

**INTERGOVERNMENTAL AGREEMENT ESTABLISHING AN  
ORDINANCE TO IMPLEMENT RULES AND REGULATIONS  
FOR STOPPING, STANDING, PARKING AND THE  
DISCHARGE OF PASSENGERS OF UNSCHEDULED  
INTERCITY BUSES WITHIN THE COUNTY OF GRUNDY  
AND VILLAGE OF DWIGHT**

**ORDINANCE OF THE  
GRUNDY COUNTY BOARD, AND THE VILLAGE OF  
DWIGHT, GRUNDY COUNTY, ILLINOIS**

WHEREAS, the County of Grundy, Illinois (hereinafter referred to as the “COUNTY”), a unit of local Government, and the Village of Dwight, Grundy County, Illinois (hereinafter referred to as the “VILLAGE”), an Illinois Municipal Corporation, in the spirit of intergovernmental cooperation pursuant to Article VII, Section 10, of the 1970 Constitution of the State of Illinois, and the Illinois Intergovernmental Cooperation act, 5 ILCS 220/1 et seq, enter into this agreement; and

WHEREAS, the County and the Village (the “Corporate Authorities”), are committed to protecting the health, safety, and welfare of individuals residing in and visiting the County and the Village; and

WHEREAS, it is in the best interest of both the County and the Village, their 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 Corporate Authorities declare that a crisis exists within their borders as it relates to the unloading of passengers from unscheduled intercity buses, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

WHEREAS, the Corporate Authorities find that it is in the best interest of its employees, residents, and visitors that the County and the Village 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 Village of Dwight, Illinois, that these Corporate Authorities by the powers vested within, hereby authorize the County, the Village, and their 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 Clerk of the County Board and the Dwight Village Clerk are hereby directed to prepare and deliver a certified copy of this Ordinance upon its adoption in accordance with applicable law.

PASSED and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
County Board Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

DATE: \_\_\_\_\_

\_\_\_\_\_  
Mayor of the Village of Dwight

ATTEST:

## **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 Village of Dwight or Grundy County.
- 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 Village regulation and Ordinance.
- c. “Police Authority” means the Chief of Police of Dwight or Grundy County Sheriff, respectively.
- 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 Corporate Authority and locations outside of the Chicago-Naperville-Joliet area 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 Village of Dwight or Grundy County, 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 Village 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 Village of Dwight Municipal Code by serving such person with a copy of the citation.

**XI. Criminal Charges**

The Dwight Chief of Police or Grundy County Sheriff 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 Dwight Chief of Police or Grundy County Sheriff 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.