

VILLAGE OF BANNOCKBURN

ORDINANCE NO. 2024-O- 02

AN ORDINANCE RELATING TO THE REGULATION AND TAXATION OF BUSES AND THE SAFE DISEMBARKMENT OF PASSENGERS THEREOF

WHEREAS, the Village of Bannockburn (the "**Village**") is an Illinois home rule municipality operating under Article VII, Section 6 of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5; and

WHEREAS, as a home rule municipality, the Village is authorized to enact legislation pertaining to its government and affairs and which protects the health, safety, and welfare of its residents, including commercial residents; and

WHEREAS, pursuant to Division 11-80 of the Illinois Municipal Code, 65 ILCS 5-11-80-1 *et seq.*, the Village has authority to regulate streets and activities upon them; and

WHEREAS, pursuant to Division 11-42 of the Illinois Municipal Code, the Village also is authorized to license, tax, regulate, and prohibit buses, see 65 ILCS 5/11-42-4, 65 ILCS 5/11-42-6 (collectively, the Village's home rule powers, Division 11-80 authority and Division 11-42 authority shall hereinafter be referred to as the "**Bus Regulatory Authority**"); and

WHEREAS, due to their size and their capacity to carry, load, and unload passengers, buses can obstruct traffic and create hazards for passengers and passers-by if the time, place, and manner is not properly regulated; and

WHEREAS, to ensure accountability of buses and their drivers for the safe operation of the buses in the course of having passengers embark and disembark, the Village President and Board of Trustees (the "**Village Board**") have determined that it is necessary and appropriate to exercise the Village's Bus Regulatory Authority to ensure the safety of bus passengers and the public using the streets of the Village; and

WHEREAS, in recent weeks, communities in the Chicago metropolitan area have encountered instances in which buses had transported persons seeking asylum and others

seeking to immigrate into the United States (***Asylum Seekers***) and caused them to disembark from the bus in such communities without any means of support or otherwise notifying governmental agencies serving such communities of the transporting of a large number of Asylum Seekers to those communities (***No Notice Buses***); and

WHEREAS, the actions of No Notice Buses have endangered Asylum Seekers, imposed unexpected and unnecessary strain on public services, and undermined the ability of public service agencies to provide safe and appropriate accommodations for Asylum Seekers and for others using the public streets; and

WHEREAS, the unscheduled character of No Notice Buses precludes the Village and other public service agencies from addressing the needs of Asylum Seekers, especially during periods of inclement or severe weather conditions; and

WHEREAS, in order to assist the Village in providing timely and effective services relating to Asylum Seekers, preserving traffic safety, establishing an orderly means for handling an influx of Asylum Seekers and others who might arrive in the Village, and promoting the health, safety, and welfare of the public (whether residents of Bannockburn or otherwise), the Village Board has determined that it is in the best interests of the Village, its residents, and the public at large to establish regulations relating to No Notice Buses as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bannockburn, Lake County, Illinois, as follows:

Section 1: **Incorporation of Recitals.** The foregoing recitals are found to be true and correct by the Village Board and are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

Section 2: **Amendment to Chapter 159 of the Village Code.** Chapter 159, entitled "Licensing of Business and Occupations," of the Village Code is hereby amended by adding a new Article VI, to be entitled "Buses," which new Article VI shall hereafter be and read as follows:

CHAPTER 159 LICENSING OF BUSINESSES AND OCCUPATIONS.

* * *

Article VI: Licensing and Taxing of Passenger Buses.

§ 159-43 Findings and Purpose.

- A. The transportation by Passenger Bus of large numbers of Passengers into Bannockburn presents potential hazards to such Passengers and undue strain on public resources unless appropriate arrangements are made in advance by such Passenger Buses with the Village.
- B. In order to protect the health, safety, and welfare of Passengers and to ensure that the Village has adequate resources and means to accommodate such Passengers, it is necessary and desirable to require Passenger Buses to obtain a License from the Village and pay a tax to the Village in advance of any stop within the Village as provided in this Chapter.

§ 159-44 Definitions.

For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The singular or plural is included in any circumstances:

- A. "*Applicant*" shall mean a Driver, Owner, and any person filing a License Application with the Village with respect to a Passenger Bus.
- B. "*Bus*" shall have the meaning set forth in 625 ILCS 5/1-107.
- C. "*Charter Bus*" shall be a bus that transports the same set of Passengers to and from the Village. Charter Buses shall not include Buses that only transport Passengers to the Village.
- D. "*Designated Drop-Off Location*" shall be the Bannockburn Village Hall, 3110 Old McHenry Road, Bannockburn, Illinois 60047, unless an alternative location for a specified date is expressly approved as part of the License.
- E. "*Driver*" shall be the individual operating a bus within Bannockburn.
- F. "*License*" shall be a license issued in writing by the Village pursuant to this Chapter for purposes of operating a Passenger Bus within Bannockburn.
- G. "*License Application*" shall be a form to be obtained from the Village for seeking a Village License as a Passenger Bus operating within the Village, as well as all information that may be required pursuant to such form.
- H. "*License Fee*" shall be the fee for receiving a License pursuant to Section 159-49 of this Chapter.

- I. "Owner" shall be any person that owns a bus or has caused such bus to travel to Bannockburn with Passengers.
- J. "Passenger" shall be any individual who is transported by bus and disembarks within Bannockburn.
- K. "Passenger Bus" shall be a bus that transports any Passenger into Bannockburn that is not a Charter Bus, a School Bus, a Shuttle Bus, or a Transit Bus.
- L. "Passenger Bus Tax" shall be the tax imposed in accordance with Section 159-49 on a Passenger Bus receiving a License pursuant to this Chapter.
- M. "Passenger List" shall be a full and complete list identifying the name, sex, and age of each Passenger to be transported on a Passenger Bus seeking a License from the Village; provided, however, that any Passenger to be transported in such Passenger Bus but who will not be disembarking within the Village may be so designated on the Passenger List.
- N. "School Bus" shall be a bus that transports Passengers within Bannockburn to or from a school where such Passengers are students at such school or are authorized participants in an event occurring at such school.
- O. "Shuttle Bus" shall be a bus that transports Passengers to and from locations either within Bannockburn or within five (5) miles of the corporate limits of the Village.
- P. "Transit Bus" shall be a bus operated by or for an Illinois unit of local government.
- Q. "Village" shall be the Village of Bannockburn and any of its officers, officials, employees, or duly authorized agents or contractors.

§ 159-45 Charter Buses.

Any Charter Bus operating within the Village must maintain a list of its Passengers that shall be available for inspection by the Village upon request. The list of Passengers arriving and leaving Bannockburn on a Charter Bus must be the same individuals; provided, however, that not more than ten percent (10%) of the Passengers arriving or departing Bannockburn may be different individuals. The failure of a Driver of a bus claiming to be a Charter Bus to maintain the list of Passengers as herein required shall cause such Bus to be deemed a Passenger Bus and thereby be subject to all requirements applicable to a Passenger Bus under this Chapter.

§ 159-46 Licensing Procedures.

- A. Any person seeking to operate a Passenger Bus within Bannockburn shall be required to complete a License Application and submit such completed License

Application to the Village manager or the manager's designee. The License Application fee shall be stated in the Bannockburn Fee Schedule.

- B. Upon delivery of a completed License Application to the Village, the Village shall review it for compliance with the requirements of this Chapter. If a License Application is approved, the Village shall issue the License to the Applicant upon Applicant's payment in full of the License Fee and Passenger Bus Tax as established in Section 159-49. If a License Application is denied, the Village shall notify the Applicant in writing regarding the reason for such denial.
- C. Any Applicant for a License whose License Application is denied shall be allowed to file a new License Application upon payment of an additional nonrefundable License Application fee as stated in the Bannockburn Fee Schedule.
- D. A License shall be valid only for a single disembarkation of Passengers and only on the date, at the time, and in the location set forth in the License. No Passenger Bus shall be permitted to disembark Passengers sooner than 15 minutes before, and no later than 30 minutes after, the approved time set forth in the License, otherwise the License shall be deemed invalid.
- E. Any Passenger Bus that allows a Passenger to disembark within the Village without first submitting a License Application as required by this Section shall be deemed to have violated this Section.

§ 159-47 Criteria for Granting License; Insurance.

A License Application shall be reviewed for compliance with the terms and conditions of this Chapter.

- A. The Applicant shall identify the specific vehicle to be operated as a Passenger Bus, including satisfactory evidence that such Passenger Bus is properly registered and licensed by a State of the United States.
- B. The Applicant shall identify the Driver and Owner of the Passenger Bus. In addition, the License Application shall include a copy of the Driver's motor vehicle operator license establishing that the Driver is properly licensed and authorized to operate the Passenger Bus in question.
- C. As part of a License Application, the Applicant shall identify the proposed date and time that the Passenger Bus will be operating within Bannockburn, as well as the proposed location at which Passengers will disembark from the Passenger Bus. The License Application must be delivered not less than seven (7) business days before the date that such Passenger Bus proposes to operate within the Village.

- D. Not more than one (1) License shall be issued per day for a Passenger Bus. In the event that more than one License Application has been submitted for the same date, the License Applications shall be processed on a first-come, first-served basis, and the License will be issued to the earliest filed qualifying License Application.
- E. The License Application shall include a complete list of the Passengers to be transported by the Passenger Bus pursuant to a License.
- F. The Applicant shall sign the License Application before a notary public or other person authorized to administer oaths and, as part of such License Application, the Applicant must agree to indemnify, defend, and hold harmless the Village and its elected and appointed officers, officials, employees, agents, attorneys, and representatives (the "**Village Indemnitees**") from and against any and all claims, lawsuits, actions, awards, judgments, or other liabilities that may be asserted at any time against any Village Indemnatee in connection with the issuance or denial of a License or any action of any Passenger Bus taken in accordance with a License issued by the Village.
- G. The Applicant must reasonably demonstrate that all requirements of this Chapter have been (or will be) satisfied.
- H. The Applicant may not have any outstanding fines or penalties due to the Village.
- I. The Applicant shall be required to pay all Application Fees, License Fees, and taxes due under this Chapter prior to the issuance of a License.
- J. A License Application containing a false or misleading statement shall be deemed to be in violation of this Section for each such false or misleading statement.
- K. Each Passenger Bus shall submit proof of current insurance for the following coverages in the following amounts and meeting the following requirements:
 - 1. General Liability. Commercial General Liability insurance (including contractual liability arising from the Application) in the minimum amounts of: (a) Three Million Dollars (\$3,000,000.00) per occurrence for bodily injury or death to each person; (b) Three Million Dollars (\$3,000,000.00) per occurrence for property damage; and (c) Three Million Dollars (\$3,000,000.00) per occurrence for all other types of liability. All such coverages shall also have a general aggregate of not less than \$6,000,000.00.
 - 2. Worker's Compensation. Worker's Compensation Insurance within the statutory limits and Employer's Liability Insurance with not less than One Million Dollars (\$1,000,000.00) coverage.

3. Vehicle Liability. Vehicle Liability coverage in the minimum amount of \$5,000,000.00 combined single limit bodily injury and property damage with a \$15,000,000.00 aggregate, unless higher coverage limits are required by the State of Illinois or the State in which the Passenger Bus is registered. Coverage should include any auto, including owned, non-owned, hired or rented vehicles.
4. Form of Insurance. The coverage requirements in Sections 159-47.K.1 through 159-47.K.3 may be satisfied with a combination of primary and umbrella policies, subject to the reasonable approval of the Village Manager.
5. Evidence of Insurance Policies. The Applicant shall furnish proof to the Village Manager that the foregoing insurance policies have been obtained, along with (i) reasonably satisfactory evidence that the required premiums have been paid, and (ii) a certificate of insurance providing that the Village and all elected and appointed officers, officials, employees, agents, attorneys, and representatives of the Village shall be covered by such policies on a primary and non-contributor basis evidenced by original policy endorsements CG 20 10 or CG 20 26 and CG 20 37 and CG 20 01 or their equivalent.
6. Notice to the Village. Each insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled or otherwise terminated until 30 days after receipt by the Village by registered mail, of a written notice addressed to the Village Manager of such intent to cancel or impending termination."

Within 30 days after receipt by the Village of this notice and prior to said cancellation or termination, the Applicant shall obtain and furnish to the Village replacement insurance policies in form and substance that satisfy the requirements of this Chapter and are otherwise acceptable to the Village Attorney.

§ 159-48 Requirements of Operation of Passenger Bus.

- A. A Passenger Bus shall not allow the disembarkation of any Passenger without a valid License issued by the Village. Each Passenger that so disembarks from a Passenger Bus shall be deemed a separate violation of this provision by the Passenger Bus and its Driver.
- B. A Passenger Bus with a valid License issued by the Village shall not allow the disembarkation of any Passenger except during the times and in the location expressly approved in a License for such Passenger Bus. In no event may a Passenger Bus stop, park, or allow the disembarkation of any Passenger except:

1. During the hours of 10:00 a.m. and 3:30 p.m., Monday through Friday (but excluding any designated federal, state or Village legal holiday); and
2. At the Designated Drop-Off Location.

Notwithstanding the foregoing and notwithstanding any authorization set forth in a License, a Passenger Bus shall not stop, park, or allow the disembarkation of any Passenger when: (a) the temperature in the Village exceeds 90°F; (b) the temperature in the Village is less than 25°F; (c) the official wind-chill effect in the Village is less than 25°F; or (d) any severe weather or air quality alert applicable in the Village has been issued by the National Weather Service or other authorized governmental agency. Each Passenger that disembarks from a Passenger Bus in a manner not authorized by this provision shall be deemed a separate violation of this provision by the Passenger Bus and its Driver.

- C. No Passenger Bus shall transport any Passenger under 18 years of age without the express written consent of such Passenger's parent or guardian given under oath; provided, however, that a Passenger Bus may transport a Passenger under 18 years of age if such Passenger is accompanied by a parent or guardian.
- D. No Passenger Bus shall transport a Passenger who is not identified on the Passenger list provided as part of the license Application, unless such Passenger shall be remaining on the Passenger Bus following its departure from Bannockburn.
- E. The Driver of a Passenger Bus shall carry a physical or electronic copy of the License issued by the Village and the Passenger list while traveling in Bannockburn and shall present them to Village representatives upon request.
- F. No Passenger Bus shall stop or park in the Village except during the period authorized in a valid License issued by the Village or as otherwise required by law.

§ 159-49 License Fee; Tax.

- A. Any Applicant who qualifies for a License under this Chapter shall be required to pay a nonrefundable License Fee as stated in the Bannockburn Fee Schedule prior to the issuance of a License.
- B. Any Applicant who qualifies for a License under this Chapter shall be required to pay a nonrefundable Passenger Bus Tax in the amount of \$1,000.00 for each Passenger on the Passenger List prior to the issuance of a License; provided, however, that no such tax shall be imposed for any such Passengers that are identified on the Passenger List as not disembarking in Bannockburn.

C. Notwithstanding the provisions of Section 159-49.B:

1. The Applicant shall pay a Passenger Bus Tax in the amount of \$5,000.00 for each Passenger that disembarks in Bannockburn but is not identified on the Passenger List.
2. The Driver and Owner shall be jointly and severally required to pay a Passenger Bus Tax in the amount of \$7,500.00 for each Passenger that disembarks in Bannockburn when such Passenger Bus has not secured a License in accordance with this Chapter.

Any Passenger Bus Tax imposed pursuant to this Section 159-49.C shall be paid before the Passenger Bus departs from the Designated Drop-Off Location (or, in the event that no License had been secured, at the drop-off location). Failure to pay such tax shall be a violation of this Section.

- D. The Passenger Bus Tax moneys received pursuant to Sections 159-49.B and 159-49.C shall be separately accounted for in a "Passenger Support Fund," and the Village shall expend moneys from such Passenger Support Fund only for the purpose of defraying costs of regulating Passenger Buses or otherwise relating to the accommodation of Passengers from Passenger Buses (including transfers to other governmental agencies or service organizations engaged in servicing the needs of Passengers from Passenger Buses).

§ 159-50 Fines; Penalties; Enforcement.

- A. Each violation of a provision of this Chapter shall be subject to a fine of not less than \$500.00 nor more than \$750.00 for each violation.
- B. Each day during which a violation continues shall be deemed a separate violation.
- C. Whenever a Passenger Bus violates any provision of this Chapter, the Owner and Driver of the Passenger Bus shall be jointly and severally liable for any fines herein imposed.
- D. For any Passenger Bus in violation of any provisions of this Chapter, the Passenger Bus shall be required to pay all fees and taxes due pursuant to this Chapter prior to leaving Bannockburn; provided, however, that the Owner or Driver may post a surety bond or other good and adequate security in form and substance acceptable to the Village and in the amount of such fees and taxes prior to leaving Bannockburn.

- E. Any Passenger Bus located overnight on any Village street or Village property shall be subject to towing and impoundment in accordance with this Village Code.

Section 3: Amendment to Chapter 232, Article II of the Village Code. Article II, entitled "Traffic Regulations," of Chapter 232, entitled "Vehicles and Traffic," of the Village Code is hereby amended by adding a new Section 232-14.5, to be entitled "Bus Stopping, Parking, Loading, and Unloading," which new Section 232-14.5 shall hereafter be and read as follows:

232-14.5. Bus Stopping, Parking, Loading, and Unloading.

- A. No passenger bus (as defined in Section 159-44 of the Village Code) shall park, load, or unload passengers except in accordance with Chapter 159, Article VI of the Village Code.
- B. Except as otherwise provided in Chapter 159, Article VI of the Village Code, no bus (as defined in 625 ILCS 5/1-107) shall stop or park within the Village in a manner that obstructs traffic or in violation of any traffic regulations or posted requirements.

Section 4: Amendment to Bannockburn Fee Schedule. The Bannockburn Fee Schedule is hereby amended by adding the following additional fees:

Fee	Amount
License Application Fee [Chapter 159, Article VI]	\$350.00
License Fee [Chapter 159, Article VI]	\$1,000.00

The Village Manager is hereby authorized and directed to update the Bannockburn Fee Schedule to incorporate the foregoing new fees and to make such Fee Schedule available to the public.

Section 5: Implementation. The officials, officers, employees, and attorneys of the Village are hereby authorized to take all actions necessary to carry out, give effect to this Ordinance 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 this Ordinance.

Section 6: Severability. This Ordinance, and its parts, are declared to be severable. Any sentence, section, paragraph, sub-paragraph, clause, provision, or portion of this Ordinance that may be declared unconstitutional, invalid, or unenforceable 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, which shall remain unaffected, unimpaired, valid, and in full force and effect. It is hereby declared to be the express legislative intent of the Village Board that this Ordinance would have been authorized and adopted as if no such unconstitutional, invalid, or unenforceable part was included in this Ordinance.

Section 7: Conflicting Provisions. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval to preserve and protect the health, safety and welfare of the residents and visitors to the Village.

Passed this 12th day of February 2024.

AYES: Boyle, Cox, Martin, Korer, Turner

NAYS: None

ABSTAIN: None

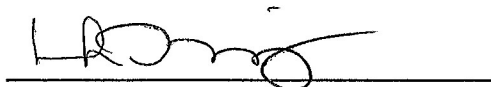
ABSENT: Herrmann

Approved this 12th day of February 2024.



President

ATTEST:



Village Clerk