

Pekin Zoning Board of Appeals Meeting
111. S. Capitol Street
City Council Chambers 2nd Floor
March 8, 2023
5:00 PM

A rescheduled meeting of the Pekin Zoning Board of Appeals will be held at Pekin City Hall, 111 South Capitol Street, City of Pekin, Illinois, on the 8th day of March 2023, at 5:00 PM.

Pledge of Allegiance

- I. Roll Call
- II. Agenda Approval
- III. Minutes Approval from January 11, 2023
- IV. City Council Action Report
- V. Applications and Hearings
- VI. Other Items for Consideration and Recommendation
- VII. Informal Discussion
- VIII. Public Input
- IX. Adjourn

Case V 2023-03

A variance request by Brent Glassey to allow video gaming at a property in a B-2 Central Business District zoning when not ancillary to a restaurant, tavern, club or fraternal organization. Said property is located at 319 Court St and zoned B-2 Central Business District with a legal description of SEC 34 T25N R5W ORIGINAL TOWN W 26.21 LOT 13 & ALL LOT 11, 12 & W1 LOT 10 BLK 47 SE 1/4, with the following PIN: 04-04-34-433-019, in Tazewell County, Illinois.

Other Items for Consideration and Recommendation

Short Term Rental Ordinance – FINAL DRAFT

Informal Discussion

Public Input

Adjourn

Hannah Martin, Secretary, Pekin Board of Appeals

Pekin Zoning Board of Appeals
111 S. Capital Street
City Council Chambers 2nd Floor January 11, 2023
5:00 PM

Present: Daryl Dagit, Chris Deverman, Donald Hild, David Huskisson, Kelly Madden, James Ruth, and Amy Wilson.

The regular meeting of the Pekin Board of Appeals was called to order and quorum was declared. Staff present: Hannah Martin, Alina Kramer (Administrative Assistant) and Josh Harman (Legal Counsel).

The meeting was called to order at 5:00 PM. Motion by Commissioner Deverman and second by Commissioner Deverman. Motion carried 7-0.

Motion by Commissioner Ruth to approve minutes for the November 30, 2022, seconded by Commissioner Deverman. Motion carried 6-0 (Commissioner Wilson abstained).

Case V 2023-01

A variance request by Drew Leman (McKinley Apartments LLC) to waive the obscuring wall requirement where the off-street parking area at 100 Ironwood Dr abuts a residential district. Said property is zoned OS-1 Office Service District with a legal description of SEC 31 T25N R4W HICKORY HILLS ESTATES SEC 4 LOT 5 (EXC SW COR) NW 1/4 AAA 19 & 20, with the following PIN: 05-05-31-311-037, in Tazewell County, Illinois.

Public Hearing open at 5:05 pm

Drew Leman: with Leman Property gave a review/history of the property. Drew states that building a wall would not be consistent with the rest of the properties on Broadway. Drew stated most businesses along Broadway do not have a fence or wall.

Travis Reagan, resident at 201 Dogwood Lane that backs up to The McKinley Apartments is asking the city to leave in the rules and regulations that are within the city's code.

Travis explained that there are rules to live within Hickory Hills such as appropriate fencing, garages etc. He states that fencing could be done in an attractive way. Travis indicates that while the properties on Broadway do not have fencing, there are shrubs that provide a barrier between the properties and residence.

Public hearing closed at 5:17 pm

Commissioner Wilson stated that a full wall seems a bit extreme and Commissioner Huskinson asked what the berm would provide, Commissioner Wilson explained that it does provide some light barrier but it would require more maintenance. Commissioner Dagit asked Drew if they planted trees and Drew indicated they did place trees around the dumpster/fence to make it look nicer (cosmetically). Commissioner Huskinson states that if there was a suggestion of placing trees down the lot line there

may not be enough room. Commissioner Dagit asked if Drew had been in contact with the other residents and Drew states that there has been no discussion with other residents, only Travis. Commissioner Wilson suggested there be a “middle ground” such as a solid board fence or vinyl fencing to block the light. Wilson has concerns that if we waive the variance to the “wall”, whatever solution suggested would not be sufficient to the resident as it would not comply with their HOA rules. Commissioner Hild states that he doesn’t think a fence would be appropriate but would suggest some greenery (tall). Commissioner Deverman agrees that some additional greenery would be a solution but not a masonry wall. Commissioner Ruth suggested that they could move the existing trees around the dumpster to the lot line to provide the additional greenery since Drew was not required to put the trees around the dumpster area.

To clarify, Attorney Harman states that the zoning committee is not asking to fully grant the variance but that we are suggesting a substitution of sufficient greenery/vegetation (3 feet tall at installation) rather than an obscurant wall.

Motion by Commissioner Madden Second by Commissioner Husskinson allowing a variance of the obscuring wall to permit a substitution of vegetation installed at at least thirty-six inches tall at the time of installation.

Motion approved 7-0

No further discussion.

CASE RZ 2023-01

A rezoning request submitted by Virginia Soper from R-4 One Family Residential District to OS-1 Office Service District for the property located at 901 Broadway St. Said property is zoned R-4 One Family Residential District with a legal description of SEC 35 T25N R5W CAMPBELL DURLEY & NEWHALLS ADDN S 100' OF LOT 7 BLK 29 SW 1/4 with the following PIN: 04-04-35-370-005, in Tazewell County, Illinois.

Public Input Open at 5:41pm

Mr. Kriegsman spoke on behalf of Alexander Tax, the potential business occupant of this property: They are working to make progress in regards to the business moving (see November ZBA Case RZ 2022-09 @ 1607 Charlotte St) but the owner has been told that they must move by January 30, 2023. They believe this location is a better fit for an OS-1 property than the 1607 Charlotte location where they have been operating.

Public Input closed at 5:43pm

Motion by Commissioner Madden and Seconded by Commissioner Wilson

Motion approved 7-0

Case V 2023-02

A variance request submitted by Kristine Riley for accessory structure setbacks 417 Edgewood Dr. Said property is zoned R-4 One Family Residential District with a legal description of SEC 36 T25N R5W

BRENTWOOD MANOR SUBD #2 LOT 53 SW 1/4, with the following PIN: 04-04-36-301-011, in Tazewell County, Illinois.

Public Input Open at 5:45pm

Mr. Riley, Owner of the residence states he would like to add a garage.

Public Input Closed at 5:46pm

Commissioner Hild states that the lots are small and he would like to see an addition rather than what is existing. Commissioner Husskinson agreed.

Motion made by Commissioner Deverman and second by Commissioner Wilson.

Motion to grant the variance request approved 7-0.

Other Items for Consideration

Commissioner Dagit has concerns with a property on South 14th (unsure of address), the property has a truck full of trash that has been there for two months. Discussion if the property is the city's property or if its Shaefferville. Hannah will look into this.

Meeting adjourned Motion by Deverman



Hannah Martin
111 S. Capitol Street
Community Development
Pekin, Illinois 61554
hmmartin@ci.pekin.il.us
(309) 478-5348

Zoning Board of Appeals Review Sheet March 8, 2023

CASE V 2023-03

A variance request by Brent Glassey to allow video gaming at a property in a B-2 Central Business District zoning when not ancillary to a restaurant, tavern, club or fraternal organization. Said property is located at 319 Court St and zoned B-2 Central Business District with a legal description of SEC 34 T25N R5W ORIGINAL TOWN W 26.21 LOT 13 & ALL LOT 11, 12 & W1 LOT 10 BLK 47 SE 1/4, with the following PIN: 04-04-34-433-019, in Tazewell County, Illinois.

SUMMARY

Principal uses under B-2 zoning city code identifies:

“Video gaming, as authorized by Section 5-1-4-6-2, when ancillary to a tavern, restaurant, club, or fraternal organization.” – Sec. 4-3-6-4-2 (16)

The property in question has previously operated as a stand-alone gaming café. The operation had begun prior to the current code being adopted by council (2021) and was a legal nonconforming use after the adoption. That legal nonconforming status ceases per Sec. 4-3-2-2-3 (3) “If such nonconforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the regulations specified by this Subdivision for the district in which such land is located.”

The property in question ceased operation as a gaming café (Wild Aces) on February 23, 2022. No new video gaming operation was proposed until after the 180 days had expired. The earliest anyone had expressed interest to the city about operating a gaming café was November 30th, 2022.

Since then, staff has explored the definition of “ancillary to a tavern, restaurant, club, or fraternal organization”. This has been interpreted to mean that more than 50% of operations should be focused on those non-video gaming uses. It has been expressed by the applicant and confirmed by the building inspector that the space physically cannot operate in a way that accommodates any of those ancillary uses listed without major renovations.

STAFF NOTES

Staff recommends a one-time variance of Section 5-1-4-6-2 to allow video gaming at this property without the condition of being ancillary to a tavern, restaurant, club or fraternal organization. Once operating, it may continue to operate so long as it does not cease video gaming operations for longer than 180 days. This would effectively reinstate the legal-nonconforming status which expired after August 22, 2022.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Board of Appeals Application for Consideration

Type of Request (check one): ☒ A. Special Use (\$85) ☐ B. Residential Variance (\$85) ☒ C. Non-Residential Variance (\$85) ☐ D. Map Amendment/Rezoning (\$75) ☐ E. Annexation (\$75)	Request Property Address or PIN: <u>319 COURT ST.</u> Current Zoning (if known): <u>B-2</u> Proposed Zoning (if rezoning request): <u>SPECIAL USE GAMING</u> Current Use: <u>VACANT WAS GAMING</u> Proposed Use (if different): <u>GAMING</u>
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Property Owner Name:	<u>J+B Rentals</u>
Mailing Address:	<u>317 COURT ST.</u>
Phone:	<u>309-360-5505</u>
Alternative Phone:	<u>309 346-8880</u>
E-Mail Address:	<u>BRENT@GLASSIEYAPPRAISAL.COM</u>

Applicant Name (if different):	
Mailing Address:	
Phone:	
Alternative Phone:	
E-Mail Address:	

To: City of Pekin Zoning Board

From: Brent Glassey

Re: 319 Court St, Pekin IL

Owned by: J & B Rentals, c/o Brent Glassey

PIN :04-04-34-433-019

319 Court St, Pekin IL takes up ¼ of a building that I own, which also houses Fast Dragon Restaurant and my own personal business, Glassey & Glassey Appraisal. I am submitting materials herein in my request to have a **Non-Residential Variance for a Gaming Business** to (once again) be allowed for this address.

Currently the space identified as 319 Court St, is vacant and I have a potential client wishing to lease it for a Gaming Business. It is Zoned B-2, Central Business. It has been a gaming facility several times in the past many years, under different tenants and business names, such as Lucky 7, and Wild Aces. Other prior uses (10-15 yrs ago) included more than one tavern with gaming machines.

The most recent gaming tenant (Wild Aces) was occupying the space for five years until February 23, 2022 (and their liquor license was set to expire in April 2022)

Since the last occupant was a gaming establishment, I believe the best use of the space would be to continue with the same usage. I had a potential tenant approach me to lease the property for that purpose and we negotiated terms for that in good faith. The potential tenant is incorporated as McKenna's Gaming Enterprise LLC.

After negotiating a lease for McKenna's Gaming Enterprise, and beginning the legal process, I was made aware that there had been a change in zoning that I, (*Owner and Landlord*) was not made aware of.

I was told that I could no longer rent this unit as a gaming facility without asking for a variance. Obviously, I am quite dismayed that I was never officially notified of any change. Secondly, since the entire building's ownership and remaining tenants are still the same as when there have been gaming businesses in 319 Court in the past; there is no negative impact that would result in granting the variance. Additionally, this space is currently setting idle and bringing in no additional revenues. It is better to have an income producing business in the space rather than another empty idle building in our downtown or to be a hardship to me as Landlord. As stated above this is non- residential space, already zoned for business.

As you will be able to see in the attached documents, this space faces a parking lot and is on the side of my building that is completely vacant with no other buildings next to it. I am including a Plat with the Lot lines, a sketch of the building itself, photographs, etc. as supplemental documentation.



2/2/23

319 Court St-Non Residential Variance Request: Additional Documents/Exterior Photos

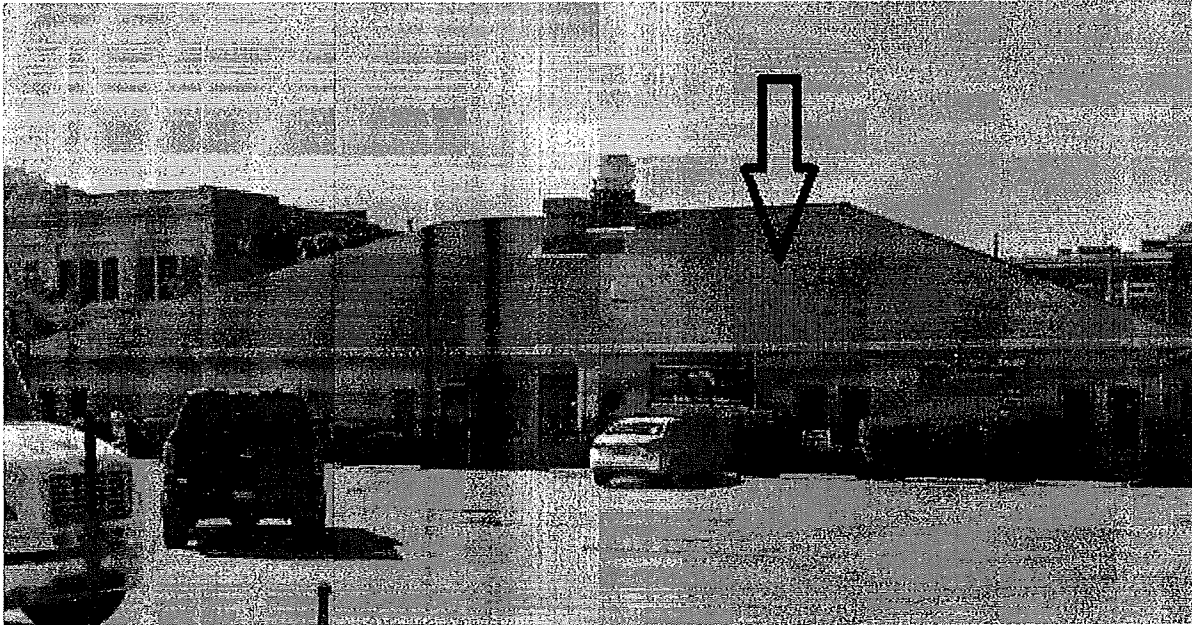
Property is owned by J & B Rentals (c/o Brent Glassey) & building has 3 tenant spaces:

317 Court: (Landlord's business) Glassey & Glassey Appraisal (takes up ¼ of bldg.)

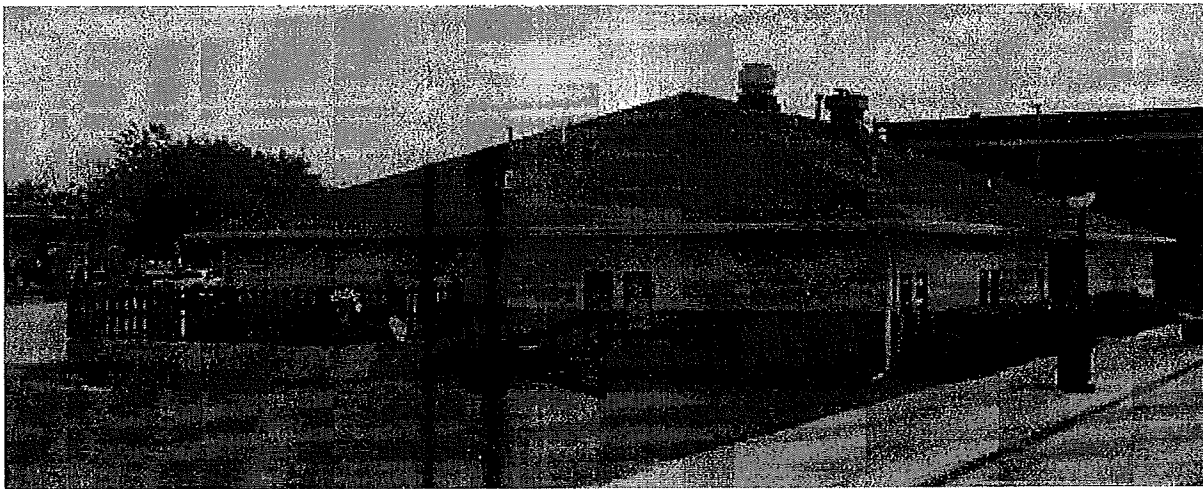
321 Court: Fast Dragon Restaurant takes up one ½ of the building (front and back)

319 Court St, which is the space we are requesting variance for.

319 Court St is the right half of this photo below, as seen with the Gambling Signs and Lease Signs



Below: Court St side of same Building-showing Lucky 7 sign when space was formerly a gaming business





Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

II. Payment: Payment of the amount indicated on the first page to accompany your application. If making payment via check, please make payment payable to the "City of Pekin".

III. Variance: If requesting a variance, you must complete and attach this page to your application:

1. Variances are intended to relieve situations involving a hardship in meeting Zoning Code requirements. What is the hardship that this variance request is intended to relieve? Examples of hardships can include the topography of the lot, unique shape of the lot or other physical conditions that prevent the request from meeting the requirements of the Zoning Code.

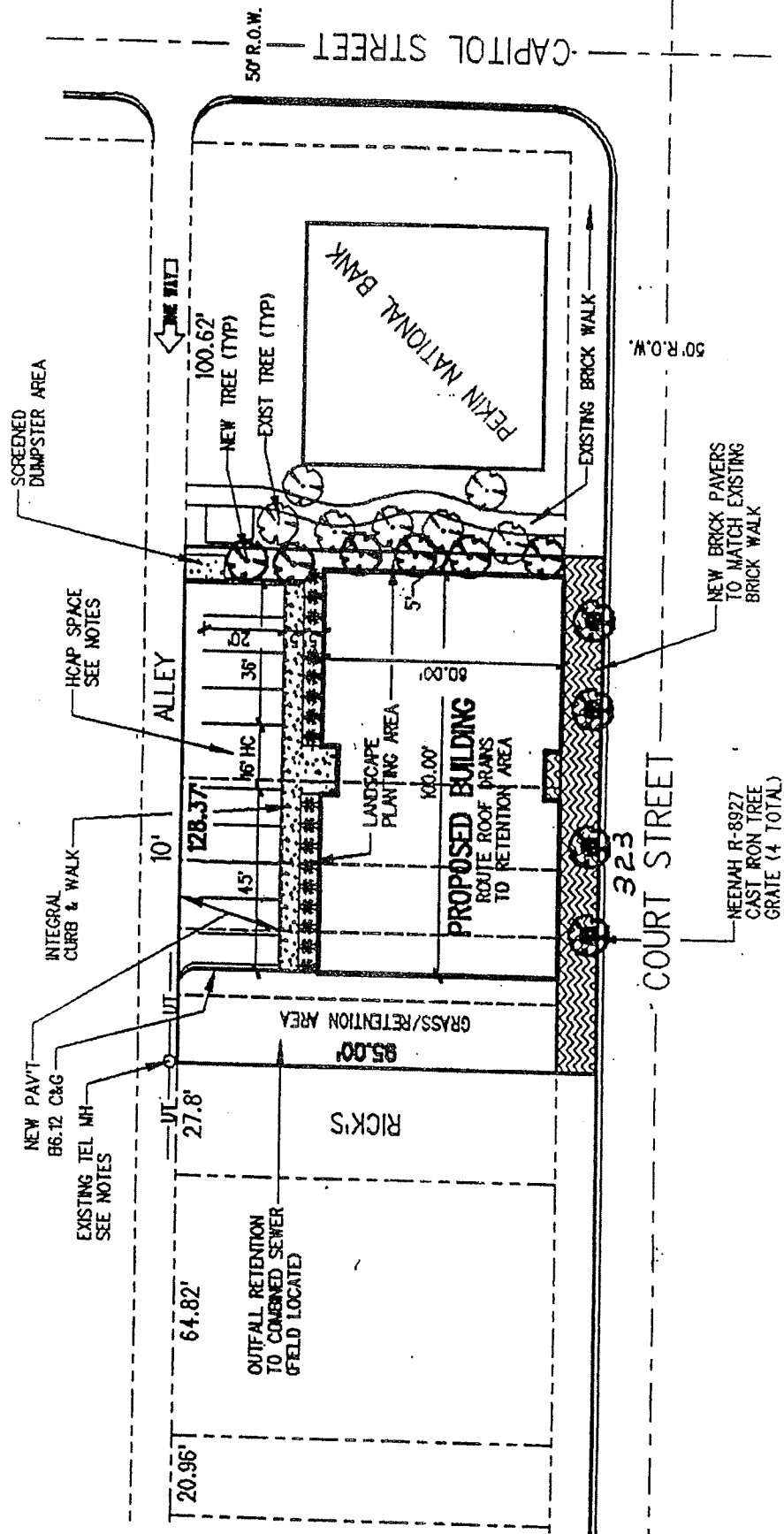
Attached Letter + attachments answer these questions

2. Is the variance needed due to special and unique circumstances not caused by the applicant's or owner's own actions?

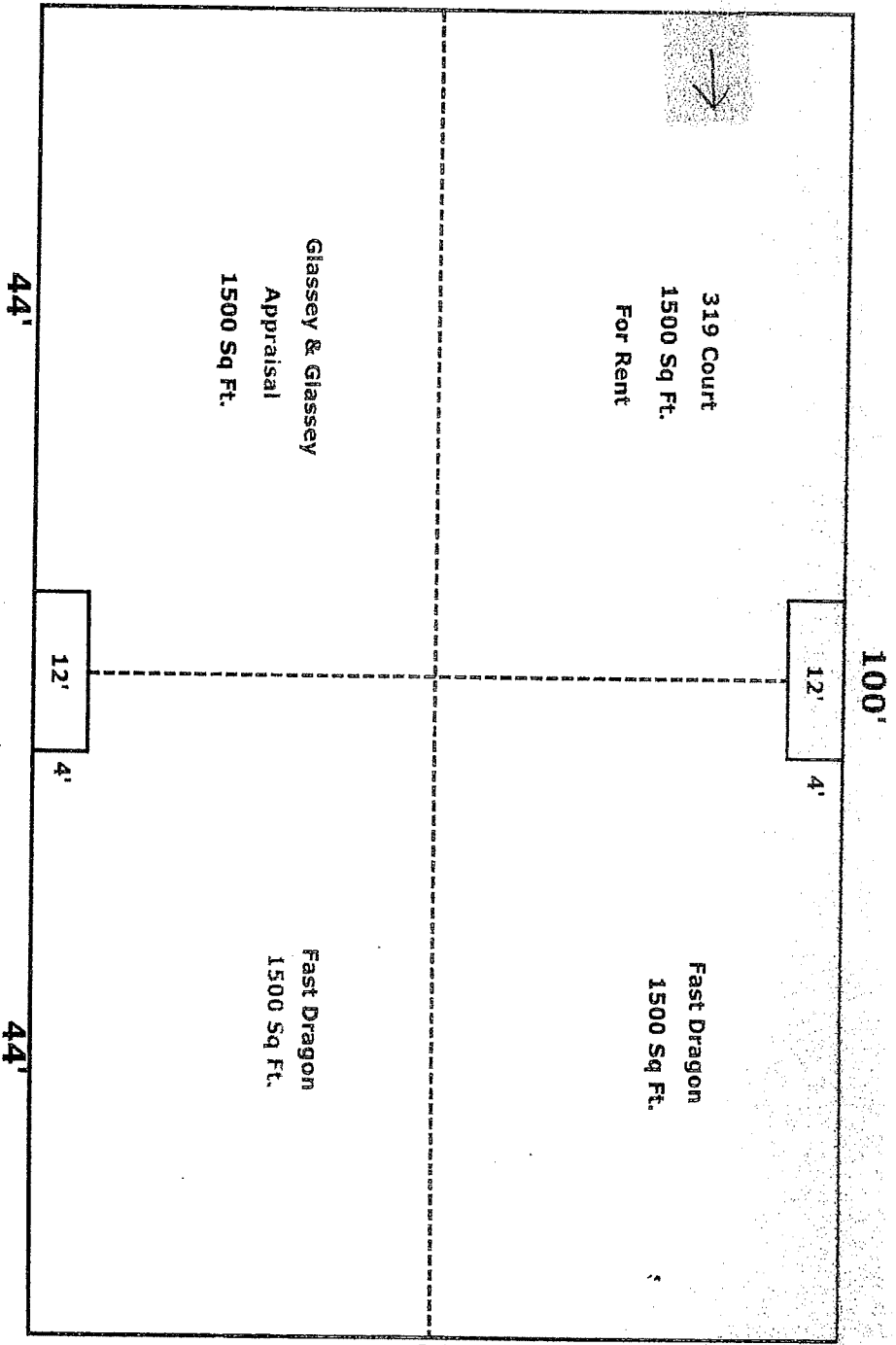
3. Should the request be approved, will the variance negatively impact adjoining properties in any way?

4. Will the variance be consistent with the purpose and intent of the Zoning Code and not alter the essential character of the locality?

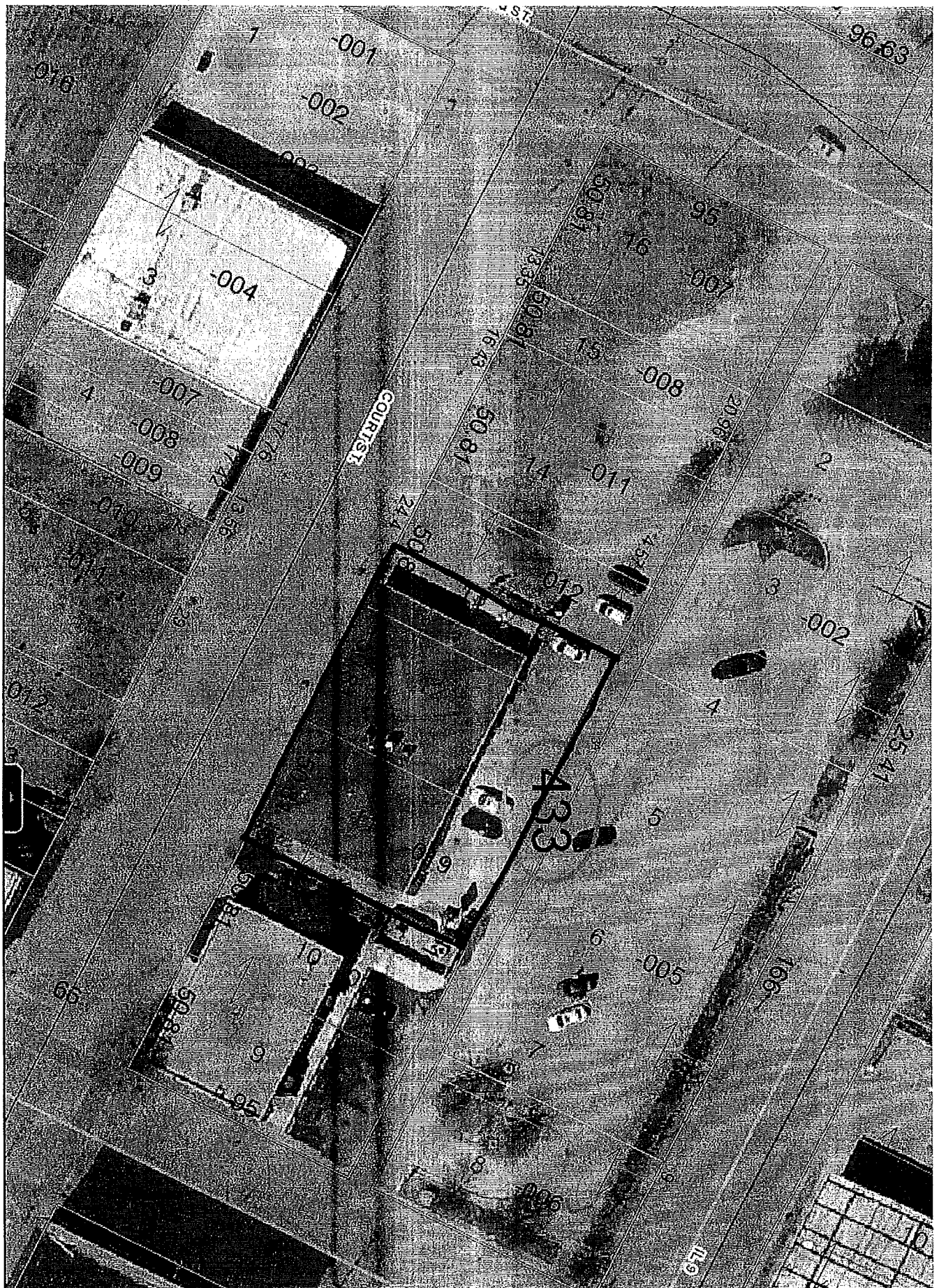
5. Does the benefit(s) of granting the variance outweighs any anticipated negative impacts to the surrounding properties (if any)?



Rendering from time of construction



6,000 TOTAL SQUARE FEET



Form LLC-5.5	Illinois Limited Liability Company Act Articles of Organization	FILE # 12526318
Secretary of State Jesse White Department of Business Services Limited Liability Division www.ilsos.gov	Filing Fee: \$150 Approved By: <u>HLH</u>	FILED NOV 29 2022 Jesse White Secretary of State

1. Limited Liability Company Name: MCKENNAS GAMING ENTERPRISE LLC
2. Address of Principal Place of Business where records of the company will be kept:
319 COURT STREET
PEKIN, IL 61554
3. The Limited Liability Company has one or more members on the filing date.
4. Registered Agent's Name and Registered Office Address:
MCKENNA MCGARR
5002 W EDITH CT
PEORIA, IL 61607-1532
5. Purpose for which the Limited Liability Company is organized:
"The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."
6. The LLC is to have perpetual existence.
7. Name and business addresses of all the managers and any member having the authority of manager:
MCGARR, MCKENNA
5002 WEST EDITH CT
PEKIN, IL 61607

8. **Name and Address of Organizer**

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

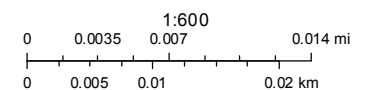
Dated: NOVEMBER 29, 2022 MCKENNA MCGARR
5002 WEST EDITH CT
PEORIA, IL 61607

Tazewell County GIS



- | | | | | | |
|--|-------|--|--------|--|---------|
| | I-155 | | IL 29 | | US 24 |
| | I-474 | | IL 98 | | Streets |
| | I-74 | | US 150 | | |

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.



ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING REGULATIONS FOR SHORT-TERM
RENTALS AND UPDATING RELATED REGULATIONS
UNDER THE PEKIN CITY CODE**

WHEREAS, the City of Pekin recognizes that the use of online booking platforms for vacation and short-term rentals has become commonplace across the nation and in Illinois, and as a result, vacation and short-term rentals are occurring within the City; and

WHEREAS, the City of Pekin has determined that regulating the renting and use of short-term rental property within the City of Pekin is necessary for the purpose of protecting public health and safety; and

WHEREAS, the City Council finds that adopting short-term rental regulations and related amendments to the Pekin City Code as set forth herein serves the best interests of the City of Pekin and its citizens;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Chapter 4, Article III, Division 5, Section 2-3 of the Pekin City Code is amended by inserting a new subsection (17) as follows.

(17) *Short-Term Rentals.* Short-Term Rentals as defined in Section 5-1-19-1 of the Pekin City Code shall be permitted, provided that the owner of the property has complied with all applicable regulations and licensing requirements, including all regulations and licensing requirements set forth in Division 19 of Chapter 5 of the Article of the Pekin City Code pertaining to Short-Term Rentals.

Section 2. Chapter 4, Article III, Division 5, Section 3-3 of the Pekin City Code is amended by inserting a new subsection (a)(7) as follows.

(7) *Short-Term Rentals.* Short-Term Rentals as defined in Section 5-1-19-1 of the Pekin City Code shall be permitted, provided that the owner of the property has complied with all applicable regulations and licensing requirements, including all regulations and licensing requirements set forth in Division 19 of Chapter 5 of the Article of the Pekin City Code pertaining to Short-Term Rentals.

Section 3. Chapter 4, Article III, Division 5, Section 4-3 of the Pekin City Code is amended by inserting a new subsection (5) as follows.

(5) *Short-Term Rentals.* Short-Term Rentals as defined in Section 5-1-19-1 of the Pekin City Code shall be permitted, provided that the owner of the property has complied with all applicable regulations and licensing requirements, including all regulations and licensing

requirements set forth in Division 19 of Chapter 5 of the Article of the Pekin City Code pertaining to Short-Term Rentals.

Section 4. Chapter 4, Article III, Division 5, Section 5-3 of the Pekin City Code is amended by inserting a new subsection (9) as follows:

(9) *Short-Term Rentals.* Short-Term Rentals as defined in Section 5-1-19-1 of the Pekin City Code shall be permitted, provided that the owner of the property has complied with all applicable regulations and licensing requirements, including all regulations and licensing requirements set forth in Division 19 of Chapter 5 of the Article of the Pekin City Code pertaining to Short-Term Rentals.

Section 5. Chapter 4, Article III, Division Six, Section 4-3 of the Pekin City Code is amended by inserting a new subsection (8) as follows:

(9) *Short-Term Rentals.* Short-Term Rentals as defined in Section 5-1-19-1 of the Pekin City Code shall be permitted, provided that the owner of the property has complied with all applicable regulations and licensing requirements, including all regulations and licensing requirements set forth in Division 19 of Chapter 5 of the Article of the Pekin City Code pertaining to Short-Term Rentals.

Section 6. Chapter 5, Article I of the Pekin City Code is hereby amended by the addition of a new Division 19 pertaining to regulation of short-term rental property as follows.

DIVISION 19. - SHORT-TERM RENTALS

5-1-19-1. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section except where the context clearly indicates that a different meaning is intended:

Guestroom shall mean a room within a structure kept, used, or maintained as or advertised or held out to the public to be in a short-term rental, as defined in this division, where sleeping or rooming accommodations are furnished for payment.

Short-Term Rental shall mean **a residence, property, or structure, with no more than five (5) guestrooms, that is used for overnight accommodations and is available for rent by transient guests for a period shorter than 30 consecutive days. The term “short-term rental” does not include house boats and similar floating vessels. The term “short-term rental” does not include hotels as defined in section 7-1-5 of the Pekin City Code, food service**

establishments, or Bed and Breakfast establishments as defined under the Bed and Breakfast Act (50 ILCS 820/1, *et seq.*).

Structure shall include floating vessels.

5-1-19-2. License required.

(a) No person, partnership, corporation, or association, either as owner or agent, or in any other capacity, shall operate or permit to be operated a short-term rental without having first obtained a license to do so. Licenses shall be issued for a period of one year from the date of issuance, unless sooner revoked. No licenses shall be transferable to another person or location.

(b) No license shall be issued or annually renewed for a short-term rental delinquent in payment of the hotel/motel room renting tax to the city as provided by this Title.

(c) Licenses shall be valid from January 1 through December 31 April 30 of the year following issuance. For licenses issued in 2023, the license fee shall be prorated.

5-1-19-3. Residential/commercial use distinguished.

(a) Residential Code Applicable: For purposes of the housing regulations of the city, a short-term rental shall be considered a dwelling unit and shall conform to all the requirements of Division 3 of Chapter 4 of the Pekin City Code.

(b) State Tax Requirements: The owner of any Short-Term rental shall be responsible for complying with all applicable Illinois Department of Revenue requirements regarding the payment of taxes, including payment of all applicable hotel taxes.

(c) City Tax Requirements: For purposes of the City's Hotel/Motel transient rental unit tax, a guestroom within a short-term rental when rented individually, or the entire short-term rental when the entire property or structure is rented as a whole, shall be considered a "hotel room" and shall be subject to said tax pursuant to section 7-1-5(b) of the Pekin City Code. The owner of the short-term rental shall collect and remit to the City such hotel taxes in compliance with all terms and requirements of section 7-1-5 of the Pekin City Code and shall be subject to all other requirements and provisions set forth in said chapter as if being the owner of a hotel or motel within the city. No owner shall willfully fail to file tax returns with the city showing hotel tax receipts received for each guestroom or to make such payments as required pursuant to section 7-1-5 of the Pekin City Code.

5-1-19-4. Application.

Applications for a short-term rental license shall set forth the following:

(a) The name, address, and phone number of the individual, partnership, corporation, or association applying for the license. If the proposed licensee is an entity other than an individual, the officer's name and residence address shall be furnished;

(b) The address and legal description of the proposed short-term rental;

(c) A drawing of the site showing:

(1) The location of all existing structures in relation to the property lines; and

(2) The location of all existing and proposed parking areas and driveways in relation to the property lines and structures;

(d) Existing floor plans of all structures on the property;

(e) Any other information as may be required to determine compliance with this chapter.

5-1-19-5. Annual Inspections

(a) Upon receiving a copy of the completed application for a license, the City Building Official and Pekin Fire Prevention Officer shall inspect the Property that is the subject of an application for Short-Term Rental license to determine whether it is in compliance with all applicable building and life safety requirements and shall render a written report to the Clerk.

(b) Initial and subsequent inspections: The inspection requirement set forth in section 5-1-19-5(a) shall apply to the initial and all subsequent license applications. The fee for initial inspections is \$108.00. the fee for each subsequent inspection is \$25.00.

5-1-19-6. Issuance of license.

(a) Requirements: A short-term rental license shall issue when the following requirements have been met:

(1) When applicable, a special use issued under the Pekin Zoning Code for the short-term rental has been approved;

- (2) Compliance with all applicable state and local fire standards, including Section 3-5-2-1 of the Pekin City Code, and with the provisions of this chapter;
- (3) Compliance with all applicable housing standards set forth in Division 3 of Chapter 4 of the Pekin City Code;
- (4) The licensee shall maintain minimum liability insurance coverage of five hundred thousand dollars (\$500,000.00) for each individual and one million dollars (\$1,000,000.00) for each occurrence. The licensee shall submit a certificate of liability insurance prior to the issuance of the license. Failure to maintain minimum liability insurance shall result in automatic revocation of the short-term rental unit license;
- (5) When applicable, the licensee shall submit a certificate of registration from the Illinois Department of Revenue for payment of any applicable state hotel and retail sales taxes; and
- (6) The licensee shall have registered with the City in conformity with the requirements set out in Division 2 of Article I of Chapter 5 of the Pekin City Code.
- (7) Payment of a \$108.00 initial inspection fee. In the event the City conducts any subsequent inspections pursuant to section 5-1-19-5 of this Code, failure to pay the \$25.00 subsequent inspection fee shall be grounds for revocation of the license granted under this subsection.
- (8) Designation of an authorized agent for property management responsible for upkeep and oversight of the premises comprising the short-term rental. No license shall be approved if the proposed authorized agent's corporate office or business address is greater than 30 miles from the City of Pekin's corporate territory.

(b) License Displayed: Once the license is issued, the licensee shall display the license at all times in a location easily viewed by guests and prospective guests of the short-term rental.

5-1-19-7. Food service.

If food and beverages service is offered at the short-term rental, the owner shall comply with all requirements set forth in Section 4 of the Bed and Breakfast Act (50 ILCS 820/4), as amended from time to time.

5-1-19-8. Soap, towels, linens.

Each person who is provided accommodation shall be provided soap and clean individual bath cloths and towels. Clean bed linens 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.

5-1-19-9. Fire prevention / life safety requirements.

Every owner or owner's authorized agent shall ensure that every unit licensed under this Division is furnished with the following:

1. A fire extinguisher;
2. A first-aid kit; and
3. A Fire Safety Manual that includes the following information:
 - a. Emergency phone numbers, including the phone number of the hospital nearest to the unit's location;
 - b. The location of the fire extinguisher;
 - c. The location of all fire alarm pull stations, if applicable;
 - d. Where to seek shelter in the event of a tornado;
 - e. If the unit is located in a building greater than two stories, a fire escape route map;
 - f. The Location of the first-aid kit;
 - g. A statement advising that barbeque grills, smokers, and other outdoor cooking equipment, when in use, must be situated 10 feet or more from any structure;
 - h. A statement prohibiting the indoor storage of (i) gasoline in any quantity except in a garage or accessory building, and (ii) other flammable liquids in quantities in excess of four fluid ounces,

A short-term rental unit shall meet or exceed the life safety requirements set forth 2015 International Fire Code, as adopted by the City (see section 3-5-2-1). This shall also include:

(a) Interlinked (either through direct wiring or wireless interaction) smoke detectors in every guestroom and on every floor occupied by a short-term rental guest or as otherwise approved by the Chief Building Official (or his designee) or the Fire Chief (or his designee);

(b) Carbon monoxide detection within 15 feet of every guestroom and on every floor occupied by a short-term rental guest;

(c) At least one sufficiently sized fire extinguisher on each floor occupied by a short-term rental guest that is properly mounted or installed and inspected by

a State of Illinois licensed contractor or with a receipt of purchase within the last calendar year; and

(d) The owner shall be responsible for maintaining records to indicate that all smoke and carbon monoxide detectors have been tested for proper operation on a monthly basis.

5-1-19-10. Driveway.

The driveway or parking area serving the short-term rental shall be large enough to accommodate one (1) vehicle per guestroom.

5-1-19-11. Exterior display.

There shall be no exterior display on the zoning lot which contains the short-term rental to indicate the existence of the short-term rental.

5-1-19-12. More than three guestrooms prohibited.

No short-term rental shall be permitted in the city that contains more than three (3) guestrooms.

5-1-19-13. Minimum and Maximum stay.

No guestroom may be rented for less than two (2) consecutive days or more than twenty-nine (29) consecutive days.

5-1-19-14. Minimum Age

No person under the age of 21 may rent or lease a guestroom to a person who has not attained the age of 21 at the time of commencement of the rental period.

5-1-19-15. Number of persons on premises.

The short-term rental premises shall not be used for gatherings of persons or special events in excess of two (2) persons over the number of guests in a guestroom when guests are renting one or more guestrooms as a short-term rental or in excess of five (5) persons over the number of guests staying at the short-term rental when the entire structure or property is being rented as the short-term rental.

5-1-19-16. Violation; revocation or suspension of license.

Short-term rental licenses may be revoked or suspended temporarily by the Mayor in accordance with section 5-1-1-11 of the Pekin City Code for failure by

the licensee or any agent of the licensee to comply with the requirements of this chapter or any provision of this Code relating to such license, including the failure to secure the same or the intentional misrepresentation as to any material fact upon the application therefor, in any case where the licensee refuses to permit any duly authorized employee of the city or the county to inspect the premises or the operations therein, if the licensee fails to pay any applicable city tax or fee, or for violation or of any state or federal law relating the property and occupation and operation thereof.

5-1-19-17. Violation and penalty.

Any person, partnership, corporation, or association, who operates or maintains a short-term rental without first obtaining a license and paying a license fee to do so from the city, or otherwise violates any of the provisions of this chapter, shall be punished by a fine not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day in which a violation continues shall constitute a separate offense.

5-1-19-18. Chronic Nuisance; Joint and Several Liability

If a property licensed under this Division is involved in, the site of, or the subject of two or more nuisance offenses as defined in Section 6-10-2, then said property shall be deemed a chronic nuisance and the procedure set forth in Sections 6-10-10 through 6-10-13 shall apply. When property licensed under this Divisions becomes a chronic nuisance under this Section, the owner and authorized agent shall be jointly and severally liable for the condition of the Property, and both may be issued citations pursuant to this Section and subject to the same penalties as set forth in Section 6-10-17 of this Code, except that the City shall have only one recovery.

Section 7. This Ordinance is hereby ordered to be published in pamphlet form by the Pekin City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 8. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 9. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 10. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY,
ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF
_____, 2022.**

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel