

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS
AMENDING TITLE 9: PUBLIC PEACE, MORALS AND WELFARE, ARTICLE IV.
OFFENSES AGAINST PUBLIC PEACE OF ITS CODE OF ORDINANCES TO
ESTABLISH A CHAPTER 9.40: RULES AND REGULATIONS OF THE CITY OF
CREST HILL REGARDING UNSCHEDULED INTERCITY BUSES**

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 Mayor and City Council of the City of Crest Hill (the "Corporate Authorities") are charged with the responsibility of protecting the health, safety, and welfare of the residents of the City; and

WHEREAS, pursuant to Section 1-2-1 of the Illinois Municipal Code (65 ILCS 5/1-2-1), the Corporate Authorities of the City are authorized to 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 proper; and

WHEREAS, pursuant to Section 11-1-1 of the Illinois Municipal Code (65 ILCS 5/11-1-1) the Corporate Authorities of the City are authorized 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) the Corporate Authorities of the City are authorized to regulate bus drivers; and

WHEREAS, the City of Crest Hill has established in its Code of Ordinances, ordinances keeping the public peace, specifically Title 9: Public Peace, Morals and Welfare, Article IV. Offenses Against Public Peace of the City of Crest Hill Code; and

WHEREAS, since mid-December of 2023, unscheduled intercity buses have stopped in cities to unload dozens of passengers; and

WHEREAS, the Corporate Authorities have found that it is in the best interests of the City, its employees, its residents, and visitors to establish regulations for the safe and orderly discharge of passengers from unscheduled intercity buses within the City; 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 City without a coordinated plan poses a significant threat to the health, welfare, and safety of passengers; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the health, safety, and welfare of the residents of the City to amend the City Code as set forth in this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. 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 City and are further undertaken in accordance with and pursuant to the exercise of the City's statutory authority.

SECTION 3. The purpose of this Ordinance is to amend the Crest Hill Code of Ordinances to create and adopt a new **Chapter 9.40: RULES AND REGULATIONS OF THE CITY OF CREST HILL REGARDING UNSCHEDULED INTERCITY BUSES** for the benefit of the City, its employees, its residents, and visitors to the City, and to authorize the City Mayor and the Chief of Police, and their designees to take any and all action necessary to effectuate and carry out the policy herein established.

SECTION 4. TITLE 9: PUBLIC PEACE, MORALS AND WELFARE, ARTICLE IV. OFFENSES AGAINST PUBLIC PEACE of the Crest Hill Code of Ordinances is hereby amended to create a new Chapter 9.40 as follows:

**CHAPTER 9.40: RULES AND REGULATIONS OF THE CITY OF CREST HILL
REGARDING UNSCHEDULED INTERCITY BUSES**

Section

- 9.40.010 Definitions
- 9.40.020 Applicability
- 9.40.030 Notice and Application Required
- 9.40.040 Processing and Approval of Applications
- 9.40.050 Days and Hours of Operation
- 9.40.060 Passenger Pick-Up/Dropoff Locations
- 9.40.070 Punctuality
- 9.40.080 Proof of Application and Approval
- 9.40.090 Penalty
- 9.40.100 Civil Remedies

§ 9.40.010 DEFINITIONS.

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. "Application" means a form that the City of Crest Hill 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 City and the Policy.

- c. "Chief of Police" means the City of Crest Hill Chief of Police.
- d. "Policy" means this written policy.
- 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 dropping off of persons within the City of Crest Hill from locations outside of the Chicago-Crest Hill and Will County 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 this Policy. "Unscheduled intercity bus" shall not include any bus used to transport passengers in a manner where they will be picked up by that same bus or another bus within the fleet of that same bus, from the approximately same drop-off location, including but not limited to school students on field trips, wedding guests, or protestors exercising their first amendment rights.
- g. "City" shall mean the City of Crest Hill, Illinois.

§ 9.40.020 APPLICABILITY.

The application, review, and approval process pursuant to the limitations and requirements of this Chapter 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.

§ 9.40.030 NOTICE AND APPLICATION REQUIRED.

The operator of any unscheduled intercity bus must make an application for approval to arrive and load/unload passengers in the City on the appropriate form as amended from time to time and which shall be 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 a charter which contains the proposed passenger list, place of origin, and destination.

§ 9.40.040 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.

§ 9.40.050 DAYS AND HOURS OF OPERATION.

Unscheduled intercity buses shall load/unload passengers within the City 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 City Holidays.

§ 9.40.060 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.

§ 9.40.070 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.

§ 9.40.080 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 City.

§ 9.40.090 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.

§ 9.40.100 CIVIL REMEDIES.

The City's attorneys are hereby authorized and directed to pursue 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.

SECTION 5. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 6. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 7. That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED THIS 15TH DAY OF JANUARY, 2024.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 15TH DAY OF JANUARY, 2024.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk