

AN ORDINANCE AMENDING CHAPTER 22 AND APPENDIX A – FEE SCHEDULE OF THE BRANSON MUNICIPAL CODE PERTAINING TO SHORT-TERM RENTALS.

WHEREAS, after City Staff consideration, a public meeting, and review of proposed regulations, the City of Branson desires to regulate short-term rentals that are in operation within the City; and

WHEREAS, because short-term rentals are intended to provide lodging for transient guests, the City’s historically tourism-driven economy supports an estimated 1,600 short-term rentals; and

WHEREAS, the City desires to establish health and safety regulations for short-term rentals, which are intended to provide the City with contact information of the short-term rental operator or property manager in the event of an emergency or law enforcement incident; to provide transient guests (who are likely unfamiliar with location of exit routes, location of fire suppression items, and locations safe for severe weather) with emergency plans and required safety items available for guest use; and to ensure that all short-term rentals are being operated in compliance with City Code; and

WHEREAS, the Board of Aldermen is authorized by Section 79.110 of the Revised Statutes of Missouri to enact ordinances expedient for the good government of the City of Branson and to benefit the trade, commerce, and health of the Branson inhabitants; and

WHEREAS, the Board of Aldermen is authorized by Section 79.450, RSMo. to make all ordinances, not inconsistent with the laws of the state, expedient for maintaining the peace, good government, and welfare of the City and its trade and commerce; and

WHEREAS, the Board of Aldermen finds that the following short-term rental regulations benefit the trade, commerce, and health of the Branson inhabitants and guests of short-term rentals, and are expedient for maintaining the peace and welfare of the City, along with its trade and commerce; and

WHEREAS, the City of Branson is authorized by Section 94.802, RSMo. to impose a tourism tax paid by guests of hotels, motels, condominium units, time-share interests in condominiums, campgrounds, and tourist courts; and

WHEREAS, Section 94.802, RSMo. defines "hotel", "motel", "condominium", "time-share interests in condominiums", or "tourist court" as “any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, including bed and breakfast facilities, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests”; and

WHEREAS, in consideration of this definition, the Board of Aldermen finds that short-term rentals shall be subject to the tourism tax as imposed by Section 94.802, RSMo.; and

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WHEREAS, the Board of Aldermen is authorized by Section 94.270, RSMo. to regulate and license hotels, which is defined by Merriam Webster as “an establishment that provides lodging and usually meals, entertainment, and various personal services for the public”; and

WHEREAS, the Board of Aldermen finds that short-term rentals provide lodging and could also provide meals, entertainment, or various personal services, and therefore finds that short-term rentals are properly categorized as hotels under Section 94.270, RSMo.; and

WHEREAS, the Board of Aldermen desires to create the following regulations for short-term rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 22 – *Businesses*; Article I. – *In General*; Sec. 22-1. – *Definitions* of the Branson Municipal Code is hereby amended to delete the stricken definition and include the bold and underlined definitions:

**CHAPTER 22 – BUSINESSES
ARTICLE I. – IN GENERAL**

Sec. 22-1. - Definitions.

~~[*Nightly Rental* means a building or portion thereof, in which sleeping accommodation is available for fewer than five guestrooms, for legal consideration, for a term less than 30 consecutive days.]~~

***Dwelling Unit* means a one-family home, two-family home, townhouse, or condominium.**

***Primary Residence* means the place in which a natural person’s habitation is the person’s usual place of return and the place where the same person resides for a cumulative minimum of 270 days per calendar year.**

***Property Manager* means the owner of the short-term rental or person or representative of the corporation, limited liability company, partnership, limited partnership, trust, or real estate investment trust identified to be the property manager on the short-term rental permit license application. A short-term rental owner may act as the property manager. All short-term rental property managers that are not short-term rental owners shall acquire from the short-term rental owners a signed and notarized authorization to transact the business of short-term rental.**

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Short-Term Rental means any dwelling unit (guest room/rooms provided) advertised, offered, or operated for lodging accommodations for a period of not less than one night and not more than 30 consecutive days, but does not include rentals that operate within a primary residence or lodging establishments.

Short-Term Rental Owner means the person who is the owner of the property where the business of short-term rental is conducted.

Section 3: That Chapter 22 – *Businesses*; Article II. – *Licenses*; Sec. 22-24. – *Fees*; Sec. 22-36. – *Lodging establishments or nightly rentals in low density residential districts* ; and Sec. 22-38. - *License fees* shall be amended to read as follows:

**CHAPTER 22 – BUSINESSES
ARTICLE II. - LICENSES**

Sec. 22-24. Fees.

- (a) *Annual license fee.* Every person, merchant, manufacturer, wholesaler, contractor, subcontractor or business renewing a license shall submit the required license application and fee on or before May 1. If the fee is based on the number of employees, the calculation shall be based on the highest number of employees working at that business in the city on one day during the previous calendar year. Any person, merchant, manufacturer, wholesaler, contractor, subcontractor or business commencing operations or business between May 1 and October 31 shall pay the full annual fee. Any person, merchant, manufacturer, wholesaler, contractor, subcontractor or business commencing operations or business between November 1 and January 31 shall pay 50 percent of the annual fee. Any person, merchant, manufacturer, wholesaler, contractor, subcontractor or business commencing operations or business between February 1 and April 30 shall pay 25 percent of the annual fee.
- (b) **Annual business license fee—Short-Term Rentals.** Every business operating as a short-term rental shall submit the required business license application and fee on or before May 1. The fee for a short-term rental business license is indicated in the city fee schedule. Any application commencing a short-term rental business between May 1 and October 31 shall pay the full annual fee. Any application commencing a short-term rental business between November 1 and January 31 shall pay 50 percent of the annual fee. Any application commencing a short-term rental business between February 1 and April 30 shall pay 25 percent of the annual fee.
- (c [b]) *Annual license fee—Lodging establishments.* Every business operating as a lodging establishment and renewing a license shall submit the required license application and fee on or before November 1. The fee is based on the number of employees, and the calculation shall be based on the highest number of employees working at that business in the city on one day during the previous calendar year. Any business operating as a lodging establishment commencing operations or business between November 1 and April 30 shall pay the full annual fee. Any business operating as a lodging establishment commencing operations or business between May 1 and July 31 shall pay 50 percent of the annual fee. Any business operating as a lodging establishment commencing

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operations or business between August 1 and October 31 shall pay 25 percent of the annual fee.

- (~~d~~ [e]) *Late renewal fee.* Businesses failing to submit a completed application with all required documents, fees and signature, including any city, county, or state departmental approvals for license renewal within the first 15 days immediately following the license expiration, will be assessed a late renewal fee. Fees for late renewals are due and payable before an annual license can be issued.

Sec. 22-36. Lodging establishments [~~or~~] and short-term rentals [~~nightly rentals~~] in low density residential districts.

Lodging establishments [~~or~~] and short-term rentals [~~nightly rentals~~] are prohibited from operation in Low Density Residential Districts. A business license shall be denied to a business that provides lodging for legal consideration for a term less than 30 consecutive days in a district zoned Low Density Residential.

Sec. 22-38. License fees.

- (a) Except as otherwise provided in this section, every person, unless exempted by law or other provisions of this Code, shall calculate their license fee according to the scale in the city fee schedule based on the highest number of employees, both full-time and part-time (with each two part-time employees equaling one full-time employee) employed by the business on one day during the preceding calendar year. In the case of a new business location to be licensed, the applicant is to estimate the highest number of employees to be employed on one day during the next 12 months.
- (b) License fees associated with business activities for which fees are not based on number of employees shall be as separately provided in the city fee schedule.
- (c) All contractors, subcontractors or trades doing business within the city limits shall be licensed in accordance with the Division 2 of this Article.
- (d) Short-term rentals doing business within the city limits shall be licensed in accordance with the short-term rental business license rates provided in the city fee schedule.**
- (~~e~~ [d]) Pawnshop license fees and investigation fees shall be as provided in the city fee schedule.
- (f [e]) No claims or refunds shall be allowed for fees assessed and paid under this article.
- (g [f]) Nothing in this article or in the city fee schedule shall be construed as authorizing any person to sell intoxicating or nonintoxicating liquors by virtue of such license.

Section 4: That Chapter 22 – *Businesses*; Article VI. – *Short-Term Rentals* of the Branson Municipal Code is hereby created to read as follows:

ARTICLE VI. – SHORT-TERM RENTALS

DIVISION 1. –BUSINESS LICENSE FOR SHORT-TERM RENTALS

Sec. 22-451. – Purpose.

This division provides additional standards for business licenses for short-term rentals within the city. These regulations are intended to allow the operation of short-term rentals while also ensuring the health, safety, and welfare of owners, guests, neighbors, and the city as a whole.

Sec. 22-452. –Business license for short-term rentals.

In addition to all requirements of chapter 22, short-term rental owners shall comply with the requirements of this article to obtain a business license for a short-term rental. It shall be unlawful for any person to operate or advertise a short-term rental without obtaining a business license as provided in this chapter.

Sec. 22-453. - Property Manager.

Each business licensee for short-term rental shall designate a person to serve as a property manager on the business license application for a short-term rental. A short-term rental owner may designate themselves as the property manager. Property managers are responsible for keeping records required by this article. Property managers are responsible for compliance with all city ordinance, state, and federal laws. Property managers shall have access and authority to assume management of the short-term rental and to take remedial measures when necessary.

Sec. 22-454. - Fire Inspections.

Within six months prior to receipt of a business license for a short-term rental, the fire department shall conduct an inspection of the short-term rental to ensure that the property is in compliance with all city codes applicable to fire safety. Inspections shall be conducted every three years, unless the city has knowledge of or receives complaints that the short-term rental is not in compliance with all city codes applicable to fire safety. Approved fire inspections for short-term rental business licenses will be valid for three years from the date of approval and shall be transferable from one property manager to another upon change in management of the property.

Sec. 22-455. – Short-term rental license number to be used in advertising.

The short-term rental license number shall be listed on all advertisements and online platforms advertising the short-term rental.

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Sec. 22-456. - Tourism Tax Deposit.

In accordance with section 82-99 of this Code, all short-term rental business license applicants shall be required to pay city tourism taxes. If the short-term rental business license applicant has a recent three consecutive year history of timely tourism tax payments, no new deposit will be required from these applicants. All new short-term rental business license applicants will be required to bond according to the terms in section 82-99.

Sec. 22-457. - Proof of Operation.

The following shall constitute prima facie evidence of a person conducting or operating a short-term rental:

- (a) The placement or permitting of any sign or notice on, near or within any premises advertising or holding out to the public the location of a short-term rental; or**
- (b) The publication of the opening or conduct of short-term rental business by advertisement in any newspaper or the republication, or by any poster, circular, letter or card, or by use of an online booking facilitator, or by another method of attracting public notice; or**
- (c) The solicitation of short-term rental business in any manner; or**
- (d) Provision to the city or the state of tax documents that show that short-term rental business is being conducted at a location.**

Sec. 22-458. - Modifications to License Information.

If any information on the business license application for a short-term rental provided to the city changes, the short-term rental property manager shall provide updated information in writing to the city finance department within 14 days of the change.

Sec. 22-459. - Safety Measures.

Safety plans shall be posted within the short-term rental in a place that is easily visible to guests and in each guest bedroom. The safety plan shall comply with section 22-472(c)(4).

Sec. 22-460. - Records.

Upon request from the city, each short-term rental property manager shall provide to the city the following records for up to three years immediately preceding the request within ten business days:

- (a) Total number of nights the short-term rental was rented.**
- (b) The dates on which the short-term rental was rented.**

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(c) Total amount charged per stay minus fees.

Sec. 22-461. – Incomplete Business License application.

When the finance director deems that the application is incomplete or not in compliance with the requirements of this article and this Code, the applicant shall be informed in writing of the deficiencies in the application. If the applicant does not correct the deficiencies within 60 days of receipt of such written notice, the application shall be deemed denied. For the purposes of this section, written notice mailed to the address of the short-term rental property manager provided on the application shall be deemed received three days after mailing.

Sec. 22-462. – Permit required.

Within six months prior to the issuance of a business license for a short-term rental, the applicant for such license shall obtain a short-term rental permit as provided in division 2 of this article.

Sec. 22-463. - Short-Term Rental Business License Fee Adjustments.

The finance director shall annually assess the short-term rental business license fee and recommend to the board of aldermen that fees be adjusted, if needed. If the costs in processing business licenses pursuant to this article fall below the user fee being charged, the user fee shall be reduced so that it is equal to or less than the costs of processing such registrations.

Secs. 22-464 – 22-465. – Reserved.

DIVISION 2. – SHORT-TERM RENTAL PERMIT

Sec. 22-470. – Purpose.

This division provides standards for the establishment of short-term rentals within the city. These regulations are intended to allow the operation of short-term rentals while also ensuring the health, safety, and welfare of owners, guests, neighbors, and the city as a whole.

Sec. 22-471. – Short-Term Rental Permit Fee Adjustments

The finance director shall annually assess the short-term rental permit fee and recommend to the board of aldermen that fees be adjusted, if needed. If the costs in processing registrations pursuant to this article fall below the user fee being charged, the user fee shall be reduced so that it is equal to or less than the costs of processing such registrations.

Sec. 22-472. – Short-Term Rental Permit.

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(a) Permit Required. For each address at which a short-term rental business operates or wishes to conduct such business, a short-term rental permit must be obtained from the finance department having all permit fees paid according to the city fee schedule. It shall be unlawful for any person to operate or advertise a short-term rental without a short-term rental permit as provided in this article. A short-term rental permit shall not be refundable. A short-term rental permit shall be assignable and/or transferable.

(b) Permit Review.

(1) Review by Finance Department. Applications for short-term rental permits shall be provided to the city finance department. Upon receipt of a completed application and the associated fee, the finance director shall coordinate the review of the application. The finance director shall approve the short-term rental application upon evidence that the proposed short-term rental complies with all requirements of this article and this Code.

(2) Incomplete applications. When the finance director deems that the application is incomplete or not in compliance with the requirements of this article and this Code, the applicant shall be informed in writing of the deficiencies in the application. If the applicant does not correct the deficiencies within 60 days of receipt of such written notice, the application shall be deemed denied. For the purposes of this section, written notice mailed to the address of the short-term rental property manager provided on the application shall be deemed received three days after mailing.

(3) Appeals. An applicant may appeal the finance director's decision as provided in chapter 30 for administrative appeals.

(c) Permit Requirements. Each short-term rental property manager shall apply for a permit. The following information is required:

(1) Dwelling unit. The exact street address of each dwelling unit that may be offered or operated as a short-term rental.

(2) Zoning Classification. The short-term rental shall be allowed only in zoning districts where short-term rentals are allowed as shown in the table of permitted uses.

(3) Property Manager information. The property manager of the short-term rental shall provide the following:

a. If the short-term rental property manager is a corporation, limited liability company, partnership, limited partnership, trust, or real estate investment trust, the name and address of the following natural person shall be provided:

(i) For a corporation, a corporate officer and the chief operating officer;

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- (ii) For a partnership, the managing partner;
 - (iii) For a limited liability company, the managing or administrative member;
 - (iv) For a limited partnership, a general partner;
 - (v) For a trust, a trustee; or
 - (vi) For a real estate investment trust, a general partner or an officer.
 - b. For the property management information, the above natural person must provide a copy of a valid driver's license or other government-issued identification or federal tax identification number, telephone number, mailing address, and date of birth.
- (4) Emergency plans. All short-term rental property managers shall provide the following emergency plan for the purposes of ensuring the health, safety, and welfare of the guests and neighbors. The emergency plan shall be posted at the main entrance and every guest bedroom of the short-term rental and shall include the following:
 - a. The statement: "For Emergency Dial 9-1-1";
 - b. List the 9-1-1 Address of the short-term rental
 - c. Provide the actions to take in the event of a fire ("Dial 9-1-1, Evacuate Building, Close Doors);
 - d. Provide the allowed occupant load of the short-term rental
 - f. Contact Information for property manager
 - g. Floor Plan: Provide a floor plan depicting the exit routes and fire extinguisher locations
 - h. A safety plan for hazardous weather
 - i. A site plan indicating the location of parking available for guest use
- (5) Attestation. The short-term rental property manager shall provide a signed attestation providing that:
 - a. The short-term rental property manager complies, and will continue to comply, with all standards contained in this Code regarding property maintenance and health, fire, and safety requirements in the city's building codes;
 - b. The short-term rental contains working smoke detectors and at least one fire extinguisher available for guest use;
 - c. The short-term rental is not subject to any contractual restrictions precluding the short-term rental from being used for short-term rentals, including but not limited to, homeowner association agreements, condominium bylaws, restrictive covenants, or building restrictions; and

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- d. The short-term rental property manager has read, understands, and agrees to comply with all City Codes applicable to short-term rentals.

Sec. 22-473. - Modifications to Permit Information.

If any information on the short-term rental permit application provided to the city changes, the short-term rental property manager shall provide updated information in writing to the city finance department within 14 days of the change.

Sec. 22-474. – Violations.

It shall be unlawful for any person or company to violate any provision or fail to comply with any of the requirements of this article. Any person or company violating any of the provisions or failing to comply with any requirements of this article shall be subject to chapter 1, section 1-13.

Sec. 22-475. – Suspension or revocation.

- (a) Suspension or revocation authorized. The short-term rental permit may be suspended or revoked by the finance director after notice for any of the following reasons:

- (1) Failure to comply with the provisions of this article or any other ordinance pertaining to the business codes, building codes, fire codes, or zoning codes or ordinances of the city;
- (2) Failure to operate the business as required by law;
- (3) Creation of a public nuisance;
- (4) Providing false information to obtain a permit and/or license; and
- (5) Failure to pay any obligation due and owing to the city.

- (b) Notice. When the finance director suspends or revokes the short-term rental permit, they shall provide the short-term rental property manager with notice in writing mailed to the short-term rental property manager's address of record, which shall include the basis upon which the suspension or revocation is made and shall advise the short-term rental property manager that they may appeal the decision as provided in chapter 30 for administrative appeals.

Sec. 22-476. – Appeals.

Any decisions made by the city pursuant to this article may be administratively appealed as provided in chapter 30 for administrative appeals. Appeals must be filed with the finance director within ten business days from the date of the decision.

Secs. 22-476 – 22-499. – Reserved.

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Section 5: That *Appendix A – Fee Schedule* of the Branson Municipal Code is hereby amended to include business license and permit fees for Short-Term Rentals as follows:

APPENDIX A – FEE SCHEDULE

<i>Chapter 22—Businesses</i>		
22-38(d)	<u>Short-Term Rental</u>	
	• <u>License Fee</u>	<u>100.00</u>
22-38(d)(e)	Pawnshop fees	

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

Section 6: This ordinance shall be in full force and effective starting May 1, 2025.

Section 7: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 8: That the City Clerk is authorized by this Ordinance to correct any scrivener’s errors identified within this Ordinance.

Section 9: That the codifier of the Branson Municipal Code is authorized to make numbering and formatting changes as necessary for conformity within the Code.

Read, this first time on this 9th day of July, 2024.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this 23rd day of July, 2024.

Larry D. Milton
Mayor

ATTEST:

APPROVED AS TO FORM:

Hillary Briand
City Clerk



City Attorney

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