

ORDINANCE NUMBER 26-644

AN ORDINANCE AMENDING CHAPTER 7 OF THE ST. JACOB VILLAGE CODE, BUSINESS CODE, ADDING SHORT TERM RENTAL REGULATIONS

WHEREAS, The Village Board of Trustees for St. Jacob (the “Village”), Illinois has identified certain residential property or properties within the Village that are advertised for short term rental; and

WHEREAS, the Revised Code of Ordinances of the Village of St. Jacob presently contains no adopted article providing for the licensure and regulation of short-term rentals; and

WHEREAS, it has been the decision of the Board of Trustees to amend its Business Code, to allow for residential properties in the Village to be rented on a short term basis, subject to licensure and other regulations; and

WHEREAS, the Board of Trustees has determined that an Owner or Operator of a Short-Term Rental must obtain a business license in accordance with Chapter 7, Article I of this Code and keep that license current, valid, and in force whenever such a license is required; that the yearly license fee for a Short-Term Rental shall be Two Hundred Fifty Dollars (\$250.00), which shall control for this Article notwithstanding the one-time license fee in Section 7-1-5; that each licensed Short-Term Rental shall be inspected not less than four (4) times during each License Year, at approximately quarterly intervals, whether or not the premises are then occupied, without authorizing warrantless entry; and that a Village-issued Occupancy Card shall be displayed at the licensed premises, without establishing a numeric guest cap; and

WHEREAS, the Board of Trustees has determined that the licensure, inspection, insurance, and occupancy-card requirements set forth herein are necessary to protect the public health, safety, and welfare of the residents of the Village and of the guests of short term rentals;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ST. JACOB, STATE OF ILLINOIS, AS FOLLOWS:

SECTION 1: Chapter 7 (Business Code), and any amendments of the Revised Code of Ordinances of the Village of St. Jacob, is amended by adding the following language:

ARTICLE VIII - SHORT TERM RENTALS, LICENSING AND REGULATION

7-8-1. Definitions.

(A) "Booking Service Provider" means any person or entity who facilitates a transaction between a prospective guest and a person or entity offering a Short-Term Rental.

(B) "Dwelling" has the meaning set forth in the Village of St. Jacob, Illinois Zoning Code. (40-2-2.)

(C) "License Year" means the one (1) year period commencing on the date of issuance of a Short-Term Rental business license pursuant to Section 7-8-3, or on the date of any annual renewal thereof.

(D) "Lodging" means the transaction for periods of less than thirty (30) consecutive days of furnishing a room or rooms, or other accommodations, by any person to another person or persons who, for consideration, use, possess, or have the right to use or possess any room or rooms in a Short-Term Rental, under any agreement, concession, permit, right of access, license, or otherwise. This definition shall not apply to the transaction of furnishing rooms or accommodations for meetings or exhibitions.

(E) "Operator" means any person who offers, provides, operates, or manages a Short-Term Rental, whether as the Owner of the premises or with the written consent of the Owner.

(F) "Owner" means the owner or owners of record of the premises on which a Short-Term Rental is located.

(G) “Primary Residence” means the place in which a person’s habitation is fixed for the term of the license and is the person’s usual place of return. A person can have only one Primary Residence.

(H) “Short-Term Rental” means any residential dwelling unit offered, provided, or operated as lodging accommodations to guests in exchange for remuneration for a period of less than thirty (30) consecutive days.

(I) “Occupancy Card” means a card or placard issued by the Village in connection with a current and valid Short-Term Rental business license under this Article, showing: (1) the current Short-Term Rental business license number; (2) the telephone number of the local contact person designated pursuant to Section 7-8-8(B); and (3) if, and only if, a maximum occupancy applicable to the premises has been established under this Code, including without limitation the Property Maintenance Code adopted in Chapter 6 and Chapter 29, such maximum occupancy. An Occupancy Card is not an occupancy permit under Chapter 6, Article III of this Code. Nothing in this Article establishes a numeric maximum occupancy for Short-Term Rentals.

7-8-2. Short-Term Rentals Allowed Generally.

(A) Subject to all other terms and conditions of this Chapter 7, and of the Village of St. Jacob Revised Code of Ordinances generally, Short-Term Rentals are allowed within Village limits, provided the Dwelling subject to the Short-Term Rental is the Operator’s Primary Residence, except as provided in Section 7-8-9(G) (exceptions granted by the Village Board) and Section 7-8-9(D) (accessory dwelling units).

(B) Nothing in this Article affects, alters or invalidates any section of the Village of St. Jacob Revised Code of Ordinances not inconsistent with this Article.

7-8-3. Business License Required; Annual Term; Non-Transferability; Suspension and Revocation.

(A) No person shall operate, or offer or advertise for operation, a Short-Term Rental within the Village without first having applied for and been granted a business license for such Short-Term Rental in accordance with Chapter 7, Article I of this Code, and without keeping such license current, valid, and in force, including by timely annual renewal, at all times during which the Short-Term Rental is operated, offered, or advertised. A license that has expired, lapsed, been suspended, or been revoked is not current or valid for purposes of this Article. This subsection does not create a licensing scheme in addition to the business license required by this Article and Chapter 7, Article I. Applications for such license shall be made, investigated, and approved or disapproved in the manner provided in Chapter 7, Article I (see Sections 7-1-1 and 7-1-4). In addition to the information required by Section 7-1-1, each application shall include: (1) proof of the applicant's ownership of the premises or, if the applicant is not the Owner of record, the written consent of the Owner to the operation of the Short-Term Rental; (2) the name, address, and telephone number of the local contact person designated pursuant to Section 7-8-8(B); and (3) the certificate of insurance or coverage documentation required by Section 7-8-10.

(B) Notwithstanding the one (1) time license fee provided in Section 7-1-5, each business license issued for a Short-Term Rental shall be valid for a term of one (1) year from the date of issuance and shall be renewed annually. The license fee for a Short-Term Rental shall be Two Hundred Fifty Dollars (\$250.00) per year, or such other amount as the Board of Trustees may establish from time to time, payable in advance at the time of the initial application and of each annual renewal. The yearly Short-Term Rental license fee established by this subsection shall control for this Article notwithstanding Section 7-1-5.

(C) A separate license shall be required for each Short-Term Rental location, as provided in Section 7-1-8. Every license issued under this Article shall be personal to the licensee

and specific to the premises identified therein, and shall be non-transferable as to both the licensee and the premises. Notwithstanding Section 7-1-7, the location of a Short-Term Rental may not be changed under an existing license, and the operation of a Short-Term Rental at any other location shall require a new application, inspection, and license under this Article.

(D) As provided in Section 7-1-6, no license shall be issued or renewed for a Short-Term Rental unless the premises fully comply with all applicable ordinances and regulations of the Village and the State of Illinois, including, without limitation, the Building Regulations (Chapter 6 of this Code) and the Property Maintenance Code (Chapter 29 of this Code). No initial license shall be issued for a Short-Term Rental until the premises have passed an initial inspection pursuant to Section 7-8-4, and no license shall be renewed unless the inspections required by Section 7-8-4 were completed during the preceding License Year.

(E) Relationship to Chapter 6, Article III (Rental Housing Registration). A Short-Term Rental holding a current and valid license under this Article shall be deemed registered for purposes of Chapter 6, Article III of this Code, and the license and inspections required by this Article shall be in lieu of the occupancy permit and inspection requirements of Chapter 6, Article III for so long as such license remains in force. Transient occupancy of a Short-Term Rental for a period of less than thirty (30) consecutive days shall not constitute a change in tenancy for purposes of Chapter 6, Article III. Upon the expiration, revocation, or non-renewal of a Short-Term Rental license, any continued rental of the Dwelling shall be subject to the registration, occupancy permit, and inspection requirements of Chapter 6, Article III.

(F) Suspension; Revocation. In addition to the summary powers conferred by Section 7-1-21, the Mayor may suspend, for a period not to exceed thirty (30) days, or may revoke, a Short-Term Rental license, after notice and hearing in the manner provided in Sections 7-1-22 through

7-1-25 of this Code, for any cause stated in Section 7-1-23 or for any violation of this Article, including, without limitation: refusal to permit, or failure to correct any violation noted upon, any inspection required by Section 7-8-4; the lapse, cancellation, or non-renewal of the insurance required by Section 7-8-10; or the commission of any act made unlawful by Section 7-8-9. Any person aggrieved by such suspension or revocation, or by the denial of an application or of a renewal, may appeal to the Village Board in the manner provided in Section 7-1-26.

7-8-4. Inspections; Property Standards.

(A) In addition to any inspection or investigation authorized elsewhere in this Code, including, without limitation, Chapter 7, Article I (Business Code), Chapter 6 (Building Regulations), and Chapter 29 (Property Maintenance Code), every Short-Term Rental shall be inspected by the Village Building Inspector, serving as the Code Official (see Section 6-1-3), or by the Building Inspector's designee: (1) prior to the initial issuance of a Short-Term Rental license; and (2) thereafter, not less than four (4) times during each License Year, at approximately quarterly intervals, whether or not the premises are then occupied by guests or are otherwise vacant. For purposes of this subsection, "whether or not the premises are then occupied by guests or are otherwise vacant" means that vacancy or lack of guest occupancy does not waive, reduce, or excuse the quarterly inspection schedule required by this subsection. Nothing in this subsection authorizes entry of the premises without the notice, consent, or warrant required by subsection (C) of this Section.

(B) The inspections required by this Section shall be for the purpose of determining and securing compliance with all standards of this Code applicable to the premises, including, without limitation, the building codes adopted in Chapter 6 (Building Regulations) and the Property

Maintenance Code (Chapter 29). Every Short-Term Rental shall at all times meet, and be maintained in compliance with, such applicable standards.

(C) The Owner or Operator of a Short-Term Rental shall permit the inspections required by this Section at reasonable times upon reasonable notice. Vacancy of the premises, or the absence of guests, shall not waive the reasonable notice required by this subsection, and nothing in this Section authorizes entry without such notice, without consent, or, if consent is refused, without an administrative search warrant or other court order as provided in Section 7-1-19 of this Code. Refusal to permit any inspection required by this Section, or failure to correct any violation noted upon inspection within the time specified by the Code Official, shall constitute grounds for denial, suspension, or revocation of the Short-Term Rental license pursuant to Section 7-8-3(F), in addition to any other penalty or remedy provided by this Code.

(D) Fees for inspections, if any, shall be as prescribed by the Board of Trustees (see Chapter 6, Exhibit "A").

(E) No Warranty; No Assumption of Liability. Inspections performed under this Article are undertaken solely for the purpose of enforcing the minimum standards of this Code for the benefit and protection of the public generally, and not for the benefit of any particular person or class of persons. Neither the performance of, nor the failure to perform, any inspection under this Article, nor the issuance or renewal of any license or approval hereunder, shall constitute or be construed as a representation, guarantee, or warranty by the Village, or by any official, employee, or agent thereof, that any premises are safe, habitable, free from defects, or in compliance with any code, ordinance, or law; nor shall any such inspection, license, or approval create any duty to, or right of reliance by, any owner, operator, guest, or other person, or any liability on the part of the Village or its officials, employees, or agents for any injury to persons or damage to property

arising from or relating to the condition of any premises. Nothing in this Article shall be construed to waive, limit, or abrogate any immunity or defense available to the Village or its officials, employees, or agents under the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 et seq., or any other law.

7-8-5. Register Required.

(A) The Operator of every Short-Term Rental shall at all times keep and maintain a standard guest register in which shall be recorded, for each rental transaction: (1) the name and home street and town address of every person purchasing or occupying any room, rooms, or other accommodations in the Short-Term Rental; (2) the dates of arrival and departure of each such guest; (3) whether the transaction was for the rental of the entire Dwelling or for the rental of a room or rooms within the Dwelling; and (4) if such guest has an automobile, the license plate number, make, body style, and year of such automobile. The Operator shall maintain and preserve all records of registration for a period of three (3) years and shall make such records available for inspection by the Village or its code enforcement officials upon reasonable request.

7-8-6. Duty of Operator on Departure of Guests.

(A) When any guest of a Short-Term Rental shall quit and surrender the room, rooms, or other accommodations, it shall be the duty of the Operator, or of the Operator's agent or other person in charge, to enter the time and date thereof in the register required by Section 7-8-5 opposite the name of such guest.

7-8-7. Fictitious Name Registration.

(A) It shall be unlawful for any person to write or cause to be written or knowingly permit to be written, in the register of any Short-Term Rental in the Village, any other or different

name or designation than the true name of the person so registered therein or the name by which such person is generally known.

7-8-8. Short-Term Rental Regulations.

(A) Any Owner or Operator of a Short-Term Rental shall make a good faith effort to prevent and quickly mitigate any deleterious impacts from the Short-Term Rental operation on the neighborhood.

(B) Local Contact Person. Every Operator shall designate a natural person, who may be the Operator, to serve as the local contact person for the Short-Term Rental. The local contact person shall be available by telephone twenty-four (24) hours per day during any period in which the Short-Term Rental is occupied by guests, shall be capable of responding by telephone to complaints regarding the condition or operation of the Short-Term Rental or the conduct of its guests within one (1) hour, and shall be capable of appearing at the premises, when necessary, within a reasonable time. The name, address, and telephone number of the local contact person shall be filed with the Municipal Clerk at the time of the initial application and of each annual renewal, shall be provided to all guests, and shall be updated by written notice to the Municipal Clerk within ten (10) days of any change.

(C) Upon request of the Village or its code enforcement officials, the Owner or Operator of a Short-Term Rental shall make available for inspection records demonstrating that the Short-Term Rental is the Operator's Primary Residence, unless an exception has been granted under Section 7-8-9(G) or the Short-Term Rental is an accessory dwelling unit permitted under Section 7-8-9(D).

(D) Occupancy Card. Upon the initial issuance and upon each annual renewal of a Short-Term Rental business license, the Municipal Clerk shall issue, or cause to be issued, an

Occupancy Card for the licensed premises, in a form prescribed by the Municipal Clerk in consultation with the Code Official. The Owner or Operator shall display the Occupancy Card in a conspicuous location on the premises, in a front window or adjacent to the primary entrance, throughout the License Year, so that it is visible from the exterior of the premises to the extent practicable. The Occupancy Card shall be replaced upon any change in the local-contact telephone number required to be shown thereon, and a replacement Occupancy Card shall be obtained from the Municipal Clerk upon loss, damage, or defacement. Upon expiration, revocation, or non-renewal of the Short-Term Rental license, the Occupancy Card shall be removed from display. The Occupancy Card required by this subsection is in addition to, and not in lieu of, the posting of the business license required by Section 7-1-27, and is not an occupancy permit under Chapter 6, Article III. The relationship between a Short-Term Rental license and Chapter 6, Article III remains as provided in Section 7-8-3(E).

7-8-9. Short-Term Rentals; Unlawful Acts.

(A) It shall be unlawful for any person to advertise or operate a Short-Term Rental without:

- (1) Having obtained, and keeping current and valid, a business license for the Short-Term Rental, issued by the Village and renewed annually pursuant to Section 7-8-3 of this Article and Chapter 7, Article I of this Code; and
- (2) Including the Village business license number in any advertisement for the Short-Term Rental; and
- (3) Utilizing the residence as the Operator's Primary Residence, unless an exception from the requirements of this subsection has been granted by the Village Board pursuant to subsection (G) of this Section; and

(4) Displaying the Occupancy Card as required by Section 7-8-8(D) of this Article.

(B) It shall be unlawful to permit bookings of a Short-Term Rental by more than one booking party, or under more than one rental agreement, at any one time, unless expressly authorized by the Village Board as a condition of an exception granted under subsection (G) of this Section.

(C) It shall be unlawful to rent an entire Dwelling as a Short-Term Rental for more than one hundred eighty (180) days in the aggregate during any License Year. For purposes of this subsection, a rental of an entire Dwelling means a rental in which guests have exclusive use of the entire Dwelling, as distinguished from the rental of a room or rooms within a Dwelling otherwise occupied by the Operator, and days shall be computed based on the days the Dwelling is actually rented to or occupied by guests, as reflected in the register required by Section 7-8-5.

(D) Subsection (A)(3) of this Section shall not apply to an accessory dwelling unit, as defined in or permitted under the Village of St. Jacob, Illinois Zoning Code, when the Owner occupies the primary structure on the property as the Owner's Primary Residence.

(E) It shall be unlawful for any Booking Service Provider to receive payment, directly or indirectly, for an unlicensed Short-Term Rental located in the Village of St. Jacob.

(F) It shall be unlawful for any Booking Service Provider to receive payment, directly or indirectly, for any Short-Term Rental when it knows or should reasonably know that the Short-Term Rental is not being utilized as the Operator's Primary Residence, unless an exception has been granted under subsection (G) of this Section or the Short-Term Rental is an accessory dwelling unit permitted under subsection (D) of this Section.

(G) Exceptions. The Village Board may, upon written application, grant an exception from the Primary Residence requirement of subsection (A)(3) of this Section. In determining

whether to grant an exception, the Village Board shall consider, without limitation: the character of the surrounding neighborhood and the potential impact of the Short-Term Rental thereon; the adequacy of off-street parking; the applicant's history of compliance with this Code; and any other factor bearing on the public health, safety, and welfare. Any exception granted shall be personal to the applicant and non-transferable, shall expire upon the expiration, revocation, or non-renewal of the Short-Term Rental license for the premises, and may be revoked by the Village Board for violation of this Article or of any condition imposed upon the exception. The Village Board may impose reasonable conditions upon any exception, including, without limitation, conditions authorizing or limiting simultaneous bookings under subsection (B) of this Section.

(H) Penalty. A property owner, operator, Booking Service Provider, or any other person or entity who violates any provision of this Article shall be subject to a civil penalty of Seven Hundred Fifty Dollars (\$750.00) per violation per day. Each day that a violation continues shall constitute a separate violation. The penalties provided herein are cumulative to any other remedy available to the Village at law or in equity, including denial, suspension, or revocation of a license pursuant to Section 7-8-3(F), and are in addition to, and not in lieu of, the general penalty provided in Section 1-1-20 of this Code.

7-8-10. Insurance Required.

(A) Every Owner or Operator of a Short-Term Rental shall obtain and maintain, at all times during which the Short-Term Rental is licensed under this Article or is offered, advertised, or occupied as a Short-Term Rental, commercial general liability insurance with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising from or relating to the operation of the Short-Term Rental.

(B) The insurance required by this Section shall be issued by an insurer authorized to transact insurance business in the State of Illinois or by an eligible surplus lines insurer procured in accordance with the Illinois Insurance Code.

(C) At the time of initial application and of each annual renewal under Section 7-8-3, the applicant shall file with the Municipal Clerk a certificate of insurance evidencing the coverage required by this Section, naming the Village as certificate holder, and providing that the policy shall not be cancelled, non-renewed, or materially changed without at least thirty (30) days' prior written notice to the Village. The lapse, cancellation, or non-renewal of the required insurance shall constitute grounds for suspension or revocation of the Short-Term Rental license pursuant to Section 7-8-3(F), and it shall be unlawful to operate a Short-Term Rental during any period in which the coverage required by this Section is not in force.

(D) The requirements of subsections (A) through (C) of this Section shall be deemed satisfied as to any rental transaction booked and paid for exclusively through a Booking Service Provider that maintains liability insurance coverage, insuring the Owner or Operator against the risks described in subsection (A) of this Section, with limits equal to or greater than those required by subsection (A), provided the applicant files with the Municipal Clerk, at the time of initial application and of each annual renewal, written certification or other documentation of such coverage. Any rental transaction not booked through such a Booking Service Provider shall require the coverage described in subsections (A) through (C) of this Section.

(E) Every Owner or Operator shall provide written notice to the insurer issuing any homeowner's or dwelling policy covering the premises of the intended use of the premises as a Short-Term Rental.

[See Section 1-1-20 for penalty]

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

ADOPTED this 2 day of September 2026, pursuant to a roll call vote by Board of Trustees of the Village of St. Jacob, Madison County, Illinois.

Board of Trustees	Aye	Nay	Absent
Derek Ashoff	<u>1</u>		
George Gavlick	<u>1</u>		
Brandon Ponce			<u>1</u>
Dawn Ross	<u>1</u>		
Nick Timmons	<u>1</u>		

APPROVED:

Richard L. Schiefer 9-2-2026
RICHARD SCHIEFER, MAYOR Date
VILLAGE OF ST. JACOB, ILLINOIS

ATTEST:

Bacarra 9/2/26
Clerk Date