



1102 Tower Square Plaza Marion, IL 62959

BUILDING & CODE SERVICES

Phone 618-993-2422 Fax 618-997-9577

## **VACATION RENTALS, BED & BREAKFASTS**

***YEARLY LICENSE FEE-\$250.00***

Applicant/Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Manager Name (if different from Owner): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### **PROPERTY ADDRESS**

Address: \_\_\_\_\_

No. of rooms available to rent (if a bed & breakfast): \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City Ordinances online

<https://codelibrary.amlegal.com/codes/marionil/latest/overview>



**Attach the following information to application:**

1. Legal description of property.
2. Address of any other establishments owned/managed by applicant.
3. Description of property, with pictures (inside and out).
4. Site plan showing buildings and proposed off-street parking; (Note: No on-street or yard parking is permitted; all vehicles must be parked on a designated gravel, concrete, or paved driveway).
5. Description of the operating plan for the establishment.
6. Names adjoining (touching) property owners.
7. An affidavit from the manager identified in the application attesting that such manager; is designated to receive notices; is authorized by the owner to take remedial action and respond to any violation related to the property; and, maintains a residence or office within the City.

**Once a completed application is received and the filing fee of \$250.00 is paid, Building & Code Services will set up a time to inspect the property.**

ORDINANCE 3693

AN ORDINANCE REPEALING 3386 AND REPLACING WITH THE FOLLOWING  
REGULATING BED AND BREAKFASTS AND VACATION RENTALS:

WHEREAS The City finds it necessary, on occasion, to amend and update sections of the Marion City Code; and

WHEREAS, the City finds it necessary to protect the health, safety, and welfare of its residents;  
and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
MARION, ILLINOIS THAT THE FOLLOWING:

TITLE 4 CHAPTER 13 IS HEREBY REVOKED AND REPLACED WITH THE  
FOLLOWING:

TITLE 4 CHAPTER 13: BED AND BREAKFASTS, VACATION RENTALS

Section

General Regulations

- 13.01 Definitions
- 13.02 Statement of purpose
- 13.03 Relationship to zoning
- 13.04 License required
- 13.05 License application contents and procedures
- 13.06 Issuance or renewal of license prohibited
- 13.07 License; inspection certificates required
- 13.08 Routine inspections
- 13.09 Insurance requirements
- 13.10 Revocation or suspension of license
- 13.11 Taxation

Health and Fire Regulations

- 13.15 Food preparation and handling
- 13.16 Communicable diseases
- 13.17 Cleanliness and sanitation
- 13.18 Housekeeping
- 13.19 General fire regulations

Development; Operational and Location Regulations

- 13.25 Dwelling codes
- 13.26 (Reserved)
- 13.27 (Reserved)
- 13.28 Impacts

- 13.29 General operational regulations
- 13.30 (Reserved)
- 13.31 Appeals
- 13.99 Penalty

## GENERAL REGULATIONS

### 13.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BED AND BREAKFAST ESTABLISHMENT." An operator-occupied residence at a specific location providing lodging accommodations for a charge to the public conforming with the following minimum standards:

- (1) Shall provide five or less rooms for rent.
- (2) Shall be in operation (available to the public) more than ten nights in a 12-month period.
- (3) The only formal meal served to paying guests shall be breakfast.
- (4) Shall allow no more than two guests per sleeping room, per night.
- (5) The term "BED AND BREAKFAST" facility shall not be construed to mean "motel", "hotel", "boarding house", "food service establishment", "conference center", "retreat facility", or "reception hall".
- (6) A room within a bed and breakfast establishment shall be considered a hotel room or motel room for purposes of Title 3 Chapter 5 Article D inclusive of this code of ordinances, pertaining to hotel or motel room tax.

"OPERATOR." The owner of the bed and breakfast or vacation rental establishment or the owner's manager, who is required to reside in the establishment if the establishment is a bed and breakfast. If more than one structure is involved at a given location, the city shall rule on which structure shall be considered appropriate; however, the intent is to have the owner/manager reside within the structure with the most guest rooms if the structure is a bed and breakfast.

"VACATION RENTAL." A dwelling unit or structure that is not owner-occupied and contains 6 or fewer sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term "VACATION RENTAL" shall not include: single room occupancies; hotels or motels; or, a dwelling subject to the terms of a month- to-month, or longer, tenancy.

### 13.02 STATEMENT OF PURPOSE.

The purpose of this chapter is to accommodate the tradition of opening up one's residence to travelers as they pass through the community. This tradition has been brought into the 20th century in a form called "Bed and Breakfast Establishments" or "Vacation Rentals". This chapter is intended to encourage the development of such facilities in the city, while at the same time establishing minimum regulations which are intended to protect and preserve the character of the neighborhoods in which these facilities are usually found and to protect the traveling public. Further, this trend is seen as one way to preserve and perhaps restore some of the city's more valuable historically and architecturally significant structures that might otherwise be lost due to economic conditions.

### 13.03 RELATIONSHIP TO ZONING.

Bed and breakfast establishments and vacation rentals shall conform to applicable provisions of Title 11. Where there are conflicts between Title 11 and this chapter, Title 11 shall govern.

### 13.04 LICENSE REQUIRED.

No person shall operate a bed and breakfast establishment or vacation rental without first having obtained a license from the city and paying an annual license fee of \$250 in addition to other required fees. All annual licenses expire at Midnight on January 31 of each year and the fee shall not be prorated for shorter terms. Licenses must be obtained by following the procedures described herein.

Penalty, see 13.99

### 13.05 LICENSE APPLICATION; CONTENTS AND PROCEDURES.

General procedures/contents.

(A) The applicant shall contact Building and Code Services to receive an application form and pay a nonrefundable filing fee of \$250. The application shall contain the following minimum information:

- (1) Address of property;
- (2) Legal description;
- (3) Owner's name and contact information including a valid email address to receive notices;
- (4) Manager's name, if other than owner and contact information including a valid email to receive notices;
- (5) Address of any other establishments owned/managed by the applicant;
- (6) Description of the property, with pictures (inside and out);
- (7) Number of rooms available to be rented, if a bed and breakfast;
- (8) Site plan showing buildings and proposed off-street parking; \*(Note: no on-street or yard parking is permitted; all vehicles must be parked on a designated gravel, concrete, or paved driveway.)
- (9) Description of the operating plan for the establishment; and
- (10) Names of adjoining (touching) property owners.
- (11) An affidavit from the manager identified in the application attesting that such manager: is designated to receive notices; is authorized by the owner to take remedial action and respond to any violation related to the property; and, maintains a residence or office within the City.

(B) Once a completed application is received and the filing fee is paid, Building and Code Services will set up a time to inspect the property.

### 13.06 ISSUANCE OR RENEWAL OF LICENSE PROHIBITED.

A license to engage in the business of a bed and breakfast or vacation rental shall not be issued to or renewed for the following persons:

- (A) Any applicant or licensee, as applicable, who does not own the bed and breakfast or vacation rental identified in the application;
- (B) Any applicant or licensee, as applicable, if, within 2 years of the date of application or renewal, a license for a bed and breakfast or vacation rental has been revoked for cause;
- (C) Any applicant or licensee, as applicable, who makes a false, misleading or fraudulent statement in the license application, or misrepresents any fact in the license application or renewal, or uses any scheme or subterfuge for the purpose of evading any requirement of this chapter; or
- (D) Any applicant or licensee, as applicable, who has violated any applicable federal, state or local law or regulation promulgated thereunder.
- (E) Any applicant that does not own a primary residence within Williamson County, Illinois.

#### 13.07 LICENSE; INSPECTION CERTIFICATES REQUIRED.

(A) No initial license shall be recommended for approval until the following inspection reports have been completed:

(1) A rental inspection from Building and Code Services stating that the proposed establishment complies with the provisions of this chapter and other applicable codes.

(B) Building and Code Services shall be responsible for coordinating the required inspections and providing the necessary reports to the city clerk.

(C) The current license shall be conspicuously displayed near the registration area within the bed and breakfast establishment. The current license for a vacation rental shall be conspicuously displayed inside the front door of the property. Anyone tampering with a license properly displayed shall be in violation of this chapter.

(D) Licenses are issued to a particular owner for a specific location. Location shall mean one or more structures located on a single lot of record, platted prior to the effective date of this chapter, or a group of lots historically developed and maintained as a unified development parcel. A license may not be used to qualify more than one location. No license issued hereunder may be transferred.

#### 13.08 ROUTINE INSPECTIONS.

(A) The city departments referred to herein shall inspect all licensed establishments on or before the anniversary-renewal date of said license, and at least one other time during the license year.

(B) City inspectors may make inspections regarding a bed and breakfast at any reasonable time while the establishment is open for business. City inspectors shall coordinate with the owner of a vacation rental to make the necessary inspections required by this chapter.

### 13.09 INSURANCE REQUIREMENTS.

Prior to obtaining an annual license, the owner shall provide Building and Code Services with proof that liability insurance coverage in an amount of not less than \$500,000 per occurrence exists with respect to the establishment.

### 13.10 REVOCATION OR SUSPENSION OF LICENSE; PROCEDURES

The mayor, or his designated agent, is empowered to revoke or suspend a bed and breakfast establishment's or a vacation rental license for any violation of this chapter or any other provision of this Code. No license issued pursuant to this chapter shall be suspended or revoked except after the following:

(A) The licensee shall be given at least a 5-day written notice of such hearing affording the licensee an opportunity to appear and defend. The Notice shall be delivered in person or by certified mailing and/or electronic mail. The Notice shall contain:

- I. A description of the vacation rental sufficient to identify;
- II. A statement that the license is subject to revocation;
- III. A statement setting forth the reasons that form the basis for the revocation; and
- IV. The date, time, and location of the hearing

(B) Once a license is revoked or suspended the establishment shall cease operations until the violations are corrected as provided by law. Refusal to comply with this section may result in penalties being levied against the establishment's owner as described in Title 1 Chapter 4 of this code.

(C) If the mayor, or his designee, has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the City or the neighborhood, then, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, the mayor, or his designee, may order the license suspended for not more than seven (7) days.

(D) Within seven (7) days after the close of the hearing, the mayor 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 mayor may consider the following:

- I. Nature of the violation;
- II. Nature and extent of the harm caused by the licensee's action or failure to act;
- III. Factual situation and circumstances surrounding the violation and likelihood of it occurring again;
- IV. Whether or not the action or failure to act was willful; and
- V. Any prior violations, incidents, or issues with law enforcement with respect to this location or licensee.

### 13.11 TAXATION

All Bed & Breakfasts and Vacation Rentals regulated under this Ordinance will be required to comply with and submit Occupation and Use Tax as required and defined in Chapter 5 of this Code and Ordinance 3392.

## HEALTH AND FIRE REGULATIONS

### 13.15 FOOD PREPARATION AND HANDLING.

All bed and breakfast establishments which serve any food to paid guests shall comply with the following minimum standards:

(A) The establishment shall be in compliance at all times with Williamson County Food Sanitation Ordinance and obtain the required permit issued by the Franklin-Williamson Bi-County Health Department.

### 13.16 COMMUNICABLE DISEASES.

(A) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(B) If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a reportable communicable disease, as defined in the Illinois Department of Public Health Rules and Regulations for the control of communicable diseases, the operator shall notify the county health inspector.

Penalty, see 13.99

### 13.17 CLEANLINESS AND SANITATION.

(A) Utensils shall be kept clean and in good repair.

(B) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(C) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Nonfood contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(D) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Sinks and dishwashing machines shall be supplied with hot and cold potable running water. For manual cleaning and sanitizing, multi-use eating and drinking utensils shall be washed in a hot detergent solution that is kept clean and shall be rinsed free of detergent in clean water.

(E) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in 100 parts per million or another approved sanitizing solution which shall be used at the concentration tested and approved by the local health inspectors. Dishpans may be used to accomplish the final sanitizing rinse. Utensils shall be air-dried.

(F) The re-use of single-service utensils is prohibited.

(E) All food and beverages shall be discarded.



### 13.18 HOUSEKEEPING.

(A) Effective measures intended to minimize the presence of rodents, cockroaches, and other insects on the premises shall be utilized. The establishment and grounds shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(B) All garbage and refuse shall be stored and collected at least once weekly by licensed private haulers.

(C) Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Insecticides and rodenticides shall be stored and located to be physically separated from detergents, sanitizers, related cleaning or drying agents and other chemicals in cabinets or similar physically separated compartments or facilities used for no other purpose. To preclude potential contamination, poisonous or toxic materials shall not be stored above or intermingled with food, food utensils and equipment, and single-service articles.

(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.

Penalty, see 13.99

### 13.19 GENERAL FIRE REGULATIONS.

Bed and breakfast establishments and vacation rentals shall meet the state fire marshal's requirements for one- and two-family dwellings. Additionally, the following local standards shall be required:

(A) Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 Standards for the installation of portable fire extinguishers.

(B) All combustible or flammable liquids shall be stored in approved metal containers. No storage of combustible materials shall be allowed under stairways leading to guest rooms.

(C) All trash containers shall be metal.

(D) No cooking facilities or utensils shall be allowed in guest rooms.

(E) All hallways and stairways shall be provided with adequate general lighting and approved emergency lighting as per Section 5-9 of the NFPA 101 Life Safety Code.

(F) No portable heating devices shall be allowed in guest rooms.

(G) Smoke detectors must be either permanently wired into the establishment structure's AC power line, with battery back-up, or be otherwise interrelated so as to comprise a system that is, in the sole judgment of the chief of the fire department or his designee, of equal or greater value. In the event that a smoke detector system is once approved, it shall thereafter be deemed to be a system that complies with the requirements of this section. Multi-station units shall be wired or otherwise constituted so that the activation of one detector will activate all of the detectors in the establishment or will activate other centrally located warning devices in the establishment. Smoke detectors shall be installed as follows: one within 15 feet of each guest room used for sleeping purposes; one in each hallway or corridor on each floor; one in each dining room; one in basement and in each workshop area. There shall be at least one smoke detector on each floor of the establishment but excluding unoccupied attics.

Penalty, see 13.99

## DEVELOPMENT; OPERATIONAL; LOCATION REGULATIONS

### 13.25 DWELLING CODES.

For the purposes of this chapter, the codes adopted in Title 10 Chapter 6 and Title 5 Chapter 12 (Ordinance 3646) shall provide guidelines for applicable development issues.

### 13.26 OTHER REQUIREMENTS

(A) No Vacation rental operator shall rent or lease rental for any period of time shorter than twenty-four (24) consecutive hours and shall not advertise an hourly rate or any other rate based on a rental period of fewer than twenty-four (24) consecutive hours.

(B) 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, and/or Building and Codes Services Department.

(C) Every vacation rental operator shall post in a conspicuous place within the vacation rental, the name and telephone number of the operator's authorized agent.

### 13.27 (RESERVED).

### 13.28 IMPACTS.

In all residential zoning districts, but in particular in single-family residential zoning districts, the intent of this chapter is to encourage bed and breakfast establishments and vacation rentals, while keeping to an absolute minimum any negative impacts on adjoining residential neighborhoods. Therefore, if in the opinion of the Building and Code Services Department, a specific application proposes an establishment that does not generally conform to 13.02 or Title 11 et seq., then the department may require changes to the development plans of the proposed establishment in an effort to achieve compliance.

### 13.29 GENERAL OPERATIONAL REGULATIONS.

(A) Bed and breakfast establishments and vacation rentals located in residential zoning districts shall receive above average maintenance. The physical improvements shall be kept painted when necessary and in good repair. Landscaping shall be maintained regularly with dead plant material being promptly removed. Walkways shall be maintained in good repair and snow shall be promptly removed. Signs, fences and lighting shall be kept in good repair.

(B) Every effort shall be made by the owner/manager to maintain the residential character of the establishment and its site.

13.30 (RESERVED).

13.31 APPEALS.

Persons wishing to appeal interpretations and/or administrative decisions of the city relative to this chapter may do so by following the procedures described in Title 11 Chapter 3 Article 7.

13.99 PENALTY.

In addition to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter shall be subject to a fine of not less than \$200 nor more than \$750 for each offense. Each day that a violation exists shall constitute a separate offense. In addition to any fine imposed hereunder, the offender shall pay all of the costs and fees incurred by the city in prosecuting the violation(s), which shall include, but not be limited to: the costs associated with an administrative adjudication or court proceeding; and, reasonable attorney's fees.

PASSED BY THE COUNCIL THE 28TH DAY OF DECEMBER, 2020

APPROVED BY THE MAYOR THE 28TH DAY OF DECEMBER, 2020

PUBLISHED THE 29TH DAY OF DECEMBER, 2020

  
MICHAEL W. ABSHER, MAYOR

ATTEST:

  
TAMMY BEASLEY, CITY CLERK