

**An Ordinance  
Amending Title 5, Chapter 2 of the City Code,  
"Lodging Establishments"**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Evanston, Cook County, Illinois:

**SECTION 1:** That Title 5, Chapter 2 of the Evanston City Code of 1979, as amended, be and it hereby is further amended by revising Section 5-2-9(B) to read as follows:

**5-2-9: CONDITIONS AND REQUIREMENTS:**

- A. **Number of Rooms Limited by Zoning Regulations:** No use as set forth in Section 5-2-1 of this Chapter shall provide for more than the number of persons permitted by the zoning regulations of the City.
- B. **Register Kept:** The landlord, proprietor, keeper, manager or clerk of every use regulated herein, shall keep a register in which shall be entered the name of every person who becomes a lodger, boarder, or paying guest therein. Such register shall also show the number and location of the room or bed occupied by such person, the date of his arrival, and the period for which the guest engaged board or lodging. The register shall also be accessible, without charge, to any police officer or duly authorized agent of the Health, Fire or Community Development Department of the City. **The licensee's failure to make the register accessible as provided for herein shall be a violation of this Chapter.**

**SECTION 2:** That Section 5-2-11 is hereby amended, to read as follows:

**5-2-11: PENALTY:** Any owner, tenant or other person who shall violate any of the provisions of this Chapter shall be punished by a fine of:

- A. **First Offense:** Not less than \$25.00 nor more than \$500.00, except for violations of section 5-2-9, for which the fine shall be not less than \$250.00 nor more than \$500.00.
- B. **Each Subsequent Offense:** Not less than \$50.00 nor more than \$500.00, except for violations of Section 5-2-9(B), for which the fine shall be \$500.

A separate offense shall be deemed committed upon each day such violation shall occur or continue (Ord. 72-O-75; 1979 Code).

All fines imposed are to be per day, per violation. In addition to any other penalty, a licensee violating any provision of this Chapter may be subject to revocation, suspension, or nonrenewal of his/her license.

**SECTION 3:** That a new Section 5-2-12 is hereby added, to read as follows:

**5-2-12: ADMINISTRATION AND ENFORCEMENT:**

- A. Administration: The Director of Community Development (“Director”) is charged with the administration of this Chapter.
- B. Suspension or Revocation of License: The Director may suspend or revoke a license, or deny renewal of, a license issued under the provisions of this Chapter if (s)he determines that the licensee has violated any of the provisions hereof.
- C. Decision; Appeal; Hearing Costs:
  - 1. In the event that a licensee commits a violation of this Chapter or of such other requirements of the property maintenance, building, zoning, fire prevention, health or other ordinances or regulations of the City as may apply, **the Director may suspend, revoke, or deny renewal of the license.** In the event of a license suspension, the Director may impose conditions upon the continued operation of the licensed establishment.
  - 2. The Director shall send written notice of his/her action to the licensee. The notice shall be personally delivered or sent by return receipt mail to the licensee’s address listed on the application for Lodging Establishment License. The notice shall be in writing and shall contain a statement of the action and reasons therefor, and the effective date of the action and any other relevant information.
  - 3.
    - a. The licensee may appeal the decision of the Director rendered in a particular case. The appeal shall be made in writing to the Director within ten (10) days of notification by the Director of the decision to be appealed.
    - b. The hearing shall commence no less than seven (7) days, nor more than twenty-one (21) days, after the Director receives the request for hearing.
    - c. The notice of hearing stays the action of the Director in suspending, revoking, or denying renewal of a license until the City Manager makes a final decision, unless the Director determines that continued operation of the licensed establishment constitutes an imminent and serious threat to the public health and safety, in which case, the Director shall take or cause to be taken, such action as is necessary to immediately enforce the suspension, revocation, or other order.

- d. The City Manager shall designate a person to serve as hearing officer.
- e. The hearing officer may compel by subpoena, or subpoena duces tecum, the attendance and testimony of witnesses and the production of books and papers, and may administer oaths to witnesses.
- f. The licensee shall have the opportunity at the hearing to present all relevant matter in support of his position. All testimony taken at the hearing shall be recorded and shall be a part of the record of the hearing.
- g. The hearing officer shall make written findings of fact in such hearing and shall make a written recommendation for a decision to the City Manager. The hearing officer shall render his findings and recommendations no later than thirty (30) days after declaring the hearing closed. The hearing officer may declare the hearing closed after the transcript has been made. The City Manager shall render his decision within seven (7) days after receipt of the hearing officer's recommendation, unless additional time, not to exceed ten (10) days, is required by him for a proper disposition of the matter. The City Manager may revoke the license, suspend the license with or without the imposition of conditions following resumption of operation, order nonrenewal of the license, or enter other order(s) appropriate to the facts.
- h. If the license is revoked, the fee already paid for the license shall be forfeited. A licensee whose license has been revoked or not renewed may not apply for a new license for a period of one (1) year from the date that the revocation or nonrenewal took effect.
- i. Any licensee determined by the City Manager to have violated any of the provisions of this Chapter shall pay to the City the costs of the hearing on such violation. The City Manager shall determine the costs incurred by the City for said hearing, including, but not limited to, court reporter's fees, the cost of transcript preparation, attorneys' fees, the costs of preparing and mailing notices and orders, and all other expenses incurred by the City or such lesser sum as the City Manager may allow.

The licensee shall pay said costs to the City within thirty (30) days of written notification of the costs. Failure to pay said costs shall be a violation of this Chapter. Payment of said costs within thirty (30) days of notification thereof shall be a condition to resumption

of operation of licensed establishment (1) after a suspension and  
(2) application of renewal of the license.

**SECTION 4:** That ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 23, 1998

Adopted: March 9, 1998

Approved: March 13, 1998

Louaine H. Morton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel