

# **ORDINANCE NO. 2025- \_\_\_\_\_**

## **AN ORDINANCE REGULATING SHORT-TERM RENTALS IN THE VILLAGE OF WINNEBAGO, WINNEBAGO COUNTY, ILLINOIS**

**WHEREAS**, the Village of Winnebago is a non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.); and

**WHEREAS**, the Village has received increased inquiries and complaints related to the operation of short-term rentals, including instances of noise disturbances, excessive occupancy, and the presence of unregistered guests; and

**WHEREAS**, the Village recognizes that while short-term rentals may offer benefits such as promoting tourism and providing supplemental income to property owners, they may also negatively impact neighborhood character, public safety, and residential quality of life; and

**WHEREAS**, the Village Board finds it in the best interest of public health, safety, and welfare to establish regulations to govern the use of residential properties as short-term rentals, including but not limited to registration, inspections, occupancy limits, parking, nuisance abatement, and revocation procedures; and

**WHEREAS**, the Village seeks to ensure that short-term rentals operate in a manner that is consistent with the surrounding residential character, does not create a nuisance, and remains subject to the same zoning, building, and fire safety requirements as other residential uses; and

**WHEREAS**, the Village Board has determined that adoption of this ordinance will promote the orderly operation of short-term rentals, ensure adequate public safety responses, and maintain neighborhood integrity throughout the Village.

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

### **SECTION I: PERMIT REQUIRED**

No short-term rental shall be permitted in the Village without first having an obtained a permit.

## **SECTION II: DEFINITIONS**

- A. A “SHORT-TERM RENTAL” shall be all or part of a residential dwelling or dwelling unit that is rented for transient occupancy by guests for a period shorter than 30 consecutive days. The term “short-term rental” does not include either hotels or motels. A short-term rental shall have all the attributes of a single-family dwelling unit including cooking, living, sanitary and sleeping facilities set forth in this Ordinance.
- B. For the purposes of this Ordinance, a “PARTY” means a planned social gathering at a short-term rental property involving individuals who are not listed as registered overnight guests. This includes, but is not limited to, events such as birthdays, anniversaries, celebrations, or other social functions where the primary purpose is entertainment or socialization. A party may be characterized by factors such as elevated noise levels, the presence of alcohol, amplified music, parking congestion, or other impacts inconsistent with the residential character of the neighborhood. Incidental social visits by friends or family of registered guests that do not result in such impacts shall not be considered a party.

## **SECTION III: NO PROPERTY RIGHTS CONFERRED.**

Short-term rental permits do not provide a vested interest by entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land.

## **SECTION IV: PERMIT APPLICATION REQUIREMENTS; RENEWAL**

A property owner who seeks a short-term rental pursuant to this Ordinance shall submit a written application utilizing an application provided by the Village. Owners must renew their permit every year through submittal of a renewal. All applications must be submitted by the property owner. Permits shall not be issued to any person not an owner of the property. Permits shall be issued upon registration, subject to non-renewal, suspension, or revocation as set forth herein.

## **SECTION V: INSPECTION.**

The Village's Building Official, or their designee, and Fire District reserves the right to inspect each short-term rental upon reasonable notice for compliance with all applicable building, fire, and property maintenance codes.

## **SECTION VI: GUEST REGISTRY BOOK.**

Every short-term rental owner shall keep a written or digital register in which shall be entered the name of every guest over the age of 18 and his/her arrival and departure dates. A digital register maintained by a short-term rental platform such as Airbnb or VRBO shall be sufficient to satisfy this requirement. The owner shall make said register accessible to any officer of the Village's Police and/or Administration Departments upon request, as well as the Win-Bur-Sew Fire Protection District.

## **SECTION VII: NOTICE TO NEIGHBORS**

Upon registration or renewal, and prior to the first rental following such registration or renewal, the property owner shall deliver written notice by mail or personal delivery to the owners of all parcels that abut the property on which the short-term rental will be located of the owners intent to offer their dwelling unit as a short-term rental. The written notice must include the short-term rental permit number of the property, as provided by the Village, and contact information for the owner and manager of the short-term rental. The notice shall also include the web address posted on the Village's website (which shall be provided to the owner) with information regarding the rules and regulations contained in this ordinance.

## **SECTION VIII: COMMERCIAL USE**

Operation of a short-term rental is a commercial use of a residential property. The use shall be consistent with a residential dwelling and shall preserve the character of the neighborhood.

### **SECTION IX: MINIMUM RENTAL PERIOD.**

No short-term rental shall be leased more than once within any consecutive twenty- four (24) hour period measured from the commencement of one rental to the commencement of the next.

### **SECTION X: ADVERTISING**

- A. No sign advertising or otherwise promoting a short-term rental may be installed or erected on the premises.
- B. No short term-rental shall advertise online on any platform an hourly rate or any other rate based on a rental period of fewer than twenty-four (24) hours.
- C. No short-term rental shall hold out on any online platform, the short-term housing rental property as a venue for weddings, conferences, parties, or other events, regardless of the number of attendees.

### **SECTION XI: MAXIMUM OCCUPANCY**

- A. Occupancy, for purposes of determining "maximum occupancy," is defined as two (2) people per bedroom unless additional per-bedroom occupants are the minor children of the renters.
- B. This occupancy limitation shall include invitees of the short-term rental tenants, and social guests
- C. In no event shall the occupancy of the short-term rental exceed 10 persons (including renters, renters' minor children, invitees, and social guests), regardless of the number of bedrooms.

### **SECTION XII: PARKING REQUIREMENTS; LOADING AND UNLOADING OF COMMERCIAL BUSES PROHIBITED**

- A. Overnight parking for persons renting a short-term rental must be provided on the same zoning lot as the short-term rental except as provided below and must be located on an improved hard surface.

- B. Street parking may not be used by persons renting a short-term rental. However, if a property does not have a driveway or parking area that can accommodate four vehicles, street parking or public parking lots shall be allowed for up to two (2) vehicles where permitted.
- C. In no event shall more than four (4) vehicles be parked in the driveway or parking area of the short-term rental.
- D. Commercial buses shall not be parked either on the street or in the driveway of any short-term rental for the purpose of loading or unloading passengers, luggage, or other items using the short-term rental.

### **SECTION XIII: NO PARTIES/SPECIAL EVENTS/LARGE GATHERINGS**

The short-term rental premises shall not be used as a venue for events such as weddings, banquets, conferences, large parties, or other organized gatherings intended to host individuals beyond the registered guests. This restriction does not prohibit occasional, incidental social visits by family or friends of the registered guests, provided such visits do not create noise disturbances, parking issues, or other nuisances to the neighborhood.

### **SECTION XIV: POSTING OF ORDINANCE REQUIREMENTS AND PROHIBITIONS**

There shall be posted in every short-term rental the requirements and prohibitions contained in Sections 12, 13, and 14.

### **SECTION XV. LOCAL CONTACT PERSON REQUIRED**

The owner of the property containing the short-term rental shall either be available or appoint/hire a local contact person or a property management company that shall be available by telephone or in person on a twenty four (24) hour basis who resides within 50 miles of the property and can physically be present at the property within sixty (60) minutes to service a call by the occupants of the short-term rental or to respond to complaints issued by any law enforcement agency, building and/or fire district. The owner or local contact

person shall have the authority to assume management of the short-term rental in order to respond and remedy any occupant calls or complaints. The local contact person shall be empowered by the property owner to address physical conditions or circumstances that constitute an immediate threat to public health and safety, including ordering the removal of any occupants in order to comply with the provisions of this ordinance. The name and all contact information of the owner or local contact person shall be provided to the occupants, clearly posted within the residence, and provided to the Village and be maintained with current information at all times.

#### **SECTION XVI: PROPERTY OWNER RESPONSIBLE FOR COMPLIANCE WITH CODES**

It is the responsibility of the property owner and the management company or local contact person responsible for the short-term rental to be in control of the short-term rental unit; to inspect and visit the property as needed to assure compliance with this code, and all applicable Village building, zoning, and fire codes, to prevent nuisance behavior and maintain neighborhood peace, welfare, and safety.

#### **SECTION XVII: NUISANCE PREVENTION & ABATEMENT.**

The short-term rental shall not cause an adverse effect on the use, enjoyment, or property values of the immediate neighborhood. The owner of a short-term rental shall not cause or permit, by action or failure to act, the short-term rental or its use to suffer from or create any nuisance or criminal activity, which shall include but not be limited to excessive noise or violations of building, zoning, or fire codes.

If a permittee knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the property, the permittee shall immediately notify the Village of such fact and cooperate with the Police Department in any investigation that may ensue.

**SECTION XVIII: NOTICE UPON CHANGE IN OWNERSHIP; TERMINATION OF PERMIT.**

A short-term rental permit shall terminate immediately upon any change in ownership. Property owners must notify the Village upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this ordinance. Any new owner must apply for a short-term rental permit under this code.

**SECTION XIX: PENALTY**

Any one violation of this chapter, or any rules or regulations promulgated under this chapter may result in fines, suspension or revocation of a permit, modification of the use (including but not limited to increasing the minimum rental period) or a combination thereof. A violation of any section of this chapter is subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

**SECTION XX: NON-RENEWAL, SUSPENSION AND/OR REVOCATION OF PERMIT**

A permit may be subject to non-renewal, suspension, or revocation upon a determination of one or more of the following:

- A. The short-term rental is a public nuisance;
- B. there exists outstanding and unresolved code violations at the property;
- C. the short-term rental permit was revoked within the previous 12-month period;
- D. the applicant has outstanding debts due and owing to the Village; the property is condemned;
- E. the property is not eligible for a short-term rental under the provisions of this Article.
- F. Improvements or alternations have been made to the structure without proper

permits and the property has not been brought into compliance after reasonable notice and an opportunity to correct the violations.

- G. The owner of the relevant short-term/vacation rental or his/her agent violates any of provisions of this Ordinance, the Village of Winnebago code of ordinances, building codes, zoning codes, or fire codes or any criminal code of the State of Illinois.
- H. The owner of the short-term/vacation rental or his/her agent is deemed to have maintained a nuisance premises.

#### **SECTION XXI: HEARING REQUIRED.**

No short-term rental permit shall be non-renewed, suspended, or revoked prior to a hearing as set forth herein.

#### **SECTION XXII: NON-RENEWAL/SUSPENSION/REVOCATION HEARING PROCESS.**

- A. Not less than fourteen (14) business days prior to a hearing on non-renewal, suspension, or revocation of a permit issued pursuant to the terms of this Ordinance, the Village Administrator shall send, via First Class U.S. mail, a notice of the non-renewal, suspension, or revocation hearing to the owner and his/her authorized agent at the address provided on the most recent permit application. Notice shall be sufficient if sent to the address of the authorized agent indicated on the permit application. Said notice shall include the following:
  - i. Description of the short-term rental, sufficient for identification;
  - ii. A statement that the permit is subject to non-renewal, suspension or revocation; and
  - iii. A succinct statement of factual allegations that identifies the basis for the potential non-renewal, suspension or revocation.



- iv. If the Village Administrator has reason to believe that immediate suspension of the permit is necessary to prevent the threat of immediate harm to the Village or the neighborhood,
- B. The Village Administrator may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the permit suspended for not more than seven (7) days. The Village Administrator 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 or the neighborhood.
- C. The Village Administrator shall conduct hearings in accordance with the procedures drafted by the Department of Law.
- D. Within ten (10) business days after the close of the hearing, the Village Administrator 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.

#### **SECTION XXIII: NO NEW PERMIT AFTER REVOCATION**

A permittee whose license has been revoked shall not be eligible to reapply for a new permit for one year.

#### **SECTION XXIV EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with applicable law.

#### **SECTION XXV SEVERABILITY**

If any section, paragraph, clause, or provision of this ordinance shall be judged invalid or unconstitutional, the remainder of this ordinance shall remain in full force and effect.

**SECTION XXVI REPEAL**

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

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025

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Franklin J. Eubank, Jr.,  
Village President

**ATTEST:**

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**PASSED:**

**APPROVED:**

**PUBLISHED IN  
PAMPHLET FORM:**