

4-6-290 Bed-and-breakfast establishment.

(a) *Definitions.* As used in this section:

“Bed and Breakfast Act” means the Illinois Bed and Breakfast Act, codified at 50 ILCS 820, et seq.

“Bed-and-breakfast establishment” or “establishment” means an owner-occupied single-family residential building, an owner-occupied, multiple-family dwelling building, or an owner-occupied condominium, townhouse or cooperative, in which 11 or fewer sleeping rooms are available for rent or for hire for transient occupancy by registered guests. The term “bed-and- breakfast establishment” does not include single-room occupancy buildings as that term is defined in Section [13-4-010](#). If the bed-and-breakfast establishment is a single-family residential building located on a lot that includes a principal house and an accessory building that was being used for residential purposes as of January 16, 2003, the accessory building shall be considered to be part of the establishment. The term “guests” does not include members of the owner's family within the meaning of the Chicago Zoning Ordinance; nor does it include persons who have signed a lease to use and occupy residential property unless the leased residential property is held out by its owner, or by any person acting on the owner's behalf, to be a bed-and-breakfast establishment.

“Breakfast” means any morning meal provided between the hours of 5:00 a.m. and 2:00 p.m.

“Immediately adjacent” means the front yard, rear yard, side yard, inner court and contiguous public way.

“Minimal preparation” means any food that is not cooked in the establishment's kitchen, such as coffee, milk, juice, fruit, sandwiches and prepackaged, hermetically-sealed foods.

“Permanent occupancy” means occupancy on a daily or nightly basis, or any part thereof, for a period of 32 or more consecutive days.

“Transient occupancy” means occupancy on a daily or nightly basis, or any part thereof, for a period of 31 or fewer consecutive days.

(b) *License – Scope.* A bed-and-breakfast license issued under this section allows the licensee to provide sleeping accommodations and foods that require minimal preparation and breakfast to registered guests. A licensee under this section shall not be required to obtain any City of Chicago license, other than the regulated business license to engage in the business of bed-and-breakfast establishment required under this section, to conduct the activities described in this section. Provided, however, that a city license for the retail sale of alcoholic liquor shall be required if alcoholic liquor is sold or otherwise provided by the licensee for use or consumption by registered guests on the licensed premises.

(c) *Application – Additional information required.* In addition to the requirements set forth in Section [4-4-050](#), an application for, and, if requested, renewal of, a regulated business license to engage in the business of bed-and-breakfast establishment shall be accompanied by the following information:

- (1) a certificate of insurance, as required under subsection (f)(1) of this section;
- (2) a statement as to whether the applicant or any controlling person has ever been convicted in any jurisdiction of any felony;
- (3) proof that the applicant has legal title to or leasehold interest in the property on which the establishment is located;
- (4) a written statement that the establishment shall be the owner's legal primary residence throughout the duration of the license period;
- (5) proof of adequate off-street parking, as required by the Chicago Zoning Code;
- (6) a copy of an evacuation diagram, as required under subsection (f)(5)(vi) of this section;

(7) a valid certificate of registration in food handling and sanitation issued by the department of health, as required under subsection (f)(6) of this section.

(d) *Departmental duties.*

(1) The department of buildings and the fire department shall inspect each bed-and-breakfast establishment before any initial license is issued for such establishment. Provided, however, that no pre-license issuance inspection shall be required by the department of buildings if, within the 12-month period prior to the date of submission of the license application, the applicant obtained a permit inspection or certificate of occupancy from the department of buildings for the premises identified in the license application. Thereafter, the department of buildings and the fire department shall inspect the establishment once every two years to determine whether the establishment complies with all applicable requirements of this Code.

(e) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of bed-and-breakfast establishment shall be issued to the following persons:

(1) any applicant or licensee, as applicable, unless the establishment identified in the license application is: (A) an owner-occupied, single-family residential building; or (B) an owner-occupied multiple-family dwelling that does not exceed four stories in height and contains no more than 11 sleeping rooms; or (C) an owner-occupied condominium, townhouse or cooperative. Throughout the duration of any rental period, occupancy of the establishment by any person owning 25 percent or more of the interest in the establishment shall be a continuing requirement for maintaining a license under this chapter; provided, however, that it shall not be a violation of this requirement if the owner (i) is absent from the establishment overnight or for any longer period of time not to exceed 120 days within a 12-month period; or (ii) is on active military duty

for any length of time; and (iii) appoints a designated agent or employee to manage, control and reside in the establishment during the owner's absence;

(2) any applicant or licensee, as applicable, unless the department of buildings and the fire department inspect the establishment before the initial license is issued; provided, however, that no pre-license issuance inspection shall be required by the department of buildings if, within the 12-month period prior to the date of submission of the license application, the applicant obtained a permit inspection or certificate of occupancy from the department of buildings for the premises identified in the license application. Thereafter, the department of buildings and the fire department shall inspect the establishment once every two years to determine whether the establishment complies with all applicable requirements of this Code;

(3) any applicant or licensee, as applicable, if such applicant or licensee has been convicted under any federal or state law of any felony that is rationally related to the applicant's fitness or capacity to operate a bed-and-breakfast establishment;

(4) any applicant or licensee, as applicable, whose license under Title 4 at any location has been revoked for cause within the last two years.

(f) *Legal duties.* Each licensee engaged in the business of bed-and-breakfast establishment shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this subsection (f)(1) shall (i) be issued by an insurer authorized to insure in the State of Illinois; and (ii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full

force and effect for the duration of the license period. A single violation of this subsection shall result in suspension or revocation of the license in accordance with Section [4-4-280](#) of this Code;

(2) maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The registration records shall be kept on file for three years and, upon request by any authorized city official, shall be made available for inspection by such city official during regular business hours or in case of an emergency;

(3) comply with the minimum standards set forth in Section 4 of the Bed and Breakfast Act, if food for registered guests is prepared, handled or served on the licensed premises;

(4) comply with the minimum standards set forth in Section 5 of the Bed and Breakfast Act, if soap, towels or linens are provided to registered guests on the licensed premises;

(5) comply with all applicable building and fire prevention provisions of this Code, and with any regulations promulgated thereunder. In addition, the following requirements shall be met:

(i) approved smoke detectors equipped with an escape light, or approved smoke detectors and approved unit battery equipment for emergency illumination or any approved System II or System III emergency lighting system, shall be installed in each sleeping room and stairway and in all other locations required by Chapter [13-64](#) of this Code. In addition to these smoke detectors, each establishment shall provide at least one smoke detector, which may be either portable or permanently wired, that emits a flashing or stroboscopic light signal or vibration to indicate the presence of smoke designed to serve hearing impaired persons as required by Section [13-64-180](#). For purposes of this subsection, an approved smoke detector shall be the ionization chamber or photoelectric type, either battery powered or 110 volt AC, and

shall bear the label of a nationally recognized standards testing laboratory indicating that the smoke detector has been tested and listed as a single or single and multiple station smoke detector. Approved unit battery equipment shall meet the requirements of Section [18-27-700.66](#) of this Code;

(ii) manual extinguishing equipment shall be provided in each sleeping room or within 15 feet of any sleeping room in accordance with NFPA-10 (Standards for the Installation of Portable Fire Extinguishers);

(iii) all combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage shall be allowed in or under stairways;

(iv) all trash containers used inside the building shall be metal;

(v) no portable heating devices shall be allowed in sleeping rooms.

(vi) an evacuation diagram identifying all means of egress from the establishment shall be posted in a conspicuous place on the inside panel of each guest room door; and

(6) obtain a valid certificate in food handling and sanitation issued by the department of health.

(g) *Prohibited acts.* It shall be unlawful for any person engaged in the business of bed-and-breakfast establishment to:

(1) exceed the scope of the license, as set forth in subsection (b) of this section;

(2) allow occupancy of the establishment or any part thereof to exceed one person per 125 feet of floor area, excluding elevators, stairways or other shaft enclosures;

(3) rent any sleeping room in the establishment for 32 or more consecutive days to any person other than members of the owner's family as defined in the Chicago Zoning Ordinance; provided, however, that this subsection shall not apply if the building in which the bed-and-breakfast establishment is

located cannot qualify as a single-room occupancy building as defined in Section [13-4-010](#) of this Code;

(4) use or to permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;

(5) permit any criminal activity or public nuisance to take place on the licensed premises. If a licensee knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the licensed premises, the licensee shall immediately notify the Chicago Police Department of such fact and cooperate with the Chicago Police Department in any investigation that may ensue;

(6) knowingly make any false or incomplete or misleading statement about such person's criminal background in connection with any license application submitted pursuant to subsection (c) of this section. A single violation of this subsection shall result in license revocation in accordance with Section [4-4-280](#) of this Code.

(h) *License revocation – One-year wait for new license.* If a license issued under Title 4 to engage in the business of bed-and-breakfast establishment is revoked for any cause, no license shall be granted to any person for the operation of a bed-and-breakfast establishment at the premises described in the revoked license for a period of one year from the date of revocation.

(i) *Penalty.* Except as otherwise provided in this section, and in addition to any other penalty provided by law, three or more violations of any provision of this section or any rule or regulation promulgated thereunder on three different days within any 12-month period may result in license suspension or revocation in accordance with Section [4-4-280](#). Each day that a violation continues shall constitute a separate and distinct offense.

(j) *Regulations.* The commissioner shall have the authority to promulgate rules and

regulations necessary to implement the requirements of this section. The board of health and the department of health shall have the authority to issue rules and regulations necessary to implement subsection (f)(6) of this section and the minimal standards found in subsections (f)(3) and (f)(4) of this section.

(Added Coun. J. 5-9-12, p. 27485, § 16; Amend Coun. J. 11-8-12, p. 38872, § 75)