

EXECUTIVE ORDER NO. 2023-01
Declaring A Policy Regarding Unscheduled Intercity Buses

WHEREAS, the Village of Westchester, Cook County, Illinois (the "*Village*") is committed to protecting the health, safety, and welfare of individuals residing in and visiting the Village; and

WHEREAS, the Village is aware that thousands of asylum seekers have been arriving via chartered bus in various municipalities in state of Illinois who have sought emergency shelter and assistance from the municipalities in which they arrived; and

WHEREAS, the entities sending such charter buses know, or should know, that the passengers on such buses are likely to seek emergency shelter and other immediate services from the municipality upon or soon after arrival in the municipality; and

WHEREAS, the entities sending such charter buses to the municipality often fail to provide sufficient advance notice, or any advance notice, to the municipality of the arrival of such buses and often fail to provide any information about the number, household size, language needs, and other potential needs of the passengers; and

WHEREAS, it is in the best interests of the Village, its employees, and its residents to establish a policy for the stopping, standing, and discharging of charter buses, whose passengers are asylum seekers, within the Village (the "*Policy*"); 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 passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on Village resources resulting from the discharge of said passengers within the Village; and

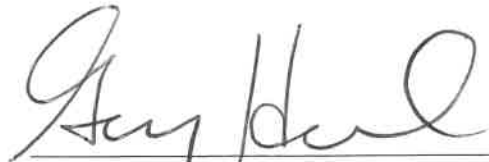
NOW, THEREFORE, by the powers vested in me as the President of the Village, I hereby establish the Policy, as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the President of the Village, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the Village, including, but not limited to, the enforcement of the Policy, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Policy after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

SECTION 3: This Executive Order shall be distributed in accordance with applicable law.

SECTION 4: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited, and kept immediately available, on file for inspection in the Office of the Village Clerk.

A handwritten signature in black ink, appearing to read "Greg Hribal". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Greg Hribal, Village President

EXHIBIT A

POLICY OF THE VILLAGE OF WESTCHESTER REGARDING UNSCHEDULED INTERCITY BUSES

I. Definitions

For the purposes of this Policy, the following definitions shall apply.

a. "Application" means a form that Village of Westchester Chief of Police makes available for receiving and reviewing proposed intercity bus operations.

b. "Approval" means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the Village and this Policy.

c. "Chief of Police" means the Village of Westchester Chief of Police.

d. "Village" means the Village of Westchester, Illinois.

e. "Regularly Scheduled Service" means charter 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.

f. "Unscheduled Intercity Bus" means any charter bus used for the transportation of persons between the Village and locations outside of the Chicago metropolitan area that is not operating pursuant to authorization of the Chief of Police 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 this Policy.

II. Applicability

The Policy shall apply to an operator of an Unscheduled Intercity Bus who knows, or reasonably should know, that such charter bus will be transporting ten or more passengers who are likely to seek emergency shelter and other immediate services in the state of Illinois must comply with the requirements set forth in this section. There shall be a presumption that passengers who have arrived recently in the United States are likely to seek emergency shelter and other immediate services. The determination that an operator knows or reasonably should know that they are providing transportation that makes them subject to this Policy will be based on the totality of the circumstances.

III. Notice and Application Required

The operator of any intercity bus must make application for an approval to arrive and load/unload passengers in the Village on the appropriate form made available by the Chief of Police. All applications for Unscheduled Intercity Bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include: (a) the number of passengers, (b) the names of the passengers, (c) copies of background checks for each passenger over the age of eighteen, (d) the bus driver's name

and (e) a description of the charter bus, including color, license plate number, and any logo or other information printed on the bus exterior that could assist Village employees with identifying the bus.

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 an Unscheduled Intercity Bus will be reviewed on a first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

An Unscheduled Intercity Bus shall load/unload passengers within the Village 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 City Holidays.

VI. Passenger Pick-up/Drop-Off Locations

An Unscheduled Intercity Bus shall only load/unload passengers at locations designated by the Chief of Police which shall be listed on the approved application.

VII. Punctuality

For any given approval, an Unscheduled Intercity Bus 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

An Operator of an Unscheduled Intercity Bus 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 and/or designee of the Village.

IX. Penalties

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.

In addition to any fines set forth in the Policy, any charter bus used in violation of Executive Order 2023-01 and this Policy, 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 charter bus. The owner of record shall also be subject to administrative penalties in accordance with the Village Code.

Whenever a police officer with supervisory authority and who is present at the time of an alleged violation of the Policy set forth in Executive Order 2023-01 has probable cause to believe that a charter bus is subject to seizure and impoundment pursuant to this Policy, the police officer shall provide for the towing of the charter bus to an authorized towing facility.

Before or at the time the charter bus is towed, the police officer shall notify any person identifying themselves as the owner of the charter bus at the time of the alleged violation, or the person who is found to be in control of the charter 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 in accordance with the Westchester Municipal Code by serving such person with a copy of the citation.