
THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2019-O-036

**AN ORDINANCE AMENDING TITLE XI OF THE TINLEY PARK
MUNICIPAL CODE ENTITLED "BUSINESS REGULATIONS" AND
ADDING CHAPTER 129J: SHORT-TERM/VACATION RENTAL**

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WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village of Tinley Park (“Village”) desires to ensure the health, safety, and welfare of the Village and its residents; and

WHEREAS, in furtherance of such policies, the Village desires to license and regulation the operation of short-term/vocational rentals within the Village; and

WHEREAS, the Village desires to amend its Title XI of the Village Code to include Chapter 129J entitled “SHORT-TERM/VACATION RENTAL,” which would create a licensing framework for the leasing, renting, and letting of short-term dwelling units; and

WHEREAS, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to adopt Chapter 129J of Title XI of the Village Code pursuant to this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: That Title XI Chapter 129J entitled “SHORT-TERM/VACATION RENTAL,” is hereby created and shall be added in numerical order as follows:

CHAPTER 129J: SHORT-TERM/VACATION RENTAL

- 129J.01** **DEFINITIONS**
- 129J.02** **LICENSES REQUIRED: LICENSE TERM: EXEMPTIONS.**
- 129J.03** **APPLICATION; NOTICE; STANDARDS AND PROCEDURES;**
RENEWAL; FEES.
- 129J.04** **REQUIREMENTS AND STANDARDS.**
- 129J.05** **PENALTY**
- 129J.06** **REVOCAION; SUSPENSION; PROCEDURES.**
- 129J.07** **OCCUPANCY OF DWELLING UNITS.**

§129J.01 **DEFINITIONS.**

- A. SHORT-TERM/VACATION RENTAL:
 - i. A single room, dwelling unit, an allocated space, or a portion thereof within the primary structure in a residential zoning district offered for rent for a period shorter than thirty (30) consecutive days to any person other than a member of the owner’s family. The term “short-term/vacation rental” shall not include hotels, motels, or lodging establishments licensed pursuant to Chapter 129A.
- B. FAMILY:
 - i. 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.
 - ii. Type (B) Family: Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.
 - iii. Type (C) Family: A group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit.
 - iv. Type (D) Family: A group of two (2) or more persons containing within it one (1) or more families, as defined in Subsections (1) and (2) 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.
- C. Primary Residence: To be considered a primary residence, an owner needs to live in the property for at least nine (9) months out of a twelve (12) month period.

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

§129J.02 **LICENSES REQUIRED: LICENSE TERM: EXEMPTIONS.**

- A. It shall be unlawful to operate a short-term/vacation rental, offer for rent, or advertise for rent a short-term/vacation rental within the Village of Tinley Park without a current, valid license issued pursuant to the terms of the Chapter.
- B. Each license issued shall be valid for one (1) year, and subject to renewal.

§129J.03 APPLICATION; NOTICE; STANDARDS AND PROCEDURES; RENEWAL; FEES.

- A. Applications. A property owner who seeks a short-term/vacation rental license pursuant to this Chapter shall submit a written application that contains all information required for a registration statement pursuant to this Chapter.
- B. The applicant must sign an affidavit affirming that the applicant will abide by all the rules and regulations governing short-term rental/vacation.
- C. Primary Residence. The short-term/vacation rental shall be the owner's primary residence. An applicant must be able to demonstrate that the applicant resided at the property for nine (9) of the past twelve (12) months, or that the applicant plans to live in the property for nine (9) of the next twelve (12) months.

Evidence of primary residence shall including, but not be limited to an adequate showing of the following:

- Utility bill
 - Voter registration
 - Motor vehicle registration
 - Deed
 - Driver's license or state-issued identification
- D. The use must be accessory to a residential unit.
- E. Standards and Procedures for License Approval. The Community Development Department will review all applications for short-term/vacation rentals upon each application with respect to the standards set forth below. The Village Manager after receiving said report, may refer the application back to the Community Development Department for additional review, or, may approve, approve with conditions, or disapprove an application for a short-term/vacation rental license, upon findings of fact with respect to each of the standards set forth below:
- i. The proposed short-term/vacation rental will not cause a negative cumulative effect when its effect is considered in conjunction with the effect of other short-term/vacation rental in the immediate neighborhood.
 - ii. The short-term/vacation rental will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties.
 - iii. The proposed short-term/vacation rental will comply with all the rules and regulations contained herein.
 - iv. The proposed short-term/vacation rental is not likely to have an adverse effect upon the public health, welfare, or safety.
 - v. The proposed short-term/vacation rental shall comply with the following criteria:
 - 1. No rental or advertisement for rental for a period of time shorter than twenty-four (24) hours.
 - 2. No rental may provide for food or beverage to any guests with the exception of pre-packaged food and drink.
 - 3. No more than one (1) rental at a specific location during the one-year period commencing on the date a license is issued.

- F. Renewal. If a short-term/vacation rental 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 short-term/vacation rental did not receive citation(s) from any Village Inspector or Police Officer during said prior calendar year. Every renewal application shall satisfy all requirements set forth in Section 3 and 4 of this Ordinance.
- G. License Fee. The annual fee for a license issued pursuant to this Ordinance shall be fifty (\$50.00) dollars.

Regardless of its findings on any or all of the foregoing standards, the Village Manager may deny a short-term/vacation rental license upon a finding that such denial is in the public interest.

§129J.04 REQUIREMENTS AND STANDARDS.

- A. No short-term/vacation rental owner shall:
 - i. Rent or lease any short-term/vacation rental for any period of time shorter than twenty-four (24) hours.
 - ii. Rent or lease any short-term/vacation rental more than once within any consecutive twenty-four (24) hour period measured from the commencement of one rental to the commencement of the next;
 - iii. Advertise an hourly rate or any other rate for a short-term/vacation rental based on a rental period of fewer than twenty-four (24) hours;
 - iv. Serve or otherwise provide any food or beverage to any guest; and/or
 - v. Cause or permit, by action or failure to act, the short-term/vacation rental or its use to suffer from and/or create any nuisance or violation of the following provisions of the Village Code as described in Title XIII of this Code.
- B. Every short-term/vacation rental shall be subject to inspection by staff members of the Village's Fire and Building Departments.
- C. Every short-term/vacation rental owner shall keep a register in which shall be entered the name of every guest and his/her arrival and departure dates. The owner shall make said register freely accessible to the Village Manager and Police Department.
- D. Every short-term/vacation rental owner shall post, in a conspicuous place within the short-term/vacation rental, the name and telephone number of the owner's authorized agent.
- E. No sleeping room shall serve more than two adults per night.
- F. Access to and from each bedroom shall be accomplished without passing through any other bedroom. Bedroom doors shall have locks to insure privacy.
- G. Each property used for short-term/vacation rental must have at least one accessible bedroom available for rent that complies with Section 400.320(g)(5) and (9) of the Illinois Accessibility Code, irrespective of whether the Illinois Accessibility Code would otherwise apply to the short-term/vacation rental.
- H. Any kitchen rental shall be cleaned and sanitized between quests and all food and beverages shall be discarded. All dishes, utensils, pots, pans and other cooking utensils shall be cleaned and sanitized between guests.

- I. The owner of every short-term/vacation rental shall change supplied bed linens and towels therein at least once each week and prior to the renting of any room to any guest. The owner shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- J. The owner must maintain at all times when renting out the property as a short-term/short-term/vacation rental a general liability insurance policy in the amount of \$1,000,000.00 per occurrence and a minimum of \$2,000,000.00 per aggregate. The owner must provide the village with proof of such policy upon request.

The conditions and restrictions contained in this section, applicable to short-term/vacation rentals shall be interpreted as minimum standards, and shall be in addition to any other applicable Village ordinances and requirements that apply to short-term/vacation rental or the properties on which they are located.

§129J.01 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:
 - i. The fine for a first violation is town hundred dollars (\$200.00).
 - ii. The fine for a second violation is five hundred dollars (\$500.00).
 - iii. The fine for a third or subsequent violation is 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 means allowed by law, including, but not limited to, filing a lien against the short-term/vacation rental or the premises containing the short-term/vacation rental.
- D. The fines provided for herein shall not be construed as limiting 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. In addition, a license found to have violated any provision of this Ordinance may be subject to license revocation, suspension, or non-renewal.

§129J.01 REVOCAION; SUSPENSION; PROCEDURES.

- A. The Village Manager may revoke or suspend a license issued pursuant to the terms of this Ordinance for any of the following reasons:
 - i. If the owner of the relevant short-term/vacation rental or his/her agent violates any of the terms of this Ordinance.
 - ii. If the owner of the short-term/vacation rental or his/her agent is deemed to have maintained a nuisance premises therein, in violation of the Village of Tinley Park Village Code;
 - iii. If the Village Manager deems the short-term/vacation rental, or the premises wherein it is located, to be a vacant building, as defined therein; and/or

- iv. If the village or other governmental agency condemns the short-term/vacation rental or the premises wherein it is located.
- B. Not less than fourteen (14) business days prior to a revocation hearing for a license issued pursuant to the terms of this Ordinance, the Village Manager shall send, via First Class U.S. mail, a notice of revocation hearing to the owner and his/her authorized agent at 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:
 - i. Description of the short-term/vacation rental, sufficient for identification;
 - ii. A statement that the license is subject to revocation;
 - iii. If the Village Manager deems the short-term/vacation rental, or the premises wherein it is located, to be a vacant building, as defined therein; and/or
 - iv. If the city or other governmental agency condemns the short-term/vacation rental or the premises wherein it is located
- C. If the Village Manager has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the Village or the neighborhood, the Village Manager 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 seven (7) days. The Village Manager may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the previously mentioned harm to the Village.
- D. The Village Manager in accordance with procedures drafted by the Village Attorney shall conduct hearings.
- E. Within ten (10) business days after the close of the hearing, the Village Manager shall issue a written 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 Manager may consider any of the following:
 - i. The nature of the violation;
 - ii. The nature and extent of the harm caused by the licensee's action or failure to act;
 - iii. The factual situation and circumstances surrounding the violation;
 - iv. Whether or not the action or failure to act was willful;
 - v. 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 one year.

§129J.01 OCCUPANCY OF DWELLING UNITS.

- A. No dwelling unit shall be occupied by more than one (1) type (A), type (B), or type (C) family, as defined in "Definitions," of this Ordinance except as hereinafter provided:

Upon written application to the Zoning Administrator, certification or approval shall be issued for occupancy for a dwelling unit by a type (D) family in all districts where dwelling units are allowed provided that the application establishes that the occupancy conforms with the definition of type (D) family. The members of a type (D) family household shall not keep or store more than one (1) motor vehicle for each such dwelling unit or for each off-street parking space lawfully existing in connection with such dwelling unit, whichever is greater. Certification would be revoked at any time the occupancy or off-street parking no longer conforms to the definition of a type (D) family, or if a request for current records is not answered so as to establish that the type of ownership complies with the definition of a type (D) family.

SECTION 3: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 5: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 2nd day of July, 2019.

AYES: Berg, Brady, Brennan, Galante, Glotz, Mueller

NAYS: None

ABSENT: None

APPROVED THIS 2nd day of July, 2019.

ATTEST:


VILLAGE CLERK


VILLAGE PRESIDENT PRO-TEM

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-036, “AN ORDINANCE AMENDING TITLE XI OF THE TINLEY PARK MUNICIPAL CODE ENTITLED “BUSINESS REGULATIONS” AND ADDING CHAPTER 129J: SHORT-TERM/VACATION RENTAL,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on July 2, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 2nd day of July, 2019.



VILLAGE CLERK