

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, CHAPTER 26 – BUSINESSES, PROVIDING REGULATIONS FOR UNSCHEDULED TRANSPORTATION OF GROUPS INTO THE VILLAGE OF CHERRY VALLEY

WHEREAS, the Village of Cherry Valley, Illinois (“Village”) has adopted a Code of Ordinances (“Code”) for the Village; and

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-42-6, the Corporate Authorities of each municipality may license, tax, and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and may prescribe their compensation; and

WHEREAS, it has been brought to the Village’s attention that private buses and carriers are providing for the unscheduled mass transportation, parking, and disembarkation of passengers to municipalities in Northern Illinois without reasonable protections or provisions for the passengers’ care, food, housing, medical, and further transportation needs; and

WHEREAS, the Village finds that such unscheduled mass transportation, parking and disembarkation of passengers without prior coordination with the Village to ensure provisions are in place by the private buses and carriers for the passengers’ care, food, housing, medical and/or further transportation needs pose a significant threat to the health, safety and welfare of such passengers, and further endangers the public safety and disrupts the safe and efficient operation of the Village; and

WHEREAS, the Village finds that it is in the Village’s best interest to establish regulations for the safe and orderly mass transportation, parking and disembarkation of passengers within the Village, as set forth herein.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

SECTION 1: The Code of Ordinances of the Village of Cherry Valley, Illinois is hereby amended by adding Article VI. – Regulations for Unscheduled Bus Stops, to Chapter 26 – Businesses of the Code of Ordinances for the Village of Cherry Valley to read as follows (new language in bold, language to be removed show as a strikethrough):

“Article VI. – Regulation of Unscheduled Bus Stops.

- a. **Definitions. The following terms shall have the following meanings, as applied to this Chapter.**

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

Approval shall mean a written order indicating that the Chief of Police has received, reviewed, and determined that an Application satisfies the requirements of this Chapter. This order shall serve as a permit for the private bus or carrier service company to provide an Approved Bus Stop. The permit shall be valid only for the scheduled date of the bus or carrier service stop.

Approved Bus Stop shall mean a stop within the Village involving the disembarkation of 10 or more passengers from a private bus or carrier service that is not a Regularly Scheduled Bus Stop, operating with an Approval by the Chief of Police as provided for in this Chapter.

Regularly Scheduled Bus Stop shall mean any stop within the Village by a public bus, a private bus, or a carrier service that is on a predictable and recurring basis or follows 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 Bus Stop shall mean any stop within the Village involving the disembarkation of 10 or more passengers from a private bus or carrier service that is not a Regularly Scheduled Bus Stop, operating without an Approval by the Chief of Police as provided for in this Chapter.

Chief of Police shall mean the Chief of Police of the Village of Cherry Valley.

- b. *Violation.* It shall be a violation of this Chapter for the owner, operator, or driver of a private bus or carrier service to attempt, effect, or make an Unscheduled Bus Stop.
- c. *Application.* The owner, operator, or driver of a private bus or carrier service that is not making a *Regularly Scheduled Bus Stop* or which intends to provide for the disembarkation of 10 or more passengers into the Village shall file an Application with the Chief of Police at least five (5) calendar days before the date of disembarkation. The Application shall provide the following information:
 - 1. The full name(s), street address(es), electronic mail address(es) and telephone number(s) of the Owner, Operator, and Driver of the private bus or carrier.
 - 2. The full name(s), street address(es), electronic mail address(es) and telephone number(s) of the person(s) who commissioned, directed, financed, ordered, or paid for the private bus or carrier service to the Village.

3. The full name(s), known address(es), and telephone number(s) of the persons who are intending to disembark from the private bus or carrier in the Village.
 4. The name(s), address(es), and location(s) in the Village that the private bus or carrier intends to disembark passengers.
 5. The date(s) and time(s) when passengers from the private bus or carrier will disembark, which shall be between 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding any federal, state, or Village holidays.
 6. The name(s), address(es), and location(s) in the Village for the re-embarkation of the private bus or carrier passengers.
 7. The full name(s), street address(es), electronic mail address(es) and telephone number(s) of all persons who shall be present in the Village to meet the private bus or carrier and receive the passengers during the disembarkation.
 8. A detailed plan identifying how the disembarking private bus or carrier passengers will be cared for, housed, and fed, upon disembarking in the Village for a period of thirty (30) consecutive days. The plan shall be signed by the entity that agrees to be responsible for providing the actions detailed in the plan.
 9. Such other information that the Chief of Police may require to evaluate the Application.
- d. Application Fees. An Application Fee of \$100.00 shall be deposited with the Village upon the filing of an Application to cover the cost of processing the Application.
- e. Application Review. The Chief of Police shall review an Application to verify its accuracy, completeness, content, timeliness, and accuracy. The Chief of Police shall approve or deny the Application in writing within five (5) calendar days upon receipt of the Application. If the Application is approved, the Chief of Police shall provide the applicant with a telephone number to coordinate the arrival of the private bus or carrier in the Village. If the application is denied, the Chief of Police shall provide the reason(s) for the denial in writing. If an application is denied, the applicant may file a written appeal of the denial to the Village Clerk within three (3) calendar days of the denial.
- f. Penalties. A person, business and/or entity found in violation of any provision of this Chapter, shall be subject to a minimum fine of \$750 per each passenger on the bus or carrier, plus court costs, plus restitution of all costs proximately caused by a violation including, but not limited to, the costs incurred by the Village to provide services to the passengers of an Unscheduled Bus Stop (e.g., police, fire, housing, food, transportation costs, etc.).

- g. **Seizure and Impoundment. If a Village police officer has probable cause that a bus or carrier was used in violation of this Chapter, the bus or carrier may be seized, towed, and impounded at the expense of the owner."**

SECTION 2: Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: This Ordinance shall be in full force and effect ten (10) days after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 6TH DAY OF FEBRUARY, 2024,

AS FOLLOWS:

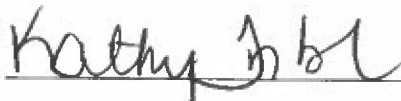
VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG

VOTING "NAY": NONE


ABSENT, ABSTAIN, OTHER: NONE

APPROVED: FEBRUARY 6, 2024

ATTEST:



KATHY TRIMBLE, VILLAGE CLERK



DAVID SCHROEDER, VILLAGE PRESIDENT