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# THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

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## ORDINANCE NO. 2023-0-088

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AN ORDINANCE ADOPTING AND RATIFYING RULES AND REGULATIONS  
REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY  
PARK, ILLINOIS

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MICHAEL W. GLOTZ, PRESIDENT  
NANCY O'CONNOR, VILLAGE CLERK

WILLIAM P. BRADY  
WILLIAM A. BRENNAN  
DENNIS P. MAHONEY  
MICHAEL G. MUELLER  
KENNETH E. SHAW  
COLLEEN M. SULLIVAN  
Board of Trustees

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**VILLAGE OF TINLEY PARK**

Cook County, Illinois

Will County, Illinois

**ORDINANCE NO. 2023-0-088**

**AN ORDINANCE ADOPTING AND RATIFYING RULES AND REGULATIONS  
REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY  
PARK, ILLINOIS**

**WHEREAS**, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

**WHEREAS**, the Village of Tinley Park ("Village") has adopted a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village as set forth in Executive Order 2023-001 (the "Policy"); and

**WHEREAS**, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, welfare, and safety 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**, the Village President (the "President") has issued Executive Order 2023-002 (the "Order") and rules and regulations regarding unscheduled intercity buses (the "Rules and Regulations"), attached hereto and incorporated herein as Group Exhibit **1**; and

**WHEREAS**, the Rules and Regulations hold bus operators accountable for endangering the safety and welfare of their passengers; and

**WHEREAS**, the President and the Board of Trustees (together, the "Corporate Authorities") of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to approve, adopt, and ratify the Order and the Rules and Regulations; and

**NOW, THEREFORE, BE IT ORDAINED** BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

**SECTION 1:** The foregoing recitals shall be and are hereby incorporated as findings of facts as if said recitals were fully set forth herein.

**SECTION 2:** That the Order and the Rules and Regulations are attached hereto as **Group Exhibit 1**.

**SECTION 3:** The purpose of this Ordinance is to approve, adopt, and ratify the Order and the Rules and Regulations for the benefit of the Village, its employees, its residents, and its visitors, and to authorize the President and his designees to take any and all action necessary to carry out the Order and the Rules and Regulations.

**SECTION 4:** The Order and the Rules and Regulations are hereby adopted as set forth in Group Exhibit I. The officers, employees, and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to, and consummate the Rules and Regulations, and to take all action necessary in conformity therewith. The officers, employees, and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this amendment and to effectuate the goals of this Ordinance.

**SECTION 5:** That this Ordinance shall be in full force and effect from and after its adoption and approval.

**SECTION 6:** That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 19<sup>th</sup> day of December, 2023.

AYES: Brady, Brennan, Mahoney, Mueller, Shaw, Sullivan

NAYS: None

ABSENT: None

APPROVED THIS 19<sup>th</sup> day of December, 2023.

  
VILLAGE PRESIDENT

ATTEST:

  
VILLAGE CLERK

## Group Exhibit 1

# TINLEY PARK



## EXECUTIVE ORDER NO. 2023-002 DECLARING RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES

**WIllitRAS**, the Village of Tinley Park, Illinois (the "Village") is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

**WHEREAS**, the Village has adopted a policy regarding the stopping, standing, and parking of intercity buses and the discharge of passengers within the Village (the "Policy"); 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

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

**WmltEAS**, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

**WIIIEtEAS**, 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, TBERRFOitR**, by the powers vested in me as the Village President ("Mayor") of the Village of Tinley Park, 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.

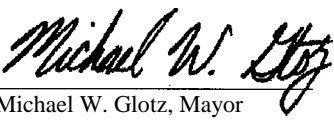
**SECTION 1:** Effective immediately, I, the Mayor of the Village of Tinley Park, Illinois, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited 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 8:** This Executive Order shall be distributed in accordance with applicable law.

**SECTION 4:** 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.

  
Michael W. Glotz, Mayor

Received and Filed December 15, 2023

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Nancy, M. O'Connor, Village Clerk

## **EXHIBIT A**

### **RULES AND REGULATIONS OF THE VILLAGE OF TINLEY PARK 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 Tinley Park 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 Tinley Park 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 Tinley Park 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 Tinley Park, Illinois.

#### **II. Applicability**

These Rules and Regulations shall apply to any unscheduled intercity bus or unscheduled intercity bus operator that attempts to discharge or pick-up passengers within the limits of the Village without a valid permit issued by the Village as set forth in the Policy.

#### **III. 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 90.21 and 90.22 of the Tinley Park Municipal Code by serving such person with a copy of the citation.



#### **IV. 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.

#### **V. 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 judgments, and debt collection actions.

STATE OF ILLINOIS            )  
COUNTY OF COOK            )       SS  
COUNTY OF WILL            )

CERTIFICATE

I, NANCY O'CONNOR, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2023-0-088, **"AN ORDINANCE ADOPTING AND RATIFYING RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES FOR THE VILLAGE OF TINLEY PARK, ILLINOIS"** which was adopted by the President and Board of Trustees of the Village of Tinley Park on December 19, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 19<sup>th</sup> day of December, 2023.

  
VILLAGE CLERK