
ORDINANCE NO. 23-24-30

*An Ordinance Amending Chapter 7, Licenses and Permits to create a New Subsection 7.13
Entitled Chartered Transportation Drop-Off License for the Johnsburg Municipal Code*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A SPECIAL MEETING ON DECEMBER 29, 2023
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Beth Foreman
Mike Fouke
Josh Hagen
Greg Klemstein
Jamie Morris
Scott Letzter

Village Administrator

Claudett Sofiakis

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BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

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 Johnsburg can not safely and effectively address a sudden and unexpected arrival of large volumes of individuals in need of assistance; and

WHEREAS, the Village of Johnsburg has confirmed that it is in the best interest of the health, safety and welfare of the Village of Johnsburg and its residents to coordinate the arrival of any large influx of refugees or immigrants, 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 Village Board Trustees of the Village of Johnsburg, McHenry County, 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: Chapter 7, *Licenses and Permits*, shall be amended to create a new Section 7.13 entitled, *Chartered Transportation Drop-Off License*, that shall provide as follows:

7.13 CHARTER TRANSPORTATION DROP-OFF LICENSE:

A. Applicability.

This Section 7.13 applies to each person engaged in the operation of a Commercial Motor Vehicle which results in the disembarking of six (6) or more passengers in the Village other than on a predictable and recurring basis, that does not follow a schedule that is published in advance and available to the public, or does not provide service open to the public in exchange for paying a fare (a “Drop Off Commercial Motor Vehicle”).

“Commercial Motor Vehicle” as used in this Section 7.13 means a self-propelled vehicle of any make, model or size, used on public streets, highways and/or property, in interstate and intrastate commerce, to transport six (6) or more passengers. This Section 7.13 does not apply to school bus service or other bus services providing local services to educational institutions, nor shall it apply to the disembarking of passengers arriving in the Village for purposes of participating in a Village sponsored event, a commercial undertaking at a Village business or businesses, or a private event sponsored by an individual or individuals such as a wedding or party for which transportation has been arranged. The intent of this Section 7.13 is to protect the health, safety, and welfare of the Village and its residents by ensuring that when large numbers of individuals are dropped off in the Village without housing or other resources, that the Village is prepared to respond to such influx of a population in need of housing or other services.

B. Requirement to Coordinate Drop-Offs with the Village Administrator.

(1) Application to Coordinate Drop-off Required. The owner, operator, or driver of any Drop Off Commercial Motor Vehicle shall file an application with the Village Administrator. The completed application shall contain all required information set forth in subsection B(2) herein and shall be submitted at least (5) calendar days prior to the date of the proposed disembarking date.

(2) Information Required in Application to Coordinate Drop-Off. The Village Administrator or designee shall prepare an application form which shall, at a minimum, require the following information:

(a) The full name, full address, and land-line and mobile telephone numbers of the owner, operator, and driver of the Drop Off Commercial Motor Vehicle.

(b) 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 Village.

(c) The name, address, or location in the Village in which the applicant proposes to allow passengers to disembark.

(d) The date and time at which the applicant’s passengers will disembark in the Village which shall only be from 7:00 a.m. to 4:00 p.m. on a Monday through Friday, excluding any federal, state, or Village holidays.

(e) The name and address of all locations from which all the passengers are being picked up for transport to the Village.

(f) Applicants are required to provide a detailed plan identifying how the disembarking passengers will be cared for, housed and fed, either temporarily or permanently, upon disembarking in the Village. Such application shall include the full names, full addresses, and landline and mobile telephone numbers of all persons who will be present at the date and time of the disembarking and responsible for the care, housing and feeding of the passengers.

In addition, the application shall be accompanied by a criminal background check for each passenger along with the driver of the Drop Off Commercial Motor Vehicle.

(g) Any additional information the Village Administrator may require, provided that such information is related to the intent of this Section as described herein.

(3) Review of Application to Coordinate Drop-Off.

(a) Subject to the provisions of subsection (3)(b) below, upon receipt of an application pursuant to this Section, the Village Administrator shall verify its truth and authenticity. If the application is not complete, the Village Administrator 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 Village Administrator shall inform the applicant that the application is approved for the stated location, date and time, unless the Village Administrator has received bona fide information that the application contains materially false information or unless the Village Administrator proposes an alternative date, time or location pursuant to subsection (3)(b) below.

(b) The Village Administrator may propose an alternative date and time if the Village Administrator finds that the interests of the health, safety and welfare of the Village may be compromised by the originally proposed location, date and time, provided that such alternative location, date and time shall not be more than 24 hours before or after the proposed date and time. The Village Administrator may also produce as a alternative location for any drop-off, the train station closest to the Village to ensure that any individuals dropped off by the bus have ready access to alternative means of transportation. Any applicant who does not accept a proposed alternative date, time or location may appeal the decision to the Village Board of Trustees.

(c) Upon approval of an application, the Village Administrator shall provide the applicant, or a person designated thereby, with a written one-time permit at no cost and with a telephone number to coordinate the arrival of the motor vehicle in the Village.

(d) If the Village Administrator denies an application made under this Section 7.13, the Village Administrator shall reduce his or her findings to writing and transmit the same to the applicant within five (5) calendar days. The applicant may submit a new application or may appeal the decision to the Village Board of Trustees.

(e) Disqualification. The Village Administrator shall not approve an application from any person who has supplied materially false or misleading information in connection with an application made under this article.

C. Penalty.

Any person, corporation, firm, or partnership found guilty of violating any provision of this Section shall be fined \$750 per individual passenger that disembarks from a Drop Off Commercial Motor Vehicle in violation of this Section and be responsible for the Village's cost of prosecution, including reasonable attorney fees. Each day that a violation continues shall be considered a separate offense.

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 repealed to the extent of such conflict.

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

Voting Aye: Trustees Letzter, Foreman, Klemstein and Hagen

Voting Nay: None

Abstain: None

Absent: Trustees Fouke and Morris

APPROVED:



Village President Edwin P. Hettermann



Village Clerk Claudett E. Sofiakis

Passed: December 29, 2023

Approved: December 29, 2023

Published: December 29, 2023

CERTIFICATION

I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, 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 Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 29th day of December, 2023 the foregoing Ordinance entitled, *An Ordinance Amending Chapter 7, Licenses and Permits to create a New Subsection 7.13 Entitled Chartered Transportation Drop-Off License for the Johnsburg Municipal Code* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 23-24-30, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 29th day of December, 2023, 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.

Given under my hand and seal of the Village of Johnsburg, this 29th day of December, 2023.



Claudett E. Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois