

**137-O-18**

**AN ORDINANCE**

**Amending Portions of Title 5, Chapter 9, "Vacation Rentals"**

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

**SECTION 1:** The definition for "Vacation Rental" in City Code Section 5-9-2, "Definitions," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

<p><i>VACATION RENTAL:</i></p>	<p>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.</p>
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**SECTION 2:** City Code Section 5-9-4, "Application; Notice; Standards & Procedures; Renewal; Fees," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**5-9-4: APPLICATION; NOTICE; STANDARDS & 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 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, 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 and fifty dollars (\$250.00).
2. **License Fee:** The annual fee for a license issued pursuant to this Chapter shall be one hundred and fifty dollars (\$150.00).

**SECTION 3:** City Code Section 5-9-5, "Requirements and Standards," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**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-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 Section 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 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.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** This ordinance shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

**SECTION 6:** 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.

Introduced: November 12, 2018

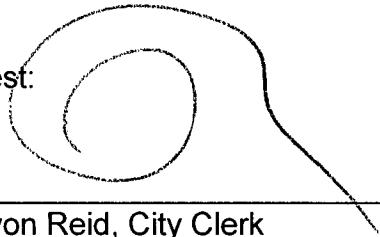
Adopted: November 19, 2018

Approved:

December 17, 2018

  
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Stephen H. Hagerty, Mayor

Attest:

  
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Devon Reid, City Clerk

Approved as to form:

  
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Michelle L. Masoncup, Corporation Counsel