

ORDINANCE NO. 2021-20

AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE  
OF HAWTHORN WOODS – TITLE 3, BUSINESS AND LICENSE REGULATIONS –  
REGARDING SHORT-TERM RENTALS

WHEREAS, the Village of Hawthorn Woods is a non-home rule municipal corporation in accordance with Article VII, Section 7 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village of Hawthorn Woods regulates residential uses to protect and preserve the quiet enjoyment of residential properties and neighborhoods within the Village; and

WHEREAS, after careful study, and being advised in the matter, the Mayor and Board of Trustees of the Village of Hawthorn Woods have determined that it is useful, appropriate, and in the best interests of the Village to add Title 3, Chapter 9, Sections 1-4 of the Village of Hawthorn Woods Municipal Code, pertaining to short-term rentals, in the manner provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village Board of Trustees.

SECTION TWO: That Title 3, Chapter 9, Sections 1-4 shall be added to the Village Code as follows:

...“

**SHORT-TERM RENTALS**

**3-9-1: PURPOSE:**

**3-9-2: DEFINITIONS:**

**3-9-3: SHORT-TERM RENTALS RESTRICTED:**

**3-9-4: PENALTIES:**

**3-9-1: PURPOSE:**

The purpose of this Chapter is to protect and preserve the quiet enjoyment of residential properties and neighborhoods within the Village and to mitigate and/or eliminate adverse secondary effects the Village and its residents may experience by reason of short-term rental(s) of certain residential structure(s) in the Village.

**3-9-2: DEFINITIONS:**

For purposes of this Chapter, the following phrases shall have the definitions as set forth below:

**RENTAL PREMISES:** All or part of a principal structure or accessory structure being rented or otherwise let to person(s) other than the owner of the subject property.

**SHORT-TERM DWELLING RENTAL:** The accessory use and/or occupancy for a period of less than three (3) months of a principal structure or a portion thereof, or accessory structure pursuant to a written or oral agreement that permits and/or provides for occupancy of all or part of such structure by any person other than the owner thereof, or an immediate family member of the owner thereof, and whether or not the permission of such occupancy is in exchange for consideration therefor.

**3-9-3: SHORT-TERM RENTALS RESTRICTED:**

A. Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the short-term rental and/or occupancy of any dwelling and/or accessory structure located within the village for less than three (3) consecutive months at a time shall be prohibited, with the exception of a hotel or similar establishment duly licensed by the Village, and such conduct shall be prohibited, whether engaged in or participated in by the owner(s) of the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as lessee(s) and/or otherwise occupy a premises as tenant(s) and/or temporary occupant(s) thereof.

B. The term of any lease or occupancy agreement that has satisfied the minimum term required by this section may be extended on a month-to-month basis on the condition that the tenant(s) remain(s) the same.

C. The restrictions of this Chapter shall be applicable whether the rental premises comprise(s) all or a part of the principal structure, or all or part of any accessory structure.

D. Whether or not consideration is exchanged for the lease and/or rental of a premise shall not affect the fact that the occupancy thereof is treated as a short-term rental for the purposes of this Chapter if the definition thereof is otherwise applicable to such activity.

E. The property owner shall remain responsible for compliance with all applicable provisions of this code and/or the Village Zoning Ordinance during the term of any rental and/or occupancy agreement and/or during the term of any occupancy of the rental premises by persons other than the property owner.

F. No temporary structure shall be permitted to be used for a short-term rental.

G. The prohibition on short-term rentals as herein provided shall not apply when the immediately preceding owner of a property maintains possession of the dwelling unit after closing

on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.

H. Each day a principal structure or any accessory structure in the Village is offered for rent as a short-term rental, is leased or rented as a short-term rental, and/or each day a principal structure or any accessory structure is occupied as a " short-term rental", as that term is defined herein, shall constitute a separate violation of this Chapter.

**3-9-4: PENALTIES:**

Notwithstanding anything otherwise provided in this code to the contrary, any person found guilty of violating any provision of this Chapter shall be subject to penalty as provided in Title 1, Chapter 4 of this code for each offense, and a separate offense shall be deemed committed on each and every day during or on which a violation occurs or continues. Specifically, each day a principal structure or any accessory structure is offered for rent as a short-term rental, is leased or rented as a short-term rental, and/or each day a principal structure or any accessory structure is occupied as a short-term rental shall constitute a separate violation of this Chapter. The fines described above shall apply separately to both the rental occupant and the property owner. The fines identified in this section do not preclude the Village from seeking any other and additional relief, including adjunctive relief.

..."

SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION FOUR: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

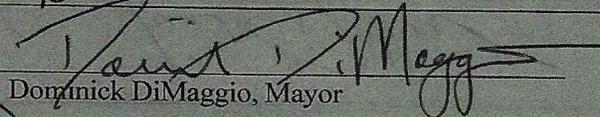
The foregoing Ordinance was adopted by a roll call vote as follows:

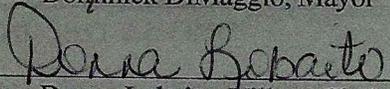
AYES: Kaiser, Kasik Rizzo, Corrigan, McCarthy

NAYS: 0

ABSTENTIONS: 0

ABSENT: David

APPROVED:   
Dominick DiMaggio, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

PASSED: April 27, 2020

APPROVED: April 27, 2020

PUBLISHED: April 28, 2020