

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140032

Calling for submission to the voters of Kansas City, at a special election to be held Tuesday, April 8, 2014, a question authorizing the City to establish fees for lodging establishment inspections and permits; amending Chapter 34, Code of Ordinances, by repealing in its entirety Article VII, Lodginghouses, consisting of Sections 34-331 through 34-360, and enacting a new Article XV, Lodging Establishments, consisting of Sections 34-600 through 34-699, establishing a new system of lodging establishment permitting, inspections and penalties for the purpose of protecting the public health and safety; authorizing and directing the City Clerk to notify the responsible election authorities of this election; recognizing an emergency.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Special election called. That a special election is called and shall be held on Tuesday, April 8, 2014, for the purpose of submitting to the voters the question of authorizing the City to establish fees for lodging establishment permitting and inspections for the purpose of protecting the public health and safety.

Section 2. Delivery of Ordinance by City Clerk to Election Authorities. That the City Clerk shall deliver certified copies of this ordinance and notice of election to the Board of Election Commissioners of Kansas City, Missouri, Board of Election Commissioners of Clay County, Board of Election Commissioners of Platte County, and the County Clerk of Cass County, which shall be the authority of the respective election authorities of the City to submit these amendments to the electors of Kansas City as herein provided and to give public notice thereof as provided by law within one business day of the effective date of this ordinance.

Section 3. Election Notice. That the notice of election shall read as follows:

NOTICE OF ELECTION
CITY OF KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called an election to be held in said City on Tuesday, April 8, 2014, at which election all qualified voters residing within the City of Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT
CITY OF KANSAS CITY

QUESTION _____

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Shall the City of Kansas City be authorized to establish the following fees for permitting, inspecting and regulating lodging establishments such as hotels and motels for the purpose of protecting the public health and safety?

Application fee of \$100.00 for initial lodging establishment applications or modifications of particular requirements and conditions embodied in permits.

Annual Permit Fees to operate and Re-inspection Fees based upon the number of rooms in a lodging establishment as follows:

Number of Rooms	Less Than 50	50-150	151-300	301-500	501-1000	Each Additional 300 Rooms
Annual Permit Fee	\$150	\$200	\$250	\$300	\$350	\$50
Re-inspection Fee	\$75	\$100	\$125	\$150	\$175	\$25

Reinstatement Fee of \$250.00 for the reinstatement of any permits that have been suspended.

Late Fees of \$50.00 per month for permit renewals not submitted by January 31 of each year.

Adjustment of fees. Authority to adjust the above-listed fees annually to reflect the change in the consumer price index (CPI) for all items/all urban consumers/Kansas City, Missouri, published by the United States Department of Labor, Bureau of Labor Statistics. The City is also authorized to make cumulative adjustments for those years in which fees were not previously adjusted.

_____ YES _____ NO

[Instructions to voters will be supplied by the election authorities]

A full and complete copy of the ordinance submitting the above proposition to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where it is open for inspection and copying.

The polling places for the election will be [insert list of polling places in last publication only].

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I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo.

Given under my hand and the official seal of the City of Kansas City, Missouri, this _____ day of _____, 2014.

(SEAL)

MARILYN SANDERS
City Clerk, City of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of the City of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My commission expires: _____

Section 4. Amendments to become part of the Code of Ordinances of Kansas City. If a majority of the voters favors the ballot question, the amendment to Chapter 34, Article XV., Code of Ordinances of the City of Kansas City, Missouri contained herein shall become effective 90 days after passage by the voters, which amendment shall read as follows:

ARTICLE XV. LODGING ESTABLISHMENTS

DIVISION 1: PURPOSE AND INTENT OF ARTICLE; DEFINITIONS

Sec. 34-600. Purpose and intent of Article.

(a) The scope, purpose and intent of this Article is to provide a uniform set of rules and regulations governing and controlling lodging facilities, to provide a guide for the licensing of existing and new lodging facilities, as defined in this Article, and to regulate the construction, reconstruction, maintenance, operation and repair of lodging facilities within the city.

(b) This Article includes rules and regulations for lodging safety, health and sanitation.

(c) This Article includes technical requirements pertaining to such facilities, but there is also vested in the Director power and authority to make such specific

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requirements for each permit holder as in his judgment and discretion are just and reasonable.

(d) The provisions of this Article shall be in addition to existing laws and ordinances, and any owner or operator of any and all lodging facilities shall be required to comply with all such provisions.

Sec. 34-601. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

Air Gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or outlet supplying fixture, or other device, and the flood level rim of the receptacle. The vertical physical separation shall be at least two (2) times the inside diameter of the water inlet pipe above the flood rim level but shall not be less than one inch (1").

Air break means a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle or interception at a point below the flood level rim. The connection does not provide an unobstructed vertical distance and is not solidly connected but precludes the possibility of backflow to a potable water source.

Bed and Breakfast means an existing building(s) with no more than three (3) occupiable stories, with at least five (5) but no more than ten (10) guest rooms. The building shall have interior corridors and be provided with a kitchen; owner must live in or adjacent to the building.

Code means the standards relating to fire safety, sanitation, electrical wiring, fuel-burning appliances, plumbing, swimming pools and spas, sewage and waste treatment, and disposal as adopted by the regulatory authority. The regulatory authority, in its discretion, may incorporate, in whole or in part, the standards or codes promulgated by the National Fire Protection Association, Building Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River Board of State Sanitary Engineers, and/or American Society of Sanitary Engineers.

Dead-end corridor means a corridor, aisle or passageway arranged without an exit access in two (2) directions.

Director means the Director of Health or his or her designee.

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Equivalent code means any code that is accepted by the regulatory authority that is referenced in this rule, including but not limited to, fire alarm systems, wireless smoke detectors and supervised sprinkler systems.

Exit means the portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs and separated exit ramps.

Exit access means the portion of a means of egress that leads to an exit.

Exit discharge means the portion of a means of egress between the termination of an exit and a public way.

Fire alarm system means fire alarm system as described in the National Fire Protection Association 72, National Fire Alarm Code 2002 Edition, which is incorporated by reference in this rule or equivalent code. Any interested person may view this material at the agency's headquarters or may purchase a copy from the National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322. This rule does not incorporate any subsequent amendments or additions.

Fire barrier means a structural element, either vertical or horizontal, such as a wall or floor assembly, which is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings.

Fire resistance rating means the length of time, in minutes or hours, that materials or structural elements can withstand fire exposure.

Flame resistant material means the property of material or its structural elements that prevents or retards the passage of excessive heat, hot gases or flames under conditions in which they are used.

Group of building means any building, structure, establishment, place, bed and breakfast, or places of business, including but not limited to, multiple, individual or multi-unit cabins and guest rooms that are not attached to the main building but receive the same services/amenities as those guest rooms within the main building.

Guest room means any room or unit where sleeping accommodations are regularly furnished to the public.

Hardwired means wired directly and permanently into the building's main electrical wiring system and/or a wireless system as described in the National Fire Protection Association 72, National Fire Alarm Code 2002 Edition or equivalent code.

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Hazardous area means areas of structures or buildings posing a degree of hazard greater than normal to the general occupancy of a building or structure, such as areas used for the storage or use of combustibles or flammable, toxic, noxious or corrosive materials, or heat-producing appliances.

Imminent Health Hazard means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness or injury based on: 1) The number of potential illnesses or injuries, and 2) the nature, severity, and duration of the anticipated illness or injury, and 3) the effect on the environment or the surrounding geographical area.

Infestation means the presence within or around a dwelling of any insects, rodents, or other pests.

Law means applicable local, state, and federal statutes, regulations, and ordinances.

Lodging establishment means any building, group of buildings, structure, establishment, place, or places of business where eight (8) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabin, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.

Major renovation means a physical change to a lodging establishment or portion thereof, including the replacement or upgrading of major systems, which extends the useful life. Examples include, but are not limited to, demolition of the interior or exterior of a building or portion thereof, including the removal and subsequent replacement of electrical, plumbing, heating, ventilating and air conditioning systems, fixed equipment and interior walls and partitions (whether fixed or moveable). Replacement of broken, dated or worn equipment/items, including but not limited to, individual air conditioning units, bathroom tile, shower stalls that do not require any additional or new plumbing, electrical, etc. shall not be considered a major renovation.

Means of egress means a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts, the exit access, the exit and the exit discharge.

Permit means the document issued by the regulatory authority that authorizes a person to operate a lodging establishment.

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Permit Holder means the entity that 1) is legally responsible for the operation of the lodging establishment such as the owner, the owner's agent, or other person; and 2) possesses a valid permit to operate a lodging establishment

Permanent guest means any person who occupies a guest room in a lodging establishment for a period of thirty-one (31) days or more (generally referring to in house staffing).

Person means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

Person in charge means the individual present at the lodging establishment who is responsible for the operation at the time of inspection.

Physical Facilities means the structure and interior surfaces of a lodging establishment including accessories such as soap and paper towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

Plumbing fixture means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

Premises means the physical establishment, its contents, and the contiguous land or property under the control of the permit holder; or the physical establishment, its contents, and the land or property not described in subparagraph (1) of this definition if its facilities and contents are under the control of the permit holder and may impact lodging establishment personnel, facilities, or operations.

Primary means of egress shall consist of, but is not limited to, an enclosed interior stair, an exterior stair, horizontal exit, door, stairway, or ramp providing a means of unobstructed travel without traversing any corridor or space exposed to of the dwelling unit at street or ground level. Stairways serving as part of the primary means of egress shall be enclosed with fire barriers (vertical), such as wall or partition assemblies with a fire resistance rating of not less than thirty (30) minutes. Such enclosures shall be continuous from floor to floor. Openings shall be protected as appropriate for the fire resistance rating of the barrier.

Public water system means public water system as defined in 40 CFR 141, National Primary Drinking Water Regulations.

Public way means an area such as a street or sidewalk that is open to the outside and is used by the public for moving from one (1) location to another.

Refuse means solid waste not carried by water through the sewage system.

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Regulatory Authority means the Director of Health or his or her authorized representative.

Remote exit or means of egress means a situation whereby two (2) exits or two (2) exit access doors are required.

Restricted Use Pesticides means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

Transient guest means any person who rents and occupies a guest room in a lodging establishment for a period of less than thirty-one (31) days.

Uniform Plumbing Code means the model code developed by International Association of Plumbing and Mechanical Officials (IAPMO) to govern the installation and inspection of plumbing systems as a means of promoting the public's health, safety and welfare.

DIVISION 2: LODGING ESTABLISHMENT REQUIREMENTS

Sec. 34-602. Duty to comply with lodging establishment requirements.

All lodging establishments shall comply with the lodging establishment requirements provided in this Article.

Sec. 34-603. Water Supply.

(a) *Water source.* A safe, adequate water supply shall be from an approved source that is: (a) a public water system; or (b) a nonpublic water system that is constructed, maintained and operated according to law. Water may also be referred to as 'potable water'.

(b) *Water Temperature.* The temperature of hot water which is provided in any public area or guest room, including but not limited to lavatories, bathtubs, or showers must not exceed 130° Fahrenheit (or approximately 55° Celsius).

(c) *Boil Order:* The lodging establishment operator shall comply with the following intermediate process(es) until permanent corrections have been made to the water supply (this includes precautionary Boil Water Notice/Advisories or a Limit Use Order issued on a public water supply):

- (1) Notify guests, verbally and again by written notice prominently placed in each rented guest room that the plumbed water is not potable and only potable water should be used for drinking and/or brushing of teeth. Additional restrictions for water use may be required by the regulatory authority.

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- (2) Discard ice that may have been made from contaminated water. Also discard ice if it has been, or may have been exposed to contaminated water.
- (3) Obtain a temporary, alternate supply of potable water, such as individual containers of commercially bottled water, in each rented guest room. Additional bottled water shall be available upon request by guests.

(d) *Boil Order Cessation:* Other permanent disinfection process(es) or permanent corrective measure(s) as authorized by the regulatory authority may meet requirements for the removal of a boil order. For a Limit Use Order to be lifted for public water supplies, the operator shall comply with one (1) of the following permanent corrections:

- (1) Provide an alternate connection to an adjacent plumbing source of water, acceptable to the regulatory authority and/or The Missouri Department of Natural Resources (MO DNR), which is protected from contamination and capable of supplying a sufficient quantity of water.
- (2) Other permanent corrective measures that provide safe water supply, as approved by the regulatory authority.

Sec. 34-604. Pools and Spas.

All recreational waters at any lodging establishment must comply with Kansas City, Missouri Pool and Spa regulations and ordinances, including any permit requirements.

Sec. 34-605. Building Requirements.

(a) *Building Structure.* Every building structure or enclosure used to provide lodging accommodations for the public shall be constructed of proper materials, and be kept and maintained as to promote the health, comfort, safety, and well-being of persons accommodated.

(b) *Identification:* The entrance door to every lodging unit must be plainly marked on the outside, either numerically or alphabetically. No two units may be assigned the same number or letter.

(c) *Condition:* The facilities must be maintained in acceptable condition as deemed by the regulatory authority. Conditions shall not create an unsafe environment for guests, a public health hazard, or a nuisance condition at the establishment or to surrounding community.

(d) *Flooring*. The floors of all guest rooms, hallways, bathrooms, store rooms, and all other spaces used or traversed by guests shall be of such construction and material which shall be easily cleanable and be kept clean and in good repair. Cleaning of floors shall be done to minimize the raising of dust and the exposure of guests thereto. The requirements of this part shall not prevent the use of rugs, carpets, or natural stone which can be kept clean. Abrasive strips for safety purposes may be used wherever deemed necessary to prevent accidents.

(e) *Walls*. The walls and ceilings of all rooms, halls and stairways shall be kept clean and in good repair. Studs, joists, and rafters cannot be exposed except when suitably finished and maintained clean.

(f) *Screens*. When flies, mosquitos, and other insects are prevalent, all outside doors, windows, and other outer openings must be screened; provided that such screening shall not be required for rooms deemed by the regulatory authority to be located high enough in the upper stories of the buildings as to be free of such insects, or in such areas where other effective means are provided to prevent their entrance.

(g) *Lighting*. All rooms and areas used by patrons and guest and all other rooms or spaces in which lighting, either natural or artificial, is essential and necessary, must have adequate and proper lighting. Any area where light bulbs are burnt out or missing must be replaced.

(h) *Waste Disposal*. All liquid waste shall be disposed of in an approved public sewage system or in a sewage system which is designed, constructed and operated in accordance with all local, state, and federal ordinances and codes.

Sec. 34-606. Fire Protection and Safety

(a) All facilities shall comply with all local building codes, fire codes and ordinances.

(b) All lodging establishments shall provide suitable fire escapes which shall be kept in good repair and accessible at all time.

(c) Hallways shall be marked and exit lights hard wired with battery backup provided.

(d) No sleeping quarters shall be maintained in rooms which do not have unobstructed egress to the outside or to a central hall leading to a fire escape.

(e) Fuel-burning appliances shall be properly vented in accordance with the law.

(f) Housekeeping practices that ensure fire safety shall be maintained daily.

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(g) Smoke detectors shall be installed in all sleeping rooms, cooking areas/kitchens, hallways, laundry rooms, mechanical rooms, hazardous areas and where specifically stated within this Code. Heat sensing devices may be installed in cooking areas in lieu of a smoke detector(s).

- (1) All smoke detectors and heat sensing devices shall be hardwired with battery backup and shall be maintained in good operating condition.
- (2) Smoke detectors shall be tested at least monthly or as needed to ensure they are operating properly and batteries shall be changed as needed.
- (3) The regulatory authority may require the installation of additional smoke detectors at any time.
- (4) Existing fire alarm systems and sprinkler systems shall be maintained in good working order.

(h) *New Lodging Establishment Requirements.* In addition to meeting local, state and federal requirements, the regulatory authority has outlined minimum requirements for the maintenance of fire safety components:

- (1) Smoke detectors and/or heat sensing devices shall be installed on the ceiling, preferably in the center, but no less than four inches (4") from the wall of the sleeping area or on a sleeping room wall between four and twelve inches (4"-12") from the ceiling. All smoke detectors and/or heat sensing devices shall be hardwired and have battery backup.
- (2) A fire alarm system shall be installed and maintained in accordance with the current National Fire Protection Association 72, National Fire Alarm Code or equivalent code and maintained in good working order except for either of the following: i) single story buildings with guest room doors that open directly to the outside at grade level or ii) buildings with no more than three (3) occupiable stories and with no more than four (4) guest rooms per building with guest room doors that lead directly outside at or to grade level.

(i) All buildings shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with the most current National Fire Systems or the National Fire Protection Association 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height or equivalent code.

(j) Bed and breakfasts and buildings with no more than three (3) occupiable stories, where all guest rooms have a door that opens directly to the outside at or to grade level or to an exterior exit access are not required to be protected throughout by an approved, supervised automatic sprinkler system.

Sec. 34-607. General Safety.

Existing lodging establishments shall meet the following requirements for general safety of the public:

(a) All facilities that use stairs as a component in the means of egress shall comply with the following:

- (1) All open face stairs shall have guards placed on the sides. Guards shall be placed so that a four inch (4") diameter sphere cannot pass through them;
- (2) Handrails for stairs shall not be less than thirty-four inches (34") and not more than thirty-eight inches (38") above the surface of the tread, measured vertically to the top of the rail from the leading edge of the tread.
- (3) Existing handrails, railings and guards for stairs may continue to be used subject to approval of the regulatory authority.

(b) Railings for balconies shall not be less than forty-two inches (42") in height. Guards shall be placed so that a four inch (4") diameter sphere shall not pass through them.

(c) All facilities that use ramps as a component in the means of egress shall comply with the following:

- (1) All ramps, handrails, and guards shall comply with the American with Disabilities Act (ADA) and other building codes.
- (2) Ramps shall have a minimum width of forty-four inches (44") in all facilities.
- (3) Ramps shall have a slip resistant surface.
- (4) Ramps that are greater than six inches (6") in height shall have handrails and guards placed on each side.
- (5) Existing ramps may continue to be used subject to approval of the regulatory authority.

(d) Floors that separate stories in a building shall be maintained as a smoke barrier to provide a basic degree of separation.

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(e) Openings through floors, such as hoist ways for elevators, shaft ways used for light, ventilation or building services; or expansion joints and seismic joints used to allow structural movements shall be enclosed with fire barriers (vertical), such as wall or partition assemblies whose fire resistance rating is not less than thirty (30) minutes. Such enclosures shall be continuous from floor to floor. Openings shall be protected as appropriate for the fire resistance rating of the barrier.

(f) Service openings such as laundry chutes, dumbwaiters and inclined and vertical conveyors shall be provided with self-closing devices, with a positive-latching frame and door assembly of one (1)-hour fire rating. These service openings must be kept closed when not in active use. Outlet doors for trash or laundry chutes shall open only to a separate room designed exclusively for that purpose. This room shall be provided with a one (1)-hour fire rated door that is self-closing. Existing installations may continue to be used upon approval of the regulatory authority.

(g) Vertical conveyors and chutes shall be separately enclosed by walls or partitions. Service openings shall not open to an exit.

(h) All guest rooms shall have a means of egress to the outside of the building at or to grade level.

(i) Lodging establishments meeting the definition of a bed and breakfast may have two (2) secondary means of egress that are independent and remote from one another in lieu of a primary means of egress.

(j) Public hallways, stairways, landings, and foyers shall be sufficiently illuminated at all times to prevent tripping or other injuries to persons.

(k) Emergency exit signs shall be provided when guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at grade level.

(l) Emergency exit signs shall be maintained in a clean and legible condition and shall be illuminated at all times that the building is occupied. For new construction, supplemental directions signs, when necessary, shall be installed indicating the direction and way of egress.

(m) All emergency lighting shall be maintained in good working condition.

Sec. 34-608. Plumbing and mechanical.

(a) Installation and maintenance of plumbing supply lines and equipment shall be in compliance with local codes and the Uniform Plumbing Code. At no time shall plumbing be arranged in a manner that may allow pollution or contamination of potable water supplies. General requirements are as follows:

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- (1) Hot and cold running water shall be available at all times.
- (2) Restrooms shall be provided with adequate ventilation to prevent excessive condensation, mold or algae growth, or odors.
- (3) The drainage system shall be adequately vented to extend above the roof.
- (4) All fixtures shall be adequately and properly trapped.
- (5) Openings for the passage of plumbing shall be pest proof.
- (6) No fitting, connection, device or method of installation shall obstruct or constrict the flow of water, wastes, sewage or air in the drainage or venting system.

(b) *Inspected Mechanical Devices.* Certification of Inspection by the Fire Department shall be required for the following water heaters, boilers and pressure vessels:

- (1) Water heaters with heat input greater than two hundred thousand British Thermal Units per hour (200,000 BTU/hr.) or fifty-seven and six-tenths kilowatts (57.6 kW) if electric;
- (2) All boilers; and
- (3) Hot water storage tanks greater than one hundred twenty (120) gallon capacity, and water temperatures exceeding two hundred ten degrees Fahrenheit (210°F), and heat input greater than two- hundred thousand (200,000 BTU/hr.) or fifty-seven and six-tenths (57.6 kW) if electric;
- (4) Evidence of inspection and approval shall be posted on the premises.

(c) *Non-inspected Mechanical Devices.* Water heaters and pressure vessels not required to be inspected and approved by the Fire Department:

- (1) Shall be rated for a minimum working pressure of one hundred twenty five pounds per square inch (125 psi). The maximum pressure allowed shall be permanently marked on all water heating units and holding tanks.
- (2) A separate valve or switch shall be provided to shut the fuel supply off to water heating units.

(d) *Safety devices.* Devices to prevent the excessive buildup of heat and/or pressure in the vessel must be provided on water heaters and other pressure vessels.

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- (1) Temperature and pressure (T&P) relief valves are required on or adjacent to hot water holding tanks but cannot be separated from the tank by a check valve or shutoff valve.
 - (2) Temperature and pressure (T&P) relief valves are required on water heaters and must be installed so that the sensing element extends into the tank and monitors the temperatures in the top six inches (6") of the tank.
 - a. Relief valves shall bear imprints, plates or tags to indicate the specifications of the valve;
 - b. BTU rating of the temperature component of the T&P relief valve must be equal to or greater than the input BTU of the vessel it serves;
 - c. Pressure rating of the pressure component of the T&P relief valve must be equal to or less than the pressure rating of the vessel it serves.
- (e) Relief valve discharge pipes shall be made of rigid pipe approved for water distribution with a temperature rating of two hundred ten degrees Fahrenheit (210°F) or other materials approved by the manufacturer to be used for this purpose and:
- (1) Be the same diameter, or larger, as the relief valve outlet;
 - (2) Be installed so as to drain by gravity flow and shall have no more than one (1) elbow or be installed according to manufacturer's specifications;
 - (3) Valves shall not be connected to the relief valve discharge pipe; and;
 - (4) Shall not discharge so as to be a hazard or a potential cause of damage.
- (f) *Backflow devices.* All backflow devices used must meet local, state and federal codes. Potable water supplies shall be protected from sources of potential contamination.
- (1) The following shall be protected by reduced pressure zone (RPZ) backflow prevention assembly: boiler units, fire sprinkler systems with chemical additives, lawn sprinklers with facilities for injection of pesticides, herbicides or other chemicals, and pumped or re-pressurized cooling or heating systems.
 - (2) The following shall be protected by a double-check valve assembly: establishment wide fire sprinklers not using chemical additives and lawn sprinklers without facilities for injection of pesticides, herbicides or other chemicals.

- (3) The following shall be protected by vacuum breakers: threaded faucets, flush valves and shower spray hoses. Commercial dishwashers and commercial laundry machines shall be protected by either a vacuum breaker or an air gap.
- (4) The following shall be protected by air gaps: relief valve discharge pipes from water heaters and water holding tanks, make-up waterlines for cooling towers, potable water inlets to all plumbing fixtures, water softeners, condensation waterlines and discharge lines from commercial laundry machines. Swimming pool feed lines shall be protected by either an air gap or double-check valve assembly.
- (5) The following shall be protected by air breaks: ice containers and ice machines.
- (6) Fire sprinklers plumbed into a potable water line over gas water heaters and/or furnaces shall not be required to install a backflow device unless required by local ordinance.

(g) *Propane Systems.* Liquid propane (LP) gas systems shall be tested for leaks on a yearly basis.

Sec. 34-609. Life Safety.

The lodging establishment shall be constructed, operated and maintained with strict regard to health and safety. Operation and maintenance requirements shall include:

- (1) Combustibles, whether solid, liquid or gaseous, shall be properly used and stored so that they do not present a hazard to health or life safety.
- (2) Toxic, corrosive, oxidizing or other hazardous materials shall be properly used, stored, and disposed of in such a manner that they do not present a hazard to health or life safety.
- (3) All guards placed on the sides of open face stairs shall be attached to the stair in a sturdy manner and maintained in good repair. All railings for balconies shall be attached to the balcony in a sturdy manner and maintained in good repair.
- (4) There shall be no storage on stairs or landings.
- (5) Stairways, walks, ramps and porches shall be kept free of ice and snow.

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- (6) Buildings must be adequately maintained to assure safe and sanitary conditions.
- (7) If the regulatory authority suspects that defects are present with regard to the integrity of the structure or electrical system of the lodging establishment, that authority may require the owner to retain the services of a professional engineer to certify the lodging establishment for building safety.
- (8) All repairs, additions and maintenance must be conducted in a manner that produces safe and sanitary conditions.
- (9) Facilities using fuel-fired equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached parking garages or wood burning fireplaces, shall install a carbon monoxide detector(s). Carbon monoxide detectors shall be installed according to manufacturer's specifications and should not be placed within five feet (5') of gas-fueled appliances or near cooking or bathing areas.
 - a. Carbon monoxide detectors shall be in good working condition. Detectors must be hardwired with a battery backup.
 - b. Carbon monoxide detectors shall be tested at least monthly or as needed to ensure they are operating properly and batteries shall be changed as needed.
 - c. Carbon monoxide detectors shall be required in rooms adjoining or sharing a common ventilation system with an attached parking garage, but shall not be required to be installed in the attached parking garage area.

Sec. 34-610. Electrical.

Installation and maintenance of electrical components shall be in compliance with local codes. General requirements are as follows:

- (1) New lodging establishments having electrical outlets installed within five (5) feet of wet locations or outdoors are required to be fitted with ground-fault circuit interrupters. Existing lodging establishments undergoing a major renovation or rewiring shall be required to install ground-fault circuit interrupters in electrical outlets located within five feet (5) of wet locations or outdoors;
- (2) Electrical switches, outlets and junction boxes must be covered and properly protected from physical damage at all times;

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- (3) All appliances must be grounded to design specifications;
- (4) Wire splices shall be located in covered junction boxes at all times;
- (5) Bare or frayed wiring is prohibited;
- (6) Three (3)-prong receptacles must be properly grounded at all times. Non-grounded three (3)-prong receptacles in existing lodging establishments shall be replaced with two (2)-prong receptacles or properly grounded;
- (7) Temporary wiring and flexible cords cannot be used in place of fixed wiring. Use of extension cords longer than six feet (6') shall be prohibited unless provided with over-current protection or rated with properly sized wire. No more than two (2) extension cords per room may be used;
- (8) Wattage of light bulbs shall not exceed the wattage rating of corresponding light fixtures;
- (9) Empty light sockets are prohibited;
- (10) Circuit boxes shall be protected from physical damage and maintained in good condition. Storage of items that obstruct the vision of or access to circuit boxes is prohibited; and
- (11) Access to electrical panels shall be unobstructed; fuses and circuits must be labeled for identification.

Sec. 34-611. Heating, Venting and Air Conditioning (HVAC) Equipment.

(a) Air conditioning, heating, ventilating ductwork and related equipment shall be installed using acceptable procedures in a safe manner and be in good operating condition.

(b) Unvented fuel-fired heaters, fireplaces or other appliances and portable electrical space heaters shall be prohibited from use in all areas of the lodging establishment.

(c) Existing unvented fireplace installations may continue to be used, upon approval of the regulatory authority, if the following conditions are met:

- (1) The appliance and installation meet the current National Fire Protection Association 54 ANSI 223.1 National Fuel Gas Code requirements for residential use.

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- (2) The local gas company conducts an inspection to assure the appliance and installation meet the current National Fire Protection Association 54 ANSI 223.1 National Fuel Gas Code requirements for residential use.
- (3) A carbon monoxide detector is installed in accordance with all applicable codes.
- (4) The unvented fireplace is not the primary source of heat.
- (d) Gas and electric heating equipment shall be equipped with thermostatic controls.
- (e) Gas water heaters, gas furnaces and other gas appliances shall be properly vented to the outside, and the flue pipe shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.
- (f) Joints in gas supply pipes shall be located outside the furnace cabinet housing.
- (g) Gas shutoff valves shall be located next to all gas appliances, gas furnaces and gas water heaters.
- (h) Rooms containing gas water heaters and/or gas furnaces shall have an automatic sprinkler head installed off the domestic water system with a hardwired smoke detector located directly outside the room or shall be protected throughout by an approved, supervised automatic sprinkler system or designed in a manner to be fire resistant.
- (1) The sprinkler head should be rated for one hundred sixty-five degrees Fahrenheit (165°F) or appropriately rated for the specific location and installed according to manufacturer's specifications or approved by the regulatory authority. Existing installations may continue to be used upon approval of the regulatory authority.
- (2) The sprinkler head should be installed in a manner so the water spray will encompass the gas water heater and/or furnace.
- (3) Pipes tying into the domestic water line shall be one-half inch (1/2") or three-fourths inch (3/4") copper pipe or chlorinated polyvinyl chloride (CPVC) pipe. Existing installations may continue to be used upon approval of the regulatory authority.
- (4) CPVC pipe must meet the current National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems and National Fire Protection Association 13R Standard for the Installation of Sprinkler

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Systems in Residential Occupancies up to and Including Four Stories in Height.

- (5) A smoke detector is not required to be located directly outside the room if the door to the gas water heater and/or furnace room opens directly to the outside.
- (6) A smoke detector is not required to be located directly outside the room if another smoke detector is already located within ten feet (10') of the door.
- (7) A fire resistant room shall consist of walls and ceilings designed to be fire resistant for a minimum of one (1) hour, with a one (1)-hour fire rated door and doorjamb. All openings into this room shall be designed with one (1)-hour fire rated materials.

Sec. 34-612. Sanitation and Housekeeping.

(a) Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to the health and safety of the patrons. The following items shall be held in compliance:

- (1) Walls, floors and ceilings of guest rooms shall be kept clean and in good repair. Furnishings, including draperies, beds, appliances, furniture and lamps, shall be kept clean and in good repair;
- (2) Clean and proper housekeeping shall be employed in guest rooms and related facilities:
 - a. A room in use shall be cleaned at least each time a different guest rents the room. If the same guest continuously occupies a room, such as in the case of an extended stay lodging facility, the room shall be cleaned at least weekly.
 - b. Clean towels and washcloths shall be provided in the guest room each day that guest room is occupied by a different guest.
 - c. Clean bed linens shall be provided in the guest room each day that guest room is occupied by a different guest. If the same guest continuously occupies a room, bed linens and towels shall be changed at least weekly. Bedspreads shall be clean and maintained in good repair.
 - d. Mattresses and box springs shall be clean and in good repair. The sleeping surfaces of a mattress in use shall be completely covered by a sheet. Excessively damaged or soiled mattresses and/or box springs shall be replaced.

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- e. Single-service drinking glasses and/or utensils, if provided in guest rooms, shall be individually wrapped.

(b) Ice provided for guests and patrons' use shall be from a commercial source or made from a potable water supply. The ice shall be protected from contamination, which shall include the following:

- (1) Ice machines, dispensers or chests shall be sheltered from the weather, kept in good repair and the ice compartment shall be kept clean and free of mold, rust, debris, foreign objects or other contaminants. All establishments that replace or add a new ice machine shall only provide dispensing type self-service ice machines;
- (2) Ice machines and ice trays within guest refrigerators shall be kept clean and sanitary. Ice shall be removed from the ice bin and ice trays each time a different guest rents the room;
- (3) An approved scoop with a handle that is seamless and without cracks shall be provided for each bin-type ice machine or chest. The scoop may be stored in a holster in the ice compartment, in a smooth non-absorbent holder outside the ice machine or chest, or in another manner acceptable to the regulatory authority; and
- (4) Individual ice buckets or containers, if provided, shall be kept clean, in good repair, and constructed of a smooth, nonabsorbent, food-grade material.
 - a. If a food-grade single service liner is provided, the individual ice buckets/containers shall be washed, rinsed and sanitized as needed. Reuse of the food-grade single service liner is prohibited.
 - b. If a food-grade single service liner is not provided, the individual ice buckets/containers shall be washed, rinsed and sanitized at least each time a different guest rents the room.
- (5) Ice buckets/containers and reusable glasses and utensils, if provided, shall not be located within the room housing the toilet unless approved by the regulatory authority.
- (6) Ice buckets/containers, reusable glasses and utensils, if provided, shall be washed, rinsed and sanitized using one (1) of the following practices.
 - a. A sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing the reusable items. Sink

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compartments shall be large enough to accommodate immersion of the largest piece of equipment and utensil;

- b. A mechanical dishwasher that meets the requirements for washing, rinsing and sanitizing as outlined in the Kansas City Missouri Food Code; or
- c. Other methods approved by the regulatory authority.

(c) The guest rooms, buildings and premises shall be kept neat and free of refuse and debris.

- (1) Garbage and refuse shall be stored in a covered durable, leak proof and pest-proof non-absorbent container. Outdoor trash containers shall be stored on a smooth, hard surface such as concrete or machine-laid asphalt that is sloped to drain, or other methods approved by the regulatory authority.
- (2) Garbage and refuse shall be disposed of on a routine basis.
- (3) Plant growth or other items in close proximity to the lodging establishment and its attendant facilities shall be maintained so as not to create a nuisance through harborage (cover) for pests such as insects, rodents, reptiles and other small animals.
- (4) Items creating harborage for insects or pests, or creating a health or safety hazard, shall be removed.

Sec. 34-613. Food.

All establishments preparing, serving and/or handling food, must be in compliance with City of Kansas City, Missouri Food Code.

Sec. 34-614. Insect and Rodent Control

(a) *Pests.* Every lodging establishment shall be constructed and maintained to prevent the entrance, harborage, or breeding of flies, cockroaches, bedbugs, fleas, rats, mice, birds, and all other insects and pests. Routine inspections of the premises shall be conducted to control and minimize the presence of pests and eliminate harborage conditions.

(b) *Regulation.* Professional pest services shall be used for preventive maintenance and for control and elimination of the presence of pests.

(c) *Pesticide Application.* Poisonous or toxic materials shall be:

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- (1) Used according to:
 - a. Law and this Code;
 - b. manufacturer's use directions included in labeling;
 - c. the conditions of certification, if certification is required, for use of the pest control materials;
 - d. additional conditions that may be established by the regulatory authority; and
- (2) Applied so that:
 - a. A hazard to employees or other persons is not constitute; and
 - b. contamination including toxic residues due to drip, drain, fog, splash or spray is prevented.
- (3) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a person under the direct supervision of a certified applicator.

(d) *Removal.* Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

Secs. 34-615—34-649 reserved.

DIVISION 3: PERMITTING AND APPLICATION PROCESS

Sec. 34-650. Permit to Operate Required

(a) A person may not operate a lodging establishment without a valid permit to operate issued by the regulatory authority. All persons, firms, partnerships, corporations and associations, either for profit or nonprofit, now or hereafter owning, operating or managing a lodging establishment, shall obtain an operating permit for each such establishment from the Director. The permit shall be issued only after an application has been submitted and approved by the Director on forms to be furnished by him or her. Permits are not transferable with any changes in ownership.

(b) *Plan Reviews.* Prior to a lodging establishment being constructed, extensively remodeled, or an existing structure converted for use as a lodging establishment, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the regulatory authority for review and approval before construction,

remodeling, or conversion can begin. The plans and specifications must indicate the proposed layout, arrangement, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans, submitted and drawn to scale, must be legible and complete in all details. Other departments must approve plans before building permits can be drawn and construction may begin.

(c) *Review Processing Time.* The regulatory authority will review the plans and specifications if they meet the requirements. The regulatory authority will report findings for the plan review within thirty (30) days of the date the plans are received.

(d) *Construction.* The establishment must be constructed and finished in conformance with the approved plans.

(e) *Pre-opening Inspection.* The regulatory authority will inspect the lodging establishment before the start of operation to determine compliance with the approved plans and specifications and issuance of an approved permit.

(f) *Plan Review Fee.* Plan review fees, if any, will be paid either at time of submission or at time of final inspection.

Sec. 34-651. Conditions on operating permits.

No operating permit shall be issued by the Director until the applicant therefore has complied with the rules and regulations promulgated by the Director and all provisions of this Article. The Director is authorized and directed to endorse on the operating permit such conditions and requirements which in his best judgment and discretion are necessary for the protection of the health and safety of the persons utilizing such lodging establishment. Such conditions and requirements shall conform as closely as possible to the rules and regulations promulgated by the Director. Such rules and regulations shall not be so strictly construed to operate hardship upon any applicant; but the Director shall have discretion to prescribe reasonable conditions and requirements to carry out the scope, purpose and intent of this Article.

Sec. 34-652. Duties of Permit Holder.

(a) Upon acceptance of the permit issued by the regulatory authority, the permit holder in order to retain the permit shall:

- (1) Comply with all provisions of this Article, and the rules and regulations promulgated by the Director, as such provisions, rules and regulations may be amended from time to time, and also each and every condition and requirement endorsed upon such permit or any renewal thereof issued under this division, as such conditions and requirements may be amended by the Director;

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- (2) Post the permit in a location in the lodging establishment that is conspicuous to the public;
- (3) Immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, gross insanitary occurrence or condition, or other circumstance that may endanger public health;
- (4) Allow representatives of the regulatory authority access to the lodging establishment at all times of operation and other reasonable times;
- (5) Comply with directives of the regulatory authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the regulatory authority in regard to the permit holder's lodging establishment, or in response to community emergencies;
- (6) Accept notices issued and served by the regulatory authority according to law; and
- (7) Be subject to the regulatory, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Code or a directive of the regulatory authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

Sec. 34-653. Qualifications and Responsibilities of Applicant.

To qualify for a permit, the applicant shall:

- (1) Be an owner of the lodging establishment or an officer of the legal ownership;
- (2) Comply with the requirements of this Code;
- (3) Agree to allow access to the lodging establishment and to provide required information; and
- (4) Pay the applicable permit fees at the time the application is submitted.

Sec. 34-654. Section Application; Fees.

(a) *Application contents.* Before any permit shall be issued, all persons now or hereafter owning, operating or managing a lodging establishment shall complete an application for an operating permit on forms furnished by the Director. The application

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shall show the location, operation, specifications and such other information of the existing or proposed lodging establishment as may be required by the Director.

(b) *Investigation of establishment.* Upon receipt of an application, the Director shall cause an investigation to be made of the existing establishment, or the plans and specifications of a proposed establishment, to determine if such applicant meets the requirements of this Article and the rules and regulations promulgated under this Article.

(c) *Application Fee.* An application fee of \$100.00 shall accompany the initial application and also any instance where a permit holder may thereafter apply to the Director for a modification of the particular requirements and conditions embodied in such permit.

(d) *Permit Fee.* Fees shall be based upon the number of rooms in a lodging establishment. The following schedule prescribes applicable fees for permits described in this Article:

No. of Rooms	<50	50-150	151-300	301-500	501-1000	Each Additional 300 Rooms
Annual Fee	\$150	\$200	\$250	\$300	\$350	\$50
Re-inspection Fee	\$75	\$100	\$125	\$150	\$175	\$25

(e) *Reinstatement Fee.* In addition to other fees established herein, there shall be a fee of \$250.00 for the reinstatement of any permits that have been suspended.

(f) *Adjustment of fees.* The Director shall have the authority to adjust the above-listed fees annually to reflect the change in the consumer price index (CPI) for all items/all urban consumers/Kansas City, Missouri, published by the United States Department of Labor, Bureau of Labor Statistics. The costs of issuance and inspections of permits may be increased by the CPI index indicated above. The Director is also authorized to make cumulative adjustments for those years in which fees were not previously adjusted.

(g) *Late Fee:* Permit renewals not submitted to the Health Department by January 31 will be charged a \$50.00 per month late fee. Facilities that have not paid the appropriate fee by February 1st may be subject to cease operation until all fees have been paid.

(h) *Re-inspection Fee:* The regulatory authority shall assign a fee when a re-inspection is assigned based on the number of rooms.

(i) *Refunds:* There shall be no refund of any fee paid pursuant to this section.

(j) *Existing Establishments, Permit Renewal and Change of Ownership:* The regulatory authority may renew a permit for an existing lodging establishment or may issue a permit to a new owner of an existing lodging establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this Code.

Sec. 34-655. Denial of Application for Permit; Notice.

If an application for a permit to operate is denied, the regulatory authority shall provide the applicant with a notice that includes:

- (1) The specific reasons and Code citations for the permit denial;
- (2) The actions, if any, that the applicant must take to qualify for a permit; and
- (3) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

Sec. 34-656—34-660. Reserved.

DIVISION 4. INSPECTION AND ENFORCEMENT

Sec. 34-661. Inspections; Opportunities to correct.

(a) *Inspection and Reporting Required.* The Director shall cause periodic inspections to be made of all lodging facilities regulated under this Article to ensure that the holder of the operating permit issued under this Article is complying with the provisions of this Article, the rules and regulations promulgated by the Director, as they may be amended from time to time, and the conditions and requirements set forth in the operating permit issued for the particular establishment for which the operating permit was issued or renewed.

(b) The person operating a lodging establishment shall, upon the request of the regulatory authority and after proper identification, permit access to all parts of the establishment at any reasonable time for purpose of inspecting and shall exhibit and copy records or information to check or show compliance with these regulations.

(c) *Allowed access at reasonable times after due notice.* After the regulatory authority presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the regulatory authority to determine if the lodging establishment is in compliance with this Code by allowing access to the establishment, allowing inspection, and providing information and records specified in this Code and to which the regulatory authority is entitled according to law, during the lodging establishment's hours of operation and other reasonable times.

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(d) *Refusal; Notification of Right to Access; Final Request for Access.* If a person denies access to the regulatory authority, the regulatory authority shall:

- (1) Inform the person that the permit holder is required to allow access to the regulatory authority as specified under this Code,
- (2) Access is a conditions of the acceptance and retention of a lodging establishment permit to operate, and
- (3) If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to law; and
- (4) Make a final request for access.

(e) *Refusal; Reporting.* If after the regulatory authority presents credentials and provides notice, explains the authority upon which access is requested, and makes a final request for access, the person in charge continues to refuse access, the regulatory authority shall provide details of the denial of access on an inspection report form.

(f) *Inspection Order to Gain Access.* If denied access to a lodging establishment for an authorized purpose, the regulatory authority may:

- (1) Issue, or apply for the issuance of, an inspection order to gain access as provided in law; or
- (2) Issue permit summary suspension order.

(g) *Inspection Frequency Interval.*

- (1) The regulatory authority shall inspect a lodging establishment at intervals averaging twelve (12) months.
- (2) The regulatory authority may inspect more frequently than twelve (12) month averages based on:
 - a. Past performance, for nonconformance with Code;
 - b. Past performance, for numerous or repeat violations of Code;
 - c. Past performance, for complaints investigated and found to be valid; or
 - d. The type of operation.

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(h) *Non-Health-Hazardous or Life-Threatening Violations; Opportunity to Correct.* During an inspection, if the regulatory authority discovers that a permit holder has failed to comply with this Article or the rules and regulations established by the Director, and the violation is not life-threatening or a potentially serious health hazard, he or she shall:

- (1) Inform the permit holder, his agent, or employee in writing that violation(s) exist;
- (2) Allow the permit holder an opportunity to correct the violations within a reasonable period, as determined by the regulatory authority; and
- (3) Re-inspect the lodging establishment to determine if the violation(s) still exist.

(i) *Health-Hazardous or Life-Threatening Violations; Opportunity to Correct.* During an inspection, if the regulatory authority discovers that a permit holder has failed to comply with this Article or the rules and regulations established by the Director, and the violation is or may become life-threatening or a potentially serious health hazard, he or she shall:

- (1) Immediately lock, secure or close the area of violation and post a sign indicating that the room, area and/or lodging establishment is closed.
- (2) Inform the permit holder or his agent, or employee in writing that a violation exists;
- (3) Allow the permit holder an opportunity to correct the violation within a reasonable period of time, as determined by the Director; and
- (4) Re-inspect the lodging establishment to determine if the violation still exists.

(j) *Timely Correction.*

- (1) The permit holder shall at the time of inspection correct any health hazardous or life threatening violation of the Code and implement corrective actions to prevent violation from recurring.
- (2) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed ten (10) calendar days after the inspection, for the permit holder to correct health hazardous or life threatening violation.

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- (3) For non-health-hazardous or life-threatening violation the permit holder shall correct violation by a date and time agreed to or specified by the regulatory authority but no later than thirty (30) calendar days after the inspection.
- (4) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under (c) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.
- (5) If the regulatory authority finds the permit holder still in violation after three (3) re-inspections, the regulatory authority shall notify the permit holder in writing of the intention to suspend or revoke the permit and allow the permit holder an opportunity for a hearing.

(k) *Refusal to Sign Acknowledgment.* The regulatory authority shall inform a person who declines to sign an acknowledgement of receipt of inspectional findings that:

- (1) An acknowledgment of receipt is not agreement with findings;
- (2) Refusal to sign an acknowledgement of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified;
- (3) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the regulatory authority's historical record for the lodging establishment; and
- (4) Make a final request that the person in charge sign an acknowledgement receipt of inspectional findings.

Sec. 34-662. Notice of Suspension; Conditions Warranting Action.

(a) *Suspension.* The regulatory authority may summarily suspend a establishment's permit by providing written notice of the summary suspension to the permit holder or person in charge, without prior warning, notice of hearing, or a hearing if and when:

- (1) The regulatory authority determines through inspection or other means as specified in the Code, that an actual or imminent health hazard exists;
- (2) Operations, facilities, or equipment in the lodging establishment fail to comply with conditions specified in the Code;

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- (3) The permit holder does not comply with regulations specified in this Code; or
- (4) Interference with the regulatory authority in the performance of its duties has occurred.

(b) *Term of Suspension; Reinstatement of Permit.* A summary of suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the regulatory authority through re-inspection and other means as appropriate. The regulatory authority may initiate any one, or a combination of, compliance methods that include, but are not limited to:

- (1) Holding an regulatory conference with the lodging establishment permit holder or person in charge;
- (2) Placing the lodging establishment on probation;
- (3) Setting conditions for continued operation of the lodging establishment, by the permit holder, during the probation period.

(c) *Time Frame for Reinstatement.* After receiving a written request from the permit holder stating that the conditions cited in the summary suspension order no longer exist, the regulatory authority shall conduct a reinstatement inspection of the lodging establishment for which the permit was summarily suspended within two business days, which means two days during which the regulatory authority's office is open to the public.

Sec. 34-663. Revocation; Conditions Warranting Action.

(a) The regulatory authority may revoke a lodging establishment a permit after provide the permit holder an opportunity for a hearing if:

- (1) Serious and repeated violation(s) of any requirement of these regulations according to the Code have occurred.
- (2) Repeated interference with, or assault upon a representative of the regulatory authority in the performance of his/her duty.
- (3) Permit holder fails to comply with a permit suspension order. The regulatory authority may adopt and use a permit suspension process different than specified under the provisions of the Code.

(b) *Revocation Procedure; Reinstatement of Permit.* Before revocation, the regulatory authority shall notify, in writing, the permit holder of the specific reason(s) why the permit is to be revoked. The notice will state:

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- (1) The permit will be revoked at the end of the ten (10) calendar days following the notice unless a written request for a hearing is filed with the regulatory authority by the permit holder within such ten-day period;
- (2) If a request for a hearing is not filed by the permit holder within the ten-day period, the revocation of the permit becomes final;
- (3) Any person whose lodging establishment permit has been revoked by the regulatory authority, after a period of six months, may make written application for a new permit and request a hearing with the regulatory authority to determine whether a new permit will be issued; and
- (4) The regulatory authority may use a permit revocation process different than specified under the provisions of this Code.

Sec. 34-664. Hearings for Suspension or Revocation; Record of Proceedings; Failure to Appear.

(a) When requested by the permit holder, the Director shall grant hearings to determine if a suspension or revocation shall take effect. The permit holder shall be allowed to show cause why such action should not be taken.

(b) *Hearing.* The Director shall afford a hearing within ten (10) business days after receiving a written request for an appeal hearing from the permit holder.

(c) *Record of proceedings.* The Director shall cause to be made a true and accurate transcript of such proceedings, and any appeal or review thereof by such permit holder shall be taken in accordance with the law.

(d) *Action by Director.* After any hearing shall be concluded, the Director shall make findings of fact and conclusions of law upon which his or her decision shall be based. Such conclusions may result in either no action taken due to no violation, suspension or revocation.

(e) *Automatic suspension.* Failure of a permit holder to appear at the hearing shall result in automatic suspension or revocation of the permit.

(f) *Suspensions; Reinstatements of Permits; Length of Suspension.*

- (1) After a hearing, if the Director finds the permit holder to be in violation of this Article or the rules and regulations and suspends the permit, the permit holder shall lock, secure or close the area(s) of violation and post a sign indicating that the lodging establishment is closed.

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- (2) Failure of the permit holder to lock, close, or secure the lodging establishment and maintain such signage during suspension may result in revocation of the permit.
- (3) If the permit holder has corrected the violation during a period of suspension, he or she shall notify the regulatory authority of the intention to have the permit reinstated.
- (4) The regulatory authority shall re-inspect the premises. If the violation no longer exists, the regulatory authority will leave written notification that the permit has been reinstated. Such notice shall also notify the permit holder that the closure signage may be removed and the lodging establishment may once again operate.
- (5) The regulatory authority shall charge a reinstatement fee of \$250.00 whenever a suspended permit is reinstated upon a re-inspection.
- (6) Suspensions in effect longer than 90 days shall result in a permit revocation.

(g) *Revocations.* If the Director decides to revoke a permit after a hearing or failure to appear, such lodging establishment shall not remain in operation and shall be secured in a fashion deemed necessary by the regulatory authority.

Sec. 34-665. Duties of Director.

The Director shall have the duty and responsibility of enforcing the provisions of this Article and the rules and regulations promulgated by him, or any amendments in requirements or conditions of any permit issued under this Article; and, in addition thereto, he or she shall keep records of all operating permits issued or renewed and any changes thereof, prepare a form of application for such permit, cause an inspection of the premises to be made at any reasonable time of any permit holder, make any amendments to the conditions and requirements either before or after an operating permit is issued, or do any other matter or thing necessary to carry out the intent, purpose and scope of this Article and the rules and regulations promulgated under this Article

Sec. 34-666. Authority to Prescribe Additional Rules and Regulations.

(a) *Scope of authority:* The Director shall formulate rules and regulations for implementing the provisions of this Article. Such rules and regulations shall be filed with the city clerk, and, when so filed, shall be in effect as part of this Article. Such rules may be modified or superseded by other rules and regulations filed by the Director from time to time.

(b) *Scope of regulations:* The Director shall have power and authority to make provisions in such rules and regulations for health, sanitation and adequate lodging safety

as such rules and regulations may appertain to each and every holder of a permit under this Article; and such provisions, conditions or requirements shall be subject to modification, deletions, additions or other change or alteration as to any holder of a permit as the Director may find and determine at any time.

Sec. 34-667. Severability.

The provisions on these regulations shall be severable. In the event any section, paragraph, sentence, clause, phrase or portions of these regulations are declared invalid for any reason, the remainder of these regulations shall not be affected thereby. The regulatory authority will administer and interpret the provisions of these regulations. The regulatory authority shall have all powers necessary to administer and enforce the provisions of these regulations.

Sec. 34-668. Violations Generally; Penalty; Failure to Obtain Permit or Renew.

(a) Any person violating any provision of this Article, the rules and regulations of the Director, or the conditions and requirements contained in the operating permit, as any or all of such provisions, rules, regulations, conditions or requirements may be amended, shall be deemed guilty of an ordinance violation, and upon conviction thereof shall be punished as provided in Sec. 34-669. Such violations apply to actions or inactions taken by the permit holder, his or her agents, servants or employees.

(b) Failure of any person to obtain an operating permit or keep the permit in force and effect by proper renewal thereof, where an operating permit is required, shall constitute a violation of this Article.

(c) Where the permit holder is a corporation or other association authorized by law to act only through an officer thereof, the officers executing the application or their successors shall be the responsible person subject to the penalties set forth in this section for the violation of this Article.

Sec. 34-669. Authorities; Penalties.

(a) The regulatory authority may seek to enforce the provisions of this Code and its orders by instituting criminal proceedings as provided in Law against the permit holder or other persons who violate its provisions.

(b) A person who violates a provision of this Code shall be guilty of an ordinance violation, punishable by:

- (1) A fine of not more than \$1000.00 dollars, or by imprisonment not exceeding six months, or both the fine and imprisonment.
- (2) Each day on which a violation occurs is a separate violation under this section.

Sec. 34-670. Restriction or Exclusion Order, Hold Order or Summary Suspension.

A summary suspension order shall be:

- (1) Served as specified in Sec. 34-662; or
- (2) Clearly posted by the regulatory authority at a public entrance to the lodging establishment and a copy of the notice sent by first class mail to the permit holder or to the owner, as appropriate.
- (3) A notice posted by the regulatory authority at the public entrance to the lodging establishment shall be removed only by the regulatory authority.

Sec. 34-671. Conditions Warranting Remedy.

The regulatory authority may seek a regulatory or judicial remedy to achieve compliance with the provisions of this Code if a person operating a lodging establishment:

- (1) Fails to have a valid permit to operate a lodging establishment;
- (2) Violates any term or condition of a permit;
- (3) Allows serious or repeated violations to remain uncorrected beyond time frames for correction approved, directed, or ordered by the regulatory authority;
- (4) Fails to comply with an order issued as a result of a hearing for a regulatory remedy; or
- (5) Fails to comply with a summary suspension order issued by the regulatory authority.

Sec. 34-672. Notice; Proper Methods.

A notice issued in accordance with this Code shall be considered to be properly served if it is served by one of the following methods:

- (1) The notice is personally served by the regulatory authority, a law enforcement officer, or a person authorized to serve a civil process to the permit holder;
- (2) The notice is sent by the regulatory authority to the last known address of the permit holder or the person operating a lodging establishment without

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a permit, by registered or certified mail or by other public means so that a written acknowledgment of receipt may be acquired; or

- (3) The notice is provided by the regulatory authority in accordance with another manner of service authorized in law.

Sec 34-673. Public Information.

The regulatory authority shall treat inspection reports as public documents and shall make them available for disclosure to a person who requests it as provided in Law. The regulatory authority may also publish information from the inspection report on the internet.

Sec. 34-674—Sec. 34-699. Reserved.

Section 5. If a majority of the voters favors the ballot question, Article VIII., Lodginghouses, consisting of Sections 34-331 through 34-360 shall be repealed in its entirety.

Section 6. Emergency recognized. That this ordinance provides for the submission of a proposal to the people of Kansas City, Missouri, and is hereby recognized to be an emergency measure within the meaning of Section 503(a)(3)(A) of the Charter of Kansas City, and as such shall become effective in accordance with that section.

Approved as to form and legality:



Authenticated as Passed

Sly James, Mayor

Marilyn Sanders, City Clerk

JAN 23 2013

Date Passed

Joseph Guarino
Assistant City Attorney