

VILLAGE OF OAKWOOD
VERMILION COUNTY, ILLINOIS

ORDINANCE NO. 2024-04-15-01

**AN ORDINANCE AMENDING CHAPTER 256 OF "THE MUNICIPAL
CODE OF THE VILLAGE OF OAKWOOD, ILLINOIS" REGARDING
UNSCHEDULED BUS STOPS**

PASSED BY THE BOARD OF TRUSTEES AND
APPROVED BY THE PRESIDENT OF THE
VILLAGE OF OAKWOOD, ILLINOIS
THIS 15TH DAY OF APRIL 2024

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF OAKWOOD, VERMILION COUNTY, ILLINOIS, THIS 15TH DAY OF
APRIL, 2024.

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CODE OF THE VILLAGE OF OAKWOOD, ILLINOIS" REGARDING
UNSCHEDULED BUS STOPS**

WHEREAS, the Village of Oakwood ("Village") has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, pursuant to Section 11-1-1 of the Illinois Municipal Code, 65 ILCS 5/11-1, municipalities are granted the authority 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, municipalities have the authority to license, tax and regulate operators of buses using Village streets; and

WHEREAS, pursuant to Section 11-60-2 of the Illinois Municipal Code, 65 ILCS 5/11 60-2, municipalities have the authority to define, prevent, and abate nuisances; and

WHEREAS, pursuant to Section 1-2-1.1 of the Illinois Municipal Code, 65 ILCS 5/1-21.1, municipalities have the authority to regulate any matter expressly within their authorized powers, or incidental thereto, making violations thereof misdemeanors; and

WHEREAS, the Village President and Board of Trustees find and determine that the unscheduled, unannounced, one-way routing and dropping off of passengers arriving in the Village from outside the Village's corporate boundaries, without pre-arranged provisions such as food, shelter, or other resources by bus or other transportation providers ("Unscheduled Stops"), constitutes inhumane conditions, creates a dangerous condition for the individuals being dropped off in the Village, and otherwise creates a nuisance and a public safety concern; and

WHEREAS, the President and Board of Trustees further find and determine that Unscheduled Stops, without pre-arranged provisions for passengers, may additionally have harmful consequences when the weather conditions are adverse; and

WHEREAS, the President and Board of Trustees further find and determine that the health and safety of the passengers disembarking at Unscheduled Stops in the Village is jeopardized when there are no prior arrangements for housing, food, shelter, and other resources; and

WHEREAS, Unscheduled Stops, without advance notice to prepare for passenger arrivals, create a drain on the Village's resources and operations, including, without limitation, the Village's Police Department; and

WHEREAS, the Village President and Board of Trustees desire to amend Chapter 256 of the Oakwood Municipal Code, as amended ("Village Code"), to additionally regulate Unscheduled Stops from buses and other transportation providers; and

WHEREAS, the Village Board of Trustees has determined that amending the provisions of the Village Code as set forth in this Ordinance and pursuant to the Village's statutory authority is in the best interests of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF OAKWOOD, VERMILION COUNTY, ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the Village Board.

SECTION TWO: AMENDMENT TO CHAPTER 256 OF THE VILLAGE CODE. Chapter 256, titled "Vehicles and Traffic," of the Village Code is hereby amended to add a new Article XIII which shall be read as follows:

“Article XIII Unscheduled Stops”

Sec. 256-66. Definitions:

For the purposes of the Article, the following words or phrases have the meanings ascribed to them in this Section 265-66, except when the context otherwise indicates. All words or phrases not defined in this Section have the meanings ascribed to them in the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*

Intercity Bus: Any bus used for the one-way transportation of 10 or more passengers originating from a location outside of the Village that is not a regularly scheduled service.

Regularly Scheduled Service: Bus service involving passengers disembarking in the Village 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.

Unscheduled Stop: The stopping or standing of an intercity bus within the Village for the purpose of uploading or the disembarking of passengers without prior approval of the Village as required by Section 265-67 of the Village Code.

Section 265-68. Intercity Bus Stops:

- (a) Prohibited. Unscheduled bus stops of intercity buses are declared to be nuisance and are prohibited in the Village.
- (b) Intercity buses may stop to allow passengers to disembark in the Village only if they comply with the following conditions and restrictions:
 - (1) Permitted Hours.
 - (A) Intercity buses may only stop or stand to allow passengers to disembark within the Village between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, but not on any Federal State, or Village holidays;
 - (B) No intercity bus may allow passengers to disembark except within 30 minutes before or after the time designated in an application that has been approved pursuant to Section 265-68(b)(4) of this Code.
 - (2) Permitted Location. Intercity buses may only stop or stand to allow passengers to disembark within the Village at Pilot @ 503 N. Oakwood St. and Love's @ 17919 Newtown Rd., Oakwood, Illinois or such location as may be approved by the Village President or the Village President's designee in their sole discretion.
 - (3) Coordination of Disembarking Passengers. The intercity bus must be met by the Village's designated individuals responsible for coordinating the transportation of the passengers from the stop location in the Village to their final destination(s).
 - (4) Advance Approval. The owner, operator, or driver of an intercity bus must obtain advance written approval of the Village prior to making a stop and allowing passengers to disembark within the Village. In order to obtain advanced approval of a stop, the owner, operator, or driver of the intercity bus must submit an application to the Village President or the Village President's designee at least five business days before the date of the proposed stop. The application must include the following information:
 - (A) The full name, full address, and telephone numbers, including mobile telephone numbers of the owner, operator and driver of the intercity bus;
 - (B) The full name, full address, and telephone numbers, including mobile telephone numbers of any entity or individuals that have either directed, paid for, or financed the transport of persons who disembark in the Village;

- (C) The make, model, state registration/plate number, fleet number, and vehicle identification number (VIN) of the vehicle that will be providing the service;
 - (D) The number of people who are proposed to disembark in the Village;
 - (E) The name, address, or location in the Village where the applicant proposed to allow passengers to disembark;
 - (F) The full names, addresses, telephone numbers, including mobile telephone numbers, and electronic mail addresses of all entities or individuals who will be present to meet and receive the passengers disembarking in the Village;
 - (G) A detailed, written plan signed by the entity or individuals agreeing to be responsible for providing the plan, identifying how the disembarking passengers will be cared for, housed, and fed upon disembarking in the Village;
 - (H) Any additional information that the Village or the Village President's designee may require;
 - (I) An affirmation by the applicant that the information provided in the application is true and correct. Such affirmation must be attested to be a person authorized to administer oaths or witness affirmation within the state or territory; and
 - (J) An application fee of \$25.00.
- (5) Review of Application. Upon receipt of the application for an intercity bus stop submitted pursuant to this Article, the Village President or the Village President's designee will undertake a review of the information contained in the application to verify its truth and authenticity. If the application is incomplete, the Village President or the Village President's designee will, in writing, advise the applicant of the additional items needed to complete the application. No later than three business days after receiving a completed application, the Village President or the Village President's designee will inform the applicant, in writing, that the application is approved or denied for the proposed location of disembarkation in the Village.
- (6) The Village President or the Village President's designee may limit the number of applications that are approved for an intercity bus embarkation to three on any particular day. Applications will be processed on a first come, first served basis, and the approval will be issued to the earliest filed complete and qualifying application. No more than two intercity buses may arrive within an hour of each other unless otherwise approved by the Village President or their designee.

- (7) Proof of Application and Approval. The driver of an intercity bus approved pursuant to Section 265-68(b)(4) to stop in the Village must have in their possession a physical or electronic copy of an approved application and present it for inspection at the place of disembarkation, upon request by any employee or designee of the Village.
- (8) Driver Obligations. The driver of an intercity bus approved pursuant to Section 265-68(b)(4) must ensure passengers remain on the bus until the designated Village employee or Village police office is on site at the designated location for disembarkation to assist in making sure passengers will be transported to their final destination and cared for upon disembarking in the Village. Violators will be subject to the provisions set forth in Section 265-68 of the Code.

Section 265-69. Revocation of Application:

The approval of an application pursuant to Section 265-68(b)(4) may be revoked by the Village President or the Village designee upon the President's or designee's determination that the application contains any false or misleading information.

Section 265-70. Penalty; Impoundment; Misdemeanor:

- (a) Penalty. Any person, firm or corporation that operates a bus in violation of any provision of this Article 265 will be fined in an amount of not less than \$100.00 and not more than \$750.00 per passenger on the bus, plus any costs incurred by the Village.
- (b) Misdemeanor offenses. In addition to the penalties set forth in Section 265-70(a), pursuant to 65 ILCS 5/1-2-1.1, any person violating the provisions of Section 265-68(b)(8) may also be deemed guilty of a misdemeanor and punishable by incarceration upon conviction in the county jail for a period not exceeding six months.

Section 265-70. Unscheduled Bus Stops Declared To Be A Nuisance:

Unscheduled bus stops of intercity buses, in violation of Section 265-68 of this Code are hereby specifically declared to be a public nuisance.”

SECTION FOUR: PUBLICATION. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION FIVE: EFFECTIVE DATE. This Ordinance will be in full force and effect after passage by two-thirds vote of the Corporate Authorities, approval, and publication in the manner provided by law.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 15th day of April 2024.

Connie M. Yang

Village Clerk

APPROVED this 15th day of April 2024.

Connie M. Yang

Village Clerk