

CITY OF MISSION
ORDINANCE NO. 1609

AN ORDINANCE PROVIDING FOR A NEW CHAPTER 675 TO TITLE VI OF THE MUNICIPAL CODE OF THE CITY OF MISSION, KANSAS LICENSING AND REGULATING THE SHORT-TERM RENTAL OF DWELLINGS AND 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 third-party 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 and/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(s) to a non-owner or third-party guests 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 guests, 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(s) to be rented and/or occupied by a non-owner or third-party guests, 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. For purposes of this subsection 676.040 (D) only, each member, partner, shareholder, or director of an Owner entity shall be considered an "Owner."
- 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 Owner and Management Agent, 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 any 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 \$ 500. 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. The Short-Term Rental License is valid only for the Owner that submitted the application and cannot be transferred to another Person.
- E. 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.

- F. 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.
- G. The City will maintain a list of active Short-Term Rental Licenses identified by address of the Dwelling or Dwelling Units on its website.

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.
- C. Any Owner, Management Agent, or Occupant may invite the City to inspect any Short-Term Dwelling or Dwelling Unit to ensure compliance with this Chapter 675.

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 with Section 215.113 - Nuisance Party - of the Mission Municipal Code.
 6. Occupants of a Short-Term Rental Dwelling or Dwelling Unit 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 facia 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 facia 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 remedies identified in Subsection 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(s) 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 Unit(s) 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 21st day of August 2024.

APPROVED by the Mayor this 21st day of August 2024.



Solana Flora, Mayor



Robyn L. Fulks, City Clerk

APPROVED AS TO FORM ONLY:



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