



CITY COUNCIL WORK SESSION
Wednesday, July 24, 2024
at 6:00 p.m.

CITY HALL
6090 Woodson Street

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. This meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>.

If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.

AGENDA

1. Continued Discussion of Short-Term Rental Regulation Ordinance and Nuisance Party Ordinance

The Governing Body has discussed the regulation of short-term rental properties on various occasions over the last 12-18 months. Staff took feedback from those conversations and from review of regulations in other metro communities to prepare draft regulations for Council consideration and review at a May 22, 2024 Work Session. The discussion addressed proposed requirements and regulations for licensing short-term rentals (STR) as well as an ordinance prohibiting “nuisance parties.” The May review led to several questions and follow-up items for Staff that are addressed in this discussion item summary. Following the July 24, 2024 Work Session, Staff anticipates the item will proceed to the August Finance & Administration Committee meeting for action.

City of Mission	Item Number:	1.
DISCUSSION ITEM SUMMARY	Date:	July 24, 2024
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Continued Discussion of Short-Term Rental Regulation Ordinance and Nuisance Party Ordinance

DETAILS: Staff introduced two proposed ordinances to the City Council at the May 22, 2024 Work Session for review and discussion. The first outlined proposed requirements and regulations for licensing short-term rentals (STR) in the city of Mission. The second prohibited “nuisance parties” as defined in the ordinance. The review led to several questions and follow-up items for staff that are addressed in this discussion item summary.

Short-Term Rental License Ordinance

Jacob Turner, with Payne and Jones, reviewed the initial STR license ordinance, and has provided comments which have been incorporated into the updated draft included in this packet. Highlights from the areas of discussion are summarized below.

Fines and Penalties. Section 675.040 (A) initially provided that anyone who failed to obtain a license could be fined up to \$500. Mr. Turner suggested removing any language regarding fines or penalties for failure to obtain a license from this section. Penalties for violation of any provisions of the ordinance are outlined only in Section 675.130 – Violation and Penalty. Furthermore, Mr. Turner suggested removing the fine minimum of \$500 and keeping it at the maximum of \$1,000 and/or jail time. This is consistent with the rest of the Municipal Code and gives more leeway for the judge.

Cap on Short-Term Rentals. During the May Work Session, it was suggested that; 1) a cap be placed on the number of STR units per property, and/or 2) a cap be placed on the number of STR licenses issued to any one owner. There is no state statute preventing a municipality from limiting the number of STR units either by parcel or by owner or in totality. There is no case law on this matter either.

After considering the challenges of creating such limits, Staff is recommending placing a limit on the number of STR units allowed per parcel based on its underlying zoning. The recommended limits by zoning classification are outlined below and included in Section 675.040 (C) of the updated ordinance:

1. One (1) Dwelling Unit per parcel of property zoned R-1 (RP-1) Single Family Residential District or R-3 (RP-3) Town-House District.
2. Two (2) Dwelling Units per parcel of property zoned R-2 (RP-2) Two-Family Residential District or DND Downtown Neighborhood District.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

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3. Four (4) Dwelling Units per parcel of property zoned R-4 (RP-4) Garden Apartment District; R-6 (RP-6) High-Rise Apartment District; MS-1 and MS-2 Main Street District; or MXD Mixed-Use District.

Staff is also suggesting limiting the number of licenses that any one owner can hold to two (2). Any Owner determined to have more than two STRs at the time the Ordinance becomes effective would have those units grandfathered in accordance with the provisions outlined in this Section.

Designation of Management Agent. Section 675.050 of the proposed ordinance outlines the duties of an owner, one of which requires the designation of a Management Agent. Anyone designated as a Management Agent must reside within a 40-mile radius of the STR property and could be the owner if they meet that criterion. This requirement will identify the one individual that the City can contact in case of an emergency and/or who is responsible for addressing issues that arise in a timely manner.

Transient Guest Tax. Section 675.080 of the initial proposed ordinance required that Short-Term Rentals would pay the City's transient guest tax. The transient guest tax is currently collected on hotel stays in the city, which has a slightly different definition than STRs. In talking with representatives from the Kansas Department of Revenue, it appears that the ability to collect a transient guest tax on STRs is vague under current statutes. Staff has removed the references to the Transient Guest Tax at this time until we can complete additional research. The ordinance may be amended in the future should the City wish to collect Transient Guest Tax.

Inspection of Short-Term Rentals. A question was raised during the May Work Session about possibly inspecting STR units. K.S.A 12-16138 prohibits cities from adopting a program that would require periodic interior inspections of residential property. Staff is of the opinion that while we cannot inspect a short-term rental, we can still request that an owner complete and sign the safety checklist on the honor system. By having the owner complete this, it serves to educate the owner of the building safety code requirements.

Effective Date. If the Council desires to adopt an ordinance outlining provisions for STR licensing in Mission, staff is recommending an effective date of January 1, 2025. This will allow time for staff to prepare for implementation of the STR license program as well as make residents and property owners aware of the program.

Nuisance Party Ordinance

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	1.
DISCUSSION ITEM SUMMARY	Date:	July 24, 2024
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

Staff had only one change to this ordinance as it was presented in May, and that was to modify one of the bullet points under the definition of “Nuisance Party” to read:

The standing or parking of vehicles in a manner that obstructs the free flow of traffic upon public sidewalks, streets, or public right-of-way, or obstructs emergency vehicles from passing;

This will provide a little more clarity to the notion of obstructing free flowing traffic.

Enforcement Mechanism

Ensuring that owners of STRs in Mission are obtaining the required license(s) will be the biggest challenge. There will be a certain number that voluntarily comply, but there will be those that do not because they are either unaware of the requirement or trying to avoid it.

Several cities that have adopted short-term rental license requirements use a software platform known as Granicus to help ensure host compliance. Granicus has the capability to search the websites of the various booking service providers (i.e. Airbnb, VRBO, and HomeAway) to identify listing that are actually in Mission. Their software will review each site’s listings identifying such information as address, single-family home vs. multi-family dwelling unit, number of bedrooms available, and nightly rate. This information is then compiled into an on-line dashboard report that can be easily downloaded into an Excel format for reporting purposes. Screenshots of listings are also collected, and time stamped to be used as supporting documentation.

A demonstration of the software given to staff in June showed 30 short-term rental listings in the month of June, 97% of those being for single-family homes. The annual cost for the service is based on a monthly average number of listings – approximately \$3,000 for Mission. This software would greatly help staff with enforcement efforts by doing the on-line monitoring of the various booking service providers. Staff can quickly identify those that are not in compliance and then follow up with a letter. If a property was not in compliance and still appearing on the listing website, the City would be able to issue a citation for violation of Mission’s Municipal Code.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	1.
DISCUSSION ITEM SUMMARY	Date:	July 24, 2024
Community Development	From:	Brian Scott

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

Next Steps

Staff plans to incorporate any feedback provided during the July 24, 2024 City Council Work session into the materials and to bring the two ordinances forward as Action Items on the August 7, 2024 Finance & Administration Committee Agenda.

CFAA IMPACTS/CONSIDERATIONS: It is in the best interests of the health, safety and welfare of residents and visitors of all ages and abilities to regulate the short-term rental of dwellings and dwelling units in order to ensure safe and habitable housing options and to address the maintenance and sustainability of affordable housing.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

CITY OF MISSION
ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR A NEW CHAPTER 675 TO TITLE VI OF THE MUNICIPAL CODE OF THE CITY OF MISSION, KANSAS REGULATING THE SHORT-TERM RENTAL OF DWELLING UNITS.

WHEREAS, the Governing Body of the City of Mission deems it to be in the best interests of the health, safety and welfare of the community to regulate the short-term rental of dwellings and dwelling units.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. That Title VI of the Municipal Code of the City of Mission, Kansas is hereby amended to add a new Chapter 675, Short-Term Rental Regulations, to read as follows:

675.010 – Purpose

The purpose of this Chapter is to outline regulations and requirements related to the use of residential or commercial properties as short-term rentals to ensure the health, safety and welfare of those occupying short-term rentals; to promote the protection of the neighborhood character and quality of life for surrounding properties; to balance the preservation of the existing housing stock in the city; limit nuisances created by short-term rentals; and promote affordable housing.

675.020 – Applicability

The provisions of this Chapter shall apply to all dwellings and dwelling units offered for rent or occupancy for a period of 28 consecutive days or less, including single-family dwellings, dwelling units in owner-occupied dwellings, multi-family dwelling units and dwelling units in commercial buildings.

675.030 – Definitions

DWELLING - A building or structure, or portion of a building or structure, designed for or used for human habitation.

DWELLING UNIT - Any room or group of rooms located within a dwelling and furnished for the accommodation of guests.

HOTEL - Any building licensed as a Lodging Establishment under state law and containing six (6) or more guest rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

MANAGEMENT AGENT – The individual designated by the Owner to be the agent required by Section 675.070 of this Chapter. An Owner may also serve as a Management Agent.

OCCUPANCY (OCCUPY or OCCUPIED) - The act of living, sleeping, cooking, eating and/or having possession or control of a dwelling or dwelling unit.

OCCUPANT - Any person(s) living, sleeping, cooking, eating or having possession or control of a dwelling or dwelling unit.

OWNER - Any person who, alone, jointly or severally with others:

1. Has legal title to any Dwelling or Dwelling Unit with or without accompanying actual possession thereof; or
2. Has charge, care or control of any Dwelling, Dwelling Unit, or part thereof as agent or personal representative of the person having legal title to the Dwelling or part thereof.

PERSON – Owner of a Dwelling or Dwelling Unit and/or any individual, association, partnership, firm, or corporation acting as or on behalf of the Owner.

SHORT-TERM RENTAL (RENT, RENTS or RENTED) - To provide or to offer for occupancy a Dwelling or Dwelling Unit to a non-owner or third-party for consideration, pursuant to a written, oral, or implied agreement for a period of 28 consecutive days or less. Short-term rental shall not include hotels.

SHORT-TERM RENTAL DWELLING - A dwelling or dwelling unit(s) used for human habitation and offered to a non-owner or third-party, for rent and/or occupancy. Short-term rental dwellings shall not include hotels.

SHORT TERM RENTAL LICENSE (LICENSE)- A license issued by the City permitting a Dwelling or Dwelling Unit to be rented and/or occupied by a non-owner or third-party, subject to the terms of this Chapter. Hotels shall not be required to obtain a Short-Term Rental License.

675.040 – Short-Term Rental License Required

- A. No Person shall allow any Dwelling or Dwelling Unit to be rented or occupied by another for a period of 28 consecutive days or less without the Owner first obtaining a Short-Term Rental License under the terms of this Chapter. This requirement applies to any Person who allows or authorizes any short-term rental of individual room(s) within a dwelling at the time this Chapter is implemented.
- B. One (1) Short-Term Rental License shall be issued for each parcel of property with a Dwelling or Dwelling Unit(s) for rent and shall be deemed to cover all

such Dwelling Units for rent on the property under single or common ownership.

- C. The number of Dwelling Units per parcel of property permitted to be rented as Short-Term Rentals shall be limited as follows:
1. One (1) Dwelling Unit per parcel of property zoned R-1 (RP-1) Single Family Residential District or R-3 (RP-3) Town-House District.
 2. Two (2) Dwelling Units per parcel of property zoned R-2 (RP-2) Two-Family Residential District or DND Downtown Neighborhood District.
 3. Four (4) Dwelling Units per parcel of property zoned R-4 (RP-4) Planned Garden Apartments District; R-6 (RP-6) High-Rise Apartment District; MS-1 and MS-2 Main Street District; MXD Mixed-Use District.
- D. No more than two (2) Short-Term Rental Licenses can be held by the same Owner at any given time in the City. In the event an Owner actively uses more than two (2) parcels of property as Short-Term Rentals at the time of this Ordinance's passage, that Owner may apply for Short-Term Rental Licenses for the additional parcels of property until the earlier of: (1) the Owner no longer owning the additional parcels of property, (2) the Owner no longer actively offering the additional parcels of property as Short-Term Rentals, or (3) the Owner allowing the Short-Term Rental License to expire without timely renewal.
- E. A Short-Term Rental License shall not be considered in place of or as a waiver of the requirement to obtain a Rental Dwelling License for Dwelling or Dwelling Unit(s) rented for a period of 29 consecutive days or more per Chapter 635 of the Mission Municipal Code.
- F. The City shall have authority to exercise its licensing powers under this Chapter including the power to issue, renew, deny, revoke and suspend a Short-Term Rental License with respect to the entire premises or only a specific Dwelling Unit(s) found to be in violation of this Code. Obtaining a Short-Term Rental License is a privilege and not a right.

675.050 – Application for Short-Term Rental License

- A. The Owner of a Dwelling or Dwelling Unit to be offered for Short-Term Rental shall first make written application to the City for a Short-Term Rental License to carry out the business of renting such Dwelling or Dwelling Unit as a Short-Term Rental. Such application shall be made on a form furnished by the City for such purpose. Such application shall be signed by the Management Agent and the Owner or an individual authorized to sign on behalf of the Owner. Such application shall set forth the following information:

1. Owner's name, address, telephone number, driver's license number (including issuing state), and date of birth. A post office box is not acceptable as a mailing address for any such person.
 2. If the Owner is a partnership, the name of the partnership and the name, residence address, telephone number, driver's license number (including issuing state) and date of birth of the managing partner. A post office box is not acceptable as a mailing address for any such person.
 3. If the Owner is a corporation, the name and address of the corporation and the name, residence address, telephone number, driver's license number (including issuing state) and date of birth of the chief operating officer. A post office box is not acceptable as a mailing address for any such person.
 4. If the Owner is a limited liability company, the name and address of the limited liability company and the name, residence address, telephone number, driver's license number (including issuing state) and date of birth of the manager or president. A post office box is not acceptable as a mailing address for such person.
 5. Name, address, telephone number, driver's license number (including issuing state), and date of birth of the Management Agent who shall fulfill the role of the Owner as provided in Section 675.070(B). A post office box is not acceptable as a mailing address for a Management Agent. To serve as a Management Agent, an individual must permanently reside no further than forty (40) road miles from the Dwelling or Dwelling Unit to be offered for Short-Term Rental.
 6. Address identifying location of the Dwelling or Dwelling Unit(s) to be offered for Short-Term Rental, number of Dwelling Units to be offered for short-term rental and number of bedrooms per unit.
- B. In addition to the application, the Owner and Management Agent of the Dwelling or Dwelling Unit(s) to be offered for Short-Term Rental shall also complete and sign a Short-Term Rental Safety Checklist attesting to whether the Dwelling or Dwelling Unit(s) meets provisions of the Building Safety Code as defined in the checklist.
- C. There shall be an annual license fee of \$_____. No license shall be issued until this fee has been paid. The license fee is non-refundable. The license fee shall be prorated by the month in which application is made.
- D. Upon issuance of the Short-Term Rental License by the City, the Owner will place a copy of the Short-Term Rental License in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented as well as post the Short-Term Rental License number on the listing.

- E. At time of issuance of the Short-Term Rental License by the City, the City shall also provide the Short-Term Rental Good Neighbor Guidelines, which will be posted in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented. The City may update the Short-Term Rental Good Neighbor Guidelines from time to time and any updated Short-Term Rental Good Neighbor Guidelines must be posted in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented no later than thirty (30) days after the City issues the updated Short-Term Rental Good Neighbor Guidelines.

675.060 – Expiration and Renewal

All Short-Term Rental Licenses issued under this Chapter shall be effective for the calendar year in which the License is issued only, beginning on January 1st and expiring on December 31st. In the event an individual receives a Short-Term Rental License after January 1st, that individual's Short Term Rental License shall be effective beginning on the date issued by the City and shall expire on December 31st of the same calendar year. Applicants wishing to renew their License shall apply for renewal by completing a new application for Short-Term Rental Licenses for the following year, to be submitted by October 1st. No renewal shall be granted without payment of the required annual license fee. No renewal shall be granted without meeting all the requirements of this Section.

675.070 – Duties of Owner

- A. The following standards and conditions must be met to hold a Short-Term Rental License under this Chapter:
1. The Owner will have paid the required license fee.
 2. If the Owner is a partnership, limited liability company, or corporation, the licensee shall be required to register with the Secretary of State, if required by state law, and shall remain in good standing with the Kansas Secretary of State.
 3. The Owner and Management Agent will ensure that the Dwelling is not in a substandard condition, as defined in Section 635.110 of the Mission Municipal Code including, but not limited to, the accumulation of weeds, vegetation, junk, debris or rubbish on the exterior of the premises so as to create a nuisance condition.
 4. The Owner and Management Agent will ensure that the licensed Dwelling or Dwelling Unit(s) remain in compliance with any and all other applicable City Codes and Buildings Safety Codes.
 5. The Owner and Management Agent will post a copy of the License in a conspicuous location within the Dwelling or Dwelling Unit as well as posting the License number on the listing at such time as the premise is offered for rent.

6. The Owner and Management Agent will post a copy of the “Short-Term Rental Good Neighbor Guidelines” provided by the City at the time the License is issued in a prominent place within the Dwelling or Dwelling Unit as well as posting such on the listing at the time the premises is offered for rent.
 7. The Owner and Management Agent will ensure that the Short-Term Rental Regulations outlined in Section 675.080 are upheld and will ultimately be responsible if not.
- B. The Owner of a Short Term Rental shall designate a Management Agent who shall:
1. Have direct management control and responsibility for the Dwelling or Dwelling Unit(s) in the absence of the Owner;
 2. Will personally inspect the interior and exterior of the Dwelling or Dwelling Unit(s) at least once a month;
 3. Be jointly and severally responsible with the Owner for compliance with all terms and conditions of this Chapter; and
 4. Accept service or process of all notices under this Chapter.

675.080 – Short-Term Rental Regulations

- A. The Short-Term Rental of a Dwelling or Dwelling Unit shall be subject to the following regulations:
1. A Short-Term Rental shall not be for less than two (2) consecutive nights.
 2. A Short-Term Rental Dwelling or Dwelling Unit cannot be used as a reception space, party space, meeting space, or for any other similar events open to non-occupant guests.
 3. No more than two (2) adults per bedroom with a maximum of ten (10) individuals total may be allowed to occupy a Short-Term Rental Dwelling.
 4. Occupants of a Short-Term Rental Dwelling or Dwelling Unit shall comply with Section 215.111- Disturbing the Peace - of the Mission Municipal Code.
 5. Occupants of a Short-Term Rental Dwelling or Dwelling Unit shall comply Section 215.113 - Nuisance Party - of the Mission Municipal Code.
 6. Occupants of a Short-Term Rental Dwelling shall obey all other municipal codes and laws of the county and state.

675.090 – Presumption of Ownership

For the enforcement of the provisions here, there shall be a prima facie presumption that the Owner of the premises shall be that Person, Persons, or entity as reflected on the most recent evidence of ownership for the real property on file with the Johnson County, Kansas Register of Deeds. The prima facie presumption of ownership shall be effective upon affidavit of an authorized agent or employee of the Johnson County, Kansas Register of Deeds, attesting that the

deed or deeds attached thereto are a true and accurate copy of the official record, and are the most recent evidence of ownership for the described real property.

675.100 – Short-Term Rental License, Denial Suspension, Revocation, or Non-Renewal

- A. Failure to comply with the requirements as set forth in this Chapter shall be unlawful. If the City determines that any Short-Term Rental fails to comply with the provision of this Chapter, the City shall give notice of the violation. The notice shall provide:
1. The specific reasons the licensee has failed to meet the provisions of this Chapter, including copies of applicable reports;
 2. That the City will deny, refuse to renew, revoke or suspend the license unless the Owner appeals the determination within fifteen (15) days after receipt of the notice in the manner provided in Section 675.110.
 3. That after any denial, non-renewal, revocation or suspension, the Short-Term Rental Dwelling or Dwelling Unit therein must be vacated and shall not be reoccupied until a License is issued after approval by the City; and
 4. A description of how an appeal may be filed under Section 675.120.
- B. In addition to the penalties identified in Subsection of A of Section 675.100, the Owner and Management Agent may be charged in Municipal Court under Section 675.130 for violating provisions of Chapter 675.

675.110 - Notices

Whenever a notice is required to be sent to or served upon the Owner of a Short-Term Rental Dwelling or Dwelling Unit under this Chapter, notice shall be deemed sufficient if sent by first class mail to the Owner or Owner's Management Agent at the address specified in the last license application filed. If the Dwelling or Dwelling Unit is not licensed pursuant to this Chapter, notice is deemed sufficient if sent by first class mail to the person listed for the purposes of paying taxes on the property. Notices so mailed are sufficient whether received or returned.

675.120 – Appeal of Denial, Suspension, Revocation or Non-Renewal

- A. Any Person wishing to appeal the determination, denial, non-renewal, revocation or suspension of a License shall file a written notice of appeal with the City within thirty (30) days after the notice of denial, suspension, revocation non-renewal, revocation or suspension has been mailed. The notice of appeal shall contain a statement of the grounds for the appeal and shall be accompanied by a fee of one hundred dollars (\$100.00).
- B. The appeal will be heard by the Governing Body at a public hearing.

- C. The hearing will be held no later than forty-five (45) days after the receipt of the written notice of appeal.
- D. At the hearing, the Governing Body shall hear all relevant evidence and arguments. The Governing Body may admit and give effect to evidence that possesses value commonly accepted by reasonably prudent persons in the conduct of their affairs.
- E. The Governing Body shall render its decision in writing within fifteen (15) days after the close of the hearing. The decision shall determine whether the Dwelling or the Dwelling Units therein is in violation of this Chapter or any other municipal, state or federal code and shall specify the factual basis for the determination.
- F. The Governing Body may affirm, modify or reverse the action appealed.
- G. Notice of the final decision of the Governing Body shall be served upon the license holder or applicant.

675.130 – Violation and Penalty

- A. Any Owner and/or Management Agent found to be in violation of the provisions of Chapter shall severally for each such violation be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000) or six months jail time, or both such fine and jail.
- B. The imposition of a penalty for any violation or noncompliance shall not excuse any violation, permit a violation to continue, or excuse any obligation to remedy any violation.
- C. The imposition of a penalty shall not prohibit any action by the City to enforce compliance, prevent a violation, or remedy a violation of this Chapter.
- D. Each day that violation occurs or is permitted to continue shall constitute a separate offense.
- E. Any such conviction under Section 675.130 shall result in immediate revocation of all Short-Term Rental License(s) owned or associated with the Owner or Management Agent. Any such conviction under this Section 675.130 shall be a basis for denying a future Short-Term Rental License in which the convicted party is listed as an Owner or Management Agent.

SECTION 2. Severability. If any one or more sections, subsections or other part of this Ordinance shall be declared invalid by a court of competent jurisdiction, it is the

intent of the City that the remaining portions of the Ordinance shall remain effective. The City states that it would have enacted such remaining portions irrespective of the fact that one or more sections, subsections, or other part of the Ordinance have been held invalid.

SECTION 3. This Ordinance shall be in full force and effect on January 1, 2025; after its passage and publication as provided by law.

PASSED by the City Council this _____ day of _____ 20____.

APPROVED by the Mayor this _____ day of _____ 20____.

Solana Flora, Mayor

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM ONLY:

David K. Martin, City Attorney
Payne & Jones, Chartered
11000 King Street, King 2 Building
Overland Park, KS 66210

CITY OF MISSION

ORDINANCE NO. ____

AN ORDINANCE PROVIDING FOR A NEW SECTION 215.113 TO ARTICLE VI OF CHAPTER 215 OF THE MUNICIPAL CODE OF THE CITY OF MISSION, KANSAS PROHIBITING A NUISANCE PARTY

WHEREAS, the Governing Body of the City of Mission deems it to be in the best interests of the health, safety and welfare of the community to restrict social gatherings on residential property that can become a nuisance by the number of people present or the illegal actions that occur.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. That Title II, Chapter 215, Article VI of The Municipal Code of the City of Mission, Kansas is hereby amended to add a new Section 215.113, Nuisance Party, to read as follows:

215.113 Nuisance Party.

A. For the purpose of Section 215.113 the following words and phrases shall mean:

NUISANCE PARTY - A social gathering of five (5) or more people on residential property that results in any of the following occurring at the site of the gathering, on neighboring property, or on an adjacent public street:

- Unlawful sale of, furnishing, possession or consumption of alcoholic beverages; or
- Unlawful use or possession of marijuana or any drug or controlled substances; or
- Any activity that would constitute a violation of any of the provisions of Section 215.111 of the Mission Municipal Code pertaining to disturbing the peace; or
- Conduct which constitutes assault and battery; or
- Property damage; or
- Littering; or
- Outdoor urination or defecation in a place open to public view; or
- The standing or parking of vehicles in a manner that obstructs the free flow of traffic upon public sidewalks, streets, or public right-of-way, or obstruct emergency vehicles from passing; or
- Conduct that threatens injury to persons or damage to property; or
- Trespassing on adjacent or adjoining property; or
- Indecent exposure; or
- Setting of fireworks; or
- Discharging firearms.

PERMIT - To give permission to or allow by silent consent, by not prohibiting, or by failing to exercise control.

- B. It shall be unlawful for any owner or person having the right to possession of any residential premises, whether individually or jointly with others, to cause or permit a social gathering on the premises to become a nuisance party.
- C. It shall be unlawful for any person not domiciled at the site of the nuisance party to fail or refuse to leave the premises immediately after being told to leave by a police officer.
- D. Continuation of a nuisance party an hour or more after an order to disperse has been given by police shall constitute a separate violation of Section 215.13.

SECTION 2. If any one or more sections, subsections or other part of this Ordinance shall be declared invalid by a court of competent jurisdiction, it is the intent of the City that the remaining portions of the Ordinance shall remain effective. The City states that it would have enacted such remaining portions irrespective of the fact that one or more sections, subsections, or other part of the Ordinance have been held invalid.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the City Council this _____ day of _____ 20__.

APPROVED by the Mayor this _____ day of _____ 20__.

Solana Flora, Mayor

Robyn Fulks, City Clerk

APPROVED AS TO FORM ONLY:

David K. Martin, City Attorney
Payne & Jones, Chartered
11000 King Street, King 2 Building
Overland Park, KS 66210



Application for Short-Term Rental Dwelling License

Chapter 675 of the Mission Municipal Code provides for the licensing and operation of Short-Term Rental Dwellings in the City of Mission. The Owner(s) (and Management Agent) of a Short-Term Rental Dwelling must comply with all aspects of the Short-Term Rental Dwelling Code.

Short-Term Rental Dwellings must be licensed by the owner prior to being rented. Each property must be licensed separately. An owner cannot license more than four (4) properties.

Property Information:

Address of Short-Term Rental Dwelling to Licensed:

Mission Street Address

Number of Units On the Property to Rented: _____

Number of Bedrooms Per Unit: _____

Owner of Short-Term Rental Dwelling to be Licensed:

If more than one, please provide the information below for each owner on a separate sheet of paper and submit with this application. If a partnership, the managing partner must complete. If a corporation, the chief operations officer must complete.

Name of Owner:

Print Name

Address of Owner:

Street Address (P.O. Box Not Acceptable)

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Driver's License Number: _____

State of Issuance: _____ Date of Birth: _____

The owner shall provide the name and contact information for a Management Agent that will have direct management control and responsibility for the Dwelling or Dwelling Unit(s) in the absence of the Owner:

Name of Management Agent:		

Print Name		
Address of Management Agent:		

Street Address (P.O. Box Not Acceptable)		
City: _____	State: _____	Zip Code: _____
Telephone Number: _____		
Driver's License Number: _____		
State of Issuance: _____	Date of Birth: _____	

All Short-Term Rental Dwellings must comply with the provisions outlined in Chapter 675 of the Mission Municipal Code. Failure to comply could result in a license not being issued, a licensed being suspended, or a license being revoked, and a possible fine and/or jail time. Please initial each requirement below as acknowledgement that you understand and will comply these.

- _____ (Initial) I certify that I am the owner of this property.
- _____ (Initial) I certify that I have read and understand Chapter 675 of the Mission Municipal Code pertaining to Short-Term Rental Dwellings.
- _____ (Initial) I certify that I have read the Short-Term Rental Good Neighbor Guidelines and that I will include such in listings for the Rental Dwelling Unit with online platforms such as Aibnb, VRBO, and others, as well as place a copy of such in a conspicuous place withing the Dwelling Unit.
- _____ (Initial) I certify that I will include a copy of this Short-Term Rental Dwelling License number in listings for the Rental Dwelling Unit with online platforms such as Aibnb, VRBO, and others, as well as place a copy of such in a conspicuous place within the Rental Dwelling Unit.

_____ (Initial)

I certify that I that I have completed, signed, and included with this application a Short-Term Rental Dwelling Unit Safety Check List.

I, the undersigned, do declare under penalty of false statement (a felony in the state of Kansas) that to the best of my knowledge and belief that the information provided here is correct and true. I, the undersigned, do also agree to notify the City Clerk of the City of Mission any changes within five (5) business days of such change.

Signature of Owner

Printed Name of Owner

Date

Application for a Short-Term Rental License must be notarized prior to being submitted to the City.

STATE OF KANSAS)
COUNTY OF JOHNSON)

_____, of lawful age, being first duly sworn, upon his/her oath states that he/she was the bearer of the above signature, and that he/she states to the best of their knowledge and belief the information provided herein is correct and true.

Subscribed and sworn before me on this _____ day of _____ 20____

Notary Public

My Commission Expires _____

I, the undersigned, do declare under penalty of false statement (a felony in the state of Kansas) that to the best of my knowledge and belief that the information provided here is correct and true. I, the undersigned, do also agree to notify the City Clerk of the City of Mission any changes within five (5) business days of such change.

Signature of Management Agent

Printed Name of Management Agent

Date

Application for a Short-Term Rental License must be notarized prior to being submitted to the City.

STATE OF KANSAS)
COUNTY OF JOHNSON)

_____, of lawful age, being first duly sworn, upon his/her oath states that he/she was the bearer of the above signature, and that he/she states to the best of their knowledge and belief the information provided herein is correct and true.

Subscribed and sworn before me on this _____ day of _____ 20____

Notary Public

My Commission Expires _____

For Office Use Only

License Number: _____
Date Issued: _____
Fee Paid: _____



Short Term Rental Dwelling Safety Certification

As part of the license approval for short-term rentals, applicants must provide written certification attesting to the rental dwelling's conformance with safety requirements of the International Building Code requirements currently in place for the City of Mission. The purpose of the Building Code is to provide minimum habitability requirements to protect the health, safety, and welfare of owners, occupants, and users of residential structures and the general public.

In order to provide written certification of a property's conformance with these requirements, the following certification is required.

As applicant for the requested Short-Term Rental License for the property located at _____, Mission, Kansas, I hereby certify and attest that:

Smoke Alarms, Fire Extinguishers, and Carbon Monoxide Detectors

<input type="checkbox"/>	<p>Smoke Alarms Smoke Alarms are provided in the following locations:</p> <ul style="list-style-type: none"> a) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms. b) In each room used for sleeping purposes. c) In each story within a dwelling unit, including basements. d) In any common rooms where cooking or smoking is allowed. <p>Where another approved configuration of smoke alarms was permitted, that configuration may be maintained. All hard-wired smoke detectors must remain hard-wired. They may not be replaced with a battery powered smoke alarm. All solely battery powered smoke alarms must contain a ten-year lithium battery. Smoke alarms shall be installed and maintained in accordance with the manufacturer's specifications and shall be replaced at 5 or 10 year intervals as instructed by the manufacturer.</p>
<input type="checkbox"/>	<p>Fire Extinguishers Portable fire extinguishers with a minimum rating of 2A10BC are provided in conspicuous locations where they are readily accessible and available for use and installed in accordance with the manufacturer's installation instructions.</p>
<input type="checkbox"/>	<p>Carbon Monoxide Detectors If a carbon monoxide source is present, carbon monoxide alarms producing an audible alert when carbon monoxide is detected shall be provided and installed according to the manufacturer's specifications. The alarms are provided in the following locations:</p> <ul style="list-style-type: none"> a) In each bedroom or within 15 feet outside of each bedroom door; and b) In each story within a dwelling unit, including basements.

Emergency Exits and Egress

<input type="checkbox"/>	<p>Exits and Egress</p> <p>a) Every sleeping room has at least one operable window or exterior door approved for emergency or rescue that is operable from the inside to a clear opening. An exit path must be marked nearby on a laminated sign.</p> <p>1) Egress Windows. If windows are used to meet this requirement:</p> <ul style="list-style-type: none">i. The windows must have a clear opening with a minimum width of at least 20 inches and minimum height of at least 24 inches and with a sufficient dimension to result in a minimum clear opening of 5.7 square feet in area. Unless located at grade or one level below grade which clear net opening shall not be less than 5 square feetii. The windows are capable of being easily opened, and held open by window hardware, without the use separate tools or any special knowledge or effort.iii. Below grade windows have a window well, constructed of permanent materials, the full width of the window with a minimum clearance of 3 feet by 3 feet in front of the window measured perpendicular to the outside wall. If the bottom of the window well is more than 44 inches below the ground level, approved steps or and approved permanently attached ladder are provided. <p>2) Exit Door. If doors are used to meet this requirement:</p> <ul style="list-style-type: none">i. The doors are capable of being easily opened with the use of a key, separate tools, or any special knowledge or effort with direct access to the public way or yard directly to public way. <p>b) Required exit doors and egress windows are free of obstructions that block access to the exit.</p> <p>c) Exit discharge that open into an enclosed yard or court shall have unimpeded access to the public way.</p>
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Doors

<input type="checkbox"/>	<p>Doors</p> <p>a) For single-family dwelling units, at least one door is provided leading to an exterior yard or court. The door is openable from the inside without the use of a key or any special knowledge or effort.</p> <p>b) For dwelling units within a duplex or condominium building, at least one door is provided leading to an exterior yard or court or to an approved exit. The door is openable from the inside without use of a key or any special knowledge or effort.</p> <p>c) For dwelling units within a condominium building, exit doors in common corridors or other common passageways are openable from the inside with one hand in single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.</p> <p>d) There are no double cylinder dead bolts on any existing doors.</p>
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	<p>e) Every exterior door, door hinge, doorknob, door lock, and strike plate is maintained in good condition.</p> <p>f) Every interior door and door frame is maintained in good condition and having neither non-manufactured penetrations, nor any knob or lock requiring a key.</p>
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Stairways, Stairs & Porches, and Handrails & Guardrails

<input type="checkbox"/>	<p>Stairways</p> <p>a) Interior stairways, stairways used as an exit, and stairways connected to the structures are not less than 30 inches in width. Handrails shall not reduce the width of any stairway by more than 4 inches.</p> <p>b) The rise of every step in a stairway shall not exceed seven and three quarter (7-3/4") with no more than three eighths variation throughout the stairway. Treads of every step in a stairway is not less than ten (10) inches, and the run of the treads and height of the risers in the stairway are of uniform dimensions.</p> <p>c) There is no enclosed usable space under any exit stairways that is not completely enclosed with one-hour fire-resistant rated construction. Open space under exterior stairways is not used for any purpose.</p>
<input type="checkbox"/>	<p>Stair & Porches</p> <p>a) Every stair, porch, and attachment to any stair or porch is kept in good repair (<i>including replacement as necessary of flooring, treads, and stringers that are broken, warped, or loose</i>).</p> <p>b) All stair and porch surfaces used as a means of egress have slip-resistant surfaces.</p>
<input type="checkbox"/>	<p>Handrails & Guardrails</p> <p>a) Guardrails not less than 36 inches in height are provided around:</p> <ol style="list-style-type: none"> 1) All unenclosed floor and roof openings; 2) Open and glazed sides of landings; 3) Balconies, decks, and porches which are more than 30 inches above grade; and 4) Roofs used patios, decks, or similar function. <p>b) Guard rails are maintained in a safe and usable condition capable of withstanding all forces and loads to which they may be subject in normal and panic situations.</p> <p>c) Guardrails are constructed so that no object four (4) inches or more in diameter can pass through.</p> <p>d) Where not otherwise required by the building codes at the time of construction, exterior stairways of more than three (3) risers which are designed and intended to be used as part of the regular access to the unit have handrails. Interior stairways of more than three (3) risers have handrails.</p>

Guest Room Requirements

<input type="checkbox"/>	<p>Sleeping Room Requirements</p> <p>(a) Every sleeping room is a room intended to be used for sleeping purposes.</p> <p>(b) Every sleeping room has natural light, ventilation, and windows or other means for escape purposes.</p> <p>(c) Every sleeping room is not less than 70 square feet in size. Shall not be less than 7 feet in any direction.</p>
<input type="checkbox"/>	<p>Ceiling Heights</p> <p>Every sleeping room has a clear average ceiling height of at least 7 feet.</p>

Electrical, Plumbing, and Heating

<input type="checkbox"/>	<p>Electrical Requirements</p> <p>a) Every electric outlet and fixture is maintained and safely connected to an approved electrical system.</p> <p>b) All light fixtures and outlets are properly installed and wired.</p> <p>c) Every habitable room contains at least two (2) supplied electric convenience outlets, or one (1) supplied electric convenience outlet and one (1) supplied electric light fixture,</p> <p>d) Every toilet compartment or bathroom contains at least one (1) supplied and operable electric light fixture and one (1) outlet.</p> <p>e) All outlets within six (6) feet of a water source are ground-fault circuit interrupter (GFCI) protected.</p>
<input type="checkbox"/>	<p>Plumbing</p> <p>a) Every plumbing fixture or device is properly connected to a public or approved private water system and to a public or approved private sewer system.</p> <p>b) Every plumbing fixture or device is properly installed, connected, and maintained in safe condition and good working order so as to be free from obstructions, leaks, defects, and fire, health, and safety hazards.</p> <p>c) All required sinks, lavatory basins, bathtubs, and showers are supplied with both hot and cold running water.</p> <p>d) Water heaters are properly installed and connected, include a temperature pressure release valve and temperature pressure release pipe, and are maintained in a safe condition and good working order, and free from outflow and obstructions so as to be free fire, health, and accident hazards.</p>
<input type="checkbox"/>	<p>Heating Requirements</p> <p>All heating equipment used is properly installed, properly connected, maintained in a safe condition and good working order, and free from outflow and obstructions so as to free from fire, health and accident hazards. Must be capable of maintaining 68 degrees throughout all habitable spaces.</p>

Address Numbers

<input type="checkbox"/>	Display of Address Numbers
	The street address number is posted in a conspicuous place so that the address number may be read from the street or public way. Each character shall not be less than four (4) inches in height with a stroke width of not less than half inch. Address identification shall contrast with their background.

Inspections

At a subsequent time following license approval, the rental will be required to be inspected to verify conformance with the applicable requirements of the adopted 2018 International Residential Code.

Certification of Compliance

With my signature below, I hereby attest that each of the above checked items are true and that my short-term rental dwelling unit is currently, and will continue to be, maintained in conformance with the requirements of the 2018 International Building Code, including the requirements identified herein.

I further understand that this safety certification is intended to ensure that the basic safety requirements of the Building Code are met and that subsequent to license approval an inspection will later occur to confirm conformance with not only the requirements identified in this safety certification but also all of the applicable requirements of the Building Code.

By signing this document, I acknowledge that I have read all the regulations relating to the operation of a short-term rental under the 2018 International Building Code, will operate my short-term rental in compliance with such regulations, and authorize the City of Mission staff to enter the property for an inspection in conjunction with this license.

Signature of Owner

Signature of Management Agent

Print Name of Owner

Print Name of Management Agent

Date

Date

For Office Use Only

Short-Term Rental License Number: _____
Date Issued: _____