

Section 6.7: Short Term Rentals

- A. Purpose. The purpose of this section is to regulate short-term rentals in the Village to ensure that, 1) short-term rentals are compatible with and do not adversely impact surrounding residential uses, 2) Village residents have the option to utilize their properties for short-term rental use, 3) risks to public safety and health to occupants and owners are minimized, 4) property values are maintained.
- B. Applicability. This section applies to each short-term rental of all or part of a dwelling or accessory structure to a dwelling that is the primary residence of a Village resident. This section prohibits short-term rentals in a residence that is not the owner’s primary residence or that is not owned by a Village resident. This section does not apply to the use of any dwelling which is not utilized as a short-term rental. If there is any inconsistency between this Section 6.7 and any other provision in the Zoning Ordinance, the terms of Section 6.7 shall control, govern and prevail.

6.7-1 Definitions: As used in this Section 6.7, the following words and phrases shall have the following meanings:

GUEST: A person or persons paying compensation for and staying in a short term rental guestroom overnight up to a maximum of ninety (90) days, as well as any invitee thereof listed on the rental agreement, and having a permanent residence at an address other than the address of the short term rental temporarily occupied by such person or persons described above.

GUESTROOM (OR GUEST UNIT): A room equipped with a closet and bed(s) intended as habitable space for sleeping purposes (this is declarative of existing law). Short term rental guests may not stay overnight in any portion of the short term rental not designated as a guestroom in the floor plan attached as an exhibit to an ordinance granting a Special Use for a short term rental for a given property.

MANAGER: An authorized agent of the Owner who is located within a fifteen (15) mile radius of the short term rental and is available to respond to complaints at all times during the rental period.

OWNER: Any natural person who is an owner of record of the subject property.

PRIMARY RESIDENCE: An Owner’s usual place of return for housing as documented by each of the following: current motor vehicle registration; current driver’s license; and property tax documents showing the subject property as the Owner’s residence for the purposes of a homeowner’s property tax exemption. A person may have only one Primary Residence.

SHORT TERM RENTAL: A dwelling unit or portion thereof located in the Village and offered for and occupied as overnight accommodations on a temporary basis to one or more paying guests in no more than six (6) guestrooms for a period not to exceed ninety (90) consecutive days to such guest or guests. If the rental arrangement is for a period of more

than 90 days and allows a guest or guests the option of terminating such rental prior to the expiration of a 90-day period, and such termination in fact occurs prior to the expiration of such 90-day period, such occupancy by such guest or guests shall be deemed to be a short term rental. Short term rental Owners may, but are not required to, live in the short term rental during the periods when the property is rented, however the short term rental property must be the Owner's primary residence. The term "short term rental" shall not include "house swapping" where a homeowner switches or trades homes with another homeowner in a different town for a short period of time and no money is exchanged.

VISITOR - A person visiting the guest(s) of a short term rental, who is not included as a guest in the short term rental agreement with the Owner. No visitor shall stay overnight at the short term rental property. The number of visitors shall be regulated by the special use permit specific to the subject property.

- 6.7-2 Special Use Required for Short Term Rental: A Special Use permit is required to operate a short term rental, as defined in this Section 6.7, within the Village. No Special Use permit for a short term rental shall be issued unless authorized by the Board of Trustees following a public hearing, consistent with the requirements of the Village's Zoning Code. The Special Use, if granted, shall be registered with the Village for a period of one year. Registration will renew annually upon certification by the Owner that there have been no violations of this ordinance or changes that affect the terms of the Special Use, for a fee as determined by the Board of Trustees. Changes affecting the terms of the Special Use may result in revocation of the Special Use Permit. The use of any building as a short term rental without an applicable Special Use permit is prohibited.
- 6.7-3 Application; Information Required: A petition for a Special Use permit for a short term rental shall be accompanied by the following information:
- A. A statement as to whether the Owner or any other person with an ownership interest in the property on which the short term rental is proposed to be located has ever been convicted in any jurisdiction of any felony;
 - B. Proof from the Owner of the subject property on which the short term rental is proposed to be located that the property is his, her or their Primary Residence; and
 - C. The names, addresses, ownership interest and current contact information for the Owner and manager (if applicable) of such property; and
 - D. If the proposed short term rental property is subject to regulations or restrictions by a property owners' association or condominium association, the Owner must provide documentary evidence that the applicable association or board has approved the use of the subject property as a short term rental.
 - E. If the proposed short term rental property is located on a private road, the applicant must provide documentary evidence that all property owners along the roadway have been notified via certified mail of the public hearing to pursue the Special Use permit for a short term rental in addition to any publication requirements set forth in Section

13 of the Zoning Code. Said certified mail notifications must be postmarked at least 15 days prior to the hearing but in no case more than 30 days prior to the hearing.

- F. If the proposed short term rental properly is accessed through a shared driveway access, the Owner must provide documentary evidence that all persons sharing the driveway access have been notified via certified mail of the public hearing to pursue the Special Use permit for a short term rental in addition to any publication requirements set forth in Section 13 of the Zoning Code. Said certified mail notification must be postmarked at least 15 days prior to the hearing but in no case more than 30 days prior to the hearing.
- G. Plat of survey of the subject property, floor plan of the principal building on the subject property along with a plan depicting the proposed parking of cars and the proposed occupancy of the subject property and an aerial image of the proposed short term rental property which also reflects all adjacent properties.
- H. Documentation demonstrating that the Owner has occupied the subject property for no less than 275 days out of the calendar year as his or her Primary Residence or, if the Owner has not owned the subject property for the full preceding calendar year, for no less than 75% of the days he or she has owned the subject property.

6.7-4 Duties; Requirements and Standards:

- A. The Owner or Manager of the Short Term Rental shall have the property inspected by the Village's Building Department and the Fire Protection District having jurisdiction (the "Fire Protection District") before the initial renting out of any short term rental and once every two years thereafter. Copies of the respective inspection reports showing compliance with all applicable Village Building, Fire, Property Maintenance and other code requirements as well as Village and State regulations shall be filed with the Village. Short term rentals shall be subject to compliance inspections by officers of the Village's Police Department and staff members of Building Department as well as the Fire Protection District, at any time upon reasonable notice. In order for a Special Use permit to issue, among other requirements set forth herein, a short term rental must comply with all Village Building, Fire, Property Maintenance and other code requirements and Village and State regulations.
- B. The Village's Administration Department shall maintain a list of approved short term rental properties. Said list shall include the rental address, and the Owner's and Manager's (if any) name and phone number.
- C. No Owner of a short term rental shall:
 - 1. Rent any short term rental for any period of time shorter than seven (7) consecutive days;
 - 2. Rent any short term rental within any consecutive twenty-four (24) hour period measured from the expiration of one rental to the commencement of the next;

3. Rent the property as a short term rental for more than ninety (90) consecutive days to any guest;
 4. Rent the property as a short term rental for more than ninety (90) days in a calendar year;
 5. Advertise an hourly rate or any other rate for a short term rental based on a rental period of fewer than seven (7) consecutive days;
 6. Serve or otherwise provide to any guest any food or beverage other than food or beverages that are pre-packaged and sealed by the manufacturer for individual serving;
 7. Cause or permit, by action or failure to act, the short term rental or its use to suffer from and/or create any violation of the Zoning Code.
- D. The Owner of every short term rental shall post, in a conspicuous place within the short term rental, the name and telephone number of the Owner or his or her Manager, notice that the short term rental shall have quiet hours from ten o'clock (10:00) P.M. to eight o'clock (8:00) A.M., an emergency exit floor plan, and the location of fire and safety equipment.
- E. Every short term rental Owner or its Manager must be located within a fifteen (15) mile radius of the short term rental when it is being rented to one or more guests and must be available to respond at the subject property to complaints at all times during the short term rental period within one hour's time commencing from the time of the complaint. If the Owner or Manager does not make him or herself available at the subject property subject to the short term rental within such one hour's time, such failure shall be a violation of this subsection 6.7-4(E). The name and phone number of the Owner and/or or the Manager must be submitted to the Village Police Department as well as the Fire Protection District. In the event that there is a material violation of this subsection 6.7-4(E) or the specific Special Use permit for the subject property, such Owner shall terminate the rental promptly at such time.
- F. The kitchen of each short term rental shall be cleaned and sanitized between guests and all opened or perishable food and beverages shall be discarded. All dishes, utensils, pots, pans and other cooking utensils shall be cleaned and sanitized between rental periods of guests.
- G. The Owner or Manager of each short term rental shall change supplied bed linens and towels therein at least once each week, and prior to the letting of any guest room to any new guest. The Owner or Manager shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- H. Any overnight parking for short term rentals must be accommodated on the subject property or in another approved location as specified in the specific Special Use ordinance for the subject property. The number of vehicles permitted shall be

determined during the Special Use hearing and set forth in the Special Use ordinance. All parking provisions, including overnight parking, shall be in conformance with Zoning Code requirements.

- I. The outdoor premises including yards, landscaping, accessory structures, etc. must be maintained appropriately and not allowed to become cluttered, overgrown or unmanaged. Regular garbage pickup must be maintained, with containers stored inconspicuously on the premises when not at the curb on pickup day.
- J. The Owner or Manager of a short term rental shall compile a list of guests and their associated vehicle license plate numbers upon check-in and make such information immediately available to the Village's Police Department at any time upon request.

6.7-5 Prohibitions: No Special Use permit for a short term rental shall be issued to or allowed to be held by:

- A. Any Owner, if such Owner or any other person with an ownership interest in the property on which the short term rental is located, including any co-owner, has ever been convicted in any jurisdiction of any felony.
- B. Any Owner whose Special Use permit to operate a short term rental or similar establishment at any location within or outside the Village has been revoked for cause within the last three (3) years.
- C. Any Owner or any other person with an ownership interest in the property on which the short term rental is located, including any co-owner, has failed to pay to the Village any special taxes or assessments, parking and other Village violation citations or judgments, motor vehicle tax or any other taxes or fees that are due and unpaid by such person to the Village, or where there was delinquent property taxes owed to McHenry County on the property on which the short term rental is located, or any other property owned within the Village by the Owner or any co-owner of the property.

6.7-6 Legal Duties: Each Owner who receives a Special Use permit for a short term rental for a given property shall be required to:

- A. Provide the Village with an insurance certificate indicating that the Owner and the subject property are covered by commercial liability insurance with limits of not less than one million dollars (\$1,000,000.00) per occurrence, for bodily injury and property damage arising in any way from and after the issuance of the Special Use permit. Each policy of insurance required under this subsection shall:
 - 1. Be issued by an insurer authorized to insure in the State of Illinois and name the Village as additional insured.
 - 2. Include a provision requiring thirty (30) days' advance notice to the Village prior to cancellation or lapse of the policy. The Owner shall maintain the insurance required under this section in full force and effect for the duration of the Special

Use for each short term rental location. A single violation of this subsection shall result in suspension or revocation of the Special Use permit for the subject property.

- B. Maintain current guest registration records, which contain the following information about each guest; the guest's name, address, signature, room assignment (if applicable) and dates of accommodation. The registration records shall be kept on file for three (3) years and, upon request by any authorized Village official, shall be made available for inspection by such Village official during regular business hours or in case of an emergency;
- C. Comply with all applicable Village building, fire, property maintenance and other code requirements and Village and State regulations, including but not limited to the State Fire Marshal's requirements for one- and two-family dwellings;
- D. Conspicuously display within the short term rental the name and telephone number of the Owner or his or her Manager, notice of the required quiet hours of 10:00 p.m. to 8:00 am., an emergency exit floor plan and location of fire and safety equipment; and
- E. Fulfill all requirements of the Illinois Department of Revenue and the Village of Bull Valley for operation of a short term rental, including the payment of any and all applicable hotel taxes.
- F. Notify the Village of any change in ownership of the short term rental within 14 days of the change in ownership. A new Owner is then required to provide the Village all necessary contact information, a new insurance certificate and an affirmation that they will comply with the conditions set forth herein as well as any Special Use ordinance.
- G. Occupy the subject property for no less than 275 days out of the calendar year as his or her Primary Residence or, if the Owner has not owned the subject property for the full preceding calendar year, for no less than 75% of the days he or she has owned the subject property.
- H. Maintain records for three (3) years demonstrating compliance with subsections 6.7(G) and (H), including not limited to information demonstrating the number of days per calendar year that the Owner has occupied the subject property as his or her Primary Residence, the number of days per calendar year the subject property has been rented as a short term rental, and compliance with the insurance requirements herein. These records shall be made available to the Village immediately upon request.

6.7-7 Prohibited Acts: It shall be unlawful for the Owner of any short term rental to:

- A. Exceed the scope of the Special Use permit:
- B. Allow occupancy of the property where the short term rental or any part thereof is situated to exceed a limit of sixteen adults and children age 12 to 17. Children 18 and older are considered adults. The number of adults and children 12 to 17 must correspond to the number that can be accommodated per reasonable number of beds in

the home, i.e., a double or queen bed = 2 people, a single bed = 1 person, a pull-out sofa bed = 2 people etc. Sofas, couches, and other furniture not intended as sleeping accommodations do not count as beds, nor do mattresses of any type, that are not part of a built bedframe.

Kitchens, bathroom, hallways, and closets are not considered habitable rooms for sleeping purposes.

When a short term rental is being rented, the persons allowed at such short term rental shall be limited to Guests, their children ages seventeen (17) and under, the Guest(s)'invitees plus the Owner, co-owners, Manager, and Owner's family members. Any adult, 18 years of age and older, shall be considered a guest and must be listed on the rental agreement for such short term rental. Visitors of the Guests, if any, shall be regulated by the specific Special Use permit ordinance.

- C. Rent any short term rental for more than ninety (90) consecutive days, or fewer than seven (7) consecutive days, to the same guest;
- D. Rent any portions of the short term rental concurrently to separately booked guests;
- E. Rent the short term rental for more than 90 days in a calendar year;
- F. Allow any outdoor activity on the property of the short term rental between ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.;
- G. Hold out or utilize a short-term rental property as a venue for weddings, conferences, parties or other events, regardless of the number of attendees;
- H. Erect any external signage regarding the short term rental;
- I. Permit any criminal activity or public nuisance, including excessive noise, to take place on the property. Permit any criminal activity including trespass or other encroachments on neighboring properties, including the riding club trails, and light trespass, dumping or pet waste.
- J. If an Owner or Manager knows or suspects that any criminal activity or public nuisance is taking place on the short-term rental or adjacent property, the Owner and/or Manager shall immediately notify the Village's Police Department of such fact and cooperate with the Village Police Department in any investigation that may ensue;
- K. Knowingly make any false or incomplete or misleading statement about the Owner's criminal background, or the criminal background of any other person with an ownership interest in the property, in connection with any Special Use permit application submitted pursuant to this Section 6.7-J; and
- L. Be in violation of any other requirement of this Section, the Zoning Code, any Village ordinance or any rules or regulations promulgated under any of the foregoing.

M. No Owner of a property, or any other party, shall allow or cause to be conducted a short term rental on any property not intended or designed for human occupancy.

6.7-8 Penalty: Any one violation of Section 6.7, or any rules or regulations promulgated under this Section, may result in fines, suspension or revocation of the Special Use Permit. A violation of this Section 6.7 is subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition to any other penalty, suspension or revocation provided for by this Section 6.7 or by law, any violation of this Section 6.7, any Village ordinance or this Zoning Code, or any rules or regulations promulgated under any of the forgoing, by the Owner, Manager or related to the short term rental property, on two (2) different days within any twelve (12) month period, shall result in a mandatory suspension of the Special Use permit.