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VILLAGE OF BARRINGTON

ORDINANCE NO. 2024-4362

ORDINANCE AMENDING
TITLE 6, "MOTOR VEHICLES AND TRAFFIC", OF
THE BARRINGTON VILLAGE CODE
REGARDING THE REGULATION OF UNSCHEDULED STOPS AND
THE UNLOADING OF PASSENGERS BY INTERCITY VEHICLES
WITHIN THE VILLAGE OF BARRINGTON, ILLINOIS

(RE: Chapter 3, "Parking Regulations" –
New Section 6-3-13, "Regulation of Unscheduled Stops and
Unloading of Passengers by Intercity Vehicles")

ADOPTED BY

THE CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON

THIS 8 DAY OF January, 2024

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois, this 9 day of January 2024.

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WITHIN THE VILLAGE OF BARRINGTON, ILLINOIS

(RE: Chapter 3, "Parking Regulations" –
New Section 6-3-13, "Regulation of Unscheduled Stops and
Unloading of Passengers by Intercity Vehicles")

WHEREAS, the Village of Barrington (the "Village") 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; and

WHEREAS, pursuant to Section 11-208 of the Illinois Vehicle Code (625 ILCS 5/11-208), local authorities may regulate the parking, standing, and/or stopping of vehicles; and

WHEREAS, pursuant to Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2), the Corporate Authorities of the Village may regulate the use of streets and other Village properties; and

WHEREAS, pursuant to Section 7-4-1 of the Illinois Municipal Code (65 ILCS 5/7-4-1) provides that the Corporate Authorities have jurisdiction in and over all places within one-half mile of the corporate limits of the Village for the purposes of enforcing health and quarantine ordinances and regulations; and

WHEREAS, pursuant to Section 11-42-6 of the Illinois Municipal Code (65 ILCS 5/11-42-6), the Corporate Authorities of the Village may regulate buses, omnibus drivers, cabmen, expressmen, and others pursuing like occupations; and

WHEREAS, the Corporate Authorities of the Village find and determine that the unscheduled dropping off of passengers from an intercity vehicle within the Village without the prior written approval of the Village and without prior provisions being made for their proper housing and care can leave such passengers exposed to great risk, including but not limited to during adverse weather conditions; and

WHEREAS, the Corporate Authorities of the Village find and determine that the public health and safety may be jeopardized if individuals are dropped off within the Village by intercity vehicles on an unscheduled basis without prior provisions being made for the proper housing and care of such individuals; and

WHEREAS, the Corporate Authorities of the Village find and determine that the health, safety, and welfare of the Village, its residents, and others coming to the Village are jeopardized if individuals are dropped off within the Village on an unscheduled basis without the prior written approval of the Village and without prior provisions being made for the proper housing and care of such individuals; and

WHEREAS, the Corporate Authorities of the Village find and determine that the Village's best interests and the protection of the public health, safety, and welfare require that the dropping off of individuals within the Village by intercity vehicles shall be regulated; and

WHEREAS, the Corporate Authorities of the Village, in exercise of its Home Rule Authority, hereby determine that the Ordinance as herein provided addresses an urgent issue confronting the public health, safety and welfare within this Village and, therefore, pursuant to 65 ILCS 5/1-2-4, said Ordinance shall be in full force and effect immediately from and after its passage and approval, and that said Ordinance may be published in pamphlet form, but such publication shall not delay the effective date of said Ordinance:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village, pursuant to its Home Rule authority, as follows:

SECTION 1: Recitals. The Corporate Authorities of the Village hereby find that the recitals set forth in the preamble of this Ordinance are true and correct and are material to this Ordinance and are hereby incorporated into the text of this Ordinance as its findings to the same extent as if each such recital had been set forth herein in its entirety in this Section.

SECTION 2: Chapter 3, "Parking Regulations", of the Barrington Village Code is hereby amended by the addition of a new Section 6-3-13, "Regulation of Unscheduled Stops and Unloading of Passengers By Intercity Vehicles", which new Section shall read as follows:

"6-3-13: "REGULATION OF UNSCHEDULED STOPS AND UNLOADING OF PASSENGERS BY INTERCITY VEHICLES":

A. Definitions: The terms used in this Section 6-3-13 shall be defined as follows:

"Application" means a request for approval to stop and unload passengers in the Village on a form to be provided by the Village's Chief of Police, or his or her designee, that meets all of the requirements of this Section 6-3-13.

"Approval" means a written notice signed by the Village of Barrington Chief of Police, or his or her designee, which approves an Application submitted in conformance with this Section 6-3-13.

"Intercity Vehicle" means any bus, recreational vehicle, or other vehicle used for transporting more than six (6) or more individuals and/or their respective personal property between the Village and locations outside of the Village, but shall not include or apply to: (i) vehicles owned or leased by the Village or the Regional Transportation Authority, including but not limited to the suburban bus commonly known as "Pace"; (ii) school buses while providing transportation services to schools and/or to other educational institutions; (iii) taxicabs, limousines, ridesharing vehicles, including Ubers and Lyfts, or similar vehicles used for private hire by persons working or residing within the Village or by persons visiting a specific residence or place of business located within the Village when allowed or authorized by the owner of the property; (iv) nor shall it apply to the disembarking of passengers arriving in the Village for purposes of participating in Village-sponsored event(s); (v) a commercial undertaking at a Village business or businesses; or (vi) a private event sponsored by an individual or individuals such as a wedding or party for which transportation has been arranged in advance.

"Chief of Police" means the Chief of Police of the Village of Barrington Police Department, or his designee.

"Regularly Scheduled Service" means a transportation service that operates trips involving the dropping off of passengers 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" by Intercity Vehicle(s) means any location in the Village where individuals are dropped off by an Intercity Vehicle that originated from a location outside of the Village by a private or public transportation service that is not providing regularly scheduled transportation service within the Village and not operating pursuant to the written approval of the Chief of Police pursuant to this Section 6-3-13.

B. No Unscheduled Stops by Intercity Vehicles: It shall be a violation of this Section for the owner, operator, or driver of any Intercity Vehicle to make an Unscheduled Stop for the purpose of dropping off passengers in the Village.

C. The parking, stopping, or standing of an Intercity Vehicle is prohibited by this Section unless such vehicle has the prior written approval by the Chief of Police or his or her designee as required by this Section, and no exception to this regulation shall be granted and/or provided unless expressly stated in this Section.

D. Application Required: The owner, operator, or driver of any Intercity Vehicle that is not providing Regularly Scheduled Service that desires to make a stop to drop off passengers in the Village shall submit an Application to the Chief of Police using a form provided by the Chief of Police. The completed Application and all required information shall be submitted to the Chief of Police for his or her approval at least five (5) calendar days prior to the date of the proposed drop-off. The Application shall provide the following information, including but not limited to:

(1) The full name, full address, telephone numbers and email address(es) of the Owner(s), Operator(s), and Driver(s) of the Intercity Vehicle. The mobile phone number of the driver of the Intercity Vehicle shall also be provided.

(2) The full name, full address, mobile and land-line telephone numbers and email address(es) of the entity or individual(s) that has or have either directed, paid for, or financed the transport of the persons to be dropped off in the Village by the Intercity Vehicle.

(3) The full name of all persons that are proposed to be dropped off in the Village along with copies of valid identification for each such person to the extent that such identification exists or is or are in the possession of each such passenger.

(4) The name, address, or location in the Village at which the Intercity Vehicle proposes to drop off passengers.

(5) The date and time at which the passengers of the Intercity Vehicle will be dropped off in the Village which shall only be allowed to occur between the hours of 8:00 a.m. to 5:00 p.m. on a Monday through Friday, excluding any holidays.

(6) The name and address of all locations from which the passengers of any such Intercity Vehicle are being picked up for transport to the Village.

(7) The full name, full address, mobile and land-line telephone numbers, as well as all email addresses of all entities or individuals that shall be present in the Village to meet the subject Intercity Vehicle and receive the passengers when they are dropped off.

(8) A detailed plan shall be submitted to the Chief of Police together with each such Application identifying how and for what period of time the individuals being dropped off will be cared for, housed, and fed, either temporarily or permanently, upon being dropped off in the Village. The plan shall include the full names, full addresses, and land-line and mobile telephone numbers as well as all of the respective email address(es) of all persons that will be present at the date and time of the drop-off and responsible for the care, housing and feeding of the passengers. The plan shall be executed by the person(s) and/or by an authorized representative of the entity that agrees to be responsible for the care of the individuals proposed to be dropped off within the Village and by at least one (1) additional individual who shall be required to be present to receive any such passengers and be responsible for their care. The entity and the individual that will be present to receive the passengers and be responsible for their care shall each by their signature certify that such person and/or entity will be responsible for providing the actions detailed in the plan.

E. Approval of Application:

(1) Within five (5) business days after receipt of a fully completed Application pursuant to this Section 6-3-13, the Chief of Police shall review same to verify its truth and accuracy. If the Application is not complete, the Chief of Police shall, in writing, advise the Applicant of any additional information and/or terms needed to complete the Application. Failure of any person or entity to provide all required information to the Chief of Police will cause any such Application to be rejected by the Village.

(2) The Chief of Police's review of the Application shall take into consideration administrative efficiency and available resources, public safety, and orderly traffic flow, and an approval shall be subject to such conditions and restrictions that the Chief of Police may impose in his or her sole discretion (including without limitation, those addressing day/time availability of any such location(s), number of daily arrivals/departures to and from any such location(s), and advance notification requirements by the Applicant).

(3) Within five (5) business days after receipt by the Chief of Police of a fully-completed Application, the Chief of Police shall approve or deny such Application in writing. If the Chief of Police denies an Application, it shall be based upon a determination that the loading/unloading of passengers, luggage or other personal property within the Village at that time, or at that particular designated bus stop, bus stand, passenger loading/unloading zone or other location presents an unreasonable threat to the health, safety, and welfare of the public and/or impedes

the safe and efficient flow of traffic and/or imposes an unreasonable burden on available resources and/or based upon a determination that any information in the Application is false, untrue, and/or inaccurate in any manner. If the Chief of Police denies the Application, the Chief of Police shall send by email or by regular U.S. mail a written notification to the Applicant specifying the reason(s) for the decision. Any Applicant may seek review of the decision of the Chief of Police denying such Application through the Administrative Adjudication System of the Village by filing a request for review of such decisions within twenty-one (21) days.

(4) If the Chief of Police finds that the Application meets the requirements of Paragraph 3 above and approves the Application, he or she shall inform the Applicant in writing via email and by regular U.S. mail that the Application is approved. The Chief of Police shall further provide a telephone number to the Applicant or to the driver of the respective Intercity Vehicle to coordinate the arrival of such Intercity Vehicle in the Village.

(5) The Chief of Police may also require certified medical documentation that all passengers are not presently, and have not within the last thirty (30) days prior to the date of unloading, been diagnosed or has contracted any contagious disease such as malaria, tuberculosis, or such other contagious disease that, if spread to others, would adversely affect others' health, safety, or welfare; provided, however, that such certification shall not be required of domiciled residents of the United States who have not, within the last thirty (30) days prior to unloading, traveled to a country experiencing an outbreak of any such contagious disease.

F. Violations: It shall be a violation of this Section 6-3-13 for any individual or entity to violate any of the provisions of this Section 6-3-13 and/or engage in the following action(s):

(1) The submission of an Application that is false or untrue in any manner.

(2) The failure of any entity or individual that is responsible for the care, housing, or feeding of any passengers dropped off in the Village to promptly implement the detailed plan pursuant to the terms of an approved Application.

(3) Making an Unscheduled Stop by an Intercity Vehicle or Bus in the Village.

(4) Initiating any transportation of person(s) and/or property to the Village without the required approval by the Chief of Police of the stop location without submitting an Application and/or failing to obtain approval of an Application as required by this Section 6-3-13.

G. Penalties: Any person or entity found liable pursuant to the Village's Administrative Adjudication System and/or pursuant to the finding of any court of competent jurisdiction, of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of, any of the provisions of this Section 6-3-13, upon conviction thereof, shall be punished by a mandatory fine of not less than Three Hundred Dollars ($300.00) for each offense. A separate offense shall be regarded as committed each day upon which said person or entity shall continue any such violation, or permit any such violation to exist after notification thereof. The Village at its discretion may enforce this

Section 6-3-13 by: (1) a quasi-criminal action seeking the payment of a monetary penalty adjudicated pursuant to the Administrative Adjudication System of the Village; and/or (2) an action seeking monetary and injunctive relief filed in the Circuit Court of Cook County or any other Court having jurisdiction over the violator.

H. Seizure and Impoundment of Intercity Vehicle:

(1) Whenever a police officer has reason to believe that a violation of this Section 6-3-13 has occurred, the Intercity Vehicle shall be subject to seizure and impoundment by the Village in addition to any other monetary penalty or other remedy that the Village may pursue. The police officer may in the exercise of discretion provide for the towing of such Intercity Vehicle to a facility approved by the Chief of Police.

(2) Upon the towing of any such Intercity Vehicle pursuant to this Section, the police officer shall notify or make a reasonable attempt to notify the owner of record, lessee, person claiming to be the owner or lessee, or any person who is found to be in control of the Intercity Vehicle at the time of the alleged violation of the fact of the seizure and of the vehicle owner's right to request an administrative hearing on such seizure.

I. Administrative Tow Hearing;

(1) Within five (5) business days after an Intercity Vehicle is seized and impounded as provided by this Section 6-3-13, the Village shall notify, by personal service, first class mail, or certified mail, the owner of record, lessee, and any lienholder of record of the owner's right to request a hearing to determine whether a violation of this Section 6-3-13 actually occurred. The name and address of the person to whom a vehicle is registered as shown on the records of the State in which the vehicle is registered shall be conclusive evidence of the name and address of the owner of record of the vehicle, unless the owner of record gave the Village actual written notice of a different name or address.

(2) In order to obtain a hearing, the owner of record must file a written request for a hearing with the Records Division of the Police Department no later than ten (10) business days after the date the notice was mailed. The hearing date must be scheduled for a date that is no more than fifteen (15) business days after a request for a hearing has been filed. The person requesting the hearing shall be given at least five (5) business days' notice of the date of the hearing.

(3) The hearing shall be conducted by the Administrative Adjudication Hearing Officer (the "Hearing Officer") of the Village appointed in accordance with Chapter 19 of this Village Code ("Code Hearing Department/Administrative Adjudication System", of Title 1, "Administration"). The owner of the Intercity Vehicle shall have the right to be represented by an attorney; the right to notice of the charges causing the seizure and impoundment of the Intercity Vehicle; the right to present witness and documentary evidence, and the right to cross-examine all witnesses.

(4) If, after the hearing, the Administrative Adjudication Hearing Officer determines, by a preponderance of evidence, that a violation of this Section 6-3-13 has occurred involving the seized and impounded Intercity Vehicle or Bus, then the

Administrative Adjudication Hearing Officer shall enter an order finding the owner of record of the vehicle liable to the Village for the administrative fee of Seven Hundred and Fifty Dollars ($750.00), which shall be in addition to any other penalties, mandatory fine(s) and remedy sought by the Village.

(5) If, after a hearing, the Administrative Adjudication Hearing Officer does not determine, by a preponderance of the evidence, that the vehicle was used in violation of Section 6-3-13 of this Code, the Administrative Adjudication Hearing Officer shall enter an order finding for the owner and ordering the return of the vehicle.

(6) If the owner of record fails to request a hearing on the seizure and impoundment of an Intercity Vehicle in a timely manner or fails to appear at the hearing, the owner of record shall be deemed to have waived the owner's right to a hearing, and the Administrative Adjudication Hearing Officer may enter a default order in favor of the Village in the amount of the administrative fee(s). However, if the owner of record pays such fee(s) and the vehicle is returned to the owner, no default order need be entered if the owner is informed of his or her right to a hearing and executes a written waiver of such right to a hearing, in which case, an order of liability shall be deemed to have been made when the Village receives the written waiver.

J. Requirements for Recovery of a Seized and Impounded Intercity Vehicle or Bus: A vehicle impounded pursuant to this Section 6-3-13 shall remain impounded until:

(1) The administrative fee(s) of Seven Hundred and Fifty Dollars ($750.00) are paid to the Village and all applicable towing fees are paid to the towing agent, in which case, the owner of record shall be given possession of the Intercity Vehicle; or

(2) A bond in the amount of Seven Hundred Fifty Dollars ($750.00) is posted with the Village and all applicable towing fees are paid to the towing agent, at which time, the Intercity Vehicle will be released to the owner of record; or

(3) The Intercity Vehicle is deemed abandoned, in which case, it shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

K. Posting Bond:

(1) If a bond in the amount of Seven Hundred Fifty Dollars ($750.00) is posted with the Police Department's Records Division or with the Village Treasurer, the impounded Intercity Vehicle shall be released to the owner of record, provided, however, the owner of the Intercity Vehicle or Bus shall still be liable to the towing agent for any applicable towing fees.

(2) If, after an Administrative Hearing on the seizure and impoundment of the Intercity Vehicle or Bus, it is determined that the Intercity Vehicle was used in violation of Section 6-3-13, the posted bond shall be forfeited to the Village; however, if a violation of Section 6-3-13 is not proven by a preponderance of the evidence, the bond will be returned to the person posting the bond, and all towing fees shall be waived.

(3) All bond money posted pursuant to this Chapter shall be held by the Village until the Administrative Adjudication Hearing Officer issues a decision or, if there is a judicial review, until a final order is entered in the judicial proceeding in which review is sought.

L. Disposition of an Unclaimed Intercity Vehicle: Any Intercity Vehicle that is not reclaimed or subject to judicial review within thirty-five (35) days after the Village's Administrative Hearing Officer issues a final written decision shall be deemed abandoned and disposed of as an unclaimed vehicle as provided by law."

SECTION 3: The officers, employees, and/or agents of the Village shall take all action necessary or reasonably required to carry out and give effect to this Ordinance and shall take all action necessary in conformity therewith.

SECTION 4: All past, present and future acts of the officials of the Village that are inconformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

SECTION 5: The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not pr4ovided for herein and all other provisions shall remain unaffected, un impaired, valid and in full force and effect.

SECTION 6: In the event of any conflict between the provisions of this Ordinance, the other provisions of the Village Code, or any other code, ordinance or regulation adopted by the Village, the provisions of this Ordinance shall control and prevail in all instances.

SECTION 7: All code provisions, ordinances, resolutions, rules and orders, or parts thereof in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 8: A full, true, and complete copy of this Ordinance shall be published in pamphlet form.

SECTION 9: This Ordinance addresses an urgent concern confronting the public health, safety and welfare within the Village and, therefore, said Ordinance shall be in full force and effect immediately from and after its passage.

PASSED BY A TWO-THIRDS (2/3) VOTE OF ALL MEMBERS OF THE CORPORATE AUTHORITIES HOLDING OFFICE BY ROLL CALL VOTE THIS 8TH DAY OF JANUARY, 2024, AS FOLLOWS:

AYES: Trustees Johnmeyer Sholeen Vondrasek Duncan Moran Prigge & President Darch

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED THIS 8TH DAY OF JANUARY, 2024

Karen Y. Darch

Karen Y. Darch, Village President

ATTESTED AND FILED THIS
8th DAY OF JANUARY, 2024

Tony Ciganek

Tony Ciganek, Village Clerk

(SEAL)

PUBLISHED IN PAMPHLET FORM THIS 8th DAY OF JANUARY, 2024.