

VILLAGE OF GURNEE

2022 - 65

**AN ORDINANCE AMENDING CHAPTER 22 ARTICLE 6 OF THE GURNEE MUNICIPAL
CODE TO REGULATE AND LICENSE HOTELS**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF GURNEE, ILLINOIS

ON

November 28, 2022

Published in pamphlet form by authority of the Village Board of the
Village of Gurnee, Lake County, Illinois,
This 29th day of November 2022.

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AN ORDINANCE AMENDING CHAPTER 22 ARTICLE 6 OF THE GURNEE MUNICIPAL CODE TO REGULATE AND LICENSE HOTELS

WHEREAS, the Village of Gurnee (hereinafter "Village") is a municipal corporation operating under the laws of the State of Illinois, in Lake County, Illinois; and,

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and,

WHEREAS, the Illinois Municipal Code provides for the regulation and inspection of hotels and similar establishments by municipalities pursuant to 65 ILCS 5/11-20-3; and,

WHEREAS, Chapter 22, Sections 22-300 to 22-308, currently sets forth certain hotel and transient lodging regulations; however, the Village would like to provide additional regulations to promote public safety and require an annual license to operate.

WHEREAS, the Village Board finds it necessary and desirable to repeal the existing regulations and to adopt more comprehensive measures to protect overnight lodging guests and residents of the Village; and,

WHEREAS, the Village Board has determined it is in the best interest of the Village and its residents to amend the Municipal Code of the Village to provide for the regulation and licensing of hotels and similar establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GURNEE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION I: The above recitals are incorporated into this Ordinance and shall have the same force and effect as though fully set forth herein.

SECTION II: That the existing provisions of Chapter 22, Article 6, consisting of Sections 22-300 to 22-308 are hereby deleted, removed and repealed.

SECTION III: That Chapter 22, Article 6 of the Municipal Code is hereby amended and to read in its entirety as follows:

ARTICLE VI. HOTEL LICENSING REGULATIONS

Sec. 22-300 Purpose.

Sec. 22-301 Definitions.

Sec. 22-302 License Requirements and Prohibitions.

Sec. 22-303 Application Procedure.

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Sec. 22-313 Duty of Hotel Authority Personnel.
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Sec. 22-316 Nuisance Hotel Enforcement Procedure.
Sec. 22-317 Penalties and Remedies.
Sec. 22-318 Emergency Closure.
Sec. 22-319 Voluntary Abatement Agreements.
Sec. 22-320 Rules and Regulations.
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Sec. 22-322 Cumulative Remedies.
Sec. 22-323 Records.

Sec. 22-300 Purpose.

The purpose of this Article is to ensure the availability of safe overnight lodging within the Village of Gurnee. Under the authority granted to home rule units of local government and 65 Illinois Compiled Statutes 5/11-30-5, the following regulations and licensing requirements shall be applicable to all hotels and extended stay hotels located within the corporate limits of the Village.

Sec. 22-301 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

Applicant. The natural person submitting a written application on behalf of, and as authorized agent for, the owner of the hotel, for a license pursuant to this Article.

Desk Clerk. Any natural person whose primary duties include the registration of hotel guests, whether over the phone or in person.

Extended Stay Hotel. A hotel unit with accommodations for sleeping along with in-unit kitchen and bathroom facilities. Kitchen facilities shall include but are not limited to: stove, microwave oven, kitchen-type sink, and refrigerator (intended for use by the occupant for storing food and drink).

Guest means any individual, person, or family who occupies or is entitled to occupancy for any guest room, lodging, or accommodations in a hotel for a period of less than thirty (30) days.

Guest Register. The physical compilation of all of the information and documentation that the licensee is required to maintain relative to all guests of a hotel who rent rooms for sleeping accommodations or for nonsleeping accommodations.

Hearing Officer is the Village's Administrative Adjudication Officer appointed by Village Ordinance.

Hotel means any building or buildings, structure, or place which provides lodging for transient guests for monetary consideration and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service. The term includes inns, motels, extended stay hotel and resorts.

Hotel Authority Personnel means any individual person, employee, manager, contractor, person-in-charge or other agent for any firm, partnership, corporation or other legal entity having the legal, actual, or constructive authority from or for Licensee to direct, regulate, restrain, counteract or govern conduct that is regulated under this Article and occurs within a hotel or on hotel premises.

License means a license issued by the Village of Gurnee for the operation of a hotel.

Licensee means the holder of a valid license for the operation of a hotel.

Licensing Administrator is the Village Administrator or designee.

Manager. The natural person who has the principal obligation for the daily management of the hotel operations.

Nuisance Hotels. Any hotel or extended stay hotel for which either:

- (1) there has been a judgment or finding of liability by a court or hearing officer that three (3) or more Nuisance Incident Violations have occurred on hotel or extended stay hotel premises within any 180-day period and an order to declare a Nuisance Hotel under this Article has been entered; or
- (2) there has been a judgment or finding of liability by a court or hearing officer that five (5) or more Nuisance Incident Violations have occurred on hotel or extended stay hotel premises within any one (1) year period and an order to declare a Nuisance Hotel under this Article has been entered.

Nuisance Incident Violation. Any violation of the sections of this Article, including Section 22-313.

Nuisance Incident. Except as provided in Section 22-314 of this Article, any of the following events or actions:

- a. Aggravated assault, as defined in 720 ILCS 5/12-2;
- b. Aggravated Battery, as defined in 720 ILCS 5/12-3.05;
- c. Battery, as defined in 720 ILCS 5/12-3;
- d. Reckless discharge of a firearm, as defined in 720 ILCS 5/24-1.2 and 1.5;
- e. Armed violence, as defined in 720 ILCS 5/33A-2;
- f. Possession of explosives or incendiary devices, as defined in 720 ILCS 5/20-2 et seq.;
- g. Homicide, as defined in 720 ILCS 5/9-1;
- h. Criminal street gang recruitment, as defined in 720 ILCS 5/12-6.4;
- i. Criminal sexual abuse, as defined in 720 ILCS 5/11-1.50;
- j. Unlawful hotel rental, which allowed consumption by underage person(s), as defined in 735 ILCS 5/6-16.
- k. Unlawful participation in street gang related activity, as defined in 720 ILCS 5/25-5;
- l. Unlawful use of weapons, as defined in 720 ILCS 5/24-1 et seq.;
- m. Mob action, as defined in 720 ILCS 5/25-1;
- n. Gambling, as defined in 720 ILCS 5/28-1;
- o. Possession, manufacture, or delivery of controlled substances, as defined in 720 ILCS 570/401 et seq.;
- p. Public indecency, as defined in 720 ILCS 5/11-30;
- q. Sexual abuse or a related offense, as defined in 720 ILCS 5/12-15 et seq.;
- r. Prostitution, as defined in 720 ILCS 5/11-14 et seq.;
- s. Street gang related or gang related activity, as defined in 740 ILCS 147/10 et seq.; and;

- t. Any activity that constitutes a felony or a Class A misdemeanor pursuant to any applicable local, state, or federal law.
- u. Hotel Safety Violation, any violation of Section 22-310 through 22-313 of this Article.

Occupancy means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

Operator. The owner, manager or other natural person principally in charge of a licensed hotel business under this Article.

Owner. The proprietor if a sole proprietorship, all partners (general and limited) if a partnership, all members if a limited liability company, or all officers, directors and persons holding ten percent (10%) or more of outstanding shares if a corporation, of the hotel business.

Patrons. Any persons who are allowed on the premises of a licensed hotel under this Article, whether they are registrants, guests of registrants, or other persons.

Person means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

Records mean the name and home address of each guest or person renting or occupying a room, including adults and minors, kept electronically or in a book/register inscribed with ink or indelible pencil.

Registrant. A natural person under whose name a room is registered whether for sleeping accommodations or for nonsleeping accommodations.

Room, Rooms, or Lodging Unit means any living quarters, sleeping, or housekeeping accommodations for a person or persons.

Rent or Rental means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

Village Enforcement Personnel means any law enforcement officer, or the Community Development Director of the Village, or his/her designee.

Visitor means a person, who is not a guest, who is on the premises of a hotel or extended stay hotel at the invitation of a guest, but without the express permission of the Licensee.

Sec. 22-302 License Requirements and Prohibitions.

(a) Hotel License required.

- (1) No person shall own or operate any hotel business located within the village unless there is a current valid license for that hotel business.
- (2) A license may be issued only for one hotel business located at a fixed and certain place and any areas contiguous thereto. Any person who desires to operate more than one hotel business must have a separate license for each location.
- (3) The hotel license, once issued, must be posted at or near the principal public entrance to the business, or at the registration desk, in such location that it will be conspicuous to patrons who enter the premises or register at the registration desk.
- (4) Every license issued pursuant to this Article shall terminate on the December 31st following its issuance, unless suspended, revoked or voluntarily terminated sooner, and must be renewed before operation is allowed in the following year.
- (5) If the licensee is not a resident of Lake County at the time of the filing of the application, the licensee shall designate a resident agent living in Lake County who shall be authorized to receive notices and service of process under the terms of this Article.

Sec. 22-303 Application Procedure.

- (a) An application for a License shall be submitted and signed by an individual authorized by the person or entity making application for the License. It is the responsibility of each applicant or Licensee to be informed regarding all laws applicable to the operation of a hotel, including those laws affecting the issuance of said License. No applicant and/or Licensee may rely on the issuance of a License as a determination by the Village that the Licensee has complied with all applicable laws to operating a hotel.
- (b) All applications shall be submitted on a form supplied by the Licensing Administrator.
- (c) An Applicant or Licensee shall inform the Licensing Administrator in writing of any change in the information submitted on an application for License within (30) business days of a change.

Sec. 22-304 License Application.

(a) Application Information: Application for a license, whether original or renewal, must be made to the Licensing Administrator or designee. The application must be submitted during regular working hours. Application forms shall be supplied by the village. The applicant shall be required to give the following information on the application form:

- (1) The names (including any and all aliases), street addresses (and mailing addresses if different) and driver's license numbers of the applicant, and any and all operators and managers;
- (2) The name(s), any and all assumed names and street address (and mailing address if different) of the owner;
- (3) Any and all names under which the hotel business is to be operated and a general description of the services to be provided;
- (4) The main telephone number of the hotel business;
- (5) The name, telephone number and address of the person to contact in an emergency. The name of at least one alternate person in the event the primary contact person is not available, and any other emergency information that the village requires of hotel business owners generally;
- (6) The address, permanent tax index number(s) and legal description of the parcel of land on which the hotel business is located;
- (7) The date on which the owner acquired the hotel business for which the license is sought, and the date on which the hotel business began or is to begin operations at the location for which the license is sought;
- (8) Whether the owner previously operated a hotel in this or any other county, city or state under a hotel business license or similar business license, whether the owner has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the owner operated that was subject to the suspension or revocation; and,
- (9) The name and address of a designated resident agent in Lake County, Illinois, if required.

(b) Application Documentation: The application shall be accompanied by the following documentation and fee:

- (1) Payment in full of the hotel license fee in the amount as set forth in subsection 32-32 of this code;

- (2) A certified copy of the assumed name certificate if the hotel business is to be operated under any assumed name(s);
 - (3) If the owner of the hotel business is a corporation, a copy of the articles of incorporation together with all amendments thereto;
 - (4) If the owner of the hotel business is a limited partnership, a copy of the certificate of limited partnership, together with all amendments thereto;
 - (5) If the owner of the hotel business is a limited liability company, a copy of the organizational documents, together with all amendments thereto;
 - (6) A diagram of the hotel business premises, including a depiction of the layout of the hotel's rooms/common areas, with the various rooms/common areas being identified as to their respective uses, including areas for patrons other than for sleeping accommodations, or administrative use areas and clearly depicting every room number;
 - (7) A floor plan or master list of the sleeping accommodations in the hotel, referenced by room number;
 - (8) The documentation required in subsections 2 through 7 of this section shall not be required for a renewal application if the applicant states that the documents previously furnished with the original application or previous renewals thereof remain current and correct;
- (c) Sworn Statement: The application shall contain a statement under oath that:
- (1) The applicant has personal knowledge of the information contained in the application, and the information contained therein is true and correct;
 - (2) The applicant has read the provisions of this Article and agrees on behalf of the owner, to abide by the provisions of this Article.

Sec. 22-305 Number of Licenses and Non-transferability.

- (a) There shall be 12 Hotel Licenses that may be issued and outstanding at any one time within the Village.
- (b) Licenses are nontransferable.

Sec. 22-306 Denial or Non-Renewal of License.

- (a) If the Licensing Administrator denies the issuance or renewal of the License, the Licensing Administrator shall notify the applicant in writing by regular mail postage prepaid on the address shown in the application. The notice shall

include the grounds for denial. Notice is deemed to have been properly given upon mailing.

- (b) An applicant has the right to appeal the Licensing Administrator's denial of an application to the Hearing Officer appointed by the Village. Such an appeal shall be initiated by filling a written request with the Licensing Administrator within twenty (20) days of the date of denial of the issuance of a License.
- (c) The applicant's failure to timely appeal the decision of the Licensing Administrator is a waiver of the applicant's right to contest the denial of the issuance of the License.
- (d) The appeal, including any right to further appeals, shall be conducted and controlled by the provisions of State Law.

Sec. 22-307 Issuance of Hotel License.

Upon the receipt of a completed application for a License as required by this Article, the Licensing Administrator shall sign and issue a License upon the payment in full of all fees as required under Section 32-32 within thirty (30) days, which period may be extended by the Licensing Administrator for good cause unless substantial evidence demonstrated that one or more of the following bases for denial exists:

- (a) A License is not available pursuant to Section 22-305 of this Article.
- (b) The information presented in the application is incomplete, inaccurate or false;
- (c) The Applicant has failed to collect, remit, report or pay any Hotel or Motel Occupancy Tax imposed, which is owed to the Village, under Article VI, Chapter 74 of the Gurnee Municipal Code.
- (d) The applicant seeks authorization for a License at a location where this Article prohibits the issuance of License;
- (e) The applicant seeks a License for a location that is not appropriately zoned for the use;
- (f) The applicant seeks authorization for a License and the applicant's current License is suspended or revoked;
- (g) The applicant is not qualified to hold the requested License under the provisions of this Article;
- (h) The applicant and or commercial location is not in compliance with all Village, state or federal laws; and,
- (i) The applicant is indebted to, or obligated in any manner to the Village for other unpaid taxes, liens or other monies.

Sec. 22-308 License Term, Fee and Expiration.

- (a) Original Applicants granted a license after October 31st of a given year may secure a license until the end of the regular license term for one-half of the license fee attributable to the license classification for which the applicant applied.
- (b) No Rebate of the required License Fee shall be made to any applicant for license required under this Article.
- (c) The licenses provided in this Article shall be effective for annual periods commencing on January 1st and ending on December 31st of each year unless otherwise specified.
- (d) The required fees for each of the license classifications are set forth in Section 32-32.

Sec. 22-309 Renewal of License.

Any licensee may renew a license at the expiration thereof provided the licensee is qualified to receive a license for the retail location for which such renewed license is sought. The renewal privilege provided herein shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the Village.

Sec. 22-310 Additional Safety Requirements.

All hotels or extended stay hotels shall have secure doors, a video surveillance system and signage required by this Article.

- (a) **Secure Doors.** All public facing entry point doors for any hotel or extended stay hotel shall have operating automatic closures and key entry doors that shall remain locked at all times between the hours of 10:00 p.m. and 5:00 a.m. These requirements are not applicable to entry points that enter directly into the lobby of the hotel or extended stay hotel.
- (b) **Video Surveillance.** For purposes of this Article, "video surveillance system" (VSS) means a continuous video surveillance system, including cameras, monitors and digital video recorders (DVR). Every hotel or extended stay hotel shall maintain a VSS that provides the following:
 - (1) Continuous digital surveillance, 24 hours per day, seven days per week, of all registers, exterior entrances and exits, interior hallways and lobbies of the hotel or extended stay hotel.

- (2) Digital images sufficiently clear and bright to enable identification of individuals and activities recorded, for no less than 21 days. Areas with video surveillance cameras must include artificial lighting as may be necessary to ensure that cameras capture images sufficient to identify recorded individuals and activities.
- (3) All hotels or extended stay hotels must provide for signage advising guests that video surveillance is required by Village ordinance.
- (c) **Inspections.** The requirements of this section are subject to regular inspections by the Police Department, who is authorized to inspect any such system at reasonable times to determine whether it conforms to this section.
- (d) **Training Requirement.** A Licensee shall take reasonable steps, including but not limited to providing training to Hotel Authority Personnel regarding the regulations of this Article. No person who has not been trained shall be assigned as a desk clerk to check guests into the hotel or extended stay hotel.

Sec. 22-311 Hotel Registration Regulations.

- (a) **Desk Clerk On Duty.** Every hotel or extended stay hotel shall have at least one person designated as a desk clerk at all times for every hour that the hotel is open for registration of hotel rooms for sleeping accommodations and for nonsleeping accommodations. The desk clerk shall be properly trained and have proper registration forms to obtain all of the necessary registration information and documentation required for the guest register. For any hours a hotel or extended stay hotel is not open for registration of guests, the desk clerk must be on site and available to assist, communicate, cooperate and provide immediate access to the public portions of the facility to the police or other law enforcement officials upon request.
- (b) **Guest Register Required.** The licensee of a hotel or extended stay hotel business shall maintain a guest register for all guests who reserve a room in the hotel for any purpose and shall make that guest register available for inspection by local law enforcement officials from time to time upon demand. The registry must be a single, accurate and verifiable record maintained either electronically or in a book/registry.
- (c) **Required Guest Registered Information.** The licensee shall gather and include the following information within the guest register from all guests who reserve a room in the hotel or extended stay hotel:
 - (1) The full name, phone number and home address of each overnight guest. If the guest is a tourism company or other business, only the guests should provide this information, but the total number of people staying under that tourism company or other business shall be provided;

- (2) The approximate number of guests who will use the reserved room or space;
 - (3) The date and time the registrant checked in and the date and time the registrant checked out;
 - (4) The make, type and license number of the guest's vehicle if the vehicle will be parked hotel or extended stay hotel premises that are under the control of the licensee;
 - (5) A copy of the registrant's driver's license or a valid state or federally issued photo identification, if the registrant does not have a valid driver's license;
 - (6) The number of the room which the registrant rented; and,
 - (7) The full name of the guest clerk checking in the guests.
- (d) **Misrepresentation of Identify Prohibited.** It shall be unlawful for any hotel authority personnel to enter any name different from the name that appeared on the valid driver's license or valid state or federally issued photo identification presented at the time of registration. No person shall procure lodging or services through misrepresentation or production of false representation.
 - (e) **Bartering Prohibited.** The bartering of goods or services, as payment for the rental of a room, is prohibited.
 - (f) **Persons Under Eighteen.** It shall be unlawful for a licensee to lease, rent or otherwise furnish a room to a person under eighteen (18) years of age unless accompanied by a parent, legal guardian or authorized adult.
 - (g) **Register Maintained By Licensee.** The guest register shall be maintained by the licensee of the hotel business for no less than a period of twelve (12) months after any particular reservation.
 - (h) **Register Contents Confidential.** The contents of the guest register that must be maintained pursuant to this Article shall remain confidential unless disclosure is required by this Article or by law.

Sec. 22-312 Hotel Occupancy Regulations.

- (a) **Hourly Rentals Prohibited.** No hotel or extended stay hotel shall provide lodging at an hourly rate.
- (b) **Maximum Guests.** The maximum number of people in a room providing sleeping accommodations at any time shall be determined by the maximum number of sleeping accommodations provided, or available to be provided, for a particular room. No persons in excess of the maximum number of sleeping

accommodations shall be allowed between eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. the next day, in any room.

- (c) **Maximum Occupancy.** No parties, congregations, meetings, or gatherings of people shall exceed more than two (2) times the maximum number of sleeping accommodations provided for the room.
- (d) **Maximum Stay Length.** It shall be unlawful for any person to stay at a hotel for longer than thirty (30) days within any sixty (60) day period or for any hotel authority personnel to allow a patron to stay at a hotel in excess of thirty (30) days within any sixty (60) day period, unless the hotel is an extended stay hotel, as defined in this Article.
- (e) **Permanent Residency Prohibited.** It shall be unlawful for any guest to represent and/or utilize the hotel or extended stay hotel address as their mailing address.
- (f) **Rentals for Unlawful Purposes Prohibited.** It shall be unlawful for any patron to occupy any room for illegal or unlawful purposes, or for hotel authority personnel to permit any patron to occupy any room with knowledge that the patron intends to use the room for illegal or unlawful purposes.
- (g) **Loitering Prohibited.** No person shall loiter in or upon any hotel or extended stay hotel, or outside any hotel structures or parking lots, without the permission of the licensee.
- (h) **Duty to Prevent Loitering.** Hotel Authority Personnel shall advise guests through posted signage or verbally that loitering is prohibited on hotel or extended stay properties.

Sec. 22-313 Duty of Hotel Authority Personnel.

- (a) Prevention of Nuisance Incidents.
 - (1) It is unlawful for any Hotel Authority Personnel to consent to, facilitate, cause, allow, or encourage a Nuisance Incident.
 - (2) Every person has the following affirmative duties with respect to any hotel for which they are Hotel Authority Personnel: (i) to refrain from encouraging or permitting a hotel to become or remain a Nuisance Hotel; and (ii) to take affirmative actions to prevent, mitigate, control, or otherwise address any activity which constitutes a Nuisance Incident.
- (b) Licensee shall distribute copies of Section 22-301 and Sections 22-310 through 22-314 to all Hotel Authority Personnel.
- (c) Licensee shall be responsible for the conduct of all Hotel Authority Personnel on the licensed premises and any act or omission of any Hotel Authority Personnel

constituting a violation of a provision of this Article shall be deemed the act or omission of the licensee for purposes of determining whether a Nuisance Incident Violation has occurred.

- (d) For each day on which a violation of this Article occurs or continues shall constitute a separate offense.

Sec. 22-314 Incidents not constituting a Nuisance Incident.

- (1) Contact made to police or other emergency services: (i) with the intent to prevent or respond to domestic violence or sexual violence; (ii) where intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) contacts made by, on behalf of, or otherwise concerning an individual with a disability for a purpose related to that individual's disability;
- (2) An incident or incidents of actual or threatened domestic violence or sexual violence occurring within the Village; or
- (3) Public nuisances occurring within the Village that are directly related to domestic violence, engaged in by a hotel guest, a member of the hotel guest's household, or other party and against a hotel guest or other party.

Sec. 22-315 Compliance Monitoring.

- (a) Compliance monitoring of this Article shall be conducted by the Village Police Department or designee, as the Village Police Department deems appropriate.
- (b) The Village Police Department shall have discretion to consider previous compliance check history or prior violations of a Licensee in determining how frequently to conduct compliance checks of the Licensee with respect to individual Licensees.
- (c) The Village Police Department shall periodically meet with Licensee as often as they determine, to review training programs, signage and general procedures as they relate to the operation of a hotel.

Sec. 22-316 Nuisance Hotel Enforcement Procedure.

- (a) Proceedings regarding Nuisance Incidents.
 - (1) If a Nuisance Incident occurs at a hotel within the Village and there is evidence that hotel authority personnel violated Section 22-313 or other section of this Article , a Complaint shall be filed against the Licensee and processed pursuant to the Administrative Adjudication procedures of Chapter 2 Division 10 of this Code or an Ordinance violation shall be filed with the Circuit Court of Lake County, Illinois. If a finding of liability or judgement is entered that Section 22-313 was violated, the Licensing Administrator shall within five (5) days of such judgement or finding of liability shall notify the

Licensee in writing that the licensed hotel is at risk of being declared and designated a Nuisance Hotel. The written notification shall include an invitation for the Licensee to meet with the Village Administrator to negotiate a voluntary abatement agreement with the Village within thirty (30) days of the date of written notice. Failure by the Village to send or failure of the Licensee to receive the written notice does not negate the authority of the Village to take any action under this Article.

(b) Proceedings to declare a Nuisance hotel.

A Complaint shall be filed by the Licensing Administrator against the Licensee, if there have been judgments or findings of liability by a court or hearing officer that three (3) or more Nuisance Incidents have occurred in violation of Section 22-313 within any 180-day period or there have been judgments or findings of liability by a court or hearing officer that five (5) or more Nuisance Incidents have occurred in violation of Section 22-313 within any one (1) year period.

(c) Enforcement Procedure.

- (1) The Complaint to declare a Nuisance Hotel shall be brought before a Hearing Officer or the Circuit Court of Lake County, Illinois for a declaration that a hotel is a Nuisance Hotel and request penalties and remedies.
- (2) Upon conducting an evidentiary hearing, the Hearing Officer or Circuit Court of Lake County, Illinois may issue an order to declare a hotel or extended stay hotel is a Nuisance Hotel and impose any and all appropriate penalties and remedies. Any decision of a Hearing Officer pursuant to this Article is subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq.

Sec. 22-317 Penalties and Remedies.

- (a) Upon the finding of a Nuisance Incident Violation, a Hearing Officer or Circuit Court of Lake County, Illinois may impose any or combination of the following remedies:
 - (1) Fines imposed against the Licensee of the hotel, in an amount not to exceed \$750.00 for each Nuisance Incident Violation. The fines imposed under this Article are in addition to any fines imposed for any independent violation of law which relates to a finding of a Nuisance Hotel Violation.
 - (2) Order security measures including the mandatory initiation, installation, and maintenance of security measures at the Nuisance Hotel property. Security measurers shall include, without limitation: (i) enhanced lighting; (ii) surveillance cameras; (iii) fences or barriers to entry; and (iv) the hiring of security personnel.

(b) Upon declaring a hotel to be a Nuisance Hotel, a Hearing Officer or Circuit Court of Lake County, Illinois may impose any or combination of the following remedies:

- (1) Award reimbursement of any extraordinary costs or expenses incurred by the Village, which was required to provide law enforcement, fire protection, or emergency medical services necessary to respond to the Nuisance Incident Violation.
- (2) Suspension of License and Temporary Closure. The suspension of license and temporary closure, which will result in the securing of the Nuisance Hotel to prevent all use and occupancy for a period of up to 180 consecutive days.
- (3) License revocation. Revocation of the license, issued pursuant to this Code.
- (4) Other remedies. The Village may seek a permanent or temporary injunction, restraining order, the appointment of a receiver, abatement measures, or other legal or equitable remedies reasonably necessary for the prevention or abatement of nuisances at the hotel.
- (5) Nothing in this Article is to be construed to: (i) constitute an act of possession, ownership or control by the Village over any private property; (ii) deny a common law right to anyone to abate a nuisance; (iii) affect to the status of any ongoing Village prosecution or other action; (iv) prevent the issuance of a citation to or arrest or prosecution of any person for any violation of the Village Code or other applicable law; or (iv) permit any activity prohibited by law.

Sec. 22-318 Emergency Closure.

If the Licensing Administrator determines that, due to the occurrence of Nuisance Incident Violations or alleged Nuisance Incident Violations, which have occurred at a hotel, presents an immediate threat to the public safety or welfare, the Licensing Administrator may order the immediate and summary closure of the hotel in accordance with the following procedures:

- (a) The Licensing Administrator may abate the nuisances and threats by summarily closing the hotel, by posting a notice of the emergency closure on the hotel. The Licensing Administrator shall communicate the emergency closure to the Licensee in writing. The written notice shall include:
 - (1) an order that all business activities immediately cease at the hotel;
 - (2) the reasons for the emergency closure;
 - (3) notice that the Licensee may request a hearing to modify or vacate the emergency closure order.

- (b) The Licensee of a hotel, which is subject to an emergency closure may request a hearing before the Hearing Officer by filing a written request with the Licensing Administrator, not later than five (5) days after the issuance of the emergency closure order. The Hearing Officer must conduct the hearing within five (5) days after the filing of the request for hearing. After conducting a hearing, the Hearing Officer may affirm, modify, or terminate the emergency closure order.
- (c) Any emergency closure order issued pursuant to this Article will remain in effect until: (1) the termination of the order issued by the Licensing Administrator; (2) the termination of the order by the Hearing Officer; (3) sixty (60) days after the date of the order, unless the Village has commenced an action for a declaration that the hotel is a Nuisance Hotel, pursuant to this Code.

Sec. 22-319 Voluntary Abatement Agreements.

Upon receipt of a notice under this Article that a Nuisance Hotel Violation has occurred, the Licensee of the subject hotel may request that the Village and the Licensee enter into a voluntary abatement agreement, providing for the performance of specific actions by the Licensee to address any previously occurring Nuisance Incident(s) and to reasonably prevent the occurrence of future Nuisance Incident(s). The Licensing Administrator is hereby authorized to execute any voluntary abatement agreement that the Licensing Administrator determines shall reasonably prevent and abate Nuisance Incident(s).

Sec. 22-320 Rules and Regulations.

The Licensing Administrator is authorized to promulgate rules and regulations necessary for the implementation and enforcement of this Article.

Sec. 22-321 Additional Grounds to Suspend or Revoke License.

- (a) The following shall be additional grounds for suspension or revocations of the Licensee's License:
 - (1) Failure to pay State or local taxes that are related to the operation of the business associated with the License.
 - (2) Failure to collect, remit, report or pay any Hotel or Motel Occupancy Tax imposed under Article VI, Chapter 74 of the Gurnee Municipal Code.
 - (3) Loss of right to possession of the Licensed premises.
 - (4) Fraud, misrepresentation, or a false statement of material fact contained in the original or renewal license application.
- (b) The Licensing Administrator shall commence suspension or revocation proceedings under this section by filing a Complaint, in accordance with Division

10, Chapter 2 et.seq. of the Gurnee Municipal Code on behalf of the Village or may bring an action in Lake County Circuit Court.' After hearing, the Hearing Officer or Circuit Court shall enter an order to determine whether the Licensee's License shall be suspended or revoked and may order any other penalties or conditions, as provided for in this Article .

Sec. 22-322 Cumulative Remedies.

The remedies provided for under this Article are cumulative and in addition to any other remedies available at law or in equity.

Sec. 22-323 Records.

The Licensing Administrator shall keep a complete record of licenses issued under this Article.

SECTION IV. That the following subsection of Chapter 32 (Section 32-32) is hereby amended and shall hereafter state as follows:

Annual Hotel License Fees		
.....		
Hotel License	\$250	Section 22-305

SECTION V: Temporary Licenses. As of the date of adoption of this licensing regulation, the Village Administrator directed to issue temporary licenses to all existing hotel operators without charge and that each temporary license shall be valid up until December 31, 2022. For purposes of renewal, each temporary license holder shall have priority for submitting the renewal of licenses as prescribed under this ordinance.

SECTION VI: Each hotel or extended stay hotel shall construct or install all improvements, required under this Article no later than the earlier to occur of: (i) the date on which a hotel's license required under this Article is renewed or expires; or (ii) January 1, 2024.

SECTION VII: Nothing in this Ordinance shall be construed to affect any suit or proceedings pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof by lost, impaired or affected by this Ordinance.

SECTION VIII: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or

part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION IX: That this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

Passed this 28th day of November 2022

	Ayes:	Nays:	Absent/Abstain:
Jeanne E. Balmes	<u>✓</u>	<u> </u>	<u> </u>
Greg Garner	<u>X</u>	<u> </u>	<u> </u>
Quin O'Brien	<u>X</u>	<u> </u>	<u> </u>
Cheryl G. Ross	<u>✓</u>	<u> </u>	<u> </u>
Karen Thorstenson	<u>X</u>	<u> </u>	<u> </u>
Kevin Woodside	<u>✓</u>	<u> </u>	<u> </u>

APPROVED:

By:



THOMAS B. HOOD, Village President

Date:

11-28-22

ATTEST:

By:



ANDY HARRIS, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on November 28, 2022.

I hereby certify that the above ordinance was published in pamphlet form on the 29th day of November 2022, as provided by law.



ANDY HARRIS, Village Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

CERTIFICATE

I, ANDY HARRIS, certify that I am the duly elected and acting municipal clerk of the Village of Gurnee, Lake County, Illinois.

I certify that on the 28th day of November 2022, the Corporate Authorities of such municipality passed and approved Ordinance 2022 - 65, entitled, "**AN ORDINANCE AMENDING CHAPTER 22 ARTICLE 6 OF THE GURNEE MUNICIPAL CODE TO REGULATE AND LICENSE HOTELS**" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2022 - 65, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on the 29th day of November 2022, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Gurnee, Illinois, this 29th day of November 2022.



ANDY HARRIS, Village Clerk

