

ARTICLE III. MOTELS¹

Sec. 12-53. Definitions.

That for the purpose of this article, the following words shall have the following definitions:

Motel establishment means a structure where rooms are used, maintained, offered, and held out to the public for lease or rent for use as a place for sleeping, whether with or without meals. For the purpose of this article, the term "motel" shall include a business commonly called a motel, hotel, inn, apartment hotel, lodge, or dormitory.

Motel room means a room within a structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodginghouse, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room.

Operator means any person having a sufficient proprietary interest in conducting the operation of a motel room or receiving the consideration for the rental of such motel room so as to entitle such person to all or a portion of the net receipts thereof.

(Ord. No. 1179, § 151, 7-14-1987)

Sec. 12-54. License required; fee.

- (a) It shall be unlawful for any person to operate a motel establishment at any location in the village without first obtaining a license for himself and the location which shall expire on April 30 of each year.
- (b) The annual license fee for a motel establishment license shall be in the amount established from time to time by the village board; provided, however, that the initial license fee shall be prorated according to the number of months that it is issued for.

(Ord. No. 1179, § 150, 7-14-1987)

Sec. 12-55. Application for motel establishment license.

- (a) Every applicant for a license to operate and conduct a motel establishment shall file an application in duplicate under oath with the village clerk and shall pay the initial license fee for the year, or part thereof for which the initial license is issued. The village comptroller shall issue a receipt that shall be attached to the application filed with the clerk.
- (b) The applicant shall state the location for the proposed motel establishment and the other information required by this article.
- (c) The applicant shall provide a certificate of insurance from an insurance company licensed to do business in the state certifying that the applicant has the following coverages in force:

¹State law reference(s)—Authority for municipal regulation of motels, 65 ILCS 80/2.

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- (1) Bodily injury: \$1,000,000.00;
 - (2) Property damage: \$ 500,000.00;
 - (3) Combined single limit: \$1,500,000.00; or
 - (4) Workers compensation: statutory amount.
- (d) The applicant shall also show the number on his/its certificate of registration required by the "Retailer's Occupation Tax Act, Service Occupation Tax Act and/or Use Tax Act," and his/its number on his/its certificate of registration for "The Hotel Operator's Occupation Tax Act" of the state.
- (e) All applicants for a motel establishment license, including all partners and limited partners of a partnership, all officers, all directors, and those stockholders holding more than ten percent of the stock of a corporate applicant, shall furnish the following information in the application:
- (1) Name, residence, address and date of birth.
 - (2) Social security number and driver's license number, if any.
 - (3) All residential addresses for the past three years.
 - (4) The applicant's height, weight, color of eyes and hair.
 - (5) The business, occupation or employment of the applicant for the three years immediately preceding the date of application.
 - (6) If the applicant is a corporation, or a partner of a partnership applicant is a corporation, the state of incorporation and the name of the corporation exactly as shown in its Articles of Incorporation.
- (f) The village clerk shall within seven days refer copies of such application to the inspection department, the fire department and the police department. These departments shall within seven days inspect the premises proposed to be operated as a motel establishment and make written reports to the village clerk concerning compliance with various ordinances that they administer the standards set forth in this article.
- (g) Within 30 days of receipt of the reports from the aforementioned departments, the village clerk shall notify the applicant that his application is granted, denied, or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days, unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the village clerk shall advise the applicant in writing whether the application is granted or denied.
- (h) Whenever an application is denied or held for further investigation, the village clerk shall advise the applicant in writing of the reasons for such action.
- (i) The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his refusal to submit or to cooperate with any inspection required by this article shall constitute an admission by the applicant that he/it is ineligible for such license and shall be grounds for denial thereof by the village clerk.

(Ord. No. 1179, § 152, 7-14-1987)

Sec. 12-56. Restrictions on license.

- (a) No license shall be issued or renewed for any person, partnership or corporation if such person, or any partner, or any officer, director or shareholder owning more than ten percent of the stock of a corporation applicant is indebted to the village for any license fee, tax, fine or penalty, or is delinquent in the payment of any utility bill to the village or other indebtedness.

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- (b) No license shall be issued to any person unless the applicant is the owner of the premises or has a lease upon the premises until May 1 of the following year when the license expires.

(Ord. No. 1179, § 153, 7-14-1987)

Sec. 12-57. License term, expiration, renewal.

- (a) The initial license term shall commence on the date the initial application is approved by the clerk and shall expire April 30 of the following year. All renewal licenses shall be for a period of one year and shall commence on May 1 of each year.
- (b) Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

(Ord. No. 1179, § 154, 7-14-1987)

Sec. 12-58. Licenses not assignable, unlawful use, display.

- (a) No license may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person shall use or display any license certificate that has been improperly acquired.
- (b) No person shall alter, deface, forge, or counterfeit any license issued by the village.
- (c) Every licensee shall display his license in a prominent place on the licensed premises.

(Ord. No. 1179, § 155, 7-14-1987)

Sec. 12-59. Nuisances prohibited.

- (a) *Generally.* No motel establishment shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under this article or under the provisions of the Code prohibiting nuisances generally.
- (b) *Unsafe or unhealthful business.*
 - (1) No building or structure, utilized, constructed, or maintained in connection with the operation of the motel business shall permit any unsanitary, unsafe, or dangerous condition to exist.
 - (2) No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with the business.
- (c) *Refuse disposal.*
 - (1) *Refuse containers.* Standard refuse containers are required and shall be used. These receptacles shall have at least 20 gallons of capacity and be constructed of impervious and sturdy material, with a tightfitting cover, and equipped with handles properly placed to facilitate handling. All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers unless another type of container is approved by the village inspector due to the unusual nature of the refuse produced by the business.

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- (2) *Refuse removal.* It shall be the duty of the licensee of the premises used or maintained in connection with the license issued to cause to be removed, at his cost and expense, at least twice each week, all refuse produced therein.

(Ord. No. 1179, § 156, 7-14-1987)

Sec. 12-60. Code compliance.

The licensee of each and every motel establishment shall comply with all the building codes, zoning codes, plumbing codes, electrical codes, fire prevention codes, property maintenance codes, and all other codes affecting the use and occupancy of property in the village enacted by the village and the state. The licensee shall also permit the village inspector or other village officials reasonable access to the premises for the purpose of making such inspections.

(Ord. No. 1179, § 157, 7-14-1987)

Sec. 12-61. Smoke detectors.

Each and every motel room shall have at all times an approved smoke detector that is in good working order, except that in motels constructed prior to 1970 that for technical reasons cannot have smoke detectors in each motel room, the licensee shall install the number of smoke detectors specified by the village inspector and fire chief in the hallway as close to the door of each motel room as possible. All such smoke detectors so installed shall be kept in good working order by the licensee.

(Ord. No. 1179, § 158, 7-14-1987; Ord. No. 1196, § 7.158, 11-10-1987)

Sec. 12-62. Grounds for revocation of motel establishment license.

Any motel establishment license may be revoked by the village president after a hearing for any of the following causes:

- (1) The violation of any of the provisions of this article by the operator or by any of his/its employees.
- (2) The making of a false statement in the application for the license.
- (3) The refusal to permit an inspection of the premises by a village officer or employee.
- (4) The failure to operate the motel establishment in accordance with the standards set forth in this article.
- (5) The failure to maintain the premises in accordance with the standards set forth in this article or in accordance with all village ordinances or state statutes.
- (6) The failure of the licensee or the failure of a partner, or the failure of a corporate officer, director or shareholder owning more than ten percent of the stock in the corporation, to pay to the village, when due, any other license fee, fine, penalty, tax, or any other bill or charge.
- (7) The cessation of ownership or loss of a lease on the premises to be licensed.

(Ord. No. 1179, § 159, 7-14-1987)

Sec. 12-63. Procedures for revocation of license.

Before a motel establishment license can be revoked, the following procedures must be followed:

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- (1) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee at his last known address, at least five days prior to the date set for the hearing.
 - (2) At the hearing, the village attorney shall present the complaint and shall represent the village. The licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The mayor shall preside and shall render the decision.
 - (3) A stenographic or electronically recorded record of the hearing shall be kept. The village shall pay the cost of attendance fees of the reporter and the cost of the transcript, if such transcript shall be ordered by the village. The licensee shall pay the cost of any transcript ordered by him.
 - (4) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the mayor shall file a written decision in which he summarizes the evidence and states the reasons for the decision.

(Ord. No. 1179, § 160, 7-14-1987)

Sec. 12-64. Appeal.

Any person aggrieved by the decision of the mayor in regard to the denial of an application for a license, as provided in this article, or in connection with the revocation of a license, shall have the right to appeal to the corporate authorities. Such appeal shall be taken by filing with the clerk, within ten days after notice of a denial of an application or a revocation of a license, a written statement under oath setting forth specifically the grounds for appeal. The corporate authorities shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in this article. The decision of the corporate authorities on such appeal shall be final.

(Ord. No. 1179, § 161, 7-14-1987)

Sec. 12-65. Unlicensed motel establishment—Room rental.

It shall be unlawful for any owner, room clerk, manager, employee or other person connected with an unlicensed motel establishment to rent, lease or permit a person to occupy a motel room in any part of said unlicensed motel establishment.

(Ord. No. 1179, § 162, 7-14-1987)

Sec. 12-66. Same—Occupants.

It shall be unlawful for any person to rent, lease or occupy any motel room in an unlicensed motel establishment for sleeping purposes knowing that he is in violation of this article.

(Ord. No. 1179, § 163, 7-14-1987)

Sec. 12-67. Penalty.

Every person which violates any provision of this article shall be subject to penalties as provided in section 1-23.

(Ord. No. 1179, § 164, 7-14-1987)

Secs. 12-68—12-92. Reserved.