

PUBLICATION OF:

ORDINANCE NO. 21-075

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 129C OF THE SCHAUMBURG
VILLAGE CODE WITH REGARD TO HOTEL ESTABLISHMENTS**

ADOPTED: JULY 27, 2021

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF SCHAUMBURG ON JULY 28, 2021**

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AN ORDINANCE AMENDING TITLE 11, CHAPTER 129C OF THE SCHAUMBURG VILLAGE CODE WITH REGARD TO HOTEL ESTABLISHMENTS

WHEREAS, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, Chapter 129C of the Schaumburg Village Code deals with Hotel Registry Requirements only, but does not further regulate hotels or extended stay establishments; and

WHEREAS, the Village desires to implement further regulations regarding hotels and extended stay establishments in order to promote the best interests of the residents of and the visitors to the Village of Schaumburg, including their health, safety, and welfare; and

WHEREAS, amendments are necessary to the Village Code in order to implement the same; and

WHEREAS, the President and Board of Trustees of the Village of Schaumburg have determined that amending the Village Code to reflect the same is in the best interest of the Village;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:

SECTION ONE: The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION TWO: Title 11, Chapter 129C of the Schaumburg Village Code is hereby amended to read in its entirety as follows:

“CHAPTER 129C: HOTEL ESTABLISHMENTS

§ 129C.01 – DEFINITIONS.

“EXTENDED STAY HOTEL” shall, for the purpose of this chapter, mean a Hotel which offers services and facilities designed to appeal to longer-term guests, such as laundry and kitchen facilities, and may quote rates on a weekly or monthly basis.

"GUEST" means a person who exercises occupancy or is entitled to occupancy in a hotel by reason of concession, permit, right of access, license or other agreement.

"HOTEL" means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, bed and breakfast, lodging house or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in connection with the functions of that institution.

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"IDENTIFICATION DOCUMENT" means a document that contains the name, date of birth, description and picture of a person, issued by the federal government, the State of Illinois, another state, a county or municipal government subdivision or one of their agencies, including but not limited to: a motor vehicle operator's license, an identification card, or an identification card issued to a member of the Armed Forces. Identification document also includes a passport issued by a foreign government or a consular identification card, issued by a foreign government to any of its citizens and nationals, which has been approved by the village as valid identification.

"OCCUPANCY" means the use or possession, or the right to the use or possession, of any room in any hotel.

"OPERATOR" means the person who is either the proprietor of the hotel or any other person who has the right to rent rooms within the hotel, whether in the capacity of owner, manager, lessee, mortgagee in possession, licensee, employee or in any other capacity.

"RECORD" means written documentation of information about a guest. A record may be maintained electronically, in a book or on cards.

"RENT" means the consideration charged, whether or not received, for the occupancy of a room in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature.

"RESERVATION" means a request to hold a room for a potential guest that includes the following information and is documented in writing: (i) the potential guest's name and contact information; and (ii) the date and time when the contact was made.

"ROOM" means any portion of a hotel, which is designed, used or intended for occupancy by a person for temporary lodging or sleeping purposes.

"VEHICLE" is any car, truck, trailer, motorcycle, or other machinery used for transporting people or goods and is normally required to be registered with a state in order to be legally operated or towed on a public roadway.

"VISITOR" shall mean a person, who is not a guest, who is on the premises of a hotel, motel or extended-stay hotel at the invitation of a guest, but without the express permission of the owner, operator, keeper or proprietor of the hotel, motel or extended-stay hotel.

§ 129C.02 - TRAINING OF EMPLOYEES.

The owner or proprietor of a hotel, motel or extended stay hotel shall take all reasonable steps, including but not limited to, providing training regarding this section to ensure that the person

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who checks a person into the hotel complies with the provisions of this section. A person who has not been trained shall not be assigned to check persons into the hotel.

§ 129C.03 – ENTRY DOORS.

For any hotel, motel, or extended stay hotel permitted for construction after the date of adoption of this Ordinance, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Within one hundred eighty (180) days after the effective date of this Ordinance, all public facing entry point doors for any hotel, motel, or extended stay hotel shall have operating automatic closures, key entry and shall remain locked at all times between the hours of 9:00 p.m. and 6:00 a.m. Additionally, all entry point doors shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security, attendants, or other employees that the door has been opened or remains open. These requirements are not applicable to entry points that enter directly into the lobby of the hotel, motel, or extended stay hotel as long as the lobby is manned by a bona fide employee twenty-four (24) hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel, motel, or extended-stay hotel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.

§ 129C.04 – HOURLY RENTALS.

No owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel shall provide lodging at an hourly rate.

§ 129C.05 - RENTAL OF ROOMS TO PERSONS UNDER TWENTY-ONE.

It shall be unlawful for any hotel, motel or extended stay hotel to rent a room to any individual under the age of twenty-one (21).

Exception: A hotel, motel or extended stay hotel may rent a room to a person under the age of twenty-one (21) if said individual is part of a group, convention, corporate meeting, pageant or other major contracted booking at the hotel, motel or extended stay hotel and a copy of the contract is on file at the hotel available for inspection by Village of Schaumburg representatives

§ 129C.06 – HOUSEKEEPING SERVICES

All hotels, motels or extended-stay hotels shall provide housekeeping services, including but not limited to room cleaning, linen change and towel service a minimum of once every seven (7) days, and any time prior to a new guest checking in to a room.

§ 129C.07 – MAXIMUM STAY LENGTH.

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(A) No hotel, motel, extended-stay hotel located within the Village shall allow any person to occupy such facility for more than twenty-eight (28) consecutive days unless otherwise permitted in this section. No guest residing for more than twenty-eight (28) consecutive days shall begin a new rental agreement with the hotel, motel, or extended stay hotel without at least a two-day vacancy between stays.

(B) No hotel, motel, or extended-stay hotel located within the Village shall allow any person to occupy such hotel, motel, or extended-stay hotel as his or her permanent residence, and/or to utilize the hotel, motel, or extended-stay hotel address as his or her mailing address.

(C) Notwithstanding subsections (A) and (B) of section 129C.08, a stay in excess of twenty-eight (28) consecutive days, or utilizing the hotel, motel, or extended-stay hotel as a mailing address by a guest may occur in the following situations:

(1) Where there is a written contract or documented agreement between a hotel, motel, or extended-stay hotel and a business, corporation, firm or governmental agency to house employees or individuals on valid work orders;

(2) Where there is documentation, consistent with HIPPA privacy rules, that a hotel guest is considered family or is providing care for a patient who is admitted at local hospital;

(3) When an insurance company or federal, state or local agency has provided documentation that a hotel guest has been displaced from their home by a natural disaster or fire;

(4) Where there is a written contract or documented agreement between a hotel, motel, or extended-stay hotel and an organization to provide emergency or transitional housing/shelter.

(D) All hotels, motels, and extended-stay hotels are required to comply with all applicable provisions of this Code.

(E) All hotels, motels, and extended-stay hotels constructed after the effective date of this Ordinance, must provide a minimum of one thousand (1,000) square feet in common areas for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers, patios, terraces, and other recreational facilities in common areas may be used in determining the square footage required by this subsection. An extended-stay hotel is considered constructed only after a certificate of occupancy is issued.

§ 129C.09 – RESPONSIBILITIES OF ALL HOTELS.

(A) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, without delay, report violations of law to the Village of Schaumburg Police Department

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that were either witnessed or made known to them by an employee, guest, visitor or other person on the premises.

(B) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, at all times, maintain a manager on duty or on-call capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.

(C) All information required to be procured and kept pursuant to this article shall be kept strictly confidential in accordance with state and federal law and shall not be provided to any person except to a federal or state law enforcement officer or to any officer empowered to enforce this article.

(D) All information required to be procured and kept pursuant to this article shall be provided to any federal or state law enforcement officers, or local sworn enforcement officer empowered to enforce this article, upon demand, and in no event later than twenty-four (24) hours of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

(E) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall keep a record of all rental agreements between the hotel, motel, or extended-stay hotel and all guests and their visitors, and make these records available to the Village within a reasonable time upon request. For the purposes of this section, the term "record" shall mean the hotel, motel, or extended-stay hotel's electronic guest registration system which stores guest identifying information. In the event the hotel, motel, or extended-stay hotel does not have an electronic guest registration system, the hotel, motel, or extended-stay hotel shall record the guest and any visitor's information in a paper record or reservation book. The following information, at a minimum, must be recorded at the time of registration and maintained for a period of no less than one year after the rental agreement's termination:

(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 guest shall be required to provide this information, but the total number of people staying under that tourism company or other business shall be provided;

(2) The make, type and license number of the guest's vehicle if the vehicle will be parked on hotel, motel or extended stay hotel premises that are under the control of the operator or management;

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- (3) The day, month, year and time of arrival of each guest;
- (4) The number or other identifying symbol of location of the room rented or assigned each guest;
- (5) The date that each guest is scheduled to depart;
- (6) The rate charged and amount collected for rental of the room assigned to each guest;
- (7) The method of payment for the room;
- (8) The full name of the person checking in the guest; and
- (9) Documentation used to verify a stay in excess of twenty-eight (28) consecutive days as stated in section 129C.08(B).

(F) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall require each guest to provide proper identification prior to renting a room when registering in person. Proper Identification Documents, as defined in this Chapter, shall be required. A record of the provided Identification Documents shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter.

(G) No person shall procure or provide lodging in any hotel, motel, or extended-stay hotel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

§ 129C.9 – OCCUPANCY REQUIREMENTS.

(A) No operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit or temporary sleeping accommodations provided by the hotel, motel, or extended-stay hotel.

(B) No operator, owner, keeper, or proprietor, guest, or visitor of any hotel, motel, or extended-stay hotel shall be allowed to congregate within any room or single rental unit a number of persons which is greater than two (2) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit except when temporarily designated as a hospitality suite by the hotel, motel, or extended-stay hotel.

§ 129C.10 – COMMON AREA AND PARKING ILLUMINATION REQUIREMENTS.

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(A) The open parking area and all areas surrounding any building or proposed building being a hotel, motel, or extended-stay hotel shall comply with all requirements related to illumination levels set forth in the subdivision and land development section of this code, within one year of the effective date of this Ordinance

(B) Within one hundred eighty (180) days of the effective date of this Ordinance, any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This shall include but not be limited to a live security guard or other security measures approved in writing by the chief of police to meet the minimum security standards required by this code section, such as complete video surveillance. All hotels, motels, or extended-stay hotels must maintain a security plan which shall include all implemented security measures. Security plans and documentation for approved alternative security measures shall be kept on file and made available to the Village within a reasonable time upon request.

§ 129C.11 – VIDEO SURVEILLANCE.

(A) For the purpose of this section, "video surveillance system" (VSS) means a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR).

(B) Every owner, operator, keeper or proprietor of any new or existing hotel, motel, or extended-stay hotel is required to install a VSS within one hundred eighty (180) days of the effective date of this Ordinance. All hotels, motels, and extended-stay hotels, which have installed a VSS prior to the effective date of this article, shall ensure said systems are in full compliance with this section and request an approval assessment from the chief of police within one hundred eighty (180) days of the effective date of this Ordinance.

(C) All VSS shall be maintained in proper working order at all times, be kept in continuous operation twenty-four (24) hours a day, seven (7) days a week, and meet the minimum technological standards established in this section. The hotel, motel, or extended-stay hotel shall retain the continuous digital images recorded by this system for no less than twenty-one (21) days.

(D) All VSS shall have no less than one (1) camera dedicated to each register or check-out stand, entrance/exit, interior hallways and lobby, swimming pool area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. The placement of cameras included in VSS required under this section must be approved by the chief of police. The police department will conduct an assessment of each site required to install a VSS prior to installation of said system, and upon approval will issue an approval notice which will be placed in plain view inside the common area of the hotel, motel, or extended-stay hotel. This approval notice will also inform customers and employees of the presence of the VSS. Existing

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VSS at any hotel, motel, or extended-stay hotel as of the effective date of this article will be evaluated to ensure full compliance with this section.

(E) The VSS shall be subject to regular inspection by the police department, who is authorized to inspect any such system, at reasonable times to determine whether it conforms to this section. If the VSS does not conform, the hotel, motel, or extended-stay hotel, in question, shall take immediate steps to bring the system back into compliance.

(F) The Village of Schaumburg Police Department will develop, maintain and publish VSS standards that provide the minimum standards for VSS equipment, installation, and maintenance. Any new standards or changes to existing standards will be issued in conjunction with annual business license renewal notices and become effective on May 1 of each year.

§ 129C.12—LOITERING AND JUVENILE CURFEW.

(A) All hotel, motel, or extended-stay hotel operators will advise guests verbally, upon registration, and through posted signage that loitering is prohibited.

(B) No person(s) shall loiter in or upon any hotel, motel, or extended-stay hotel parking lot, public parking structure or in or around any building to include breezeways, stairwells or hotel, motel, or extended-stay hotel rooms either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner, operator, keeper or proprietor or the hotel, motel, or extended-stay hotel.

(C) Section 132.01 of Chapter 132 (Offenses Against Public Peace and Safety) of Title 13 (General Offenses) of this Code, related to curfew for minors, shall be enforced in the common areas of a hotel, motel, or extended-stay hotel.

§ 129C.13—UNLAWFUL OPERATION DECLARED NUISANCE.

Any hotel, motel, or extended-stay hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The Village of Schaumburg may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or injunction thereof, in the manner provided by state law and this Code.

§ 129C.14—SAFE HOTEL PROGRAM.

(A) Any hotel, motel, or extended-stay hotel shall have at least one manager certified through the Village Safe Hotel Program.

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(B) The hotel, motel, or extended-stay hotel shall ensure the contact information of the certified manager is kept current with the police department designated program liaison.

§ 129C.15—PENALTIES.

(A) If a person is convicted of a violation of this article, the court or other adjudicative body shall impose a fine of not less than \$250.00 and not more than \$1,000.00 for each violation.

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

AYES:

NAYS:

ABSENT:

PASSED AND APPROVED this _____ day of _____, 2021.

Tom Dailly, Village President

ATTEST:

Marilyn Karr, Village Clerk