

ORDINANCE NO. O-24-02

**AN ORDINANCE ESTABLISHING REGULATIONS AND ADOPTING A CITY
POLICY FOR UNSCHEDULED INTERCITY BUSES AND DISCHARGE OF
PASSENGERS**

WHEREAS, the City of Prospect Heights, Illinois is a duly organized and existing municipal corporation organized and operating under the constitution and laws of the State of Illinois; and

WHEREAS, the City derives its rights, power and authority from the various sections of the Municipal Code and the City Code; and

WHEREAS, the Mayor and City Council of Prospect Heights (the "Corporate Authorities") are charged with the responsibility of protecting the health, safety, and welfare of the residents of the City; 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, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-42-6, municipalities have the authority to license, tax and regulate buses operating as common carriers using City streets; and

WHEREAS, unscheduled intercity buses are attempting to stop unannounced at various times, on different days and at multiple locations near and around the City to unload dozens of passengers without coordination with local authorities; 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 Corporate Authorities have determined that the importance of and need for regulations to provide for unscheduled intercity buses will ensure that people are safe, treated fairly, and free from deceptive practices, and deem the need to regulate unscheduled intercity buses as an essential element to protect and promote the public health, safety, and welfare of the residents of the City; and

WHEREAS, the Corporate Authorities find that the economic stability of the City is dependent upon regulations to ensure that unscheduled intercity buses that arrive in the City do not drain the limited financial resources of the City, jeopardize the health, safety, and welfare of bus passengers or visitors to the City or burden the ability of personnel of City emergency service departments to adequately protect and serve the residents and visitors to the City; and

WHEREAS, the Corporate Authorities find that it is in the best interests of the City, 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

City; 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 City 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 City resources resulting from the unloading of passengers from an unscheduled intercity bus within the City; and

WHEREAS, the Corporate Authorities declare that a crisis could quickly arise within the City as it relates to the unloading and securing of passengers from unscheduled intercity buses; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS as follows:

SECTION 1: The recitals set forth hereinabove are hereby incorporated as findings as if said recitals were fully set forth within Section One.

SECTION 2: 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 City and are undertaken in accordance with and pursuant to the exercise of the City's police powers and are further herein established and required to protect and ensure the health, safety and welfare of the residents and visitors of the City and are found to be essential for the promotion and security of a stable, integrated, balanced and harmonious community.

SECTION 3: The purpose of this Ordinance is to approve and adopt the Policy, as defined below, for the benefit of the City, its employees, its residents, and visitors to the City, and to authorize the Police Chief and Deputy Police Chief to take any and all action necessary to effectuate and carry out the Policy herein established, including the establishment of additional rules, procedures and general orders to clarify, implement and enforce the Policy.

SECTION 4. The Policy of the City of Prospect Heights, Cook County, Illinois Establishing Regulations for Unscheduled Intercity Buses and the 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 5: The officials, officers, employees, and attorneys of the City 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 City 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 6: All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby modified or repealed to the extent of such conflict. If any item or portion of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portion of such item or the remainder of this Ordinance.

SECTION 7: The City Clerk of the City of Prospect Heights is directed hereby to publish this Ordinance in pamphlet form.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval in accordance with the manner prescribed by law.

PASSED and APPROVED this 8th day of January, 2024.



Patrick Ludvigsen, Mayor

ATTEST:



Deputy Clerk Schultheis

AYES: Cameron, Dolick, Dash, Morgan-Adams, Anderson
NAYS: None
ABSENT: None

Published in pamphlet form: January 8, 2024



EXHIBIT A

A POLICY OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS ESTABLISHING REGULATIONS FOR UNSCHEDULED INTERCITY BUSES AND THE DISCHARGE OF PASSENGERS

I. Definitions.

For the purpose of this Policy, and the interpretation and application thereof, the following terms, phrases, words, and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. Words or phrases not defined shall be given their common and ordinary meaning unless the context clearly indicates or requires a different meaning.

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

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

Deputy Police Chief shall mean a City of Prospect Heights Deputy Police Chief, or designee.

Police Chief shall mean the City of Prospect Heights Police Chief, 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 type of bus, shuttle, charter, van, automobile, or large scale vehicle used for the transportation of passengers originating from a location outside of the Chicagoland area that is not a regularly scheduled intercity bus and not operating pursuant to written authorization of the Police Chief or Deputy Police Chief approving a specific schedule to pick-up or drop-off passengers at an approved location in the City.

City shall mean the City of Prospect Heights, Cook County Illinois.

Chicagoland shall mean the following six counties in Northern Illinois: Cook County, DuPage County, Will County, McHenry County, Kane County and Lake County.

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 City on the appropriate application form made available by the Police Chief or Deputy Police Chief. All applications for unscheduled intercity bus service must be received by the Police Chief or Deputy Police Chief a minimum of five (5) full business days prior to the requested date of arrival identified in the application.

All applications shall include the full name, full address, and telephone numbers of the owner, operator, and driver of the bus, as well as, the full name, full address, telephone numbers of the entity or individuals that have either directed, paid for, or financed the transport of persons who will disembark in the City.

All applications must 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 to the Police Chief or Deputy Police Chief 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, if applicable.

IV. Processing and Approval of Application.

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 Police Chief or Deputy Police Chief 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 City 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 City legal holiday.

VI. Passenger Loading and Unloading Location.

Unscheduled intercity buses shall only load or unload passengers at a location authorized by the Police Chief or Deputy Police Chief, 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 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 City.

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.

X. Disqualification.

The Chief of Police shall not approve an application for any corporation, entity, or person(s) that:

- a. Has supplied materially false or misleading information in connection with an application under Section III of this Policy.
- b. May pose an unreasonable risk to the health, safety, or welfare of the City, its residents or passengers of the unscheduled intercity bus.

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To: Mayor Ludvigsen and Members of the City Council

From: Joe Wade, City Administrator

Subject: Ordinance Establishing Regulations and Adopting a City Policy for Unscheduled Intercity Buses and Discharge of Passengers

Date: January 4, 2024

Background:

Many area communities have experienced the drop-off of migrants from buses from the southern border, without coordination or announcement. These unscheduled bus drop-offs risk the safety and security of arriving individuals and strain municipal resources. Buses are attempting to stop unannounced and without coordination, to unload numerous passengers. These drop-offs also avoid compliance with the policies of municipalities which have adopted drop-off regulations.

In response to this practice by bus companies, multiple area municipalities have adopted regulatory ordinances to respond to this unfavorable behavior and disregard for passengers and communities. The proposed ordinance, drafted by city attorneys, addresses this practice and provides regulations for compliance.

Analysis

The proposed ordinance establishes a City policy and regulatory structure to respond to the practice of unscheduled and uncoordinated discharge of intercity bus passengers. Specifically, it provides for an application and approval process, with restricted arrival hours, and City approval of a designated location. The ordinance provides for an enforcement process and penalty of \$750 per passenger for violation.

Recommendation:

Staff recommends adoption of this ordinance. As this is an immediate issue with many area municipalities recently adopting similar ordinances and regulations, staff recommends waiver of first ordinance reading and immediate adoption upon consideration.