

ORDINANCE NO. 1869

AN ORDINANCE AMENDING SECTION 14-206 OF THE CODE OF ORDINANCES, CITY OF MERRIAM, KANSAS; AND REPEALING THE SECTION HEREBY AMENDED.

WHEREAS, the residents of the City of Merriam, Kansas have expressed concerns that the proliferation of short-term rentals (AirBnb, VRBO, etc) is having a negative effect on the health, safety, and welfare of their neighborhoods;

WHEREAS, to address residents' concerns, the Merriam City Council desires to implement a spatial requirement, in addition to the city's existing licensing requirements, for short-term rentals;

WHEREAS, in order to prevent the concentration of short-term rentals in any one specific neighborhood, new short-term rentals must be at least 1,000 feet from an existing short-term rental;

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

SECTION 1. Section 14-206 - Landlords of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

- a. All persons engaged in the business of owning and leasing or of leasing of single-family dwellings, multi-family dwellings, two-family dwellings and all other rental property shall pay an occupational license fee as set forth on the schedule of fees described in section 2-117 and no license shall be issued until such fee has been paid to the city clerk. Such fee shall be deposited in the general fund of the city.
- b. "Short-term rental" for the purposes of this Section is defined as the leasing of single-family dwellings, two-family dwellings, or attached dwellings for not more than twenty-eight (28) consecutive days in which the property owner does not occupy the dwelling for the duration of the lease. The following licensing requirements apply to "short-term rentals":
 1. All persons engaged in the business of owning and leasing a short-term rental must comply with section 14-206.
 2. All persons operating a short-term rental shall pay an occupational license fee as described in section 14-206 subsection a. and a short-term rental fee set forth on the schedule of fees described in section 2-117.
 3. Any person making an application for an occupational license described in section 14-206 must state if the dwelling will be used as a short-term rental.
 4. An occupational license for a short-term rental will not be issued if the application is for a property that is within 1,000 feet of an existing short-term rental. In determining whether a proposed short-term rental would violate this 1,000 feet restriction, the following rules shall apply:

- a. The 1,000 feet will be measured at the closest point between the property line of the newly requested occupational license and the property line of any property with an existing occupational license for a short-term rental.
 - b. Only one short-term rental license will be issued per parcel of property.
 - c. Short-term rentals that existed prior to October 1, 2024 which are within 1,000 feet of one another or that share a parcel of property with another short-term rental may continue to operate provided such short-term rentals obtained the licenses required by Section 14-206 prior to October 1, 2024, have continued to maintain such licensure and have been in continuous operation as a short-term rental since October 1, 2024.
5. The applicant shall send, by First Class Mail via the United States Postal Service, the “Notice of Short-Term Rental” to all property owners within 200 feet of the property parcel where the short-term rental will be located.
- a. At a minimum, the notice shall contain the date of the mailing and the following information: “<Insert property owner name> is applying for a City of Merriam Short-Term Rental license for the operation of a short-term rental (Airbnb, VRBO, etc.) at <insert property address>. If you have any questions or concerns, now or in the future, regarding the operation of this short-term rental, please contact <insert property owner/property manager name> at <insert property owner/property manager direct phone number>. <property owner/manager name, address>”
 - b. Prior to the approval of the short-term rental license, the applicant will provide the list of property owner addresses within 200 feet, a copy of the notice sent, and a signed and notarized affidavit attesting that the notice requirements have been met.
6. The short-term rental licensee shall provide guests with a “Neighborly Information” packet. The city will provide the licensee with the Neighborly Information packet and direction on its dissemination at the time of the license approval or renewal. At a minimum, the dissemination of information will include providing guests with the information packet, prominently posting specific information in the short-term rental, and specific information to be contained in the rental listing.
- c. In the event real property is offered for lease for the first time after commencement of any license year, the owner or the leasing agent shall, within 30 days thereafter, file the declaration and pay the applicable occupational license fee.
 - d. In accordance with federal and state law, the city reserves the right to conduct biennial inspections of each property defined in subsection (a) of this section, used wholly or in part for residential purposes, to determine compliance with all city regulations, including applicable fire, safety and building codes; provided, however, that nothing herein contained shall limit the city from making more frequent inspections at the request of any property owner, tenant, user, occupant or other interested party.

SECTION 2. This ordinance shall take effect and be enforced from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED by the Governing Body of the City of Merriam on the 13th day of May, 2024.



APPROVED AND SIGNED by the Mayor on the 13th day of May, 2024.

Bob Pape
Bob Pape, Mayor

Juliana Pinnick
Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Ryan Denk
Ryan Denk, City Attorney