

CITY OF SHAWNEE
ORDINANCE NO. 3483

**AN ORDINANCE AMENDING TITLE 5 OF THE SHAWNEE MUNICIPAL CODE
TO SET FORTH A NEW CHAPTER 5.71 REGULATING SHORT-TERM
RENTALS**

WHEREAS, the increase in the number of owners seeking to rent their residential properties has led to an increase in transient and vacation rental uses within neighborhoods previously planned, approved, and constructed for single family residences; and

WHEREAS, the use of residences by transient guests for short periods of time may negatively impact the character of neighborhoods and disrupt the same; and

WHEREAS, the regulation of short-term rental properties is intended to provide a mutually beneficial experience for renters, property owners, and neighbors of such properties; and

WHEREAS, the Governing Body has reviewed and discussed numerous possible regulations for short-term rentals and determined that issuance of business licenses is in the best interest of the City; and

WHEREAS, the Governing Body finds it appropriate to regulate short-term rentals to preserve the character of residential subdivisions and to minimize adverse impact to City residents; and

WHEREAS, a business license can be suspended or revoked in the event that a property or its renters violate various City laws pertaining to noise, parking, health and safety, or public peace; and,

WHEREAS, the Governing Body finds that it is in the best interest of the City to regulate Short-Term Rentals and it is necessary for the health, safety, and welfare of the general public and for the protection of landowners and residents of the City; and

WHEREAS, the Governing Body settles to review these regulations and provisions a year after they pass to ensure it is still in the best interest of the City to continue with such regulations.

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

PARAGRAPH 1.

Title 5 of the Shawnee Municipal Code is hereby amended to add a new Chapter 5.71 regulating Short-Term Rentals, which shall read as follows:

Chapter 5.71 SHORT-TERM RENTAL

Sections

5.71.010 – Definition

Words and terms used in this Chapter shall have meanings as follow unless the context otherwise requires:

Short-Term rental (STR) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The definition of short-term rental does not include a Bed and Breakfast, as used in 17.51.010.

Owner means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

5.71.020 – License – Required

No owner shall operate a Short-Term Rental, as defined in this chapter, without first having obtained a license from this City.

Each Short-Term Rental will be given a license number and such number shall be listed on any public listing for rent. The regulations listed in this Chapter must be listed in the public listing and displayed in the home. If the license number is not listed in such public listing, the City will take action to have any public listing for rent withdrawn.

Each Short-Term Rental must provide at time of application an agent located within 40 miles to accept service on their behalf.

5.71.030 – License – Fee and Terms

- A. There is levied an annual license fee, in an amount recommended by the City Clerk or his or her designee and approved by the Governing Body and listed in the latest City of Shawnee Policy Statement Code.
- B. The term of the license shall be for a twelve-month term beginning October 1 to September 30 of each calendar year.

5.71.040 – Short-Term Rental License – Revocation

A Short-Term Rental license may be revoked as follows:

- A. Any license issued for a short-term rental may be revoked or suspended by the Governing Body after a public hearing before the Governing Body where it is found to be in violation of any of the provisions of this Chapter or Code.
- B. The Governing Body, before revoking or suspending any license, shall give the licensee at least ten (10) days' written notice of the charges against them and the opportunity for a public hearing before the Governing Body, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.
- C. If a short-term rental's license has been revoked, it will not be eligible for a new license for 24 months.

5.71.050 - License—Transfer—Other Licenses and Fees.

Rules and regulations pertaining to the transfer of licenses, other licenses and fees shall be as follows:

- A. No Short-Term Rental licenses are transferable, separate or divisible, and such authority as a license confers shall be conferred only on the licensee named therein.
- B. Any applications made, fees paid and licenses obtained under the provisions of this chapter shall be in addition to and not in lieu of any other fees, licenses, or licenses required to be paid or obtained under any other ordinances of this City.

5.71.060 – Short-Term Rental—Regulations.

The operation of any Short-Term Rental shall be subject to the following regulations:

1. A maximum of 2 adults per bedroom plus an additional 1 adult, with a maximum of 10 persons total, may be allowed in a registered Short-Term Rental

2. Short-Term Rentals and occupants shall abide by all Noise Restrictions as listed in Chapter 9.70 of this code
3. Short-Term Rentals and occupants shall abide by all Parking Restrictions as listed in Chapter 10.20 of this code, provided, however, if the Short-Term Rental has onsite parking, the Short-Term rental shall require onsite parking
4. Short-Term Rentals and occupants shall abide by all Health and Safety Regulations as listed in Chapter 8 of this code
5. All Occupants shall abide by all Public Peace, Morals, and Welfare regulations as listed in Chapter 9 of this code
6. No Short-Term Rental shall be used as a reception space, party space, meeting space, or for other similar events open to non-resident guests
7. The egress door shall be marked by an exit sign

5.71.070 – Presumption of Ownership

For the enforcement of the provisions herein, there shall be a prima facie presumption that the owner of real property shall be that person, persons, or entity as reflected on the most recent evidence of ownership for the real property filed of record with the Johnson County, Kansas, Office of the 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, Office of the 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.

5.71.080 – Violation – Penalty

Any Owner found violating any of the provisions of this Chapter shall severally for each and every such violation, be guilty of a misdemeanor and shall be fined not less than five hundred dollars (\$500.00) but not more than one thousand dollars (\$1,000) or six (6) months jail time, or both such fine and jail.

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.

The imposition of a penalty shall not prohibit any action by the Public Officer to enforce compliance, prevent a violation, or remedy a violation, nor shall it prohibit the Public Officer from imposing liens or assessments necessary to remedy a violation of this Title.

Each day that a violation occurs or is permitted to continue, shall constitute a separate offense.

PARAGRAPH 2.

If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this Ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

PARAGRAPH 3.

This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

This portion is intentionally left blank.

PASSED by the Governing Body this 26 day of February, 2024.

APPROVED AND SIGNED by the Mayor this 26 day of February, 2024.

CITY OF SHAWNEE, KANSAS



By: Michael Sandifer
Michael Sandifer, Mayor

ATTEST:

By: Stephanie Zaldivar
Stephanie Zaldivar, City Clerk

APPROVED AS TO FORM:

By: Jenny Smith
Jenny Smith, City Attorney