

VILLAGE OF DEERFIELD

ORDINANCE NO. 2024 O-24-01

AN ORDINANCE AMENDING CHAPTER 22 OF "THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD, ILLINOIS, 1975," AS AMENDED, REGARDING UNSCHEDULED BUS STOPS

WHEREAS, the Village of Deerfield is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, pursuant to Section 11-1-1 of the Illinois Municipal Code, 65 ILCS 5/11-1-1, municipalities are granted the authority to pass and enforce all necessary police ordinances; and

WHEREAS, pursuant to Section 11-42-6 of the Illinois Municipal Code, 65 ILCS 5/11-42-6, municipalities have the authority to license, tax and regulate operators of buses using Village streets; and

WHEREAS, pursuant to Section 11-60-2 of the Illinois Municipal Code, 65 ILCS 5/11-60-2, municipalities have the authority to define, prevent, and abate nuisances; and

WHEREAS, pursuant to Section 1-2-1.1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.1, municipalities have the authority to regulate any matter expressly within their authorized powers, or incidental thereto, making violations thereof misdemeanors; and

WHEREAS, the Village President and Board of Trustees find and determine that the unscheduled, unannounced, one-way routing and dropping off of passengers arriving in the Village from outside the Village's corporate boundaries, without pre-arranged provisions such as food, shelter, or other resources by bus or other transportation providers ("**Unscheduled Stops**"), constitutes inhumane conditions, creates a dangerous condition for the individuals being dropped off in the Village, and otherwise creates a nuisance and a public safety concern; and

WHEREAS, the President and Board of Trustees further find and determine that Unscheduled Stops, without pre-arranged provisions for passengers, may have harmful consequences when the weather conditions are adverse; and

WHEREAS, the President and Board of Trustees further find and determine that the health and safety of the passengers disembarking at Unscheduled Stops in the Village is jeopardized when there are no prior arrangements for housing, food, shelter, and other resources; and

WHEREAS, Unscheduled Stops, without advance notice to prepare for passenger arrivals, create a drain on the Village's resources and operations, including, without limitation, the Village's Police Department; and

WHEREAS, the Village President and Board of Trustees desire to amend Chapter 22

of the Deerfield Municipal Code, as amended (“*Village Code*”), and to do so urgently, to regulate *Unscheduled Stops* from buses and other transportation providers; and

WHEREAS, the Village Board of Trustees has determined that amending the provisions of the Village Code as set forth in this Ordinance and pursuant to the Village’s home rule authority is in the best interests of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the Village Board.

SECTION TWO: AMENDMENT TO CHAPTER 22 OF THE VILLAGE CODE. Chapter 22, titled “Vehicles and Traffic,” of the Village Code is hereby amended to add a new Article 22 which shall be read as follows:

“Article 22 *Unscheduled Stops*”

Sec. 22-171. Definitions:

For the purposes of this Article, the following words or phrases have the meanings ascribed to them in this Section 22-171, except when the context otherwise indicates. All words or phrases not defined in this Section have the meanings ascribed to them in the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.

Intercity Bus: Any bus used for the one-way transportation of 10 or more passengers originating from a location outside of the Village that is not a regularly scheduled service.

Regularly Scheduled Service: Bus service involving passengers disembarking in the Village 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.

Unscheduled Stop: The stopping or standing of an intercity bus within the Village for the purpose of unloading or the disembarking of passengers without prior approval of the Village as required by Section 22-172 of the Village Code.

Section 22-172. Intercity Bus Stops:

(a) Prohibited. *Unscheduled bus stops of intercity buses are declared to be a nuisance and are prohibited in the Village.*

Additions are bold and double-underlined; deletions are struck through.

(b) Intercity buses may stop to allow passengers to disembark in the Village only if they comply with all of the following conditions and restrictions:

(1) Permitted Hours.

(A) Intercity buses may only stop or stand to allow passengers to disembark within the Village between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, but not on any federal, state, or Village holidays;

(B) No intercity bus may allow passengers to disembark except within 30 minutes before or after the time designated in an application that has been approved pursuant to Section 22-172(b)(4) of this Code.

(2) Permitted Location. Intercity buses may only stop or stand to allow passengers to disembark within the Village at the Lake Cook Road Metra Train Station parking lot, located at 601 Lake Cook Road, Deerfield, Illinois, or such other location as may be approved by the Village Manager or the Village Manager's designee in their sole discretion.

(3) Coordination of Disembarking Passengers. The intercity bus must be met by the Village's designated individuals responsible for coordinating the transportation of the passengers from the stop location in the Village to their final destination(s).

(4) Advance Approval. The owner, operator, or driver of an intercity bus must obtain advance written approval of the Village prior to making a stop and allowing passengers to disembark within the Village. In order to obtain advanced approval of a stop, the owner, operator, or driver of the intercity bus must submit an application to the Village Manager or the Village Manager's designee at least five business days before the date of the proposed stop. The application must include the following information:

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- (A) The full name, full address, and telephone numbers, including mobile telephone numbers of the owner, operator, and driver of the intercity bus;
- (B) The full name, full address, and telephone numbers, including mobile telephone numbers of any entity or individuals that have either directed, paid for, or financed the transport of persons who will disembark in the Village;
- (C) The make, model, state registration/plate number, fleet number, and vehicle identification number (VIN) of the vehicle that will be providing the service;
- (D) The number of people who are proposed to disembark in the Village;
- (E) The name, address, or location in the Village where the applicant proposes to allow passengers to disembark;
- (F) The full names, addresses, telephone numbers, including mobile telephone numbers, and electronic mail addresses of all entities or individuals who will be present to meet and receive the passengers disembarking in the Village;
- (G) A detailed, written plan signed by the entity or individuals agreeing to be responsible for providing the plan, identifying how the disembarking passengers will be cared for, housed, and fed upon disembarking in the Village;
- (H) Any additional information that the Village Manager or the Village Manager's designee may require;
- (I) An affirmation by the applicant that the information provided in the application is true and

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correct. Such affirmation must be attested by a person authorized to administer oaths or witness affirmations within the state or territory; and

(J) An application fee of \$25.00.

(5) Review of Application. Upon receipt of the application for an intercity bus stop submitted pursuant to this Article, the Village Manager or the Village Manager's designee will undertake a review of the information contained in the application to verify its truth and authenticity. If the application is incomplete, the Village Manager or the Village Manager's designee will, in writing, advise the applicant of the additional items needed to complete the application. No later than three business days after receiving a completed application, the Village Manager or the Village Manager's designee will inform the applicant, in writing, that the application is approved or denied for the proposed location of disembarkation in the Village.

(6) The Village Manager or the Village Manager's designee may limit the number of applications that are approved for an intercity bus disembarkation to three on any particular day. Applications will be processed on a first-come, first-served basis, and the approval will be issued to the earliest filed complete and qualifying application. No more than two intercity buses may arrive within an hour of each other unless otherwise approved by the Village Manager or their designee.

(7) Proof of Application and Approval. The driver of an intercity bus approved pursuant to Section 22-172(b)(4) to stop in the Village must have in their possession a physical or electronic copy of an approved application and present it for inspection at the place of disembarkation, upon request by any employee or designee of the Village.

(8) Driver Obligations. The driver of an intercity bus approved pursuant to Section 22-172(b)(4) must ensure passengers remain on the bus until the designated

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Village employee or Village police officer is on site at the designated location for disembarkation to assist in making sure passengers will be transported to their final destination and cared for upon disembarking in the Village. Violators will be subject to the provisions set forth in Section 22-174 of this Code.

Section 22-173. Revocation of Application:

The approval of an application pursuant to Section 22-172(b)(4) may be revoked by the Village Manager or the Village Manager's designee upon the Manager's or designee's determination that the application contains any false or misleading information.

Section 22-174. Penalty; Impoundment; Misdemeanor:

- (a) Penalty. Any person, firm, or corporation that operates a bus in violation of any provision of this Article 22 will be fined in an amount of not less than \$100.00 and no more than \$750.00 per passenger on the bus, plus any costs incurred by the Village.
- (b) Impoundment. Village police officers are hereby authorized to seize and impound any intercity bus that is used in the commission or furtherance of a violation of this Article 22.
- (c) Misdemeanor offenses. In addition to the penalties set forth in Sections 22-174(a) and (b), pursuant to 65 ILCS 5/1-2-1.1, any person violating the provisions of Section 22-172(b)(8) may also be deemed guilty of a misdemeanor and punishable by incarceration upon conviction in the county jail for a period not exceeding six months.

Section 22-175. Unscheduled Bus Stops Declared To Be A Nuisance:

Unscheduled bus stops of intercity buses, in violation of Section 22-172 of this Code are hereby specifically declared to be a public nuisance."

SECTION FOUR: PUBLICATION. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION FIVE: EFFECTIVE DATE. This Ordinance will be in full force and effect after passage by two-thirds vote of the Corporate Authorities, approval, and publication in the manner provided by law.

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AYES: Benton, Berg, Jacoby, Metts-Childers, Oppenheim

NAYS: None

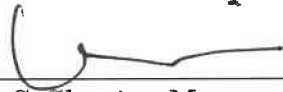
ABSTAIN: None

ABSENT: Seiden

PASSED: January 16, 2024

APPROVED: January 16, 2024

ORDINANCE NO. O-24-01



Daniel C. Shapiro, Mayor

ATTEST:



Kent S. Street, Village Clerk

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