

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 8 (“BUSINESS LICENSING”) OF THE OAK PARK VILLAGE CODE BY ADDING A NEW ARTICLE 40 (“SHORT-TERM RENTALS”)**

**WHEREAS**, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit, the Village is authorized to regulate matters “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

**WHEREAS**, short-term rentals are a relatively new and developing residential rental market that is advertised primarily through e-commerce; and

**WHEREAS**, short-term rentals offer advantages to the Village in providing temporary housing to persons in an efficient and economical way and allowing property owners to use their real property in a manner which provides an overall economic benefit to the Village; and

**WHEREAS**, the Village has determined to regulate short-term rentals in the interest of public health, safety, and welfare of the residents of the Village as set forth herein; and

**WHEREAS**, in order to alleviate any potential adverse impacts of short-term rentals in the Village, it is necessary to regulate their use.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 8 (“Business Licensing”) of the Oak Park Village Code is amended by adding a new Article 40 (“Short Term Rentals”) to read as follows:

## ARTICLE 40

### SHORT-TERM RENTALS

**8-40-1: Definitions**

**8-40-2: License Required**

**8-40-3: License Issuance and Renewal**

**8-40-4: License Fee**

**8-40-5: Standards**

**8-40-6: Maximum Occupancy**

**8-40-7: Penalties**

**8-40-1: DEFINITIONS:**

For purposes of this article, the following words and phrases shall have the following meanings, and are hereby defined as follows:

**DWELLING UNIT:** One or more rooms, including individualized bathroom and kitchen facilities, which are arranged, designed, or used as living quarters for a household.

**GUEST:** A person who rents or occupies a short-term rental.

**HOST:** An owner or owners engaged in providing short term rentals.

**HOSTING PLATFORM:** A marketplace entity, in whatever form or format which facilitates short term rentals through advertising, matchmaking or other means, using any medium or facilitation, or from which the operator of the hosting platform derives revenue, including booking fees or advertising revenues from providing or maintaining the marketplace information.

**OWNER:** A person holding title or co-title of an abode, dwelling unit or residence. ~~When such person occupies a dwelling unit, typically a house or an apartment, that serves as their primary residence, that~~ they may lease ~~the residence~~ as a short-term rental but only in accordance with the terms of this ordinance.

**SHORT TERM RENTALS: An owner-occupied or non-owner-occupied single-family residential abode, including townhomes, condominiums and rooming house dwelling units that are either primarily owner-occupied, except for the duration of any short-term rental period, or are owned but not owner occupied for the duration of any short-term rental period.**

**OWNER OCCUPIED SHORT-TERM RENTALS:** An owner-occupied single-family residential abode, including townhomes, condominiums and rooming house dwelling units that is primarily owner-occupied, except for the duration of any short-term rental period.

**NON-OWNER-OCCUPIED SHORT-TERM RENTALS: A single-family residential abode, including townhomes, condominiums and rooming house dwelling units that is not owner-occupied but is rented out for short-term rental periods.**

#### **8-40-2: LICENSE REQUIRED**

No person shall conduct, keep, manage or operate or cause to be conducted, kept, managed or operated a short-term rental without a license therefor as provided in article 1 of this chapter. A license shall be obtained for each short-term rental and shall not be transferable. All such licenses are required to be renewed annually, subject to the same condition as the original license. Such license shall be issued by the Village upon payment of the fee as provided in Chapter 8 of this code. Such fee shall accompany the license application.

#### **8-40-3: LICENSE ISSUANCE AND RENEWAL:**

No license shall be issued or renewed until the short-term rental premises has been inspected and approved by the Village to assure compliance with this article.

#### **8-40-4: LICENSE FEE:**

~~An~~ **A non-owner-occupied short-term rental** applicant shall pay the same annual license fee as a bed and breakfast for each short-term rental set forth in section 8-2-1 of this Code. **An owner-occupied short-term rental applicant shall pay an annual license fee of \$100.00.**

#### **8-40-5: STANDARDS:**

In addition to the requirements set forth in article 1 of this chapter, no license shall be issued unless the following standards are met:

- A. All owners must use a hosting platform to market a short-term rental. The hosting platform shall be responsible for determining the guest's identification information and the accuracy of that information;
- B. No owner shall rent any short-term rental for any period of time shorter than twenty-four (24) consecutive hours;
- C. The owner must ~~purchase a Village parking pass as applicable if parking is not provided with a short-term rental.~~ **inform the guest if parking is provided by the owner and if not, inform the guest that Village parking passes are available through the Village's PASSPORT parking application. The short-term rental owner must also provide the guest with instructions on how to obtain Oak Park parking passes through the Village's PASSPORT parking application.** Guests shall not park vehicles on Village streets overnight unless otherwise permitted;
- D. The owner must provide proof of homeowner's insurance or host protection insurance in the amount of at least five hundred thousand dollars (\$500,000.00) to the Village as part of its application;

- E. Every short-term rental shall be subject to inspection by staff members of the Village’s Fire, Health and/or Development Customer Services Departments;
- F. The owner shall keep a guest register in which the name of every guest and the guest’s arrival and departure dates shall be recorded in written form. The owner shall make the guest register freely accessible to any employee of the Village’s Police, ~~Fire, Health, and/or Development Customer Services Departments;~~ **Department, upon request;** and
- G. ~~The owner shall post at the front entrance to every short term rental dwelling unit or in the front window a current license issued by the Village stating the owner’s name, a 24 hour telephone number to reach the owner, and the maximum occupancy of the dwelling unit.~~

**The owner shall post, inside the front entrance to every short-term rental dwelling unit, a short-term rental license issued by the Village stating the owners name, a 24-hour telephone number to reach the owner and the maximum occupancy of the dwelling unit as allowed by this ordinance.**

**8-40-6: MAXIMUM OCCUPANCY:**

No owner shall permit the occupancy of any short-term rental unit to exceed the maximum number of persons in a dwelling unit as set forth below.

Number of Bedrooms	Maximum Number of Persons in a Dwelling Unit At One Time
1	3
2	4 <b><u>5</u></b>
3	7
4	9
5	11
6	13

**8-40-7: PENALTIES:**

- A. Any owner, guest or other person who shall be found to have violated any of the provisions of this article 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); and
  3. The fine for a third or subsequent violation is seven hundred and fifty dollars (\$750.00).

- B. Each day a provision of this article 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 Village that the Village may collect by any means allowed by law, including, but not limited to, filing a lien against the subject property.
- 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 law. In addition, an owner found to have violated any provisions of this article may be subject to the revocation, suspension or nonrenewal of a license pursuant to the provisions of article 1 of this chapter.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This ordinance shall be in full force and effect after its passage, approval and publication as required by law on \_\_\_\_\_, 2021.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Walker-Peddakotla				

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Christina M. Waters, Village Clerk