



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-111
DATE OF PASSAGE December 22, 2023

An Ordinance amending the Code of Ordinances to define and prohibit unscheduled bus stops and make other conforming changes.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council finds and determines that dropping off passengers from a bus or other transportation provider within the City without prior provisions being made for the proper housing and care of such individuals is inhumane, creates a dangerous condition for the persons being dropped off, and threatens public safety; and

WHEREAS, the City Council finds and determines that dropping off passengers from a bus or other transportation provider within the City without prior provisions being made for their proper housing and care can have deadly consequences when the weather conditions are adverse; and

WHEREAS, the City Council finds and determines that the health and safety is jeopardized when passengers disembark within the City without prior provisions being made for their proper housing and care; and

WHEREAS, the City Council finds and determines that the health, welfare and safety of the City, its residents, and others coming to the City are jeopardized when passengers disembark within the City without prior provisions being made for their proper housing and care; and

WHEREAS, the City Council finds and determines that the City's best interests and the public health, welfare of the City require that the unscheduled disembarking of passengers within the City from busses or other transportation providers shall be regulated; and

ORDINANCE NO. 023-111
DATE OF PASSAGE December 20, 2023

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 25 and Chapter 29 of the Code of Ordinances shall be and hereby are amended as set forth in Exhibit A; and further

BE IT ORDAINED, that the City Council determines that this Ordinance shall be in full force and effect immediately from and after its passage and approval and shall thereafter be published in pamphlet form

ORDINANCE NO. 023-111

LEGISTAR NO. 23-1047

PASSED AND APPROVED ON December 22, 2023

AYES 9 NAYS 1 NOT VOTING 1 ABSENT 1

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	Present
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	absent
Alderman Laesch, At Large	no
Alderman Woerman, At Large	yes

ATTEST:

Jaime Stallings
City Clerk

[Signature]
Mayor

1 Article I - Amendment to Chapter 25

2 The Code of Ordinances shall be and is hereby amended by creating
3 new Article 25-XIV titled "Chartered Transportation."

4

5 Sec. 25-330. Applicability.

6 This article shall apply to commercial motor vehicles
7 operating as common carriers when:

8 (1) The vehicle is engaged in a privately chartered
9 service;

10 (2) The service includes the disembarkation of ten (10)
11 or more passengers within the city who will not
12 reboard; and

13 (3) The service does not include arrangements for
14 round-trip transportation.

15 As used in this article, "privately chartered service" refers
16 to services wherein a motor vehicle is engaged by a person or
17 entity for specific transportation purposes, not including
18 services that are part of regular, publicly available
19 transportation routes or schedules. "Privately chartered service"
20 does not include courtesy shuttles transporting customers or
21 guests to or from a fixed location as an incidental service
22 provided by a business.

23 Sec. 25-335. Application.

1 (a) The owner, operator, or driver of any motor vehicle to
2 which this article applies which proposes to allow
3 passengers to disembark in the city shall file an
4 application with the chief community services officer.
5 The completed application shall contain all required
6 information set forth in paragraph (b) and shall be
7 submitted at least five (5) calendar days prior to the
8 date of the proposed disembarking date.

9 (b) The chief community services officer shall prepare an
10 application form which shall, at a minimum, require an
11 applicant to provide the following information:

12 (1) The full name, full address, and telephone numbers
13 of the owner, operator, and driver of the motor
14 vehicle. The mobile phone number of the driver of the
15 vehicle shall also be provided.

16 (2) The full name, full address, mobile and land-line
17 telephone numbers of the entity or individuals that
18 have either directed, paid for, or financed the
19 transport of persons who will disembark in the city.

20 (3) The full name of all persons that are proposed to
21 disembark in the city along with copies of IDs for
22 said person to the extent such IDs exist or are in
23 the possession of the passengers.

1 (4) The name, address, or location in the city where
2 the applicant proposes to allow passengers to
3 disembark.

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

8 (6) The name and address of all locations from which
9 the passengers are being picked-up for transport to
10 the city.

11 (7) The full name, full address, mobile and land-line
12 telephone numbers, and electronic mail addresses of
13 all entities or individuals that shall be present to
14 meet and receive the passengers disembarking in the
15 city.

16 (8) A detailed plan identifying how the disembarking
17 passengers will be cared for, housed, and fed, upon
18 disembarking in the city. The plan shall be signed
19 by the entity that agrees to be responsible for
20 providing the actions detailed in the plan.

21 (9) Any additional information the chief community
22 services officer may require provided that such
23 information is related to the purposes of this section.

1 (c) The person submitting an application shall swear or
2 affirm that to the best of their knowledge and belief
3 the information set forth in such application is true
4 and correct, and such oath or affirmation shall be
5 attested to by a person authorized to administer oaths
6 or witness affirmations within the state or territory
7 where the application is sworn to or affirmed.

8 (d) Application Review.

9 (1) Upon receipt of an application pursuant to this
10 section, the chief community services officer shall
11 review same and undertake a review of the information
12 contained in the application to verify its truth and
13 authenticity. If the application is not complete, the
14 chief community services officer shall, in writing,
15 advise the applicant of the additional items needed
16 to complete the application. Within four (4) calendar
17 days after receiving a completed application, the
18 chief community services officer shall inform the
19 applicant that the application is approved for the
20 stated location, unless the chief community services
21 officer has received bona fide information that the
22 application contains materially false information.

23 (2) Upon approval of an application, the chief
24 community services officer shall provide the

1 applicant, or a person designated thereby, with a
2 telephone number to coordinate the arrival of the
3 motor vehicle in the city.

4 (3) If the chief community services officer denies an
5 application made under this section, he shall reduce
6 his findings to writing and transmit the same to the
7 applicant within five (5) calendar days. The applicant
8 may submit a new application or seek relief from the
9 determination by the chief community services officer
10 in the manner set forth in Chapter 3 of this code.

11 (e) Disqualification. The chief community services officer
12 shall not approve an application from any person who:

13 (1) Has supplied materially false or misleading
14 information in connection with an application made
15 under this article.

16 (2) Has failed to ensure the care, housing,
17 transportation, or feeding of any passengers
18 disembarking in the city or otherwise failed to
19 implement or perform the detailed plan pursuant to
20 the terms of an approved application.

21 (f) Penalty. Complaints alleging any violation of this
22 article for which the city may impose a fine upon the
23 owner, operator or driver of any motor vehicle to which
24 this article applies to shall be brought in the name of

1 the city and adjudicated before an administrative
2 hearing officer in the manner set forth in chapter 3 of
3 this code. The administrative hearing officer shall
4 impose a fine of not less than one thousand dollars
5 (\$1000.00) plus costs per passenger.

6 Article II - Amendments to Sec. 29-48

7 The Code of Ordinances shall be and hereby is amended by changing
8 Sec. 29-48, paragraphs (b), (d), and (e) as follows:

9
10 (b) Police officers shall have the right to seize and impound
11 a motor vehicle, operated used or in the physical control of any
12 person with the permission, express or implied, of the owner of
13 record, on any public street within the city ~~City of Aurora~~ that
14 is used in the commission or furtherance of violation of the
15 following offenses, including any subsequent amendments to such
16 provisions:

17 ***

18 (20) The operation of a motor vehicle in used in the
19 commission or furtherance of a violation of any provision of
20 this code when such provision expressly authorizes the
21 seizure, impoundment, or forfeiture of such vehicle pursuant
22 to this section.

23 ***

1 (d) The owner of record of a vehicle that has been seized and
2 impounded pursuant to this section shall be liable to the city for
3 an administrative fee of five hundred dollars (\$500.00) or one
4 thousand dollars (\$1,000) in the case of a commercial motor vehicle,
5 in addition to fees for the towing and storage of the vehicle as
6 charged by the towing company. The administrative fee ~~of five~~
7 ~~hundred dollars (\$500.00)~~ shall be paid to the city~~City of Aurora~~.
8 Towing and/or storage fees shall be collected by and paid to the
9 person, firm, or entity that tows and stores the impounded vehicle.

10 (e) Whenever a police officer has probable cause to believe
11 that a vehicle is subject to seizure and impoundment, pursuant to
12 this section, the police officer shall provide for the towing of
13 the vehicle by a towing company licensed under chapter 46, article
14 I of this code ~~the city's Code of Ordinances~~. When the vehicle is
15 towed, the police officer shall notify, or make a reasonable
16 attempt to notify, the owner of record, lessee, or person
17 identifying himself or herself as the owner of record or lessee of
18 vehicle, or any the person who is found to be in control of the
19 vehicle at the time of the alleged violation, if there is such a
20 person, of the fact of the seizure and of the vehicle owner of
21 record's or lessee's right to request an administrative hearing to
22 be conducted under this section. Said vehicle shall be impounded
23 pending the completion of the hearing provided for in subsection
24 (e) herein, unless the owner of record or lessee of the vehicle

1 posts, with the city, a cash bond in the amount of five hundred
2 dollars (\$500.00), or one thousand dollars (\$1,000) in the case of
3 a commercial motor vehicle, plus fees for the towing and storage
4 of the vehicle.

5

6 Article III - Amendments to Sec. 29-112

7 The Code of Ordinances shall be and hereby is amended by changing
8 Sec. 29-112 as follows:

9

10 Sec. 29-112 Unlawful Operation of Buses ~~Operating Buses without a~~
11 ~~Franchise~~

12 (a) Definitions. As used in this section, the following
13 terms are hereby defined as follows:

14 "Bus" means any type of commercial motor vehicle with a
15 weight of at least 36,000 pounds, that is designed to carry,
16 or is actually carrying, more than ten (10) individuals and
17 operating as a common carrier.

18 "Regularly Scheduled Service" means bus service that
19 operates trips involving passengers disembarking in the city
20 on a predictable and recurring basis, following a schedule
21 that is published in advance and available to the general
22 public, and provides service in exchange for paying a fare.

1 "Unscheduled bus stop" means the unloading or
2 disembarking of passengers from a bus subject to the
3 requirements of Article 25-XIV of this code that is not
4 operating pursuant to and in accordance with an application
5 approved in accordance with that article.

6 (b) Prohibited Conduct

7 (1) Unscheduled bus stops. No person, including, but
8 not limited to, the owner, operator, or driver of any
9 bus shall make an unscheduled bus stop in the city.
10 This section shall not apply to motor vehicles which
11 are not subject to Article 25-XIV of this code.

12 (2) Operation of a bus without a city franchise. Except
13 as otherwise provided by law, it shall be unlawful
14 for any person to operate a bus on any street, place
15 or public highway in the city without first having
16 obtained a specific grant of authority to do so from
17 the city council in the form of an ordinance
18 designating the routes, terms and conditions under
19 which such bus may be operated, and regulating such
20 other matters pertaining to bus as is within the scope
21 of the powers granted to the city.

22 (c) Penalty. Any person found guilty of violating,
23 disobeying, omitting, neglecting, or refusing to comply
24 with, or resisting or opposing the enforcement of, any

1 of the provisions of this section, upon conviction
2 thereof, shall be punishable by a fine of seven-hundred
3 fifty dollars (\$750.00) for each offense. The operation
4 of each bus contrary to the provisions of this section
5 shall be considered a separate and distinct offense for
6 each day that the same is so operated.

7 (d) Impoundment. Police officers shall have the right to
8 seize and impound any bus that used in the commission or
9 furtherance of a violation of this section. Whenever a
10 police officer has probable cause to believe that a bus
11 is subject to seizure and impoundment, such seizure and
12 impoundment shall be in the manner set forth in Sec. 29-
13 48 of this code.

14 ~~(a) Except as otherwise provided by law, it shall be unlawful~~
15 ~~for any person to operate motor buses or motor-driven~~
16 ~~vehicles as common carriers on any street, place or public~~
17 ~~highway in the city without first having obtained a~~
18 ~~specific grant of authority to do so from the council in~~
19 ~~the form of an ordinance designating the routes, terms and~~
20 ~~conditions under which such motor buses or motor-driven~~
21 ~~vehicles may be operated, and regulating such other matters~~
22 ~~pertaining to motor buses and motor-driven vehicles as is~~
23 ~~within the scope of the powers granted to the city.~~

1 ~~(b) The operation of each motor bus or motor-driven vehicle~~
2 ~~contrary to the provisions of this section shall be~~
3 ~~considered as a separate and distinct offense for each day~~
4 ~~that the same is so operated.~~