

THE VILLAGE OF LANSING
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER 24-007

AN ORDINANCE OF THE VILLAGE OF LANSING AMENDING ARTICLE VIII (
“HOTELS/MOTELS AND TOURIST CAMPS”*) OF CHAPTER 16 (*“BUSINESSES AND
***BUSINESS REGULATIONS”*) OF THE LANSING MUNICIPAL CODE RELATED TO**
NUISANCE HOTELS AND MOTELS

PATRICIA L. EIDAM, Village President
VIVIAN PAYNE, Village Clerk

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Trustees

ORDINANCE NUMBER 24-007

AN ORDINANCE OF THE VILLAGE OF LANSING AMENDING ARTICLE VIII (“HOTELS/MOTELS AND TOURIST CAMPS”) OF CHAPTER 16 (“BUSINESSES AND BUSINESS REGULATIONS”) OF THE LANSING MUNICIPAL CODE RELATED TO NUISANCE HOTELS AND MOTELS

WHEREAS, the Village of Lansing, Cook County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, the Village President and Board of Trustees of the Village (the “*Corporate Authorities*”) may from time to time amend the text of the Lansing Code when it is determined to be in the best interests of the residents of the Village; and

WHEREAS, the Village desires to amend Article VIII (“*Hotels/Motels and Tourist Camps*”) of Chapter 16 (“*Businesses and Business Regulations*”) of the Lansing Municipal Code related to nuisance hotels and motels; and

WHEREAS, the Corporate Authorities have determined that the following changes to its Village Code are in the best interest of the Village in order to protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Lansing, Cook County, Illinois, as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: Article VIII (“*Hotels/Motels and Tourist Camps*”) of Chapter 16 (

“*Businesses and Business Regulations*”) of the Lansing Code is hereby amended by adding Division 4 (“*Nuisance Hotels and Motels*”), as follows:

Chapter 16 – BUSINESSES AND BUSINESS REGULATIONS

ARTICLE VIII. – HOTELS/MOTELS AND TOURIST CAMPS

DIVISION 4. – NUISANCE HOTELS AND MOTELS

Section 16-390. Definitions.

The following words, terms, and phrases, whenever used in this Division, have the meanings set forth below:

- (a) *Aggravated Nuisance Incident*. Except as provided in Section 16-395(b) of this Code, any of the following events or actions:
 - (1) Any activity that constitutes a felony pursuant to any applicable local, state, or federal law.
- (b) *Hearing Officer*. For purposes of this Division only, “Hearing Officer” means a Village administrative hearing officer appointed pursuant to Article XVIII of Chapter 2 of this Code.
- (c) *Hotel or Motel*. Every building, structure, parcel of land, property or any portion thereof kept, used, maintained, advertised and held out to the public to be a place where lodging, or lodging and food, or apartments, rooms, dormitories, suites, or other accommodations are offered for a consideration to guests, in which five or more rooms, dormitories, apartments, suites, or other accommodations are offered or used for lodging, or lodging and food, for such guests.
- (d) *Hotel Authority*. Any individual person, employee, manager, contractor, mortgagee, person-in-charge, agent, firm, partnership, corporation, or other legal entity having:
 - (i) any legal or equitable interest in a hotel or motel; (ii) actual or constructive possession of a hotel or motel; or (iii) the ability to regulate, restrain, dominate, counteract, or govern any sort of conduct that occurs within a hotel or motel.
- (e) *Nuisance Hotel*. Defined in Section 16-395(a) of this Code.
- (f) *Nuisance Hotel Violation*. Any violation of Sections 16-395 or 16-396 of this Code.
- (g) *Nuisance Incident*. Except as provided in Section 16-395(b) of this Code, any of the following events or actions that constitutes:
 - (1) Violations of Chapter 46 “Buildings and Building Regulations” of this Code;
 - (2) Violations of any provision of Chapter 8 of this Code regarding underage drinking;

- (3) Violations of any provision of Division 2 of Chapter 16 of this Code;
 - (4) Violations of any provision of Article VIII of Chapter 8 of this Code regarding vandalism;
 - (5) Any activity that constitutes a misdemeanor pursuant to any applicable local, state, or federal law; and
 - (6) Any Aggravated Nuisance Incident.
- (h) *Permit Parking Program.* Any parking permit program mandated under this Division 4 and shall provide that all vehicles in the hotel/motel parking lot shall have a parking pass and the Hotel or Motel internal record keeping system related to the parking permit program shall identify which room the applicable vehicle is registered to or is visiting. Any vehicle parked in lot without a pass is subject to citation for parking where prohibited.

Section 16-391. Hotel/Motel Regulations.

In addition to any and all regulations set forth in this Article VIII:

- (a) No house, building or accessory structure hereafter constructed or erected in the Village shall be used as a hotel or motel, and no house, building or accessory structure hereafter erected and not now used for such purpose, or any building, house, structure or portion thereof which is now used or intended to be used or occupied for hotel or motel purposes shall be converted into, used as, or leased for a hotel or motel, unless such building and every part thereof shall conform to the requirements of this Article and to such other applicable requirements of the building, zoning, housing, fire prevention, health and sanitation regulations of this Code.
- (b) Subject to the approval of the Police Chief, all hotels and motels must: (i) be improved with secure doors, alarms, and a video surveillance system; and (ii) execute a parking access agreement with the Village to permit the Police Department access to the Hotel or Motel to enforce applicable parking and traffic regulations as well as the parking permit program if applicable. Each video surveillance system must: (i) include, without limitation, cameras, cabling, monitors, and digital view recorders maintained in proper working order; (ii) provide continuous digital surveillance, 24 hours per day, seven days per week, of all registers, check-out stands, exterior entrances and exits, interior hallways, lobbies, and parking areas of the hotel or motel; and (iii) produce 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.
- (c) All hotels and motels must provide for appropriate clerical or security personnel to ensure the safety of all hotel and motel guests, and to ensure compliance with the requirements of this Division.
- (d) Each hotel and motel must implement all policies and procedures, and construct or install all improvements, required under this Division no later than the earlier to

occur of: (i) the date on which a hotel's or motel's license required under Section 16-323 is renewed or expires; or (ii) April 1, 2024.

Section 16-392. Inspections.

The Chief of Police, or his designees, shall inspect or cause to be inspected as often as deemed necessary, in accordance with the housing regulations of this Code, every hotel and motel in the Village to determine whether all applicable provisions of this Code are being complied with.

Section 16-393. Register.

The Hotel Authority shall keep, or cause to be kept, a register in which shall be entered the name, and if a transient, the permanent address and license plate number, if any, of every person who becomes a roomer, boarder, lodger or paying guest therein. The register shall also show the number and location of the room or bed occupied by that person, the date of arrival and the period for which the guest engaged board or lodging. The register shall be accessible, without charge, to the Police Chief or any police officer and to the Building Commissioner the Fire Chief, the Village Administrator, or to any of their duly authorized representatives of the Village.

Section 16-394. Denial, Suspension, or Revocation of License.

- (a) Grounds for denial, suspension or revocation. The Village Administrator, or his or her designee, may deny an application for a new hotel or motel license, deny an application for the renewal of a hotel or motel license, or suspend or revoke a hotel or motel license upon the occurrence of any of the following causes, as determined by the Village Administrator, or his or her designee:
 - (1) The hotel or motel is not permitted by, or does not comply with, any provision of the Zoning Code of the Village (Chapter 28 of this Code);
 - (2) The applicant has failed to comply with: any applicable provision of this Code, including, without limitation, any provision of this Division 3 or Article VIII of this Chapter 16; or any applicable State law or regulation;
 - (3) The applicant has failed to obtain a necessary license, permit, or approval from any governmental authority with jurisdiction over the hotel or motel, including the Village, from which any approval is required;
 - (4) Operation of a business without the license required pursuant to this Article VIII;
 - (5) Issuance of a false statement in connection with an application filed pursuant to this Chapter;
 - (6) The applicant has had any Village-issued license revoked for cause; and
 - (7) The applicant is delinquent in the payment to the Village of any tax or

payment
required pursuant to this Code.

- (b) Suspension and revocation procedures. No hotel or motel license may be revoked or suspended except after a public hearing held by the Hearing Officer in accordance with the following provisions:
- (1) Written notice of the date, time, and place of, and the general reasons for, the hearing must be transmitted to the licensee at the licensed premises by certified United States mail, affording the licensee an opportunity to appear and defend;
 - (2) No public hearing authorized by this Section 16-394(b) may be conducted less than three (3) days prior to receipt by the licensee of the notice required pursuant to Section 16-394(b)(1) of this Division;
 - (3) The Hearing Officer must hold the hearing at the date, time and place set forth in the notice, and must give the licensee an opportunity to be heard; and
 - (4) Within fourteen (14) days after the public hearing, the hearing officer must issue a written order setting forth any penalties to be assessed against or imposed upon the licensee, and the reasons therefor. A copy of the written order must be served upon the licensee by personal service or by certified United States mail.

Section 16-395. Nuisance Hotels Defined.

- (a) The Village hereby defines to be a Nuisance Hotel as any hotel or motel at which the dispositions of responding officers related to calls for service at such hotel or motel identify ten (10) or more Nuisance Incidents, or three (3) or more Aggravated Nuisance Incidents, occurring within any calendar month.
- (b) Nuisance Incidents and Aggravated Nuisance Incidents do not include contacts made to police or other emergency services that are first initiated by the Hotel Authority.

Section 16-396. Duty of Hotel Authorities.

- (a) Prevention of Nuisance Incidents.
- (1) It is unlawful for a Hotel Authority to consent to, facilitate, cause, allow, permit or encourage a Nuisance Incident or Aggravated Nuisance Incident.
 - (2) Every person has the following affirmative duties with respect to any hotel or motel for which they are a Hotel Authority: (i) to refrain from encouraging or permitting a hotel or motel 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 or Aggravated Nuisance Incident.
- (b) Each day on which a violation of this Section 16-396 occurs or continues constitutes a separate offense.

Section 16-397. Nuisance Hotel Enforcement Procedure.

(a) Determination and Notification of Nuisance Incidents.

- (1) If the Police Chief, or designee, makes a determination that a hotel or motel within the Village has been the site of ten (10) or more Nuisance Incidents or three (3) or more Aggravated Nuisance Incidents within a applicable calendar month and the applicable hotel or motel has not been designated a Nuisance Hotel prior thereto, the Police Chief, or designee, may promptly provide written notification to the owner of record of the hotel or motel, and any other applicable Hotel Authorities of record, that the hotel or motel constitutes a Nuisance Hotel. The applicable notification shall include: (i) the street address of the hotel or motel; (ii) a concise description of the events or activities that constitute Nuisance Incidents and/or Aggravated Nuisance Incidents; (iii) an invitation to meet with the Police Chief within the following thirty (30) days to negotiate a voluntary abatement agreement with the Village; (iv) mandated security measures as set forth in Section 16-397(a)(2); (v) contact information for the Police Chief; and (vi) advise the Hotel Authority of its right to request a hearing pursuant to Article XVIII of the Code within ten (10) days of the mailing of the applicable notification to dispute the obligation to implement the mandated security measures.
- (2) Each finding that a hotel or motel constitutes a Nuisance Hotel shall be subject to corrective actions in the following progression:
 - a. First violation: Official warning from the Police Chief;
 - b. Second violation: Implementation of Permit Parking Program;
 - c. Third violation: Installation of boundary fencing, barriers to unauthorized entry, and enhanced lighting;
 - d. Fourth violation: Installation of license plate reader cameras in parking lots;
 - e. Fifth violation: the hiring of Village-approved, licensed, and full-time security personnel.

A corrective action, mandated hereunder, shall be completed within thirty (30) days from the date of applicable notice, unless an extension is granted by the Police Chief in his reasonable discretion. Implementation of a corrective action, as the case may be, shall subject to the review and approval of the Police Chief.

- (3) Copies of the notifications provided hereunder must be provided by personal service or sent by first-class mail, postage pre-paid, return receipt requested. Failure by the Village to send the initial notification in strict compliance with this Section 16-397(a) does not negate the authority of the Village to take any action under this Division 4.

(b) Hearing Determination and Notification of Nuisance Incidents.

- (1) If the Police Chief makes a succeeding determination that: (i) a hotel or motel has been the site of a tenth (10th) Nuisance Incident or a third (3rd) Aggravated Nuisance Incident within a calendar month following a fifth

violation as provided under 16-297(a)(2)(e), or (ii) a hotel or motel has failed to comply with a corrective action mandated pursuant to Section 16-397(a)(2), or (iii) a hotel or motel has failed to abide by the terms and conditions of voluntary abatement agreement, the Police Chief shall within five (5) days of such determination provide written notification to the owner of record of the hotel or motel, and any other applicable Hotel Authorities of record, stating that the hotel or motel is subject to action under this Section 16-397(b). The final notification must include: (i) the street address of the hotel or motel; (ii) a concise description of the events or activities that constitute Nuisance Incidents or Aggravated Nuisance Incidents; (iii) a demand that the Hotel Authority immediately address the conditions qualifying it as a Nuisance Hotel and compliance with the previously mandated security measures; (iv) identification of the relief sought against the applicable hotel or motel; (v) contact information for the Police Chief; and (vi) information regarding the time and location of any upcoming hearing scheduled pursuant to this Section 16-397(c).

- (2) Copies of the hearing notice under Section 16-397(b) must be provided by personal service or sent by first-class mail, postage pre-paid, return receipt requested and posted at the hotel or motel property.

(c) Enforcement Hearing.

- (1) Subject to the discretion of the Police Chief, the Village may bring an action before a Hearing Officer or a court of competent jurisdiction for a declaration that a hotel or motel is a Nuisance Hotel, enforce previously imposed mandated security measures under 16-397(b), entry of an abatement order, temporary closure order, license revocation and closure, an assessment of fines and fees, and/or other equitable relief deemed reasonably necessary.

- (2) Upon conducting an evidentiary hearing, the Hearing Officer or court may declare that a hotel or motel is a Nuisance Hotel and issue an order directing the appropriate Hotel Authorities to implement such remedies pursuant to Section 16-398 as the Hearing Officer or court deems necessary or appropriate, including without limitation license revocation and permanent closure. Any decision of a Hearing Officer pursuant to this Section is subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq.

Section 16-398. Nuisance Hotel Remedies.

Upon declaring a hotel or motel to be a Nuisance Hotel, a Hearing Officer or court of competent jurisdiction may impose one or any combination of the following remedies:

(a) Fines and Fees:

- (1) Fines imposed against the owner of the hotel or motel, in an amount not to exceed \$750 for each Nuisance Incident, Aggravated Nuisance Incident, or alleged Nuisance Incident or Aggravated Nuisance Incident related to the declaration that the hotel or motel is a Nuisance Hotel. The fines imposed under this Section 16-398(a)(1) are in addition to any fines imposed for any

independent violation of law which relates to a finding of a Nuisance Hotel Violation.

(2) Reimbursement of any extraordinary costs or expenses incurred by the Village in the provision of law enforcement, fire protection, or emergency medical services necessary as a result of the Nuisance Incidents, Aggravated Nuisance Incidents, or alleged Nuisance Incidents or Aggravated Nuisance Incidents.

(b) Security measures. Mandatory initiation, installation, and maintenance of security measures at the Nuisance Hotel property, which may include, without limitation: (i) parking permit program, (ii) fencing and barriers to entry, (iii) enhanced lighting; (iv) license plate reader cameras in parking lots; and (v) the hiring of security personnel.

(c) Temporary closure. The temporary closure and securing of the Nuisance Hotel to prevent all use and occupancy for a period of up to 180 consecutive days.

(d) License revocation and permanent closure. Revocation of the license for the hotel or motel, issued pursuant to Section 16-398 of this Code, and the permanent closure of such hotel or motel.

(e) Other remedies. In addition to any fines, fees, costs, or other remedies provided in this Section, 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 or motel.

(f) Nothing in this Section 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.

Section 16-399. Emergency Closure.

If the Police Chief determines that, due to the occurrence of Nuisance Incidents, Aggravated

Nuisance Incidents, a hotel or motel presents an immediate threat to the public safety or welfare, the Police Chief may order the immediate and summary closure of the hotel or motel in accordance with the following procedures:

(a) The Police Chief may abate the nuisances and the threat, and summarily close the hotel or motel, by posting a notice on the hotel or motel and mailing via certified mail a copy thereof to the registered licensee of the hotel or motel. The notice must include, without limitation: (i) an order that all business activities immediately cease at the hotel or motel; (ii) the reasons for the summary closure; (iii) information concerning the right of the owner to request a hearing concerning the summary closure order, pursuant to Section 16-399(b) of this Code; and (iv) contact information for the Village Administrator or Police Chief.

(b) The owner of a hotel or motel summarily closed pursuant to Section 16-399(a) may request a hearing before the Hearing Officer by filing a written request therefor

with the Police Chief, not later than five (5) days after the issuance of the summary closure order. The Hearing Officer must conduct the hearing within five (5) days after the filing by the owner of a hearing request. After receipt of evidence and testimony at the hearing, the Hearing Officer may affirm, modify, or terminate the summary closure order, in their discretion, as may be necessary in the determination of the Hearing Officer to address any immediate threat presented by the operation of the hotel or motel.

- (c) Any summary closure order issued pursuant to Section 16-399(a) will remain in effect until the earlier to occur of: (1) the termination of the order by the Police Chief, upon a determination that the hotel or motel no longer presents an immediate threat to the public safety and welfare; (2) the termination of the order by the Hearing Officer, pursuant to Section 16-399(b) of this Code; (3) entry of an order pursuant to Section 16-397(c) of this Code; or (4) 60 days after the date of the order, unless the Village has commenced an action for a declaration that the hotel or motel is a Nuisance Hotel, pursuant to Section 16-397(c) of this Code.

Section 16-400. Voluntary Abatement Agreements.

Upon receipt of a notice pursuant to Section 16-397(a) of this Code, but prior to entry of an order pursuant to Sections 16-397(b) or 16-397(c) of this Code, the owner of the subject hotel or motel may request that the Village and the owner enter into a voluntary abatement agreement, providing for the performance of specific actions by the owner or its designee to address any previously-occurring Nuisance Incidents or Aggravated Nuisance Incidents and to reasonably prevent the occurrence of future Nuisance Incidents or Aggravated Nuisance Incidents, and for the agreement by the Village to suspend any proceedings under Sections 16-397(b) and/or 16-397(c) of this Code during the term of the agreement, all subject to such terms and conditions as may be mutually agreed by the Village and the owner. The Police Chief is hereby authorized, in their discretion, to execute any voluntary abatement agreement that the Police Chief determines will reasonably prevent and abate Nuisance Incidents or Aggravated Nuisance Incidents.

Section 16-401. Rules and Regulations.

The Police Chief is authorized to promulgate rules and regulations necessary for the implementation and enforcement of this Division.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 5. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6: The Village Clerk is hereby authorized and directed to publish this

Ordinance in pamphlet form and this Ordinance shall be in full force and effect immediately after its adoption, approval and publication to ensure the public health, safety and welfare of the residents of the Village.

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ADOPTED by the Village President and Board of Trustees of the Village of Lansing, Cook County, Illinois this 6th day of February 2024, pursuant to a roll call vote, as follows:

	YES	NO	ABSTAIN	ABSENT
ABBASY	√			
GRADY-PEROVICH	√			
HARDY	√			
SMITH	√			
VALENCIA	√			
ZELDENRUST	√			
VILLAGE PRESIDENT EIDAM				
TOTAL	6			

APPROVED by the Village President of the Village of Lansing, Cook County, Illinois on this

6th day of February 2024.

PATRICIA L. EIDAM
VILLAGE PRESIDENT

ATTEST:

VIVIAN PAYNE
VILLAGE CLERK