

STATE OF KANSAS
RENO COUNTY
CITY OF THE HIGHLANDS

ORDINANCE NO. 2024-32

AN ORDINANCE OF THE CITY OF THE HIGHLANDS, KANSAS PROVIDING REGULATIONS FOR THE REGISTRATION AND OPERATIONS SPECIFIC TO SHORT-TERM RENTALS WITHIN THE INCORPORATED AREAS OF THE CITY WHILE PRESERVING THE PROVISIONS OF ALL ORDINANCES APPLICABLE TO THE CITIZENS OF SAID CITY.

WHEREAS, the citizens of the City of The Highlands approved in the November 2023 general election to allow for short-term rentals within the incorporated areas of the City,

WHEREAS, it is the goal that all persons enjoy a habitable and safe place to stay,

WHEREAS, it is the goal to protect the life, safety, general welfare, and health of all persons by enforcing certain minimum standards pertaining to the maintenance of short-term residential rental property within the City,

WHEREAS, it is the goal to protect neighborhoods within the City from unnecessary disruption and disquiet, by requiring that each short-term residential rental property comply with federal, state, and local laws, and

WHEREAS, the Governing Body of the City of The Highlands, Kansas has determined that these goals/objectives are achievable through the regulation of short-term rental property within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE HIGHLANDS, that the following regulations for registration and operations of Short-Term Rentals (STR) be adopted by the City of The Highlands, Kansas:

SECTION 1 DEFINITIONS: The following words, terms, and phrases, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) Designated local responsible party/Resident Agent: shall mean any person or business entity, however organized, appointed by an Owner, who shall be responsible for compliance and who shall have the express authority to receive communication, service of process, summons, notices, and other legal process in behalf of the Owner.
- (b) Dwelling Unit: shall mean one room, or a suite of two or more rooms, designed for or used for living and sleeping purposes and having only one kitchen.
- (c) Short-Term Rental: (STR) shall mean a period of time that is equal to or less than thirty (30) days in length.
- (d) Short-Term Rental Listing Service: shall mean a person(s) that participate in the STR business by facilitating and/or collecting a fee for booking services through which an Owner may offer STR to potential guests. STR Listing Services usually, though not necessarily, provide booking services through an online platform that allows an Owner to

advertise the premises through a website or mobile application provided by the STR Listing Service. The STR Listing Service conducts a transaction by which potential guests arrange their use and their payment, whether the potential guest pays rent directly to the owner or to the STR Listing Service.

SECTION 2 Registration of Short-Term Rental(s).

- (a) No Short-Term Rental shall operate within the City without a current, valid STR registration certificate with Airbnb, Vrbo or any other recognized Short Term Rental Listing Service and shall include a copy of such with each application.
- (b) All dwelling units shall require a separate, individual registration certificate for each unit intended to be used as a STR. This certificate is non-transferrable and may not be assigned to another person or premises, including, but not limited to, any successor in title to ownership of the STR or upon lease of the STR to a person for a period longer than thirty (30) days.
- (c) A person who desires to operate an STR shall submit a written application for each STR registration on the form available on the city's website, thehighlandsgov.net. Each application shall be accompanied by a pro-rated application fee based on the \$120.00 annual registration fee.
- (d) Not later than sixty (60) days after receipt of the registration application, the City's Governing Body (CGB) shall either issue a certificate of registration or notify the applicant that the application does not comply with the requirements of this ordinance.
- (e) Any applicant denied a permit may appeal the denial to the CGB within ten (10) days of the notice of denial. The CGB shall provide the applicant an opportunity to provide information relevant to the determination and render a final decision based on the requirements of this Ordinance within thirty (30) days of the date of appeal. Any appeal not ruled on by the CGB within thirty (30) days of filing shall be deemed granted.
- (f) At no time shall there be more than 15 STR active permits within the incorporated area of the City of The Highlands.

SECTION 3 Renewal of Short-Term Rental Registration

- (a) A STR registration certificate expires on the last day of the calendar year in which the certificate is issued. A complete application for renewal received after the expiration of a current registration certificate shall be treated as an application for a new registration.
- (b) An application for renewal involves updating the information on the original registration by affirming there is either no change in the information or that the information has been updated, is accurate and complete.
- (c) The application for each STR renewal must be submitted by December 1st of each calendar year to the CGB to allow for a review at the December meeting.
- (d) The application for renewal shall be accompanied by a non-refundable registration fee of \$120.00.
- (e) The application for renewal must be accompanied with a current certificate of insurance that is applicable for the renewal term.

- (f) Upon receipt of a complete application for renewal, the CGB may deny the renewal if it is determined that the registration certificate was issued in error or based on incorrect or false information supplied by the applicant, or if there are grounds for suspension or revocation as provided for in this ordinance.
- (g) The owner and/or operator of a STR that has had a registration certificate revoked for a premise is ineligible to apply for a STR registration for such premises for a period of one year from the date of such revocation.

SECTION 4: Guest Safety Notification and Minimum Requirements

Each owner of a STR shall provide to guests with a Short Term Rental Good Neighbor Brochure and post in a conspicuous location in the STR with the following minimum information:

- a) The 24-hour contact telephone number of the designated local responsible party/owner/operator.
- b) Pertinent neighborhood information including, but not limited to parking restrictions, noise restrictions, trash collection schedules and location of required off-street parking, other available parking, and prohibition of parking in the yard and on unapproved surfaces.
- c) Information to assist guests in the case of an emergency posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- d) The number of individuals that can stay overnight in the STR is limited to two (2) per bedroom plus two (2). The number of guests permitted during the day is limited to not more than 150% of the overnight guests.
- e) There are established quiet hours from 10:00 p.m. to 7:00 a.m. If the premises have a swimming pool, it may not be used between these hours.
- f) Pets, if allowed, must be confined to the premises or kept on a leash (Ordinance NO 2020-17).
- g) The name and phone number of plumber, electrician, and HVAC companies the owner specifies.
- h) Depiction of the floor plan of the STR identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes plus the location of fire extinguishers posted near the front door of the dwelling.

SECTION 5: Authority of the City's Governing Body:

The Governing Body shall implement and enforce this ordinance and may establish such procedures as this Body determines are necessary to discharge any duty under this ordinance and are not inconsistent with this ordinance or other City ordinances, rules, or regulation, or any county, state, or federal laws or regulations.

SECTION 7: Violations and Permit Revocations.

- a) Any person operating a STR in violation of this Ordinance shall, for a first offense, be fined not less than \$250.00 nor more than \$500.00. For a second offense, a violator shall be fined an amount not less than \$500.00 nor more than \$1,000.00. For a third or subsequent offense,

- in addition to a fine of not less than \$1,000.00 nor more than the maximum fine allowed by state law, any STR permit issued pursuant to this Ordinance shall be revoked by the court.
- b) The City shall have authority to seek legal and equitable relief from any court of competent jurisdiction for violations of the provisions of this Ordinance.
 - c) No applicant for property subject to a STR permit revocation shall be granted another STR permit for a period of twelve (12) months from the date of any STR permit revocation.

SECTION 9. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

This Ordinance shall take effect and be in force from and after its publication in its entirety, on the official City website, thehighlandsgov.net.

THIS ORDINANCE IS PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF THE HIGHLANDS, KANSAS THIS _____ DAY OF _____, 2024.

Carol Moore, Mayor

ATTEST:

Zane Jackson, City Clerk

Approved as to form: _____
City Attorney, Mark Tremaine