

**AN ORDINANCE REGULATING UNSCHEDULED TRANSPORTATION AND DROP OFF OF ABANDONED PEOPLE IN MARSHALL COUNTY**

**WHEREAS**, the immigration and humanitarian crisis in the United States involving an influx of migrants with limited resources has strained the resources of some local communities;

**WHEREAS**, some transportation services have been retained to drop off 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**, Marshall County cannot safely and effectively address a sudden and unexpected arrival of these individuals in need of assistance without careful planning and resources; and it is in the best interest of those abandoned in Marshall County;

**NOW THEREFORE, BE IT ORDAINED** by the COUNTY BOARD of Marshall County, Illinois, as follows:

**SECTION I: General Requirements and Prohibitions**

**1. Applicability**

This ordinance applies to all persons engaged in the operation of motor vehicles, which involve the disembarking of passengers, including the driver, within any area in Marshall County that is outside the corporate limits of any incorporated municipality, 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 ("Drop Off Motor Vehicles").

**2. Definitions**

"Motor vehicle" means a self-propelled vehicle, of any make, model, or size, used on public streets, highways, and property, in interstate and intrastate commerce, to transport passengers, including the driver.

This ordinance does not apply to:

- School buses operating in an official capacity in conjunction with a school district.
- Vehicles transporting agricultural workers for the purpose of working at farms or other agricultural commercial operations within Marshall County.
- Any vehicles transporting individuals for the purpose of participating in or observing a sporting event within Marshall County.
- Transportation arranged by religious organizations for the purpose of moving parishioners and participants in scheduled religious activities.
- Any transportation that has a scheduled departure date for dropped off individuals less than 24 hours after the time of arrival.

## **SECTION II: Licenses**

### **1. Requirement to Coordinate Drop-Offs with the County**

(a) Application to Coordinate Drop-Off Required. The owner, operator, or driver of any Drop Off Motor Vehicle shall file an application with the Sheriff's Office. The completed application shall contain all required information set forth in subsection (b) herein and shall be submitted at least five (5) calendar days prior to the date of the proposed disembarking date.

(b) Information Required in Application to Coordinate Drop-Off. The Marshall County Sheriff or their designee shall prepare an application form which shall, at a minimum, require the following information:

1. The full name, full address, and landline and mobile telephone numbers of the owner, operator, and driver of the Drop Off Motor Vehicle.
2. 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 County.
3. The name, address, or location within any area in Marshall County that is outside the corporate limits of any incorporated municipality at which the applicant proposes to allow passengers to disembark.
4. The date and time at which the applicant's passengers will disembark in the County which shall be from 8:00 a.m. to 5:00 p.m. on a Monday through Friday, excluding any federal, state, or County holidays.
5. The name and address of all locations from which all the passengers are being picked-up for transport to the County.

6. Applicants shall provide a detailed plan identifying how the disembarking passengers will be cared for, housed, and fed, either temporarily or permanently, upon disembarking in the County. Please 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.
7. Any additional information the Sheriff may require, provided that such information is related to the intent of this ordinance.

**(c) Review of Application to Coordinate Drop-Off.**

1. Subject to the provisions of subsection (c)(2), below, upon receipt of an application pursuant to this ordinance, the Sheriff or designee shall verify its truth and authenticity. If the application is not complete, the Sheriff or designee 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 Sheriff or designee shall inform the applicant that the application is approved for the stated location, date and time, unless the Sheriff or designee has received bona fide information that the application contains materially false information or unless the Sheriff or designee proposes an alternative date, time, or location pursuant to subsection (c)(2), below.
2. Sheriff or designee may propose an alternative date and time if they find that the interests of the health, safety, and welfare of the County 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 Sheriff or designee may also propose as an alternative location for any drop-off, the nearest train station or commercial bus station, 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 office of the Marshall County Board Chairman.
3. Upon approval of an application, the Sheriff or designee 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 Drop-Off Motor Vehicle in the County.
4. If the Sheriff or designee denies an application made under this ordinance, they shall reduce their 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 Marshall County Board Chairman who may authorize an application.
5. Disqualification. The Sheriff or designee shall not approve an application from any person who has supplied materially false or misleading information in connection with an application made under this ordinance.

**SECTION III: Enforcement**

**1. Vehicle Impoundment**

Any vehicle found to be in violation of this ordinance shall be immediately towed and impounded. Fees for towing and storage shall be paid to the person, firm, or entity that tows and stores the impounded vehicle. Costs for towing and storage of a motor vehicle shall be those approved by the Sheriff for all tow companies authorized to tow for the Marshall County Sheriff's Office.

**2. Penalties**

Any owner, operator, or driver of any vehicle found to be in violation of this ordinance shall be subject to a fine of \$1,000.00 per passenger. In addition, any person or entity found to be in violation shall be responsible for the County's cost of prosecution, including reasonable attorney's fees. Each day that a violation continues shall be considered a separate offense.

The State's Attorney is authorized to seek recovery of the costs for care of abandoned people, plus court expenses, from the individual or entity that has directed, paid for, or financed the transport of persons who will disembark in the County (identified in II.1.b.2).

**SECTION IV: Emergency Operations**

**1. Care of Abandoned People**

If a Drop-Off Motor Vehicle abandons riders within the boundaries of Marshall County without any expressed intent to make arrangements to deliver them to their final destination Marshall County will attempt to deliver affected individuals to their final destination and provide them interim care.

In order to ensure the proper, humane, and timely care of such individuals the following officials are authorized to spend up to \$10,000 in total per incident without prior authorization from the Marshall County Board:

Sheriff

Director of Emergency Management

Board Chairman

Board Vice-Chairman

The authorized individuals must coordinate amongst themselves in order to ensure that emergency expenditures do not exceed the authorized amount.

A detailed report will be provided to the Marshall County Board at the next board meeting following such an incident detailing all expenses incurred by Marshall County.


If the emergency funds are not sufficient to address the situation, additional funds may be authorized by an emergency meeting of the Marshall County Board.

**SECTION V: Effective Date**

This Ordinance shall take effect immediately upon its passage.

Passed by the County Board this 12<sup>th</sup> day of September 2024.

AYES:	<u>11</u>
NAYS:	<u>1</u>
PRESENT:	<u>12</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>0</u>

  
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CHAIR, MARSHALL COUNTY BOARD

ATTEST:  
  
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COUNTY CLERK & RECORDER