

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 4 (“HOTEL/MOTEL AND TRANSIENT OCCUPANCY RENTAL UNIT TAX”) OF THE OAK PARK VILLAGE CODE REGARDING HOTEL TAXES

WHEREAS, the Village of Oak Park (“Village”), 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, as a home rule unit, the Village of Oak Park’s powers are construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village Board has determined to amend the Oak Park Village Code’s regulations on hotel/motel and transient occupancy rental unit taxes within the Village as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Oak Park, Cook County, Illinois, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference.

Section 2. Village Code Amended. Article 4 (“Hotel/Motel and Transient Occupancy Rental Unit Tax”) of Chapter 23A (“Taxes”) of the Village Code of Ordinances of the Village of Oak Park, Illinois, is hereby amended to read as follows:

ARTICLE 4

HOTEL/MOTEL AND TRANSIENT OCCUPANCY RENTAL UNIT TAX

23A-4-1: Definitions

23A-4-2: Tax Imposed

23A-4-3: Duty To Collect Tax From User

23A-4-4: Books And Records

23A-4-5: Transmittal Of Tax Revenue

23A-4-6: Collection

23A-4-7: Proceeds To Be Paid To Village’s Chief Financial Officer

23A-4-8: Penalty

23A-4-1: DEFINITIONS:

For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meanings ascribed to them in this section:

FACILITATOR

Any person who provides a means through which a person, owner, operator, or operator’s agent may offer a hotel/motel room or transient occupancy rental unit for rent, regardless of whether the rental or leasing charge is transferred through or processed by such facilitator, or by a separate entity.

Additions are bold and double-underlined; deletions are struck through.

GROSS RENTAL OR
LEASING CHARGE:

The gross amount of consideration for the use or privilege of using hotel/motel accommodations and transient occupancy rental units in the Village, valued in money, whether received in money or otherwise, including cash, credits, property, and services determined without any deduction for costs or expenses whatsoever. The term "gross rental or leasing charge" includes any and all charges that the lessee or tenant pays incidental to obtaining the use or privilege of using hotel/motel accommodations and transient occupancy rental units, including but not limited to any and all related markups, service fees, convenience fees, facilitation fees, cancellation fees, late departure fees, and other such charges, regardless of terminology. The term "gross rental or leasing charge" does not include charges that are added to the charge or fee on account of the tax imposed by this article or on account of any other tax imposed on the charge or fee. The term "gross rental or leasing charge" shall exclude separately stated optional charges not for the use or privilege of using hotel accommodations. The fact that the lessee or tenant could have avoided the charge by obtaining the use or privilege from or through a different owner, manager, or operator, pursuant to different terms, or through a course of performance that would have avoided the obligation to pay the charge, does not make the charge "optional."

HOTEL/MOTEL:

Every building or structure within the Village kept, used, maintained as or advertised and held out to the public to be a place where lodging or lodging and food or other accommodations are offered for consideration to guests including "bed and breakfast" establishments. Accommodations within said buildings or structures which are leased to the same occupant for a period of more than thirty (30) consecutive days shall be exempt from the tax provisions of this article.

OWNER:

Any person having an ownership interest in or conducting the operation of a hotel/motel room or transient occupancy rental unit or receiving consideration for the rental of such hotel/motel room or transient occupancy rental unit.

PERSON:

Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, copartnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part owners thereof, and as applied to corporations, the officers thereof.

TRANSIENT
OCCUPANCY
RENTAL UNIT:

A dwelling unit or a habitable unit that is offered for rent, lease or hire that is rented, leased or hired for which an owner receives consideration from a person for a period of thirty (30) days or less and that person has the right to use, occupy or possess the dwelling unit or habitable unit for said period.

23A-4-2: TAX IMPOSED:

A. A tax is hereby levied and imposed upon the use and privilege of renting, leasing or letting of a hotel/motel room or transient occupancy rental unit in the Village at a rate of four percent (4%) of the gross rental or leasing charge. The ultimate incidence and/or liability for payment of said tax shall be in

Additions are bold and double-underlined; deletions are struck through.

addition to any and all other taxes.

B. In addition to the tax imposed under subsection A of this section, a surcharge is imposed and shall immediately accrue and be collected upon the rental or lease of any transient occupancy rental unit in the Village at the rate of three and one-half percent (3.5%) of the gross rental or leasing charge. The purpose of this surcharge is to fund the activities of the Housing Trust Fund established pursuant to section 12-7-3 of this Code. **The ultimate incidence and/or liability for payment of said surcharge is in addition to any and all other taxes.** The surcharge is a part of the tax imposed by this article, and all references to the tax shall be deemed to include the surcharge.

C. The ultimate incident of and liability for payment of the tax imposed in this article will be borne by the person who seeks the privilege of occupying any such hotel or motel room, said person hereinafter referred to as "renter."

23A-4-3: DUTY TO COLLECT TAX FROM USER RENTER:

The owner, ~~and operator,~~ **or facilitator** of each hotel/motel or transient occupancy rental unit ~~and the person who operates said hotel/motel or transient occupancy rental unit shall~~ bear jointly and severally the duty to act as trustee for and account of the Village and to collect the tax from each **renter** ~~user, lessee or tenant of rooms in such hotel/motel or transient occupancy rental unit~~ and to pay over to the Village Finance Director the tax under procedures prescribed by the Village Finance Director or as otherwise set forth in this article; provided, however, that the person collecting the tax as trustee for and account of the Village, may retain two percent (2%) of the tax due as compensation for services rendered in the collection and payment of such tax. Every person required to collect the tax levied by ordinance shall secure said tax from the **renter** ~~user, lessee or tenant of a room or rooms~~ at the time that such person collects the price, charge or rent to which it applies. **The amount of tax due must be stated separately on the invoice receipt or other statement or memorandum of the rent given to the renter at the time of payment.**

23A-4-4: BOOKS AND RECORDS:

The Finance Director, or the Director's authorized representative, may enter the premises of any hotel/motel, ~~or~~ transient occupancy rental unit, **and facilitator** for inspection and examination of records in order to effectuate the proper administration of this chapter, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Finance Director or the Director's authorized representative in the discharge of the Director's duties in the performance of this chapter. It shall be the duty of every owner, **operator, and facilitator** to keep accurate and complete books and records to which the Finance Director, or the Director's authorized representative, shall at all times have full access, which records shall include a daily sheet showing the number of hotel/motel rooms or transient occupancy rental units rented during the twenty four (24) hour period, including multiple rentals of the same hotel/motel room or transient occupancy rental unit where such shall occur and the actual hotel/motel or transient occupancy rental unit tax receipts collected for the date in question.

23A-4-5: TRANSMITTAL OF TAX REVENUE:

A. The owner, **operator, or facilitator** of each hotel/motel or transient occupancy rental unit within the Village shall file tax returns showing tax receipts received with respect to each hotel/motel room or transient occupancy rental unit during each one month period commencing on February 1, 1995, and continuing on the first day of every month thereafter on forms prescribed by the Village Finance Director. The monthly return for each completed calendar month shall be due within fifteen (15) days of

Additions are bold and double-underlined; deletions are struck through.

the completion of the calendar month. A separate return shall be filed for each place of business within the Village regardless of ownership.

B. The first taxing period for the purpose of this article shall commence on February 1, 1995, and the tax return and payment for such period shall be due on or before March 15, 1995. Thereafter reporting periods and tax payments shall be in accordance with the provisions of this article. At the time of filing such tax returns, the owner, operator, or facilitator shall pay to the Village all taxes due for the period to which the tax return applies.

C. If for any reason any tax is not paid when due, a penalty at the rate of two percent (2%) per thirty (30) day period, or portion thereof, from the day of delinquency shall be added and collected.

23A-4-6: COLLECTION:

Whenever any person shall fail to pay any tax as herein provided, the Village shall bring or cause to be brought an action to enforce the payment of the tax on behalf of the Village in any court of competent jurisdiction.

23A-4-7: PROCEEDS TO BE PAID TO VILLAGE'S CHIEF FINANCIAL OFFICER:

Proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid to the Village's Chief Financial Officer and shall be credited to and deposited in the Village's Housing Trust Fund as set forth in chapter 12 ("Housing"), article 7 ("Housing Trust Fund") of this Code. Proceeds shall also be used for the purpose of promoting tourism, meetings, conventions or other events within the Village or otherwise attracting nonresidents to visit the Village and patronize Village businesses and in furtherance of that purpose, all proceeds from the tax shall be paid to Visit Oak Park or a successor entity in accordance with the Village's then existing agreement with the applicable entity. Any remaining proceeds from the tax shall be deposited into the Village's general fund.

23A-4-8: PENALTY:

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day of violation shall constitute a separate and distinct offense.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict. This Ordinance shall take effect upon passage and may be published in pamphlet form by the Office of the Village Clerk.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

Additions are bold and double-underlined; deletions are struck through.

ADOPTED this __ day of _____, 2025, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this __ day of _____, 2025.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this __ day of _____, 2025.

Christina M. Waters, Village Clerk

Additions are bold and double-underlined; ~~deletions are struck through.~~