

Village of Wonder Lake, Illinois

Ordinance No. 467

**AN ORDINANCE OF THE VILLAGE OF
WONDER LAKE, ILLINOIS, ADDING CHAPTER 163
TO THE WONDER LAKE MUNICIPAL CODE
RELATING TO VACATION RENTALS**

Passed by the Board of Trustees

and

Approved by the President

This 19 day of September, 2018

Published in pamphlet form by the authority of the President and Village Board of Trustees of the Village of Wonder Lake, Illinois.

ATTEST:



VILLAGE CLERK

**AN ORDINANCE OF THE VILLAGE OF
WONDER LAKE, ILLINOIS, ADDING CHAPTER 163
TO THE WONDER LAKE MUNICIPAL CODE
RELATING TO VACATION RENTALS**

WHEREAS, the Village of Wonder Lake desires to add a new section to the Municipal Code relating to vacation rentals.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wonder Lake as follows:

SECTION 1: Chapter 163 is added to the Wonder Lake Municipal Code to read:

CHAPTER 163
Vacation Rentals

SECTION 2: **Title.** This Chapter shall be referred to as the “Vacation Rental Ordinance.”

SECTION 3: **Findings.** The Village Board finds and determines as follows:

- A. The use of single- and multiple-family dwelling units for vacation rental lodging purposes provides visitor serving lodging opportunities in the Village; however, such uses in certain single-family neighborhoods may have effects that can best be addressed through an appropriate Village regulatory program.
- B. The establishment of a regulatory program for vacation rental lodging will provide an administrative procedure to provide visitor serving opportunities and increase and enhance public access to areas of the Village and other visitor destinations.

- C. The purpose of this Chapter is to establish regulations for such use of residential property thereby enabling the Village to preserve the public health, safety and welfare.
- D. This Chapter is not intended to regulate hotels, motels, inns, timeshare units or non-vacation type rental arrangements including, but not limited to, lodging houses, rooming houses, convalescent homes, rest homes, halfway homes or rehabilitation homes.

SECTION 4: Definitions. For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section.

Applicant means the owners or in the event the Vacation Rental Unit is covered by an Exclusive Listing Arrangement, the agent or representative of the owner.

Exclusive Listing Arrangement means a written agreement between an owner and an agent or representative where the agent or representative has the sole and exclusive right to rent or lease a Vacation Rental Unit to any person.

Local Contact Person means a local property manager, owner or agent of the owner, who is available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding within forty-five (45) minutes to complaints regarding the condition, operation or conduct of occupants of the Vacation Rental or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this Chapter.

Owner means the person(s) or entity(ies) that hold(s) legal and/or equitable title to a Vacation Rental.

Property means a residential legal lot of record on which a Vacation Rental is located.

Responsible Person means an occupant of a Vacation Rental who is at least eight (18) years of age and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this Code.

Vacation Rental means one or more residential dwellings, including either a single-family detached or multiple-family attached unit, or any portion of such a dwelling, rented for occupancy for dwelling, lodging or sleeping purposes for a period of twenty-eight (28) consecutive days or less.

Vacation Rental Registration Certificate means an annual registration submitted to the Village pursuant to this Chapter.

SECTION 5: **Registration Certificate Required.** No owner of a Vacation Rental shall rent that unit for a period of twenty-eight (28) consecutive days or less without a valid Vacation Rental Registration Certificate for a Vacation Rental pursuant to this Chapter for that unit.

SECTION 6: **Agency.**

- A. An owner may retain an agent or a representative to comply with the requirements of this Chapter, including without limitation, the filing of a complete Vacation Rental Registration, the management of the Vacation Rental unit or units and the compliance with the requirements of this Chapter. Except as provided in Subsection B of this Section and notwithstanding any agency relationships between an owner and an agent or representative, the owner of the Vacation Rental unit or units shall remain responsible for compliance with the provisions of this Chapter, and the failure of an agent to comply with this Chapter shall not relieve the owner of the owner's obligations under the provisions of this Chapter.

- B. In the event an owner enters into an Exclusive Listing Arrangement, the Vacation Rental Registration Certificate may be secured and may be performed by the agent or representative and not by the owner. In addition, in the event an owner enters into an Exclusive Listing Arrangement, the owner will not be required to secure a separate business license for the business of operating a Vacation Rental.

SECTION 7: Vacation Rental Registration Requirements.

- A. Prior to use of a property as a Vacation Rental, the Applicant shall register the property as a Vacation Rental with the Village annually on a registration form furnished by the Village and signed by the Applicant under penalty of perjury. Each application shall contain the following information:
1. The name, address and telephone number of the owner of the unit for which the Vacation Rental Registration Certificate is to be issued.
 2. The name, address and telephone number of the agent, if any, of the owner of the unit.
 3. The name, address and 24-hour telephone number of the local contact person.
 4. The address of the residential property proposed to be used as a Vacation Rental.
 5. The number of bedrooms and the applicable overnight and daytime occupancy limit of the unit.

6. Acknowledgment of receipt and inspection of a copy of all regulations pertaining to the operation of a Vacation Rental.
 7. Such other information as the Village deems reasonably necessary to administer this Chapter.
- B. The registration of a Vacation Rental shall be accompanied by a fee established by resolution of the Village to defer the cost incurred by the Village in administering the provisions of this Section.
 - C. The registration of a Vacation Rental shall be accompanied by proof of general liability insurance in the amount of One Million Dollars (\$1,000,000.00) combined single limit and an executed Agreement to indemnify, defend and save the Village harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of the Vacation Rental.
 - D. A Vacation Rental Registration Certificate may be denied if a registration certificate for the same unit and issued to the same owner has previously been revoked pursuant to Section 10. The denial of a Registration Certificate for any reason may be appealed to the Board of Trustees.
 - E. Upon change of property ownership, agent or other material facts set forth in the annual registration, a new registration for a Vacation Rental shall be required to continue operation of the Vacation Rental, and within fourteen (14) days of said change, the owner or his or her agent shall submit the required registration and fee.

SECTION 8: Operational Requirements and Standard Conditions.

- A. The owner shall have obtained a special use permit from the Village for use of the property as a Vacation Rental.
- B. The owner shall use reasonably prudent business practices to ensure that the Vacation Rental unit complies with all applicable codes regarding fire, building and safety, health and safety and all other relevant laws.
- C. The owner shall provide yearly notification to and approval by the fire protection district for occupancy by renters under applicable lodging restrictions (emergency exits, smoke and CO detectors.)
- D. The owner shall provide yearly notification to and approval by the McHenry County Health Department that the proposed use will not exceed the on-site wastewater design capacity of the residence and requiring any necessary system improvements/repairs.
- E. The owner shall limit the maximum occupancy to two (2) persons per bedroom and two (2) additional persons but in no case more than ten (10) persons, excluding children under three (3) years of age.
- F. The owner shall prohibit outdoor amplified sound from 8:00 p.m. to 9:00 a.m. Sunday through Thursday and 10:00 p.m. to 9:00 a.m. Friday and Saturday unless a temporary permit waiver is obtained from the Village in each instance.
- G. The owner shall prohibit renters from hosting “special events” such as weddings, graduations, family reunions, lawn parties or other similar

activities attended by persons other than overnight guests unless the renter obtains a temporary permit for such event and the owner or his or her representative is in attendance at the event.

- H. The owner shall provide off-street parking for renters on the premises and any street parking associated with such rental shall not exceed that typically expected from a typical single-family use.
- I. The owner shall notify the Village when a property is rented.
- J. The owner shall notify the renter as to compliance with all MPOA requirements on the use of the lake.
- K. The owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Vacation Rental Unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of the Village of Wonder Lake Municipal Code.
- L. Prior to occupancy pursuant to each separate occasion of rental of a Vacation Rental, the owner or the owner's agent or representative shall (i) obtain the name, address and driver's license number of the Responsible Person; (ii) require such Responsible Person to execute a formal acknowledgment that he or she is legally responsible for compliance of all occupants of the Vacation Rental or their guests with all provisions of this Chapter and/or the Municipal Code. This information shall be readily available upon request of any officer of the Village responsible for the enforcement of this Chapter.

- M. The owner, or his or her agent, shall, upon notification that the Responsible Person, including any occupant and/or guest of the Vacation Rental Unit, has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the provisions of the Municipal Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests. Failure of the owner or his or her agent to respond to calls or complaints regarding the condition, operation or conduct of occupants of the Vacation Rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Chapter. It is not intended that an owner, agent or local contact person act as a peace officer or place himself or herself in an at-risk situation. The owner, or his or her agent, shall report the name, violation, date and time of disturbance of each Responsible Person involved in three (3) or more disturbances covered by this Subsection to the Village.
- N. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors and between the hours of 5:00 a.m. and 8:00 p.m. on scheduled trash collection days. The owner of the Vacation Rental Unit shall use reasonably prudent business practices to ensure compliance with all Village provisions regarding waste disposal.

- O. The owner of the Vacation Rental Unit shall post a copy of the Certificate and a copy of the conditions set forth in this Section in a conspicuous place within the unit.
- P. The owner shall provide each occupant of a Vacation Rental with the following information prior to occupancy of the unit and/or post such information in a conspicuous place within the unit:
1. The name of the managing agency, agent, rental manager, local contact person or owner of the unit and a telephone number at which that party may be reached on a 24-hour basis.
 2. The maximum number of overnight occupants and the maximum number of daytime occupants permitted to stay in the unit.
 3. The trash pickup day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
 4. Notification as to amplification of music outside of the dwelling unit.
 5. Notification that the occupant may be cited or fined by the Village and/or immediately evicted by the owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of this Chapter.
 6. Notification that failure to conform to the occupancy requirements of the Vacation Rental Unit is a violation of this Chapter.
 7. A copy of this Ordinance of the Wonder Lake Municipal Code, as may be amended from time to time.

- Q. The use of a Vacation Rental Unit shall not violate any applicable conditions, covenants or other restrictions on real property.
- R. The Village shall have the authority to impose additional standard conditions applicable to all Vacation Rentals Units, as necessary, to achieve the objectives of this Chapter. A list of all such additional standard conditions shall be maintained and on file in the Office of the Village Clerk and such offices as the Village designates.
- S. The standard conditions may be modified by the Village upon request of the owner or his or her agent based on site specific circumstances for the purpose of allowing reasonable accommodation of a Vacation Rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a Vacation Rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications to the standard conditions shall not further exacerbate an already existing problem.

SECTION 9: **Audit.** Each owner and agent or representative of any owner shall provide access to each Vacation Rental and any records related to the use and occupancy of the Vacation Rental to the Village at any time during normal business hours for the purpose of inspection or audit to determine that the objectives and conditions of this Chapter are being fulfilled.

SECTION 10: Violations.

- A. Any person who uses or allows the use of residential property in violation of the provisions in this Chapter is punishable by a fine in the amount of no less than \$250.00 and no more than \$1,000.00 for each day in which such residential property is used, or allowed to be used, in violation of this Ordinance.
- B. Upon the fourth or subsequent violation in any 24-month period, the Village may suspend or revoke the Vacation Rental Registration Certificate for a Vacation Rental Unit. The owner may appeal such revocation to the Village Board of Trustees.
- C. The remedies provided for in this Section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Village to address any violation of this Chapter or other public nuisance.

SECTION 11: Requirements Not Exclusive. The requirements of this Ordinance shall be in addition to any license, permit or fee required under any other provision of the Village of Wonder Lake Municipal Code. The issuance of any Certificate pursuant to this Chapter shall not relieve any person of the obligation to comply with all other provisions of the Municipal Code pertaining to the use and occupancy of the Vacation Rental Unit or the property on which it is located.

SECTION 12: Special Use Permit. Owners of Vacation Rentals may make an application for a Vacation Rental Registration Certificate pursuant to this Chapter upon issuance of a special use zoning permit by the Village of Wonder Lake.

SECTION 13: Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 14: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 15: Passage. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

DATED this 19 day of September, 2018

AYES: Dycus, Learman, Naatz, Polys, Reinhard, Windler

NAYS: None

ABSTAIN: None

ABSENT: None

PASSED this 19 day of September, 2018.

APPROVED by me this 19 day of September, 2018.



PRESIDENT

ATTEST:



VILLAGE CLERK

VILLAGE OF WONDER LAKE

CERTIFICATION

I, JO ELLEN McINTOSH, certify that I am the Village Clerk of the VILLAGE OF WONDER LAKE, McHenry County, Illinois.

I further certify that on September 19, 2018, the Corporate Authorities of such municipality passed and approved Ordinance No. 467, entitled 467, a true and correct copy of which Ordinance is attached hereto.

Ordinance No. 467, including the Ordinance and a cover sheet thereof, was published in pamphlet form, and a copy of such Ordinance was posted in the Village Hall, commencing on September 19, 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I further certify that I recorded the attached Ordinance in a book used exclusively for such purposes in accordance with Illinois Compiled Statutes, 65 ILCS 5/1-2-5, on September 19, 2018.

Dated at Wonder Lake, Illinois this 19 day of September, 2018.

Jo Ellen McIntosh
VILLAGE CLERK

(SEAL)

