

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

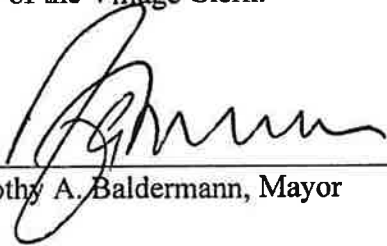
NOW THEREFORE, by the powers vested in me as the Village Mayor (“Mayor”) of the Village of New Lenox, Illinois, I hereby authorize the Village, its Police Department, and its employees to implement the Rules and Regulations as set forth in Exhibit A, attached hereto and incorporated herein.

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: _____