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THE VILLAGE OF WEST DUNDEE  
KANE COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 22-26

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AN ORDINANCE AMENDING  
TITLE 3 OF  
THE VILLAGE OF WEST DUNDEE  
CODE OF ORDINANCES

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of West Dundee  
on this the 12<sup>th</sup> day of September, 2022

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ORDINANCE NO. 22-26

AN ORDINANCE AMENDING  
TITLE 3 OF  
THE VILLAGE OF WEST DUNDEE  
CODE OF ORDINANCES

WHEREAS, the Village of West Dundee (hereinafter referred to as the "Village") is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of West Dundee is a home rule unit of local government pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution with authority granted pursuant to the Illinois Constitution of 1970, to exercise any power and perform any function pertaining to its local government and affairs, including but not limited to the power to tax and incur debt;

WHEREAS, the Village has in full force and effect a codified set of ordinances which are of a general and permanent nature, which said codified set is known and designated as the Village Code of West Dundee, Illinois, as amended;

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of its residents;

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 West Dundee, including their health, safety, and welfare; and

WHEREAS, the Corporate Authorities of the Village of West Dundee are of the opinion that that it is in the best interests of the safety, health and welfare of the residents to adopt the additional regulations regarding hotels and extended stay establishments as provided for herein.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled by the Village President and Board of Trustees of the Village of West Dundee, Kane County, Illinois pursuant to the Village's Home Rule powers as follows:

Section One – Recitals

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Amendment to Title 3

Title 3 is amended to adopt Chapter 24 which shall read as follows:

3-24-1	DEFINITIONS
3-24-2	LICENSE REQUIRED
3-24-3	LICENSE ISSUANCE AND RENEWAL
3-24-4	TRAINING OF EMPLOYEES
3-24-5	ENTRY DOORS
3-24-6	HOURLY RENTALS
3-24-7	RENTAL OF ROOMS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE
3-24-8	HOUSEKEEPING SERVICES
3-24-9	MAXIMUM STAY LENGTH
3-24-10	RESPONSIBILITIES OF ALL HOTELS, MOTELS OR EXTENDED STAY HOTELS
3-24-11	OCCUPANCY REQUIREMENTS
3-24-12	COMMON AREA AND PARKING ILLUMINATION REQUIREMENTS
3-24-13	VIDEO SURVEILLANCE
3-24-14	LOITERING AND JUVENILE CURFEW
3-24-15	UNLAWFUL OPERATION DECLARED NUISANCE
3-24-16	DESIGNATED MANAGER
3-24-17	PENALTIES

3-24-1: DEFINITIONS:

The following words and phrases shall have the following meanings, and are hereby defined as follows:

"ALLEGED" Nuisance Incidents and Aggravated Nuisance Incidents are those incidents where a crime that would constitute a nuisance incident or aggravated nuisance incident has been reported and verified but a perpetrator has not been charged.

"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.

"HEARING OFFICER" For the purposes of this Chapter 24 only, Hearing Officer means either (i) a Village administrative hearing officer appointed pursuant to Chapter 8 of Title 6 of this Code; or (ii) the Village Manager or their designee.

"HOTEL" means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, lodging house or motel roominghouse 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.

"IDENTIFICATION DOCUMENT" means a government issued document that contains the name, date of birth, description, and picture of a person.

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

"OPERATOR" means the proprietor of the hotel, motel, or extended stay hotel, or any other person who has the right to rent rooms within the hotel or extended stay 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 or extended stay 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 or extended stay hotel at the invitation of a guest, but without the express permission of the operator of the hotel or extended stay hotel.

#### 3-24-2: LICENSE REQUIRED:

No person, firm, or corporation shall operate a hotel or extended stay hotel without first obtaining a license therefor as provided by Village Code. No license shall be transferable to another person, firm, corporation, or location or to other hotel, motel, or extended stay hotel guest units.

#### 3-24-3: LICENSE ISSUANCE AND RENEWAL:

No license shall be issued or renewed until the building and facilities have been inspected and approved by the Village to assure compliance with the standards set forth herein.

#### 3-24-4: TRAINING OF EMPLOYEES:

The operator of a hotel or extended stay hotel shall provide training to its employees to ensure that such employees comply with the provisions of this Ordinance.

#### 3-24-5: ENTRY DOORS:

For any hotel 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 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 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.

### 3-24-6: HOURLY RENTALS

No operator of a hotel or extended stay hotel shall provide lodging at an hourly rate.

### 3-24-7: RENTAL OF ROOMS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE

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

(B) It shall be unlawful for any person, at least twenty-one (21) years of age, to knowingly rent a hotel or extended stay hotel room for any individual under the age of twenty-one (21).

(C) A hotel 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 bonafide school or sports group, convention, corporate meeting, pageant or other major contracted booking at the hotel or extended stay hotel and a copy of the contract is on file at the hotel or extended stay hotel.

### 3-24-8: HOUSEKEEPING SERVICES

All hotels and extended stay hotels shall be kept in a clean and sanitary condition and shall provide housekeeping services, including but not limited to room cleaning, linen change, and towel service not less than once every seven (7) days, and any time prior to a new guest checking in to a room.

### 3-24-9: MAXIMUM STAY LENGTH

(A) No hotel or 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 or extended stay hotel without at least a two-day vacancy between stays.

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

(C) Notwithstanding subsections (A) and (B) of section 3-24-9, a stay in excess of twenty-eight (28) consecutive days may occur in the following situations:

(1) Where there is a written contract or documented agreement between a hotel 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; or

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

### 3-24-10: RESPONSIBILITIES OF ALL HOTELS, MOTELS, OR EXTENDED STAY HOTELS

(A) Every owner, operator, keeper or proprietor of any hotel or extended stay hotel, shall, without delay, report violations of law to the police department 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 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 Ordinance shall be kept strictly confidential in accordance with state and federal law and shall not be provided to any person except to a federal, state, or local law enforcement officer or to any officer empowered to enforce this article.

(D) All information required to be procured and kept pursuant to this Ordinance 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 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 or extended stay hotel, shall keep a record of all rental agreements between the hotel 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 or extended stay hotel's electronic guest registration system which stores guest identifying information. In the event the hotel or extended stay hotel does not have an electronic guest registration system, the hotel or extended stay hotel shall record the guest and any visitor's information in a paper record or reservation/registration book. The following information, at a minimum, must be recorded at the time of registration (either by electronic or paper means) and maintained for a period of no less than one year after the rental agreement's termination.

(1) A copy of the identification document of, along with the 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, model, type, color, and license number of all guests' vehicle(s) if the vehicle will be parked on hotel or extended stay hotel premises that are under the control of the operator or management;
  - (3) The day, month, year, and time of arrival of each guest;
  - (4) The room number or other identifying symbol of location of the room rented or assigned to 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) A copy of the identification document of the person renting the room; and
  - (9) Documentation used to verify a stay in excess of twenty-eight (28) consecutive days as stated in section 3-24-9.
- (F) Every owner, operator, keeper or proprietor of any hotel or extended stay hotel shall require each guest to provide a proper identification document, as defined in 3-24-1, prior to renting a room when registering in person, to ensure compliance with 3-24-7. A record (copy) of the provided Proper Identification Documents shall be kept on file for the duration of the occupancy and for no less than one year after the rental agreement's termination.
- (G) Every owner, operator, keeper or proprietor of any hotel or extended stay hotel shall utilize an online ecommerce age verification system for online rentals or reservations, to ensure compliance with 3-24-7. A record of the provided online age verification shall be kept on file for the duration of the occupancy and for no less than one year after the rental agreement's termination.
- (H) No person shall procure or provide lodging in any hotel 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.

### 3-24-11: OCCUPANCY REQUIREMENTS

- (A) No owner, operator, keeper or proprietor of any hotel 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 or extended stay hotel.
- (B) No owner, operator, keeper or proprietor, guest or visitor of any hotel 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 or extended stay hotel.

### 3-24-12: COMMON AREA AND PARKING ILLUMINATION REQUIREMENTS

- (A) All common areas and expressly including the parking lot of the hotel or extended stay hotel shall be lighted at all times they are open.
- (B) Within one hundred eighty (180) days of the effective date of this Ordinance, any hotel or extended stay hotel must provide and maintain a security plan, approved annually in writing by the chief of police, which shall include all implemented security measures for both the hotel and its common areas including any parking area. All security plans must include a video surveillance system ("VSS") which shall be maintained in proper working order and shall record all events in all public and common

areas of the hotel or extended stay hotel. Recordings from the VSS shall be kept for not less than 21 days and shall be turned over to the chief of police immediately upon request.

(C) The chief of police and the building official shall inspect or cause to be inspected every hotel or extended stay hotel operated in the Village as frequently as may be necessary to ensure compliance with the provisions of this Ordinance.

### 3-24-13: 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 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 and extended stay hotels, which have installed a VSS prior to the effective date of this Ordinance, 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 the proper working order at all times, be kept in continuous operation twenty-four (24) hours-per-day, seven (7) days-per-week, and meet the minimum technological standards established in this section. The hotel or extended stay hotel shall retain the continuous digital video recording and 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 checkout 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 the VSS required under this section must be approved by the chief of police or his/her designee. The police department will assess 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 VSS at any hotel, motel or extended stay hotel, as of the effective date of this Ordinance will be evaluated to ensure full compliance with this section.

(G) The VSS shall be a minimum of 720p resolution, capable of displaying resolution measuring 1280 X 720 pixels.

### 3-24-14: LOITERING AND JUVENILE CURFEW

(A) All hotel or extended stay hotel operators shall post signage that loitering is prohibited.

(B) No person(s) shall loiter in or upon any hotel or extended stay hotel property, parking lot, public parking structure or in or around any building to include breezeways, stairwells, or hotel 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 of the hotel or extended stay hotel.

(C) Curfew for minors, shall be enforced in the areas designated in 3-24-14(B).



### 3-24-15: UNLAWFUL OPERATION DECLARED NUISANCE

Any hotel, motel, or extended stay hotel operated, conducted, or maintained contrary to the provisions of this Ordinance, may be declared to be unlawful and a public nuisance. The Village hereby defines to be a Nuisance Hotel any hotel, motel, or extended stay hotel at which either (1) there has been an indictment, or conviction, judgment, or finding of liability by a court or hearing officer, for three or more nuisance incidents or two or more aggravated nuisance incidents, within any 180-day period; or (2) five or more alleged Nuisance Incidents or Aggravated Nuisance Incidents have occurred within any 60-day period, as reasonably determined by the Village Police Chief. The Village of West Dundee may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or enjoinder thereof, in the manner provided by state law and this Code.

#### (A) PREVENTION OF NUISANCE INCIDENTS:

- i. It is unlawful for a hotel Operator to consent to, facilitate, cause, allow, or encourage a Nuisance Incident or Aggravated Nuisance Incident.
- ii. Every person has the following affirmative duties with respect to any hotel, motel, or extended stay hotel for which they are a hotel Operator: (i) to refrain from encouraging or permitting a hotel, motel, or extended stay 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 or Aggravated Nuisance Incident
- iii. Each day on which a violation of this Section 3-24-15 occurs or continues constitutes a separate offense.

(B) NUISANCE INCIDENT: Except as provided in Section 3-24-15(D) of this Code, any of the following events or actions:

- i. Disorderly conduct, as defined in 720 ILCS 5/26-1;
- ii. Unlawful use of weapons, as defined in 720 ILCS 5/24-1 et seq.;
- iii. Mob action, as defined in 720 ILCS 5/25-1;
- iv. Gambling, as defined in 720 ILCS 5/28-1;
- v. Possession, manufacture, or delivery of controlled substances, as defined in 720 ILCS 570/401 et seq.;
- vi. Illegal consumption or possession of alcohol, as defined in 235 ILCS 5/1 et seq.;
- vii. Public indecency, as defined in 720 ILCS 5/11-30;
- viii. Assault or battery or any related offense, as defined in 720 ILCS 5/12- 1 et seq.;

- ix. Sexual abuse or a related offense, as defined in 720 ILCS 5/12-15 et seq.;
- x. Prostitution, as defined in 720 ILCS 5/11-14 et seq.;
- xi. Criminal damage to property, as defined in 720 ILCS 5/21-1 et seq.;
- xii. Unlawful possession, cultivation, manufacture, or delivery of cannabis, as defined in 720 ILCS 550/3 et seq.;
- xiii. Theft, as defined in 720 ILCS 5/16-1 et seq.;
- xiv. Criminal housing management, as defined in 720 ILCS 5/12-5.1;
- xv. Street gang related or gang related activity, as defined in 740 ILCS 147/10 et seq.;
- xvi. Violation of any provision of Title 10 of this code regarding Zoning Regulations;
- xvii. Violation of any provision of Title 9 of this code regarding Building Regulations;
- xviii. Violation of any provision of Title 6, Chapter 3 of this Code regarding dogs and animals;
- xix. Violation of any provision of Title 3, Chapter 2 of this Code regarding Liquor Control;
- xx. Violation of any provision of Article III of Chapter 8 of this Code regarding gambling;
- xxi. Violation of any provision of Article VIII of Chapter 8 of this Code regarding vandalism;
- xxii. Violation of any provision of Article I of Chapter 19 of this Code regarding garbage and refuse;
- xxiii. Any activity that constitutes a felony or a Class A misdemeanor pursuant to any applicable local, state, or federal law; and
- xxiv. Any Aggravated Nuisance Incident.

(C) AGGRAVATED NUISANCE INCIDENT: Except as provided in Section 3-24-15(D) of this Code, any of the following events or actions:

- i. Aggravated assault, as defined in 720 ILCS 5/12-2;
- ii. Aggravated battery, as defined in 720 ILCS 5/12-3.05;
- iii. Aggravated or reckless discharge of a firearm, as defined in 720 ILCS

5/24-1.2 and 1.5;

- iv. Armed violence, as defined in 720 ILCS 5/33A-2;
- v. Possession of explosives or incendiary devices, as defined in 720 ILCS 5/20-2 et seq.
- vi. Homicide, as defined in 720 ILCS 5/9-1;
- vii. Criminal street gang recruitment, as defined in 720 ILCS 5/12-6.4;
- viii. Criminal sexual abuse, as defined in 720 ILCS 5/11-1.50; and
- ix. Unlawful participation in street gang related activity, as defined in 720 ILCS 5/25-5.

(D) NUISANCE INCIDENTS AND AGGRAVATED NUISANCE INCIDENTS DO NOT INCLUDE:

- i. 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;
- ii. An incident or incidents of actual or threatened domestic violence or sexual violence occurring within the Village; or
- iii. Public nuisances occurring within the Village that are directly related to domestic violence, engaged in by a hotel, motel, or extended stay hotel, guest, a member of the hotel, motel or extended stay hotel guest's household, or other party, and against a hotel, motel or extended stay hotel guest or other party.

(E) DETERMINATION OF A NUISANCE INCIDENT:

- i. Initial Determination:
  - (a) If the Village Police Chief makes an initial determination that a hotel, motel or extended stay hotel within the Village has been the site of: (i) two Nuisance Incidents or one Aggravated Nuisance Incident within a 180-day period; or (ii) two alleged Nuisance Incidents or Aggravated Nuisance Incidents within a 30-day period the Police Chief must notify the Village Manager that the hotel, motel, or extended stay hotel is at risk of becoming a Nuisance Hotel.
  - (b) Within five business days after the Police Chief's initial determination, the Police Chief must provide written notification to the owner of record of the hotel, motel or extended stay hotel, and any other hotel Operators of record, that the hotel, motel, or extended stay hotel is at risk of becoming a Nuisance Hotel. The initial notice must include: (i)

the street address of the hotel, motel or extended stay hotel; (ii) a concise description of the events or activities that constitute Nuisance Incidents, Aggravated Nuisance Incidents, or alleged Nuisance Incidents or Aggravated Nuisance Incidents; (iii) an invitation to meet with the Village Manager within the following 30 days to negotiate a voluntary abatement agreement with the Village; and (iv) contact information for the Village Manager or Police Chief.

(c) Copies of the initial notice must be provided by personal service or sent by first-class mail, postage pre-paid, return receipt requested.

ii. Final Determination:

(a) If the Police Chief makes a final determination that a hotel, motel or extended stay hotel has been the site of: (i) more than two Nuisance Incidents or more than one Aggravated Nuisance Incident within a 180-day period; or (ii) more than four alleged Nuisance Incidents or Aggravated Nuisance Incident within a 60-day period, the Police Chief must notify the Village Manager that the hotel, motel or extended stay hotel may qualify as a Nuisance Hotel.

(b) Within five business days after the Police Chief's final determination, the Police Chief must provide written notification to the owner of record of the hotel, motel or extended stay hotel, and any other Hotel Operator of record, stating that the hotel, motel, or extended stay hotel may be subject to action under this Section 3-24-15. The final notice must include: (i) the street address of the hotel, motel or extended stay hotel; (ii) a concise description of the events or activities that constitute Nuisance Incidents, Aggravated Nuisance Incidents, or alleged Nuisance Incidents or Aggravated Nuisance Incidents; (iii) a demand that the Hotel Authority immediately address the conditions qualifying it as a Nuisance Hotel; (iv) information regarding the time and location of any upcoming hearing scheduled pursuant to this Section 3-24-15; and (v) contact information for the Village Manager or Police Chief.

(c) Copies of the initial notice must be provided by personal service or sent by first-class mail, postage pre-paid, return receipt requested and posted at the hotel, motel, or extended stay hotel property.

(F) VOLUNTARY ABATEMENT AGREEMENT:

Upon receipt of a notice pursuant to Section 3-24-15(E)(i)(b) of this Code, but prior to entry of an order pursuant to Section 3-24-15(G) of this Code, the owner of the subject hotel, motel, or extended stay hotel, 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 Section 3-24-15(G) 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 Village Manager is hereby authorized, in their

discretion, to execute any voluntary abatement agreement that the Manager determines will reasonably prevent and abate Nuisance Incidents or Aggravated Nuisance Incidents.

(G) ENFORCEMENT PROCEDURES:

i. The Village may bring an action before a Hearing Officer or a court of competent jurisdiction for a declaration that a hotel, motel or extended stay hotel is a Nuisance Hotel, and entry of an abatement order.

ii. Upon conducting an evidentiary hearing, the Hearing Officer or court may declare that a hotel, motel, or extended stay hotel is a Nuisance Hotel and issue an order directing the appropriate hotel Operator to implement abatement measures pursuant to Section 3-24-24 as the Hearing Officer or court deems necessary or appropriate. 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.

(H) NUISANCE HOTEL REMEDIES:

Upon declaring a hotel, motel, or extended stay hotel, to be a Nuisance Hotel, a Hearing Officer or court may impose any of the following remedies:

i. Fines and Fees:

a. Fines imposed against the owner of the hotel, motel, or extended stay hotel, 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, motel, or extended stay hotel is a Nuisance Hotel. The fines imposed under this Section 3-24-15(H)(i)(a) are in addition to any fines imposed for any independent violation of law which relates to a finding of a Nuisance Hotel Violation.

b. 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.

ii. Security measures. Mandatory initiation, installation, and maintenance of additional security measures at the Nuisance Hotel property, which may include, without limitation: (i) enhanced lighting; (ii) surveillance cameras; (iii) fences or barriers to entry; and (iv) the hiring of security personnel.

iii. 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.

iv. License revocation. Revocation of the license for the hotel, motel, or extended stay hotel, issued pursuant to Section 3-24-2 or 3-24-3 of this Code.

v. 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, motel, or extended stay hotel.

vi. 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 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 (v) permit any activity prohibited by law.

### 3-24-16: DESIGNATED MANAGER

The hotel or extended stay hotel shall ensure the contact information of the hotel, motel, or extended stay hotel manager is kept current with the West Dundee Police Department Chief of Police or his/her designee.

### 3-24-17: PENALTIES

If a person is convicted of a violation of this Ordinance, other than those listed in section 3-24-15, the Hearing Officer, 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.

### 3-24-18: EMERGENCY CLOSURE

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

(A) The Chief may abate the threat to public safety, and summarily close the hotel, motel, or extended stay hotel, by posting a notice on the hotel, motel, or extended stay hotel, and mailing via certified mail a copy thereof to the registered licensee of the hotel, motel, or extended stay hotel. The notice must include, without limitation: (1) an order that all business activities immediately cease at the hotel, motel, or extended stay hotel, (2) the reasons for the summary closure; (3) information regarding the time and location of any upcoming hearing scheduled, pursuant to Section 3-24-18(B) of this Code; and (4) contact information for the Village Manager or Police Chief.

(B) The owner of a hotel, motel, or extended stay hotel, summarily closed pursuant to Section 3-24-18(A) is entitled to a hearing before the Hearing Officer. The Hearing Officer must conduct the hearing within five 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, motel, or extended stay hotel,

(C) Any summary closure order issued pursuant to Section 3-24-18(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, motel, or extended stay hotel, 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 3-24-18(B) of this Code; (3) entry of an order pursuant to Section 3-24-15(G) 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, motel, or extended stay hotel, is a Nuisance Hotel, and a hearing officer has found that an extended closure of or permanent revocation of the hotel, motel, or extended stay hotel's occupancy license is a proper remedy pursuant to Section 3-24-15 of this Code.

### Section Three – Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Village Code of West Dundee, Illinois.

### Section Four – Home Rule Preemption

This Ordinance represents the Village of West Dundee's exercise of its home rule powers to the extent that this Ordinance preempts or conflicts with Illinois statute to the extent permitted under the Constitution of the State of Illinois.

### Section Five – Effective Date

This Ordinance shall be in full force and effect on May 1, 2022.

### Section Six – Conflict Clause

That all ordinances, parts of ordinances, resolutions, parts of resolutions and/or board actions in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

### Section Six – Constitutionality Clause

Any part or parts of this Ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of this Ordinance or the Village Code of West Dundee, Illinois.

### Section Seven – Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

### Section Eight – Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of West Dundee.

The Remainder of this Page has been Intentionally Left Blank / Roll Call Vote follows:



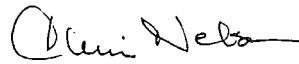
PASSED THIS 12<sup>th</sup> day of September 2022

Ayes: Trustees Wilbrandt, Price, Yuscka, Haley, Alopogianis and Anderley

Nays: None

Absent: None

APPROVED THIS 12<sup>th</sup> day of September 2022



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Christopher Nelson  
Village President

ATTEST:



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Mary Jo Pape  
Village Clerk