIS P. MAHONEY
MICHAEL G. MUELLER
KENNETH E. SHAW
COLLEEN M. SULLIVAN
Board of Trustees

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2023-0-087

**AN ORDINANCE ADOPTING AND RATIFYING A POLICY REGARDING
UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY PARK,
ILLINOIS**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, it is in the best interests of the Village of Tinley Park ("Village"), its employees, and its residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village; and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, welfare, and safety of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

WHEREAS, the Village President (the "President") has issued Executive Order 2023-001 (the "Order") and a policy regarding unscheduled intercity buses (the "Policy"), attached hereto and incorporated herein as **Group Exhibit 1**; and

WHEREAS, the President and the Board of Trustees (together, the "Corporate Authorities") of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to approve, adopt, and ratify the Order and the Policy; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of facts as if said recitals were fully set forth herein.

SECTION 2: That the Order and the Policy are attached hereto as **Group Exhibit 1**.

SECTION 3: The purpose of this Ordinance is to approve, adopt, and ratify the Order and the Policy for the benefit of the Village, its employees, its residents, and its visitors, and to authorize the President and his designees to take any and all action necessary to carry out the Order and the Policy.

SECTION 4: The Order and the Policy are hereby adopted as set forth in **Group Exhibit 1**. The officers, employees, and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to, and consummate the Policy, and to take all action necessary in conformity therewith. The officers, employees, and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this amendment and to effectuate the goals of this Ordinance.

SECTION 5: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 6: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 19th day of December, 2023.

AYES: Brady, Brennan, Mahoney, Mueller, Shaw, Sullivan

NAYS: None

ABSENT: None

APPROVED THIS 19th day of December, 2023.


VILLAGE PRESIDENT

ATTEST:



Group Exhibit 1

TFFIFLEY PARK



EXECUTIVE ORDER NO. 2023-001 DECLARING A POLICY REGARDING UNSCHEDULED INTERCITY BUSES

WHEREAS, the Village of Tinley Park, Illinois (the "Village") is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, it is in the best interests of the Village, its employees, and its residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village (the "Policy"); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

NOW, TBEIUWmm, by the powers vested in me as the Village President ("Mayor") of the Village of Tinley Park, Illinois, I hereby establish the Policy, as set forth in Exhibit A, attached hereto and incorporated herein.

SIITION 1! Effective immediately, I, the Mayor of the Village of Tinley Park, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of the Policy, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Policy after due notice, either oral or written has been given.

SIITION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

SIITION 8: This Executive Order shall be distributed in accordance with applicable law.

SIITION 4! This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the Village Clerk.

Michael W. Glotz
Michael W. Glotz, Mayor

Received and Filed December 7, 2023

)1""49,,J)

Nancy, **1L** O'Connor, Village Clerk

EXHIBIT A
POLICY OF THE VILLAGE OF TINLEY PARK
REGARDING UNSCHEDULED INTERCITY BUSES

Item 5.

I. Definitions

For the purposes of this Policy, these definitions shall apply.

- a. "Application" means a form that the Tinley Park Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. "Approval" means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and this Policy.
- c. "Chief of Police" means the Tinley Park Chief of Police.
- d. "Regularly scheduled service" means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- e. "Unscheduled intercity bus" means any bus used for the transportation of persons between the Village of Tinley Park and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of this Policy.
- f. "Village" shall mean the Village of Tinley Park, Illinois.

II. Applicability

The Chief of Police's preexisting application, review and approval process for intercity buses, as may be amended from time to time, shall apply to: (i) applicants for regularly scheduled service, and (ii) operators with an approved letter of permission, schedule and/or approved pick-up/drop-off zone as of the effective date of this Policy.

III. Notice and Application Required

The operator of any unscheduled intercity bus must make application for an approval to arrive and load/unload passengers in the Village on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen, and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop off must include an order authorizing the drop off executed by the head of the public body originating the transfer of such passengers.

IV. Processing and Approval of Applications

Applications for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

Unscheduled intercity buses shall load/unload passengers within the Village only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated Village Holidays.

VI. Passenger Pick-up/Drop-Off Locations

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police, which shall be listed on the approved application.

VII. Punctuality

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/ unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the Village:

IX. Penalty

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.

VILLAGE OF TINLEY PARK, ILLINOIS

APPLICATION FOR UNSCHEDULED INTERCITY BUS

All unscheduled intercity buses must use this application form and receive approval from the Village of Tinley Park, Illinois prior to loading/unloading any passengers within the Village limits.

APPLICANT INFORMATION

Bus Company Name: _____

Bus Company Address: _____

Bus Company State of Incorporation: _____

Primary Contact Name: _____

Title/Position of Primary Contact: _____

Primary Contact Phone: _____

Primary Contact Email: _____

Bus Driver Full Name (including middle): _____

Bus Driver's Date of Birth: _____

Bus Driver Phone: _____

Bus Driver Operator's License# _____

State of Issuance: ____ Expiration Date: _____

Other employees (Bus Company or 3rd party contractors or individuals assisting with the transportation of passengers: (attach a separate page if needed)

Full Name of any 3rd Parties: _____

Date of Birth: _____

PASSENGER INFORMATION

- (A) The Applicant **must** attach a proposed passenger list of all proposed passengers (including any employees of a 3rd party involved in the transportation of passengers) to this Application.
- (B) The Applicant **must** provide background check information for all proposed passengers (including 3rd party contractors or individuals assisting in the transportation of passengers) over the age of eighteen (18) years. **Attach background check information to this Application- failure to attach background information will result in the Application being denied with no further processing.**
- (C) Any passenger or 3rd party employee/individual not listed on the Application who exits the bus will be considered in violation of Village Policy (failure to submit a background check with the application) and will result in a \$750.00 fine, per person, assessed to the bus operator.

ARRIVAL INFORMATION

Proposed Arrival Date*: _____
 (***Must be at least 5 business days from the date of application submission**)

Proposed arrival time: *(check only one time period)*
Morning: ☐ 10-11 am ☐ 11am-12pm
Afternoon ☐ 12-1 pm ☐ 1-2 pm ☐ 2-3 pm ☐ 3-4 pm

USDOT of bus: _____

Bus license plate and State: _____

Any unscheduled intercity bus that allows passengers to disembark outside these days and hours will be considered in violation of Village Policy and will result in a fine, per person, assessed to the bus operator.

AUTHORIZATION FROM HEAD OF PUBLIC BODY INITIATING TRANSFER

The Applicant **must** provide an order authorizing the transfer of the proposed passengers which is executed by the head of the public body which has initiated the transfer via unscheduled intercity bus. **No application shall be processed without a copy of the authorizing order.**

 Applicant Signature

Date: _____

 Applicant's Name-Typed or Printed

(Required)

Notary Seal:

Village Use only:

Date Received:

Time Received:

How received:

Signature of Village Official ----- ***Approved*** or ***Denied*** (Circle)

Name of Village Official: _____

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, NANCY O'CONNOR, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2023-0-087, "**AN ORDINANCE ADOPTING AND RATIFYING A POLICY REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY PARK, ILLINOIS**" which was adopted by the President and Board of Trustees of the Village of Tinley Park on December 19, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 19th day of December, 2023.

 
 VILLAGE CLERK

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE
NO. 2023-0-088

AN ORDINANCE ADOPTING AND RATIFYING RULES AND REGULATIONS
REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY
PARK, ILLINOIS

MICHAEL W. GLOTZ, PRESIDENT
NANCY O'CONNOR, VILLAGE CLERK

WILLIAM P. BRADY
WILLIAM A. BRENNAN
DENNIS P. MAHONEY
MICHAEL G. MUELLER
KENNETH E. SHAW
COLLEEN M. SULLIVAN
Board of Trustees

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2023-0-088**AN ORDINANCE ADOPTING AND RATIFYING RULES AND REGULATIONS
REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY
PARK, ILLINOIS**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village of Tinley Park ("Village") has adopted a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village as set forth in Executive Order 2023-001 (the "Policy"); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, welfare, and safety of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

WHEREAS, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WHEREAS, the Village President (the "President") has issued Executive Order 2023-002 (the "Order") and rules and regulations regarding unscheduled intercity buses (the "Rules and Regulations"), attached hereto and incorporated herein as Group Exhibit **1**; and

WHEREAS, the Rules and Regulations hold bus operators accountable for endangering the safety and welfare of their passengers; and

WHEREAS, the President and the Board of Trustees (together, the "Corporate Authorities") of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to approve, adopt, and ratify the Order and the Rules and Regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of facts as if said recitals were fully set forth herein.

SECTION 2: That the Order and the Rules and Regulations are attached hereto as **Group Exhibit 1**.

SECTION 3: The purpose of this Ordinance is to approve, adopt, and ratify the Order and the Rules and Regulations for the benefit of the Village, its employees, its residents, and its visitors, and to authorize the President and his designees to take any and all action necessary to carry out the Order and the Rules and Regulations.

SECTION 4: The Order and the Rules and Regulations are hereby adopted as set forth in Group Exhibit I. The officers, employees, and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to, and consummate the Rules and Regulations, and to take all action necessary in conformity therewith. The officers, employees, and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this amendment and to effectuate the goals of this Ordinance.

SECTION 5: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 6: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 19th day of December, 2023.

AYES: Brady, Brennan, Mahoney, Mueller, Shaw, Sullivan

NAYS: None

ABSENT: None

APPROVED THIS 19th day of December, 2023.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK

Group Exhibit 1

TINLEY PARK



EXECUTIVE ORDER NO. 2023-002 DECLARING RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES

WIllitRAS, the Village of Tinley Park, Illinois (the "Village") is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, the Village has adopted a policy regarding the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village (the "Policy"); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

WmltEAS, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WIIIEtEAS, it is in the best interests of the Village, its employees, residents, and visitors that the Village implement additional rules and regulations (the "Rules and Regulations") regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the safety and welfare of their passengers; and

NOW, TBERRFOitR, by the powers vested in me as the Village President ("Mayor") of the Village of Tinley Park, Illinois, I hereby authorize the Village, its Police Department, and its employees to implement the Rules and Regulations as set forth in Exhibit A, attached hereto and incorporated herein.

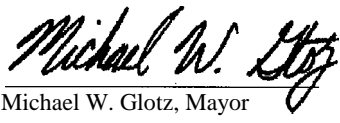
SECTION 1: Effective immediately, I, the Mayor of the Village of Tinley Park, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of the Rules and Regulations, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Rules and Regulations after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

SECTION 8: This Executive Order shall be distributed in accordance with applicable law.

SECTION 4: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept

immediately available on file for inspection in the office of the Village Clerk.


Michael W. Glotz, Mayor

Received and Filed December 15, 2023


Nancy, M. O'Connor, Village Clerk

EXHIBIT A

RULES AND REGULATIONS OF THE VILLAGE OF TINLEY PARK REGARDING UNSCHEDULED INTERCITY BUSES

I. Definitions

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. "Application" means a form that the Tinley Park Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. "Approval" means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and the Policy.
- c. "Chief of Police" means the Tinley Park Chief of Police.
- d. "Policy" means that written policy which was promulgated by the Village Mayor as set forth in Executive Order 2023-001.
- e. "Regularly scheduled service" means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- f. "Unscheduled intercity bus" means any bus used for the transportation of persons between the Village of Tinley Park and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of the Policy.
- g. "Village" shall mean the Village of Tinley Park, Illinois.

II. Applicability

These Rules and Regulations shall apply to any unscheduled intercity bus or unscheduled intercity bus operator that attempts to discharge or pick-up passengers within the limits of the Village without a valid permit issued by the Village as set forth in the Policy.

III. Towing and Impounding

In addition to any fees or fines set forth in the Policy, any unscheduled intercity bus used in violation of Executive Order 2023-001 and the Policy set forth therein shall be subject to immediate seizure and impoundment. The owner of record of said bus shall be liable for any and all towing, storage and administrative fees associated with the towing and storage of the bus. The owner of record shall also be subject to an administrative penalty of Five Thousand U.S. Dollars (\$5,000.00).

Whenever a police officer with supervisory authority and who is present at the time of an alleged violation of the Policy set forth in Executive Order 2023-001 has probable cause to believe that an intercity bus is subject to seizure and impoundment pursuant to these Rules and Regulations, the police officer shall provide for the towing of the bus to an authorized towing facility.

Before or at the time the bus is towed, the police officer shall notify any person identifying themselves as the owner of the bus at the time of the alleged violation, or the person who is found to be in control of the bus at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the bus owner's right to request a vehicle impoundment hearing to be conducted under Chapter 90, Section 90.21 and 90.22 of the Tinley Park Municipal Code by serving such person with a copy of the citation.

IV. Criminal Charges

The Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers, when such individual attempts to or does discharge passengers where such actions endanger the health, safety or welfare of passengers.

The Chief of Police shall consider the following when determining whether to pursue criminal charges:

- (a) The location of the discharge or attempted discharge of passengers;
- (b) Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather which poses a risk to passengers;
- (c) Whether any of the passengers are minors; and
- (d) The time of day and access to shelter or transportation for passengers.

V. Civil Remedies

The Village's attorneys are hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to or refuse to comply with the Policy or these Rules and Regulations. Such civil remedies include, but are not limited to, injunctive relief, declaratory judgments, and debt collection actions.

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, NANCY O'CONNOR, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2023-0-088, **"AN ORDINANCE ADOPTING AND RATIFYING RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY PARK, ILLINOIS"** which was adopted by the President and Board of Trustees of the Village of Tinley Park on December 19, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 19th day of December, 2023.


VILLAGE CLERK

TINLEY PARK



EXECUTIVE ORDER NO. 2023-001 DECLARING A POLICY REGARDING UNSCHEDULED INTERCITY BUSES

WHEREAS, the Village of Tinley Park, Illinois (the “Village”) is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, it is in the best interests of the Village, its employees, and its residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village (the “Policy”); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

NOW, THEREFORE, by the powers vested in me as the Village President (“Mayor”) of the Village of Tinley Park, Illinois, I hereby establish the Policy, as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the Mayor of the Village of Tinley Park, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of the Policy, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Policy after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

SECTION 3: This Executive Order shall be distributed in accordance with applicable law.

SECTION 4: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the Village Clerk.


Michael W. Glotz, Mayor

Received and Filed December 7, 2023


Nancy, M. O'Connor, Village Clerk

EXHIBIT A**POLICY OF THE VILLAGE OF TINLEY PARK
REGARDING UNSCHEDULED INTERCITY BUSES****I. Definitions**

For the purposes of this Policy, these definitions shall apply.

- a. “Application” means a form that the Tinley Park Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. “Approval” means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and this Policy.
- c. “Chief of Police” means the Tinley Park Chief of Police.
- d. “Regularly scheduled service” means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- e. “Unscheduled intercity bus” means any bus used for the transportation of persons between the Village of Tinley Park and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of this Policy.
- f. “Village” shall mean the Village of Tinley Park, Illinois.

II. Applicability

The Chief of Police’s preexisting application, review and approval process for intercity buses, as may be amended from time to time, shall apply to: (i) applicants for regularly scheduled service, and (ii) operators with an approved letter of permission, schedule and/or approved pick-up/drop-off zone as of the effective date of this Policy.

III. Notice and Application Required

The operator of any unscheduled intercity bus must make application for an approval to arrive and load/unload passengers in the Village on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen, and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop off must include an order authorizing the drop off executed by the head of the public body originating the transfer of such passengers.

IV. Processing and Approval of Applications

Applications for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

Unscheduled intercity buses shall load/unload passengers within the Village only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated Village Holidays.

VI. Passenger Pick-up/Drop-Off Locations

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police, which shall be listed on the approved application.

VII. Punctuality

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/ unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the Village.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.



EXECUTIVE ORDER NO. 2023-002
DECLARING RULES AND REGULATIONS REGARDING UNSCHEDULED
INTERCITY BUSES

WHEREAS, the Village of Tinley Park, Illinois (the “Village”) is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, the Village has adopted a policy regarding the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village (the “Policy”); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

WHEREAS, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WHEREAS, it is in the best interests of the Village, its employees, residents, and visitors that the Village implement additional rules and regulations (the “Rules and Regulations”) regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the safety and welfare of their passengers; and


NOW, THEREFORE, by the powers vested in me as the Village President (“Mayor”) of the Village of Tinley Park, Illinois, I hereby authorize the Village, its Police Department, and its employees to implement the Rules and Regulations as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the Mayor of the Village of Tinley Park, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of the Rules and Regulations, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Rules and Regulations after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

SECTION 3: This Executive Order shall be distributed in accordance with applicable law.

SECTION 4: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the Village Clerk.


Michael W. Glotz, Mayor

Received and Filed December 15, 2023


Nancy, M. O'Connor, Village Clerk

EXHIBIT A

RULES AND REGULATIONS OF THE VILLAGE OF TINLEY PARK REGARDING UNSCHEDULED INTERCITY BUSES

I. Definitions

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. “Application” means a form that the Tinley Park Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. “Approval” means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and the Policy.
- c. “Chief of Police” means the Tinley Park Chief of Police.
- d. “Policy” means that written policy which was promulgated by the Village Mayor as set forth in Executive Order 2023-001.
- e. “Regularly scheduled service” means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- f. “Unscheduled intercity bus” means any bus used for the transportation of persons between the Village of Tinley Park and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of the Policy.
- g. “Village” shall mean the Village of Tinley Park, Illinois.

II. Applicability

These Rules and Regulations shall apply to any unscheduled intercity bus or unscheduled intercity bus operator that attempts to discharge or pick-up passengers within the limits of the Village without a valid permit issued by the Village as set forth in the Policy.

III. Towing and Impounding.

In addition to any fees or fines set forth in the Policy, any unscheduled intercity bus used in violation of Executive Order 2023-001 and the Policy set forth therein shall be subject to immediate seizure and impoundment. The owner of record of said bus shall be liable for any and all towing, storage and administrative fees associated with the towing and storage of the bus. The owner of record shall also be subject to an administrative penalty of Five Thousand U.S. Dollars (\$5,000.00).

Whenever a police officer with supervisory authority and who is present at the time of an alleged violation of the Policy set forth in Executive Order 2023-001 has probable cause to believe that an intercity bus is subject to seizure and impoundment pursuant to these Rules and Regulations, the police officer shall provide for the towing of the bus to an authorized towing facility.

Before or at the time the bus is towed, the police officer shall notify any person identifying themselves as the owner of the bus at the time of the alleged violation, or the person who is found to be in control of the bus at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the bus owner’s right to request a vehicle impoundment hearing to be conducted under Chapter 90, Section 90-22 of the Tinley Park Municipal Code by serving such person with a copy of the citation.

IV. Criminal Charges

The Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers, when such individual attempts to or does discharge passengers where such actions endanger the health, safety or welfare of passengers.

The Chief of Police shall consider the following when determining whether to pursue criminal charges:

- (a) The location of the discharge or attempted discharge of passengers;
- (b) Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather which poses a risk to passengers;
- (c) Whether any of the passengers are minors; and
- (d) The time of day and access to shelter or transportation for passengers.

V. Civil Remedies

The Village's attorneys are hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to or refuse to comply with the Policy or these Rules and Regulations. Such civil remedies include, but are not limited to, injunctive relief, declaratory judgements, and debt collection actions.

VILLAGE OF NEW LENOX



NEW LENOX

EXECUTIVE ORDER NO. 2023-001 DECLARING RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES

WHEREAS, the Village of New Lenox, Illinois (the “Village”) is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, it is in the best interest of the Village, its employees, and its residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village (the Village); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

WHEREAS, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WHEREAS, it is in the best interests of the Village, its employees, residents, and visitors that the Village implement additional rules and regulations (the “Rules and Regulations”) regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the safety and welfare of their passengers; and

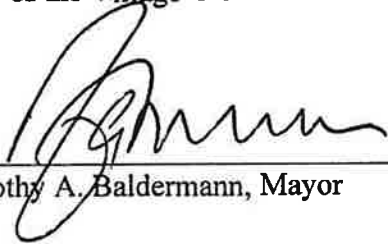
NOW THEREFORE, by the powers vested in me as the Village Mayor (“Mayor”) of the Village of New Lenox, Illinois, I hereby authorize the Village, its Police Department, and its employees to implement the Rules and Regulations as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the Mayor of the Village of New Lenox, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of the Rules and Regulations, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Rules and Regulations after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

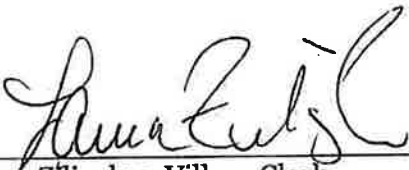
SECTION 3: This Executive Order shall be distributed in accordance with applicable law.

: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the Village Clerk.



Timothy A. Baldermann, Mayor

Received and Filed December 22, 2023



Laura Zilinskas, Village Clerk

EXHIBIT A

RULES AND REGULATIONS OF THE VILLAGE OF NEW LENOX REGARDING UNSCHEDULED INTERCITY BUSES

I. Definitions

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. “Application” means a form that the New Lenox Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. “Approval” means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and the Policy.
- c. “Chief of Police” means the New Lenox Chief of Police.
- d. “Policy” means that written policy which was promulgated by the Village Mayor as set forth in Executive Order 2023-001.
- e. “Regularly scheduled service” means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- f. “Unscheduled intercity bus” means any bus used for the transportation of persons between the Village of New Lenox and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of the Policy.
- g. “Village” shall mean the Village of New Lenox, Illinois.

II. Applicability

The Chief of Police’s preexisting application, review and approval process for intercity buses, as may be amended from time to time, shall apply to: (i) applicants for regularly scheduled service, and (ii) operators with an approved letter of permission, schedule and/or approved pick-up/drop-off zone as of the effective date of this Policy.

III. Notice and Application Required

The operator of any unscheduled intercity bus must make application for an approval to arrive and load/unload passengers in the Village on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen, and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop off must include an order authorizing the drop off executed by the head of the public body originating the transfer of such passengers.

IV. Processing and Approval of Applications

Applications for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one

(1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

Unscheduled intercity buses shall load/unload passengers within the Village only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated Village Holidays.

VI. Passenger Pick-up/Drop-Off Locations

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police, which shall be listed on the approved application.

VII. Punctuality

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/ unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the Village.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.

X. Towing and Impounding.

In addition to any fees or fines set forth in the Policy, any unscheduled intercity bus used in violation of Executive Order 2023-001 and the Policy set forth therein shall be subject to immediate seizure and impoundment. The owner of record of said bus shall be liable for any and all towing, storage and administrative fees associated with the towing and storage of the bus. The owner of record shall also be subject to an administrative penalty of Five Thousand U.S. Dollars (\$5,000.00).

Whenever a police officer with supervisory authority and who is present at the time of an alleged violation of the Policy set forth in Executive Order 2023-001 has probable cause to believe that an intercity bus is subject to seizure and impoundment pursuant to these Rules and Regulations, the police officer shall provide for the towing of the bus to an authorized towing facility.

Before or at the time the bus is towed, the police officer shall notify any person identifying themselves as the owner of the bus at the time of the alleged violation, or the person who is found to be in control of the bus at the time of the alleged violation, if there is such a person, of the fact of the seizure and

of the bus owner's right to request a vehicle impoundment hearing to be conducted under Chapter 90, Section 90-344 of the New Lenox Municipal Code by serving such person with a copy of the citation.

XI. Criminal Charges

The Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers, when such individual attempts to or does discharge passengers where such actions endanger the health, safety or welfare of passengers.

The Chief of Police shall consider the following when determining whether to pursue criminal charges:

- (a) The location of the discharge or attempted discharge of passengers;
- (b) Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather which poses a risk to passengers;
- (c) Whether any of the passengers are minors; and
- (d) The time of day and access to shelter or transportation for passengers.

XII. Civil Remedies

The Village's attorneys are hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to or refuse to comply with the Policy or these Rules and Regulations. Such civil remedies include, but are not limited to, injunctive relief, declaratory judgements, and debt collection actions.

VILLAGE OF NEW LENOX, ILLINOIS APPLICATION FOR UNSCHEDULED INTERCITY BUS

All unscheduled intercity buses must use this application form and receive approval from the Village of New Lenox, Illinois prior to loading/unloading any passengers within the Village limits.

APPLICANT INFORMATION

Bus Company Name: _____

Bus Company Address: _____

Bus Company State of Incorporation: _____

Primary Contact Name: _____

Title/Position of Primary Contact: _____

Primary Contact Phone: _____

Primary Contact Email: _____

Bus Driver Full Name (including middle): _____

Bus Driver's Date of Birth: _____

Bus Driver Phone: _____

Bus Driver Operator's License# _____

State of Issuance: ____ Expiration Date: _____

Other employees (Bus Company or 3rd party contractors or individuals assisting with the transportation of passengers: (attach a separate page if needed)

Full Name of any 3rd Parties: _____

Date of Birth: _____

PASSENGER INFORMATION

- (A) The Applicant **must** attach a proposed passenger list of all proposed passengers (including any employees of a 3rd party involved in the transportation of passengers) to this Application.
- (B) The Applicant **must** provide background check information for all proposed passengers (including 3rd party contractors or individuals assisting in the transportation of passengers) over the age of eighteen (18) years. Attach background check information to this Application- failure to attach background information will result in the Application being denied with no further processing.
- (C) Any passenger or 3rd party employee/individual not listed on the Application who exits the bus will be considered in violation of Village Policy (failure to submit a background check with the application) and will result in a \$750.00 fine, per person, assessed to the bus operator.

ARRIVAL INFORMATION

Proposed Arrival Date*: _____
 (*Must be at least 5 business days from the date of application submission)

Proposed arrival time: *(check only one time period)*
 Morning: ☐ 10-11 am ☐ 11am-12pm
 Afternoon ☐ 12-1 pm ☐ 1-2 pm ☐ 2-3 pm ☐ 3-4 pm

USDOT of bus: _____

Bus license plate and State: _____

Any unscheduled intercity bus that allows passengers to disembark outside these days and hours will be considered in violation of Village Policy and will result in a fine, per person, assessed to the bus operator.

AUTHORIZATION FROM HEAD OF PUBLIC BODY INITIATING TRANSFER

The Applicant **must** provide an order authorizing the transfer of the proposed passengers which is executed by the head of the public body which has initiated the transfer via unscheduled intercity bus. **No application shall be processed without a copy of the authorizing order.**

Date: _____

Applicant Signature

Applicant's Name-Typed or Printed

(Required)

Notary Seal:

Village Use only:

Date Received:

Time Received:

How received:

Signature of Village Official----- **approved** or *Denied* (Circle)

Name of Village Official: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING Chapter 19, Article II, CREATING SECTION 19-152 and AMENDING CHAPTER 19, ARTICLE IV, Section 19-266 ORDINANCE OF THE CITY OF JOLIET CODE OF ORDINANCES

(Adding ordinance establishing regulations for unscheduled intercity buses, the discharge of passengers, and the impoundment of vehicles)

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Mayor and City Council have seen fit to establish regulations for the safe and orderly stopping, standing, and parking of unscheduled intercity buses and the discharging of passengers within the City of Joliet; and

WHEREAS, the Mayor and City Council recognize that, from time to time, conditions arise which necessitate action on the part of city officials in order to protect the welfare of the community; and

WHEREAS, the Mayor and City Council recognize that the unloading of passengers from an unscheduled intercity bus in inclement or severe weather or at varied unscheduled hours or locations in the City without a coordinated plan poses a significant threat to the health, welfare and safety of passengers; and

WHEREAS, the City of Joliet is a home rule unit of local government pursuant to Section 6(a), Article VII 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 including but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Section 19-152 be created and shall read as follows; and Section 19-266 shall have the following language added:

Sec. 19-152. Restriction on unscheduled intercity buses and the discharge of passengers.

(a) *Definitions.* The following terms shall have the following meanings, as applied to this Section.

Application shall mean a form issued and made available by the Chief of Police for receiving and reviewing proposed intercity bus drop-offs.

Approval shall mean written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the City of Joliet and this Section.

Regularly Scheduled Intercity Bus shall mean any intercity bus that operates trips on a predictable and recurring basis between two or more designated and authorized locations or established routes, following a fixed schedule that is published in advance and available to the general public, and provides transportation service in exchange for the payment of a fare.

Unscheduled Intercity Bus shall mean any intercity bus used for transportation of passengers originating from a location outside of the City of Joliet that is not a regularly scheduled intercity bus and operating pursuant to written authorization of the Chief of Police approving a specific schedule to drop off passengers at an approved location in the City.

(b) *Applicability.*

The application, review, and approval process pursuant to this Section shall apply to all operators seeking an unscheduled intercity bus service for a specified date, time, and location for the unloading of passengers in accordance with approved written authorization as herein required.

This Section shall not apply to bus transports operated in conjunction with school sponsored educational activities such as field trips, buses transporting student athletes and chaperones to and from sporting events or tournaments, buses transporting professional athletes to and from sporting venues, or tour buses providing round trip service to tourist destinations.

(c) *Notice and Application Required.*

The operator of any unscheduled intercity bus must make an application for approval to arrive and unload passengers in the City on the appropriate application form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival

identified in the application. All applications shall include a proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen and shall provide copies of the same with the application. All applications must include an order authorizing such unscheduled intercity bus for the unloading of passengers executed by the head of the public body originating the transfer or the loading of passengers.

(d) Processing and Approval of Application.

Applications will be reviewed on a first come first served basis. No more than one (1) application, regardless of operator, shall be approved for a specific date or location.

(e) Passenger Unloading Restrictions.

Unscheduled intercity buses shall unload passengers within the City of Joliet only between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, and not at any time on a Saturday, Sunday, or designated federal or state holiday.

Unscheduled intercity buses shall only unload passengers at a location authorized by the Chief of Police.

For any given written approval, unscheduled intercity buses shall arrive no sooner than 15 minutes before, and no later than 30 minutes after the approved arrival time, otherwise the application shall be considered invalid.

(f) Proof of Approved Application.

Every operator of unscheduled intercity buses must carry a physical or electronic copy of the approved application and present it for inspection at the location of the approved loading or unloading and must present it for inspection upon the request of any representative of the City of Joliet.

(g) Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact unload passengers in any manner inconsistent with this Section shall be liable for a fine of \$750.00 per passenger.

The vehicle used in violation of this Section shall be subject to impoundment under Section 19-266.

19-266. Offenses subjecting a vehicle to impoundment.

(a)(8) Operation of an unscheduled intercity bus in violation of Section 19-152.

SECTION 3: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 6: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2024.

MAYOR

CITY CLERK

VOTING YES: _____

VOTING NO: _____

NOT VOTING: _____

LOCKPORT


Mayor

Steven Streit

City Clerk

Kathleen Gentile

Administrator

Ben Benson

City of Lockport

222 E. 9th Street | Lockport, IL 60441

Alderman

Pat Sheehan – 1st Ward

Jonathan Pugh – 1st Ward

JR Gillogly – 2nd Ward

Patrick McDonald – 2nd Ward

Christina Bergbower – 3rd Ward

Darren Deskin – 3rd Ward

Renee Saban – 4th Ward

Joanne Bartelsen – 4th Ward

EXECUTIVE ORDER NO. 2023-001 DECLARING RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES

WHEREAS, the City of Lockport, Illinois (the “City”) is a home rule unit pursuant to Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, pursuant to § 30.001(B) of the Code of the City of Lockport, the Mayor is authorized, upon the occurrence of a state of emergency, to find that the state of emergency exists in accordance with the definitions of § 30.001(B)(1), and he is, in addition, authorized to exercise the powers granted in this section during the state of emergency, upon his signing under oath a statement finding that a state of emergency does exist; and

WHEREAS, the Mayor finds that incidents have occurred in the City of Lockport as well as other suburban communities in which buses have discharged or unloaded passengers within the city without sufficient clothing, resource, food, and other sustaining items without means to obtain shelter; and

WHEREAS, based upon the foregoing reasons and that time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on City and other governmental agencies’ resources resulting from the discharge of said passengers within the City, the Mayor finds that a state of emergency exists; and

WHEREAS, the City is committed to protecting the health, safety, and welfare of individuals residing in and visiting the City; and

WHEREAS, it is in the best interest of the City, it’s employees, and it’s residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the City; and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

WHEREAS, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WHEREAS, it is in the best interests of the City, its employees, residents, and visitors that the City implement additional rules and regulations (the “Rules and Regulations”) regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the

safety and welfare of their passengers; and

NOW THEREFORE, by the emergency powers vested in me as the Mayor of the City of Lockport, Illinois, I hereby authorize the City, its Police Department, and its employees to implement the Rules and Regulations as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the Mayor of the City of Lockport, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the City, including, but not limited to, the enforcement of the Rules and Regulations, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Rules and Regulations after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect until the adjournment of the first regular meeting of the City Council on January 3, 2024, in which the City Council can adopt such Rules and Regulations or other similar ordinance in its place.

SECTION 3: This Executive Order shall be distributed in accordance with § 30.001(B)(7) which prescribes that “upon issuing the declaration herein authorized, the Chief of Police shall notify the news media situated within the city and shall cause three copies of the declaration declaring the existence of the emergency to be posted at the following places within the city: the city hall, the police station and the post office.

SECTION 4: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the City Clerk.



Steve Streit, Mayor of City of Lockport

Received and Filed December 22, 2023



Brittni Calderon, Deputy Clerk authorized to sign
for the City Clerk

EXHIBIT A

RULES AND REGULATIONS OF THE CITY OF LOCKPORT REGARDING UNSCHEDULED INTERCITY BUSES

I. Definitions

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. “Application” means a form that the City of Lockport Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. “Approval” means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the City and the Policy.
- c. “Chief of Police” means the City of Lockport Chief of Police.
- d. “Policy” means that written policy which was promulgated by the City Mayor as set forth in Executive Order 2023-001.
- e. “Regularly scheduled service” means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- f. “Unscheduled intercity bus” means any bus used for the transportation of persons between the City of Lockport and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of the Policy.
- g. “City” shall mean the City of Lockport, Illinois.

II. Applicability

The Chief of Police’s preexisting application, review and approval process for intercity buses, as may be amended from time to time, shall apply to: (i) applicants for regularly scheduled service, and (ii) operators with an approved letter of permission, schedule and/or approved pick-up/drop-off zone as of the effective date of this Policy.

III. Notice and Application Required

The operator of any unscheduled intercity bus must make application for an approval to arrive and load/unload passengers in the City on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen, and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop off must include an order authorizing the drop off executed by the head of the public body originating the transfer of such passengers.

IV. Processing and Approval of Applications

Applications for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one

(1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

Unscheduled intercity buses shall load/unload passengers within the City only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated City Holidays.

VI. Passenger Pick-up/Drop-Off Locations

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police, which shall be listed on the approved application.

VII. Punctuality

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/ unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the City.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.

X. Towing and Impounding.

In addition to any fees or fines set forth in the Policy, any unscheduled intercity bus used in violation of Executive Order 2023-001 and the Policy set forth therein shall be subject to immediate seizure and impoundment. The owner of record of said bus shall be liable for any and all towing, storage and administrative fees associated with the towing and storage of the bus. The owner of record shall also be subject to an administrative penalty of Five Thousand U.S. Dollars (\$5,000.00).

Whenever a police officer with supervisory authority and who is present at the time of an alleged violation of the Policy set forth in Executive Order 2023-001 has probable cause to believe that an intercity bus is subject to seizure and impoundment pursuant to these Rules and Regulations, the police officer shall provide for the towing of the bus to an authorized towing facility.

Before or at the time the bus is towed, the police officer shall notify any person identifying themselves as the owner of the bus at the time of the alleged violation, or the person who is found to be in control of the bus at the time of the alleged violation, if there is such a person, of the fact of the seizure and

of the bus owner's right to request a vehicle impoundment hearing to be conducted under Chapter 90, Section 90-344 of the Lockport Municipal Code by serving such person with a copy of the citation.

XI. Criminal Charges

The Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers, when such individual attempts to or does discharge passengers where such actions endanger the health, safety or welfare of passengers.

The Chief of Police shall consider the following when determining whether to pursue criminal charges:

- (a) The location of the discharge or attempted discharge of passengers;
- (b) Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather which poses a risk to passengers;
- (c) Whether any of the passengers are minors; and
- (d) The time of day and access to shelter or transportation for passengers.

XII. Civil Remedies

The City Attorney or her designee is hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to or refuse to comply with the Policy or these Rules and Regulations. Such civil remedies include, but are not limited to, injunctive relief, declaratory judgements, and debt collection actions.

CITY OF LOCKPORT, ILLINOIS APPLICATION FOR UNSCHEDULED INTERCITY BUS

All unscheduled intercity buses must use this application form and receive approval from the City of Lockport, Illinois prior to loading/unloading any passengers within the City limits.

APPLICANT INFORMATION

Bus Company Name: _____

Bus Company Address: _____

Bus Company State of Incorporation: _____

Primary Contact Name: _____

Title/Position of Primary Contact: _____

Primary Contact Phone: _____

Primary Contact Email: _____

Bus Driver Full Name (including middle): _____

Bus Driver's Date of Birth: _____

Bus Driver Phone: _____

Bus Driver Operator's License# _____

State of Issuance: ____ ____ ____ Expiration Date: _____

Other employees (Bus Company or 3rd party contractors or individuals assisting with the transportation of passengers: (attach a separate page if needed)

Full Name of any 3rd Parties: _____

Date of Birth: _____

PASSENGER INFORMATION

- (A) The Applicant **must** attach a proposed passenger list of all proposed passengers (including any employees of a 3rd party involved in the transportation of passengers) to this Application.
- (B) The Applicant **must** provide background check information for all proposed passengers (including 3rd party contractors or individuals assisting in the transportation of passengers) over the age of eighteen (18) years. **Attach background check information to this Application- failure to attach background information will result in the Application being denied with no further processing.**
- (C) Any passenger or 3rd party employee/individual not listed on the Application who exits the bus will be considered in violation of City Policy (failure to submit a background check with the application) and will result in a \$750.00 fine, per person, assessed to the bus operator.

ARRIVAL INFORMATION

Proposed Arrival Date*: _____
 (*Must be at least 5 business days from the date of application submission)

Proposed arrival time: *(check only one time period)*
Morning: ☐ 10-11 am ☐ 11am-12pm
Afternoon ☐ 12-1 pm ☐ 1-2 pm ☐ 2-3 pm ☐ 3-4 pm

USDOT of bus: _____

Bus license plate and State: _____

Any unscheduled intercity bus that allows passengers to disembark outside these days and hours will be considered in violation of City Policy and will result in a fine, per person, assessed to the bus operator.

AUTHORIZATION FROM HEAD OF PUBLIC BODY INITIATING TRANSFER

The Applicant **must** provide an order authorizing the transfer of the proposed passengers which is executed by the head of the public body which has initiated the transfer via unscheduled intercity bus. **No application shall be processed without a copy of the authorizing order.**

 Date: _____
 Applicant Signature

 Applicant's Name-Typed or Printed

(Required)

Notary Seal:

City Use only:
Date Received: _____ *Time Received:* _____ *How received:* _____
Signature of City Official ----- **approved** or *Denied (Circle)*
Name of City Official: _____

EXECUTIVE ORDER NO. 23-0001
DECLARING RULES AND REGULATIONS REGARDING
UNSCHEDULED INTERCITY BUSES

WHEREAS, the Village of Channahon (a Home Rule Municipality), Illinois (the “Village”) is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, it is in the best interest of the Village, it’s employees, and it’s residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers with the Village (the Village); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passenger; and

WHEREAS, time is of the essence due to incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

WHEREAS; bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WHEREAS; it is in the best interests of the Village, its employees, residents, and visitors that the Village implement additional rules and regulations (the “Rules and Regulations”) regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the safety and welfare of their passengers; and

NOW, THEREFORE, by the powers vested in me as the Village President of the Village of Channahon, Illinois, I hereby authorize the Village, its Police Department, and its employees to implement the Rules and regulations as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the Village President of Channahon, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of Rules and regulations, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Rules and regulations after due notice, either oral or written has been given.

SECTION 2: This order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or suspended.

SECTION 3: This Executive Order shall be distributed in accordance with applicable law.

: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents or any other persons. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the Village Clerk.

Missey Moorman Schumacher, Village President

Received and Filed December 23, 2023

Kristin Hall, Village Clerk

EXHIBIT A

RULES AND REGULATIONS OF THE VILLAGE OF CHANNAHON REGARDING UNSCHEDULED INTERCITY BUSES

I. Definition

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. "Application" means a form that the Channahon Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. "Approval" means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and the Policy.
- c. "Chief of Police" means the Channahon Chief of Police.
- d. "Regularly scheduled service" means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- f. "Unscheduled intercity bus" means any bus used for the transportation of persons between the Village of Channahon and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of the Policy.
- g. "Village" shall mean the Village of Channahon, Illinois.

II. Applicability

The Chief of Police's preexisting application, review and approval process for intercity buses, as may be amended from time to time shall apply to: (i) applicants for regularly scheduled service and (ii) operators with an approved letter of permission schedule and/or approved pick up/drop off zone as of the effective date of this Policy.

III. Notice and Application Required

The operator of any unscheduled intercity bus must make application for an approval to arrive and load/unload passengers in the Village on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen, and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop off must include an order authorizing the drop off executed by the head of the public body originating the transfer of such passengers.

IV. Processing and Approval of Applications

Applications for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

Unscheduled intercity buses shall load/unload passengers within the Village only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated Village Holidays.

VI. Passenger Pick-up/Drop-Off Locations

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police, which shall be listed on the approved application.

VII. Punctuality

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the Village.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.

X. Criminal Charges

The Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers, when such individual attempts to or does discharge passengers where such actions endanger the health, safety or welfare of passengers.

The Chief of Police shall consider the following when determining whether to pursue criminal charges:

- (a) The location of the discharge or attempted discharge of passenger;
- (b) Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather which poses a risk to passengers;
- (c) Whether any of the passenger are minors; and
- (d) The time of day and access to shelter or transportation for passenger.

XI. Civil Remedies

The Village's attorneys are hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to or refuse to comply with the Policy or these Rules and Regulations. Such civil remedies include, but are not limited to, injunctive relief, declaratory judgements, and debt collection actions.

**VILLAGE OF CHANNAHON, ILLINOIS
APPLICATION FOR UNSCHEDULED INTERCITY BUS**

All unscheduled intercity buses must use this application form and receive approval from the Village of Channahon, Illinois prior to loading/unloading any passengers within the Village limits.

APPLICANT INFORMATION

Bus Company Name: _____

Bus Company Address: _____

Bus Company State of Incorporation: _____

Primary Contact Name: _____

Title/Position of Primary Contact: _____

Primary Contact Phone: _____

Primary Contact Email: _____

Bus Driver Full Name (including middle): _____

Bus Driver's Date of Birth: _____

Bus Driver Phone: _____

Bus Driver Operator's License # _____

State of Issuance: _____ Expiration Date: _____

Other employees (Bus Company or 3rd party contractors or individuals assisting with the transportation of passengers: (attach a separate page if needed)

Full Name of any 3rd Parties: _____

Date of Birth: _____

PASSENGER INFORMATION

- (A) The Applicant **must** attach a proposed passenger list of all proposed passengers (including any employees of a 3rd party involved in the transportation of passengers) to this Application.

- (B) The Applicant **must** provide background check information for all proposed passengers (including 3rd party contractors or individuals assisting in the transportation of passengers) over the age of eighteen (18) years. Attach background check information to this Application- failure to attach background information will result in the Application being denied with no further processing.

- (C) Any passenger or 3rd party employee/individual not listed on the Application who exits the bus will be considered in violation of Village Policy (failure to submit a background check with the application) and will result in a \$750.00 fine, per person, assessed to the bus operator.

ARRIVAL INFORMATION

Proposed Arrival Date*: _____
 (**Must be at least 5 business days from the date of application submission*)

Proposed arrival time: *(check only one time period)*
 Morning: ☐ 10-11 am ☐ 11am-12pm
 Afternoon ☐ 12-1 pm ☐ 1-2 pm ☐ 2-3 pm ☐ 3-4 pm

USDOT of bus: _____

Bus license plate and State: _____

Any unscheduled intercity bus that allows passengers to disembark outside these days and hours will be considered in violation of Village Policy and will result in a fine, per person, assessed to the bus operator.

AUTHORIZATION FROM HEAD OF PUBLIC BODY INITIATING TRANSFER

The Applicant **must** provide an order authorizing the transfer of the proposed passengers which is executed by the head of the public body which has initiated the transfer via unscheduled intercity bus. **No application shall be processed without a copy of the authorizing order.**

 Applicant Signature Date: _____

 Applicant's Name- Typed or Printed

(Required)

Notary Seal:

Village Use only:

Date Received: _____ *Time Received:* _____ *How received:* _____

Signature of Village Official: _____ *Approved or Denied*
(Circle)

Name of Village Official: _____



**VILLAGE OF ELBURN
VILLAGE BOARD MEETING
WEDNESDAY, DECEMBER 27, 2023**

7:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PUBLIC COMMENTS
5. MAYOR
6. ADMINISTRATOR
 - a. Discuss and Approve Ordinance 2023-41 Unscheduled Intercity Buses
7. OTHER BUSINESS
8. ADJOURN



MEMO

To: Village Board
From: John Nevenhoven, Village Administrator
Subject: Unscheduled Intercity Buses
Date: Strategic Action Plan: Routine

On December 20, 2023, an unscheduled intercity bus made a stop at the Elburn Metra Station. There were 38 passengers on board plus a liaison, security guard, and the driver.

Chief Sikora determined the bus trip originated in Texas and the passengers were headed to Ogilvie Transportation Center (OTC) in Chicago. All passengers had tickets for the ride to OTC. All on-duty Elburn police officers were present at the Metra Station to assist the passengers. All but four passengers boarded the train. The other four passengers had pre-arranged private transportation.

This event went smoothly but did use all available police resources during the event, and a significant amount of staff time after the event.

Ordinance 2023-41 Unscheduled Intercity Buses was modeled after an ordinance from University Park. The manager of University Park, Elizabeth Scott, was a tremendous resource.

Attached to the agenda are other similar ordinances from Melrose Park, Rosemont, and Cicero.

Recommendation: Approve Ordinance 2023-41 Unscheduled Intercity Buses

VILLAGE OF ELBURN

ORDINANCE NO. 2023-41

AN ORDINANCE OF THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS
ESTABLISHING REGULATIONS FOR UNSCHEDULED INTERCITY BUSES AND
THE DISCHARGE OF PASSENGERS TO ENSURE THE HEALTH, SAFETY AND
WELFARE OF RESIDENTS AND VISTORS TO THE VILLAGE OF ELBURN

ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF ELBURN

This 27th day of December 2023

Published in pamphlet form by authority of the Board of Trustees
of the Village of Elburn, Kane County, Illinois
This 27th day of December 2023.

ORDINANCE NO. 2023-41**AN ORDINANCE OF THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS
ESTABLISHING REGULATIONS FOR UNSCHEDULED INTERCITY BUSES, AND
THE DISCHARGE OF PASSENGERS TO ENSURE THE HEALTH, SAFETY AND
WELFARE OF RESIDENTS AND VISITORS TO THE VILLAGE OF ELBURN**

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, generally, the Corporate Authorities of each municipality may exercise powers and perform functions for the protection of the public health, safety, morals and welfare; and

WHEREAS, the President and Board of Trustees of the Village of Elburn (the "*Corporate Authorities*") are charged with the responsibility of protecting the health, safety and welfare of the residents of the Village; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Corporate Authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed or proper; and

WHEREAS, the Corporate Authorities have the authority to adopt ordinances to promulgate rules, regulations or policies pertaining to its government and affairs; and

WHEREAS, on December 21, 2023, an unscheduled intercity bus stopped in the Village at the Metra Station to unload approximately 38 passengers within the Village; and

WHEREAS, the Corporate Authorities find that it is in the best interests of the Village, its employees, its residents, and visitors to establish regulations for the safe and orderly stopping, standing, and parking of unscheduled intercity buses and the discharge of passengers within the Village; and

WHEREAS, the Corporate Authorities determined that the unloading of passengers from an unscheduled intercity bus in inclement or severe weather conditions or at varied unscheduled hours, days, or locations in the Village without a coordinated plan poses a significant threat to the health, welfare, and safety of passengers; and

WHEREAS, the Corporate Authorities further find that time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on limited Village resources resulting from the unloading of passengers from an unscheduled intercity bus within the Village; and

WHEREAS, the Corporate Authorities declare that a crisis exists within the Village as it relates to the unloading of passengers from unscheduled intercity buses; and

WHEREAS, the Corporate Authorities find that is in the best interest of the health, safety and welfare of the residents of the Village to establish the regulations herein specified to ensure necessary Village services and programs are prepared ahead of time.

THEREFORE, BE IT ORDANED by the President and Board of Trustees of Village of Elburn, Kane County, Illinois, as follows:

SECTION ONE: That the above recitals and legislative findings are found to be true and correct by the Corporate Authorities and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety in this Section One.

SECTION TWO: That the Corporate Authorities find and declare that the regulations and requirements herein established are to protect and ensure the health, safety, and welfare of the residents of the Village and are further undertaken in accordance with and pursuant to the exercise of the Village's police powers and general powers over the Village health, safety and welfare.

SECTION THREE: The purpose of this Ordinance is to approve and adopt a policy for the benefit of the Village, its employees, its residents, and visitors to the Village, and to authorize the Chief of Police and Deputy Chief of Police to take any and all action necessary to effectuate and carry out the policy herein established.

SECTION FOUR: The Policy of the Village of Elburn Establishing Regulations for Unscheduled Intercity Buses and Discharge of Passengers, a copy of which is attached hereto and made a part hereof, as Exhibit A (the "*Policy*"), is hereby authorized and approved.

SECTION FIVE: The officials, officers, employees, and attorneys of the Village are hereby authorized to take all actions necessary to carry out, give effect to, and consummate the Policy, and to take all action reasonably required in conformity therewith. The officials, officers, employees, and attorneys of the Village are hereby further authorized and directed to draft and disseminate any and all necessary applications or forms to be utilized to effectuate and enforce the Policy and this Ordinance.

SECTION SIX: This Ordinance, and its parts, are declared to be severable and any sentence, section, paragraph, sub-paragraph, clause, provision, or portion of this Ordinance or its Policy is declared unconstitutional, invalid or unenforceable said shall be excluded and deemed inoperative or unenforceable, as though not provided for herein, and shall not affect the validity or enforceability of any other part of this Ordinance and its Policy, which shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the express legislative intent of the Corporate Authorities that this Ordinance and its Policy would have been authorized and adopted as if no such unconstitutional, invalid, or unenforceable part was included in this Ordinance or its Policy.

SECTION SEVEN: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION EIGHT: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as I hereby authorized to be done by the President and the Board of Trustees.

Trustee Name	Aye	Nay	Absent	Abstain
Ken Anderson				
Bill Grabarek				
Chris Hansen				
Luis Santoyo				
Patricia Schuberg				
Matthew Wilson				
Mavor Jeffrey Walter				

PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 27th day of December 2023.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 27th day of December 2023.

SIGNED by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 27th day of December 2023.

Jeffrey D. Walter
Village President
Village of Elburn, Kane County, Illinois

(SEAL)

ATTEST:

Diane McQuilkin
Village Clerk
Village of Elburn, Kane County, Illinois

STATE OF ILLINOIS)
) SS
 COUNTY OF KANE)

CLERK'S CERTIFICATE

I, Diane McQuilkin, the duly qualified and acting Village Clerk of the Village of Elburn, Kane County, Illinois, do hereby certify that attached hereto is a true and correct copy of an ordinance entitled:

ORDINANCE NO. 2023-41

**AN ORDINANCE OF THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS
 ESTABLISHING REGULATIONS FOR UNSCHEDULED INTERCITY BUSES, AND
 THE DISCHARGE OF PASSENGERS TO ENSURE THE HEALTH, SAFETY AND
 WELFARE OF RESIDENTS AND VISTORS TO THE VILLAGE OF ELBURN**

which ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 27th day of December 2023, and that said ordinance has been duly published in pamphlet form in accordance with Section 1-2-4 of the Illinois Municipal Code.

I do further certify that a quorum of the Corporate Authorities was present at said meeting, and that the Corporate Authorities complied with the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of December 2023.

(SEAL)

Diane McQuilkin
 Village Clerk
 Village of Elburn, Kane County, Illinois

EXHIBIT A

A POLICY OF THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS ESTABLISHING REGULATIONS FOR UNSCHEDULED INTERCITY BUSES AND THE DISCHARGE OF PASSENGERS

I. Definitions.

For the purpose of this Policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The singular or plural is included in any circumstances.

Application shall mean a form that the Chief of Police or Deputy Chief of Police makes available for receiving and reviewing proposed intercity bus operations.

Approval shall mean written notice that the Chief of Police or Deputy Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and this Policy.

Deputy Chief of Police shall mean the Village of Elburn Deputy Chief of Police or designee.

Chief of Police shall mean the Village of Elburn Chief of Police or designee.

Regularly Scheduled Intercity Bus shall mean any intercity bus that operates trips on a predictable and recurring basis between two or more designated and authorized locations or established routes, following a fixed schedule that is published in advance and available to the general public, and provides transportation service in exchange for payment of a fare.

Unscheduled Intercity Bus shall mean any intercity bus used for the transportation of passengers originating from a location outside of the Chicago-Naperville-Joliet area that is not a regularly scheduled intercity bus and operating pursuant to written authorization of the Chief of Police or Deputy Chief of Policy approving a specific schedule to pick-up or drop-off passengers at an approved location in the Village.

Village shall mean the Village of Elburn, Kane County, Illinois.

II. Applicability.

The application, review, and approval process pursuant to the limitations and requirements of this Policy for unscheduled intercity buses shall apply to all operators seeking an unscheduled intercity bus service for a specified date, time and location for the loading or unloading of passengers in accordance with approved written authorization as herein required.

III. Notice and Application Required.

The operator of any unscheduled intercity bus must make an application for approval to arrive and load or unload passengers in the Village on the appropriate application form made available by the Chief of Police or Deputy Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police or Deputy Chief of Police a minimum of five (5) full business days prior to the requested date of arrival identified in the application. All applications shall include a proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen and shall provide copies of same to the Chief of Police or Deputy Chief of Police as part of the application process. Each application for an unscheduled intercity bus for the unloading of passengers must include an order authorizing such unscheduled intercity bus for the unloading of passengers executed by the head of the public body originating the transfer of or loading of passengers.

IV. Processing and Approval of Application.

Applications for unscheduled intercity buses will be reviewed on first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police or Deputy Chief of Police for a specific date or location.

V. Passenger Loading and Unloading Day and Hour Restriction.

Unscheduled intercity buses shall load or unload passengers within the Village at the Metra Station only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on a Saturday, Sunday, or designated federal, state or Village legal holiday.

VI. Passenger Loading and Unloading Location.

Unscheduled intercity buses shall only load or unload passengers at a location authorized by the Chief of Police or Deputy Chief of Police, which shall be listed on the approved application.

VII. Punctuality of Passenger Loading and Unloading.

For any given written approval, unscheduled intercity buses must arrive no sooner than 15 minutes before, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalid. Any loading or unloading of passengers outside of the aforesaid schedule window shall result in a \$750.00 fine per passenger upon the intercity bus operator.

VIII. Proof of Approved Application to Load or Unload a Passenger.

Every operator of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the location of loading or unloading passengers at the request of any employee of the Village.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load or unload passengers without an approved application shall be subject to a \$750.00 fine per passenger.