

VILLAGE OF BARTLETT

COMMITTEE AGENDA

AUGUST 15, 2023

BUILDING AND ZONING COMMITTEE, CHAIRMAN GUNSTEEN

1. Short Term Home Rentals

FINANCE COMMITTEE, CHAIRMAN LAPORTE

2. IT Position Cost Analysis



Agenda Item Executive Summary

Item Name	Short Term Rentals	Committee or Board	Committee
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BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
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List what fund N/A

EXECUTIVE SUMMARY

Short term rentals (a property rented for less than 30 days) is a use that is not listed within the Village's Municipal Code. The Village has at least 5 properties that are advertised as a short-term rental (STR) and has received several complaints regarding one of the properties.

Staff requested the DuPage Mayors and Managers Conference and Northwest Municipal Conference to survey participating communities to determine what approach other municipalities have taken with regulation short term rentals. Based on the survey results, there are not consistent regulations on short-term rentals in the Chicagoland area.

Staff is requesting direction from the Committee of the Whole on whether to proceed with drafting regulating for short term rentals.

- Should short-term rentals be prohibited?
- If not prohibited, should short-term rentals be allowed in residential zoning districts as a permitted or special use?
- If allowed, are there additional regulations that are necessary to minimize the impact of STR on adjacent property owners?

ATTACHMENTS (PLEASE LIST)

PDS Memo, survey results, sample ordinances/regulations

ACTION REQUESTED

- For Discussion Only - *To review and provide staff direction*
- Ordinance
- Motion

Staff: Kristy Stone, PDS Director

Date: August 8, 2023

PLANNING & DEVELOPMENT SERVICES MEMORANDUM

23-48

DATE: August 8, 2023
TO: Kristy Stone, PDS Director
FROM: Andrew Barna, Associate Planner
RE: **Short-Term Rental Research**

BACKGROUND

A short-term rental (STR) is broadly defined as a residential property rented for a duration of less than thirty (30) consecutive days. Based on staff's review of popular STR websites, at least five (5) properties within the village are being advertised as short-term rentals. It appears that four (4) of the properties are typically owner-occupied; however one property may be primarily used as a rental property as the owner lives out-of-state.

This summer, the Village received complaints regarding the one STR property with the out-of-state owner and there has been one incident that resulted in a police response at that location. The complaints that were received by the PDS Department pertained to loud parties and on-street overnight parking but were received after the fact so we cannot verify the complaint.

Staff requested the DuPage Mayors and Managers Conference and Northwest Municipal Conference to survey participating communities to determine what approach other municipalities have taken with regulation short term rentals. The full survey results are attached for your review.

SURVEY RESULTS

Eighteen (18) communities do not have any reference to short-term rentals in the Municipal Code; of these nine (9) allow STR without any regulations and nine (9) consider STR a prohibited use because it is not specifically listed in the Zoning Ordinance. Eight (8) communities passed ordinances or resolutions to amend the Municipal Code to expressly prohibit short-term rentals.

Nine (9) communities have adopted regulations for short-term rentals. Based on the survey results, there are not consistent regulations on short-term rentals in the Chicagoland area. Below is a list of some of the regulations that have been incorporated into other communities' codes:

- require rental/business license;
- go through a background check;
- complete a crime-free housing course;
- allow routine property inspections;
- keep records of tenants;
- pay a hotel/motel tax;
- limit how many times a property may be rented within a year;
- require a minimum 3-night length of stay not to exceed 7 nights;

- require a minimum of 30-night length of stay; and
- require property owner/representative to stay on the property during the rental period.

CONCLUSION

Staff is requesting direction from the Committee of the Whole on whether to proceed with drafting regulating for short term rentals.

- Should short-term rentals be prohibited?
- If not prohibited, should short-term rentals be allowed in residential zoning districts as a permitted or special use?
- If allowed, are there additional regulations that are necessary to minimize the impact of STR on adjacent property owners?

The regulations that were submitted by municipalities that participated in the survey are attached for your reference.

DMMC Survey - Short Term Rentals 8/3/2023				
Municipality:	1. Has your community adopted an ordinance regulating short-term rentals (Airbnb type rentals)? If so, please share a copy.	2. If you have not adopted an ordinance regulating short-term rentals, are they considered a permitted or a prohibited use under the zoning ordinance?	3. Do you have any short-term rental or home-sharing properties (e.g., Airbnb) in your municipality? If so, how many?	4. Are short-term rental/home-sharing property owners required to hold a business license? If so, what is the cost?
Village of Bensenville	No	Unclear.	Yes, 8-12.	No
Village of Bolingbrook	Bolingbrook does not, but we have been talking about it.			
Village of Burr Ridge	We are currently studying this question in Burr Ridge and are leaning towards a ban.			
City of Darien	Yes; See <i>*attached*</i>	Permitted prior to adoption of prohibition ordinance attached	Yes; Approximately 15-20 per internet search.	No
City of Elmhurst	No such ordinance in Elmhurst.			
Village of Hanover Park	Hanover Park Ordinance (<i>*attached*</i>) Prohibits short-term rentals defined as less than 30 days.	Short-term rental are prohibited under Village Ordinance.	Hanover Park has no known short-term rentals.	All rental properties require a license. Short-term rentals are prohibited so a license does not apply.
Village of Lisle	No	Per Village of Lisle Zoning Regulations, rentals of less than 30-days are defined as lodging. Lodging is a prohibited use in residential zoning districts.	Yes, an exact number is unknown. However, the Village has issued Notices of Violation to approximately 5 properties for conducting short term rentals.	Lodging and rooming houses, hotels, and motels are required to secure a business license and are assessed a \$50 annual fee.
Village of Lombard	No	They are considered prohibited uses, as such rentals would otherwise conflict with our definition of hotels/lodging.		
City of Naperville	Naperville's ordinance pertaining to short term residential rentals is <i>*attached*</i>			
Village of Schaumburg	Yes. See <i>*attached*</i>	N/A	Yes - 38	Yes, Rental license - \$100.
Village of Wayne	The Village of Wayne does not have an Ord. on short-term rentals as we are not Home Rule.			
Village of Western Springs	Western Springs is currently working on an ordinance to regulate the short-term rentals.	N/A	Western Springs only has a few properties that have listed *that we know of. Unfortunately, we are now seeing that one home is listing as a "party site" on a site called "Gigster". This is causing concern for neighbors in that area.	Currently not regulated.
City of West Chicago	Yes - See <i>*attached*</i>	N/A	Three	No
Village of Westmont	No	Code interpretation is that they are NOT permitted; however the language does not apply well to a prohibition in multi-family housing.	YES, specific amount unknown.	N/A
Village of Willowbrook	In the Village zoning code update, we added a definition of short-term rentals, which are not permitted in the Village of Willowbrook. SHORT TERM RENTAL: A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such a dwelling unit that is rented for less than thirty (30) days at a time to transients and temporary guests.	Prohibited	None that we are aware of. We check Airbnb website occasionally and will send a notice of violation of an address comes up.	N/A

<p><i>Village of Winfield</i></p>	<p>No. We have ordinances defining and regulating rooming houses and bed and breakfasts, but nothing for short term rentals of entire houses.</p>	<p>Short term rentals of entire houses are allowed uses in all zoning districts.</p>	<p>Since we do not regulate short-term rentals it is difficult to say exactly how many rentals we have. A search of Airbnb and vrbo websites indicated 2 units available in Winfield.</p>	<p>No</p>
<p><i>Village of Woodridge</i></p>	<p>Woodridge doesn't currently have an ordinance regulating short term rentals, and they are not currently allowed based on the fact that they are operating as hotel/lodging which is not permitted in residential districts.</p>	<p>We have received some feedback from residents who would like to see short term rentals allowed within the Village. We are wrapping up a comprehensive zoning code amendment and are considering the following language. This has not yet been reviewed or adopted by the Village Board, but is recommended by our consultant, Teska Associates.</p> <p>9-3-15: Short Term Rental/Lodging</p> <p>A. Unit must be an owner-occupied principal residence.</p> <p>B. Rentals must be for less than seven (7) days and a minimum of three (3) days.</p> <p>C. No more than five (5) or more unrelated people are permitted to occupy the dwelling during a rental period.</p> <p>D. Only one dwelling unit per building may be used for short term rentals.</p> <p>E. The owner must apply for and obtain a certificate of occupancy from the Zoning Official to meet any additional safety requirements of a transient use.</p> <p>F. Requirements. Short Term Rentals must be registered annually with the Village of Woodridge.</p>		

DMMC Survey - Short Term Rentals

8/3/2023

Municipality:	5. Are background checks on the owner/host of the short-term rental/home-sharing property required in your municipality?	6. Are owners/hosts of the short-term rental/home-sharing properties required to take a class or seminar on renting out their property?	7. Are the short-term rental/home-sharing properties in your municipality required to get property maintenance inspection by your Property Maintenance Inspector or Health Department?	8. Are owners/hosts of the short-term rental/home-sharing properties required to keep records of guests/tenants that utilize their short-term rental/home-sharing service?
<i>Village of Bensenville</i>	N/A	No	No	No
<i>City of Darien</i>	No	No	No	No
<i>Village of Hanover Park</i>	Does not apply	All rental properties require landlords or agents to attend and be certified in Crime Free Housing. Short-term rentals are prohibited so it does not apply.	All rental properties require an inspection as part of the licensing process. Short-term rentals are prohibited so it does not apply.	Does not apply
<i>Village of Lisle</i>	No	No	No	No
<i>Village of Schaumburg</i>	No	Yes, they must take a crime free class from the Police Department.	Yes, they are required to pass a rental inspection performed by code enforcement prior to short term license issuance.	No, but chapter 99.10 does require an agreement between the two parties.
<i>Village of Western Springs</i>	Not at this time	Not at this time	Not at this time	Not at this time
<i>City of West Chicago</i>	No	No	No	Yes
<i>Village of Westmont</i>	N/A	N/A	N/A	N/A
<i>Village of Willowbrook</i>	N/A	N/A	N/A	N/A
<i>Village of Winfield</i>	No	No	No	No

DMMC Survey - Short Term Rentals

8/3/2023

Municipality:	9. Does your community impose a short-term rental/home-sharing tax on owners/hosts of said properties?	10. Does your community regulate the frequency an owner or host can rent their property on home-sharing websites or apps?	11. Have you received complaints from surrounding property owners regarding short-term rentals?	Additional Comments:
<i>Village of Bensenville</i>	No	N/A	Yes	
<i>City of Darien</i>	No	No	Yes; 3 complaints in the past 5 years according to quick search of records.	The questions answered "No" will in a sense become N/A once attached prohibition ordinance is in effect.
<i>Village of Hanover Park</i>	Does not apply	All properties must be rented for a period of 30 days or more. All rental properties would than require a license.	We had received a few complaints from neighbors before the ordinance was enacted.	
<i>Village of Lisle</i>	Yes, if the short term rental was permitted under zoning regulations, hotel-motel tax would be applicable.	Short term rentals in violation of the Village's zoning regulations are requested to revise advertising to show that rentals are only available for 30-days or more.	Yes	
<i>Village of Lombard</i>			We occasionally receive a service request (<2 times a year) and we simply follow up by noting to the property owner of our code provisions.	
<i>Village of Schaumburg</i>	Yes, each short-term rental property must pay a hotel/motel tax.	No	Yes	
<i>Village of Western Springs</i>	Not at this time	Not at this time	Yes. We received a complaint about the party home that I referenced in #3 above. Otherwise we have not received complaints.	
<i>City of West Chicago</i>	No	Yes	Not yet.	
<i>Village of Westmont</i>	N/A	N/A	Yes	Westmont is currently undergoing a comprehensive update to the zoning ordinance, which will address this topic.
<i>Village of Willowbrook</i>	N/A	N/A	Yes, we would then investigate and send a notice of violation.	
<i>Village of Winfield</i>	No	No	We have had concerns raised but nothing that was found against Village Code.	Short term rentals have been discussed at both the Plan and Zoning Commission and the Village Board, but no direction has been given to explore further regulations. One reason given is that we have Central DuPage Hospital in the municipality and no hotels, so short term rentals give families a chance to stay close to the hospital without requiring minimum stay times.

Municipality	1. Has your municipality adopted an ordinance regulating short term rentals (AirBNB type rentals)?	2. If yes, please provide a copy of the ordinance.	3. If you have not adopted an ordinance regulation short term rentals, are they considered a permitted or a prohibited use under the zoning ordinance?	4. Do you have any short-term rental or home-sharing properties such as Airbnb in your village/city? If so, how many?	5. Are short-term rental/home sharing property owners required to hold a business license? If so, what is the cost?	6. Are background checks on the owner/host of the short-term rental/home-sharing property required in your village/city?	7. Are owners/hosts of the short-term rental/home-sharing properties required to take a class or seminar on renting out their property?	8. Are the short-term rental/home-sharing properties in your village/city required to get property maintenance inspection by your Property Maintenance Inspector or your Health Department?	9. Are owners/hosts of the short-term rental/home-sharing properties required to keep records of guests/tenants that utilize their short-term rental/home-sharing service?	10. Does your city/village impose a short-term rental/home-sharing tax on owners/hosts of said properties?	11. Does your village/city regulate the frequency an owner or host can rent their property on home-sharing websites or apps?	12. Have you received complaints from surrounding property owners regarding short term rentals?	13. Additional comments
Bannockburn	No.		Prohibited use.	No.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	Those are all very good questions and things to think about.
Barrington	Yes.	See attached - ZO Section 4.6.	Permitted with a min. rental period of 30 days.	1-2	No.	No.	No.	No.	No.	No.	Yes, min. 30 day rental period.	Yes.	
Bartlett	We have no ordinances regulating short term rentals.		We are currently in the beginning stages of considering the creation of an ordinance to prohibit short term rentals.	We have 3 properties participating in short term rentals that we know of.	No. We have no ordinances regulating short term rentals.	No. We have no ordinances regulating short term rentals.	No. We have no ordinances regulating short term rentals.	No. We have no ordinances regulating short term rentals.	No. We have no ordinances regulating short term rentals.	No. We have no ordinances regulating short term rentals.	No. We have no ordinances regulating short term rentals.	Yes.	
Elk Grove Village	Yes. They are prohibited.	https://codelibrary.mlegal.com/codes/elkgrovevillageil/latest/elkgrovevillage_il/0-0-0-3675											
Evanston	Yes.	See attached.		35	Yes. \$250 new applications \$150 renewals.	No.	No.	Yes, Property Maintenance performs inspections.	No.	Unknown .	No.	Yes.	
Glencoe	No.		Prohibited.	None that are registered/licensed.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	No.	
Grayslake	No.		Permitted, but must follow any local laws/ordinances.	Yes, around 5, both single rooms in occupied homes, and full short term rentals.	No, no license needed.	No background check needed.	No classes/seminar needed.	No, they are not.	No, they are not.	No, we do not.	No.	No.	
Hanover Park	Yes.	See attached.	N/A.	None.	N/A Prohibited. Other rental properties require a Rental License.	N/A.	N/A Prohibited. Other rental properties are required to have an owner or agent attend a Crime Free Housing Seminar.	N/A Prohibited. Other rental properties are required to pass an inspection, which is conducted by Code Enforcement.	N/A.	N/A.	N/A.	N/A.	None.
Libertyville	No.	N/A.	Short term rentals are not specifically restricted nor are they listed as a permitted use under the zoning code.	Yes, quite a few but an exact count can not be verified.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	Yes.	None at this point.

Municipality	1. Has your municipality adopted an ordinance regulating short term rentals (Airbnb type rentals)?	2. If yes, please provide a copy of the ordinance.	3. If you have not adopted an ordinance regulation short term rentals, are they considered a permitted or a prohibited use under the zoning ordinance?	4. Do you have any short-term rental or home-sharing properties such as Airbnb in your village/city? If so, how many?	5. Are short-term rental/home sharing property owners required to hold a business license? If so, what is the cost?	6. Are background checks on the owner/host of the short-term rental/home-sharing property required in your village/city?	7. Are owners/hosts of the short-term rental/home-sharing properties required to take a class or seminar on renting out their property?	8. Are the short-term rental/home-sharing properties in your village/city required to get property maintenance inspection by your Property Maintenance Inspector or your Health Department?	9. Are owners/hosts of the short-term rental/home-sharing properties required to keep records of guests/tenants that utilize their short-term rental/home-sharing service?	10. Does your city/village impose a short-term rental/home-sharing tax on owners/hosts of said properties?	11. Does your village/city regulate the frequency an owner or host can rent their property on home-sharing websites or apps?	12. Have you received complaints from surrounding property owners regarding short term rentals?	13. Additional comments
Lincolnshire	Yes.	See attached.		No.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	Yes. We've had a few instances where homeowners wanted to have short-term rentals which are prohibited.	We are in the process of revisiting our residential rental regulations.
Lincolnwood	Yes.	4.06 (4) Short-term rental properties. No property may be used more than once per 365-day period as a short-term rental property. [Added 2-16-2016 by Ord. No. 2016-3192, amended 6-7-2022 by Ord. No. 2022-3609]	N/A.	Not currently.	No.	No.	No.	No.	No.	No.	Yes.	Yes.	
Niles	No.	N/A.	Prohibited in residential zoning districts.	No.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	
Northbrook	Yes.	See attached.	Permitted with conditions and requires registering with Village.	None registered.	No business license.	No.	No.	No.	No.	No.	Yes.	No.	
Northfield	We simply defined it as: "SHORT TERM DWELLING RENTAL. A single room, dwelling, or portion of a dwelling offered or advertised for rent or other consideration for a period of less than sixty (60) consecutive days." and prohibit them in all zoning districts.		Prohibited in all zoning districts.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.	

Municipality	1. Has your municipality adopted an ordinance regulating short term rentals (Airbnb type rentals)?	2. If yes, please provide a copy of the ordinance.	3. If you have not adopted an ordinance regulation short term rentals, are they considered a permitted or a prohibited use under the zoning ordinance?	4. Do you have any short-term rental or home-sharing properties such as Airbnb in your village/city? If so, how many?	5. Are short-term rental/home sharing property owners required to hold a business license? If so, what is the cost?	6. Are background checks on the owner/host of the short-term rental/home-sharing property required in your village/city?	7. Are owners/hosts of the short-term rental/home-sharing properties required to take a class or seminar on renting out their property?	8. Are the short-term rental/home-sharing properties in your village/city required to get property maintenance inspection by your Property Maintenance Inspector or your Health Department?	9. Are owners/hosts of the short-term rental/home-sharing properties required to keep records of guests/tenants that utilize their short-term rental/home-sharing service?	10. Does your city/village impose a short-term rental/home-sharing tax on owners/hosts of said properties?	11. Does your village/city regulate the frequency an owner or host can rent their property on home-sharing websites or apps?	12. Have you received complaints from surrounding property owners regarding short term rentals?	13. Additional comments
Palatine	Yes. Short-term residential rentals, rentals which do not exceed 30 consecutive days, are prohibited.	See attached.	Adopted ordinance is within Village Code Chapter 10 Existing Structures, Maintenance, and Occupancy.	None that have received approval from the Village.	Short-term residential rentals are prohibited.	Short-term residential rentals are prohibited.	Short-term residential rentals are prohibited.	Short-term residential rentals are prohibited.	Short-term residential rentals are prohibited.	Short-term residential rentals are prohibited.	Short-term residential rentals are prohibited. However, home-sharing websites or apps can be utilized, so long as the rental period exceeds 30 consecutive days.	Yes.	Home-sharing websites or apps have been accommodating to residents who have violated Village Code and need to cancel future bookings.
Schaumburg	Yes.	Yes, License and *Crime Free Housing Ordinances attached. *Crime Free Ordinance is Currently under review for amendments. Schaumburg Crime Free Website Link - https://www.villageofschauamburg.com/government/police/crime-free-housing	Permitted.	20 with applications on file and another 6 under investigation.	Yes, \$100 Annual License Fee.	No.	Yes, Crime Free Housing Certification.	Yes, Interior and Exterior Annually.	Yes.	Yes, Hotel/Motel Tax.	Yes.	Yes.	Rely on complaints and staff searches on the web to identify locations. Unable to confirm how many are truly located in our village since websites so not reveal addresses and when tax is paid to the village from a short term rental site, the addresses are not revealed for the tax being paid.
Skokie	No.		We require them to be registered as a rental and follow the rental ordinance.	Yes. At least 4 that I am aware of however likely more.	N/A.	N/A.	Rental properties are required to take a class, so yes.	Inspections fall into line with routine inspections. No initial inspection is required at this time.	N/A.	N/A.	N/A.	Yes.	We are considering the implications of short term rental regulations and are definitely interested in the results of this survey.
Streamwood	No.		We regulate short-term rentals the same as long-term rentals										
Wheeling	No.		Prohibited.	Unsure.								No.	
Wilmette	No.		Prohibited.	Yes, but we do not track or take enforcement action unless there is a complaint.									

ORDINANCE NO. 0-11-23

**AN ORDINANCE AMENDING TITLE 5A, ZONING REGULATIONS,
OF THE DARIEN CITY CODE**

(PZC2023-03: SHORT-TERM RENTALS PROHIBITED)

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the City of Darien has adopted Zoning Regulations set forth in the Darien City Code Title 5A; and

WHEREAS, City Council deems it reasonable to periodically review the Zoning Ordinance and make necessary changes thereto; and

WHEREAS, the City Council has studied the proliferation what are commonly referred to as “short-term rental” uses of properties; and

WHEREAS, the City Council has determined that such uses are not compatible with the quiet use and enjoyment of residential properties throughout the City; and

WHEREAS, based on this determination, the City has proposed a zoning text amendment defining and prohibiting such uses; and

WHEREAS, pursuant to notice as required by law, the City’s Planning and Zoning Commission conducted a public hearing on June 7, 2023, and has forwarded its findings and

ORDINANCE NO. 0-11-23

recommendation of approval of this proposal to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now determines to amend the Zoning Ordinance as provided herein below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, ILLINOIS, as follows:

SECTION 1: Title 5A of the City Code of Darien, Section 5A-13-1 “Zoning Definitions” is hereby amended by adding the following:

SHORT-TERM RENTAL: A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare or similar joint property ownership arrangement that is rented for a fee for less than 30 consecutive days. "Short-term rental" includes vacation rentals. "Short-term rental" does not include: (a) a dwelling that is used for any non-residential purpose, including educational, health care, retail, restaurant, banquet space, event center or other similar uses; (b) a bed and breakfast establishment as defined in Section 2 of the Bed and Breakfast Act; or (c) transient accommodations, including hotels and motels that are not classified as residential property for real property taxation purposes.

SECTION 2: Title 5A of the City Code of Darien, Section 5A-5 “General Provisions and Regulations” is hereby amended by adding the following:

5A-5-16: Short-Term Rentals Prohibited

(A) Short-Term Rentals are prohibited in the City of Darien.

(B) The prohibition on short-term rental units shall not apply when the immediately preceding owner of a property maintains possession of the dwelling unit after closing on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.

(C) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this section, shall be subject to a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense. A separate offense shall be deemed committed on each day that such violation occurs or continues.

ORDINANCE NO. 0-11-23

(D) The owner or tenant of any building, structure, or land, and any other person, who commits, participates assists in, or maintains such violation may each be found guilty of a separate offense and be subject to the penalties herein provided.

SECTION 3: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter no delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

SECTION 4: Effective Date. The Zoning Ordinance amendment provided for in this Ordinance shall be in full force and effect 60 days after the passage, approval, and publication of this Ordinance as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 19th day of June, 2023.

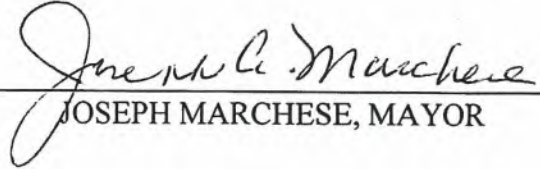
AYES 7 - Belczak, Gustafson, Kenny, Leganski, Schauer, Stompanato, Sullivan

NAYS: 0 - NONE

ABSENT: 0 - NONE

ORDINANCE NO. 0-11-23

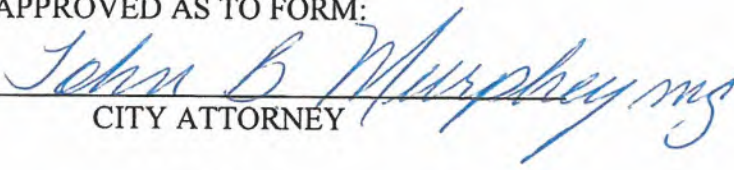
APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,
ILLINOIS, this 19th day of June, 2023.



JOSEPH MARCHESE, MAYOR

ATTEST:


JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY



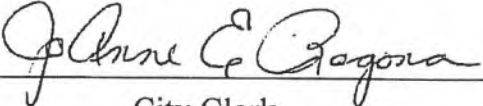
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, JoAnne E. Ragona, do hereby certify that I am the duly qualified CITY CLERK of the CITY OF DARIEN of DuPage County, Illinois, and as such officer I am the keeper of the records and files of the City;

I do further certify that the foregoing constitutes a full, true and correct copy of ORDINANCE NO. O-11-23 ***“AN ORDINANCE AMENDING TITLE 5A, ZONING REGULATIONS, OF THE DARIEN CITY CODE (PZC2023-03: SHORT-TERM RENTALS PROHIBITED)”*** of The City of Darien, Du Page County, Illinois, Duly Passed and Approved by the Mayor and City Council at a Meeting Held on June 19, 2023.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 19th day of June, 2023.





City Clerk

Hanover Park Short-Term Rental Ordinance

Sec. 82-5. – Definitions

Short-term rental means the use and/or occupancy for a period of 30 or less days of a principal single-family residence, multiple family dwelling unit, single-family detached dwelling, townhome, cluster house, or a unit in a two-family dwelling together with any accessory or any portion of the foregoing, pursuant to a written or oral agreement which permits and/or provides for occupancy by any person other than the owner thereof, or an immediate family member of the owner thereof, and whether or not the permission of such occupancy is in exchange for consideration therefore or not. Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the **short-term rental** as defined above located within the village for 30 days or less at a time shall be prohibited, with the exception of a hotel or similar establishment duly licensed by the village, and such conduct shall be prohibited, whether engaged in or participated in by the owner(s) of the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as lessee(s) and/or otherwise occupy a premises as tenant(s) and/or temporary occupant(s) thereof.

Sec. 82-12. - Notice of violation; license suspension and revocation.

(g) Whenever a license is revoked, the code official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. Said notice shall be sent by registered mail, return receipt requested. The code official shall also notify all tenants of the **rental** residential property by posting a notice on all entrances to the **rental** residential structure. The notice to the tenants shall include the following:

(1) You are hereby notified that the license for this structure has been revoked pursuant to [chapter 82](#) of the Hanover Park Municipal Code.

(2) You must vacate this structure within 45 days of the date of this notice unless the **rental** was of a shorter period than 45 days or a **short term rental** prohibited by this chapter, in which case the notice shall require vacation within 10 days, or immediately if a prohibited **short term rental**.

(h) Whenever an owner or property agent of a **rental** property fails to license said property, the code official shall notify all tenants of the **rental** property by posting a notice on all entrances to the **rental** property indicating the following:

(1) You are hereby notified that the owner or agent of this **rental** structure has failed to license this **rental** property in violation of [chapter 82](#) of the Hanover Park Municipal Code.

(2) You must vacate this structure within 45 days of this notice unless the rental was of a shorter period than 45 days or a short term rental prohibited by this chapter in which case the notice shall require vacation within ten days, or immediately if a prohibited short term rental.

(3) If you fail to vacate this structure, you will be subject to the penalties and fines with a minimum of \$100.00 and a maximum of \$750.00 for each day you are in violation.

Sec. 82-13. - Owner violations.

The following shall constitute violations of this chapter:

(1) Failure of the owner of a rental residential building to license such building with the code official.

(2) Failure of the owner of a rental residential building to vacate all tenants from said building within 45 days after the license has been revoked unless the rental was of a shorter period than 45 days or a short term rental prohibited by this chapter, in which case the owner shall require vacation within ten days or immediately if a prohibited short term rental.

(3) Failure of the owner of the rental property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances in this Code.

(4) Failure of the owner of the rental property to pay any adjudicated fine or penalty owed by said owner to the Village, whether related to the property or not, no later than 35 days following the later of: (i) the date the judgment against the owner becomes final or (ii) the date following the timely exhaustion of a review or appeal.

The failure to pay said judgment or judgements within the time provided disqualifies the owner from obtaining or receiving a license under this chapter.

Sec. 82-14. - Other violations.

The following shall constitute violations of this chapter:

- (1) Failure of the occupants of the rental residential property to vacate such property within 45 days after receiving notice from the code official that such property is not properly licensed or that the license has been revoked unless the rental was of a shorter period than 45 days or a short term rental prohibited by this chapter, in which case the occupant shall vacate within ten days or immediately if a prohibited short term rental.

Sec. 82-19. - Penalty.

- (a) Any owner, property agent, occupant or person who fails to comply with any section of this chapter applicable to him and continues in this failure after due notice and opportunity to correct, given pursuant to this chapter, upon conviction thereof, shall be subject to a fine of not less than \$100.00 nor more than \$1,500.00 for each day each section of this Code is violated after expiration of the time for correction of the violations.
- (b) Nothing in this chapter shall prevent the village from taking any other legal or equitable remedies available to the village, including any emergency action permitted by law when any portion of the rental residential building is a danger to persons or property.

ORDINANCE NO. 20 – 087

**AN ORDINANCE ADDING CHAPTER 18 (SHORT-TERM RESIDENTIAL RENTALS)
OF TITLE 3 (BUSINESS AND LICENSE REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

RECITALS

- A. WHEREAS**, the rental of residential homes within the corporate limits of the City of Naperville as a commercial enterprise has resulted in instances of significant negative impact on neighboring properties and their residents; and
- B. WHEREAS**, short-term residential rentals are often used for gatherings and parties by occupants and attendees who have no connection to the neighborhood, which gatherings and parties subject adjoining property owners and neighborhoods to a constant turn-over of occupants and visitors attending events at such properties, along with excessive noise, traffic, and spillover parking; and
- C. WHEREAS**, short-term residential rentals have also been the sites of volatile and at times violent activity in neighboring municipalities and across the country; and
- D. WHEREAS**, the City of Naperville is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and
- E. WHEREAS**, the Naperville City Council has determined that it is appropriate to add a new Chapter 18 (Short-Term Residential Rentals) to Title 3 (Business and License Regulations) prohibiting the use of residential properties for short term rental purposes as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

SECTION 2: Chapter 18 (Short-Term Residential Rentals) of Title 3 (Business and License Regulations) of the Naperville Municipal Code is hereby amended by adding the Chapter and language, as follows:

TITLE 3 (BUSINESS AND LICENSE REGULATIONS)

CHAPTER 18 – SHORT-TERM RESIDENTIAL RENTALS

SECTION:

3-18-1: - DEFINITIONS:

The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this Section, as follows:

RESIDENTIAL STRUCTURE:	A residential structure located in a residential zoning district within the corporate limits of the City of Naperville, as residential districts are defined in Title 6 hereof (Zoning Regulations), as amended from time to time.
SHORT-TERM RESIDENTIAL RENTAL:	A Residential Structure, as defined herein, offered for rent for a period which does not exceed thirty (30) consecutive days. The term "Short-Term Residential Rental" or shall not include hotels, bed and breakfast establishments, or boarding facilities as those terms are defined in Title 6 hereof (Zoning Ordinance) as amended from time to time.
SHORT-TERM RESIDENTIAL RENTAL PROPERTY OWNER:	The individual or entity which has title to the property which is the subject of a Short-Term Residential Rental.

3-18-2: - PURPOSE AND APPLICABILITY:

It is the intent and purpose of this Chapter (Short-Term Residential Rentals) to preserve the character and integrity of residential neighborhoods within the City by prohibiting Residential Structures from being used for the commercial purpose of providing Short-Term Residential Rentals.

3-18-3: - SHORT-TERM RESIDENTIAL RENTALS PROHIBITED:

1. It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the City of Naperville as a Short-Term Residential Rental, except as set forth in Section 3-18-3:2 below.
2. Notwithstanding the provisions set forth in Section 3-18-3:1 above, it shall not be considered a Short-Term Residential Rental when the preceding owner of a property maintains possession of a Residential Structure after closing for the sale thereof, but leases the property back from the successor owner for a period of time pursuant to a written agreement.

3-18-4: - PUBLIC NUISANCE DECLARED:

Operation of any Short-Term Residential Rental within the City of Naperville in violation of the provisions of this Chapter may be deemed a public nuisance and abated pursuant

to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the City of Naperville shall be entitled to receive from the Short-Term Residential Rental Owner reimbursement for the cost of the City's reasonable attorney fees, costs and expenses incurred by the City of Naperville to abate a Short-Term Residential Rental operating as a public nuisance.

3-18-5: - PENALTIES:

Any Short-Term Residential Rental Owner or other person or entity who violates any of the provisions set forth or referenced in this Chapter, shall be subject to the following penalties:

1. A fine of one thousand dollars (\$1,000.00) for a first offense within a 12-month period, and a fine of two thousand five hundred dollars (\$2,500.00) for a second or subsequent offense within a 12-month period.
2. Each day that a violation of this Chapter continues shall be considered a separate and distinct offense and a fine shall be assessed for each day a provision of this Chapter is found to have been violated. Notwithstanding the forgoing, the escalation of fines as set forth above shall not occur until a prior adjudication of a violation against the same individual or entity has been entered.
3. Continued violations of this Chapter are subject to an injunction to enforce this Chapter.

3-18-6: NOTICE OF VIOLATION:

The notice of a violation of the provisions set forth or referenced in this Chapter shall be served in any of the following manners:

1. Personal service of process by handing the notice of violation to the respondent, or their employees or agents, by any authorized City of Naperville official, police officer; or code enforcement officer.
2. Personal service of process as authorized by the Illinois Code of Civil Procedure, 735 ILCS 5/2-203.
3. Mailing the notice by certified mail, return receipt requested to the respondent's last known address, or in the case of a business, to the address for the registered agent or the address for its principal place of business.
4. Emailing the notice to the Short-Term Residential Rental Owner's last known email address when the respondent is the Short-Term Residential Rental Owner.
5. Posting the notice upon the property where the violation is found when the respondent is the Short-Term Residential Rental Owner.

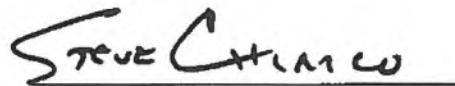
SECTION 3: This Ordinance shall take effect on September 1, 2020 except as follows:

A property owner that can demonstrate to the City Attorney that a rental agreement was fully executed prior to August 19, 2020 permitting the use and occupancy of a Naperville residential property as a short-term rental for dates up to and including October 19, 2020 shall be considered a pre-existing short-term residential rental (hereinafter "Pre-Existing Short-Term Rental"). For said Pre-Existing Short-Term Rentals, the residence may continue to be used as previously agreed upon through said rental agreement, even if said use is found to be in violation of the new provisions of Chapter 18 (Short-Term Residential Rentals) of Title 3 (Business and License Regulations). Any rental agreements executed prior to August 5, 2020 that would permit occupancy of a residence as a short-term rental on or after October 20, 2020, or any rental agreement executed on or after August 5, 2020, shall be required to comply with all provisions of Chapter 18 (Short-Term Residential Rentals) of Title 3 (Business and License Regulations).

PASSED this 18th day of August, 2020.

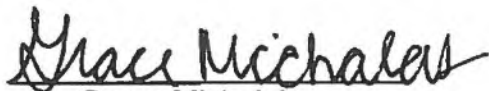
AYES: CHIRICO, BRODHEAD, COYNE, GUSTIN, HINTERLONG, KELLY,
KRUMMEN, SULLIVAN, WHITE

APPROVED this 19th day of August, 2020.



Steve Chirico
Mayor

ATTEST:



Grace Michalak
Records Clerk



CHAPTER 123: RENTAL LICENSE, ASSOCIATION LICENSE AND VACANT BUILDING REGISTRATION

Section

§ 123.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONED BUILDING: A property that is a vacant building and it becomes evident that the owner has ceased to invest any significant resources to maintain the property in a condition that is required by the Village Code.

ASSOCIATION LICENSE: A license required for homeowners' associations that control and/or maintain common areas and/or common property and any portion of the property, building or structure to another person, business, corporation or entity for any fixed period of time shall be deemed to be engaged in the business of renting property.

EVIDENCE OF VACANCY: Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant and no longer occupied. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of junk and/or debris, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices, disconnected utilities, or no significant usage of utilities, the building has been registered as vacant.

PROPERTY: Any unimproved or improved real property or portion thereof, situated in the Village of Schaumburg and includes the buildings or structures located on the property regardless of condition.

RENTAL LICENSE: A license required for any owner of a building, structure, dwelling or dwelling unit who rents, leases, or controls any portion of the property, building or structure to another person, business, corporation or entity for any fixed period of time.

SHORT-TERM RENTAL: A single room, dwelling unit or portion thereof located within the primary structure in a residential zoning district and offered for rent for a period of thirty (30) consecutive days or less to any person other than a member of the owner's immediate family.

UNOCCUPIED BUILDING: A building or portion thereof which lacks the habitual presence of human beings who have legal right to be on the premises.

VACANT BUILDING: A building or structure that is unoccupied or not legally occupied for more than forty-five (45) days, but does not include: unoccupied buildings or structures which may be undergoing construction or rehabilitation and have a current building permit, or unoccupied buildings where the owner on a seasonal basis will temporarily occupy other property.

(Ord. 09-071, passed 6-23-2009; Am. Ord. 15-024, passed 3-10-2015; Am. Ord. 15-104, passed 9-22-2015)

§ 123.02 RENTAL LICENSE REQUIRED.

- (A) License Required: No person shall engage in the business of renting without having obtained a license. For purposes of this chapter, the "business of renting" shall include, but not be limited to, the rental, offering for rent, or advertisement for rent of any property in the village.
- (1) Residential Property: It shall be unlawful to rent a residential dwelling or dwelling unit without first obtaining a rental license issued by the department of finance for the specific location.
 - (2) Nonresidential Property: It shall be unlawful to rent a nonresidential building or structure without first obtaining a rental license issued by the department of finance for the specific location.
 - (3) Short-Term Rental: It shall be unlawful to rent, offer for rent, or advertise for rent a short-term rental in the village without first obtaining a rental license issued by the department of finance for the specific location.
 - (4) Accessory Structures: It shall be unlawful to rent any accessory building or structure on a residential property for human habitation. Any accessory structure may be utilized as an amenity at any specific location for which a rental license has been issued pursuant to this chapter.
 - (5) Exception: This licensing requirement shall not apply to group homes governed by 405 ILCS 35/1 et seq., as amended, Specialized Living Centers Act, dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations.
- (B) Application: Application for a license hereunder shall be made in writing and shall be processed in accordance with chapter 110 of this title and shall submit the following information in an application provided by the village:
- (1) Name, address, and home and business telephone numbers of the owner of the property and, if property is held in trust, the name, address, home and business telephone numbers of the beneficiaries and the percentages of ownership of all the beneficiaries of the trust, appropriate corporate or partnership information. The name, address and phone number of the management company and agent representing an association shall be provided.
 - (2) Name, address (no P.O. boxes), business and home telephone numbers of the owner or agent to be contacted when potential violations of municipal ordinances occur.
 - (3) Telephone number of the owner or agent to be contacted when an emergency exists.
 - (4) An acknowledgment that the agent or owner shall be reasonably accessible to the village and have a telephone number which shall be available to the village at any time. The owner or agent shall have a local office available for contact in Illinois.
 - (5) In the event any of the information requested should change, it shall be the obligation of the owner to notify the village in writing within ten (10) days of the change.
 - (6) No license shall be issued or renewed unless the owner, condominium, townhouse, or homeowners' association, or operator agrees in their application to inspection pursuant to this chapter as the village manager may require to determine whether the location in connection with which such license is sought is in compliance with the applicable provisions of this chapter and with the applicable rules and regulations pursuant thereto.
 - (7) No license shall be issued or renewed for a short-term rental unless the director of community development, or his or her designee, finds the following standards have been met:

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- (a) The proposed short-term rental will not cause a negative cumulative effect when its effect is considered in conjunction with the effect of other short-term rentals in the immediate neighborhood.
 - (b) The proposed short-term rental will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
 - (c) The proposed short-term rental will comply with all rules and regulations contained herein.
 - (d) The proposed short-term rental is not likely to have an adverse effect upon the public health, welfare or safety.
 - (e) The proposed short-term rental will otherwise be in the public interest.
 - (f) Any short-term rental shall comply with the following criteria:
 - 1. No rental or advertisement for rental for a period of time shorter than twenty (20) hours.
 - 2. No short-term rental may provide for food or beverage to any guests with the exception of pre-packaged food and drink items.
 - 3. No more than one (1) short-term rental at a specific location during the one-year period commencing on the date a license is issued.
 - 4. Any short-term rental shall be subject to the hotel and motel tax set forth in the Village Code, as may be amended from time to time.
- (C) License Fee: The cost of a license shall be as set forth in section 41.01 of this Code.
- (D) All persons applying for a rental license for residential property are subject to the requirements set forth in this section and section 99.10 of this Code.
- (E) Reserved.
- (F) Inspections: The village manager may require inspections to determine whether the location in connection with which such license is in compliance with the applicable provisions of this chapter and with the applicable rules and regulations pursuant thereto. After inspection, no such license shall be issued unless the location is found to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto.

Locations that change ownership may be required to be inspected before a new license can be issued. After inspection, no such license shall be issued unless the location is found to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto.

- (1) Whenever, upon inspection of the location, the director of community development or designee finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, the owner shall be served with notice of such violation in the manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within reasonable time, the license may be suspended.
- (2) At the end of the time allowed for correction of any violation cited, the director of community development or designee shall reinspect the location, and if the reinspection reveals that such conditions have not been corrected, a request to the village manager to suspend the license may be made.
- (3) Any person whose license has been recommended for suspension shall be entitled to an appeal to the village manager in the manner provided by this title. Any written request for appeal shall be filed with the village manager within fifteen (15) days following the issuance of the notice.

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- (4) If, upon reinspection, the director of community development or designee finds that the location in connection with which the notice was issued is now in compliance with this chapter and with the applicable rules and regulations issued pursuant thereto, a recommendation of the reinstatement of the license may be made to the village manager.
 - (5) When the director of community development or designee determines after an initial inspection that additional follow up inspections are necessary for enforcement of this chapter, two (2) additional follow up inspections for noncompliance shall be granted each license holder without charge. In the event more than two (2) follow up inspections are needed, the license holder shall be assessed a noncompliance inspection service charge as established in section 41.01 of this Code, per division/inspection type required to make the reinspection. Payments must be made in full prior to the license being renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses from being issued by the village.

(Ord. 09-071, passed 6-23-2009; Am. Ord. 15-104 , passed 9-22-2015; Am. Ord. 15-113 , passed 10-13-2015; Am. Ord. 16-063 , passed 6-28-2016)

§ 123.03 ASSOCIATION LICENSE REQUIRED.

- (A) Residential Association Required to Obtain an Association License: It shall be unlawful for a condominium, townhouse, or homeowners' association to operate within the village without first obtaining an association license issued by the department of finance for the specific location.
- (B) Submit a List of Rental Dwelling Units Annually: A current list of individual rental dwelling unit owners within the property shall be provided annually to the department of finance by the association. The list shall include the address of each rental dwelling unit and the name and address of the owner or person in control of each rental dwelling unit.
- (C) Requirements: Residential associations shall comply with all requirements of subsections 123.02(B), (C) and (F) of this chapter.

(Ord. 09-071, passed 6-23-2009)

§ 123.04 VACANT BUILDING REGISTRATION REQUIRED.

- (A) Registration: All vacant buildings and abandoned buildings shall be registered with the Village of Schaumburg Finance Department Water Billing Division. The registration shall contain the owner's name and in the case of a corporation or out of area beneficiary/trustee, the local agent responsible for the security, maintenance and marketing for the property.

Properties subject to this chapter shall remain under registration, security, and maintenance standards of this section as long as they remain vacant. Any person, firm or corporation that has registered a property under this chapter must report any changes of registration within ten (10) days of the change.

- (1) The owner of a building who knows, or from all the facts and circumstance should know, that his or her building is or has become a vacant building after the effective date hereof shall take action to have the building registered with the village within fifteen (15) days.
- (2) Owners of vacant buildings and mortgage lenders who acquire title to unoccupied buildings shall be required to register same with the village within fifteen (15) days after either the date of notice from the village or occurrence of the facts which would cause a reasonable person to believe the building was a vacant building. The obligation to register buildings shall extend to mortgage lenders that have obtained title to unoccupied buildings through a mortgage foreclosure action.

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- (B) Maintenance: The property owner or their designee shall perform inspections of the property and maintain the property and all structures in conformance with all applicable requirements of this chapter and applicable rules and restrictions pursuant thereto including, but not limited to, the following items:
- (1) Interior: All interior structures shall be maintained in a clean, safe, secure, and sanitary condition. Special attention shall be made to the utilities and if applicable, sump pumps and other related devices shall be kept operational. Winterizing the structures shall be completed as necessary.
 - (2) Exterior: All exterior structures and property shall be maintained and be kept free of items that give the appearance that the property is abandoned, including items that are considered evidence of vacancy.
 - (3) Address: Numeric address numbers shall be posted on the structure and shall be in compliance with title 9, chapter 93 of this Code.
 - (4) Pools and Spas: Swimming pools and spas shall be maintained in a clean and sanitary condition and in good repair at all times. No pool or spa shall become a mosquito breeding area. Pools and spas shall be maintained completely void of water or shall be completely covered with a well maintained tight-fitting cover to avoid water retention. The disposal or discharge of pool wastewater must be accomplished in such a way that nuisance or damage to other property is avoided. Properties with pools or spas must comply with the minimum security fencing requirements and title 9, chapters 100 and 102 of this Code.
- (C) Security and Monitoring of the Property: The owner shall properly secure and monitor the property. When access to or within a structure is restricted because of secured openings, a key box may be required as determined by the village fire code official. When required, the key box shall be in compliance with title 15, chapter 153 of this Code.
- (D) Obligations of Owners: Adherence to this section does not relieve the beneficiary/trustee or property owner of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.
- (E) Inspection of the Property: Prior to the sale or transfer of any property registered pursuant to this section, an inspection of the property by the village shall be required in accordance with Village Code.
- (Ord. 09-071, passed 6-23-2009; Am. Ord. 15-024 , passed 3-10-2015)

Operation of Residential Units and Crime-Free Program

99.10 LICENSING AND OPERATION OF RESIDENTIAL UNITS AND CRIME-FREE HOUSING PROGRAM.

Purpose and Declaration of Policy:

It is the purpose of this section and the policy of the village, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations with respect to the rental of dwelling units in the village and to encourage landlords to maintain and improve the quality of rental housing within the community.

It is also the purpose of this article and the policy of the village to protect, preserve, and promote the health, safety and welfare of its citizens through the reduction, control, and prevention of criminal and nuisance activities. In that regard, the village board finds that the repeated commission of criminal offenses and violations of this code within the village by tenants, members of a tenant's household, tenant's guest(s) and any person under tenant's control adversely affect the health, safety and welfare of its citizens, except for certain circumstances, as may be provided by law.

This section shall be liberally construed and applied to promote its purposes and policies.

(Ord. 14-113, passed 10-14-2014; Am. Ord. 15-113 , passed 10-13-2015)

99.10.01 SCOPE.

- A. Territorial Application: This section applies to, regulates and determines rights, obligations and remedies for a rental dwelling unit located within the village.
- B. Exclusions: The following arrangements are not governed:
 - 1. Residence at a public or private medical, geriatric, educational, religious, nursing or retirement institution;
 - 2. Residence in a residential care home; and
 - 3. Transient occupancy in a hotel or motel licensed by the village.

(Ord. 15-113 , passed 10-13-2015)

99.10.02 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACTION: Recoupment, counterclaim, setoff, suit at law or in equity, and any other proceeding in which rights are determined, including an action for possession and/or an action for unpaid rent.

CERTIFIED AS A RESIDENTIAL OPERATOR OR CERTIFICATION AS A RESIDENTIAL OPERATOR: The annual certification of landlord of a residential unit or structure, who has been issued a residential operator's license, a security certificate, and a certificate for completing the crime-free housing seminar.

CHRONIC PUBLIC NUISANCE: With respect to a rented residential dwelling unit, a chronic public nuisance is defined as follows:

- A. The occurrence of two (2) or more public nuisance activities, one of which constitutes a felony offense, in the use of the same rental unit within any twelve-month period; or
- B. The occurrence of three (3) or more public nuisance activities in the use of the same rental unit within any twelve-month period; or
- C. The occurrence of four (4) or more public nuisance activities in regard to the use of the same multifamily residential structure within any twelve-month period.
- D. When an excessively high number of calls for police service related to public nuisance activities reasonably indicate, when compared to other similar properties in the village, that the activity at this property is out of character for the area and is effecting the quality of life of those in the area.

CHRONIC PUBLIC NUISANCE PROPERTY:

- A. Any rental unit, whose tenant(s), any member of the tenant's household, tenant's guest(s), and any person under tenant's control, commit any two (2) or more public nuisances, one of which constitutes a felony offense, within the Village of Schaumburg within any one-year period, or any three (3) or more public nuisances within the Village of Schaumburg within any one-year period, and
- B. Any multifamily rental structure whose tenant(s), any member of the tenant's household, tenant's guest(s), and any person under tenant's control, commit any four (4) or more public nuisances within the Village of Schaumburg within any one-year period or where an unreasonably high number of calls for police service, including, but not limited to, calls related to public nuisance activities, reasonably indicate, when compared to other similar properties in the village, that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.

CODE: Any state statute, village ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

CONDITIONAL LICENSE: A temporary residential operator's license issued to permit the rental of a rental unit or structure where:

- A. A violation or violations of applicable regulations exist;
- B. Outstanding fees remain unpaid to the village;
- C. Outstanding judgments remain unsatisfied; or
- D. A landlord is permitted to rent a rental unit or structure prior to attendance by the landlord or a designated agent, at the required crime-free housing seminar.

CRIME-FREE HOUSING SEMINAR: A seminar sponsored by the Schaumburg Police Department to provide information to landlords and their designated agents regarding the requirements under this Code, including the crime-free housing lease provision.

DIRECTOR: The director of community development or their designee.

DWELLING UNIT (RESIDENTIAL DWELLING UNIT): One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy with separate bathroom and facilities for cooking and sleeping. For purposes of this section, dwelling unit shall include a single-family structure, attached or detached, an

apartment, condominium, and townhouse, and the individual dwelling units in a multiple-family structure or rooming house.

FELONY OFFENSE: Any offense that constitutes a felony under the Criminal Code of 2012 as amended, 720 ILCS 5/1-1 et seq., including, but not limited to, those described as a public nuisance in this section, unless specifically excepted in subsection U thereof.

JUDGMENT: An order entered by a court of competent jurisdiction, awarding fines, fees, costs and/or damages for violations of this Code or state or federal law, in any way related to a certain property.

LANDLORD: The owner of the dwelling unit or the building of which it is a part.

MULTIFAMILY RENTAL STRUCTURE: A building which contains two (2) or more dwelling units, of which at least fifty percent (50%) are rental units.

NOTICE: Unless otherwise stated, all notices required shall be in writing and shall be served by one (1) party upon the other by mail, or personally upon the person or member of their household over the age of twelve (12).

OWNER: One (1) or more persons in whom is vested all or part of the legal title to the premises, jointly or severally, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession.

PERMIT: To suffer, allow, approve, consent to, acquiesce in or agree to the doing of an act, including the failure to prevent through inaction.

PERSON: An individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal or commercial entity.

PREMISES: A dwelling unit and the structure of which it is a part, and facilities and appurtenances and grounds, areas and facilities held out for the use of tenants.

PROPERTY MANAGER: Any person authorized to manage the premises.

PUBLIC NUISANCE: The following offenses are hereby declared to be public nuisances to be considered in determining whether or not a chronic public nuisance property exists:

- A. Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 2012, 720 ILCS 5/9-1 et seq.
- B. Any offense defined and prohibited by Article 10 (Kidnapping and Related Offenses) of the Criminal Code of 2012, 720 ILCS 5/10-1 et seq.
- C. Any offenses defined and prohibited by Section 11-14 (Prostitution), Section 11-14.1 (Soliciting Prostitution), Section 11-14.3 (Promoting Prostitution - pandering, keeping a place of prostitution), Section 11-20.1 (Child Pornography), or Section 11-21 (Harmful Material to Minors) of the Criminal Code of 2012, 720 ILCS 5/11-14, 5/11-14.1, 5/11-14.3, 5/11-20.1, and 5/11-21.
- D. Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 2012, 720 ILCS 5/12 et seq.
- E. Any offense defined and prohibited by Article 16 (Theft) of the Criminal Code of 2012, 720 ILCS 5/16-1 et seq.
- F. Any offense defined and prohibited by Article 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 2012, 720 ILCS 5/20-2 et seq.
- G. Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 2012, 720 ILCS 5/24-1 et seq.
- H. Any offenses defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 2012, 720 ILCS 5/25-1 et seq.

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- I. Any offense defined and prohibited by Section 26 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1 et seq.
 - J. Any offense defined and prohibited by Article 28 (Gambling) of the Criminal Code of 2012, 720 ILCS 5/28-1 et seq.
 - K. Any offense defined and prohibited by Article 31 (Interference With Public Officers) of the Criminal Code of 2012, 720 ILCS 5/31-1 et seq.
 - L. Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons Under Age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20.
 - M. Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq.
 - N. Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1 et seq.
 - O. Any offense that constitutes a felony under the Criminal Code of 2012, 720 ILCS 5/1-1 et seq., including, but not limited to, those set forth above.
 - P. Any offense that constitutes a misdemeanor as defined in the Illinois Criminal Code of 2012, 720 ILCS 5/1-1 et seq., or any similar offense under this village Code.
 - Q. Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 2012, 720 ILCS 5/8-1 et seq., which is relative to the commission of any of the aforesaid principal offenses.
 - R. Any offense defined and prohibited by the Illinois Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq.
 - S. Any offense defined and prohibited by title 13, "General Offenses", of this Code.
 - T. An unreasonably high number of calls for police service, including, but not limited to, calls related to public nuisance activities, which reasonably indicate, when compared to other similar properties in the village, that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.
 - U. Public nuisances exclude, pursuant to Section 1-2-1.5 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.5:
 - (1) Contacts made to police or other emergency services: a) with intent to prevent or respond to domestic violence or sexual violence; or b) where intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or c) contacts made by, on behalf of, or otherwise concerns an individual with a disability, for a purpose related to that individual's disability; or
 - (2) An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest (occurring within the Village of Schaumburg); or
 - (3) Public nuisances (which includes criminal activity or a local ordinance violation as defined in 65 ILCS 5/1-2-1.5) occurring in the Village of Schaumburg that is directly related to domestic violence, engaged in by a tenant, member of a tenant's household, guest, or other party and against a tenant, household member, guest or other party;
 - (4) Not excluded under the circumstances described above are violations of Section 15.2 of the Emergency Telephone System Act, 50 ILCS 750/15.2, Article 26 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1 et seq., and Article IX (Forcible Entry and Detainer) of the Code of Civil Procedure, 735 ILCS 5/9-101 et seq.

PUBLIC NUISANCE ACTIVITY: The commission of any act or conduct, which constitutes any of the offenses declared to be a public nuisance.

RENTAL AGREEMENT (RESIDENTIAL LEASE): Any agreements and valid rules and regulations adopted pursuant to agreement under section 99.10.06, embodying the terms and conditions concerning the use and occupancy of a specified dwelling unit and premises.

RENTAL STRUCTURE: Any "building", as defined in section 154.27 of this Code, which building includes a dwelling unit or units for rent, to include single-family residences, multifamily rental structures, rooming houses and buildings with less than three (3) dwelling units.

RENTAL UNIT: A dwelling unit in a rental structure occupied or available for occupancy, other than the owner of record, under a rental agreement.

RESIDENTIAL OPERATOR'S LICENSE: A license to rent a rental unit or rental structure as required by section 123.02 of this Code.

RESPONSIBLE PARTY: Includes landlords, landlords' designated agents, residential operators' licensees, and property managers.

SECURITY CERTIFICATE: A certificate issued to a property owner upon completion and review of a crime prevention analysis conducted by the police department (which may include, among other things, research of recent criminal history, a security survey and presentation of safety tips to protect the property, its occupants and visitors), as well as the owner's implementation of any security recommendations as may be determined by the director.

SECURITY SURVEY: An analysis of property and locale characteristics, conducted by the police department, to determine the vulnerability of the property, occupants and visitors to criminal activity, and to make recommendations to reduce criminal activity and promote safety based upon those observations.

SINGLE DWELLING RENTAL UNIT: A rental structure containing only one (1) dwelling unit ("SDR").

TENANT: A person entitled under a rental agreement to occupy a rental unit.

TERM USAGE: Whenever the term "person", "landlord" or "tenant" is used in the masculine or singular form, it shall also include and refer to the feminine or plural form.

VILLAGE: The Village of Schaumburg.

VILLAGE MANAGER: The village manager or any person acting in the manager's stead or as appointed by the village manager to act as their agent.

(Ord. 15-113 , passed 10-13-2015; Am. Ord. 22-072 , passed 9-27-2022)

99.10.03 CHRONIC PUBLIC NUISANCE; UNLAWFUL.

Chronic Public Nuisance Property Unlawful: It shall be unlawful and a nuisance for any person to permit, whether knowingly or otherwise, any rental structure within the village to become, exist or be used as a chronic public nuisance. Any chronic public nuisance found to exist within the village shall be subject to abatement in accordance with this section. For purposes of this section, "multifamily residential structure" and "SDR" shall include the land to which they are affixed, incidental or pertinent. This shall include, but not limited to, any parking area, common area, premises, room, house, building or structure or any separate part or portion of the foregoing.

(Ord. 15-113 , passed 10-13-2015)

99.10.04 ABATEMENT.

A. Pre-abatement Procedure: Whenever the police department makes a report, receives a report from another law enforcement agency, or otherwise verifies public nuisance activity within the village by a tenant(s), any

member of the tenant's household, tenant's guest(s) or any person under tenant's control, the chief of police may take the following action:

1. Notify the landlord and the tenant that the property is or may become a chronic public nuisance property. The notice shall contain the following information:
 - a. The street or other identifying address of the SDR or multifamily residential structure.
 - b. A concise statement of the manner in which the property is or may become a chronic public nuisance property. The notice shall further state/provide:
 - (1) The names of occupants or others involved in the public nuisance activity. A copy of any relevant citation or arrest report describing the activity may also be included;
 - (2) Demand corrective action must be taken to ensure that subsequent public nuisance activity does not occur;
 - (3) In the event of a subsequent occurrence of a public nuisance activity on that property, the chief of police may declare the property a chronic public nuisance, such that the landlord's residential operator's license shall be subject to suspension or revocation;
 - (4) The landlord must enforce the crime-free lease provision through eviction or take such other reasonable corrective action as the chief of police deems necessary; and
 - (5) The landlord or the tenant has the right to request a hearing before the village manager to contest the determination of public nuisance activity. The request for a hearing must be received by the village manager within eight (8) days following the date such notice was served. If such a request for a hearing is not received within that time period, the police chief's determination shall become final.
 2. In determining whether to send a second or subsequent notice, the chief of police may consider the prior cooperation (or lack of cooperation) of the landlord and the tenant in responding to the chief's notification letter, agreeing upon corrective action, and whether or not the agreed corrective action was taken. In the event that the chief finds that further discussions with the landlord or the tenant may achieve corrective action, the chief may convene a mandatory meeting to establish such a corrective action plan.
 - a. **Mandatory Meeting With the Chief.** At the mandatory meeting, the chief of police may suggest various courses of action for the landlord and/or the tenant to prevent further unlawful activities from occurring. A corrective action plan should be established, which may include the lawful eviction of a tenant or the landlord's ability to bar persons from the property. In the event that the landlord or the tenant fails to attend the mandatory meeting, the second or subsequent notice should be sent.
 3. For purposes of this section, it is not necessary that notices be sent for each public nuisance activity that may occur, but that two (2) pre-abatement notices be sent in regard to public nuisance activities at an SDR and three (3) pre-abatement notices be sent in regard to such activities related to a multifamily residential structure, prior to commencement of the abatement proceedings set forth below. If the first public nuisance activity in regard to the same SDR is a felony offense, a second pre-abatement notice is not required.
- B. **Abatement Procedure:** If, after complying with the notification procedures described in subsection A above, the chief of police determines that the property has become a chronic public nuisance property, the chief of police shall:
1. Notify the landlord and any tenants that the property has been declared a chronic public nuisance property. The notice shall contain the following information:

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- a. The street address or legal description sufficient for identification of the property.
 - b. A statement that the chief of police has determined the property to be a chronic public nuisance property with a concise description of the public nuisance activities leading to that finding.
 - c. A statement that the chief of police has recommended to the village manager that the residential operator's license be revoked or suspended pursuant to section 110.25 of this Code, but if the landlord notifies the chief immediately upon receipt of the notice and agrees to remedy the disorderly conditions within ten (10) days, or to take other agreed and timely measures, the chief may, at their sole discretion, postpone a review by the village manager.
2. Settlement Agreement. The chief and landlord may agree to resolve the matter short of a hearing by entering into a settlement agreement to include the imposition of a fine and a remediation plan for the dwelling unit or multifamily rental structure, along with a compliance date, and agreed upon penalties in the event of noncompliance by that date. In the event that compliance is not achieved by the established date of compliance, the hearing process shall proceed, unless otherwise agreed by the parties.
- C. Burden of Proof, Notice:
1. In an action seeking abatement of a chronic public nuisance property by revocation or suspension of the landlord's residential operator's license, the village shall have the initial burden of showing by a preponderance of the evidence that the property is a chronic public nuisance property.
 2. For purposes of showing that the property is a chronic public nuisance property, the testimony of police officers that recounts other witness statements shall be admissible, subject to the discretion of the village manager. Police reports, court records, and prosecution records are admissible and relevant, and may be used to prove that a public nuisance occurred.
 3. The following are defenses to an action seeking suspension or revocation of a residential operator's license:
 - a. The landlord, at the time in question, attempted to curtail the chronic public nuisance activity, but in spite of the exercise of reasonable care and diligence, could not control the conduct leading to the findings that the property is a chronic public nuisance property.
 - b. The public nuisance activities occurring at an SDR were not related to the same tenant. Public nuisance activities at an SDR are subject to abatement under this section, only if they occur while the rental unit is leased to the same tenant.
 4. The failure of any person to receive the notices in subsections A and B of this section shall not invalidate or otherwise affect the proceedings under this section.
 5. Effect of eviction proceedings:
 - a. If a landlord initiates a forcible entry and detainer action in the Circuit Court of Cook County to evict a tenant of a dwelling unit that is subject to notices under this section, the village may initially agree to enter and continue the village manager's review of the chief of police's recommendation that the residential operator's license be revoked or suspended, pending the result of such court action. In deciding whether or not to further continue the matter based upon the eviction proceeding, the village shall consider, among other things, whether eviction is the only remedy for preventing future public nuisance activities, and whether the action is being timely prosecuted by the landlord.
 - b. The landlord must submit to the village, prior to the village manager's review, a copy of the forcible entry and detainer law suit that was filed.

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- c. The landlord shall notify the chief of police regarding the progress of the court proceeding within seven (7) business days of its resolution including, but not limited to, orders to stay judgments, evict, grant possession or abandonment, and dismiss the case.

D. Effect Upon Revocation or Suspension:

1. In the event that a residential operator's license is revoked or denied, or the rental structure is being operated without a license, then:
 - a. No existing rental agreement or lease shall be renewed and no new rental agreement or lease shall be entered into with respect to any rental unit located within the rental structure; and
 - b. The village shall have the right to proceed under section 123.02 of this Code.
2. A license which has been revoked or denied shall not be reinstated. The landlord may, however, obtain a new license after all violations have been corrected and fine/fees paid by following the procedures for obtaining a new license as set forth in this section.
3. Whenever a license is revoked or denied, or the rental structure is being operated without a license, the director shall notify the landlord or property manager at the last address provided on the most recent license application or to the taxpayer of record if no application is available. The director shall also notify the landlord, property manager and all tenants of the rental structure by posting a notice on all entrances to the rental residential structure, containing the name and address of the owner, address and/or name of the multifamily residential structure, and the following statement:

You are hereby notified that the license for this structure has been revoked or denied, or the rental structure is being operated without a license. No existing rental agreement or lease shall be renewed and no new rental agreement or lease shall be entered into with respect to any rental unit located within this building.

4. In the event that any notice posted in accordance with subsection D.3 of this section is removed without the approval of the code official, the code official may post a notice on the property, a minimum of thirty inches by thirty inches (30" x 30") in size, having letters a minimum of two inches (2") high, containing the name and address of owner, address and/or name of the multifamily residential structure, and the statement set forth in subsection D.3 of this section.
 5. Removal of the notices required in subsections D.4 and D.5 of this section by any person other than a code official is prohibited and shall be subject to a fine in the amount set forth in section 10.99 of this Code.
 6. The license shall remain in effect during the pendency of a hearing under this section.
- E. Eviction or Retaliation Prohibited: It shall be unlawful for an owner to terminate the rental agreement of a tenant or otherwise retaliate against any tenant because that tenant complained to the police chief about nuisance activities on the owner's premises. Such retaliation shall be enforceable as a violation of this section.
- F. Penalties for Maintaining Chronic Public Nuisance Property: If the village manager finds that the landlord has permitted a property to become chronic public nuisance property, the landlord is subject to the following penalties:
1. The landlord shall be fined not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00) for each unit declared to be a chronic public nuisance property. Further, such landlord shall be fined not less than seven hundred fifty dollars (\$750.00) nor more than one thousand five hundred dollars (\$1,500.00) for each subsequent unlawful activity that occurs in, at, on or about that unit within the one-year period.

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2. In addition to the fines set forth above, a landlord shall be liable for administrative costs associated with any hearing pursuant to this Code.
 3. In addition, to the fines and costs set forth above, landlord's residential operator's license shall be subject to suspension or revocation, and a charge for nuisance services may apply as provided in this section.
- G. Charge for Nuisance Services: After being declared a chronic public nuisance property, premises that have generated more calls for police service due to public nuisance activities, when compared to other similar properties within the village, have received more than the level of general and adequate police service and placed an undue and inappropriate burden on the taxpayers of the village. The chief of police shall charge the owners of such premises the costs associated with abating public nuisance violations at such premises for a period of one (1) year, after which, charging for such services will cease unless the president and board of trustees reconsider the facts and determine to continue to charge for such services.
- (Ord. 15-113 , passed 10-13-2015; Am. Ord. 16-032 , passed 3-22-2016; Am. Ord. 22-072 , passed 9-27-2022)

99.10.05 CRIME-FREE HOUSING.

- A. A residential operator's license shall not be issued until the landlord, or designated agent, has attended and successfully completed the crime-free housing seminar, sponsored by the Village of Schaumburg. The certification as a residential operator shall be issued on an annual basis subject to annual compliance with these requirements.
- Exemption: Any condo or homeowners' association, which rents out premises for a period of less than one (1) year as the result of a foreclosure pursuant to Illinois law, shall not be required to comply with the crime-free housing seminar requirement, if it receives counsel from an attorney that has provided training through the crime-free housing program or has background or expertise in crime-free addendums, as approved by the village attorney.
- B. In the event that a landlord makes application for a residential operator's license and has met all other license requirements, but a crime-free housing seminar is not available, a conditional license may be issued. The conditional license shall be effective no more than three (3) months from the date of issuance and subject to attendance and successful completion by the landlord, or their designated agent, of the crime-free housing seminar within that time period. Upon completion of the seminar within that time period, a residential operator's license shall be issued.
- C. In the event that a designated agent attended the crime-free housing seminar and that agent is no longer employed by the landlord or designated by the landlord to be responsible for managing the SDR and/or multifamily residential structure under the residential operator's license, the landlord, or a newly designated agent, shall attend and successfully complete the seminar within three (3) months of that event.
- D. At any time after two (2) years from the date of the issuance of a residential operator's license, a landlord or designated agent may be required to attend and successfully complete a refresher crime-free housing seminar. Such requirement shall be subject to the recommendation of the chief of police to the village manager, who shall consider the following in determining whether or not the refresher course is required:
1. Whether the property is in danger of becoming a nuisance residential rental property as defined in this article; and
 2. Whether criminal activity is occurring on the premises and the landlord has failed to initiate eviction proceedings or take other appropriate action.

A residential operator's license shall not be renewed if attendance is required, but is not completed within three (3) months of the notice to that effect. Such notice shall be delivered or mailed to the landlord, or designated agent, at the address designated on the most recent license application.

- E. The chief of police shall provide to the finance director, a list of landlords and/or designated agents, who have attended the crime-free housing seminar and/or are certified residential operators. This shall include the dates of attendance and verification that the landlord or designated agent has otherwise complied with this Code so as to be eligible for issuance or renewal of a residential operator's license.
- F. Every residential lease, including each extension, shall contain a crime-free lease provision. The purpose of the provision is to make criminal activity, including, but not by way of limitation, violent or drug-related criminal activity, engaged in by, facilitated by or permitted by the lessee, member of the household, guest or other party under the control of the lessee, a lease violation, and to provide the landlord with authority under that clause to initiate eviction proceedings pursuant to state law. The crime-free lease provision shall be in substantially the following form:

Crime-free Housing Lease Provision
Prohibition against criminal
activity within the Village of Schaumburg.

1. The Tenant, any member of the tenant's household, Tenant's guest(s), and any person under Tenant's control shall not engage in or facilitate criminal activity within the Village of Schaumburg, which includes the leased premises, at _____.
2. The Tenant, any member of the tenant's household, Tenant's guest(s), and any person under Tenant's control shall not permit the leased premises to be used for, or to facilitate, criminal activity, regardless of whether the individual engaging in such activity is a member of the household.
3. The Tenant, any member of the tenant's household, Tenant's guest(s), and any person under Tenant's control shall not engage in or facilitate any breach of the lease agreement that jeopardizes the health, safety, and welfare of the landlord, their agent, or other tenant, or involves imminent or actual serious property damage.
4. The Tenant is vicariously liable for the criminal activity of any member of the Tenant's household, Tenant's guest(s), and any person under Tenant's control, whether or not the Tenant had knowledge of the activity or whether or not the household member or guest was under the Tenant's control.
5. One (1) or more violations of subsections 1, 2 or 3 of this Lease Section constitute a substantial violation and a material noncompliance with the Lease. Any such violation is grounds for termination of tenancy and eviction from the leased premises. Unless otherwise required by law, proof of violation shall not require a criminal conviction, but shall be by a preponderance of the evidence.
6. In case of conflict between the provisions of this lease addendum and any other provisions of the lease, the provisions of this addendum shall govern.
7. For purposes of this lease addendum, criminal activity shall mean:
 - (i) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 2012, 720 ILCS 5/9-1 et seq.
 - (ii) Any offense defined and prohibited by Article 10 (Kidnapping and Related Offenses) of the Criminal Code of 2012, 720 ILCS 5/10-1 et seq.
 - (iii) Any offenses defined and prohibited by Section 11-14 (Prostitution), Section 11-14.1 (Soliciting Prostitution), Section 11-14.3 (Promoting Prostitution - Pandering, Keeping a Place of Prostitution), Section 11-20.1 (Child Pornography), or Section 11-21 (Harmful Material to Minors) of the Criminal Code of 2012, 720 ILCS 5/11-14, 5/11-14.1, 5/11-14.3, 5/11-20.1, and 5/11-21.

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- (iv) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 2012, 720 ILCS 5/12 et seq.
 - (v) Any offense defined and prohibited by Article 16 (Theft) of the Criminal Code of 2012, 720 ILCS 5/16-1 et seq.
 - (vi) Any offense defined and prohibited by Article 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 2012, 720 ILCS 5/20-2 et seq.
 - (vii) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 2012, 720 ILCS 5/24-1 et seq.
 - (viii) Any offenses defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 2012, 720 ILCS 5/25-1 et seq.
 - (ix) Any offense defined and prohibited by Section 26 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1 et seq.
 - (x) Any offense defined and prohibited by Article 28 (Gambling) of the Criminal Code of 2012, 720 ILCS 5/28-1 et seq.
 - (xi) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 2012, 720 ILCS 5/31-1 et seq.
 - (xii) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons Under Age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20.
 - (xiii) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq.
 - (xiv) Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1 et seq.
 - (xv) Any offense that constitutes a felony under the Criminal Code of 2012, 720 ILCS 5/1-1 et seq., including, but not limited to, those set forth above.
 - (xvi) Any offense that constitutes a misdemeanor as defined in the Illinois Criminal Code of 2012, 720 ILCS 5/1-1 et seq., or any similar offense under the Schaumburg Village Code.
 - (xvii) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 2012, 720 ILCS 5/8-1 et seq., which is relative to the commission of any of the aforesaid principal offenses.
 - (xviii) Any offense defined and prohibited by title 13, "General Offenses", of the Schaumburg Village Code.
 - (xix) Any offense defined and prohibited by the Illinois Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq.
 - (xx) Criminal activity excludes, pursuant to Section 1-2-1.5 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.5:
 - 1) Contacts made to police or other emergency services: a) with intent to prevent or respond to domestic violence or sexual violence; or b) where intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or c) contacts made by, on behalf of, or otherwise concerns an individual with a disability, for a purpose related to that individual's disability; or
 - 2) An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the

premises (*strike "in the dwelling unit or on the premises" and insert "within the Village of Schaumburg" - see below); or

- 3) Public nuisances (which includes criminal activity or a local ordinance violation as defined in the SB) occurring in the dwelling unit or on the premises that is directly related to domestic violence, engaged in by a tenant, member of a tenant's household, guest, or other party and against a tenant, household member, guest or other party (*strike "in the dwelling unit or on the premises" and insert "within the Village of Schaumburg" - see below); *The proposed ordinance includes public nuisances that occur anywhere in the village, which goes beyond the limits in 2 and 3 above, but not 1. Since they are inter-related, we should probably expand 2 and 3 to "within the Village of Schaumburg".
- 4) Not excluded under the circumstances described above are violations of Section 15.2 of the Emergency Telephone System Act, 50 ILCS 750/15.2, Article 26 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1 et seq., and Article IX (Forcible Entry and Detainer) of the Code of Civil Procedure, 735 ILCS 5/9-101 et seq.

(Ord. 15-113 , passed 10-13-2015; Am. Ord. 22-072 , passed 9-27-2022)

99.10.06 RENTAL AGREEMENTS.

A. Terms and Conditions:

1. The landlord and tenant may include in a rental agreement terms and conditions not prohibited by this section and other rules of law, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.
2. The landlord and tenant shall include in a rental agreement terms and conditions required by this section.
3. All rental agreements between landlords and tenants, including renewal rental agreements to the extent not otherwise excepted in subsection B of this section, must be in writing, dated and signed by both parties with signed copies provided to both at the time of signing.
4. Rent is to be payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, rent is payable at the landlord's place of business at the beginning of any term of one (1) month or less and otherwise in equal monthly installments at the beginning of each month. Unless otherwise agreed, rent shall be uniformly apportionable from day to day.
5. Unless the rental agreement fixes a definite term, the tenancy shall be week to week in the case of a tenant who pays weekly rent, and in all other cases month to month.
6. The rental agreement shall inform the tenant that the interior of the unit may be subject to regular inspection and/or investigation of complaints of violations for compliance with village codes to ensure the health, safety and welfare of the residents and the public.

B. Effect of Unsigned or Undelivered Agreement:

1. If the landlord does not sign and deliver a written rental agreement to the tenant which has been signed and delivered by the tenant to the landlord, acceptance of rent without reservation by the landlord gives the rental agreement the same effect as if it had been signed and delivered by the landlord, for the term set forth in the rental agreement.
2. If the tenant does not sign and deliver a written rental agreement to the landlord which has been signed and delivered by the landlord to the tenant, acceptance of possession and payment of rent

without reservation gives the rental agreement the same effect as if it had been signed and delivered by the tenant.

3. For delivery of notice, as required in subsections B.1 and B.2 of this section, to become effective, delivery must be sent certified mail, receipt requested, or made by personal service, in which case the landlord or tenant, as the case may be, delivering the written rental agreement must request the person receiving the agreement, which may include the respective landlord, landlord's agent, lessee, or member of the household over the age of twelve (12), to acknowledge receipt in writing on a duplicate copy of the agreement. Evidence that the rental agreement was sent certified mail and signed for or returned without being accepted or that receipt of the rental agreement was otherwise acknowledged in writing, as set forth herein, shall create a rebuttable presumption of delivery.

C. Prohibited Provisions:

1. Except as otherwise provided by this section, no rental agreement may provide that the tenant or the landlord:
 - a. Agrees to waive or to forego rights or remedies under this section;
 - b. Authorizes any person to confess judgment on a claim arising out of the rental agreement;
 - c. Agrees to the limitation of any liability of the landlord or tenant arising under law or to indemnify the landlord or tenant for that liability or the costs connected therewith. Provided, however, that nothing contained herein precludes indemnification of the other party by the party found to be at fault by a court of competent jurisdiction.
2. A provision, which is prohibited by subsection C.1 of this section and included in a rental agreement, is unenforceable. If a landlord deliberately attempts to enforce any provision in a rental agreement which is prohibited, the tenant may recover an amount totaling not more than two (2) months' rent and such damages, costs and fees as a court shall determine and award.
3. If a court finds the rental agreement, or a settlement in which a party waives or agrees to forego a claim or right under this section or under the rental agreement, to have been unconscionable when made, the court may grant the following relief:
 - a. Refuse to enforce;
 - b. Refuse to enforce the unconscionable provision only;
 - c. Limit the application of any provision to avoid an unconscionable result; or
 - d. Such other relief as the court deems proper.

D. Notice of Nonrenewal of Rental Agreement:

1. If the rental agreement will not be renewed, the landlord shall notify the tenant in writing not less than sixty (60) days prior to the termination date, or if a month to month tenancy will be terminated, the landlord shall notify the tenant in writing, in the manner provided in subsection B.3 above, not less than thirty (30) days prior to the termination date. In no event shall the tenant remain on the premises more than thirty (30) days after such notice or the end of the lease term, whichever occurs last.
2. If the landlord fails to give the required written notice, the tenant may remain in their rental unit on a month to month basis under the same other terms and conditions as the prior term, until such time as the required thirty (30) days' notice is given and becomes operative as set forth in subsection D.1 of this section. The tenant shall be obligated to pay rent in a timely fashion. Notwithstanding this provision, a written renewal rental agreement is required at the end of the lease term unless the thirty (30) days' notice has been given.

-
- E. Attachment of Article to Rental Agreement: Following the effective date of this section, a copy thereof, or excerpts thereof in a form provided to the landlord by the village, shall be attached to each rental agreement, along with a copy of the village's occupancy requirements from the village's property maintenance code, delivered by or on behalf of a landlord when any such agreement is presented for signing to any tenant.

(Ord. 15-113 , passed 10-13-2015; Am. Ord. 22-072 , passed 9-27-2022)

99.10.07 PENALTIES.

- A. In addition to any other remedy or penalty specified for a violation of any particular provision of this section, any person violating any provision of this section shall, upon a finding of guilty, be subject to a fine for each offense as set forth in section 10.99 of this Code; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. In addition to any fines, fees or costs, the village may seek a permanent or temporary injunction, restraining order, the appointment of a receiver or such other legal or equitable remedies as may be available.
- C. Nothing in this section shall prevent the village from taking any action otherwise available under this Code or any other applicable regulation. Further, nothing in this section shall prevent the village from taking any emergency action permitted by law when any portion of a rental structure is a danger to person or property.
- D. The failure to pay outstanding fees or judgments may result in a lien upon the real property or such other remedies as may be available by law, including the denial of the issuance or renewal of licenses or permits pursuant to section 110.25 of this Code. The lien shall be subject to the following:
1. The director shall file a notice of lien in the office of the Cook County Recorder of Deeds within two (2) years after such fees are billed;
 2. The lien shall be superior to all subsequent liens and encumbrances;
 3. Upon payment of the fees and costs of lien by the owner or responsible party after notice of lien has been filed, the village shall issue a release of lien; and
 4. The lien may be enforced by proceedings to foreclose, as in the case of mortgages or mechanics' liens.

(Ord. 15-113 , passed 10-13-2015)

99.10.08 SEVERABILITY.

If any provision or part thereof of this article (sections 99.10—99.10.09) is declared by a court of competent jurisdiction to be invalid and of no further force and effect, such invalidity shall not affect the remaining provisions of this article which shall remain in full force and effect.

(Ord. 15-113 , passed 10-13-2015)

99.10.09 EFFECTIVE DATE.

This article (sections 99.10—99.10.09) shall apply to and govern every rental agreement or renewal thereof for a "rental unit", as defined herein, within the village entered into or renewed after October 14, 2015.

(Ord. 15-113 , passed 10-13-2015)

6.28. - Short-term home rentals.

- (A) A short-term home rental shall be the owner-occupied dwelling where the short-term home rental owner has the deed to the property and where the short-term home rental owner resides at least one hundred eighty-three (183) days every calendar year.
- (B) A short-term home rental owner may not have more than one (1) short-term home rental within the corporate limits of the City of West Chicago.
- (C) A short-term home rental owner shall use a short-term home rental hosting platform to market and make the short-term home rental with the short-term home rental guest.
- (D) All short-term home rentals shall comply with the applicable life safety codes of the City of West Chicago. It will be the obligation of the short-term home rental owner to determine whether the property complies with the City's life safety codes prior to advertising the short-term home rental's availability on a short-term home rental hosting platform. It shall be the responsibility of the short-term home rental owner to ensure the following items are complied with:
 - a. A smoke detector shall be installed on every level of the home and outside each sleeping area and shall be tested once a month. Batteries in said smoke detector shall be replaced at least once a year, if the model requires it.
 - b. A carbon monoxide detector shall be installed in the hallway of the home near the sleeping areas.
 - c. All appliances in the short-term home rental have been installed according to the manufacturer's instructions and building codes.
 - d. Heating systems, including chimneys and vents, shall be inspected and serviced annually by a trained professional annually to check for blockages, corrosion, partial and complete disconnections.
 - e. Establish an emergency plan for the short-term home rental that is accessible to all guests. Such plan should include two (2) egress routes in every room as well as the contact information for the City emergency services. The plan should also include a meeting spot at a safe distance from the short-term home rental for guests to meet in the event of an emergency evacuation.
- (E) The minimum rental period for a short-term home rental shall be no less than two (2) consecutive nights when the short-term home rental contract specifies that the entire dwelling may be rented. Prima facie evidence that a rental satisfies the two-night minimum requirement shall be the per-night rental amount listed on the short-term rental hosting platform, multiplied by two (2). Short-term home rentals shall not be discounted to avoid the two-night minimum requirement. There shall be no minimum rental period for a short-term home rental when the short-term home rental contract includes the rental of one (1) bedroom in the dwelling and the short-term home rental owner is on the premises during the rental period. No short-term home

rental may be used by a short-term home rental guest for more than thirty (30) consecutive days. Rentals longer than thirty (30) days shall require the submission of an application for a residential rental property license. A short-term home rental shall not be used by the same short-term home rental guest consecutively.

- (F) Prior to advertising the short-term home rental on a short-term home rental hosting platform, the short-term home rental owner shall obtain a short-term home rental license from the City of West Chicago. A short-term home rental owner shall submit an application for a short-term home rental license on a form prepared by and available from the zoning administrator. The application shall require the identity of the short-term home rental owner including permanent address, telephone number, a secondary emergency contact person's name, address and telephone number, and the identity of and contact information for the short-term home rental hosting platform to be utilized.
- (G) The short-term home rental license shall remain effective for a period of twelve (12) months and be subject to twelve (12) month renewals thereafter. Short-term home rental licenses shall not run with the land and are not transferrable.
- (H) A copy of the short-term home rental license shall be posted in a conspicuous location in the short-term home rental.
- (I) Each initial short-term home rental license and renewal thereof shall be subject to the applicable fees specified in the fee schedule contained in Appendix G of the West Chicago Municipal Code.
- (J) Short-term home rentals shall be permitted in all residential zoning districts when located in a single-family detached dwelling. Short-term home rentals shall require a special use permit when located in a single-family attached dwelling, such as a townhome, or in a two-family dwelling unit. Short-term home rentals are prohibited in condominium units and apartment units.
- (K) Each short-term home rental shall contain bedrooms, as defined by Section 7-26 of Chapter 7 of the West Chicago Code of Ordinances, to accommodate the overnight stay of each short-term home rental guest. Short-term home rentals shall allow a maximum occupancy of two (2) persons per bedroom, but in no event shall there be more than ten (10) persons at any one (1) time within the short-term home rental dwelling.
- (L) Utilizing a short-term home rental solely for the purpose of hosting a party is prohibited.
- (M) All short-term home rentals shall be subject to a short-term home rental contract identifying the names, addresses, and telephone numbers of the short-term home rental owner, the name and phone number of the short-term home rental guest, and the short-term home rental hosting platform. the short-term home rental owner or the short-term home rental hosting platform shall be responsible for determining the identification information, and the accuracy of that

information, of the short-term home rental guest. The short-term home rental contract shall require that the short-term home rental guest include a copy of their drivers' licenses, exclusive of the drivers' license numbers, which may be redacted, or other state issued I.D.

(N) The short-term home rental owner shall provide a copy of the short-term home rental contract to the City of West Chicago if requested by a representative of the West Chicago Police Department, based upon a disturbance complaint or other complaint of criminal activity occurring at the short-term home rental property during the term of the short-term home rental contract.

(O) The short-term home rental contract shall require that all parking for the short-term home rental be contained on a paved surfaced, entirely on the property of the short-term home rental. No off-site nor on-street parking shall be permitted overnight.

(Ord. No. 21-O-0002, § 2, 3-15-2021; Ord. No. 21-O-0019, § 1, 8-16-2021)

4.6 HOME OCCUPATIONS

4.6-1 Purpose

4.6-2 Definitions

4.6-3 General Requirements and Performance Criteria

4.6-4 Specific Requirements

4.6-5 Prohibited Home Occupations

4.6-6 Short-Term Rentals Restricted

4.6-7 Violation and Penalty

4.6-1 PURPOSE

The purpose of this Chapter is to permit the establishment of Home Occupations that are compatible with the residential districts in which they are located.

4.6-2 DEFINITIONS

- A.** A Home Occupation is an accessory use of a dwelling unit that is:
 - 1. Used for gainful employment that involves the provision, assembly, processing or sale of goods and/or services.
 - 2. Incidental and secondary to the residential use of the structure and does not change the essential residential character of the dwelling unit.
- B.** “Rental Premises” means all or part of a dwelling unit or related accessory structure being rented or otherwise let to person(s) other than the owner of the subject property.
- C.** “Short-Term Rental” means the accessory use and/or occupancy for a period of less than one (1) month of a dwelling unit or related accessory structure pursuant to a written or oral agreement which permits and/or provides for occupancy of all or part of such structure by any person other than the owner thereof, or an immediate family member of the owner thereof, and whether or not the permission of such occupancy is in exchange for consideration therefor.

4.6-3 GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA

All Home Occupations shall comply with the following standards:

- A.** The operator of every Home Occupation shall reside in the dwelling unit in which the home occupation operates.
- B.** The Home Occupation use shall be conducted entirely within a completely enclosed structure.
- C.** The Home Occupation shall not interfere with the delivery of utilities or other services to the area.
- D.** The Home Occupation shall not generate any noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- E.** No toxic, explosive, flammable, radioactive or other restricted or hazardous material shall be used, sold or stored on the site.

- F. There shall be no alteration of the residential appearance of the premises, including the creation of a separate, or exclusive, business entrance(s).
- G. Signs for Home Occupations shall be prohibited.
- H. No clients/pupils shall be permitted between the hours of 9 p.m. and 7 a.m.
- I. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.
- J. The Home Occupation shall, at all times, comply with all other applicable laws and ordinances.

4.6-4 SPECIFIC REQUIREMENTS

In addition to the general conditions set forth in Section 4.6-3, the following specific conditions shall be met.

- A. The total area used for the Home Occupation shall not exceed fifteen (15) percent or four hundred (400) square feet (whichever is less) of the habitable floor area of the dwelling.
- B. The direct sale of products off display shelves or racks shall be prohibited.
- C. No more than one (1) person, other than a resident of the dwelling unit, shall be employed on premises in connection with the operation of the Home Occupation.
- D. No more than three (3) clients shall, at one time, avail themselves to a product and/or service provided by a Home Occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period.
- E. Off-street parking shall be required for all employees of a Home Occupation. Off-street parking for Home Occupations shall comply with Section 4.10-4 (Parking Restrictions for Single Family Dwellings).
- F. Deliveries pertaining to the Home Occupation shall be limited to such deliveries as would be normal and incidental to a residential use. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a Home Occupation.
- G. Permitted Home Occupations shall include, but shall not be limited to, the following:
 1. Attorney, CPA, Salesman, Architect/Landscape Architect, Engineer, Interior Designer, Graphic Artist, Word Processor and Consultant.
 2. Art Studios provided no retail business is conducted on the premises.
 3. Work processing and typing services.
 4. Therapists, social workers, human service professionals.
 5. Mail order businesses, for receipt of mail order only.
 6. Telephone sales.
 7. Teaching, instructing, tutoring, or counseling.
 8. Other uses similar to those listed in this Section 4.6, as determined by the Zoning Official, subject to the provisions of Section 3.16 (Appeals).

4.6-5 PROHIBITED HOME OCCUPATIONS

Certain uses by their nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for Home Occupations, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 4.6-3 and/or 4.6-4, are prohibited as Home Occupations.

- A. Any repair of motorized vehicles such as repair or painting of autos, trucks, trailer, boats and lawn equipment.
- B. Animal hospitals, Animal rescue uses, Kennels, stables, Animal breeding, raising of Animals for sale, bird keeping facilities or bee keeping facilities.
- C. Clubs, including fraternities and sororities.
- D. Firearms Sales and Services.
- E. Funeral Homes.
- F. Medical Cannabis Cultivation Center
- G. Medical Cannabis Dispensing Organization
- H. Nursing Homes.
- I. Offices, Medical/Dental.
- J. Personal Services Establishments.
- K. Restaurants.
- L. Warehousing.
- M. Welding or machine shops.
- N. Short term rentals as defined in Section 4.6-6.
- O. Other uses similar to those listed in this Section 4.6-5, as determined by the Zoning Official, subject to the provisions of Section 3.18 (Appeals).

4.6-6 SHORT TERM RENTALS RESTRICTED

- A. Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the rental and/or occupancy of any dwelling and/or accessory structure located within the Village for less than one (1) month at a time shall be prohibited (sometimes referred to as a "short-term rental"), with the exception of (1) one or more than one consecutive lease extension(s) of any length immediately following any lease between the same parties where the original lease did not constitute a short-term rental; or (2) a hotel, or motel, or bed and breakfast, or similar establishment duly licensed by the Village. Such short-term rental(s) shall be prohibited, whether engaged in or participated in by the owner(s) of the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as lessee(s) and/or otherwise occupy a premises as tenant(s) and/or temporary occupant(s) thereof.
- B. The restrictions of this Section shall be applicable whether the rental premises comprise(s) all or a part of the principal structure, or all or part of any accessory structure.

- D. Whether or not consideration is exchanged for the lease and/or rental of a premises shall not affect the fact that the occupancy thereof is treated as a short term rental for the purposes of this Section if the definition thereof is otherwise applicable to such activity.
- E. The property owner shall remain responsible for compliance with all applicable provisions of this Zoning Ordinance and the Barrington Village Code during the term of any rental and/or occupancy agreement and/or during the term of any occupancy of the rental premises by persons other than the property owner.
- F. No temporary or accessory structure shall be permitted to be used for a short-term rental.
- G. Notwithstanding anything contained in this definition to the contrary, a short-term rental shall not include any of the following: (1) any occupancy of a residence by an immediate family member or by a regular member of the household of the owner(s), or (2) any occupancy by a “house-sitter” where all of the following conditions are applicable: such arrangement was or is initiated by the owner(s) of the residence for the purpose of maintaining the safety and security of the residence and/or to provide for the care of one or more pet(s) of the owner(s) while the owner(s) are out of town, and the owner(s) of the residence receive no rent or other compensation from the house-sitter(s) other than such house-sitting services; or (3) when the immediately preceding owner of a property maintains possession of the dwelling unit after closing on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.
- H. Each day a principal structure or any accessory structure in the Village is offered for rent as a short term rental, is leased or rented as a short-term rental, and/or each day a principal structure or any accessory structure is occupied as a short-term rental, as that term is defined herein, shall constitute a separate violation of this Section.

4.6.7 VIOLATION AND PENALTY

Violation of any of the provisions set forth in this Section 4.6, “Home Occupations”, shall be deemed as a violation of this Ordinance and shall be subject to penalties as prescribed in Section 3-20 (Violations and Penalties) of this Zoning Ordinance.

4.7 ANTENNAS, SATELLITE DISH ANTENNAS AND SOLAR EQUIPMENT

This Section shall only apply to ground-mounted or building-mounted antennas, satellite dishes and solar equipment. For purposes of this section the term “antenna” shall also be applicable to satellite dishes, except as otherwise specifically provided herein. Except as otherwise provided in Subparagraph 4.7(D)(2) hereof, the applicable zoning district regulations shall dictate the location and height of telecommunications facilities, including their antenna and support structures.

A. Antennas and Solar Equipment Subject to Administrative Review

A permit must be obtained from the Village prior to installation of any antennas or solar equipment within the Village, except as otherwise provided in Subparagraph 4.7(D)(2). Antennas and solar equipment meeting the following standards shall be subject to administrative review by the Zoning Official:

135-O-18

AN ORDINANCE

Amending Section 3-2-4 "Hotel-Motel and Vacation Rental Tax" to Add Bed and Breakfast Establishments and Amend the Definition of "Hotel" and "Motel" to Reduce the Number of Rooms to Qualify an Establishment

WHEREAS, the City of Evanston ("City"), 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, pursuant to its home rule powers and Section 8-11-6a of the Illinois Municipal Code, 65 ILCS 5/8-11-6a, the City may enact a tax based on the use of a hotel or motel room or similar facility; and

WHEREAS, pursuant to said authority and the City's home rule powers, the City has determined to amend Section 3-2-4 "Hotel-Motel and Vacation Rental Tax" of the City of Evanston Code of 2012, as set forth in this Ordinance,

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Section 3-2-4 "Hotel-Motel and Vacation Rental Tax" of the Evanston City Code of 2012, as amended, is hereby further amended to fully replace the Section with the text provided below:

3-2-4. - HOTEL-MOTEL, BED AND BREAKFAST ESTABLISHMENTS, AND VACATION RENTAL TAX.

3-2-4-1. - DEFINITIONS.

(A) "Hotel" and "motel" shall mean and refer to every building or structure kept, used, maintained, advertised and held out to the public to be a place where lodging or lodging and food, or apartments, or suites, or other accommodations are offered for a consideration to guests, which does not include vacation rental units separately defined below, in which four (4) or more rooms, apartments or suites, or other accommodations are used for the lodging or lodging and food for such guests. A building or structure, such as a convention center, or executive conference facility, not open to the public but otherwise meeting the criteria set forth in the previous sentence, shall be subject to the hotel-motel tax.

(B) "Operator" shall mean and refer to persons engaged in the business of selling or reselling the right to occupy hotel, motel and/or vacation rental unit accommodations, whether online, in person or otherwise to the public. For bed and breakfast establishments, the term "operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment, or on contiguous property.

(C) "Person" means any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, co-partnership, 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 shall mean the officers thereof.

(D) "Vacation Rental Unit" means 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 or operator receives consideration from a person and that person has the right to use, occupy or possess the dwelling unit or habitable unit for said period.

(E) "Bed and Breakfast Establishment" means an owner-occupied, single-family or two-family dwelling providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation more than ten (10) nights in a twelve (12) month period. Only the breakfast meal may be provided to registered guests. The service of food to the public for a charge is otherwise prohibited. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

3-2-4-2. - TAX IMPOSED.

A tax is hereby levied and imposed upon the use and privilege of renting, leasing, or letting of rooms in a motel, hotel, bed and breakfast establishment, or vacation rental in the City at a rate of seven and one-half percent (7.5%) 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 or vacation rental unit. The tax herein levied shall be in addition to any and all other taxes. It shall be the duty of every owner, manager, and/or operator of hotel, motel,

bed and breakfast establishment, or vacation rental unit accommodations to secure said tax from the user, lessee or tenant of the hotel, motel, bed and breakfast establishment, or vacation rental unit accommodations and issue payment to the City.

3-2-4-3. - PAYMENT AND COLLECTION.

The owner and operator of each hotel, motel, bed and breakfast establishment, or vacation rental unit and the person to whom the license to operate said business shall have been issued by the City, shall bear, jointly and severally, the duty to collect the tax from each user, lessee or tenant of rooms in such hotel, motel, bed and breakfast establishment, or vacation rental unit. Every person required to collect the tax levied by ordinance shall secure said tax from the user, lessee or tenant of a room(s) or vacation rental unit at the time that he/she collects the price, charge or rent to which it applies.

3-2-4-4. - ADMINISTRATION AND ENFORCEMENT.

The City Manager or his/her designee is hereby designated as the administration and enforcement officer of the tax hereby imposed on behalf of the City. It shall be the responsibility and duty of the City Manager or his/her designee to collect all amounts due the City from the owners, operators and licensees of the businesses subject to this tax within the City.

A sworn quarterly hotel, motel, bed and breakfast establishment, and vacation rental occupancy tax return shall be filed by each owner, operator or licensee of each hotel, motel and vacation rental in the City with the City Manager or his/her designee, on forms prescribed by him/her, showing all receipts from each renting, leasing or letting of rooms or vacation rental units during the preceding three (3) months. The dates upon which said quarterly returns are to be filed shall be provided by rules and regulations promulgated by the City Manager or his/her designee.

Each return shall be accompanied by payment to the City of all taxes due and owing for the quarter covered by the return.

The City Manager or his/her designee, or any person certified by him/her as his/her deputy or representative, may enter the premises of any hotel, motel, bed and breakfast establishment, or vacation rental for the purposes of inspection and examination of its books and records for the proper administration of this Section, and for the enforcement of collection of the tax hereby imposed. It is unlawful for any person to prevent, hinder or interfere with the City Manager or his/her designee or his/her duly authorized deputy or representative in the discharge of his/her duties hereunder.

3-2-4-5. - ENFORCE PAYMENT OF TAX.

(A) *Failure to Pay.* Whenever any person shall fail to pay any taxes herein provided, or when any owner, operator or licensee of a hotel, motel, bed and breakfast establishment, or vacation rental in the City shall fail to collect the tax hereby imposed

from any person who has the ultimate liability for payment of the same, the Corporation Counsel shall, upon request of the City Manager or his/her designee, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

If the City Manager, after a hearing held by or for him/her, shall find that any hotel, motel or vacation rental owner, operator or licensee has willfully evaded his/her responsibility to collect the tax imposed by this Section, he/she may suspend or revoke all City licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing, to be held not less than five (5) days after notice of the time and place thereof, addressed to him/her at his/her last known place of business. Any suspension or conviction resulting from such hearing shall not relieve or discharge any civil liability for nonpayment of the tax due.

(B) *Interest and Penalties.* In the event of failure by any hotel, motel, bed and breakfast establishment, or vacation rental owner, operator or licensee to collect and pay to the City Manager or his/her designee the tax required hereunder within thirty (30) days after the same shall be due, interest shall accumulate and be due upon said tax at the rate of one percent (1%) per month. In addition, a penalty of ten percent (10%) of the tax and interest due shall be assessed and collected against any owner, operator or licensee who shall fail to collect and remit the tax imposed by this Section.

3-2-4-6. - DISPOSITION OF TAX MONEYS.

All proceeds resulting from the imposition of the tax under this Section, including interest and penalties, shall be paid to the City Collector and shall be credited to and deposited in the General Fund of the City.

3-2-4-7. - EXEMPTION.

The tax imposed under Subsection 3-2-4-2 of this Section shall not apply to the renting, leasing or letting of accommodations in a hotel, motel or vacation rental to permanent residents. For the purpose of this Section a "permanent resident" means any person who occupies or has the right to occupy any room or rooms in the hotel or motel for at least thirty (30) consecutive days. If a hotel, motel or vacation rental provides accommodations for both permanent residents and other guests, the rental obtained from permanent residents shall not be included in the computation of the tax due.

3-2-4-8. - PENALTY.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any provision of this Section, except when otherwise specifically provided, shall be fined not less than two hundred and fifty dollars (\$250.00) for the first offense, and not less than seven hundred and fifty dollars (\$750.00) for the second and each subsequent offense in any one hundred

eighty (180) day period; each day of violation shall constitute a separate and distinct offense.

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.


SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance 135-O-18 is severable.

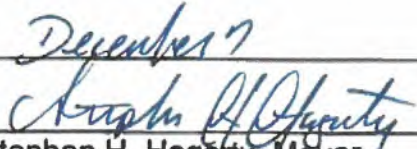
SECTION 5: This Ordinance 135-O-18 shall be in full force and effect on after its passage, approval, and publication in the manner provided by law.

Introduced: November 12, 2018

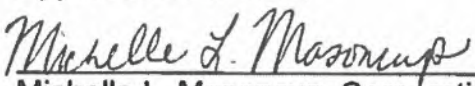
Adopted: November 19, 2018

Attest: 

Devon Reid, City Clerk

Approved: _____, 2018


Stephen H. Hagerty, Mayor

Approved as to form:


Michelle L. Masoncup, Corporation Counsel

CHAPTER 9 - VACATION RENTALS

SECTION:

5-9-1. - PURPOSE.

The purpose of this Chapter is to promote the public health, safety, and welfare by licensing the operation of vacation rentals within the City of Evanston.

(Ord. No. 50-O-13, § 2, 6-10-2013)

5-9-2. - DEFINITIONS.

For the purposes of administering this Chapter, the following definition(s) shall apply:

VACATION RENTAL:	A dwelling unit or portion thereof offered for rent for a period shorter than thirty (30) consecutive days to any person other than a member of the owner's family, as those terms are defined in Section 6-18-3 of this Code. The term "vacation rental" shall not include hotels or motels, licensed pursuant to Title 3, Chapter 2 of this Code, lodging establishments, licensed pursuant to Title 5, Chapter 2 of this Code, bed and breakfast establishments, licensed pursuant to Title 8, Chapter 19 of this Code, and/or home sharing in accord with Subsection 6-4-1-14-(B) of this Code, or housing subsidized by the City or other affordable housing providers.
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(Ord. No. 50-O-13, § 2, 6-10-2013; Ord. No. [137-O-18](#), § 1, 11-19-2018)

5-9-3. - LICENSE REQUIRED; LICENSE TERM; EXEMPTIONS.

- (A) It shall be unlawful to operate a vacation rental within the City of Evanston without a current, valid license issued pursuant to the terms of this Chapter.
- (B) Each license issued pursuant to this Chapter shall be valid for one (1) year, subject to renewal per Section 4 of this Chapter.
- (C) Subsection (A) of this Section notwithstanding, no license shall be required to operate a vacation rental for no more than one (1) rental period per dwelling unit per twelve-month period for:
 - 1. Any dwelling unit;
 - 2. A rental agreement executed pursuant to or in conjunction with a contract to sell the dwelling unit containing the vacation rental;
 - 3. Vacation rental guest(s) who is/are displaced from his/her/their own dwelling unit so that it may be renovated and/or repaired;
 - 4. An operator who will suffer demonstrable hardship.

(Ord. No. 50-O-13, § 2, 6-10-2013)

5-9-4. - APPLICATION; NOTICE; STANDARDS AND PROCEDURES; RENEWAL; FEES.

- (A) *Applications.* A property owner who seeks a vacation rental license pursuant to this Chapter shall submit a written application that contains all information required for a registration statement pursuant to Chapter 8 of this Title.
- (B) *Notice.* Each application shall be accompanied by proof the applicant mailed notice thereof to all owners, whose addresses appear on the current tax assessment list, of real property located within a radius of two hundred fifty (250) feet of the subject property, inclusive of public streets, alleys and other public ways. The notice shall contain the applicant's name, the address of the subject property, the matter under consideration, and the date, time, and location of the relevant meeting of the Planning and Development Committee.
- (C) *Property Inspection.* The dwelling unit must be inspected by City staff pursuant to this Chapter prior to administrative or City Council review of application for vacation rental.
- (D) *Standards and Procedures for License Approval.* If a vacation rental license is not for the owner's primary residence then the Planning and Development Committee will review the application for vacation rental and will report to the City Council upon each application with respect to the standards set forth below. The City Council after receiving said report, may refer the application back to that body for additional review, or, by motion, may approve, approve with conditions, or disapprove, an application for a vacation rental license, upon findings of fact with respect to each of the standards set forth below:
1. The proposed vacation rental will not cause a negative cumulative effect when its effect is considered in conjunction with the effect of other vacation rentals in the immediate neighborhood.
 2. The vacation rental will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties.
 3. The proposed vacation rental will comply with all the rules and regulations contained herein.
 4. The proposed vacation rental is not likely to have an adverse effect upon the public health, welfare, or safety.

Regardless of its finding on any or all of the foregoing standards, the City Council may deny a vacation rental license upon a finding that such denial is in the public interest.

If a property owner seeks a vacation rental license for the owner's primary residence then staff will review application for vacation rental. If the owner of the unit is on active military duty, the affidavit shall include a statement attesting to such fact and to whether the owner has appointed a designated agent or employee to manage, control and reside in the unit during such owner's absence while on military duty.

- (E) *Renewal.* If a vacation rental license was issued for the prior year, the approval for a renewal license shall be obtained from the City Manager or his/her designee, provided the previously-issued license was not revoked or suspended, and the vacation rental did not receive citation(s) from any City Inspector or Police Officer during said prior calendar year. Every renewal application shall satisfy all requirements set forth in Section 4 of this Chapter.
- (F) *Fees.* The following fees shall be imposed for application submittal and licensing fees:
1. *Application Fee.* All property owners who seek to submit a Vacation Rental application must submit a nonrefundable application fee of two hundred fifty dollars (\$250.00).
 2. *License Fee.* The annual fee for a license issued pursuant to this Chapter shall be one hundred fifty dollars (\$150.00).

(Ord. No. 50-O-13, § 2, 6-10-2013; Ord. No. [137-O-18](#), § 2, 11-19-2018)

5-9-5. - REQUIREMENTS AND STANDARDS.

- (A) No vacation rental operator shall:

1. Rent or lease any vacation rental for any period of time shorter than twenty-four (24) consecutive hours;
 2. Rent or lease any vacation rental more than once within any consecutive twenty-four (24) hour period measured from the commencement of one rental to the commencement of the next;
 3. Advertise an hourly rate or any other rate for a vacation rental based on a rental period of fewer than twenty-four (24) consecutive hours; and/or
 4. Serve or otherwise provide any food or beverage to any guest.
 5. Cause or permit, by action or failure to act, the vacation rental or its use to suffer from and/or create any violation of the following portions of the City Code: Title 4, "Building Regulations"; Title 5, "Housing Regulations"; Title 6, "Zoning"; Title 8, "Health and Sanitation"; or Title 9, "Public Safety."
- (B) Every vacation rental shall be subject to inspection by staff members of the City's Fire, Health, and Community and Economic Development Departments.
- (C) Every vacation rental operation shall include in any listing the following information about the vacation rental: (A) the licensee's cancellation and check-in and check-out policies; (B) a statement on: (i) whether the vacation rental is wheelchair or ADA accessible; (ii) whether the vacation rental has any parking availability or neighborhood parking restrictions; and (iii) the availability of, or restrictions on, the use of any recreational facilities or other amenities applicable to guests; and (C) a description of the vacation rental, including the number of sleeping rooms and bathrooms; and (D) the City of Evanston license number.
- (D) Every vacation rental operator shall keep a register in which shall be entered the name of every guest and his/her arrival and departure dates. The operator shall make said register freely accessible to any officer of the City's Police, Fire, Health, and/or Community and Economic Development Departments.
- (E) Every vacation rental operator shall ensure that the vacation rental is in compliance with current State and local regulations regarding the installation and maintenance of functioning smoke alarms and carbon monoxide detectors.
- (F) Every vacation rental operator shall post, in a conspicuous place within the vacation rental:
1. The name and telephone number of the operator's authorized agent identified pursuant to Code Subsection 5-8-3(A)2;
 2. An evacuation diagram inside entrance door identifying all means of egress from the vacation rental and the building in which the vacation rental is located;
 3. A current copy of the listing;
 4. A current copy of vacation rental license;
 5. The schedule of, or restriction on, street cleaning and street snow removal. If the property is subject to restrictions imposed by a homeowners association or board of director then the owner shall post an attestation that the homeowners association or board of directors has not adopted bylaws prohibiting the use of the dwelling unit identified in the license application as a vacation rental or shared housing unit, or that restricts rentals for a period of time less than thirty (30) days, in any combination.
- (G) Any kitchen in a vacation rental shall be cleaned and sanitized between guests and all food and beverages shall be discarded. All dishes, utensils, pots, pans and other cooking utensils shall be cleaned and sanitized between guests. A recycling container must be accessible to guests.
- (H) The operator of every vacation rental shall change supplied bed linens and towels therein at least once each week, and prior to the letting of any room to any new guest. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(Ord. No. 50-O-13, § 2, 6-10-2013; Ord. No. [137-O-18](#), § 3, 11-19-2018)

5-9-6. - PENALTY.

- (A) Any owner, tenant or other person who shall be found to have violated any of the provisions of this Chapter shall be guilty of an offense punishable as follows:
 - 1. The fine for a first violation is two hundred dollars (\$200.00).
 - 2. The fine for a second violation is five hundred dollars (\$500.00).
 - 3. The fine for a third or subsequent violation is seven hundred fifty dollars (\$750.00).
- (B) Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- (C) Any fines shall be debts due and owing to the City that the City may collect by any means allowed by law, including, but not limited to, filing a lien against the vacation rental or the premises containing the vacation rental.
- (D) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and/or remedies as provided for by applicable legislation. In addition, a licensee found to have violated any provision of this Chapter may be subject to license revocation, suspension, or nonrenewal.

(Ord. No. 50-O-13, § 2, 6-10-2013)

5-9-7. - REVOCATION; SUSPENSION; PROCEDURES.

- (A) The City Manager may revoke or suspend a license issued pursuant to the terms of this Chapter for any of the following reasons:
 - 1. If the owner of the relevant vacation rental or his/her agent violates any of the terms of this Chapter;
 - 2. If the owner of the vacation rental or his/her agent is deemed to have maintained a nuisance premises therein, in violation of Section 9-5-4 of this Code;
 - 3. If, pursuant to Title 4, Chapter 16 of the City Code, the Director of Community and Economic Development ("Director") deems the vacation rental, or the premises wherein it is located, to be a vacant building, as defined therein; and/or
 - 4. If the City or other governmental agency condemns the vacation rental or the premises wherein it is located.
- (B) Not less than fourteen (14) business days prior to a revocation hearing for a license issued pursuant to the terms of this Chapter, the Director shall send, via First Class U.S. mail, a notice of revocation hearing to the owner or his/her authorized agent at the address provided on the most recent license application. Notice shall be sufficient if sent to the address of the authorized agent indicated on the license application. Said notice shall include the following:
 - 1. Description of the vacation rental, sufficient for identification;
 - 2. A statement that the license is subject to revocation;
 - 3. A statement of the reasons for the revocation;
 - 4. The date and time upon which a revocation hearing shall occur; and
 - 5. The location for said revocation hearing.
- (C) If the Director certifies to the City Manager that he/she has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the community,

the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the license suspended for not more than seven (7) days. The City Manager may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the aforesaid harm to the community.

- (D) Hearings shall be conducted by the City Manager in accordance with procedures drafted by the Corporation Counsel.
- (E) Within ten (10) business days after the close of the hearing, the City Manager shall issue a written decision that shall constitute a final determination for purposes of judicial review pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., as amended. In reaching a decision, the City Manager may consider any of the following:
 - 1. The nature of the violation;
 - 2. The nature and extent of the harm caused by the licensee's action or failure to act;
 - 3. The factual situation and circumstances surrounding the violation;
 - 4. Whether or not the action or failure to act was willful;
 - 5. The record of the licensee with respect to violations.
- (F) A licensee whose license has been revoked shall not be eligible to reapply for a new license.

(Ord. No. 50-O-13, § 2, 6-10-2013)

STATE OF ILLINOIS)
) SS.
COUNTY OF L A K E)

CLERK'S CERTIFICATE

I, **BARBARA MASTANDREA**, do hereby certify that I am the duly appointed and qualified Village Clerk for the Village of Lincolnshire, Lake County, Illinois.

I do further certify that the above and attached is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 15-3379-106

**AN ORDINANCE AMENDING TITLE 6 (ZONING)
OF THE VILLAGE OF LINCOLNSHIRE MUNICIPAL CODE
(Short-Term Rentals)**

I do further certify that the aforesaid Ordinance was entrusted to my care and custody, that the same is duly spread upon the record of proceedings of said Village, and that I am the custodian of all Village records, including the journal of proceedings, ordinances, and resolutions of said Village.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of November, 2015

Barbara Mastandrea

Village Clerk
Village of Lincolnshire
Lake County

**Prepared by and Mail to:
Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069**

ORDINANCE NO. 15-3379-106

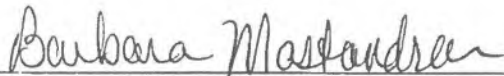
**AN ORDINANCE AMENDING TITLE 6 (ZONING)
OF THE VILLAGE OF LINCOLNSHIRE MUNICIPAL CODE
(Short-Term Rentals)**

Passed by the Board of Trustees this 9th day of November, 2015

Published by the Board of Trustees this 9th day of November, 2015

Printed and published in pamphlet form by authority of the President and Board of
Trustees

VILLAGE OF LINCOLNSHIRE, ILLINOIS



Village Clerk

VILLAGE OF LINCOLNSHIRE

ORDINANCE NO. 15-3379-106

**AN ORDINANCE AMENDING TITLE 6 (ZONING)
OF THE VILLAGE OF LINCOLNSHIRE MUNICIPAL CODE
(Short-Term Rentals)**

WHEREAS, the Village of Lincolnshire, an Illinois home rule municipal corporation, has the authority to adopt ordinances and promulgate rules and regulations that pertain to its government and affairs, including the coordination and operation of various activities and structures within its boundaries, and to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the Village of Lincolnshire find it necessary for the promotion and preservation of the public health, safety and welfare of the Village that the regulation of short-term rental of residential dwellings be reviewed for legality, efficiency and predictability;

WHEREAS, the Board of Trustees referred to the Zoning Board ("Zoning Board") a petition to research, consider and prepare proposed text amendments to the Zoning Code to clarify and amend the regulation of short-term rental of residential dwellings; and

WHEREAS, following due publication of notice in the Lincolnshire Review on Thursday, August 20, 2015, a public hearing concerning the proposed amendments to the Zoning Code of the Village was convened by the Zoning Board on September 8, 2015, and finally adjourned on October 14, 2015, 2015; and

WHEREAS, following deliberation and consideration on the evidence and testimony elicited during the public hearing and the recommendation of the Zoning

Board, the Village Board desires for the Zoning Code to be amended to improve the Zoning Code regulations affecting the short-term rental of residential dwellings; and

WHEREAS, the Village hereby finds that it is in the best interest of the Village and the public to amend its Zoning Code to promote the economic health and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village Of Lincolnshire, Lake County, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as though fully set forth herein. The findings of the Zoning Board of the Village of Lincolnshire, attached hereto as Exhibit A, are herein incorporated by reference as the findings of the Village Board to the same effect as if fully recited herein at length. All references in the Zoning Board's findings are made the references of the Mayor and Board of Trustees of the Village of Lincolnshire.

SECTION TWO: Title 6 of the Village of Lincolnshire Municipal Code ("Zoning") is hereby revised by amending Chapter 3, Section 5 (Accessory Structures and Uses) by adding a new category of Accessory Use regulations entitled, "Short Term Rental" in the form described in Exhibit B, attached hereto and incorporated as though fully set forth herein.

SECTION THREE: Title 6 ("Zoning"), Chapter 2 ("Definitions") is hereby amended in the following manner:

SHORT-TERM RENTAL The accessory use of a residential dwelling under a written or oral agreement providing for occupancy of

all or part of the dwelling by any person other than the owner thereof in exchange for consideration therefor.

**LODGING HOUSE
(INCLUDING BOARDING**

~~A residential building, or portion and thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms which and accommodate persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.~~

**ROOM HOUSE)
LODGING ROOM
(ROOMING UNIT)**

~~A room which is not physically a part of a dwelling unit, or which through physically a part of a dwelling unit is used or intended for use by a person or persons other than members of the family occupying said dwelling unit, and which is used or intended to be used as sleeping and living quarters, but without facilities for either cooking or eating.~~

SECTION FOUR: Title 6 ("Zoning"), Chapters 5A, 5B, 5C, 5D and 5F (the Residential zoning districts) are hereby amended by adding the following permitted use to each Chapter:

Short-Term Rental, as an accessory use to residential dwelling units and as regulated in section 6-3-5 of this Title.

SECTION FIVE: If any section, subsection, sentence, clause, phrase or application of this Ordinance, or any regulations adopted hereby, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, either facially or as applied, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof or any other application under which such provision is deemed permitted.

SECTION SIX: All prior Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 9th Day of November, 2015, at Lincolnshire, Lake County,
Illinois.

AYES: McDonough, Hancock, Grujanac, Leider

NAYS: Feldman

ABSENT: Servi

APPROVED:

Elizabeth Brandt

Elizabeth Brandt, Mayor

DATE: 12/14/15

ATTEST:

Barbara Mastandrea

Barbara Mastandrea, Village Clerk

EXHIBIT A
ZONING BOARD FINDINGS OF FACT



EXHIBIT A – ZONING BOARD FINDINGS OF FACT:

****3.1 Continued discussion regarding Text Amendments to Chapter 3, General Zoning Regulations, Chapter 2, Zoning Definitions, Chapter 5, Residence Districts, and associated cross-references, in Title 6 - Zoning of the Lincolnshire Village Code, to amend and introduce new regulations governing short-term rental of residential property (Village of Lincolnshire).**

Director McNellis presented Staff's memorandum and summarized the proposed Draft Ordinance language. He noted what the Village Code currently does and does not permit. He noted there had been an issue recently with a resident operating an Air BnB service. These types of short-term uses are not permitted by the Village Code, however, the current language in the Code is not necessary clear to the average person who may consult the Code. Director McNellis further noted there was a Public Hearing at the September 8th Zoning Board meeting, at which there were no members of the public present and no one testified. The Public Hearing was subsequently closed.

As requested, **Director McNellis** began to summarize the proposed revisions, beginning with the three-month minimum rental period. He noted there was a lot of discussion at the last meeting. Staff continues to believe this 3-month minimum rental period is appropriate. The Village Board also seemed to be agreeable to that timeframe when the code revision was referred.

Director McNellis discussed a proposed caveat to the three-month minimum rental regarding permissibility of a month-to-month extension for an existing lease. This was discussed at the last meeting by Member Brady. Director McNellis noted that if the concern is about the transient nature in a neighborhood, and if a permissible length of rental occurs, but a situation happens where someone has to extend month-to-month, if say perhaps a home under construction isn't finished, then an extension wouldn't make that property any more transient as it would be the same person that was living in the house for the previous rental period simply extending their time. Staff agrees this is a reasonable change to the Draft Ordinance. Members Bichkoff and Kalina agreed.

Chairman Manion noted he works in an industry that finances apartment buildings and he finds that lease extensions are typical. He agrees this reduces the transient nature of a property, so he believes it seems very reasonable to permit it.

Director McNellis noted the crossed-out bullet point on the current draft was in the previous draft in September, and previously stated that single-family dwellings shall not be rented more than once in a 12-month period. This was the direction from the Village Board that regardless of the lease time frame, there should be only one rental per year. There was much discussion at the last Zoning Board meeting about whether or not that was appropriate. Some Zoning Board members were ok with the minimum 3-month rental period, but believed there should be no further limitations, which should allow you to do up to 4 rentals per year.

Member Kalina praised Member Brady for noting the scenario in which someone was in a distressed financial situation, perhaps with two mortgages, and needed to rent their

property, he wondered if it should really be up to the Village to mandate a one rental per year maximum. Member Kalina said he felt it does make sense to allow more than one per year.

Member Bichkoff recounted the discussion was about if you were in this dire situation and you could only find someone for perhaps six months, you'd be prohibited from leasing again, losing 6 months of rental income. He recalled that Member Brady was pretty adamant that this was not a good idea.

Chairman Manion inquired of Staff if they know how many people rent their homes. To which **Director McNellis** answered that Staff has no way of knowing, as we don't require rentals to register with the Village. **Chairman Manion** noted that even most large condo buildings wouldn't allow rentals for less than 12 months initially, and he doesn't see the difference here. **Member Kalina** stated, however, that if you're in a large condo building or high-rise you're all walking in the same entrance, whereas in Lincolnshire we have nice large yards, so perhaps the impact is even greater in a condo building than single-family residential. **Chairman Manion** noted regardless it's the same in that it's a community and however you define community, it doesn't matter whether it's a high-rise or single-family homes. Having said that, Member Brady had a good point and I'm trying not to limit rentals. **Member Kalina** noted he agrees that rentals for a day, night or week should not be permitted, but he inquired as to what the Zoning Board is really trying to do by limiting the rental period minimum to 3-months. He wondered what it is we are really trying to prevent by such a long minimum rental period.

Director McNellis stated the Village Board appeared to agree that single-family neighborhoods are for single-family residential. The real concern is permitting a transient nature to form in the Village's neighborhoods. The expectation of the Village is that on a longer-term basis the same people will be living in each area. The expectation is that single-family neighborhoods will remain stable. The more rental periods you add, the greater potential the neighborhoods become more transient.

Member Kalina agreed that the Village does need to protect the homeowners to a degree, but if someone were to have an economic hardship, he wants to be sure that the Zoning Board looked at all the angles.

Chairman Manion noted that apartments, in general, all require a 12-month lease to start. Very few apartments can be gotten for less. Even apartment dwellers don't want a transient nature to their building. He believes that to allow someone to rent their house for three months is more than reasonable, and he reiterated in the world of apartments, its very common that the rental period is a minimum of 12-months initially.

Member Kalina stated he believes the main question here is how many 3-month rental segments the Village should permit per year. **Chairman Manion** noted that with the previous proposal if you have a 3-month rental and that person leaves and you want to rent again, you couldn't re-rent it that year. But now you're saying there could be up to four 3-month rentals per year? **Director McNellis** noted that was the direction of the Zoning Board at the end of the September meeting. Staff's position is we thought one rental per year would be appropriate, but the Zoning Board at the last meeting felt strongly one rental was not enough. Further, the Zoning Board noted they are an advisory body and should pass on a recommendation they believe is appropriate. If the Village Board disagrees, they can always over-ride that recommendation.

Member Kalina stated he would like to limit the number of rentals to two in a 12-month period. **Chairman Manion** stated he felt four times a year is excessive, but 2 times seems more realistic. He further inquired of Staff what would happen if the Village changes the Code to 2 times a year, and someone wants to do it 3 times a year. **Director McNellis** stated if the Code is twice per year and we learn someone has more than two leases, we'd notify them they weren't in compliance and undertake a legal process.

Member Kalina stated he thinks of the financial hardship that is involved if someone is relocated and has to sell their house. What if you get a bad tenant and don't renew a lease with them? If its once a year, you're out of luck for the next 9 months. **Chairman Manion** noted that at some point the use becomes transient. He stated two rentals per year is the permissibility he believes the Village should consider.

Member Van de Kerckhove stated someone could go away for the Winter for three months and would like to rent for the period of time they're gone. Would that work? **Chairman Manion** answered that three months would be the minimum and you could do it two times a year, so that would work. He believes this reasonably maintains property rights for a homeowner. He further inquired what it is the Village is trying to accomplish here? He believes its to limit the transient nature of renting and he believes two rentals per year does that. He asked if the rest of the Zoning Board was in agreement with this, to which there was a consensus of agreement.

Director McNellis continued to summarize the regulations contained in the Draft Ordinance. He noted the section of the Ordinance regarding the owner's responsibility for violations on a property, unless it can be shown that the owner tried and failed in good faith to remedy a situation. He noted the Village Attorney stated this caveat is typical in most Village Codes. **Director McNellis** also noted that temporary structures, like treehouses, cannot be rented. He further noted there is a new proposed definition in the Code and the permissibility of short-term rentals will be prominently cross-referenced in each residential Zoning section of the Code. he asked the Zoning Board if they wanted to include R4 (Townhouse) zoning district and R5 (mixed-use) zoning district in these regulations and permissibility's. **Chairman Manion** asked if there were any for-rent professionally-managed apartment buildings in the Village, to which **Director McNellis** answered there is one on Apple Hill Lane at Rt. 22.

Chairman Manion asked if condo buildings would then get added-in to the areas regulated by this proposed Code amendment? **Director McNellis** answered yes, but asked the Zoning Board to keep in mind that multi-family developments are usually protected by Landlords and Homeowners Associations whereas single-family development is protected only by Village regulations.

Member Bichkoff asked why we would be inconsistent, when we're trying to make the Code more clear? As such, he believes all zoning districts, single or multi-family, should be included. **Member Van de Kerckhove** stated if the multi-family properties are being governed by a condo HOA, lets let them enforce it. **Chairman Manion** stated he believes all Village residential properties should be subject to the same regulations in this regard. **Director McNellis** noted this is a good point, as there could be some confusion about some residential being treated one way and others being treated a different way. **Member Kalina** noted that anAirBnB use in a condo building could, in many ways, be even more disruptive than in a single-family home.

Director McNellis continued on and stated he would conclude his remarks by asking

the Zoning Board to consider Member Brady's position that they should look at language that would differently define rental property as a business versus rentals because of economic hardship a particular owner might have. He noted he spoke with the Village Attorney and they both agreed that this continues to be problematic. The Village would have to register them and show proof of hardship. He also believes what the Zoning Board has agreed to tonight allows for those situations anyway.

Member Kalina gave credit to Member Brady for introducing the thought process on this, but he ultimately agreed that we don't need to separately define the two different situations.

Director McNellis noted there is a member of the public present in the audience who may wish to address the Zoning Board. This isn't a Public Hearing, but the Zoning Board certainly can permit comments from the audience. **Mr. Howard Handler** of the Illinois Association of Realtors and NorthShore Barrington Association of Realtors, located at 450 Skokie Boulevard in Northbrook, provided commentary about how the Realtors Association is looking at this. He stated they're formulating their position and are happy the Zoning Board is balancing private property rights and the needs of the community. He also mentioned Evanston's experience in dealing with this issue. He stated he would strongly recommend a stipulation that Evanston used in which "rent-back" options are considered. This occurs when someone sells their property and can't move out, so they rent it back from the new owner for a few weeks or other specified period of time. He further stated he is not at the meeting to oppose the proposed Village ordinance, only to send the message that the Village may want to consider an ordinance that is least restrictive, but still accomplishes your goals.

Member Kalina inquired what is the real interest of the Illinois Association of Realtors? **Mr. Handler** responded they have no interest in AirBnb whatsoever, and their interest is solely in private property rights and real estate. He noted the Association also wants to be a resource. He further noted that a 3-month minimum rental could make it difficult for a homeowner to rent their house, which could create a hardship, especially if they need the income. The Zoning Board thanked Mr. Howard for his comments.

Chairman Manion asked if its common that people have to rent back their homes after a sale. **Member Kalina** stated Mr. Handler made a good point. We're building a Code to prevent the negative element, but this wouldn't be a problem. He conjectured that in many cases, though, the Village will never even know if someone is going beyond the parameters of the code. **Mr. Handler** noted if you do want to permit something, you shouldn't be silent on it just because no one will complain if its going on. The problem is if someone wants to follow the law and they look in the Code and don't see the permissibility to do something, they won't try to do it. In that way, they'll be deprived of an opportunity.

Director McNellis stated the Village's single-family residential property is intended for longer-term residency and the Village is not interested in seeing a lot of turnover. He further stated the Village should be looking at how far things are opened up and the negative that could come if its opened too far.

Chairman Manion noted there are plenty of options for people to rent for shorter periods. There are plenty of hotels in the area. **Member Bichkoff** agreed with the rent-back option after a sale. He noted if he sold his house he'd like to think this was a viable option. He stated he thinks this caveat would be a good "carve-out". **Member Van de**

Kerckhove agreed.

Chairman Manion noted he believes a three-month minimum rental is already a huge concession. He stated he believes the Zoning Board agreed to two caveats in the motion, but agreed with everything else Staff presented to them. The Zoning Board agreed with this assessment.

Member Kalina noted he could go less than a 3-month minimum, as even 1-month would effectively eliminate AirBnB, but he's fine with keeping the 3-month minimum.

The Zoning Board did not have any further questions or concerns.

There being no further comments, **Chairman Manion** sought a motion from the Zoning Board.

Member Kalina moved and Member Van de Kerckhove seconded a motion to recommend approval to the Village Board, based on facts covered in a Public Hearing held on September 8, 2015, of amendments to Sections 6-2-2, 6-3-5, 6-5A-1(H), 6-5B-2(G), 6-5C-2 and 6-5D-2 of the Lincolnshire Zoning Code to amend and introduce new regulations governing short-term rental of residential property, as recommended in Staff's memorandum, and further subject to; 1) No more than two rentals may be permitted per 12-month period, and 2) It is permissible for a seller of a property to rent-back that property for a period of time less than 3-months, after its sale.

The motion passed unanimously by voice vote.

EXHIBIT B

TITLE 6, CHAPTER 3, SECTION 5

ACCESSORY STRUCTURES AND USES

Short Term Rental

- Except as otherwise provided herein, leasing a residential dwelling in any Residential zoning district (R1 through R5, inclusive) for less than three (3) months shall be prohibited.
- The term of any lease which has satisfied the minimum term required by these rules may be extended on a month-to-month basis so long as the tenant(s) remain the same.
- Residential dwellings shall not be leased more than two (2) times during any consecutive twelve (12) month period unless the rental agreement has been terminated by reason of a tenant default.
- The rental premises may comprise all or a part of the principal structure.
- The rental premises shall not count toward the limit of accessory structures otherwise permitted by this Chapter.
- The form of consideration exchanged for the rental premises does not affect whether it is treated as a short term rental for the purposes of this Chapter.
- The property owner shall remain responsible for compliance with all Village Codes during the term of any rental agreement unless the owner can show by clear and convincing evidence that the tenant caused the violation despite good faith efforts by the owner to abate the violation.
- No temporary structure shall be permitted to be used for a short-term rental.
- The prohibition on short term rentals for less than three (3) months shall not apply when the immediately preceding owner maintains possession of the dwelling unit after closing and leases it from the successor owner under a written lease agreement.

Ordinance 2021-7

An Ordinance Amending the Northbrook Zoning Code Regarding Short Term Rental of Dwelling Units

Passed by the Board of Trustees, 2/23/2021
Printed and Published 2/24/2021

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees
VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

Village Clerk

Ordinance 2021-7

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

An Ordinance Amending the Northbrook Zoning Code Regarding Short Term Rental of Dwelling Units

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

The Village Board of Trustees initiated an application to amend various provisions of the Northbrook Zoning Code (1988), as amended, to implement regulations on short term rentals of residential dwelling units within the Village ("*Amendments*").

The President and Board of Trustees have determined that it is in the best interests of the Village and the public health, safety, and welfare, to amend the Zoning Code in the manner as specifically provided in this Ordinance. The Amendments is hereby adopted in accordance with the Zoning Code and pursuant to the Village's home rule powers.

Section 2. PUBLIC HEARINGS.

A public notice for the Amendment was duly published on October 29, 2020 in *The Northbrook Star* and a public hearing was commenced at the Plan Commission's regular meeting on November 17, 2020. The public hearing was continued to the December 15, 2020, January 5, 2021, and January 19, 2021 meetings of the Plan Commission. After the close of the public hearing on January 19, 2021, the Plan Commission formally adopted Resolution No. 21-PC-01 recommending approval of the Amendments.

Section 3. AMENDMENT TO DEFINITIONS.

Section 12-206, entitled "Definitions," of Part II., entitled "Interpretation," of Article XII "Applicability & Interpretation" of the Zoning Code shall be, and is hereby, amended to add the following definition in alphabetical order [Added text **bold and double underlined**]

SHORT-TERM RENTAL. Part or all of a dwelling or dwelling unit that is rented for transient occupancy by guests for a period shorter than 30 consecutive days. The term "short-term rental" does not include either (i) hotels or motels as defined in this Section or (ii) a dwelling or dwelling unit rented for a limited period of time prior to transfer of possession pursuant to the terms of a rental agreement executed in conjunction with a contract to sell the dwelling or dwelling unit.

Section 4. AMENDMENTS TO DISTRICT REGULATIONS.

A. Section 3-103 entitled “Accessory Structures and Uses,” of Article III “Single Family Residential Districts,” of the Zoning Code shall be, and is hereby, amended as follows: [Added text **bold and double underlined**; deleted text ~~struck through~~]

“3-103 ACCESSORY STRUCTURES AND USES

A. Accessory structures and uses are permitted in all Single Family Residential Districts subject to the provisions of Section 9-101 of this Code.

B. **Short-Term Rentals are permitted in all Single Family Residential Districts but only in compliance with the provisions of Paragraph 9-101 D(19) of this Code.**

B. Section 4-103 entitled “Accessory Structures and Uses,” of Article IV “Multiple Family Residential Districts,” of the Zoning Code shall be, and is hereby, amended as follows: [Added text **bold and double underlined**; deleted text ~~struck through~~]

“4-103 ACCESSORY STRUCTURES AND USES

A. Accessory structures and uses are permitted in all Multiple Family Residential Districts subject to the provisions of Section 9-101 of this Code.

B. **Short-Term Rentals are permitted in all Multiple Family Residential Districts but only in compliance with the provisions of Paragraph 9-101 D(19) of this Code.**

C. The following provisions of Article VIII “Special Districts,” of the Zoning Code shall be, and is hereby, amended as follows:

1. Section 8-105 entitled “Accessory Uses,” of Part I, entitled “Village Green Overlay District,” shall be, and is hereby, amended as follows: [Added text **bold and double underlined**; deleted text ~~struck through~~]

“8-105 ACCESSORY USES

A. The accessory use regulations applicable in the base district shall apply in the Village Green Overlay District, except that multiple level parking garages shall not be permitted in the Village Green Overlay District without approval by the Board of Trustees by resolution duly adopted, which approval shall be subject to such conditions as the Board of Trustees may, in its discretion, specify in such resolution.

B. **Short-Term Rentals are permitted in those portions of the Village Green Overlay District with a residential base district but only in compliance with the provisions of Paragraph 9-101 D(19) of this Code.**

2. Section 8-703 entitled “Accessory Structures and Uses,” of Part VIII, entitled “Mixed Residential and Commercial Districts,” shall be, and is hereby, amended as follows: [Added text **bold and double underlined**; deleted text ~~struck through~~]

“8-703 ACCESSORY STRUCTURES AND USES

A. Accessory structures and uses are permitted in the Mixed Residential and Commercial Districts subject to the provisions of Section 9-101 of this Code.

B. Short-Term Rentals are permitted in those portions of Mixed Residential and Commercial Districts but only in compliance with the provisions of Paragraph 9-101 D(19) of this Code.

Section 5. AMENDMENT TO REGULATIONS OF ACCESSORY USES.

Section 9-101 D, entitled “Special Regulations Applicable to Particular Accessory Structures and Uses,” of Section 9-101, entitled “Accessory Structures and Uses,” of Part I-A., entitled “Accessory and Temporary Structures and Uses,” of Article IX “District Regulations of General Applicability,” of the Zoning Code shall be, and is hereby, amended to add a new Subsection 19 which shall be and read as follows: [Added text **bold and double underlined**]

“9-101 ACCESSORY STRUCTURES AND USES

* * *

9-101 D. Special Regulations Applicable to Particular Accessory Structures and Uses.

* * *

19. Restrictions on the Use of Dwelling as a Short-Term Rental

- a) **Only residential dwelling units may be used or offered as short-term rentals. No exclusively commercial, office, industrial or institutional property or portion thereof may be used or offered as a short-term rental.**
- b) **No dwelling unit may be used or offered as a short-term rental as its principal use.**
- c) **No dwelling unit may be used or offered as a short-term rental unless the owner or long-term tenant of the dwelling unit resides on the premises for the entire duration of any short-term rental.**
- d) **No short-term rental may be rented for a period shorter than two consecutive nights.**
- e) **No more than two bedrooms within a dwelling unit may be used or offered as a short-term rental at any one time. Notwithstanding this limit, at no time may all bedrooms within a dwelling unit be offered as short-term rentals simultaneously.**
- f) **No bedroom used or offered as a short-term rental may be rented and occupied by more than two adults simultaneously.**
- g) **Accessory or secondary dwelling units on a lot may not be used or offered as short-term rentals.**
- h) **All overnight parking for persons renting a short-term rental must be provided on the same zoning lot as the short-term rental and must be located on an improved hard surface. Street parking may not be used by persons renting a short-term rental.**

- i) No dwelling unit may be used for a short-term rental unless the owner or long-term tenant of the dwelling unit has registered with the Village their intent to offer and use the dwelling unit as a short-term rental.
- j) Prior to the first rental of a short-term rental in any calendar year, the owner or long-term tenant of the dwelling unit must deliver written notice by mail or personal delivery to the owners of all parcels that abut the property on which the short-term rental will be located of the owner's or long term tenant's intent to offer their dwelling unit as a short-term rental. The written notice must include the rental registration number of the property, as provided by the Village Manager, and contact information for the owner or long-term tenant of the short-term rental.
- k) All short-term rentals must incorporate and contain all fire protection equipment and systems required pursuant to Chapter 6 of the Village Code in an operable condition.
- l) All garbage and refuse must be stored in compliance with the requirements of the Village Code. Refuse containers may not be placed outdoors, except on the designated day for garbage and refuse collection.
- m) Advertising and Signage.
 - 1) Notwithstanding any provision of this Code to the contrary, no sign advertising or otherwise promoting a short-term rental may be installed or erected on the premises.
 - 2) All online advertisements regarding short-term rentals, including listings on short-term rental platforms, must:
 - i. List a valid short-term rental registration number issued by the Village; and
 - ii. Only advertise a short-term rental that complies with all of the short-term rental regulations and restrictions set forth in this Section.
- n) Penalty. Any person who violates any of the provisions of this Section will be fined in the amount set forth in Section 11-803 of this Code. Each day that a violation exists constitutes a separate offense."

Section 6. EFFECTIVE DATE.

This Ordinance shall be in full force and effect ten days after its passage, approval, and publication in pamphlet form in the manner provided by law.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Bob Israel, Trustee
SECONDER:	Kathryn Ciesla, Trustee
AYES:	Ciesla, Israel, Ross, Hebl, Pepoon
NAYS:	Muriel Collison
ABSTAIN:	Sandra Frum

ATTEST:

Village President

Village Clerk

ARTICLE V. SHORT-TERM RESIDENTIAL RENTALS

Sec. 10-21. Definitions

The following words and phrases shall, for the purposes of this Article have the meanings respectively ascribed to them by this Section, as follows:

Short-Term Residential Rental: A dwelling unit offered for rent for a period, which does not exceed thirty (30) consecutive days. The term "short-term residential rental" shall not include hotels, bed and breakfast establishments, or boarding facilities as those terms are defined in Appendix A hereof (Zoning Ordinance) as amended from time to time.

Short-Term Residential Rental Property Owner: The individual or entity, which has title to the property, which is the subject of a short-term residential rental.

Sec. 10-22. Purpose and Applicability

It is the intent and purpose of this Article (Short-Term Residential Rentals) is to preserve the character and integrity of residential neighborhoods within the Village by prohibiting residential structures from being used for the commercial purpose of providing short-term residential rentals.

Sec. 10-23. Short-Term Residential Rentals Prohibited

It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the Village of Palatine as a short-term residential rental. Notwithstanding the provisions set forth in above, it shall not be considered a short-term residential rental when the preceding owner of a property maintains possession of a residential structure after closing for the sale thereof, but leases the property back from the successor owner for a period of time pursuant to a written agreement.

Sec. 10-24: Public Nuisance Declared

Operation of any short-term residential rental within the Village of Palatine in violation of the provisions of this Article may be deemed a public nuisance and abated pursuant to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the Village of Palatine shall be entitled to receive from the short-term residential rental owner reimbursement for the cost of the Village's reasonable attorney fees, costs and expenses incurred by the Village of Palatine to abate a short-term residential rental operating as a public nuisance.

(Ordinance O-74-22, 07/11/22)

Secs. 10-25--10-26. Reserved.



Agenda Item Executive Summary

Item Name Discussion of hiring a full-time employee vs
a contract employee to fill IT position that
was approved in the budget. Committee
or Board Committee

BUDGET IMPACT

Amount: N/A

Budgeted

List what
fund

EXECUTIVE SUMMARY

Staff was asked to provide an analysis of costs along with details pertaining to hiring a full-time, entry-level employee versus bringing in a contract IT person to meet our needs for assisting village staff with end-user information technology demands and requirements for completing essential tasks and processes.

ATTACHMENTS (PLEASE LIST)

Memo

ACTION REQUESTED

- ✓ For Discussion Only
- Resolution
- Ordinance
- Motion:

Staff: Janelle Terrance, Human Resources Director

Date: 07/26/2023

Memorandum

To: Paula Schumacher, Village Administrator
From: Janelle Terrance, Human Resources Director
Cc: Chris Hostetler, IT Coordinator
Date: June 26, 2023
Re: Entry Level Information Technology Tech Position

Per request of the Village Board, Chris and I have prepared the following information regarding the hiring of an entry level Information Technology Technician. The Board requested an analysis of hiring a contract employee as opposed to hiring a full-time employee to fill this need.

Chris contacted Richard Doran, President of Sierra Contract Staffing and requested that he provide the cost for a contract employee. Per Richard, an employee provided through their firm, with 2-5 years of support experience would cost anywhere from \$42.00 to \$50.00 per hour. We also received a quote from Heartland Business Systems, another contract firm. They would charge \$105 per hour to fill this need. Our cost for hire would be \$29.97 per hour. Understanding that these charges encompass what the firms would pay the employee, in addition to benefits they provide, our cost for benefits is budgeted at \$21,930 per employee. Our anticipated cost for hiring a full-time, entry level employee for this position would be approximately \$84,271. If we were to obtain someone at the \$42.00 per hour cost through the firm, we would be paying \$87,360. Contract firms would increase costs by contract, which may be anywhere from 2% up to 5% per year, depending on the candidate placed with us. This contract is typically by project, or by timeframe, which in our case, would be a permanent need, as we are looking for end user tech support for all village staff to support all technology-related needs.

Putting costs aside, I am looking at this from an operational standpoint and would like to make a few points about hiring a full-time, entry-level person to fill this position.

First, a permanent employee is likely to be more invested in the organization and committed to the long-term success of the village. They are more likely to view the role as a career opportunity and thus, bring a higher level of dedication and motivation to the job. In contrast a contract employee may be more focused on completing the job and moving on to the next assignment.

Secondly, a permanent employee can provide greater stability and continuity in the help desk position. Since they are hired for a long-term, permanent position, they are likely to develop a deeper understanding of the organization's systems and policies, which can translate into a higher level of efficiency and effectiveness. This is particularly important in the context of a police department where efficient and effective systems are critical for successful operations.

Thirdly, a permanent employee is more likely to be fully integrated into the department's culture and mission. They can develop a better understanding of the department's unique needs and requirements, which can lead to improved communication and collaboration with other team members. This also leads to our commitment to "building our bench" for succession planning initiatives. In contrast, a contract employee may have less time to develop a deep understanding of the department's culture and mission, which can result in a less effective integration into the team.

Lastly, hiring a permanent employee for an entry-level help desk position can be a cost-effective solution in the long run. While a contract employee may seem like a cheaper option in the short term, the cost of turnover and training can add up over time. Investing in a permanent employee who can grow with the organization and develop valuable skills can lead to cost savings in the long term.

Overall, while there may be benefits to hiring a contract employee for an entry-level help desk position, a permanent employee is likely to provide greater stability, continuity, and commitment to the organization. In the context of a police department, where efficient and effective systems are critical, these factors can be essential for success.