

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 VISITORS 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.

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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:

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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.