

ORDINANCE NO. 23-

**/ AMENDMENTS TO MUNICIPAL CODE / TITLE 3,
CHAPTER 36 (TAXES) AND TITLE 11, CHAPTER 129C.07 (HOTEL
ESTABLISHMENTS; MAXIMUM STAY LENGTH) PERTAINING TO HOTEL
AND MOTEL TAX ON EXTENDED STAYS**

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, Section 5/8-11-6a of the Illinois Code permits Home Rule Units to impose “a tax, however measured, based upon the use of a hotel or motel room or similar facility” 65 ILCS 5/8-11-6(a); and

WHEREAS, Title 3, Chapter 36.050 of the Village Code imposes a tax on all persons engaged in the business of renting, leading, or letting rooms in a hotel or motel in Village or making, booking, facilitating, or servicing the leasing or renting of rooms in a hotel or motel in the Village; and

WHEREAS, Title 11, Section 129C.07 of the Village Code limits occupancy in a hotel, motel, or extended-stay hotel in the Village to no more than twenty-eight (28) consecutive days, except in certain circumstances; and

WHEREAS, the President and Board of Trustees of the Village of Schaumburg find that those occupying a hotel or motel in the Village for thirty (30) days or longer are more likely to require Village services than those staying less than the twenty-eight (28) day maximum stay length; and

WHEREAS, pursuant to the authority granted under Section 5/8-11-6a of the Illinois Municipal Code (65 ILCS 5/8-11-6a) and Article VII, Section of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Schaumburg approve the Proposed Code Amendments to the Village Code set forth below, and find that amending the Village Code to adopt such Proposed Code Amendments is in the best interest of the Village; and

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 3, Chapter 36, Section 36.050 of the Schaumburg Village Code is hereby amended to read in its entirety as follows:

“§ 36.050 - TAX IMPOSED.

(A) A tax is hereby levied and imposed upon all persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the village or making, booking,

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facilitating or servicing the leasing or renting of rooms in a hotel or motel in the village at a rate of eight percent (8%) of the gross rental receipts from such rental, leasing or letting. The ultimate incidence of and liability for payment of said tax shall be borne by the user, lessee or tenant of said rooms. The tax herein levied shall be in addition to any and all other taxes.

(B) When the rental period exceeds a period of thirty (30) or more consecutive days, a tax is hereby levied and imposed upon all persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the village or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel in the village at the rate of one thousand dollars (\$1,000) for each thirty (30) day period and any prorated fraction thereof."

SECTION THREE: Title 11, Chapter 129C, Section 129C.07 of the Schaumburg Village Code is hereby amended to read in its entirety as follows:

"§ 129C.07 - MAXIMUM STAY LENGTH.

- (A) No hotel, motel, extended-stay hotel located within the village shall allow any person to occupy such facility for more than twenty-nine (29) consecutive days unless otherwise permitted in this section. No guest residing for more than twenty-nine (29) 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-nine (29) 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,

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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, including but not limited to the taxes imposed in Section 36.050; however, the additional tax imposed for stays exceeding a period of thirty (30) or more consecutive days provided in Section 36.050(B) shall not apply to stays under the exceptions in Section 129C.07(C) in the event less than ten percent (10%) of the total hotel, motel or extended-stay hotel occupancy is being used subject to any such exception at any given time.
- (E) All hotels, motels, and extended-stay hotels constructed after the effective date of the ordinance codified in this chapter, 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.”

SECTION FOUR: To the extent necessary, all tables of contents, indexes, headings, section and subsection numbering/lettering, and internal references or cross-references to sections that need to be amended or deleted within the Schaumburg Village Code, as amended, as a consequence of the above Code Amendments, shall be amended by the Village’s codifier so as to be consistent with the terms of the Ordinance.

SECTION FIVE: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION SIX: 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 _____, 2023.

Tom Dailly, Village President

ATTEST:

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Jane Lentino, Village Clerk