

**CITY OF HARVEY
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2023- 3482

**AN ORDINANCE AMENDING THE CITY CODE TO
DEFINE AND PROHIBIT UNSCHEDULED BUS STOPS**

ADOPTED BY THE

CITY COUNCIL

CITY OF HARVEY

THIS 3th DAY OF JANUARY, 2023

Published in pamphlet form by authority of the City Council of the City of Harvey,
Cook County, Illinois, this 4th day of January, 2023.

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**AN ORDINANCE AMENDING THE CITY CODE TO
DEFINE AND PROHIBIT UNSCHEDULED BUS STOPS**

WHEREAS, the City of Harvey (“City”) is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970 with the authority to exercise and power and perform any function pertaining to its government and affairs; and

WHEREAS, the City wishes to regulate the unloading of passengers without a coordinated plan as it may pose a threat to the health, safety, and welfare of said passengers; and

WHEREAS, the Corporate Authorities find it to be in the best interest of the City and its residents to define and prohibit unscheduled bus stops within the City; and

WHEREAS, the City now wishes to amend the City of Harvey Municipal Code to reflect the prohibition of unscheduled bus stops within the City.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Harvey, Cook County, Illinois, in exercise of its home rule authority, as follows:

Section 1. Recitals. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. Amendment. Title 9, “Public Peace and Welfare,” of the Harvey Code of Ordinances is hereby amended with the addition of new Chapter 9-54 as follows, (additions in **bold and underline**):

Chapter 9-54
CHARTERED TRANSPORTATION.

9-54-010. Applicability.

- A. This article 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 city who will not reboard; and**
 - 3. The service does not include arrangements for round-trip transportation.**
- B. As used in this chapter, "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. As used in this chapter, "Chief of Police" also refers to the Chief's duly authorized designee.**
- C. Nothing in this chapter will apply to any transportation for hire service which:**
- 1. is operated by the Federal government or any department or agency thereof;**
 - 2. is for the transportation of students for school purposes;**
 - 3. is operated primarily on an on-demand, door-to-door basis for the use of disabled passengers; or**
 - 4. under the Constitutions of the United States or State of Illinois, may not be made the subject of this regulation by the City.**

9-54-020. Application.

- A. The owner, operator, or driver of any motor vehicle to which this article applies which proposes to allow passengers to disembark in the city shall file an application with the Chief of Police. The completed application shall contain all required information set forth in paragraph (B) and shall be submitted at least five (5) calendar days prior to the date of the proposed disembarking date.**
- B. The Chief of Police shall prepare an application form which shall, at a minimum, require an applicant to provide the following information:**
- 1. 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.**
 - 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 city.**

3. The full name of all persons that are proposed to disembark in the city along with copies of IDs for said person to the extent such IDs exist or are in the possession of the passengers.
 4. The name, address or location in the city where the applicant proposes to allow passengers to disembark.
 5. The date and time at which the applicant's passengers will disembark in the city which shall be from 7:00 a.m. to 4:00 p.m. on a Monday through Friday, excluding any federal, state, or City holidays.
 6. The name and address of all locations from which the passengers are being picked-up for transport to the city.
 7. 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 city.
 8. A detailed plan identifying how the disembarking passengers will be cared for, housed, and fed, upon disembarking in the city. The plan shall be signed by the entity that agrees to be responsible for providing the actions detailed in the plan.
 9. Any additional information the Chief of Police may require provided that such information is related to the purposes of this section.
- C. 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.

9-54-030 Application Review.

- A. 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.
- B. 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 city.
- C. If the Chief of Police denies an application made under this section, he shall reduce his findings to writing and transmit the same to the

applicant within five calendar days. The applicant may submit a new application or appeal the Chief of Police's decision in an administrative hearing before a hearing officer in the manner set forth in Title 2, Chapter 2-30 of this code.

D. Disqualification. The Chief of Police shall not approve an application from any person who:

- 1. has supplied materially false or misleading information in connection with an application made under this article; or**
- 2. has failed to ensure the care, housing, transportation, or feeding of any passengers disembarking in the city or otherwise failed to implement or perform the detailed plan pursuant to the terms of an approved application;**

E. Penalty. Complaints alleging any violation of this chapter for which the city may impose a fine upon the owner, operator or driver of any motor vehicle to which this article applies to shall be brought in the name of the city. Violations of this chapter result in a fine of not less than one thousand dollars (\$1000.00) plus costs per passenger.

Section 3. Sections Amended. Title 9, Section 9-52-010, "Impoundment of Vehicles," of the Harvey Code of Ordinances is hereby amended as follows, (additions in **bold and underline**):

9-52-010 Impoundment of Vehicles.

A. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to Section 9-04-430, 9-04-490, 9-04-500, 9-04-510, 9-04-520, 9-04-530, 9-18-050, 9-44-010, 9-48-020, 9-53-020, **9-54-020, 10-48-060,** 10-88-010, 10-88-060, 10-88-070, 10-88-080, 10-88-090 or 10-88-100 of this code, the police officer shall provide for the towing of the vehicle to a facility authorized by the city or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, of the administrative penalty in the amount of five hundred dollars (\$500.00), **or one thousand dollars (\$1,000) in the case of a commercial motor vehicle,** and towing and storage fees, and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this section.

[...]

M. Where a motor vehicle is used in violation of more than one (1) subsection of this section, nothing in the code shall prohibit the issuance of more than one (1) administrative penalty in the amount of five hundred dollars

(\$500.00), or one thousand dollars (\$1,000) in the case of a commercial motor vehicle, on a single owner of record or vehicle impounded pursuant to this section.

Section 4. Sections Amended. Title 10, "Vehicles and Traffic," of the Harvey Code of Ordinances is hereby amended with the addition of new Section 10-48-065 as follows, (additions in **bold and underline**, ~~deletions in bold and strikethrough~~):

10-48-065 Unlawful Operation of Buses.

A. As used in this section, the following terms are defined as follows:

"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 city 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 subject to the requirements of Title 9, Chapter 9-54 of this code that is not operating pursuant to and in accordance with an application approved in accordance with that chapter.

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 city. This does not apply to motor vehicles which are not subject to Title 9, Chapter 9-54 of this code.

2. Operation of a bus without a city franchise. 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 city without first having obtained a specific grant of authority to do so from city council 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 the bus as is within the scope of powers granted to the city.

3. Exemption. Nothing in this article will apply to any transportation for hire service which

a. is operated by the Federal government or any department or agency thereof;

b. is for the transportation of students for school purposes;

- c. is operated primarily on an on-demand, door-to-door basis for the use of disabled passengers, or
d. under the Constitutions of the United States or State of Illinois, may not be made the subject of this regulation by the City.
- 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 seven-hundred fifty dollars (\$750.00) for each offense. The operation of each bus contrary to the provisions of this section shall be considered a separate and distinct offense for each day that the same is so operated.
- D. Impoundment. Whenever a police officer has probable cause to believe that any bus is being used in the commission or furtherance of a violation of this section, the police officer shall provide for the seizure and impoundment of such bus in the manner set forth in Title 9, Chapter 9-52 of this code.

Section 5. Severability. This ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 6. Repealer. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

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PASSED by the Mayor and City Council of the City of Harvey, Cook County, Illinois on the 3rd day of January, 2023 by the following roll call vote:

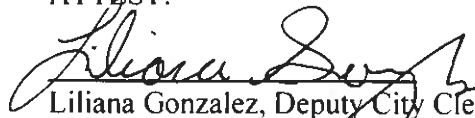
	YES	NO	ABSENT	PRESENT
Drewenski	X			
Chapman	X			
Smith	X			
Key	X			
Randle El			X	
Rogers	X			
Mayor Clark				

Approved by the Mayor on this 3rd day of January, 2023.



Christopher J. Clark, Mayor

ATTEST:



Liliana Gonzalez, Deputy City Clerk