

Ordinance #O.16.21

An Ordinance AMENDING CHAPTER 93, "FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS" AND CHAPTER 112, "BED AND BREAKFAST ESTABLISHMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS.

Adopted by the City Council of the City of Galena this 12th Day of December 2016.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 12th Day of December 2016.

STATE OF ILLINOIS)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, Jo Daviess County, Illinois.

I further certify that on the 12th Day of December 2016, the Corporate Authorities of said municipality passed and approved Ordinance No. O.16.21 entitled **AN ORDINANCE AMENDING CHAPTER 93, "FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS" AND CHAPTER 112, "BED AND BREAKFAST ESTABLISHMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.16.21 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 13th Day of December 2016 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 13th Day of December 2016.



Mary Beth Hyde
City Clerk

(Seal)

Ordinance #O.16.21

AN ORDINANCE AMENDING CHAPTER 93, "FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS" AND CHAPTER 112, "BED AND BREAKFAST ESTABLISHMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS

WHEREAS, on November 14, 2016, the City Council approved an amendment to the text of the Galena Zoning Ordinance to permit vacation rentals in certain zoning districts; and

WHEREAS, it is the intent of the City Council to license vacation rentals in the same manner and subject to the same fire, safety, licensing, inspection, and insurance standards as bed and breakfast establishments; and

WHEREAS, Chapter 93 of the Galena Code of Ordinances sets forth the fire and safety requirements for bed and breakfast establishments; and

WHEREAS, Chapter 112 of the Galena Code of Ordinances sets forth the licensing, inspection, and insurance requirements for bed and breakfast establishments; and

WHEREAS, the City Council seeks to amend Chapter 93 and Chapter 112 to make the requirements therein applicable to vacation rentals.

THEREFORE, BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: Chapter 93, entitled "**FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS**", of the Galena Code of Ordinances shall be amended as shown in Exhibit A, attached hereto and made a part hereof.

SECTION II: Chapter 112, entitled "**BED AND BREAKFAST ESTABLISHMENTS**", of the Galena Code of Ordinances shall be amended as shown in Exhibit B, attached hereto and made a part hereof.

SECTION III: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION IV: This ordinance shall be in full force and effect on the date of adoption.

SECTION V: Passed on this 12th day of December, A.D., 2016, in open session.

AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner

NAYS: None


Terry Renner

TERRY RENNER, MAYOR

ATTEST:

Mary Beth Hyde

Mary Beth Hyde, City Clerk

EXHIBIT A

CHAPTER 93: FIRE PREVENTION

FIRE PREVENTION AND SAFETY REQUIREMENTS FOR GUEST ACCOMMODATIONS BED AND BREAKFAST ESTABLISHMENTS

§ 93.40 COMPLIANCE REQUIRED.

No person shall operate a guest accommodations, house or a bed and breakfast establishment (hereinafter called "guest house"), or a guest suite, as defined under the Galena Zoning Ordinance, unless the guest accommodation house or guest suite complies with the fire prevention and safety requirements set out in this subchapter. ~~Notwithstanding the foregoing, the owner of a guest house for which a special use permit is in effect as of the effective date hereof shall have until May 1, 1988 to comply with all of the requirements of this subchapter, except that such owner shall have until January 1, 1989 to comply with the requirements of § 93.42 hereof.~~

('69 Code, § 7-60) (Ord. 0-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

Cross-reference:

Guest Accommodations Bed and breakfast establishments, see Chapter 112

§ 93.41 MINIMUM REQUIREMENTS.

Bed and Breakfasts and Vacation Rentals A ~~guest house~~ shall meet the requirements for one- and two-family dwellings set out in chapter 24 of the NFPA 101 Life Safety Code, and the additional requirements set forth in this chapter. A Small Inn ~~guest suite~~ shall meet the requirements for lodging set out in chapter 26 of the NFPA 101 Life Safety Code, and the additional requirements set forth in this chapter. In buildings where a guest accommodation suite is not the only use, the other use(s) shall meet the NFPA requirements applicable to that use(s).

('69 Code, § 7-61) (Ord. 0-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.42 SMOKE DETECTORS.

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

- (B) The guest ~~accommodation house or guest suite~~ owner shall provide such periodic written reports relating to smoke detector testing and maintenance as shall be required by the Fire Prevention Bureau.

('69 Code, § 7-62) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.43 REQUIREMENTS FOR CERTAIN ROOMS.

- (A) All guest rooms located above the second floor or in the basement must have two exits approved by the Fire Prevention Bureau. All vertical openings to any such floor or basement in which a guest room is located shall be enclosed with enclosures continuous from floor to floor, which enclosures shall be by fire barriers such as walls or partition assemblies. Any such fire barrier shall have a minimum of one hour fire resistance rating.
- (B) Passageways used for exiting from any such floor or basement and stairways used for exiting from any such floor or basement shall be enclosed by materials that have a minimum of one hour fire resistance rating.
- (C) Self-closing doors approved by the Fire Prevention Bureau shall be used in any such stairway used for exiting from any such floor or basement.

('69 Code, § 7-63) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.44 WORKSHOP AREAS.

Any workshop or other area determined by the Fire Prevention Bureau to contain equipment or materials constituting a potential fire hazard shall be enclosed with fire resistant materials.

('69 Code, § 7-64) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.45 INTERIOR FINISHES.

All interior finishes and floor coverings in the guest accommodation ~~house or guest suite~~ shall meet Life Safety Code regulations so as to restrict the spread of fire. Cellular, foam, plastic and other similar materials shall not be used for interior finishes.

('69 Code, § 7-65) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.46 EXIT REGULATIONS AND FLOOR PLAN.

- (A) All hallways, corridors and stairways used as exits shall be adequately lighted at all times. Emergency lighting shall meet section 5-9 of the NFPA 101 Life Safety Code.
- (B) A kitchen exit shall not be considered as an approved fire exit in a guest house where breakfast is served.

- (C) All interior and exterior exits shall open from the inside without the use of a key or special knowledge. All such exits shall be the width of a normal door and shall not be blocked or obstructed at any time.
- (D) A floor plan of the guest accommodation ~~house or guest suite~~ shall be maintained in each guest room, which plan shall show the location of each such guest room and the exit locations to be used for such guest room in the event of fire.

('69 Code, § 7-66) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

EXHIBIT B

CHAPTER 112: GUEST ACCOMMODATIONS ~~BED AND BREAKFAST ESTABLISHMENTS~~

§ 112.01 DEFINITIONS.

GUEST ACCOMMODATIONS. A Bed and Breakfast, Small Inn or Vacation Rental as defined in the Zoning Code of Ordinances. ~~BED AND BREAKFAST.~~ An owner-occupied single family dwelling, having historic or architectural significance, providing accommodations for a charge to the public with no more than five guest rooms for rent that shall afford its guests the opportunity to visit with the owner in a home-like environment.

~~GUEST SUITE or GUEST APARTMENT.~~ A building or portion thereof designed or used for purposes of accommodating guests, with a group of rooms common to an apartment, though a kitchen may or may not be provided. A guest suite or guest apartment must be supervised within the building or on-site.

~~LODGING.~~ Buildings or groups of buildings under the same management that provide sleeping accommodations for a total of 16 or fewer persons on either a permanent or transient basis, with or without meals.

(Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.02 LICENSE REQUIRED.

No person shall operate guest accommodations ~~a bed and breakfast establishment (hereinafter called "guest house"), a guest suite or a place of lodging as defined above,~~ without first having obtained a license for the guest house, guest suite or lodging establishment from the city. A license ~~for a guest house or guest suite~~ may not be issued until the owner has obtained a special use permit for the appropriate land use guest house or guest suite from the city. There shall be a total limit of 20 licenses issued for Accommodations, Vacation Rentals / Vacation Rentals – Single Room in residential zoning districts in the City.

('69 Code, § 12-108) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 110.99

§ 112.03 INSPECTION REPORTS REQUIRED TO OBTAIN LICENSE.

No license shall be issued until the following inspection reports have been filed with the city:

- (A) A fire inspection report from the Fire Chief stating that the guest accommodation house or guest suite complies with fire and life safety regulations applicable to guest accommodations houses or guest suites, as provided for in Chapter 93 of this code, and that the lodging establishment complies with the fire and life safety regulations, as provided for in the NFPA Life Safety Code.
- (B) A health inspection report from the Jo Daviess County Health Department stating that the guest accommodation house, guest suite or lodging establishment complies with state and county public health regulations. ~~Health inspections shall only be required for guest suites located in the same building as a food service business.~~
- (C) A Building Department report from an authorized Galena Building Official stating that the guest accommodation house, guest suite or lodging establishment complies with applicable Building Code, Electrical Code and Plumbing Code regulations, applicable to guest houses, guest suites or lodging. ~~Guest houses and guest suites shall be subject to the same regulations applicable to~~

~~single family dwellings.~~ In buildings where a guest accommodation suite is not the only use, separation of the uses shall be in accordance with the most restrictive regulation for the subject uses.

('69 Code, § 12-109) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.04 OWNER TO BE PRESENT DURING INSPECTION.

No license shall be issued unless the owner is present during the initial and annual license inspection by the Building Department described in § 112.03 (C).

§ 112.04~~5~~ LIABILITY INSURANCE.

Prior to obtaining a guest accommodations house or lodging license, the owner shall provide the city with proof that liability insurance coverage in an amount of not less than \$500,000 per occurrence exists with respect to such establishment.

('69 Code, § 12-110) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.05~~6~~ INITIAL LICENSE AND ANNUAL LICENSE AND FEES.

- (A) Each applicant for a guest accommodations house, guest suite or lodging license shall pay an initial license fee of \$150. Said fee shall be paid prior to the inspections being made pursuant to § 112.03 hereof. Said fee shall be non-refundable, even if the ~~guest house, guest suite or lodging~~ license is never issued.
- (B) Prior to March 1 of each year, each guest accommodations owner house owner, guest suite licensee or lodging licensee who wishes to renew ~~their~~ his license for the next fiscal year beginning May 1, shall pay an annual license fee of \$130. Upon payment of said fee, reports in accordance with § 112.03 hereof shall again be completed and submitted to the city prior to May 1 of such year. An annual guest accommodations house, guest suite or lodging license shall be issued upon payment of the license fee and upon the filing of said inspection reports.

('69 Code, § 12-111) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.06~~7~~ DISPLAY AND FORM OF LICENSE.

The guest accommodations house, guest suite or lodging license shall be conspicuously displayed near the area within the ~~guest house, guest suite or lodging~~ establishment. The guest accommodations house, guest suite or lodging license shall be in such form and shall include such information as may be prescribed from time to time by the city.

('69 Code, § 12-112) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 110.99