

VILLAGE OF ISLAND LAKE

ORDINANCE NO. 1677-24

An Ordinance Amending Title 3, Business Regulations, of the Village of Island Lake Code, Creating Chapter 15, 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

ADOPTED BY THE
MAYOR AND BOARD OF TRUSTEES
OF THE
VILLAGE OF ISLAND LAKE
THIS 11th DAY OF JANUARY, 2024.

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF ISLAND LAKE ILLINOIS,
THIS 12th DAY OF JANUARY, 2024.

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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;

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;

WHEREAS, the Village of Island Lake 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;

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

WHEREAS, it is the intent of this Ordinance to protect the health, safety, and welfare of the Village and its residents, by ensuring that when large number of individuals are dropped off in the Village without housing or other resources, that the resources necessary to address such populations are in place and that the Village is prepared to respond to an influx of a population in need of such resources.

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 Island Lake, Lake and McHenry 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 Island Lake Municipal Code shall be amended to add the following new Chapter 15, Coordination of Chartered Transportation Drop-Offs, under Business Regulations:

CHAPTER 15

COORDINATION OF CHARTERED TRANSPORTATION DROP-OFFS

3-15-1 DEFINITIONS

The following terms 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 by an Omnibus Driver.

ISLAND LAKE DESTINATION: Any Omnibus Driver who, for any reason other than a bona fide vehicular emergency, stops within the Village of Island Lake to discharge 6 or more passengers, the majority of whom are not permanent residents within the Village of Island Lake or within ten miles of the boundaries of the Village of Island Lake.

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

3-15-2 NOTIFICATION OF ISLAND LAKE DESTINATION

Any Omnibus Driver who intends to make an Island Lake Destination 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 Island Lake Destination to the Island Lake Village Clerk. The Notification shall be in writing and shall be sent by certified mail or personally delivered to the Island Lake Village Clerk at the Village Hall, 3720 Greenleaf Avenue, Island Lake, IL 60042. Because of the important need for the Village to be aware of such an Island Lake 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.

3-15-3 CONTENTS OF NOTICE

The Notice required to be provided in Section 3-15-2 of this Ordinance shall include the name of the Omnibus Driver, the day and time, within a two hour window when the Island Lake Destination is planned. Island Lake Destinations shall only be allowed business days from Monday through Friday between the hours of 10:00 a.m. and 1:00 p.m. The Notice shall also describe the number of Passengers likely to be exiting in Island Lake and based upon any prior or current facts known to the Omnibus Driver, The Notice shall also provide that the Omnibus Driver is aware that the location for Island Lake Destination shall be the Island Lake Police Department, which is located at 3720 Greenleaf Avenue, Island Lake, IL 60042.

3-15-4 APPLICABILITY AND EXEMPTIONS

This Chapter applies to all Omnibus Drivers disembarking passengers within the Village other than on a predictable and recurring basis, that do not follow a schedule that is published in advance and available to the public, or do not provide service open to the public in exchange for paying a fare. 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.

3-15-5 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 Island Lake. 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: Title 1, Chapter 16, Section 1-16-3, Schedule of Fees, Fines and Penalties, Title 3 shall be amended as follows:

1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 3

Code Reference	Description	Amount
Title 3, Business Regulations		
3-13-9	Massage Establishment License Fee	Annually: \$200.00, May – April
13-14-3	Food Truck Permit	Ice Cream Truck \$50 annually Food Truck \$50 per special event
<u>13-15-5</u>	<u>Chartered Transportation Drop-offs Penalty</u>	<u>Per Passenger \$750</u>

SECTION 4: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

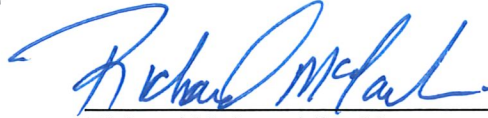
SECTION 5: Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6: Effective Date. This Ordinance shall take effect immediately upon its passage and publication in pamphlet format, which is hereby authorized, due to the urgency of implementing an immediate regulation of unscheduled chartered transportation and drop-off of passengers in the Village.

PASSED on the 11th day of January, 2024.

	AYES	NAYS	ABSTAIN	ABSENT
Brittany Alers	x			
Charles Cermak	x			
Thadd Lewis	x			
Stacey Pyne				x
Will Ziegler	x			
Vacant				

APPROVED on the 12th day of January, 2024



Richard McLaughlin, Mayor

ATTEST:



Village Clerk Georgine Cooper

CERTIFICATION

I, Georgine Cooper, do hereby certify that I am the duly qualified Clerk of the Village of Island Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and Board of Trustees of said Village of Island Lake.

I do hereby further certify that at a meeting of the Mayor and Board of Trustees of the Village of Island Lake, held on the 11th day of January, 2024, the foregoing Ordinance entitled *An Ordinance Amending the Village's Code to Create a New Chapter 15 under Title 3, Business Regulations, 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 and approved by the Mayor and Board of Trustees of the Village of Island Lake.

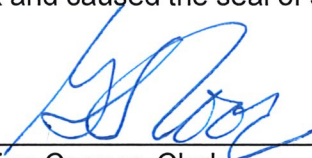
The pamphlet form of Ordinance No. 1677-24, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available from the Village Clerk commencing on the 12th day of January 2024, and continuing for at least 10 days thereafter.

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 12th day of January, 2024.

SEAL





Georgine Cooper, Clerk,
Village of Island Lake
Lake and McHenry Counties, Illinois