Chapter 655

HOTELS, MOTELS, ETC.

Section 655.010. Definitions; Rules Of Construction. [R.O. 1996 § 655.010; Ord. No. 3026 § 1, 11-17-1997; Ord. No. 4741, 5-7-2018]

Terms used in this Chapter shall have the meanings ascribed to them in this Section and shall be construed as indicated in this Section:

CALLS FOR SERVICE (CFS) — All calls for law enforcement service related to criminal activity and civil disputes, as listed below, or violations of local, state or Federal laws which result in City personnel being dispatched or directed to the hotel or motel. "Calls for service" include any self-initiated investigation based on the observation(s) of law enforcement when it is determined, based on the greater weight of evidence, that a violation of law has occurred. Law enforcement calls for service shall be measured by one (1) event or occurrence at a hotel. Multiple calls for one (1) event shall count as one (1) call for service. Calls for service at a particular hotel or motel are cumulative regardless of ownership.

1. Law enforcement call types that represent a call for service include:

    a. ABAND — Abandoned motor vehicle.

    b. ARSON — Arson.

    c. ASLT — Assault.

    d. BOMB — Bomb.

    e. BURG — Burglary.

    f. CHILD — Endanger welfare of child.

    g. CIVIL — Civil matter.

    h. DD — Domestic disturbance.

    i. DI — Death investigation.

    j. DIST — Disturbance.

    k. DRUG — Drug.

    l. FORGERY — Forgery/counterfeiting.

    m. HAR — Harassment.

    n. KID — Kidnapping.

    o. LAW — State law violation.

    p. MIP — Minor in possession of intoxicants.

    q. NOISE — Noise complaint.

    r. ORD — Ordinance violation.

    s. PROPD — Property damage.

    t. ROB — Robbery.

u. STAT — Special operations.

v. STEAL — Stealing.

w. SXO — Sexual offenses.

x. TERROR — Terrorist threat.

y. WAR — Arrest warrant/search warrant.

2. Calls for service do not include:

a. Calls originating from the hotel or motel premises but relating to off-premises disturbances observed by a hotel or motel operator or occupant if the activity is not attributable to the hotel or motel.

b. Medical calls unrelated to criminal activity.

CALLS FOR SERVICE ROOM RATIO — The number of calls for service in a calendar year divided by the total number of guest rooms in a hotel or motel. For the purposes of this Section, the calls for service room ratio shall be calculated based on the preceding year's calls for service and shall be used to classify a hotel or motel for the current year. The number of rooms for each hotel or motel, used for calculating the calls for service room ratio, will be provided by the Director of Community Development through the business licensing process.

GROSS DAILY RENTAL RECEIPTS — All receipts from the rental of sleeping accommodations by hotels or motels, including all state, Federal and local taxes, whether paid in cash, credits or property, and without any deduction or exemption.

HOTEL and MOTEL — Any structure or building under one (1) management or ownership which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, 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 or permanent guests and having more than three (3) bedrooms furnished for the accommodation of such guests. This definition is intended to include tourist courts, bed-and-breakfast establishments and similar facilities, but not hospitals, nursing homes or convalescent centers.

HOTEL OPERATOR — Any person who is the proprietor of any hotel or motel, whether in the capacity of the owner, lessee, receiver, sublessee, franchisee, mortgagee in possession, manager or agent of any of the aforementioned; who offers or accepts payment for rooms, guest rooms, sleeping accommodations, or board and lodging; and who retains the right of access to, and control of, the guest rooms. "Hotel or motel operator" shall include any responsible party designated by the hotel or motel operator, as found in this Chapter.

TRANSIENT GUEST — Any person who occupies a room in a hotel or motel for thirty-one (31) days or less during any calendar quarter.

Section 655.020. Levy Of Tax. [R.O. 1996 § 655.020; Ord. No. 3026 § 1, 11-17-1997; Ord. No. 3531 § 1, 1-21-2003]

In addition to the license fees levied on hotels and motels pursuant to Chapter 605, there is hereby levied upon every person engaged in the business of operating and carrying on the business of the operation of a hotel or motel, an additional license tax in an amount equal to six and one-half percent (6 1/2%) of gross daily rental receipts derived from transient guests for sleeping accommodations.

Section 655.030. Establishment And Use Of Convention And Visitor Fund. [R.O. 1996 § 655.030; Ord. No. 3026 § 1, 11-17-1997]

There is hereby established a Convention and Visitor Fund in the City. All taxes levied, collected and appropriated pursuant to this Chapter shall be deposited to the credit of this fund. The Convention and Visitor Fund shall be used to provide facilities for and promote tourists, conventions and visitors to the City and for any and all things

associated therewith to include, but not be limited to, buildings, infrastructure, advertising, recreation facilities, bike paths, parks, and other things that would attract or be used to some extent by tourists, conventions or visitors to the City, or to make rental payments or pay debt service on leases on other instruments the proceeds of which were used to provide such facilities.

Section 655.040. Payment Of Tax. [R.O. 1996 § 655.040; Ord. No. 3026 § 1, 11-17-1997; Ord. No. 3443 § 1, 1-22-2002]

The license tax due under this Chapter shall be paid to the City Finance Department monthly. The license tax due for gross daily rental receipts collected during each month shall be due and payable on or before the last day of the following month.

Section 655.050. Reports Required. [R.O. 1996 § 655.050; Ord. No. 3026 § 1, 11-17-1997]

Every person engaged in the business of operating a hotel or motel shall file monthly reports with the City Finance Director on forms prescribed by the Director, giving such information as may be necessary to determine the amounts to which the license tax shall apply for the monthly period. The monthly reports shall be submitted with the monthly payments.

Section 655.060. Examination Of Books, Records. [R.O. 1996 § 655.060; Ord. No. 3026 § 1, 11-17-1997]

The City Finance Director or the Director's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of the hotel or motel as may be necessary to determine the correctness of the reports required by this Chapter.

Section 655.070. Bond Requirement. [R.O. 1996 § 655.070; Ord. No. 3026 § 1, 11-17-1997]

Renewal of any City business license or liquor license of any person who has been delinquent in remitting the additional license tax for or during three (3) or more months during the year preceding renewal shall be conditioned upon the posting of a bond to secure payment of said taxes during the year of renewal. The amount of the bond shall be equal to the amount of license tax payments of such person during the year preceding renewal. The bond shall be subject to the approval of the City Attorney.

Section 655.080. Penalties For Non-Payment. [R.O. 1996 § 655.080; Ord. No. 3026 § 1, 11-17-1997; Ord. No. 3443 § 2, 1-22-2002]

For each month, or part thereof, any license tax provided for under this Chapter remains unpaid after the same shall be due and payable, there shall be added to such license tax as a penalty ten percent (10%) of the amount of such license tax for the first month or part thereof the same is unpaid, and for each and every month thereafter two percent (2%) of the amount of such license tax shall be added until the same is fully paid. In no case shall the total penalty exceed thirty percent (30%) of the license tax. If the license tax as provided in this Chapter is not paid by the fifth day after said tax is due, the Finance Director or the Director's designee may initiate suspension or revocation of the City business license and/or liquor license of the person liable for such license tax in accordance with the procedures provided by ordinance for the suspension or revocation of said licenses. In addition to the penalties provided herein, any person subject to the provisions of this Chapter who fails to file a statement or pay the license tax or files a false or a fraudulent statement required by this Chapter or within the time required by this Chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or by both such fine and imprisonment.

Section 655.090. Administration Fee. [R.O. 1996 § 655.090; Ord. No. 3026 § 1, 11-17-1997]

Notwithstanding the provisions of Section 655.030, the City shall be entitled to an administrative fee to be charged against the Convention and Visitor Fund which shall reflect the cost to administer the levying, collecting and appropriating of the fund but which shall not in any circumstance exceed six percent (6%) of the amount collected

during the year in which the fee is charged.

Section 655.100. Advisory Commission. [R.O. 1996 § 655.100; Ord. No. 3026 § 1, 11-17-1997; Ord. No. 5111, 4-18-2022]

A. There is hereby established an advisory commission known as the "Tourism and Visitors' Advisory Commission" made up of persons associated with the tourist industry, citizens, Chamber of Commerce members and City staff to provide advice to the City Council as to use of funds in the Convention and Visitor Fund.

B. Composition. The Tourism and Visitors' Advisory Commission shall consist of five (5) members.

C. The Mayor, with the consent and approval of a majority of the City Council, shall appoint all members of the Tourism and Visitors' Advisory Commission. All members shall be residents of Blue Springs. Best efforts will be made to have representation from each Council District. Appointment of a successor or reappointment of a member shall be effective on or about May 1 following expiration of the member's term. Members shall continue to hold office until reappointed or their successor is appointed. The Mayor, with the consent and approval of a majority of the City Council, shall appoint a person to fill the unexpired term of that member. Members appointed by other entities shall serve until the entity to be represented appoints a replacement.

D. Any member of the Tourism and Visitors' Advisory Commission may be removed from office for misconduct, neglect of duty, or lack of qualifications by executive order of the Mayor after receiving the consent of a majority of the entire City Council, or by a five-sevenths (5/7) vote of the City Council on its own initiative.

E. The Mayor, with the consent and approval of a majority of the City Council, shall appoint a Chair and Vice Chair annually on or about May 1 for a term of one (1) year. No member shall serve more than two (2) consecutive terms as Chair or Vice Chair.

F. Any sub-committee of the Tourism and Visitors' Advisory Commission shall require approval of the City Attorney and City Council. Any approved sub-committees shall abide by all Sunshine Laws.

G. Rules of Procedure shall be adopted and amended from time to time by Resolution by the City Council.

H. Meetings of the Tourism and Visitors' Advisory Commission shall be held at the call of the Chair and at such other times as the Tourism and Visitors' Advisory Commission may determine.

Section 655.110. Confidentiality Of Records. [R.O. 1996 § 655.110; Ord. No. 3026 § 1, 11-17-1997]

To the extent allowed by law, the reports generated pursuant to Section 655.050 and records or information generated by inspection and/or examination pursuant to Section 655.060 and any other information or record that would disclose facts or figures about an identifiable hotel or motel which would or could provide information concerning the identified hotel or motel's receipts or occupancy shall not be divulged or be made public, and all such records shall be closed.

Section 655.120. Tier Classification Procedures. [Ord. No. 4741, 5-7-2018]

A. Tier Classification.

1. By June 30, 2018, the Chief of Police shall determine the calls for service room ratio of all hotels and motels located within the City from July 1, 2017, to December 31, 2017. Beginning January 1, 2019, the Chief of Police shall determine the calls for service room ratio by January 31 of each calendar year.

2. Hotels and motels shall be classified according to the following calls for service (CFS) room ratio:

    a. Tier One — Less than 0.50 CFS per room per year;

b. Tier Two — 0.50 to 1.00 CFS per room per year; or

c. Tier Three — More than 1.00 CFS per room per year.

3. Any hotel or motel opening after January 1 of each year which has not previously operated in the City shall be presumed to be a Tier One until the next year's January 31 evaluation date.

B. Tier Notification Required.

1. By January 31 of each calendar year, the Chief of Police shall notify each hotel or motel operator within the City of the calls for service room ratio for that hotel or motel. The notice shall be in writing delivered by first class mail to the address provided by the hotel or motel operator on the business license application, certified mail or other method which provides confirmation of delivery. The Chief of Police shall provide monthly updates to each Tier Two and Tier Three hotel or motel operator, listing new calls for service tracked during the period.

2. The tier notices shall include:

a. The street address and description of the hotel or motel sufficient for the accurate identification of the hotel or motel.

b. The tier classification assigned to the hotel or motel.

c. As allowed by law, data specifying the types of calls for service identified as having occurred at the hotel or motel or on hotel or motel property during the period reviewed, including the incident numbers assigned to such calls for service and the date and time of each call to allow the hotel or motel operator to understand the basis of the designation.

d. The mandated action steps required by this Chapter and the dates for implementation.

e. The procedures that the hotel or motel operator may appeal the data which the tier classification is based.

C. Tier Classification Appeal. Upon notice of tier classification, the hotel or motel operator may file an appeal within fifteen (15) days of the notice for a hearing before the hearing officer appointed by the City Administrator, as provided for in Chapter 140 of this Code.

D. Compliance With Tier Requirements.

1. The hotel or motel operator shall have ninety (90) calendar days from the date of notice of their tier classification to implement the tier requirements as specified in this Chapter.

2. All tier compliance inspections shall be conducted by the Police Department on a quarterly basis.

3. The hotel or motel operator shall have thirty (30) days after a failed inspection to regain compliance with the tier requirements.

4. The Chief of Police will notify any non-compliant hotel or motel operator in writing of the non-compliance finding. That notification may also include a recommendation to the Community Development Director that the hotel or motel business license be revoked.

E. Revocation Of Business License.

1. Those hotels and motels being found not in compliance with the standards set forth for their tier after the non-compliance finding, may have their business license revoked pursuant to Section 605.150 and Section 140.020.

2. An appeal of this decision may be filed pursuant to the provisions for administrative appeals in Section

140.020.

F. Hotel or motel operators with hotels and motels classified in Tier One shall:

1. Maintain a guest log per State Statute.

2. Ensure posting of registered sex offenders.

a. The hotel or motel operator of any hotel or motel shall inquire of any person seeking to become a permanent guest or employee identification in the form of government-issued identification, including a driver's license, a driver's license permit, military identification or passport, either foreign or domestic.

b. The hotel or motel operator shall run the name through the National Sex Offender Public Website (NSOPW), as first established by the 2006 Adam Walsh Child Protection and Safety Act.

c. The hotel or motel operator shall post in the vicinity of the registration desk, in a manner viewable by the public, an eight and one-half-inch by eleven-inch sign indicating the number of sex offenders currently non-transient guests or employees of the hotel. Lettering on the sign shall be no less than one (1) inch in height and one-half (1/2) inch in width.

3. At the request of a hotel or motel operator, the Blue Springs Police Department will provide the hotel or motel with advice concerning crime prevention through environmental design standards and general crime prevention methods.

G. Hotel or motel operators with hotels and motels classified in Tier Two shall:

1. Have a hotel or motel operator available on the premises at all times.

2. Ensure a Blue Springs Police Department crime prevention assessment of their property is completed.

3. Obtain and document the guest vehicle information, including make, model, color and license plate number.

4. Ensure all guests or occupants of a room provide a picture ID, which will be photocopied and maintained in the hotel office during the length of stay.

5. Follow all conditions of Tier One requirements.

H. Hotel or motel operators with hotels and motels classified in Tier Three shall:

1. Follow all conditions of Tier One and Tier Two requirements.

2. Provide the Chief of Police with the names of all hotel and motel operators and security staff.

3. Ensure that individuals visiting hotel or motel occupants leave by 11:00 P.M.

4. Conduct semiannual training sessions for employees and staff on crime prevention techniques, as assisted by the Blue Springs Police Department.

5. Provided twenty-four (24) hours per day, seven (7) days a week front desk personnel.

6. Install and maintain lighting in the lobby, parking lots and indoor and outdoor common areas of the hotel or motel.

7. Ensure parking passes are issued and recorded for all vehicles allowed to park on the premises with each pass marked with the issue date and expiration date. All vehicles shall prominently display the pass on the front windshield.

8. Maintain a daily key log. Each key found to be missing must have its corresponding lock re-keyed prior to the room being rented. Each master key found to be missing will require the establishment to re-key all corresponding locks. Records of all rooms being re-keyed shall be maintained by the hotel or motel operator for a period of twelve (12) months.

9. The hotel or motel operator will participate in the Blue Springs Police Department hotel or motel crime prevention training annually.

10. Ensure that all persons visiting guests sign in at the front desk. A picture ID shall be required, photocopied and kept on file during the guest's stay.