

**VILLAGE OF BENSENVILLE
12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 58-2023

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois
Establishing Regulations for Unscheduled Intercity Buses, and the Discharge of
Passengers to Ensure the Health, Safety and Welfare of Residents and Visitors to
the Village of Bensenville**

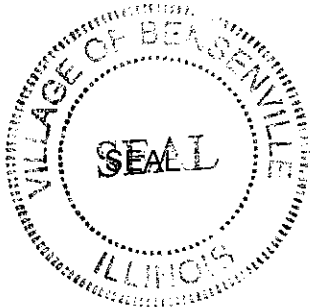
**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 12th DAY OF DECEMBER 2023**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 13th day of December, 2023

STATE OF ILLINOIS)
COUNTIES OF COOK)
SS AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 58-2023 entitled An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Establishing Regulations for Unscheduled Intercity Buses, and the Discharge of Passengers to Ensure the Health, Safety and Welfare of Residents and Visitors to the Village of Bensenville.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 13th day of December 2023.





Corey Williamsen
Deputy Village Clerk

ORDINANCE NUMBER 58-2023

**AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK
COUNTIES, ILLINOIS ESTABLISHING REGULATIONS FOR UNSCHEDULED
INTERCITY BUSES, AND THE DISCHARGE OF PASSENGERS TO ENSURE
THE HEALTH, SAFETY AND WELFARE OF RESIDENTS AND VISITORS
TO THE VILLAGE OF BENSENVILLE**

WHEREAS, the Village of Bensenville, DuPage and Cook Counties, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the President and Board of Trustees of the Village of Bensenville (the "*Corporate Authorities*") are charged with the responsibility of protecting the health, safety, and welfare of the residents of the Village; and

WHEREAS, the Corporate Authorities have the authority to adopt ordinances to promulgate rules, regulations or policies pertaining to its government and affairs; and

WHEREAS, unscheduled intercity buses are attempting to stop unannounced at various times, on different days and at multiple locations near and around the Village to unload dozens of passengers; and

WHEREAS, the Corporate Authorities have determined that the importance of and need for regulations to provide for unscheduled intercity buses will ensure that people are treated fairly and free from deceptive practices, and deem the need to regulate unscheduled intercity buses as an essential element to protect and promote the public health, safety, and welfare of the residents of the Village; and

WHEREAS, the Corporate Authorities find that the economic stability of the Village is dependent upon regulations to ensure that unscheduled intercity buses that arrive in the Village do

not drain the limited financial resources of the Village, jeopardize the health, safety, and welfare of bus passengers or visitors to the Village or burden the ability of personnel of Village emergency service departments to adequately protect and serve the residents and visitors to the Village; and

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

WHEREAS, the Corporate Authorities further find that time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on limited Village resources resulting from the unloading of passengers from an unscheduled intercity bus within the Village; and

WHEREAS, the Corporate Authorities declare that a crisis could quickly arise within the Village as it relates to the unloading and securing of passengers from unscheduled intercity buses; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the health, safety, and welfare of the residents of the Village to establish the regulations herein specified to ensure necessary Village services and programs are prepared ahead of time.

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

Section 1. That the above recitals and legislative findings are found to be true and correct by the Corporate Authorities and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety in this Section 1.

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 Village and are undertaken in accordance with and pursuant to the exercise of the Village's police powers and are further herein established and required to protect and ensure the health, safety and welfare of the residents and visitors of the Village and are found to be essential for the promotion and security of a stable, integrated, balanced and harmonious community.

Section 3. The purpose of this Ordinance is to approve and adopt the Policy, as defined below, for the benefit of the Village, its employees, its residents, and visitors to the Village, and to authorize the Police Chief and Deputy Police Chief to take any and all action necessary to effectuate and carry out the Policy herein established, including the establishment of additional rules, procedures and general orders to clarify, implement and enforce the Policy.

Section 4. The Policy of the Village of Bensenville, DuPage and Cook Counties, Illinois Establishing Regulations for Unscheduled Intercity Buses and the Discharge of Passengers, a copy of which is attached hereto and made a part hereof, as Exhibit A (the "*Policy*"), is hereby authorized and approved.

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

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

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

Section 8. 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.

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PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 12th day of December 2023, pursuant to a roll call vote, as follows:

APPROVED:



Frank DeSimone, Village President

ATTEST:



Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYES: None

ABSENT: None

EXHIBIT A

A POLICY OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS ESTABLISHING REGULATIONS FOR UNSCHEDULED INTERCITY BUSES AND THE DISCHARGE OF PASSENGERS

I. Definitions.

For the purpose of this Policy, and the interpretation and application thereof, the following terms, phrases, words, and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. Words or phrases not defined shall be given their common and ordinary meaning unless the context clearly indicates or requires a different meaning.

Application shall mean a form that the Police Chief or Deputy Police Chief makes available for receiving and reviewing proposed intercity bus operations.

Approval shall mean written notice that the Police Chief or Deputy Police Chief has received, reviewed, and determined that an application satisfies the requirements of the Village and this Policy.

Deputy Police Chief shall mean a Village of Bensenville Deputy Police Chief, or designee.

Police Chief shall mean the Village of Bensenville Police Chief, or designee.

Regularly Scheduled Intercity Bus shall mean any intercity bus that operates trips on a predictable and recurring basis between two or more designated and authorized locations or established routes, following a fixed schedule that is published in advance and available to the general public, and provides transportation service in exchange for payment of a fare.

Unscheduled Intercity Bus shall mean any intercity bus used for the transportation of passengers originating from a location outside of the Chicago-Naperville-Joliet area that is not a regularly scheduled intercity bus and operating pursuant to written authorization of the Police Chief or Deputy Police Chief approving a specific schedule to pick-up or drop-off passengers at an approved location in the Village.

Village shall mean the Village of Bensenville, DuPage and Cook Counties, Illinois.

II. Applicability.

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

III. Notice and Application Required.

The operator of any unscheduled intercity bus must make an application for approval to arrive and load or unload passengers in the Village on the appropriate application form made available by the Police Chief or Deputy Police Chief. All applications for unscheduled intercity bus service must be received by the Police Chief or Deputy Police Chief a minimum of five (5) full business days prior to the requested date of arrival identified in the application. All applications shall include a proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen and shall provide copies of the same to the Police Chief or Deputy Police Chief as part of the application process. Each application for an unscheduled intercity bus for the unloading of passengers must include an order authorizing such unscheduled intercity bus for the unloading of passengers executed by the head of the public body originating the transfer of or loading of passengers, if applicable.

IV. Processing and Approval of Application.

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 Police Chief or Deputy Police Chief for a specific date or location.

V. Passenger Loading and Unloading Day and Hour Restriction.

Unscheduled intercity buses shall load or unload passengers within the Village only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on a Saturday, Sunday, or designated federal, state or Village legal holiday.

VI. Passenger Loading and Unloading Location.

Unscheduled intercity buses shall only load or unload passengers at a location authorized by the Police Chief or Deputy Police Chief, which shall be listed on the approved application.

VII. Punctuality of Passenger Loading and Unloading.

For any given written approval, unscheduled intercity buses must arrive no sooner than 15 minutes before, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalid. Any loading or unloading of passengers outside of the aforesaid schedule window shall result in a \$750.00 fine per passenger upon the operator.

VIII. Proof of Approved Application to Load or Unload a Passenger.

Every operator of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the location of loading or unloading passengers at the request of any employee of the Village.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load or unload passengers without an approved application shall be subject to a \$750.00 fine per passenger.