

**VILLAGE OF NORTH UTICA,  
COUNTY OF LASALLE,  
STATE OF ILLINOIS**

**ORDINANCE NO.**

**2020- 01**

**AN ORDINANCE  
REGULATING VACATION RENTALS IN  
VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS  
(Title 3- NEW Chapter 12-Vacation Rental Unit)**

Date Passed: February 27, 2020

Date Posted: February 27, 2020

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FROM DATE OF POSTING**

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**WHEREAS**, the Village of North Utica (the “Village”) is a Home Rule Municipality in accordance with the Constitution of the State of Illinois, 1970; and

**WHEREAS**, the Village believes that vacation rental units possess certain specific concerns that can cause negative impact on surrounding properties and the Village as a whole, such as life-safety concerns, quality of neighborhood and related life concerns, security concerns, fire safety concerns, and tax revenue concerns; and

**WHEREAS**, the Village desires to promote the public health, safety, and welfare by licensing and regulating the operation of vacation rentals within the Village of North Utica.

**WHEREAS**, the Village Planning Commission held a public hearing on December 5, 2019, continuing to and concluding on February 27, 2020, and upon conclusion voted by a vote of 5-Aye, 1-Nay, 0-Absent, and the Chair not voting, recommended approval of this Ordinance.

**WHEREAS**, The Board of Trustees of the Village of North Utica, LaSalle County, Illinois (“the Village”), after full investigation and consideration, has determined it to be in the best interests of the citizens of the Village, where it is further believed to be necessary and appropriate to incorporate a new Chapter entitled *Vacation Rental Unit* to the Village Code under Title 3, Chapter 12.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** A NEW Chapter, entitled “*Vacation Rental Unit*” shall be added to Title 3, as Chapter 12, of the Village Code of Ordinance:

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CHAPTER 12  
VACATION RENTAL UNIT

SECTION:

- 3-12- 1: Definitions
- 3-12- 2: License Required
- 3-12- 3: Application; Notice; Standards and Procedures; Renewal Fees
- 3-12- 4: Requirements and Standards
- 3-12- 5: Penalty
- 3-12- 6: Revocation; Suspension; Procedures
- 3-12- 7: Occupancy of Dwelling Units
- 3-12- 8: Special Use Required

3-12-1: **DEFINITIONS:**

VACATION RENTAL UNIT: A dwelling unit or an allocated space or a 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 this Ordinance. The term "vacation rental unit" and/or "short-term vacation rental" shall not include hotels or motels, lodging houses, boarding houses, and/or bed and breakfast establishments, licensed pursuant to other sections of the Village Code. The terms "vacation rental units" and/or "short-term vacation rental" shall have the same meaning herein.

FAMILY:

1. Type (A) Family: One (1) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.
2. Type (B) Family: Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.
3. Type (C) Family: A group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit.
4. Type (D) Family: A group of two (2) or more persons containing within it one (1) or more families, as defined in Subsections (a.) and (b.) of this definition, including a husband and wife married to one another and their children, as well as adults, living together in a dwelling unit as a single housekeeping unit and management, in premises in which the adult occupants are affiliated with a bona fide not for profit corporation organized for religious or charitable purposes chartered by the State of Illinois.

"Family" shall not be construed to mean a club, a lodge or a fraternity/sorority house.

SINGLE HOUSEKEEPING UNIT: A residential unit where the person or persons residing in the unit functions as a family and are sufficiently stable and permanent so as to not be considered transient.

3-12-2: **LICENSE REQUIRED; LICENSE TERM AND REQUIREMENTS; EXEMPTIONS:**

- A. It shall be unlawful to operate a vacation rental unit within the Village of North Utica without a current, valid license issued pursuant to the terms of this Ordinance.
- B. Each license issued shall be valid for one (1) year, unless earlier revoked as provided herein, and subject to renewal.
- C. Subsection (1.) of this Section notwithstanding, no license shall be required to the following:
  - 1. A rental agreement executed pursuant to or in conjunction with a contract to sell the dwelling unit containing the vacation rental.
  - 2. Vacation rental guest(s) who is/are displaced from his/her/their own dwelling unit so that it may be renovated and/or repaired.

3-12-3: **APPLICATION; NOTICE; STANDARDS AND PROCEDURES; RENEWAL; FEES:**

- A. Applications: A property owner who seeks a vacation rental unit license pursuant to this Ordinance shall submit a written application that contains all information required for a registration statement pursuant to this Ordinance.
- 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 feet (250') 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, and that the applicant intends to seek a vacation rental unit license from the Village of North Utica.
- C. Standards and Procedures for License Approval: The application for vacation rental units and/or short-term vacation rentals will be referred to the Village Planning Commission for review and consideration as a Special Use in those zoning districts where such is allowed as a Special Use. Such may be approved with conditions or disapproved. An application for a vacation rental unit and/or short-term vacation rental license shall be evaluated upon findings of fact with respect to each of the standards set forth below:

1. The proposed vacation rental unit 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 unit will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties.
  3. The proposed vacation rental unit will comply with all the rules and regulations contained herein.
  4. The proposed vacation rental unit is not likely to have an adverse effect upon the public health, welfare, or safety.
  5. The conditions, standards, and requirements for granting a Special Use pursuant to Section 10-10-1 *et.seq.* of the Village Zoning Ordinance are satisfied.
  6. No application for a ground-floor unit in the C-1, Central Business District, will be considered for approval.
- D. For Applicants seeking a license in the C-1, Central Business District, (Section 10-8A-3), or in C-2, General Commercial District, (Section 10-8B-3), and the C-3, Highway Commercial District, (Section 10-8C-3), only the Applicant may seek an Administrative Approval in lieu of a Special Use. Administrative Approval shall require the same application and all standards and requirements of this ordinance shall apply. Administrative Approval is to be granted only by the Village President, or his/her designee in his/her absence. If the Village President or his/her designee fails to approve any application within fifteen (15) days of its receipt by the Village, then it is deemed denied and the Applicant may seek a Special Use.
- The granting of an Administrative Approval shall not be considered a precedent for future Applicants as such determination is made on a case-by-case basis.
- E. Regardless of its finding on any or all of the foregoing standards, the Village Board of Trustees may deny a vacation rental license upon a finding that such denial is in the public interest.
- F. Renewal: If a vacation rental unit license was issued for the prior year, the approval for a renewal license shall be obtained from the Village Clerk or his/her designee, provided the previously issued license was not revoked or suspended, and the vacation rental did not receive citations(s) from the Village Zoning Enforcement Officer or any Police Officer during said prior calendar year. Every renewal application shall satisfy all requirements set forth in this Ordinance.
- G. Application Fee / License Fee: The annual fee for a license issued pursuant to this Ordinance shall be Fifty Dollars (\$50.00) per unit. In addition, an application fee of Twenty-five Dollars (\$25.00) per unit shall be charged upon application.

- H. No Transfer: A vacation rental unit license attaches only to the property for which it is issued and is non-transferrable upon sale or other transfer of ownership of the property. Upon such transfer of ownership, the new owner of the property shall apply for a vacation rental license if it wishes to continue the use of the property as a vacation rental unit.
- I. Lodging and Sales Tax: The owner of a vacation rental shall cause lodging tax and sales tax to be collected and remitted to the Village as required and at a rate set by the Village pursuant to Title 2 of the Village Code. The lodging tax shall be at a rate of five percent (5%) of the gross rental receipts on a daily basis and shall be paid pursuant to the process of the Hotel and Motel Use Tax set forth in Section 3-7-6 of the Village Code. The tax is imposed pursuant to the home-rule authority of the Village.
- J. Business License: The owner of a vacation rental unit property must possess a valid business license pursuant to Title 3-1-1 of the Village Code. The business license must be renewed annually where the owner desires to use the property as a vacation rental unit. A vacation rental license may be denied or revoked if the owner of the vacation rental property does not have a valid business license.
- K. Annual Inspection/Safety Requirements: A vacation rental unit properties are subject to inspection annually, or at anytime for cause. Vacation rental unit licenses may be limited, suspended, revoked or not renewed by the licensing official if all conditions and requirements of the vacation rental unit license, the Village Code, and all State and Federal laws are not satisfied.

All vacation rental units shall have installed working smoke detectors, carbon monoxide detectors, and any other safety warning systems as required by Illinois law and/or the Chief of the Utica Fire Protection District and/or Village Chief of Police.

- L. Administration:
  - 1. The Village shall prescribe forms and make reasonable rules and requirements in accordance for without limitation, application requirements, the inspection of all vacation rental unit properties, the verification of the capacity and safety of such vacation rental unit properties and administration and enforcement of the requirements of this Title and the Village Code.
  - 2. Applicants must pay their license fee at the time of application, whether initial or for any renewal.
- M. Licensee Duties: It shall be the duty of the fee title owner of the vacation rental unit to ensure the following:
  - 1. Obtain a renewal of the vacation rental unit license annually, if the property remains a vacation rental unit.

2. Cause the vacation rental to comply with the Village Code continuously and without interruption.
3. Promptly notify the licensing official upon any change of local contact.

N. Local Contact: All vacation rental unit license shall include the telephone numbers of two (2) local responsible contact persons capable of physically responding to issues that may arise at the vacation rental unit property within one (1) hour of the initial attempt to contact the vacation rental unit property owner. The local contacts must have physical access to the vacation rental unit property and shall be authorized to make decisions regarding the vacation rental unit property on behalf of the property owner.

Additionally, the two (2) contact telephone numbers shall be posted in a prominent location within the vacation rental unit.

O. Address/License Number Display: Every vacation rental unit license shall be issued a unique number. The vacation rental unit license number shall be displayed in all advertisements for the vacation rental unit property. Advertisements for the vacation rental property shall include any act, regardless of medium, of drawing the public's attention to the vacation rental unit property in order to promote the availability of the vacation rental unit property.

Additionally, the local street address and unit number of the vacation rental unit shall be prominently displayed so as to be visible from the street.

P. Parking Required: All vacation rental unit properties must keep and maintain adequate off-street parking approved in conjunction with Special Use approval for the vacation rental unit property and made available for year-round use by vacation rental unit tenants.

Q. Maximum Occupancy: The maximum occupancy of any vacation rental unit property is ten (10) people. Occupancy may be adjusted by the Village following physical inspection of the vacation rental unit property. The basis for the occupancy determination shall be an allowance of two (2) occupants per legitimate bedroom plus two (2) additional occupants. Any increase above four (4) people in a vacation rental unit property shall include an on-site parking space for each two (2) additional occupants (or part thereof) in addition to any parking required by the Village Code. Such parking requirements shall be in addition to any other parking requirements that may be imposed.

R. Renter Requirements: Each vacation rental unit property shall prominently display on site and available to all renters the rules and regulations of the Village that apply to the occupancy of the vacation rental unit property. Such information shall include information pertinent to the neighborhood where the vacation rental property is located including, but not limited to, parking restrictions, restrictions on noise and

amplified sound, trash disposal, storage and collection schedule and any other information as required by the licensing official.

- S. Severability: If any section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

3-12-4: **REQUIREMENTS AND STANDARDS:**

- A. No vacation rental unit operator and/or short-term vacation rental operator shall:
1. Rent or lease any vacation rental unit for any period of time shorter than twenty-four (24) consecutive hours;
  2. Rent or lease any vacation rental unit more than once within any consecutive twenty-four-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 unit based on a rental period of fewer than twenty-four (24) consecutive hours;
  4. Serve or otherwise provide any food or beverage to any guest; and/or
  5. Cause or permit, by action or failure to act, the vacation rental unit or its use to suffer from and/or create any violation of any provisions of the Village Code or State of Illinois or Federal law.
- B. Every vacation rental unit shall be subject to inspection by members of the Utica Police Department, its Zoning Enforcement Officer, the Utica Fire Protection District, and the LaSalle County Health Department.
- C. Every vacation rental unit operator shall keep a register in which shall be entered the name of every guest and his/her arrival and departure dates. Such register shall be maintained for at least a five (5) year period. The operator shall make said register freely accessible to any officer of the Village Police Department and/or the Zoning Enforcement Officer.
- D. Every vacation rental unit operator shall post, in a conspicuous place within the vacation rental, the name and telephone number of the operator's authorized agent.

- E. Any kitchen in a vacation rental unit 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.
- F. The operator of every vacation rental unit 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.

3-12-5:           **PENALTY:**

- A. Any owner, tenant or other person who shall be found to have violated any of the provisions of this Ordinance shall be guilty of an offense punishable as follows:
  - 1. The fine for a first violation is to be not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00).
  - 2. The fine for a second violation and each subsequent violation is to be not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00).
- B. Each day a provision of this Ordinance is found to have been violated constitutes a separate violation subject to the fine schedule set forth herein.
- 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 vacation rental or the premises containing the vacation rental.
- D. The fines provided for herein shall not be construed as limited 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. The Village may seek injunctive relief to enforce this Ordinance. In addition, a licensee found to have violated any provision of this Ordinance may be subject to license revocation, suspension, or non-renewal regardless of whether a first violation or a multiple violation.
- E. All reasonable attorney fees and costs incurred by the Village in enforcing this Ordinance may be added to the amount of any fine and penalty.

3-12-6:           **REVOCAION; SUSPENSION; PROCEDURES:**

- A. The Village Zoning Enforcement Officer and/or Chief of Police may revoke or suspend a license issued pursuant to the terms of this Ordinance for any of the following reasons:

1. If the owner of the relevant vacation rental unit or his/her agent violates any of the term of this Ordinance, other applicable Village ordinances, or laws of the State of Illinois, or United States;
  2. If illegal activity has occurred on the site, or if a disturbance or disruption has occurred upon neighboring properties, and/or the rental unit is determined to constitute a nuisance in violation of the Village of North Utica Code and/or any State or Federal laws that may be applicable have been violated.
  3. If Village Zoning Enforcement Officer and/or Chief of Police deems the vacation rental unit, or the premises wherein it is located, to be a vacant building, as defined therein; and/or
  4. If the Village or other governmental agency condemns the vacation rental unit or the premises wherein it is located.
- B. Not less than ten (10) calendar days prior to a revocation hearing for a license issued pursuant to the terms of this Ordinance, the Village Zoning Enforcement Officer and/or Chief of Police, or their designee, shall send, via First Class U.S. Mail, a notice of revocation hearing to the owner or his/her authorized agent and 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 Village Zoning Enforcement Officer and/or Chief of Police has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the Village or neighborhood, the Village Zoning Enforcement Officer and/or Chief of Police 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 ten (10) days. The Village Zoning Enforcement Officer and/or Chief of Police 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 Village or neighborhood.
- D. Hearings shall be conducted by the Village President.
- E. Within fifteen (15) calendar days after the close of the hearing, the Village President shall issue a writing 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 Village President 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; and
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 for two (2) years from the date of revocation.

3-12-7:       **SIZE OF DWELLING UNITS:**   No dwelling unit which contain less than six hundred (600) square-feet of living space shall be permitted.

3-12-8       **SPECIAL USE REQUIRED:**   Vacation rental unit licenses shall only be permitted upon receipt of a Special Use as provided for in Section 10-10-1, unless an application meets the requirements for and receives Administrative Approval under Section 3-12-3 of this Ordinance. Vacation rental units are allowed as a Special Use or by Administrative Approval where allowed, only in the Zoning Districts listed:

- A. R-R Rural Residential District (Section 10-7D-3), subject to additional restrictions of at least five (5) Acres in size.
- B. C-1 Central Business District (Section 10-8A-3) but not on ground floor;
- C. C-2 General Commercial Districts (Section 10-8B-3);
- D. C-3 Highway Commercial Districts (Section 10-8C-3);

**SECTION 2:** The Village President and Clerk are authorized to develop forms to implement this Ordinance.

**SECTION 3:** That this Ordinance is adopted pursuant to the home-rule authority of the Village and shall be in full force and effect after its passage and approval, and publication in pamphlet form as provide by law.

[Remainder of Page Left Blank.]

UPON MOTION by Trustee Schweickert, seconded by Trustee Holland, adopted at a special meeting of the Board of Trustees of the Village of North Utica, Illinois on the 27<sup>th</sup> day of February, 2020, by roll call vote as follows:

**PRESENTED, PASSED and ACCEPTED** at a special meeting of the Board of Trustees of the Village of North Utica, Illinois on 27<sup>th</sup> day of February, 2020.

ROLL CALL VOTE:

TRUSTEES:	AYE	NAY	ABSENT
Pawlak, R.	✓		
Schweickert	✓		
Schrader	✓		
Pawlak, M.	✓		
Krizel	✓		
Holland	✓		

APPROVED this 27<sup>th</sup> day of February, 2020.

David B. Stewart  
David Stewart, Village President

ATTEST:

Laurie A. Gbur  
Laurie Gbur, Village Clerk

**PUBLISHED** in Pamphlet form this 27<sup>th</sup> day of February, 2020.

Laurie A. Gbur  
Village Clerk

STATE OF ILLINOIS            )  
  )  
COUNTY OF LASALLE        )

SS

I, Laurie Gbur, do hereby certify that I am the duly appointed, qualified and acting Municipal Clerk of the Village of North Utica, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the President and Board of Trustees of the Village.

I do further certify that the attached and foregoing is a true and current copy of:

AN ORDINANCE  
REGULATING VACATION RENTALS IN  
VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS  
(Title 3-NEW Chapter 12-Vactional Rental Unit)

as passed by the Board of Trustees of the said Village of North Utica, Illinois, at a special meeting held on February 27, 2020, and as approved by the President of said Village on February 27, 2020.

IN WITNESS WHEREOF, I have hereto affixed my official signature and the corporate seal of said Village of North Utica, Illinois.

(SEAL)

Laurie A. Gbur  
Village Clerk

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STATE OF ILLINOIS            )  
  )  
COUNTY OF LASALLE        )

SS

**Certificate of Pamphlet Publication**

I, Laurie Gbur, certify that I am the duly appointed and acting Municipal Clerk of the Village of North Utica, LaSalle County, Illinois. I further certify that on February 27, 2020, the Corporate Authorities of the above municipality passed, and approved Ordinance No. 2020-01 entitled:

AN ORDINANCE  
REGULATING VACATION RENTALS IN  
VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS  
(Title 3-NEW Chapter 12-Vaction Rental Unit)

which provided by its terms that it should be published as required by law. The Pamphlet Form of Ordinance No. 2020-01 and a cover sheet thereof was prepared, and a copy of the Ordinance was posted in the Village Hall, commencing on February 27, 2020 and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated this 27<sup>th</sup> day of February 2020.

Laurie A. Gbur  
Village Clerk

(BACK OF PAMPHLET)