

AN ORDINANCE AMENDING THE VILLAGE'S MUNICIPAL CODE TITLE 3 BUSINESS REGULATIONS TO ADD A NEW CHAPTER TO CREATE A LICENSE REQUIREMENT AND IMPOUNDMENT PROCEDURES FOR CHARTERED TRANSPORTATION DROP-OFF SERVICES

WHEREAS, the Village of Barrington Hills (hereinafter the "Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., located in the Counties of Cook, Kane, Lake and McHenry, Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the immigration crisis in the United States involving a large influx of refugees and immigrants without family, jobs, housing, or other resources has placed a significant demand on the resources needed to support these individuals in the communities in which they have arrived; and

WHEREAS, various bus services have been retained to drop off in local communities in the State of Illinois, large numbers of these individuals – including children – without warning at unpredictable hours and in all weather conditions in a manner that leaves the individuals exposed to great risks, and the communities in which they arrive unprepared to assist them adequately; and

WHEREAS, the Village is a largely residential community, which cannot safely and effectively address a sudden and unexpected arrival of individuals in need of assistance in that it lacks the resources to house and provide care for those in need of assistance even with careful planning; and

WHEREAS, to aid the Village in providing effective assistance to individuals arriving in the State of Illinois by chartered transportation which appears to have a goal of dropping off refugees and immigrants without any notice to the local community, the Village has determined that all parties will be better served by advance planning and coordinated efforts to help these individuals arrive in locations where services are available to them; and

WHEREAS, the Board of Trustees of the Village has reviewed the circumstances of recent arrivals of refugees and migrants in local communities ill equipped to provide a humanitarian welcome, and has confirmed that it is in the best interests of the health, safety and welfare of the Village and its residents and of those who seek haven in the United States, to coordinate the arrival of these individuals, rather than responding on an emergency basis to unexpected drop-offs at all hours of the day or night and in all weather conditions.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: Title 3: Business Regulations, shall be amended to create a new Chapter 8 to be entitled "Chartered Transportation Drop-Off License" that shall provide as follows:

TITLE 3
BUSINESS REGULATIONS

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CHAPTER 8

CHARTER TRANSPORTATION DROP-OFF LICENSE

3-8-1: APPLICABILITY:

This chapter applies to all persons engaged in the operation of commercial motor vehicles which involve the disembarking of three (3) or more passengers in the village engaged in the transport of individuals seeking assistance, other than on a predictable and recurring basis, that do not follow a schedule that is published in advance and available to the public, or do not provide service open to the public in exchange for paying a fare (“Drop Off Commercial Motor Vehicles”). Drop Off Commercial Motor Vehicle is defined for purposes of this chapter as a vehicle of any type or description, public or privately owned, which is designed to transport three (3) or more persons, including the driver. This definition does not include recreational vehicles, when operated solely for personal use, or any vehicle used in police, fire or other emergency situations of similar nature.

This chapter does not apply to school bus service or other bus services providing local services to educational institutions, nor shall it apply to the disembarking of passengers arriving in the Village for purposes of participating in a Village sponsored event, an event at a non-commercial event facility, or a private event sponsored by an individual or individuals such as a wedding or party for which transportation has been arranged. The intent of this chapter is to protect the health, safety, and welfare of the Village and its residents, by ensuring that when large numbers of individuals are dropped off in the Village without housing or other resources, and that the Village is prepared to respond to an influx of a population in need of housing or other services.

3-8-2: REQUIREMENT TO COORDINATE DROP-OFFS WITH THE VILLAGE:

(A) Application to Coordinate Drop-off Required. The owner, operator, or driver of any Drop Off Commercial Motor Vehicle shall file an application with the Village’s Police Department. The completed application shall contain all required information set forth in subsection (B) herein and shall be submitted at least five (5) calendar days prior to the date of the proposed disembarking date.

(B) Information Required in Application to Coordinate Drop-Off. The Police Chief or designee shall prepare an application form which shall, at a minimum, require the following information:

1. The full name, full address, and landline and mobile telephone numbers of the owner, operator, and driver of the Drop Off Commercial Motor Vehicle.
2. 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.
3. The full name of all passengers that are proposed to be dropped off in the village, along with copies of identification for said passenger(s) to the extent such identification exists and is in the possession of the passenger(s).
4. The name, address, or location in the village at which the applicant proposes to allow passengers to disembark.

5. 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.
6. The name and address of all locations from which all the passengers are being picked-up for transport to the village.
7. Any additional information the Police Chief may require, provided that such information is related to the intent of this chapter as described in Title 3, chapter 8.

(C) Review of Application to Coordinate Drop-Off.

Subject to the provisions of subsection (C)(2), below, upon receipt of an application pursuant to this chapter, the Police Chief shall verify its truth and authenticity. If the application is not complete, the Police Chief 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 Police Chief shall inform the applicant that the application is approved for the stated location, date and time, unless the Police Chief has received bona fide information that the application contains materially false information or unless the Police Chief proposes an alternative date, time, or location pursuant to subsection(C)(2), below.

1. The Police Chief may propose an alternative date and time if the Police Chief finds that the interests of the health, safety and welfare of the village may be compromised by the originally proposed location, date and time, provided that such alternative location, date and time shall not be more than 24 hours before or after the proposed date and time. Any applicant who does not accept a proposed alternative date, time or location may appeal the decision to the Board of Trustees, which shall meet as soon as practicable to hear the appeal, at a time permitted in keeping with the Illinois Open Meetings Act.
2. Upon approval of an application, the Police Chief shall provide the applicant, or a person designated thereby, with a written one-time permit at no cost and with a telephone number to coordinate the arrival of the Drop-Off Commercial Motor Vehicle in the village.
3. If the Police Chief denies an application made under this chapter, the Police Chief shall put findings in writing and transmit the same to the applicant within four (4) calendar days. The applicant may submit a new application or may appeal the decision to the Board of Trustees which shall meet as soon as practicable to hear the appeal, at a time permitted in keeping with the Illinois Open Meetings Act.
4. Disqualification. The Police Chief shall not approve an application from any person who has supplied materially false or misleading information in connection with an application made under this chapter.

3-8-3: IMPOUNDMENT OF UNPERMITTED DROP-OFF COMMERCIAL MOTOR VEHICLES

(A) Any drop-off commercial motor vehicle that is used in the village in violation of section 3-8-2 of this chapter may be seized and impounded pursuant to this section. If a drop-off commercial motor vehicle is seized and impounded pursuant to this section, the owner and/or operator of the vehicle shall be liable to the village for an administrative penalty of \$500.00 plus any towing and storage fees applicable under section 9-4-3 of this Code. This subsection shall not apply if the vehicle used in the violation was stolen and reported as provided by Section 9-4-3 of this Code.

(B) Whenever an authorized employee or agent of the village has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, he may provide for the towing of the vehicle to a storage facility. If a vehicle is towed pursuant to this subsection, the authorized employee or agent of the village shall notify the license holder or any person who was in control of the vehicle at the time of the alleged violation that the vehicle was seized, and the license holder has a right to request a vehicle impoundment hearing as provided in section 9-4-3 of this Code.

(C) The hearing procedures of section 9-4-3 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

3-8-4: PENALTY:

(A) Any person, corporation, firm, or partnership as owner or operator of an unpermitted commercial motor vehicle found guilty of violating any provision of this chapter shall be jointly and severally liable for a fine in the amount of ten thousand dollars (\$10,000.00), plus one thousand and 00/100 dollars (\$1000.00) per passenger, excluding the driver. Each day on or during which any person, corporation, firm or partnership violates any of the provisions of this chapter shall constitute a separate offense.


SECTION 8: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 10: This Ordinance shall take effect immediately upon its passage and publication in pamphlet format, which is hereby authorized, due to the urgency of implementing an immediate regulation of unscheduled chartered transportation and drop-off of passengers in the Village.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 3rd day of January, 2024.

Ayes: 5 (Clarke, Hoffmann, Hills, Strauss, Ekstrom)
Nays: 0
Absent: 1 (Riff)

APPROVED:


Village President

ATTEST:


Village Clerk