

**AMENDING CHAPTER 51 "TRAFFIC" OF THE CITY OF DEKALB, ILLINOIS
MUNICIPAL CODE BY ADDING SECTION 51.34 "REGULATION OF
UNSCHEDULED BUS STOPS".**

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City operates a public transit system with scheduled bus routes providing for the orderly disembarkation of passengers within the City; and

WHEREAS, the City's corporate authorities find that private buses and carriers are providing for the unscheduled mass transportation, parking, and disembarkation of passengers without providing reasonable protections for the passengers' care, food, housing, medical, and transportation needs; and

WHEREAS, the City's corporate authorities find that the unscheduled mass disembarkation of bus passengers without providing for the passengers' care, food, housing, medical, and transportation needs is inhumane, endangers the public safety, and disrupts the safe and efficient operation of the City's transit system; and

WHEREAS, the City's corporate authorities find that it is in the City's best interests for the protection of the public health, morals and welfare to amend the City's Municipal Code pursuant to the provisions of this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this ordinance are true, correct, material, adopted and incorporated as Section 1 to this ordinance.

SECTION 2: The City's corporate authorities adopt and approve an amendment to Chapter 51, "Traffic," Inserting a New Section 34, "Regulation of Unscheduled Bus Stops," of the City's Municipal Code to state in its entirety as follows:

51.34 REGULATION OF UNSCHEDULED BUS STOPS

a) Definitions: The terms used in this section shall be defined as follows:

"Application" shall mean a request for approval to make a bus stop in the City on a form to be provided by the Transit Manager.

"Approval" shall mean a written order signed by the Transit Manager that approves an Application.

"Bus" shall mean any type of motor vehicle that transports or disembarks 10 or more persons.

"City" shall mean the City of DeKalb.

"Regularly Scheduled Service" shall mean a Bus or private carrier service that operates routes involving the transportation, parking, or disembarkation of passengers in the City in connection with a scheduled commercial, educational, or recreational program in the City or pursuant to a regular schedule that is published in advance and available to the general public in the City.

"Transit Manager" shall mean the City of DeKalb Transit Manager.

“Unscheduled Bus Stop” shall mean any location in the City’s corporate limits involving the unscheduled disembarkation of 10 or more passengers from a Bus that is not providing Regularly Scheduled Service or operating pursuant to an Approval.

- b) Violation: It shall be a violation of this Section for the owner, operator, or driver of a Bus that attempts, effects, or makes an Unscheduled Bus Stop.
- c) Application. The owner, operator, or driver of a Bus that is not providing Regularly Scheduled Service and which intends to provide for the disembarkation of 10 or more passengers in the City shall file an Application with the Transit Manager at least 10 calendar days before the date of the disembarkation. The Application shall provide the following information duly sworn under oath and subject to the penalty of perjury:
 - 1. The full name(s), title(s), street address(es), electronic mail address(es), and telephone number(s) of the affiant(s) who attest to information provided in the Application.
 - 2. The full name(s), street address(es), electronic mail address(es) and telephone number(s) of the Owner, Operator, and Driver of the Bus.
 - 3. The full name(s), street address(es), electronic mail address(es) and telephone number(s) of the person(s) who commissioned, directed, financed, ordered, or paid for the Bus service to the City.
 - 4. The full name(s), known address(es), and telephone number(s) of the persons who are intending to disembark from the Bus in the City.
 - 5. The name(s), address(es), and location(s) in the City that the Bus intends to disembark passengers.
 - 6. The date(s) and time(s) when passengers from the Bus will disembark, which shall be from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding any federal, state, or City holidays.
 - 7. The name(s), address(es), and location(s) in the City for the re-embarkation of the Bus passengers.
 - 8. The full name(s), street address(es), electronic mail address(es) and telephone number(s) of all persons who shall be present in the City to meet the Bus and receive the passengers during the disembarkation.
 - 9. A detailed plan identifying how the disembarking Bus passengers will be cared for, housed, and fed, upon disembarking in the City for a period of thirty (30) consecutive days. The plan shall be signed by the entity that agrees to be responsible for providing the actions detailed in the plan.
 - 10. Such other information that the Transit Manager may require to evaluate the Application.
- d) Application Fees. An Application fee of \$100.00 shall be deposited with the City upon the filing of an Application to cover the cost of processing the Application.
- e) Application Review. The Transit Manager shall review an Application to verify its accuracy, completeness, content, timeliness, and accuracy. for the same and undertake a review of the information contained in the application to verify its truth and authenticity. The Transit Manager shall approve or deny the Application in

writing within 5 calendar days upon receipt of the Application. If the Application is approved, the Transit Manager shall provide the applicant a telephone number to coordinate the arrival of the Bus in the City. If the Application is denied, the Transit Manager shall provide the reason(s) for the denial in writing. If an Application is denied, the applicant may file a written appeal of the denial to the City Manager within 3 calendar days of the denial.

- f) Penalties. A person found liable of a violation under this Section and pursuant to the administrative hearing procedure provided by Chapter 17 of this Code shall be subject to a mandatory minimum fine of \$1,000.00 per violation for each day of the violation, plus \$1,000.00 per each passenger of the Bus, plus court costs, plus restitution of all costs proximately caused by a violation including, but not limited to, the costs incurred by the City to provide services to the passengers of an Unscheduled Bus Stop (e.g., police, fire, housing, food, and transportation costs).
- g) Seizure and Impoundment. If a police officer has probable cause that a Bus was used in violation of this Section, the Bus shall be seized, towed, and impounded pursuant to the procedures provided by Chapters 17 and 35 of this Code.

SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, this ordinance shall supersede state law in that regard in the City's jurisdiction.

SECTION 4: If any section, paragraph, sentence, clause, or provision of this ordinance is held invalid, such invalidity shall be severable and not affect the remainder of this ordinance.

SECTION 5: Pursuant to 65 ILCS 5/1-2-4, the City's corporate authorities, by a vote of two-thirds of all members then holding office, find that it is urgent for this ordinance to take effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 8th day of January 2024, and approved by me as Mayor on the same day. First Reading passed on January 4, 2024, by a 5-1-2 roll call vote. Aye: Larson, Smith, Perkins, Walker, Barnes. Nay: Zasada. Absent: Verbic, McAdams. Passed on Second Reading on January 8, 2024, by a 5-3 roll call vote. Aye: Larson, Smith, Perkins, Walker, Barnes. Nay: Zasada, McAdams, Verbic.




COHEN BARNES, Mayor

ATTEST:

Ruth A. Scott, Executive Assistant



**APPLICATION FOR
UNSCHEDULED BUS
ARRIVALS
UNDER ORD. 2024-001**

Application Fee: \$100.00
FEES ARE NOT REFUNDABLE

Return completed application to:

City of DeKalb Transit Division
Attn: Transit Manager
1216 Market St.
DeKalb, IL 60115
Email:
transitadministration@cityofdekalb.com
Please call (815) 748-2370 with
questions regarding this application.

All unscheduled buses intending to provide for the disembarkation of 10 or more passengers must use this application form and receive approval from the City of DeKalb, Illinois prior to loading/unloading any passengers within the City limits. **Return the completed form to the email listed above.**

APPLICANT INFORMATION

Bus Company Name: _____

Bus Company Address: _____

Bus Company State of Incorporation: _____

Primary Bus Company Contact Name: _____

Title/Position of Primary Contact: _____

Primary Contact Phone: _____

Primary Contact Email: _____

Bus Driver Information

	Driver 1	Driver 2
Full Name (Including Middle)	_____	_____
Date of Birth	_____	_____
Cell Phone Number	_____	_____
Driver License Number	_____	_____
State of Issuance	_____	_____
Expiration Date	_____	_____

Other employees (Bus Company or 3rd party contractors or individuals) responsible for the transportation of passengers (attach a separate page if needed):

Owner or Manager: _____ Primary Contact Phone: _____

Email: _____

Full Name of any 3rd Parties: _____ Primary Contact Phone: _____

Email: _____

PASSENGER INFORMATION

- (A) The Applicant **must** attach a proposed passenger list of all proposed passengers (including any employees of a 3rd party involved in the transportation of passengers) to this Application. Passenger list must include the full name, known address(es) and telephone number(s) of all persons who are intending to disembark from the bus into the City of DeKalb.
- (B) Any passenger or 3rd party employee/individual not listed on the Application who exits the bus will be considered in violation of City Ordinance and will result in a fine, per person, assessed to the bus operator.

ARRIVAL INFORMATION

Proposed arrival date, time, and location. Times shall be from 8:00 am to 5:00 pm on Monday through Friday, excluding federal, state or City holidays.

Proposed Arrival Date: _____ Proposed Arrival Time: _____

Proposed Arrival Location (location name, address, and physical location):

*(*Must be at least 10 business days from the date of application submission)*

USDOT of bus: _____

Bus license plate and State: _____

Applicant must also attach a list of all persons who shall be present in the City of DeKalb to meet and receive the passengers. This list must include full name, telephone number, and email address of those individuals.

Any unscheduled bus that allows passengers to disembark outside of these days and hours will be considered in violation of the City Ordinance and will result in a fine, per person, assessed to the bus operator, and seizure and impoundment of the bus.

RE-EMBARKING INFORMATION

Proposed re-embarking date, time, and location. Times shall be from 8:00 am to 5:00 pm on Monday through Friday, excluding federal, state or City holidays.

Proposed Re-Embarking Date: _____ Proposed Re-Embarking Time: _____

Proposed Re-Embarking Location (location name, address, and physical location):

USDOT of bus: _____

Bus license plate and State: _____

AUTHORIZATION FROM THE HEAD OF PUBLIC BODY INITIATING TRANSFER

The Applicant **must** provide an order authorizing the transfer of the proposed passengers which is executed by the head of the public body which has initiated the transfer via unscheduled bus. **No application shall be processed without a copy of the authorizing order.**

ADDITIONAL REQUIREMENTS

Please provide a detailed plan identifying how the disembarking Bus passengers will be cared for, housed, and fed upon disembarking in the City of DeKalb for a period of not less than thirty (30) consecutive days. The plan shall be signed by the entity that agrees to be responsible for providing the actions detailed in the plan. Also include any additional information that the Transit Manager may require in the evaluation of your application. Please include additional pages if necessary.

If approved, the Transit Manager shall provide the applicant with instructions to coordinate the arrival of the Bus in the City. If the Application is denied, the Transit Manager shall provide the reason(s) for the denial in writing. If the Application is denied, the applicant may file a written appeal of the denial to the City Manager within 3 calendar days of the denial.

A person found liable of a violation under this Section and pursuant to the administrative hearing procedure provided by Chapter 17 of this Code shall be subject to a mandatory minimum fine of \$1,000.00 per violation for each day of the violation, plus \$1,000.00 per each passenger of the Bus, plus court costs, plus restitution of all costs proximately caused by a violation including, but not limited to, the costs incurred by the City to provide services to the passengers of an Unscheduled Bus Stop (e.g., police, fire, housing, food, and transportation costs.) Additionally, if a police officer has probable cause that a Bus was used in violation of this Section, the Bus shall be seized, towed, and impounded pursuant to the procedures provided by Chapters 17 and 35 of this Code.

CERTIFICATION

The undersigned, being duly sworn, hereby certifies under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Applicant's Signature

Date

Applicant's Name – Typed or Printed

Title

City of DeKalb Use only:

Date Received: _____ *Time Received:* _____ *How received:* _____

Signature of City Official: _____ ☐ *Approved* or ☐ *Denied*

Name and Title of City Official: _____