

CITY OF FAIRBURY

ORDINANCE NO. 2024-1

**AN ORDINANCE RELATING TO RULES AND REGULATIONS FOR STOPPING,  
STANDING, PARKING AND DISCHARGING PASSENGERS OF UNSCHEDULED  
INTERCITY BUSES WITHIN THE CITY OF FAIRBURY**

ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF FAIRBURY

THIS 7 DAY OF February, 2024

Published in pamphlet form by authority of the  
City Council of the City of Fairbury, Livingston County, Illinois  
this 8 day of February, 2024

ORDINANCE NO. 2024-1

**AN ORDINANCE RELATING TO RULES AND REGULATIONS FOR STOPPING, STANDING, PARKING AND DISCHARGING PASSENGERS OF UNSCHEDULED INTERCITY BUSES WITHIN THE CITY OF FAIRBURY**

WHEREAS, the City of Fairbury (the "City"), is committed to protecting the health, safety, and welfare of individuals residing in and visiting the City; and

WHEREAS, it is in the best interest of both the City, its employees, and residents to establish a policy for the stopping, standing, and parking of unscheduled intercity buses and the discharge of passengers; and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passenger; and

WHEREAS, time is of the essence due to incoming inclement weather within the Chicagoland area and the immediate increase in demands on resources; and

WHEREAS, the City finds that it is in the best interest of its employees, residents, and visitors that the City implement additional rules and regulations (the "Rules and Regulations") regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the safety and welfare of their passengers; and

NOW, THEREFORE BE IT ORDAINED, by the City of Fairbury, Illinois, hereby authorize its Police authorities, and employees to implement the Rules and Regulations as set forth in **Exhibit A**, attached hereto and incorporated herein.

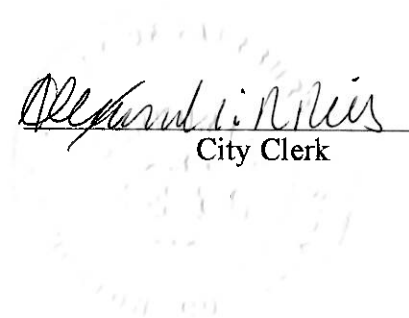

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect immediately upon its adoption.

BE IT FURTHER ORDAINED that the City is hereby directed to prepare and deliver a certified copy of this Ordinance upon its adoption in accordance with applicable law.

Dated this 7 day of February, 2024

By: 

\_\_\_\_\_  
Mayor

  
  
\_\_\_\_\_  
City Clerk

## **EXHIBIT A**

### **RULES AND REGULATIONS REGARDING UNSCHEDULED INTERCITY BUSES**

#### **I. Definition**

For the purposes of these Rules and Regulations these definitions shall apply.

- a. "Application" means a form that the Police Authority makes available for receiving and reviewing proposed intercity bus operations, depending on if in City of Fairbury.
- b. "Approval" means written notice that the Police Authority has received, reviewed, and determined that an application satisfies the requirements of the Corporate Authority and the Policy as outlined pursuant to City regulation and Ordinance.
- c. "Police Authority" means the Chief of Police for the City of Fairbury.
- d. "Regularly scheduled service" means intercity bus service that operates trips 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.
- e. "Unscheduled intercity bus" means any bus used for the transportation of persons between the City of Fairbury and locations outside of the City of Fairbury that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of the Policy.
- f. "Corporate Authority" shall mean the City of Fairbury, respectively.

#### **II. Applicability**

The Police Authority's preexisting application, review, and approval process for intercity buses, as may be amended from time to time shall apply to: (i) applicants for regularly scheduled service and (ii) operators with an approved letter of permission schedule and/or approved pick-up/drop-off zone as of the effective date of this Policy.

#### **III. Notice and Application Required**

The operator of any unscheduled intercity bus must make an application for approval to arrive

and load/unload passengers in the Corporate Authority on the appropriate form made available by the Police Authority. All applications for unscheduled intercity bus service must be received by the Police Authority a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the 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 Authority as part of the application.

Each application for an unscheduled intercity bus drop-off must include an order authorizing the drop-off executed by the head of the public body originating the transfer of such passengers.

#### **IV. Processing and Approval of Applications**

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 Authority for a given date, time, and location.

#### **V. Days and Hours of Operation**

Unscheduled intercity buses shall load/unload passengers within the Corporate Authority only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated Corporate Authority Holidays.

#### **VI. Passenger Pick-Up/Drop-Off Locations**

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Police Authority which shall be listed on the approved application.

#### **VII. Punctuality**

For any given approval, unscheduled intercity buses must arrive no sooner than and no later than 30 minutes after the approved arrival time otherwise the application shall be considered invalidated. Any loading/unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

#### **VIII. Proof of Application and Approval**

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the Corporate Authority.

## **IX. Penalty**

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

## **X. Towing and Impounding**

In addition to any fees or fines set forth in the Rules and Regulations herein, any unscheduled intercity bus used in violation of City Ordinance or Resolution and the Rules and Regulations set forth herein shall be subject to immediate seizure and impoundment. The owner of record of said bus shall be liable for any and all towing, storage and administrative fees associated with the towing and storage of the bus. The owner of record shall also be subject to an administrative penalty of Five Thousand U.S. Dollars (\$5,000.00).

Whenever a police officer with supervisory authority and who is present at the time of an alleged violation of the Rules and Regulations herein has probable cause to believe that an intercity bus is subject to seizure and impoundment pursuant to these Rules and Regulations, the police officer shall provide for the towing of the bus to an authorized towing facility.

Before or at the time the bus is towed, the police officer shall notify any person identifying themselves as the owner of the bus at the time of the alleged violation, or the person who is found to be in control of the bus at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the bus owner's right to request a vehicle impoundment hearing to be conducted pursuant to the City of Fairbury Municipal Code by serving such person with a copy of the citation.

## **XI. Criminal Charges**

The Fairbury Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers, when such individual attempts to or does discharge passengers where such actions endanger the health, safety, or welfare of passengers.

The Fairbury Chief of Police shall consider the following when determining whether to pursue criminal charges:

- (a) The location of the discharge or attempted discharge of passengers;
- (b) Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather which poses a risk to passengers;
- (c) Whether any of the passengers are minors;

(d) The time of day and access to shelter or transportation for passengers; and

(e) Any health concerns or issues related to passengers.

**XII. Civil Remedies**

The Corporate Authorities attorneys are hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to or refuse to comply with these Rules and Regulations. Such civil remedies include, but are not limited to, injunctive relief, declaratory judgements, debt collection actions, and seizure of property.

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF LIVINGSTON    )

**CERTIFICATE**


I, the undersigned, DO HEREBY CERTIFY that I am the duly qualified and acting City Clerk of the City of Fairbury, in the County and State aforesaid, and as such City Clerk I am the keeper of the records and files of the City Council of said City.

I DO HEREBY CERTIFY that the foregoing attached Ordinance is a full, true and correct copy of AN ORDINANCE RELATING TO RULES AND REGULATIONS FOR STOPPING, STANDING, PARKING AND DISCHARGING PASSENGERS OF UNSCHEDULED INTERCITY BUSES WITHIN THE CITY OF FAIRBURY duly adopted and passed by the City Council of said City at its regularly convened meeting held on the 7 day of February, 2024, and that the Ordinance as passed was signed by the Mayor of said City on said day, all as the same appears in the official records of the City Council of said City in my care and custody.

I DO FURTHER CERTIFY that a copy of the proposed Ordinance was on file and available for public inspection 48 hours before the passage of said Ordinance, and that notice of the subject matter of said Ordinance was placed on the agenda for the above City Council meeting, which was posted and available for public inspection at least 48 hours prior to said meeting.

The pamphlet form of Ordinance No. 2024-1, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the City Hall, commencing on February 8, 2024, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 8 day of February, 2024.

  
\_\_\_\_\_  
City Clerk

