

Village of Deer Park

Special Board of Trustees Meeting Agenda

January 10, 2024 – 7:00 p.m.

Deer Park Vehe Barn, 23570 W. Cuba Road, Deer Park, Illinois 60010

Pledge of Allegiance

Roll Call and Determination of a Quorum

Approval of Agenda

Public Comments – *Public Comments are limited to 5-minute time limit per person – Please Sign-in prior to meeting at podium.*

Consideration for Motion and Approval

- a. Approval of Ordinance 2024-01 An Ordinance Amending the Village’s Code to Create a New Chapter 118 Regulating Omnibus Drivers and all Others Pursuing Like Occupations to Require Coordination with the Village to Manage the Unscheduled Drop-Off of Large Groups in the Village **Pages 3-6**

Consideration of Motion to adjourn to Executive Session – if needed

Adjourn

ORDINANCE NO. 2024-01

An Ordinance Amending the Village’s Code to Create a New Chapter 118 Regulating Omnibus Drivers and all Others Pursuing Like Occupations to Require Coordination with the Village to Manage the Unscheduled Drop-Off of Large Groups in the Village

WHEREAS, the immigration crisis in the United States involving a large influx of refugees and immigrants without family, jobs, housing or other resources has placed a significant demand on the resources needed to support these individuals in the communities in which they have arrived; and

WHEREAS, some bus services have been retained to drop off large numbers of these individuals – including children – without warning at unpredictable hours and in all weather conditions in a manner that leaves the individuals exposed to great risks, and the communities in which they arrive unprepared to assist them adequately; and

WHEREAS, the Village of Deer Park is not in a position to care for a large influx of individuals who do not have the resources to provide housing and other basic necessities for themselves; and

WHEREAS, the Village of Deer Park needs time to verify an applicant’s ability to care for these individuals in a safe and adequate manner; and

WHEREAS, 65 ILCS 5/11-42-6 gives the corporate authorities of non-home rule municipalities the ability to license, tax and regulate, and through such regulation, individuals and companies and corporations which employ such individuals whose actions without adequate notice to the municipality, will cause substantial cost, harm and damage; and

WHEREAS, the Village Board has confirmed that it is in the best interests of the health, safety and welfare of the Village and its residents to coordinate the arrival of any large influx of individuals who cannot care for themselves and to ensure that proper care for these individuals is available rather than responding on an emergency basis to unexpected drop-offs at all hours of the day or night and in all weather conditions.

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

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: That the Deer Park Municipal Code shall be amended to add the following new Chapter 118, Coordination of Chartered Transportation Drop-Offs, under Business Regulations:

CHAPTER 118
COORDINATION OF CHARTERED TRANSPORTATION DROP-OFFS

Section

- §118.01 Definitions
- §118.02 Notification of Deer Park Destination
- §118.03 Contents of Notice
- §118.04 Exemptions
- §118.05 Penalties

§118.01 DEFINITIONS

The following words as used in this Ordinance shall be defined as follows:

OMNIBUS DRIVER: Omnibus driver means any person employed to drive a passenger carrying vehicle other than a taxi car and all others pursuing like occupations who drive, rent or own vehicles with a lawful capacity of greater than 10 passengers.

PASSENGER: Any person receiving the services of transportation for hire.

DEER PARK DESTINATION: Any Omnibus Driver which, for any reason other than a bona fide vehicular emergency stops within the Village of Deer Park to discharge 10 or more passengers, the majority of whom are not permanent residents within the Village of Deer Park or within ten miles of the boundaries of the Village of Deer Park.

LICENSE FEE: Any Omnibus Driver which intends to make a Deer Park Destination must previously have applied for and received a license to do so from the Village of Deer Park. The license fee shall be One Hundred Dollars (\$100.00) per calendar year.

§118.02 NOTIFICATION OF DEER PARK DESTINATION

Any Omnibus Driver which intends to make a Deer Park Destination must for the reasons specified within the preamble to this Ordinance, which is made a part of the Ordinance herein, must provide at least 48 hours' prior written notice of the intention for the Deer Park Destination to the Deer Park Village Administrator. The Notification shall be in writing and shall be sent by certified mail to the Deer Park Village Clerk at the Village Hall, 23680 W. Cuba Road, Deer Park, Illinois 60010. Because of the important need for the Village to be aware of such a Deer Park Destination and because of the current slowness of regular mail and the uncertainty of email transmission, certified mail or personal written notice delivered in person to the Office of the Village Clerk, shall be the only lawful notices allowed to avoid a violation of the notice provision of this Ordinance.

§118.03 CONTENTS OF NOTICE

The Notice required to be provided in Section 118.02 of this Ordinance shall include the name of the Omnibus Driver, the day and time, within a two hour window when the Deer Park Destination is planned. Deer Park Destinations shall only be allowed on non-national or State holidays and from Monday through Friday between the hours of 10:00 a.m. and 1:00 p.m. These hours have been chosen to allow the Village of Deer Park to take certain steps relating to the actions the Village would view appropriate in relationship to the delivery of the Passengers who, the Village believes would most likely be non-United States citizens with no lawful process relating to their specific entry into the United States. The Notice shall also describe the number of Passengers likely

to be exiting in Deer Park and based upon any prior or current facts known to the Omnibus Driver, whether such passengers are indeed likely to be a majority of non-United States citizens who entered or remain in the United States with no lawful process relating to their specific entry into the United States. The Notice shall also provide that the Omnibus Driver is aware that the location for Deer Park Destination shall be the Deer Park Village Hall, which is located at 23680 W. Cuba Road, Deer Park, Illinois 60010.

§118.04 EXEMPTIONS

Nothing in this Ordinance shall apply to any transportation for hire services 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 Constitution of the United States or State of Illinois may not be made the subject of this regulation by the Village.

§118.05 PENALTIES

Any Omnibus Driver found to have violated any provision of this Ordinance shall be liable for a fine of not less than Seven Hundred Fifty Dollars (\$750.00) for each Passenger dropped off in the Village of Deer Park. In addition, any person or entity found to be in violation shall be responsible for the Village’s cost of prosecution, including reasonable attorney’s fees. The Village may also seek to enforce this Ordinance through an application in Circuit Court for an injunction or other relief. If this Ordinance could be administered through Administrative Adjudication or through a filing in the Circuit Court, the Village shall determine which method it shall utilize.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby amended to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:
Voting Nay:
Absent:
Abstain:

APPROVED:

Village President Greg Rusteberg

(SEAL)
ATTEST: _____
Village Clerk Kimberly Kelly

Passed: _____
Approved: _____
Published: _____

CERTIFICATION

I, KIMBERLY KELLY, do hereby certify that I am the duly appointed Clerk of the Village of Deer Park, Lake and Cook counties, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Deer Park.

I do hereby further certify that at a special meeting of the President and Board of Trustees of the Village of Deer Park, held on the 10th day of January, 2024, the foregoing Ordinance entitled *An Ordinance Amending the Village's Code to Create a New Chapter 118 Regulating Omnibus Drivers and all Others Pursuing Like Occupations to Require Coordination with the Village to Manage the Unscheduled Drop-Off of Large Groups in the Village*, was duly passed by the President and Board of Trustees of the Village of Deer Park.

The pamphlet form of Ordinance No. 2024-01, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 10th day of January, 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 10th day of January, 2024.

Kimberly Kelly, Village Clerk
Village of Deer Park,
Lake and Cook Counties, Illinois

(SEAL)