

**CITY OF OGLESBY**

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**ORDINANCE NO. 1264-081924**

**AN ORDINANCE PROVIDING FOR THE LICENSING AND  
REGULATION OF SHORT-TERM RENTALS  
IN THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS**

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**ADOPTED BY THE CITY COUNCIL OF THE CITY OF OGLESBY  
THIS 19<sup>TH</sup> DAY OF AUGUST, 2024.**

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Published in pamphlet form by authority of the City Council  
of the City of Oglesby, LaSalle County, Illinois, this 20<sup>th</sup> day of August, 2024.

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STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF LASALLE    )

I, REBECCA CLINARD, certify that I am the duly appointed and acting municipal clerk of the City of Oglesby, LaSalle County, Illinois.

I further certify that on the 19<sup>th</sup> day of August, 2024, the corporate authorities of the above municipality passed and approved Ordinance No. 1264-081924, entitled "An Ordinance Providing for the Licensing and Regulation of Short-Term Rentals in the City of Oglesby, LaSalle County, Illinois", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1264-081924, including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on the 20<sup>th</sup> day of August, 2024, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated in Oglesby, Illinois, this 20<sup>th</sup> day of August, 2024.

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**REBECCA CLINARD**, City Clerk

(SEAL)

**ORDINANCE NO. 1264-081924**

**AN ORDINANCE PROVIDING FOR THE LICENSING AND  
REGULATION OF SHORT-TERM RENTALS IN THE  
CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS**

**WHEREAS**, the City of Oglesby (“City”) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and promote the public health, safety and welfare of its citizens; and

**WHEREAS**, the City believes that short-term rentals pose life-safety, quality of neighborhood, security, fire safety, tax revenue, and other concerns that can have cause a negative impact on surrounding properties and the City as a whole; and

**WHEREAS**, the City desires to promote the public health, safety, and welfare by licensing and regulating the operation of short-term rentals within the City of Oglesby; and

**WHEREAS**, the City Council finds and determines, after full investigation and consideration by its Plan Commission, that it is necessary and appropriate to enact this Ordinance so as to provide for the licensing and regulation of short-term rentals in the City as set forth herein,”

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Recitals.** The City Council finds as fact the recitals contained in the preamble to this Ordinance and incorporates them herein by reference.

**SECTION 2: Establishment of Licensing and Regulation.** The City Council does hereby establish the following licensing procedure and rules and regulations

relative to the operation of short-term rentals in the City of Ogelsby, LaSalle County, Illinois:

## **SHORT-TERM RENTALS**

- **Purpose.**

The purpose of this article is to promote the public health, safety, and welfare by licensing the operation of short-term rentals within the City of Oglesby.

- **Definitions.**

For purposes of this article, the following words and phrases shall have the following meanings, and are hereby defined as follows:

*Bedroom:* A room intended for sleeping or placement of a bed.

*Dwelling or dwelling unit:* A building, or portion thereof, or an accessory structure located on the same premises as of a single-family home, which is designed or used exclusively for residential occupancy and forms a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, bathing and eating.

*Guest/Occupant:* A person who rents or occupies a short-term rental. The singular shall include the plural.

*Host:* An owner and/or operator of a short-term rental that provides accommodations to guests through use of a hosting platform.

*Hosting platform:* A marketplace entity, in whatever form or format which facilitates short-term rentals through advertising, matchmaking or other means, using any medium or facilitation, or from which the operator of the hosting platform derives revenue, including booking fees or advertising revenues from providing or maintaining the marketplace information.

*Multi-unit building:* A building that is designed and built with two or more dwellings.

*Operator:* Any person who has charge, care, control or management of a rental unit or building, in which rental units are let, including but not limited to building managers, managing agents, brokers or superintendents.

*Owner:* Any person who alone, jointly or severally with others has legal title to any dwelling unit or multi-unit building, with or without accompanying actual possession

thereof; or is an executor, administrator, trustee or guardian of the estate of the owner; is a mortgagee in possession, or is a senior officer or a trustee of the association of unit owners of a homeowners' association. Owner shall also mean any homeowners' association or other legal entity having the charge, care or control of any common area which serves in whole or in part one or more multi-unit buildings.

*Short-term rental:* A dwelling unit that is offered for rent to occupants for a period of less than 30 consecutive days at a time. The term "short-term rental" shall not include hotels, motels, bed and breakfast establishments, dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions; or facilities licensed by the state as health care facilities.

## **Zoning and other city requirements.**

Short-term rentals shall be subject to the city's zoning ordinances and all other city ordinances, codes, regulations, and requirements; and shall only be available in zoning districts where such use is explicitly permitted.

## **License required; application.**

a) *License required.* It shall be unlawful for any person to conduct, keep, manage or operate or cause to be conducted, kept, managed or operated any dwelling unit as a short-term rental without a valid license issued by the city. A license shall be obtained for each short-term rental and shall not be transferable. All such licenses are required to be renewed annually, subject to the same condition as the original license. Such license shall be issued by the city in accordance with this article.

(b) *Multi-unit buildings.* The city will not approve a license for a short-term rental in a multi-unit building having a condominium or home owners' association unless it is first approved by the association. No more than one quarter of the units in a multi-unit building having four or more units shall be converted to short-term rentals. A separate license shall be required for each dwelling unit in a building utilized as a short-term rental.

(c) *License application.* To license a dwelling unit as a short-term rental, the owner shall submit a written application on a form provided by the city that will contain the following information and other additional information as may be determined necessary by the city:

1. The name, address, telephone number, and email of the owner of the dwelling unit.
2. Whether the dwelling unit will be owner-occupied or non-owner occupied.

3. The street address and zoning district where the dwelling unit is located, along with other identification to identify the unit if there is more than one dwelling unit in the building or it shares the same street address with another unit.
4. A site plan showing all buildings and parking on the premises, identifying the number of off-street parking spaces provided for the dwelling unit.
5. The maximum number of occupants to which the operator intends to rent the dwelling unit in any given rental period.
6. The length of the typical rental period for which the applicant intends to rent the dwelling unit.
7. Whether the owner will be the operator of the short-term rental. If not, the name, address, telephone number, and email address of the operator.
8. A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or agent will check those devices at least every 90 days.
9. Proof of liability insurance as required by this article.
10. A statement certifying that the owner consents to inspections by the city and will make the dwelling unit available for inspection upon request.
11. A list of all owners of real property located within a radius of 200 feet of the subject property (inclusive of public streets, alleys and other public ways), together with the owners' addresses as shown in the property tax records of LaSalle County, Illinois.
12. Such other information as the city deems appropriate.

(d) *Initial license application fee.* An initial application for a license to operate a dwelling as a short-term rental shall be accompanied by a non-refundable application fee to cover the city's costs of review and certified mailings. The application shall also be accompanied by a payment for a temporary yard sign. The initial fee amounts are set forth in Addendum A, which may be reviewed and amended from time to time by the City Council.

(e) *Review of Application.* Upon receipt of a completed initial application to operate a dwelling as a short-term rental, the application shall be referred to the city's Zoning administrator for review.

(f) *Notice to Neighbors:* The city shall thereafter mail notice of the Application to all owners whose addresses appear on the list provided by the applicant. The notice shall contain the applicant's name, the address of the subject property, that the matter is under consideration and the date and time of the city council meeting at which said application will be presented for approval. Any recipient shall have ten days within which to respond to the City in writing to voice any concerns or objections. All comments received will become part of the application presented to the council for approval.

(g) *City council approval.* The city council shall either approve or deny any application for a short-term rental license within forty-five days of the City's receipt of a completed

application, following its review and the recommendation of the City's Zoning Administrator, and any comments received of the application, subject to the requirements of this article. *The intention is to approve the applications as expedient as possible pending the condition of the property and the applicant's submittals.*

(h) *Inspection fee.* Prior to issuance of a license to operate a short-term rental, the owner shall agree to an initial inspection of the dwelling by the city and shall agree to an annual inspection each year thereafter prior to license renewal. The owner shall pay an initial inspection fee to the city prior to the initial inspection and shall pay an annual inspection fee prior to each annual inspection thereafter. Any deficiencies noted by the inspector shall be addressed before any initial license or renewal is granted. The inspection fee amounts are set forth in Addendum A, which may be reviewed and amended from time to time by the City Council.

## **License renewal.**

(a) *Renewal license application.* Every renewal application shall satisfy all requirements set forth in this article.

(b) *License renewal fee.* A license renewal application shall be accompanied by a license renewal fee. The license renewal fee is set forth in Addendum A, which may be reviewed and amended from time to time by the City Council.

(c) *Inspection fee:* Prior to renewal of a license to operate a short-term rental, the owner shall agree to an inspection of the dwelling by the city. The owner shall pay a fee to the city prior to each such inspection. Any deficiencies noted by the inspector shall be addressed before a license is issued. The owner shall pay re-inspection fee prior to each such inspection. These fees are outlined in Addendum A, which will be reviewed and updated annually by the City Council.

(d) *Administrative license renewal.* If a license was issued for the prior year, approval of a renewal license may be approved by the City's Zoning Administrator provided the previously-issued license was not revoked or suspended, and the short-term rental did not receive citation(s) from any city department during the calendar year prior to renewal. In the event the previously-issued license was revoked or suspended, or the short-term rental received citation(s) from any city department during the calendar year prior to renewal, the license will not be renewable by the City's Zoning Administrator, but the licensee must reapply for a new license using the procedure required for an initial application for a short-term rental license.

## **Hosting platform.**

All short-term rentals must be operated through a recognized hosting platform.

## **Collection and remittance of taxes.**

(a) *Duty imposed.* It shall be the duty of every owner or operator of a bed and breakfast establishment or short-term rental licensed under this article to collect and remit taxes to the city in accordance with this section and the provisions Chapter 3.28 Hotel and Motel Room Tax, of the City's Code of Ordinances.

(b) *Payment of taxes.* The owner or operator of each short-term rental shall file tax returns with the city, on forms prescribed by the city clerk, showing the gross rental receipts received during each calendar month period. Any such return shall be due on or before the 30th day of the calendar month succeeding the end of the month for any given filing period and shall be accompanied by a host transaction history report for that month from each hosting platform utilized by the owner or operator. At the time of the filing of any such tax return, the owner or operator shall pay to the city clerk all taxes due for the period to which the tax return applies. The owner or operator shall be exempt from filing of any such tax return with city if the owner or operator exclusively uses a hosting platform which has an agreement with the city that provides for the collection and remittance of taxes by said hosting platform to the City.

## **Requirements and standards.**

(a) All short-term rentals shall meet the following standards:

1. Short-term rentals shall meet the state fire marshal's requirements for one and two-family dwellings and other applicable city codes.
2. Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10—Standards for the Installation of Portable Fire Extinguishers.
3. All combustibles or flammable liquids shall be stored in approved metal containers and shall not be stored in or under stairways.
4. No cooking facilities shall be permitted in guest rooms.
5. All hallways and stairways shall be adequately lighted.
6. No portable heating devices shall be permitted in guest rooms.
7. Smoke alarms shall be provided in each guest room.
8. Carbon monoxide detection shall be provided within 15 feet of each sleeping area.
9. Bottom floor rentals shall not be permitted in any commercial or service district.
10. Rentals shall be permitted in district authorized by the table set for in Section 14.03.010 of the City's Land Development Code.
11. On-street parking for use by any short-term rental property shall be prohibited in any residential district. All vehicles associated with the use of any short-term rental property shall only be parked in the driveway and/or garage of said short-term rental property. Any such driveway and/or garage must accommodate at least one vehicle per bedroom of any such short-term rental.

(b) No owner or operator of a short-term rental shall:

1. Rent or lease any dwelling unit for any period of time shorter than 24 consecutive hours
2. Rent or lease any dwelling unit more than once within any consecutive 24-hour period measured from the commencement of one rental to the commencement of the next.
3. Advertise an hourly rate or any other rental rate for a dwelling unit based on a rental period of fewer than 24 consecutive hours.
4. Serve or otherwise provide any prepared meals to any guest.
5. Cause or permit, by action or failure to act, the dwelling or its use to suffer from and/or create any violation of the city's building codes, ordinances or regulations.
6. Allow fireworks to be used on the premises of a dwelling unit.

(c) Every owner and operator of a short-term rental shall:

1. Be subject to inspection by staff members of the city's engineering and zoning departments, fire department, or their respective designees.
2. Keep a register in which the name of every guest and his/her arrival and departure dates are recorded. The owner or operator shall make said guest register freely accessible to any officer of the city's engineer and zoning, police, and/or fire departments.
3. Post in a conspicuous place within the bed and breakfast establishment or short-term rental, the name and telephone number of the owner and operator identified in the application, the address and unit number of the dwelling unit and the maximum occupancy allowable for the rental unit.
4. Post on the front entrance or in the front window of the short-term rental, a current license issued by the city stating the owner and operator's name, a 24-hour telephone number to reach the owner and/or operator, and the maximum occupancy of the dwelling unit.
5. Clean the dwelling unit and discard all food and beverages between guests. The kitchen, including all dishes, utensils, pots, pans, and other cooking utensils, shall be cleaned and sanitized between guests.
6. Provide guests with 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 as necessary, but not less than once each week and between guests.
7. Shall provide guests with materials prepared by the city that include: (i) a summary of the city's parking requirements, noise ordinance and other applicable offenses against the public peace; (ii) a reminder that the rental property is located in a residential or mixed-use neighborhood and that neighbors may not be vacationing, (iii) the applicable trash pickup date, (iv) and a statement informing the guests that neighboring property owners may contact



the owner, operator, and/or Oglesby Police to report any issues relating to the property.

### **Insurance required.**

An owner and/or operator must obtain liability insurance either through a provider or, if applicable, through the hosting platform, of at least \$500,000. This insurance policy need not cover intentional acts.

### **Maximum occupancy.**

No owner or operator shall permit the maximum occupancy of any dwelling unit utilized as short-term rental to be exceeded. The maximum occupancy of any dwelling unit shall be as follows: Studio/1bedroom, 4 guests; 2 bedroom, 6 guests; three bedroom, 8 guests; 4 bedroom, 10 guests; 5 bedroom, 10 guests; 6 bedroom, 12 guests.

### **Violation; penalty.**

(a ) Any owner, tenant or other person who shall be found to have violated any of the provisions of this article shall be guilty of an offense punishable as follows:

- (1) The fine for a first violation is \$250.00.
- (2) The fine for a second violation is \$500.00.
- (3) The fine for a third or subsequent violation is \$750.00, plus the immediate revocation of the short-term rental license.

(b) Each day a provision of this article is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this section.

(c) Any fines shall be debts due and owing to the city that the city may collect by any means allowed by law, including, but not limited to, filing a lien against the premises containing the dwelling unit.

(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 licensee found to have violated any provision of this article may be subject to license and certificate of occupancy revocation, suspension, or nonrenewal.

### **Revocation and suspension procedures.**

(a) The commissioner having general oversight over the enforcement of the city's land development code may revoke or suspend a license issued pursuant to this article for any of the

following reasons

1. If the owner or operator violates any of the provisions of this article;
2. If the owner or operator is deemed to have maintained a nuisance upon the premises in violation of city ordinances;
3. If the owner or operator is deemed to have allowed criminal activity to occur upon the premises; and/or
4. If the city or any other governmental agency condemns the short-term rental property, or the premises wherein it is located.

(b) Not less than 14 business days prior to a revocation hearing for a license issued pursuant to the terms of this article, the Zoning Administrator shall send, via First Class U.S. mail, a notice of revocation hearing to the owner and operator, or his/her respective authorized agents 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:

1. Description of the short-term rental, sufficient for identification;
2. A statement that the license is subject to revocation;
3. A statement of the reasons for the possible revocation;
4. The date and time upon which a revocation hearing shall occur; and
5. The location for said revocation hearing.

(c) If the city's Zoning Administrator has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the community, the commissioner having general oversight over the enforcement of the city's land development code may, upon the issuance of a written order stating the reason(s) for such action, and without notice or hearing, order the license suspended for not more than 14 days. The commissioner having general oversight over the enforcement of the city's land development code may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the harm to the community.

(d) Hearings shall be conducted by the council in accordance with procedures drafted by its corporation counsel.

(e) Within ten business days after the close of the hearing, the city council 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 city council may consider any of the following:

- a. The nature of the violation;
- b. The nature and extent of the harm caused by the licensee's action or failure to act;
- c. The factual situation and circumstances surrounding the violation;

- d. Whether or not the action or failure to act was willful; and
- e. The record of the licensee with respect to violations.

**ADDENDUM A**

**LISTING OF FEES**

|                          |          |
|--------------------------|----------|
| Initial Application Fee: | \$250.00 |
| Yard Sign Fee            | \$ 25.00 |
| Initial Inspection Fee   | \$150.00 |
| Annual Inspection Fee    | \$150.00 |
| License Renewal Fee      | \$ 25.00 |

**SECTION 3:** That this Ordinance shall be in full force and effect after its passage, approval, and publication, as provided by law.

**PRESENTED, PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, this 19<sup>h</sup> day of August, 2024.

**DONALD FINLEY**      \_\_\_ AYE; \_\_\_ NAY; \_\_\_ ABSENT; \_\_\_ PASS

**GREGORY MCDERMOTT** \_\_\_ AYE; \_\_\_ NAY; \_\_\_ ABSENT; \_\_\_ PASS

**ANTONIO STEFANELLI** \_\_\_ AYE; \_\_\_ NAY; \_\_\_ ABSENT; \_\_\_ PASS

**RICHARD BALDRIDGE** \_\_\_ AYE; \_\_\_ NAY; \_\_\_ ABSENT; \_\_\_ PASS

**JASON CURRAN**      \_\_\_ AYE; \_\_\_ NAY; \_\_\_ ABSENT; \_\_\_ PASS

\_\_\_\_\_  
**JASON CURRAN**, Mayor

ATTEST:

\_\_\_\_\_  
**REBECCA CLINARD**