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29-O-95

AN ORDINANCE

Regulating Bed and Breakfast Establishments

WHEREAS, the City Council of the City of Evanston has provided for general requirements for Bed and Breakfast Establishments in Section 6-4-7 of the Evanston Zoning Ordinance; and

WHEREAS, Section 6-4-7(G) of the Evanston Zoning Code requires owners of Bed and Breakfast Establishments in the City of Evanston to obtain a license; and

WHEREAS, the City Council has determined it is in the best interest of the City to protect the health, safety, and welfare of its citizens and visitors by adopting and enforcing licensing procedures for Bed and Breakfast Establishments,

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

SECTION 1: That the Evanston City Code of 1979, as amended, be and hereby is further amended; by the creation of Chapter 22 of Title 8, as follows:

CHAPTER 22: REGULATING BED AND BREAKFAST ESTABLISHMENTS

8-22-1: DEFINITIONS

**BED AND BREAKFAST ESTABLISHMENT:** An owner-occupied, single-family or two-family dwelling providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation more than ten nights in a twelve-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.

**OPERATOR:** 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.

**GUEST ROOM:** A sleeping room within a residential dwelling unit intended to be used for living and sleeping but not for cooking purposes, by no more than two transient guests per night for a continuous period not in excess of four consecutive weeks per guest.

**BED AND BREAKFAST GUEST:** Person or persons staying in a Bed and Breakfast Guest Room overnight, but not to exceed four consecutive weeks, and having a permanent residence at an address other than the address of the Bed and Breakfast Guest Room temporarily occupied. A Bed and Breakfast Guest may not stay overnight in any portion of the dwelling unit not designated as a Guest Room.

**8-22-2: LICENSE REQUIRED; APPLICATION FEE:** No person shall keep, manage, or operate, or cause to be kept, managed, or operated, a Bed and Breakfast Establishment without first obtaining a license therefore. Such license shall not be transferable. All such licenses granted under this Chapter shall expire one year from issuance and shall be renewed annually subject to the same conditions as the original license. The license required by this Chapter shall be issued by the Director of Health and Human Services ("Director"), and the annual fee for such license shall be seventy-five dollars (\$75.00).

**8-22-3: LICENSE APPLICATION REQUIREMENTS:**

(A) Each initial application and renewal application for the license required shall be written upon forms furnished by the Director of Health and Human Services, shall be filed with said Director, and shall accurately state the following:

1. The full name and address of the operator in whose name such license is to be issued;
2. The full name and address of the owner of the building where such use is proposed to be carried on;
3. The number of rooms in such building and which of such rooms in the building are to be occupied as Guest Rooms; and
4. The number of persons proposed to be accommodated or allowed in each room.

(B) Upon receipt of the application and information required by this Chapter, it shall be the duty of the Director to submit a copy of the application to each of the following:

Fire Chief

Director of Community Development  
Public Health Director  
Assistant Director of Zoning  
Assistant Director of Planning

- (C) Each of the above departments or divisions shall cause an inspection to be conducted, and no such license shall be issued or renewed until the Director has received written approval from each department or division. The written approval from the Assistant Directors of Planning and Zoning shall document compliance with all applicable zoning requirements.

8-22-4: STANDARDS: In addition to the requirements set forth in the Evanston Zoning Ordinance, no license shall be issued unless the following standards are met:

- (A) The occupancy limitation for a Guest Room shall be as follows: The Guest Room may not be less than 70 square feet for one guest and 100 square feet for two guests.
- (B) All buildings containing Guest Rooms must be occupied by the owner whenever Bed and Breakfast Guests are present.
- C. Liability Insurance: The owner of a Bed and Breakfast Establishment shall have liability insurance coverage for the Bed and Breakfast Guests in the amount of at least \$1,000,000.00.
- (D) Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.
- E. Fire Safety: A Bed and Breakfast Establishment must comply with all fire and life-safety codes as adopted by the City and enforced by the Evanston Fire Department Standards which include, but are not limited to, the following:
1. Fire extinguishers (Minimum 10 pounds ABC) are needed on each floor and one in the kitchen and workshop area, in a well marked, conspicuous location.
  2. Combustibles and flammable liquids shall be stored in an approved metal cabinet. No combustible or flammable liquid storage is allowed in or under stairways.
  3. All trash containers shall be metal.

4. No cooking facilities are permitted in Guest Rooms.
5. No portable heating devices are permitted in Guest Rooms.
6. A floor plan of the Bed and Breakfast Establishment shall be submitted to the Evanston Fire Prevention Bureau.
7. A smoke detector is required in each Guest Room, at least one on each level, and at the top of each stairwell. The detectors shall be mounted on the ceiling at least 6" from any wall. Detectors should not be mounted near any air supply or return duct. All detectors are to be tested annually, and a report shall be available to the fire inspector. Failure of the Bed and Breakfast Establishment to demonstrate proper testing and reliability of battery-operated smoke detectors may require the installation of hard-wired smoke detectors.

Any new or substantially remodeled Bed and Breakfast Establishment will be required to have smoke detectors that are hard-wired into the building's A/C power with a battery back-up and hook-up in series so that when one detector is activated, all detectors will sound. All detectors are to be tested annually, and a report shall be available to the fire inspector.

In all cases, a portable smoke detector for the hearing impaired must be available at the main desk. A sign is required to be posted with at least 3" letters stating these devices are available.

8. An emergency egress plan shall be displayed in each Guest Room, behind each entry door, indicating the floor layout and at least two available exits for that occupant.
9. All hallways, corridors and stairwells shall be adequately illuminated. Emergency lighting will be required to illuminate the exits in case of a power outage.
10. All interior and exterior exits shall be openable from the inside without the use of a key or special knowledge. All exits and paths of egress shall be free of all obstructions, at all times, with a minimum width of 28". Bathroom doors may be 24" in width.
11. All Guest Rooms above the second floor must have at least two exits approved by the Fire Marshal. Where the primary means of escape is greater than 75 feet, the exits need to be remotely located from each other.
12. All doors leading to different levels within the structure shall have a fire resistant rating of not less than 20 minutes.

13. All doors, including stairwell, basement, exits, and Guest Rooms shall be self-closing with at least a 20 minute rating.
14. All interior finishes in the Guest Room shall meet all Life-Safety Codes. Plastics, foams and the likes shall not be permitted for interior finishes.
15. All workshops shall be approved by the Fire Marshal. Those workshops that are deemed a potential hazard may require a one hour fire rating.
16. A kitchen exit is not an approved exit.
17. The furnace, boiler, and room housing the hot water heater shall not be used for storage and shall be free of all combustibles.
18. Bathroom doors shall be designed to permit the opening of the door from the outside in case of an emergency.
19. Closet door latches shall be readily openable from the inside in case of any emergency.
20. There shall be no louvers or operable transoms or other air-passage penetrating the wall.
21. Extension cords shall not be used in place of permanent fixed wiring.

F. Food Service: Only the breakfast meal shall be provided. The breakfast meal shall be provided to registered guests only. A Bed and Breakfast Establishment shall comply with the food safety standards set forth in 50 ILCS 820/4.

8-22-5: REVOCATION OR REFUSAL TO RENEW LICENSE, GROUNDS: The Department may revoke, suspend or refuse to renew the license of any Bed and Breakfast Establishment for the following reasons:

- (A) Failure to maintain standards enumerated in Section 8-22-4;
- (B) Violation of any provisions of this Chapter;
- (C) Failure or refusal to submit to an investigation pursuant to this Chapter;
- (D) Furnishing or making any materially misleading or materially false statement or report to the Department;
- (E) Failure or refusal to admit authorized representatives of the City in making investigations pursuant to this Chapter;

(F) Refusal to submit to the City any reports or records required by the City in making investigations pursuant to this Chapter.

8-22-6: APPEALS: Whenever the Director shall refuse to issue a license or to renew a license, shall revoke a license or shall suspend a license for a Bed and Breakfast Establishment, the person aggrieved shall have the right to appeal the decision of the Director to the City Manager. The City Manager, or his designee, shall grant such person a reasonable opportunity to present in writing, or at the City Manager's option, in open hearing, his arguments against such decision of the Director. The City Manager shall consider such arguments and the pertinent facts and shall provide a brief response to the appeal within forty five (45) days. The decision of the City Manager with respect to such appeal shall be final.

8-22-7: PENALTY: Any owner, operator, or guest who shall violate any of the provisions of this Chapter shall upon conviction be punished by a fine of not less than \$100 nor more than \$500 for the first offense, and a fine of not less than \$200 nor more than \$1000 for each subsequent offense. A separate offense shall be deemed committed upon each day such violation shall occur or continue.

8-22-8: SEVERABILITY: If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced June 12, 1995

Adopted: June 26, 1995

Approved: June 30, 1995

Lorraine H. Merton  
Mayor

ATTEST:

Kristin Quinn  
City Clerk

Approved as to form:

Herby  
Corporation Counsel

