

ORDINANCE NO. O2024-01

**AN ORDINANCE AMENDING THE HINSDALE VILLAGE CODE
IN REGARD TO CHARTER BUSES AND UNSCHEDULED STOPS**

WHEREAS, the Village of Hinsdale (“Village”), Cook and DuPage Counties, Illinois, is a non-home rule municipality under the Illinois Constitution; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may 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 the Illinois Municipal Code, 65 ILCS 5/11-1-1, municipalities are granted the authority to pass and enforce all necessary police ordinances; and

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-42-6, municipalities have the authority to license, tax and regulate buses operating as common carriers using Village streets; 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, common carriers provide a vital transportation service to the public and are entrusted with the care and wellbeing of their passengers, including children; therefore, unscrupulous common carriers pose a significant threat to the health and safety and of their passengers; and

WHEREAS, the President and Board of Trustees of the Village find that it is in the best interest of the Village, passengers of common carriers disembarking in the Village and Village residents to amend the Village Code to provide for health and safety regulations related to unscheduled bus stops within the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties in the State of Illinois, as follows:

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

SECTION 2: Amendment to Title 3, Chapter 10. That Title 3, Chapter 10 of the Hinsdale Municipal Code is hereby amended by creating a new Section 3-10-1, to read in its entirety as follows:

“3-10-1: CHARTER BUSES

- A. This section shall apply to commercial motor vehicles operating as common carriers when:
1. The vehicle is engaged in a privately chartered service;
 2. The service includes the disembarkation of ten (10) or more passengers within the village who will not reboard; and
 3. The service does not include arrangements for round-trip transportation.

As used in this section, “privately chartered service” refers to services wherein a motor vehicle is engaged by a person or entity for specific transportation purposes, not including services that are part of regular, publicly available transportation routes or schedules. “Privately chartered service” does not include courtesy shuttles transporting customers or guests to or from a fixed location as an incidental service provided by a business or shuttles with scheduled transport of customers from schools, and recreational activities including summer camps and sporting events, or other shuttles with scheduled drop-offs of Village residents or residents of neighboring communities.

B. Application.

1. The owner, operator, or driver of any motor vehicle to which this chapter applies which proposes to allow passengers to disembark in the village shall file an application with the Chief of Police. The completed application shall contain all required information set forth in subsection (2) below and shall be submitted to the Police Chief at least five (5) calendar days prior to the date of the proposed disembarking date.

2. The Chief of Police shall prepare an application form which shall, at a minimum, require an applicant to provide the following information:

a. The full name, full address, and telephone numbers of the owner, operator, and driver of the motor vehicle. The mobile phone number of the driver of the vehicle shall also be provided.

b. A copy of the valid driver’s license of the driver of the motor vehicle and a copy of a valid insurance policy that covers the driver.

c. The full name, full address, mobile and land-line telephone numbers of the entity or individuals that have either directed, paid for, or financed the transport of persons who will disembark in the village.

d. The full name of all persons that are proposed to disembark in the village along with copies of IDs for said person to the extent such IDs exist or are in the possession of the passengers.

e. The name, address, or location in the village where the applicant proposes to allow passengers to disembark.

f. The date and time at which the applicant's passengers will disembark in the village which shall be from 8:00 a.m. to 4:00 p.m. on a Monday through Friday, excluding any federal, state, or village holidays.

g. The name and address of all locations from which the passengers are being picked-up for transport to the village.

h. The full name, full address, mobile and land-line telephone numbers, and electronic mail addresses of all entities or individuals that shall be present to meet and receive the passengers disembarking in the village.

i. A detailed plan identifying how the disembarking passengers will be cared for, housed, and fed, upon disembarking in the village. The plan shall be signed by the entity that agrees to be responsible for providing the actions detailed in the plan.

j. Any additional information the Chief of Police may require provided that such information is related to the purposes of this section.

3. The person submitting an application shall swear or affirm that to the best of their knowledge and belief the information set forth in such application is true and correct, and such oath or affirmation shall be attested to by a person authorized to administer oaths or witness affirmations within the state or territory where the application is sworn to or affirmed.

4. Upon receipt of an application pursuant to this section, the Chief of Police shall review same and undertake a review of the information contained in the application to verify its truth and authenticity. If the application is not complete, the Chief of Police shall, in writing, advise the applicant of the additional items needed to complete the application. Within four (4) calendar days after receiving a completed application, the Chief of Police shall inform the applicant that the application is approved for the stated location, unless the Chief of Police has received bona fide information that the application contains materially false information.

5. Upon approval of an application, the Chief of Police shall provide the applicant, or a person designated thereby, with a telephone number to coordinate the arrival of the motor vehicle in the village.

6. If the Chief of Police denies an application made under this section, the Chief of Police shall reduce the findings to writing and transmit the same to the applicant within five (5) calendar days. The applicant may submit a new application to meet the requirements of this chapter.

C. Disqualification. The Chief of Police shall not approve an application for any person who:

1. Has supplied materially false or misleading information in connection with an application under this section.

2. Has failed to ensure the care, housing, transportation, or feeding of any passengers disembarking in the village or otherwise failed to implement or perform the detailed plan pursuant to the terms of an approved application.

D. Penalty. Complaints alleging any violation of this section for which the village may impose a fine upon the owner, operator or driver of any motor vehicle to which this section applies

to shall be brought in the name of the village and adjudicated before an administrative adjudicator. The administrative adjudicator shall impose a fine of not less than \$750 per passenger.”

SECTION 3: Amendment to Title 6, Chapter 4. That Title 6, Chapter 4 of the Hinsdale Municipal Code is hereby amended by creating a new section 6-4-31, to read in its entirety as follows:

“6-4-31 UNLAWFUL OPERATION OF BUSES

A. As used in this section, the following definitions shall apply:

“Bus” means any type of commercial motor vehicle with a weight of at least 36,000 pounds, that is designed to carry, or is actually carrying, more than ten (10) individuals and operating as a common carrier.

“Regularly Scheduled Service” means bus service that operates trips 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 bus stop” means the unloading or disembarking of passengers from a bus originating outside of the Chicago-Naperville-Elgin statistical area, subject to the requirements of Section 3-10-1 of this code that is not operating pursuant to and in accordance with an application approved in accordance with that section.

B. Prohibited Conduct.

1. Unscheduled bus stops. No person, including, but not limited to, the owner, operator, or driver of any bus shall make an unscheduled bus stop in the village. This section shall not apply to motor vehicles which are not subject to Section 3-10-1 of this code.

2. Operation of a bus without a village license. Except as otherwise provided by law, it shall be unlawful for any person to operate a bus on any street, place or public highway in the village without first having obtained a specific grant of authority to do so from the village board in the form of an ordinance designating the routes, terms and conditions under which such bus may be operated, and regulating such other matters pertaining to bus as is within the scope of the powers granted to the village.

C. Penalty. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of, any of the provisions of this section, upon conviction thereof, shall be punishable by a fine of \$750 for each offense. The operation of each bus contrary to the provisions of this section shall be considered a separate offense for each day that the same is so operated. Additionally, any bus in violation can be subject to seizure and impoundment in accordance with Section 6-17-2 of this Code.

SECTION 3: Amendment to Title 6, Chapter 17. That Title 6, Chapter 17, Section 6-17-2 of the Hinsdale Municipal Code is hereby amended by creating a new subsection 6-17-2(K), to read in its entirety as follows:

K. A violation of Section 6-4-31 of the Village Code and a violation of 720 ILCS 5/12-5.5.

SECTION 4: Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph shall not affect any of the other provisions of this Ordinance.

SECTION 5: Repealer. Any policy, resolution or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

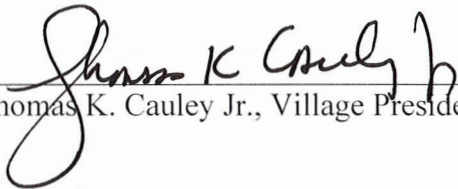
ADOPTED this 2nd day of January, 2024, pursuant to a roll call vote as follows:

AYES: Trustees Braden, Stifflear, Fisher, Byrnes, Banke

NAYS: None

ABSENT: Trustee Posthuma

APPROVED by me this 2nd day of January, 2024, and attested by the Village Clerk on the same day.


Thomas K. Cauley Jr., Village President

ATTEST:


Emily Tompkins, Village Clerk