

City of Arnold, Missouri

**Work Session
Council Chamber**

**March 14, 2019
7:00 p.m.**

Agenda

1. Butterfly Garden
 2. Medical Marijuana (Zoning Amendment)
 3. Lodging Establishments (Zoning Amendment)
 4. Lodging Establishments (Licensing Amendments)
 5. 911 Direct Telephone Access (Public Health, Safety and Welfare Amendment)
 6. Vacant Structure Registration Program (Building Amendment)
 7. Temporary Signs (Signs Amendment)
 8. New/Used Car Sales (Zoning Amendment)
 9. Arnold Day Parade Theme
 10. Adjournment
-

Special Council Meeting

Immediately Following the Work Session

Agenda

1. Roll Call
2. A Motion to Hold a Closed Session Immediately Following the Work Session for the Purpose of Discussing Litigation Pursuant to RSMo Section 610.021 (1).
3. Adjournment

Next Regular City Council Meeting March 21, 2019
Next Work Session April 11, 2019

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Tuesday, March 12, 2019



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CITY COUNCIL
DISCUSSION ITEM MEMORANDUM

MEETING DATE: March 14, 2019

TITLE: Medical Marijuana (Zoning Amendment)

DEPARTMENT: Community Development

PROJECT MANAGER: David B. Bookless, Community Development Director

ATTACHMENTS: Draft Ordinance Amendment

On January 17, 2019, the City Council approved an ordinance establishing a six (6) month moratorium on the issuance of business licenses and/or occupancy permits for new medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops within the City of Arnold.

The purpose of the moratorium is to allow the City of Arnold (i) adequate time to study the licensing and zoning issues related to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; (ii) adequate time to consider potential broad changes to Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) that relate to medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana testing facilities, or other marijuana-related entities, electronic cigarette shops, and tobacco shops; and (iii) if such changes are necessary, to revise Chapter 405 (Zoning Ordinance) and Chapter 605 (Business Regulations) to incorporate such broad changes.

Staff first focused on the Zoning portion of the issue and requests Council feedback with regard to the approach that is being proposed. Staff's approach to licensing will be addressed at a subsequent meeting.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES
(MARIJUANA RELATED USES)**

WHEREAS, an amendment to Missouri's constitution was approved by voters on November 6, 2018 allowing access to Medical Marijuana in Missouri; and

WHEREAS, the Federal Controlled Substance Act, 21 U.S.C. 801 et seq., the use, possession and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, the United States Department of Justice issued a Memorandum entitled "Guidance for Marijuana Enforcement" on August 29, 2013. The memorandum established eight guidelines for states regarding the federal priorities in determining whether federal enforcement should commence against those engaged in specific activities related to marijuana cultivation and distribution. This ordinance places the highest priority on meeting these guidelines, particularly those related to public safety and health, restrictions on availability to minors, and prevention of illegal trafficking and profiteering; and

WHEREAS, Marijuana plants, as they begin to flower and for a period of two months or more during the growing season, produce an extremely strong odor that is detectable far beyond property boundaries and that can adversely impact the peace and enjoyment of nearby properties; and

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri; and

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 405.060 of the Arnold Code of Ordinances is hereby amended to add the following definitions:

“MARIJUANA OR MARIHUANA

Means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plan and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS

Any product that is infused with marijuana or an extract thereof and is intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

MEDICAL MARIJUANA CULTIVATION FACILITY

Any facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA CULTIVATION FACILITY, INDOOR

Any medical marijuana cultivation facility, as defined herein, where the cultivation of marijuana occurs within an enclosed structure.

MEDICAL MARIJUANA CULTIVATION FACILITY, OUTDOOR

Any medical marijuana cultivation facility, as defined herein, where the cultivation of marijuana occurs outside of an enclosed structure.

MEDICAL MARIJUANA DISPENSARY FACILITY

Means a facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

Mean a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.

MEDICAL MARIJUANA TESTING FACILITY

Mean a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

TOBACCO, NICOTINE, AND OTHER LEGAL SUBSTANCE ESTABLISHMENT

A specialty retail establishment that has, as a substantial or significant portion of its stock in trade, smoking- and/or vapor inhalation-related accessories, such as pipes, pipe cleaners, lighters, butane, flints, cigar nippers, electronic/vapor substance inhalation products, commonly known as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," "electronic nicotine delivery systems," and other similar devices, as well as such cartridges, substances and additives used to experience the sensation of smoking vapors, tobacco and non-tobacco substances, exclusive of items identified as controlled substances or drug

paraphernalia in Chapter 215, Article XI of the Municipal Code. Lounges or public rooms where customers or members of the public may inhale vapor, smoke, or otherwise consume such products as identified herein, may only be as allowed when specifically authorized in an approved Conditional Use Permit.

SECTION 2.

Section 405.310.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

“j. Tobacco, Nicotine, and Other Legal Substance Establishment

- (1) No tobacco, nicotine, and other legal substance establishment shall be located on a parcel which is within one thousand (1,000) feet of a parcel of land on which another tobacco, nicotine, and other legal substance establishment is located, including tobacco, nicotine, and other legal substance establishments located outside of the City limits. The distance between any two (2) tobacco, nicotine, and other legal substance establishments shall be measured in a straight line without regard to intervening structures from the closest point on any property line of the property on which any such tobacco, nicotine, and other legal substance establishment is located.
- (2) No tobacco, nicotine, and other legal substance establishment shall be operated or maintained within two hundred fifty (250) feet of a residentially zoned district or any public park as measured in a straight line from the main public entrance of the business establishment to the lot lines of a parcel within the residentially zoned district or public park.”

SECTION 3.

Section 405.320.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

“aa. Tobacco, Nicotine, and Other Legal Substance Establishment”

- (1) No tobacco, nicotine, and other legal substance establishment shall be located on a parcel which is within one thousand (1,000) feet of a parcel of land on which another tobacco, nicotine, and other legal substance establishment is located, including tobacco, nicotine, and other legal substance establishments located outside of the City limits. The distance between any two (2) tobacco, nicotine, and other legal substance establishments shall be measured in a straight line without regard to intervening structures from the closest point on any property line of the property on which any such tobacco, nicotine, and other legal substance establishment is located.
- (2) No tobacco, nicotine, and other legal substance establishment shall be operated or maintained within two hundred fifty (250) feet of a residentially zoned district or any public park as measured in a straight line from the main public entrance of the business establishment to the

lot lines of a parcel within the residentially zoned district or public park.”

SECTION 4.

Section 405.330.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

“w. Tobacco, Nicotine, and Other Legal Substance Establishment”

- (1) No tobacco, nicotine, and other legal substance establishment shall be located on a parcel which is within one thousand (1,000) feet of a parcel of land on which another tobacco, nicotine, and other legal substance establishment is located, including tobacco, nicotine, and other legal substance establishments located outside of the City limits. The distance between any two (2) tobacco, nicotine, and other legal substance establishments shall be measured in a straight line without regard to intervening structures from the closest point on any property line of the property on which any such tobacco, nicotine, and other legal substance establishment is located.
- (2) No tobacco, nicotine, and other legal substance establishment shall be operated or maintained within two hundred fifty (250) feet of a residentially zoned district or any public park as measured in a straight line from the main public entrance of the business establishment to the lot lines of a parcel within the residentially zoned district or public park.”

SECTION 3.

Section 405.340.B. of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“B. *Permitted Land Uses And Developments.*”

1. In a planned commercial district, the uses permitted shall only be those designated as a permitted use or conditional use in any of the "C" Commercial Districts or those additional uses designated herein as being permitted within a planned commercial district; however, the specific ordinance authorizing the establishment of a particular planned commercial district related to a specific tract of land may further limit the uses permitted on the tract.
2. The following *Additional Uses* may be permitted per the specific ordinance authorizing the establishment of a particular planned commercial district related to a specific tract of land:
 - a. Medical Marijuana Dispensary Facilities, provided that in addition to all other zoning requirements that must be adhered to in order to operate within the City of Arnold, Marijuana Dispensary Facilities, as defined in section 405.060, shall meet Supplementary District Regulations contained in Section 405.760.”

SECTION 4. Section 405.350.A.2. of the Arnold Code of Ordinances is hereby amended to add the following:

“n. Medical Marijuana Cultivation Facility, Indoor

o. Medical Marijuana Dispensary Facility.

p. Medical Marijuana-Infused Products Manufacturing Facility

q. Medical Marijuana Testing Facility”

SECTION 5. Section 405.350.A.7. is hereby amended to add the following:

“7. *Marijuana Related Uses.* In addition to all other zoning requirements that must be adhered to in order to operate within the City of Arnold, Marijuana related uses and facilities, as defined in section 405.060, shall meet Supplementary District Regulations contained in Section 405.760.”

SECTION 6. Section 405.760. Supplementary District Regulations is hereby amended to add the following:

“T. *Marijuana Related Uses.* Marijuana related uses and facilities as defined in section 405.060 shall meet the following standards in addition to all other zoning requirements in order to operate within the City of Arnold:

1. No person shall cause or permit the establishment of a medical marijuana dispensary facility on any parcel of land, any portion of which is within one thousand (1,000) feet of a parcel of land which is used primarily for any of the following protected uses:
 - a. Churches, synagogues, mosques, temples, and other houses of worship, and related activities;
 - b. Primary or secondary schools;
 - c. Day care facilities;
2. Such distance referred to in Subsection (T)(1) above shall be measured in a straight line without regard to intervening properties from the closest point on any property line of the property in which such use shall propose to be located to the closest point on any property line of the protected use.
3. No medical marijuana dispensary facility may be located on a parcel which is within one thousand (1,000) feet of a parcel of land on which another medical marijuana dispensary facility is located except when such other facility is a federally licensed pharmacy. The distance

between any two (2) medical marijuana dispensary facilities shall be measured in a straight line without regard to intervening structures from the closest point on any property line of the property on which any such medical marijuana dispensary facility is located.

4. Proximity to residential zoned districts and public parks.
 - a. No medical marijuana dispensary facility shall be operated or maintained within two hundred fifty (250) feet of a residentially zoned district or any public park as measured in a straight line from the main public entrance of the business establishment to the lot lines of a parcel within the residentially zoned district or public park.
 - b. No outdoor medical marijuana cultivation facility shall be operated or maintained on any portion of a parcel where any portion of the parcel is within two hundred fifty (250) feet of a residentially zoned district or any public park.
5. Medical Marijuana Dispensary Facilities shall provide parking spaces in an amount not below 15 per 1,000 square feet gross floor area.
6. Nuisances. No marijuana related use or facility as defined in Section 405.060 shall emit an odor or in any way cause a public nuisance per Chapter 220 of this Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.”

SECTION 7. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 8. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 9. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF APRIL, 2019.

Presiding Officer of the Council

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

DRAFT



#3

CITY COUNCIL
DISCUSSION ITEM MEMORANDUM

MEETING DATE: March 14, 2019

TITLE: Lodging Establishments (Zoning Amendment)

DEPARTMENT: Community Development

PROJECT MANAGER: David B. Bookless, Community Development Director

ATTACHMENTS: Draft Ordinance Amendment

On January 10, 2019, Staff discussed issues related to crime and disorder at hotels and motels in Arnold with the Council. After some discussion, Council directed Staff to proceed with developing ordinance amendments necessary to address the issues. Before proceeding to the Planning Commission for a public hearing, Staff requests Council feedback with regard to the approach that is being proposed.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES CREATING
DEFINITIONS FOR LODGING ESTABLISHMENTS AND EXTENDED STAY LODGING
ESTABLISHMENTS AND PROVIDING REGULATIONS THEREFOR.

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances.

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri.

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the City Council voted to amend Chapter 405 of the Arnold Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 405.060 of the Arnold Code of Ordinances is hereby amended by deleting the definitions of "Hotel" and "Hotel, Motor (Motel)."

SECTION 2. Section 405.060 of the Arnold Code of Ordinances is further amended by adding or amending the following definitions:

"DWELLING

Any building, or portion thereof, used exclusively for human habitation, except lodging establishments, or house trailers.

EXTENDED STAY LODGING ESTABLISHMENT

A Lodging Establishment where any of the guest rooms are rented to Longer-term Guests. It is the intent of this ordinance that Extended Stay Lodging Establishments shall only be permitted uses or permitted uses with conditional use permits in those districts where this Chapter specifically lists "Extended Stay Lodging Establishment" as a permitted use or permitted use with a conditional use permit. In those districts where this Chapter only states that "Lodging Establishments" are permitted uses or permitted uses with a conditional use permit, Extended Stay Lodging Establishments are not permitted."

GUEST ROOM

Any room or unit in a Lodging Establishment where sleeping accommodations are regularly furnished to the public.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) 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 and which can be construed to be a hotel, motel, motor hotel, inn, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as Lodging Establishments.

LODGING (BOARDING) HOUSE

A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to overnight guests and which is actually occupied by the proprietor of such establishment as his/her residence, exclusive of nursing homes, dormitories or group living facilities licensed or regulated by agencies of the State.

LONGER-TERM GUEST

Any person occupying a guest room or combination of guest rooms in a lodging establishment under any concession, permit, right of access, license, rental or other agreement for living and sleeping purposes for a period (a) in excess of (i) twenty-eight (28) consecutive days; or (ii) twenty-eight (28) nonconsecutive days within any ninety-day period; and (b) not exceeding one hundred eighty-three (183) days or six (6) months, whichever is less. For the purposes of this definition, if there are multiple individuals in a party occupying a guest room in a lodging establishment for the periods stated above, each member of the party shall be considered a longer-term guest regardless of which member or members of the party are registered as renting the guest room(s).

RESIDENCE

Any building which is designed or used exclusively for residential purposes, except lodging establishments and house trailers.

TOURIST HOME

A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, and which is actually occupied by the proprietor of such establishment as his/her residence.”

SECTION 3.

The following sections of the Arnold Code of Ordinances are amended by replacing the words “hotel” and “hotels” with “Lodging Establishment” and “Lodging Establishments”:

- Section 405.290(A)(2)(g)
- Section 405.290(A)(5)(g)
- Section 405.320(A)(1)(i)
- Section 405.330(A)(1)(k)

SECTION 4. The following sections of the Arnold Code of Ordinances are amended by replacing the words “Hotels, motels” with “Lodging Establishments”:

- Section 405.310(A)(5)(n)
- Section 405.320(A)(7)(q)
- Section 405.330(A)(7)(u)

SECTION 5. Section 405.330(A)(2) of the Arnold Code of Ordinances is amended by adding the following as subsection (aa):

“aa. Extended Stay Lodging Establishment, including accessory dining rooms, lounges, meeting rooms and retail shops, provided that:

- i. There shall be a minimum lot area of two and one-half (2½) acres;
- ii. The maximum area developed with buildings, off-street parking and loading areas and recreational facilities shall not exceed sixty percent (60%) of the lot area; and
- iii. There shall be a minimum of fifty (50) foot green space adjacent on interior lot lines to property in any “R” District or occupied by dwelling units or mobile home parks which green space shall be bermed and landscaped so as to afford a visual screen between the lodging establishment development and the lot line.”

SECTION 6. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

DRAFT



#4

CITY COUNCIL DISCUSSION ITEM MEMORANDUM

MEETING DATE:	March 14, 2019
TITLE:	Lodging Establishments (Licensing Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
ATTACHMENTS:	Draft Ordinance Amendment

On January 10, 2019, Staff discussed issues related to crime and disorder at hotels and motels in Arnold with the Council. After some discussion, Council directed Staff to proceed with developing ordinance amendments necessary to address the issues. Although this amendment does not require the Planning Commission hold a public hearing, Staff will be presenting it to the Commission in conjunction with the zoning amendment for context. Staff requests Council feedback with regard to the approach that is being proposed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 605 OF THE ARNOLD CODE OF ORDINANCES WITH REGARD TO DEFINITIONS AND REGULATIONS FOR GENERAL OPERATION OF LODGING ESTABLISHMENTS.

WHEREAS, lodging establishments, unless properly regulated, can become and create public nuisances; and

WHEREAS, municipalities are charged with and responsible for suppressing all nuisances which are, or may be, injurious to the health and welfare of the inhabitants of the City or prejudicial to the morals thereof; and

WHEREAS, the City of Arnold has experienced and documented conditions at certain lodging establishments that have created nuisances and/or prejudiced the morals of the community; and

WHEREAS, the City has, on occasion, expended a disproportionate percentage of its police service on certain lodging establishments; and

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 605 of the Arnold Code of Ordinances.

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri; and

WHEREAS, the City Council voted to amend Chapter 605 of the Arnold Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 605 of the Arnold Code of Ordinances is hereby amended by the addition thereto of Section 605.380., entitled "Lodging Establishment Business Licensing and License Tax Reporting and Collection", to be read in its entirety as follows:

"Section 605.380. Lodging Establishment Business Licensing and Transient Guest (Hotel/Motel) Tax Reporting and Collection

- A. This Section specifically applies to the business license and taxes for lodging establishments ("lodging establishment license"). The provisions of this Section are in addition to, not in lieu of, other provisions of this Chapter or the code of ordinances. In the case of an inconsistency in this Chapter or code of ordinances, the specific shall control.
- B. No person shall operate a lodging establishment who does not possess a lodging establishment license from the City to operate such lodging establishment. Only a person who complies with the provisions of this Section shall be entitled to receive and retain such a lodging

establishment license. The Collector shall approve a lodging establishment license application if:

1. The applicant is not delinquent in payment of business license fees for the prior year at the time of application;
 2. The applicant is not delinquent in payment of lodging establishment transient guest taxes at the time of application;
 3. The applicant has no other outstanding fines, fees, taxes, or money due the City at the time of application;
 4. The applicant demonstrates that it has a valid license required by the State of Missouri pursuant to Sections 315.005 to 315.065, RSMo.; and
 5. No other grounds to deny such lodging establishment license exist under the law.
- C. The application for a lodging establishment license shall be made by the owner of the business seeking to operate a lodging establishment and shall state the identity of the owner and the location of its business and shall include such other information as is required by the Collector, including evidence that the owner has the right to occupy the premises where the proposed lodging establishment is to be located.
- D. A lodging establishment license shall be issued for one (1) year and shall be effective from September first (1st), or such later date that it may be issued during the year, until August thirty-first (31st) of such year, subject to revocation as provided herein.
- E. Every licensee shall, by the fifteenth (15th) day of the month following the conclusion of each calendar month, file with the Collector a completed transient guest tax return in such form as may be prescribed by the Collector. The completed return shall state the sum of all fees and charges for sleeping rooms during the period covered by the return, and the licensee shall in the license return calculate the amount of transient guest tax due for the prior month plus any delinquent penalties and interest. The return shall be signed by the licensee or a duly authorized officer or agent of the licensee and by any person who shall prepare such return.
- F. The lodging establishment transient guest tax due for each calendar month shall be paid by the fifteenth (15th) day of the month following the end of each such calendar month based upon the calculation set forth in Subsection (E) above.
- G. Any lodging establishment transient guest tax due pursuant to the provisions of this Section shall be delinquent if not paid by the date such payment is due, and shall be subject to the provisions of this Chapter relating to delinquent taxes.
- H. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

CALL FOR SERVICE

- 1) Any report to the Arnold Police Department from or concerning a lodging establishment in connection with an incident occurring at that lodging establishment; or
- 2) Any on-view incident observed by Police concerning a lodging establishment, which report or on-view incident is responded to by a Police Officer.

COLLECTOR

The City Clerk of the City of Arnold, Missouri.

EXTENDED STAY LODGING ESTABLISHMENT

A lodging establishment where any of the guest rooms are rented to longer-term guests as defined herein.

GUEST ROOM

Any room or unit in a lodging establishment where sleeping accommodations are regularly furnished to the public.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) 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 and which can be construed to be a hotel, motel, motor hotel, inn, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as Lodging Establishments.

LONGER-TERM GUEST

Any person occupying a guest room or combination of guest rooms in a lodging establishment under any concession, permit, right of access, license, rental or other agreement for living and sleeping purposes for a period (a) in excess of (i) twenty-eight (28) consecutive days; or (ii) twenty-eight (28) nonconsecutive days within any ninety-day period; and (b) not exceeding one hundred eighty-three (183) days or six (6) months, whichever is less. For the purposes of this definition, if there are multiple individuals in a party occupying a guest room in a lodging establishment for the periods stated above, each member of the party shall be considered a longer-term guest regardless of which member or members of the party are registered as renting the guest room(s).

OPERATOR

Any person on the premises of a lodging establishment who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operations the business. A person may be found to be operating or causing to be operated a lodging establishment regardless of whether the person is an owner, part owner, or licensee of the business.

OWNER

The person who owns the business operating a lodging establishment and who is responsible for obtaining a lodging establishment license and a lodging establishment license endorsement from the City for operating the lodging establishment and for paying all lodging

establishment license taxes.

PERSON

Any individual, partnership, corporation, association, organization, firm, or Federal, State, County, City, Village, or municipal association or corporation.

POLICE

Any authorized agent of the Arnold Police Department or other law enforcement agency having jurisdiction.

RENT OR SUBRENT

The act of permitting a guest room to be occupied for any form of consideration.

I. *General Operation.*

1. Lodging establishments must have a representative available on the premises at all times.
2. Lodging establishments must comply with Sections 315.005 to 315.065, RSMo.
3. Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to health and safety of the guest.
4. Except for extended stay lodging establishments which are properly zoned as extended stay lodging establishments under Chapter 405, lodging establishments are prohibited from renting any guest rooms to longer-term guests.
5. No guest room in any extended stay lodging establishment shall be rented to any longer-term guest unless such guest room is equipped with a functioning, permanently installed private bathroom (including a bath or shower) and a permanently installed kitchen (including a sink, refrigerator and cooktop).
6. Occupancy limits for each room within a lodging establishment shall be determined by the Fire Marshall and shall be displayed in each room. Occupancy shall not exceed that fixed by the Fire Marshall at any time.
7. No lodging establishment shall rent a guest room or combination of guest rooms in such lodging establishment for more than 28 consecutive days or 28 non-consecutive days in any three-month period to any person. No extended stay lodging establishment shall rent a guest room or combination of guest rooms in such extended stay lodging establishment for more than six (6) consecutive months or 183 non-consecutive days in any nine-month period to any person. It is the intent of this Section that if a guest room is occupied by a party or group of individuals for either of the maximum time periods allowed by this Section, no guest room in that lodging establishment or extended stay lodging establishment may again be rented to the same party or to any individual or person that was a member of said party within the same time period. Maximum stays at both all lodging establishments may be extended by the Community Development Director based on individual hardship, which may include stays resulting

from natural disaster or calamity. The decision of the Community Development Director shall be final.

8. Extended stay lodging establishments shall be subject to all of the other provisions of this Chapter that relate to lodging establishments.

J. *Guest Registration.*

1. *Guest register.*

- a. Every operator of any lodging establishment in the City shall keep a register for the registration of all guests. A Law Enforcement Officer in the City may request an operator consent to inspect the record as part of the Department's public safety responsibilities. If such request for inspection is refused, the operator shall secure the guest register in the presence of the Officer in a manner directed by the Officer to ensure that no one can tamper with the guest register and the operator shall maintain the security of the guest register until such time as a subpoena, warrant, or court order has been issued or denied.
 - b. No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of the record under this section.
 - c. Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight by ten inches. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are the minimum size of two and one-half inches by four inches and numbered consecutively and used in sequence. Any card numbered within the sequence of utilized cards shall be preserved as part of the record even if it is not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.
 - d. For the purpose of enforcing this chapter, every operator of a lodging establishment shall record the days and dates each guest room in his or her lodging establishment is rented or occupied. The records of guest room occupation or rental shall be kept by the operator within the City of Arnold and shall always be subject to audit by the Collector or by any person (whether or not an employee of the City) designated by the Collector for that purpose at the discretion of the Collector. The records of guest room occupation or rental required to be maintained by this Section shall be maintained for a period of five (5) complete licensing years.
2. *Guests must register.* No operator of any lodging establishment in the City shall rent or subrent or assign for occupancy any guest room in that lodging establishment to any person until after such person shall have registered his/her name and address in the register herein provided to be kept, and thereafter such register shall be made to show correctly the year, month, day and hour of the arrival of such person at the lodging

establishment and the number of the guest room rented or assigned to such guest; and such operator of such lodging establishment shall at the time of the departure of each guest endorse upon such register the date of such departure. No person shall erase or alter any name or address written in such register.

3. *Registration information required.*

- a. The operator of any lodging establishment shall keep a register of the names and home or business addresses of all persons to be accommodated at the lodging establishment with the length of stay indicated. At the time of registration, the operator or his or her employee shall verify the identification of the registrant by requesting to see, and copying onto the registration form any of the following: the registrant's valid driver's license, the registrant's valid military identification, or the registrant's valid passport number and country of issuance.
- b. The operator or his or her employee must also include on the registration forms the make, type and license number of the registrant's automobile, trailer or other vehicle, and the State in which such vehicle is registered and the year of registration for any vehicle that is parked on the premises. Lodging establishments that can demonstrate that they take sufficient reasonable steps to control access to and from parking areas on the premises shall not be required to include this information on registration forms. Such sufficient reasonable steps to control access to and from parking areas shall include, but not be limited to, valet parking, automated access gates, and parking attendants.
- c. Pursuant to Sec. 315.069, RSMo, 2000, lodging establishment operators may make certain requirements for providing accommodations.
 - (1) The lodging establishment operator may require a person seeking the use of a room, accommodations, facilities or other privileges of the hotel to demonstrate his or her ability to pay for such use by cash, credit card or approved check. In addition, the lodging establishment operator may require the parent or guardian of a person under the age of eighteen to:
 - i. *Accept in writing the liability for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel;*
 - ii. *Provide the hotel operator with one of the following:*
 - (a) *The authority to charge the amount due for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room,*

accommodations, facilities or other privileges of the hotel to a credit card used by a person under the age of eighteen. The granting of such authority shall be deemed a waiver of any defense based upon the age of such person which may be raised by the minor or the person authorizing the use of the credit card; or

(b) *An advance cash payment sufficient to cover the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be promptly refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations or facilities of the hotel used by the person at the end of his or her stay.*

4. *Pre-arrival registration.* In the event that the lodging establishment utilizes a pre-arrival registration or approval procedure that obviates the requirement for an arriving guest to go to the front desk and provide information typically required as part of the lodging establishment's customary registration process, the lodging establishment shall not be required to comply with Subdivision (3) of this Subsection; provided however, that the related information of the type specified in Subdivision (3) is recorded subsequent to guest arrival.
5. *Illegal registration.* No person shall register at any lodging establishment in the City under the name of any other person, or by any assumed, false or fictitious name. No person recording any information required by this Section shall falsely or inaccurately state such information.

K. *Registration and occupancy shall not establish domicile.* The act of registering as a guest or occupying a guest room in any lodging establishment is by license and is transient in nature. Such registration and occupancy shall not establish domicile or residency by the guest or any occupants of the room(s).

1. The owner or operator of any lodging establishment shall inform all guests, in writing, of this provision during the guest registration process and as part of any published guest rules.
2. The owner or operator of any lodging establishment operator shall refuse accommodations to or eject persons from the lodging establishment, as permitted in this chapter, when such persons act to violate or indicate their intent to violate this section.

L. *Hourly Rental Prohibited.*

1. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent any room for a rate less than which is charged or accepted for one (1) full day's accommodations within any twenty-four (24) hour period.
2. It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent the same guest room more than two (2) times within any twenty-four (24) hour period.
3. No such owner or operator shall advertise that any guest room is available at any hourly rate or for a period less than twenty-four (24) hours.

M. *Rental To A Minor Prohibited.* It shall be unlawful for an owner or operator of any lodging establishment to rent or subrent any guest room to any individual under the age of eighteen (18) years unless said individual is accompanied by a registered guest who is his or her legal guardian; or when accompanied by an adult over the age of eighteen (18) years who is a registered guest, and who is in possession of expressed written permission of the legal guardian.

N. *Use Of Portable Electrical Or Open-Flame Cooking Devices Prohibited.*

It shall be unlawful for an owner or operator of any lodging establishment or for any registrant or guest of a lodging establishment to use, provide or knowingly allow the use of portable electrical or open-flame cooking devices, including, but not limited to, hot plates, electric skillets and grills, propane and charcoal grills, camping stoves, slow cookers, and any similar cooking devices on the premises of a lodging establishment, except as provided in Subdivision (2) below.

1. Kitchens or kitchenettes installed with the approval of the fire district and the City of Arnold and in accordance with applicable building codes; and microwaves and coffee makers that are provided by the owner or operator of the lodging establishment shall be permitted.

O. *Maintenance of Lodging Establishments.*

1. All rooms arranged, designed, used or intended to be used to provide living and sleeping for guests in lodging establishments must be maintained to standards set forth in Chapter 500, Existing Residential Structures Code, of the City of Arnold Municipal Code, except that individual rooms may be out-of- order for repair and/or remodeling purposes for no more than ninety (90) days within any twelve (12) month period, provided there is a valid building permit issued in conjunction with such repairs and/or remodel.
2. The building and grounds shall at all times be improved, constructed, maintained, and used in strict conformity with the City's Code of Ordinances, including, but not limited to any approved site-specific ordinances, conditional use permits, site plans, landscape plans, lighting plans, and sign packages.

P. *Consumption of Alcoholic Beverages In Public Areas Prohibited.* It shall be unlawful for an owner or operator of any lodging establishment, or for any registrant or guest of a lodging establishment, to consume or knowingly allow the consumption of alcoholic beverages, as defined in Chapter 600, in any parking lot, hallway, or other publicly accessible area associated with the lodging establishment except in restaurants, bars, lounges, banquet rooms, or other areas specifically authorized by a valid liquor license.

Q. *Lodging Establishment Operator May Refuse Accommodations.*

As permitted pursuant to Sec. 315.067, RSMo. 2000, an operator of a lodging establishment may refuse or deny the use of a guest room, facilities or other privileges of the lodging establishment to any of the following:

- a. An individual who is unwilling or unable to pay for the guest room, facilities, or other privileges of the lodging establishment;
- b. An individual who is visibly intoxicated, under the influence of alcohol or other drug, and/or is disorderly so as to create a public nuisance;

An individual who the lodging establishment operator reasonably believes is seeking to use a guest room, facilities or other privileges of the lodging establishment for an unlawful purpose;

An individual who the lodging establishment operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including, but not limited to, explosives or the unlawful use of firearms; or

An individual whose use of the guest room, facilities or other privileges of the lodging establishment would result in a violation of the maximum capacity of such lodging establishment.

A lodging establishment operator who reasonably refuses or denies the use of a guest room, facilities or other privileges of the lodging establishment pursuant to this Section shall not be subject to any civil or criminal action or any fine or other penalty based on such reasonable refusal.

Q. *Lodging Establishment Operator May Eject Person.* Pursuant to Sec. 315.075, RSMo. 2000, an owner or operator of a lodging establishment may eject a person from the lodging establishment and notify the appropriate Police for any of the following reasons:

1. Non-payment of charges incurred by the individual renting, subrenting or leasing a guest room or facility of the lodging establishment when the charges are due and owing;
2. The individual present at the lodging establishment is visibly intoxicated, under the influence of alcohol or other drug and/or is disorderly so as to create a public nuisance;
3. The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose;
4. The owner or operator reasonably believes that the individual has brought something

into the lodging establishment which may create an unreasonable danger or risk to other persons, including, but not limited to, unlawful use of firearms or explosives; or

5. The individual is in violation of any Federal, State or local laws or regulations relating to the lodging establishment.

R. *Lodging Establishment License Endorsement Required.*

1. *Lodging establishment license endorsement requirement.*

- a. Beginning September 1, 2019, it shall be unlawful for any person to operate a lodging establishment in the City of Arnold without both:

- (1) A lodging establishment license; and
- (2) A lodging establishment license endorsement issued pursuant to this Subsection ("Lodging Establishment License Endorsement").

b. *Initial application.*

- (1) For all lodging establishments which exist and are currently operating prior to April 1, 2019, those lodging establishments shall apply for a lodging establishment license endorsement by September 1, 2019 and, so long as the lodging establishment is qualified to obtain a lodging establishment license, the City shall issue an initial lodging establishment license endorsement to such lodging establishment.
- (2) For those lodging establishments which do not exist as of April 1, 2019 or which begin or resume operations after such date, those lodging establishments shall apply for a lodging establishment license endorsement prior to beginning or resuming operations and, so long as the lodging establishment is qualified to obtain a lodging establishment license, the City shall issue an initial lodging establishment license endorsement to such lodging establishment.

c. *Conditions to deter crime — conditions/requirements.*

- (1) Once a lodging establishment license endorsement is issued, a lodging establishment must comply with additional conditions designed to deter crime in order to obtain or maintain its lodging establishment license endorsement, which additional conditions are based upon an individual lodging establishment's annual calls for service per guest room for the prior year.
- (2) The calls for service and crime statistics for each lodging establishment will be compiled for a twelve (12) month period ending December thirty-first (31st) of each calendar year by the Arnold Police Department.

- (3) Each lodging establishment owner will be notified of its annual number of calls for service per guest room for the prior year no later than March thirty-first (31st) of each calendar year.
 - (4) The time between April first (1st) and August first (1st) will allow lodging establishments time to comply with all the conditions of their group level necessary to receive a lodging establishment license endorsement prior to their making application for the issuance/renewal of their lodging establishment license.
 - d. *Renewals.* Each lodging establishment shall demonstrate that it has fulfilled the conditions required by August first (1st). If the lodging establishment has satisfactorily demonstrated that it has fulfilled the conditions required, then the City shall issue a new lodging establishment license endorsement for such lodging establishment for the next calendar year.
 - e. *Form.* The lodging establishment license endorsement required herein shall be made upon a form prepared by the Arnold Police Department upon application by the licensee. The lodging establishment license endorsement form must be presented to the City Clerk by every lodging establishment licensee, as a condition of eligibility for the renewal of a lodging establishment license.
2. *Annual calls for police service less than or equal to 0.25 calls per guest room (including those lodging establishments with no history of calls per service per guest room for the prior year).* Lodging establishments whose annual calls for service are less than or equal to 0.25 calls per guest room shall be entitled to a lodging establishment endorsement without further condition and shall have the option, but not the requirement, to implement the followings measures:
 - a. At the request of such lodging establishment, the Arnold Police Department will provide the lodging establishment with inspection services and advice concerning crime prevention through environmental design standards.
 - b. At the request of such lodging establishment, the Arnold Police Department will provide training for the lodging establishment staff, in cooperation with management, regarding the recognition of criminal behavior.
 - c. At the request of such lodging establishment, the Arnold Police Department will keep the lodging establishment management apprised of police activity that occurs on the property of the lodging establishment to the extent deemed acceptable by the Arnold Police Department.
3. *Annual calls for police service greater than 0.25 calls per guest room but less than or equal to 1.00 call per guest room.* Lodging establishments whose annual calls for service are greater than 0.25 calls per guest room but less than or equal to 1.00 call per guest room are required to meet the following additional conditions, designed to deter crime, in order to obtain a lodging establishment license endorsement to operate in the City of Arnold:

- a. The lodging establishment shall contact the Arnold Police Department to coordinate the following requirements:
 - (1) The Arnold Police Department shall provide training for the lodging establishment staff, in cooperation with management, regarding the recognition of criminal behavior.
 - (2) The Arnold Police Department shall keep the lodging establishment management apprised of police activity that occurs on the property of the lodging establishment to the extent deemed acceptable by the Arnold Police Department.
 - b. The lodging establishment must install and operate a surveillance camera (with recorder) in the lobby and all building entry/exit points accessible to guests for twenty-four (24) hours per day, seven (7) days per week. All surveillance recordings shall be stored and maintained in good viewing order for a minimum of thirty (30) days after recording, and shall be made available upon request by any Law Enforcement Officer in the City. Such recordings shall be date and time stamped.
 - c. The lodging establishment must undergo an Arnold Police Department crime prevention assessment of the lodging establishment to be conducted by the Arnold Police Department Crime Prevention Unit using standards from the crime prevention through environmental design (CPTED) program.
4. *Annual calls for Police service greater than 1.00 call per guest room.* Lodging establishments whose annual calls for service are greater than 1.00 call per guest room are required to meet the following additional conditions, designed to deter crime, in order to obtain a lodging establishment license endorsement to operate in the City of Arnold:
- a. The lodging establishment must conform to the conditions set forth in Section 605.130(R)(3).
 - b. The lodging establishment must provide the Arnold Police Department with the names and dates of birth of the owner, or if the owner is an entity, all officers of the owner, and all employees employed at the lodging establishment to allow for background checks. A processing fee (in an amount required to cover costs) may be required as determined by the Arnold Police Department.
 - c. The lodging establishment must hold semi-annual employee training sessions, assisted by the Arnold Police Department.
 - d. The lodging establishment must provide twenty-four (24) hour front desk personnel.
 - e. The lodging establishment must enforce the following guest rules:

- (1) No guest room may be used for drunkenness, fighting, or breaches of the peace. No guest room may be used if loud noises come from that guest room. Loud noises are those noises that disturb the tranquility of the neighborhood or those noises that would be disturbing to a reasonable person.
 - (2) All adult guests and visitors must present a government issued photo ID at the front desk immediately upon arrival.
 - (3) Registered guests shall re-check-in every seven (7) calendar days.
 - (4) All guests and visitors must be at least twenty-one (21) years old, unless accompanied by a parent or legal guardian.
 - (5) Only registered guests are allowed in his/her room between 10:00 P.M. and 6:00 A.M.
 - (6) Guests may not prohibit or impede room entry by the lodging establishment, when such entry is for purposes of inspection, cleaning and/or maintenance.
 - (7) The lodging establishment may visually inspect all guest rooms every 24 hours to ensure the well-being of guests and confirm the condition of the room.
- f. The lodging establishment must post house rules in the lobby and guest rooms and each guest and visitor must sign a copy of the house rules. The operator must notify the guests and visitors that their registration information may be shared with the Arnold Police Department.
 - g. Upon registration, full payment shall be collected for stays of seven (7) days or longer.
 - h. The maximum stay of any longer-term guest shall not exceed two (2) months or sixty (60) calendar days, whichever is less.
 - i. The lodging establishment must thoroughly clean each room, to include the provision of clean bed linens, bathing towels, and bathroom tissue, at least one time per week; and a record of cleanings shall be maintained for at least one (1) year.
 - j. The lodging establishment must maintain a daily key log. Each key that is found to be missing must have its corresponding lock re-keyed prior to the guest room being rented or subrented. Each master key that is found to be missing will require the lodging establishment to re-key all corresponding locks.

- k. The lodging establishment must issue parking passes to all vehicles to be allowed to park on the premises with each pass marked with the license plate number of the vehicle to which it is issued, the date of issuance, and expiration date. Such passes shall be visibly displayed in the vehicle to which it is issued.
- l. The lodging establishment must participate in the Arnold Police Department "criminal trespass program". Participation shall mean the lodging establishment shall be registered in the "criminal trespass program".
- m. The lodging establishment must remove all graffiti and repair all vandalism within seven (7) days of occurrence.
- n. The lodging establishment must permit an annual inspection by the City of Arnold Building Official to ensure that guest rooms are maintained according to all applicable building, fire, and safety codes, including tamper-resistant smoke detectors meeting National Fire Protection Agency (NFPA) standards.
- o. The lodging establishment must follow crime prevention through environmental design (CPTED) standards for landscaping/plant maintenance. These standards will be provided by the Arnold Police Department.
- p. The lodging establishment must install lighting in all common areas with minimum maintained lighting of one and one-half (1.5) foot-candles at ground level.
- q. The lodging establishment must install and operate video monitoring equipment in all parking lots, monitored and recorded at the front desk twenty-four (24) hours per day, seven (7) days per week. All surveillance recordings shall be stored and maintained in good viewing order for a minimum of thirty (30) days after recording, and shall be made available upon request by any Law Enforcement Officer in the City. Such recordings shall be date and time stamped.
- r. The lodging establishment must have a certified law enforcement officer on the premises every day from 6:00 P.M. until 6:00 A.M.
- s. The lodging establishment must submit to scheduled semi-annual audits by the City of Arnold Police Department to verify compliance with the above-referenced conditions.

S. Revocation of Lodging Establishment License.

1. The Collector may revoke a lodging establishment license as provided in this Section at any time the Collector determines that such lodging establishment is not in compliance with this Chapter. If, at any time, the Collector determines that a lodging establishment is not in compliance with this Chapter of the Arnold Code, the Collector shall notify the owner of the lodging establishment of such alterations or changes as may be deemed necessary to comply therewith and shall state in such notice the

amount of time that the owner shall have to bring the lodging establishment into compliance with this Chapter. At the expiration of the period of time allowed by the Collector, the Collector shall review the progress of the owner's attempts to follow this Chapter and may grant additional reasonable periods of time for compliance. If the Collector is not satisfied that the owner has made the lodging establishment compliant with this Chapter, the Collector shall give written notice to the owner stating that the City will consider revocation of the lodging establishment license, setting forth the reasons for the proposed action and fixing the date of a hearing before the City Council. Such public hearing shall be held not less than thirty (30) days from the date of delivery of such notice. The owner shall be entitled to appear with an attorney and may call witnesses as may be desired. If the City Council determines after such hearing that the lodging establishment is not in compliance with the provisions of this Chapter, the City Council may revoke the lodging establishment license. The owner of a lodging establishment may appeal an adverse decision of the City Council as provided in Chapter 536, RSMo. A lodging establishment may remain in operation during the foregoing process until revocation unless the Collector determines that an imminent health or safety hazard exists.

2. All notices served by the City pursuant to this Section shall be in writing and shall be either delivered to the owner in person or by registered or certified mail.

T. Subsequent Applications for Lodging Establishment License After Revocation — Conditions of Approval.

1. No subsequent application for a lodging establishment license to operate a lodging establishment on the same property following a period of revocation shall be approved unless:
 - a. Sixty (60) days have passed from the date of revocation;
 - b. The owner provides the City with a bond in a form acceptable to the City in the amount of one hundred thousand dollars (\$100,000.00) ("bond"); and
 - c. The applicant presents a corrective action plan, to the reasonable satisfaction of the Chief of Police and the Collector, to assure that the conditions and causes of the prior revocation have been or will be eliminated. Such corrective action plan must, at a minimum, include the following:
 - (1) All employees of the applicant shall be required to attend a four (4) hour crime prevention training class taught by law enforcement personnel; and
 - (2) The lodging establishment property must pass a full "Crime Prevention Through Environmental Design (CPTED)" inspection by law enforcement personnel demonstrating that the property meets minimum security requirements; and
 - (3) The lodging establishment implements the additional conditions

described in Section 605.130(R)(4).

2. The bond referenced in Subsection (T)(1) shall run to the City and shall contain such conditions as are required by the City, including the following:
 - a. That the lodging establishment will comply with all of the terms, conditions, provisions, requirements and specifications contained in this Chapter; and
 - b. The bond shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri.

U. *Assignment.* A valid lodging establishment license may be transferred to a new owner of the lodging establishment upon notification to the City.

V. *Violations, Enforcement and Penalties.*

1. *Remedies cumulative.* The remedies provided for herein for failure to comply with this Section shall be cumulative and in addition to any other remedy at law or equity.
2. *Continuing annual calls for police service greater than 1.00 call per guest room.* It is a violation of this Section if, after imposition of all of the conditions of Section 605.130(R)(4) for a period of one (1) year, the annual calls for service to the lodging establishment continue to be greater than 1.00 per year.
3. *Civil infraction.* A violation of or failure to comply with this Section is a civil offense and the City may enforce this Section and seek fines and penalties in accordance with the provisions of this Section.
4. *Separate offense.* Each day upon which a violation of this Section occurs constitutes a separate offense.
5. *Nuisance abatement — enforcement by civil action.* The City may also seek legal or equitable relief to enjoin any acts or practices and abate any condition which may constitute a nuisance or a violation of this Section.
6. *Operating without a lodging establishment license or lodging establishment license endorsement.* Any person establishing, conducting, managing or operating a lodging establishment in violation of this Chapter and/or without a lodging establishment license or lodging establishment license endorsement is guilty of a Class B misdemeanor.”

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

DRAFT



#5

CITY COUNCIL DISCUSSION ITEM MEMORANDUM

MEETING DATE:	March 14, 2019
TITLE:	911 Telephone Access (Public Health, Safety and Welfare Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
ATTACHMENTS:	Draft Ordinance Amendment, news articles (2)

On January 10, 2019, Staff discussed issues related to crime and disorder at hotels and motels in Arnold with the Council. After some discussion, Council directed Staff to proceed with developing ordinance amendments necessary to address the issues. Although this amendment does not require the Planning Commission hold a public hearing, Staff will be presenting it to the Commission in conjunction with the zoning amendment for context. Staff requests Council feedback with regard to the approach that is being proposed.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING TITLE II (PUBLIC HEALTH, SAFETY AND WELFARE) OF THE
ARNOLD CODE OF ORDINANCES WITH REGARD TO TELEPHONE ACCESS TO
EMERGENCY SERVICES.

WHEREAS, the City of Arnold strives to protect the health and safety of City residents and visitors to the City; and

WHEREAS, the City Council finds and determines that 911 is the United States' universal emergency assistance line; and

WHEREAS, the City Council further finds that many telephone systems for lodging establishments and businesses require that a user dial an additional number to obtain an outside line; and

WHEREAS, the City Council determines that persons unfamiliar with such a telephone system will be unable to reach emergency services in a crisis, which can lead to disastrous results; and

WHEREAS, the City Council finds that, on December 1, 2013, Kari Hunt was fatally attacked in a Texas hotel by her estranged husband; and

WHEREAS, the City Council further finds that Kari's nine-year-old daughter tried calling 911 during the struggle, but was unable to make a connection because she didn't realize she needed to first dial 9 for an outside line; and

WHEREAS, the City Council also determines that tragic stories like Kari's illustrate the necessity of having multi-line telephone systems that directly dial 911 without delay; and

WHEREAS, the City Council further determines that experts on multi-line telephone systems state that direct-dial 911 services can be provided in most systems through updating of software; and

WHEREAS, the City Council further finds that the City should ensure that lodging establishments and businesses that are open to the general public allow for direct dialing of 911; and

WHEREAS, the City Council also finds that all businesses and schools should be encouraged to update their multi-line telephone systems to allow direct dialing of 911 to protect the health and safety of their employees; and

WHEREAS, the City Council desires to require all multi-line telephone systems operated by a lodging establishment or covered business within the City of Arnold to directly dial 911 without the use of access codes; and

WHEREAS, the City Council of the City of Arnold desires to establish Chapter 260 of the Arnold Code of Ordinances; and

WHEREAS, the City Council voted to amend Title II (Public Health, Safety and Welfare) of the Arnold Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. That Title II (Public Health, Safety and Welfare) of the Arnold Code of Ordinances is hereby amended by the addition thereto of Chapter 260 entitled "Emergency Services," to be read in its entirety as follows:

"Chapter 260. Emergency Services

Article I. Telephone Access

Section 260.010 Intent and Purpose.

- A. This Council hereby finds and determines that the City of Arnold strives to protect the health and safety of City residents and visitors to the City. This Council further finds and determines that 911 is the United States' universal emergency assistance line. This Council finds that many telephone systems for lodging establishments and businesses require that a user dial an additional number to obtain an outside line. This Council determines that persons unfamiliar with such a telephone system will be unable to reach emergency services in a crisis, which can lead to disastrous results.
- B. This Council also finds that, on December 1, 2013, Kari Hunt was fatally attacked in a Texas hotel by her estranged husband. This Council further finds that Kari's nine-year-old daughter tried calling 911 during the struggle, but was unable to make a connection because she didn't realize she needed to first dial 9 for an outside line. This Council also determines that tragic stories like Kari's illustrate the necessity of having multi-line telephone systems that directly dial 911 without delay.
- C. This Council further determines that experts on multi-line telephone systems state that direct-dial 911 services can be provided in most systems through updating of software. This Council further finds that the City should ensure that lodging establishments and businesses that are open to the general public allow for direct dialing of 911. This Council also finds that all businesses and schools should be encouraged to update their multi-line telephone systems to allow direct dialing of 911 to protect the health and safety of their employees.

Therefore, the purpose of this article is to require all multi-line telephone systems operated by a lodging establishment or covered business within the City of Arnold to directly dial 911 without the use of access codes.

Section 260.020 Definitions.

As used in this article, the following terms shall have the meaning indicated:

COVERED BUSINESS

Any business establishment, professional or governmental office, hospital, school, private club, or religious institution facility, which is accessed or occupied by the general public, employees, or workers.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) 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 and which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments.

MULTI-LINE TELEPHONE SYSTEM

Any system comprised of common control unit(s), telephone sets, control hardware and software, and adjunct systems which enables users to make and receive telephone calls using shared resources such as telephone network trunks or data link bandwidth. This term includes, but is not limited to, network-based and premises-based systems such as Centrex service, premises-based, hosted and cloud-based VoIP, as well as PBX, Hybrid and Key Telephone Systems, as classified by the FCC under Part 68 of its rules.

Section 260.030 Direction connection to 911 required.

- A. All lodging establishments and covered businesses which operate a multi-line telephone system in the City of Arnold shall configure said system to allow any call to 911 on the system to be directly connected to a public safety answering point without the use of an access code.
- B. All lodging establishments and covered businesses which operate a multi-line telephone system in the City of Arnold shall ensure that the configuration of said system will also allow any call made on their system where the system's existing access code is dialed prior to dialing 911 to be directly connected to a public safety answering point.
- C. When feasible, without improving system hardware, all lodging establishments and covered businesses shall configure their multi-line telephone system to provide notification of any 911 call made on its system to a centralized location on the same site as the system.

Section 260.040 Exemptions.

The requirements set forth in Section 260.030 of this article shall not apply to any lodging establishment or covered business that would be required to upgrade the hardware of its telephone network to meet said requirements. However, these exempted entities shall be required to place an instructional sticker on or immediately adjacent to each telephone informing users of the phone's inability to directly dial 911 and the procedures to follow in case of an emergency. Each instructional sticker shall be printed in bold, easy-to-read font in a contrasting color with a minimum print size of sixteen-point font.

Section 260.050 Right to utilize 911 emergency services.

No lodging establishment or covered business, or any representative thereof, shall instruct, cajole, penalize, or otherwise prohibit employees or members of the public, including, but not limited to, guests and visitors from directly contacting emergency services via telephone systems operated by said lodging establishment or covered business nor shall they instruct, cajole, penalize, or otherwise prohibit employees or members of the public, including, but not limited to, guests and visitors from directly contacting emergency services via any other communication device including, but not limited to cellular telephones and radio appliances.

Every covered business and lodging establishment shall post, in a conspicuous place, in the office or public room, and in every guest room of said lodging establishment, a printed copy of paragraph one of this section.

Section 260.060 Enforcement.

Police Officers of the City of Arnold shall have the authority to enforce the Sections of this Chapter.

Section 260.070 Penalties for offenses.

Notwithstanding anything to the contrary in Section 100.140 of the Arnold Code, failure to satisfy any of the conditions of this article shall be considered a separate violation and is punishable by a fine of one hundred dollars (\$100.00) per violation without further warnings or notices being issued. Each day that the violation(s) shall continue shall be considered a separate violation. For purposes of clarification, each violation of this article by a covered business or lodging establishment, which is in violation of this article, shall be a separate violation, and each day that such violation continues shall be a separate violation, such that the fine of one hundred dollars (\$100.00) shall apply per violation per day.

Section 260.080 Applicability.

This article shall apply to all actions occurring on or after the effective date of this ordinance.

Section 260.090 When effective.

Due to the critical nature of the health and safety provisions contained herein, this article shall take effect immediately subsequent to the adoption by the City Council.

If a covered business or lodging establishment is not able to comply with this article by its effective date then the City Council may, upon application of the covered business or lodging establishment's owner/operator, provide a thirty (30) day extension before enforcement action may proceed.

SECTION 2. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck

therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 3. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2019.

Presiding Officer of the Council

Máyor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

Hotel death prompts petition against dialing 9 before 911

A Texas man launched a national push to require businesses to do away with dialing anything before calling 911 after his granddaughter failed to reach help while her mother was killed in a hotel room. An online petition for a federal law has already gotten 390,000 signatures.



Kari Hunt Dunn was allegedly killed by her estranged husband.

DALLAS — Hank Hunt’s granddaughter tried calling 911 from the East Texas hotel room where she could hear her mother dying, just as she was taught to do in an emergency. She didn’t know she had to dial 9 on the hotel phone first.

“Papa,” Hunt remembers the 9-year-old telling him later. “I tried, but it wouldn’t work.”

Now Hunt has launched a national push to require hotels and other businesses to do away with dialing anything before calling 911. So far, an online petition for a federal law has gotten 390,000 signatures, and one 911 advocacy group says Hunt has hit on a perhaps under-documented issue.

“I never dreamed that it would take a life of its own like this,” Hunt said this week. “There’s been a lot of good people out there helping us.”

Hunt’s petition calls for “Kari’s Law,” in honor of his daughter, Kari Hunt Dunn, who was stabbed to death inside a Baymont Inn hotel, allegedly by her estranged husband. The law as described by the petition would require hotels and motels to upgrade to “Enhanced 911” systems that would let guests call for help just by dialing 911 and give the operator the caller’s exact location.

The National Emergency Number Association, a group representing 911 call takers and industry professionals, says such changes are long overdue. Government affairs director Trey Forgety said the association did not know exactly how many callers try to dial 911 and fail. But officials hear “with some regularity” from member law enforcement agencies about callers who couldn’t get through, he said.

“If it makes it onto our radar a few times a year, then it does sort of beg the question: How many identical situations are out there that we just don’t hear about?” Forgety said.

Police in Marshall, about 150 miles east of Dallas, say Brad Dunn entered a room in the Baymont Inn where Kari Dunn and their three children were inside. Hunt said Brad Dunn took his estranged wife into the bathroom, leaving the children outside.

Det. Sonya Johnson said that as Brad Dunn began stabbing Kari Dunn, their eldest daughter tried to call for help. Four times, Hunt said, she dialed 911. Each time, it came up with static. Hunt said the children eventually ran into the hallway and found someone in a nearby room to call 911.

Brad Dunn would flee with their younger daughter and was arrested in a neighboring county. He’s now accused of murder and being held on \$5 million bond. His attorney, Scott Rectenwald, declined to comment.

Hunt and Johnson could not say how much extra time it took to call 911 due to the delay, or whether that time could have saved Kari’s life.



“We have no sense of knowing, because she never did make the call,” Johnson said.

There were no immediate figures available on how many hotels require guests to dial 9 to make outside calls. Wyndham Hotel Group, which owns the Baymont Inn brand, said in a statement it was “looking into the issues that have been raised in the petition,” but declined to say how many of its hotels require guests to dial 9 or what changes it was making.

Hotel experts say an industry-wide change could be made without a national law.

Don O’Neal, a Dallas-based hotel technology consultant for more than 30 years, said one hotel he worked with recently made 8 the code for outside calls — but programmed 911 calls to work without a prefix.

A handful of hotels either use old systems or more basic phone systems that aren’t intended for hospitality use.

“If this particular hotel did not have it set

up properly, it was strictly because they didn’t have the programming done, or else they had a telephone system that was not very current,” O’Neal said.

One issue is that a direct-dial system might notify police, but not a hotel’s front desk, about an urgent situation to which staff could respond more quickly, said Chad Callahan, safety and security consultant for the American Hotel & Lodging Association. Callahan said he didn’t think a law was necessary.

“Working together on these things, hotels can be reasonable about it,” Callahan said. “As long as they understand it, they’ll probably do the right thing in most cases.”

But NENA officials said some requirements are needed for all businesses that serve guests.

“The brand knowledge of 911 is one of the highest in the world,” said Ty Wooten, the group’s education director. “When you put anything or do anything that requires someone to do something other than dialing 911, it lends itself to potential problems.”

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<http://www.nydailynews.com/news/world/hotel-death-prompts-petition-dialing-9-911-article-1.1575431>



Many U.S. hotels lack direct 911 emergency phone access, survey finds

Guests at thousands of U.S. hotels cannot directly reach emergency services when they dial 911, according to a survey performed after the 2013 death of a woman who was stabbed repeatedly in a Texas motel, while her daughter tried fruitlessly to dial the emergency number.

The survey by the American Hotel & Lodging Association showed that many hotels required callers to dial 9 before 911 or have some other system, such as calling the front desk first.

The results of the survey were released on Monday by Federal Communications Commission member Ajit Pai, who had sought information on dial-through 911 calls at hotels.

About 45 percent of franchised hotels and motels and 32 percent of independent hotels have direct 911 dialing, the survey found. Independent owners or franchise holders manage the great majority of hotels and motels, he said.

There are some 53,000 lodging properties in the United States, according to the trade group that performed the study.

Pai said he was starting a new round of surveys with vendors of phone systems used in hotels and workplaces to see whether they could be configured to let dialers reach 911 quickly.

The survey was spurred by the December 2013 stabbing death of Kari Hunt Dunn in a Marshall, Texas, motel room.

Her nine-year-old daughter called 911 four times from the room but did not know she needed to dial 9 first to get an outside line.

The killing spurred a petition that has generated more than 440,000 signatures demanding that Congress require hotels and motels to enable direct dialing of 911.

(Reporting by Ian Simpson; Editing by Scott Malone and James Dalgleish)

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#6

CITY COUNCIL
DISCUSSION ITEM MEMORANDUM

MEETING DATE: March 14, 2019

TITLE: Vacant Structure Registration Program (Building Amendment)

DEPARTMENT: Community Development

PROJECT MANAGER: David B. Bookless, Community Development Director

ATTACHMENTS: Draft Ordinance Amendment

On March 1, 2018, the City Council approved an ordinance requiring the registration of vacant structures to ensure such structures are promptly maintained, rehabilitated, or demolished. Since that time, Staff has found some practical difficulties with the ordinance's enforcement and may be proposing changes to the ordinance. Staff requests Council feedback with regard to the approach that is being proposed.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 530 VACANT STRUCTURE REGISTRATION PROVIDING FOR REGISTRATION, MAINTENANCE, FEES AND PENALTIES RELATED TO VACANT BUILDINGS

WHEREAS, buildings which remain vacant and unoccupied for any appreciable period of time become a harborage for rodents, an invitation for illegal occupancy and for illegal activities, as well as a fire hazard; and, which remain vacant for extended periods

WHEREAS, unkempt grounds surrounding unoccupied buildings invite dumping and rubbish thereon, that such buildings become dilapidated and contribute to commercial and residential blight, depressing market values of surrounding property; and,

WHEREAS, vacant and unoccupied buildings require additional government services, endanger the public safety and health, and generally remain detrimental to the public good. It is the finding of the City Council that buildings that remain vacant with access points boarded over are unsightly, unsafe and have a significant and negative effect on their surroundings.

WHEREAS, in order to protect the health, safety, morals, and welfare of the citizens of the City of Arnold, to preserve and enhance livability, preserve property values of surrounding buildings, and to ensure that buildings are promptly rehabilitated and/or demolished as appropriate,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1: Chapter 530 Vacant Structure Registration is hereby amended and replaced by the adoption of a new Chapter 530 to read as follows:

“Chapter 530 Vacant Structure Registration and Maintenance”

<u>Section</u>	<u>Title</u>
<u>530.050</u>	<u>Intent and Purpose</u>
<u>530.010</u>	<u>Definitions.</u>
<u>530.020</u>	<u>Property Registration.</u>
<u>530.030</u>	<u>Maintenance and Safety Requirements.</u>
<u>530.040</u>	<u>Registration Fees; Renewal.</u>
<u>530.050</u>	<u>Enforcement, Remedies and Penalties.</u>
<u>530.060</u>	<u>Responsible Parties; Liens.</u>

Section 530.050 Intent and Purpose.

It is the finding of the City Council that properties in the process of foreclosure ("foreclosing" properties) and/or vacant properties are unsightly, unsafe, and have a negative effect on the community. The purpose of this article is to establish a program for identifying, registering and monitoring such foreclosing and/or vacant properties, to set forth the responsibility of all persons with any interest in such properties, including mortgagees, lenders, trustees and service companies, and to speed the rehabilitation and re-occupation of such properties.

The registration fees are reasonably related to and calculated to cover the administrative costs for registering and processing the vacant real property owner registration form and for the costs the City may incur in monitoring and inspecting the vacant or abandoned real property.

Section 530.010 Definitions.

For purposes of this Chapter the following words and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

ABANDONED

1. Any real property where the owner has surrendered, relinquished or given up rights to the real property with the intention of not reclaiming it; or
2. Any real property that is vacant and is under a current notice of default or notice of trustee's sale and is not currently being offered for rent, lease or sale by the owner. Evidence of being currently offered for rent, lease, or sale shall be by a sign posted on the subject property advertising the property for rent, lease, or sale with contact information and current phone number or an active listing in an electronic database accessible to City staff; or
3. Real property that has been the subject of a foreclosure sale where the title was retained by the beneficiary involved in the foreclosure and any real property transferred under a deed in lieu of foreclosure.

AUTHORIZED REPRESENTATIVE

A person, corporation, limited liability company or other legal entity having charge, care or control of any real property as agent of the owner, or as personal representative, trustee, guardian or conservator of the estate of the owner.

CODE

As used in this Chapter, shall refer to the City of Arnold Code of Ordinances, the International Building Code, the International Property Maintenance Code, and the International Residential Code as adopted by the City.

EVIDENCE OF VACANCY

Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to, overgrown and/or dead vegetation, electricity/water/other utilities turned off, statements by neighbors/passersby/delivery agents or government agents, lack of response to notices, returned or forwarded mail, unsecured doors, absence of, or condition of, personal belongings on the property, habitation by vagrants/transients/trespassers, lack of marketing for purposes of selling or renting property, etc.

OCCUPIED

When a property, residence, or structure is being lived in or used in a manner consistent with its intended use.

OWNER

The person, persons, partnership, corporation, beneficiary, trustee, or other legal entity that holds legal title to any real property.

REAL PROPERTY

All land and structures affixed to or built thereon.

RESPONSIBLE PARTY

Includes real property owners, mortgagees, lenders, trustees, or any other party with legal interest in the real property, and their authorized representatives or agents.

STATEMENT OF INTENT

A form completed by the owner of a vacant structure or the owner's authorized representative, which contains specific information regarding the structure and the owners' plans for rehabilitation, maintenance, demolition and/or removal.

STRUCTURE

Any physical object or edifice that is built or installed and is located on and affixed to the land. The term "structure" shall include any part of a structure.

TRUSTEE

The person, firm, corporation or other legal entity holding a deed of trust secured by real property.

UNDEVELOPED

A parcel of real property that does not have a primary structure built thereon.

VACANT

1. A building or structure that is not legally occupied as required by the Code.
2. Any free standing residential real property that has not been legally occupied for ~~ninety~~ one hundred eighty (90) 180 days.
3. Any free standing commercial or industrial real property that has less than fifty percent (50%) of the total area of the building (excluding stairwells, elevator shafts, and mechanical rooms) being legally occupied or is not being used for occupancy that was authorized for one hundred eighty (180) days.
4. A multifamily residential building or structure containing five (5) or more dwelling units when eighty percent (80%) of the dwelling units are unoccupied.

VACANT STRUCTURE MAINTENANCE STANDARDS

The maintenance standards, to which the vacant structures are subject under this Chapter, are set forth in the Arnold Health and Sanitation Code, the Arnold General Nuisances Code, the International Property Maintenance Code as adopted by the City Council, all other applicable chapters of the Arnold Code of Ordinances, including, but not limited to the Building and Zoning Ordinances of the City, as amended from time to time, and all standards contain within this Chapter.

Section 530.020 Property Registration.

- A. The owner(s) of all real property, or the authorized representative of owner, shall register said real property with the ~~Community Development Director~~ Building Commissioner or designee within ~~thirty-fourteen (3014)~~ calendar days after the real property ~~meets the definition contained in this Chapter for or becomes classified by the City, based upon evidence of vacancy,~~ as vacant or abandoned.
- B. Owners required to register real property pursuant to this Chapter shall submit a copy of a state-issued identification or other valid proof of identification and provide the following information on a form provided by the ~~Community Development Director~~ Building Commissioner:
1. The address of the real property.
 2. The name, address, and all telephone numbers of the owner(s).
 3. A mailing address where correspondence may be sent, if different from the property address, where such correspondence will be acknowledged as received by the owner(s). If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
 4. The names and addresses, telephone numbers, fax numbers, and email address (if known) of all lien holders and all other parties with an ownership interest in the real property.
 5. The name, address, telephone number, fax number, and email address (if known) of the person, firm, or corporation responsible for the care and control of the real property. Such person may be the owner if the owner is an individual, or may be an authorized representative as defined in this Chapter. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
 6. Permission granting to the City of Arnold access to all exterior areas of the real property for inspection purposes.

7. Completed Statement of Intent form setting forth the following:

- i. The expected period of vacancy (including the date of initial vacancy);
- ii. The plan (including timeline) for regular maintenance during the vacancy to comply with the vacant structure maintenance standards of this Chapter and all of the applicable property maintenance, building and zoning codes of the City;
- iii. A plan and time line for the lawful occupancy, rehabilitation, removal or demolition of the structure;
- iv. Measures/plans (including timelines) to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters and code or building inspectors in time of exigent circumstances or emergency as well as at times of reasonable inspection;
- v. Measures (and timeline) to be taken to assure that the premises remain free from nuisance conditions and in good order in conformance with the vacant structure maintenance standards;
- vi. A list all persons authorized to be present in the structure; and
- vii. Notices of trespass to the police authorizing the arrest for trespass of individuals not on the above list.

C. The Owner shall, within fourteen (14) calendar days of registering the property, complete the removal of all:

1. Combustible materials from the structure in compliance with the applicable fire regulations;
2. Waste, rubbish or debris from the interior and exterior of the structure; and
3. Excessive vegetation, including grass in excess of eight (8) inches from the yard(s) surrounding the vacant structure in accordance with City ordinances.
4. Secure all windows, doors, and other openings in the structure to prohibit entry by unauthorized persons as provided in the ordinances of the City.

~~C.D.~~ If at any time the information contained in this registration is no longer valid or has changed, the owner or authorized representative has ~~fourteen~~ (14) calendar days to file an amended registration form containing the current information. There shall be no fee required to update the current owner's information.

E. Obligation to Renew Registration and Continue to Satisfy the Requirements of this Chapter.

1. The owner(s) of all real property, or the authorized representative of owner, shall renew registration of said real property with the Building Commissioner or designee based upon the renewal schedule contained in this Chapter.
2. The obligations of the Owner are continuing obligations which are effective throughout the time of the structure's vacancy, as that term is defined in this Chapter.

F. Exceptions, Registration.

1. Single family homes or owner occupied 2-family properties that have been used as a residence by the owner for a period of at least five (5) months within the previous twelve (12) months and the owner intends to resume residing at the property, and for those properties which are under active, ongoing rehabilitation or reconstruction and have a building permit from the City. It shall be the responsibility of the owner to demonstrate the applicability of this exception to the City in order to qualify therewith.

Section 530.030 Maintenance ~~And~~ and Safety Requirements.

- A. The real property subject to this Chapter shall be maintained in compliance with the Codes as adopted by the City as further defined herein as Vacant Structure Maintenance Standards. Compliance, includes, but is not limited to the following: properties shall be kept free of weeds, grass more than eight (8) inches in height, trash, junk, debris, building materials, accumulation of newspapers, circulars, flyers, notices, except those required by law, discarded items, including but not limited to furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, derelict vehicles, or any other items that give the appearance that the real property is abandoned.
- B. All visible front and side yards shall be landscaped and properly maintained. Landscaping, includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or mulch designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpeting or any similar material. Maintenance, includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimmings.
- C. Pools, spas, and other water features shall be kept in working order so that water remains clear and free of pollutants and debris, or drained and kept dry and free of

debris. In either case, properties with pools or spas must comply with the minimum-security fencing and barrier requirements of the Code.

- D. Real properties subject to this Chapter shall be maintained in a weather-tight and secure manner so as not to be accessible to unauthorized persons. Secure manner, includes, but is not limited to, the closure and locking of windows, doors, gates and any other opening of such size that it may allow people, animals, or wildlife to access the interior of the real property. Broken windows must be repaired or replaced within seven (7) days. Boarding up of broken windows is prohibited except as a temporary measure.

1. It is the policy of the City that boarding up of a vacant property is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant structure may not remain boarded up for longer than six (6) months unless an extension of that time is approved by the Building Commissioner in writing.

- E. If the real property is owned by a corporation and/or a beneficiary, trustee, or if the owner is located more than fifty (50) miles away, the corporation, beneficiary, trustee, or owner shall designate a local authorized representative who will be responsible to maintain the real property in compliance with the provisions of this Chapter. A local authorized representative must be located within a fifty (50) mile radius of the City of Arnold and be available during a majority of the working week (Monday through Friday, 8:00 a.m. to 5 p.m.).

Section 530.035 Required Liability Insurance.

- A. It shall be the responsibility of the owner or owner's authorized agent to maintain liability insurance on all vacant and registered properties under their control. Proof of evidence of such insurance shall be filed with the City. Minimum insurance amounts are as follows:

1. Residential properties of one or two units: \$250,000
2. Residential properties of three or more units: \$500,000
3. Commercial, manufacturing, storage or any nonresidential property: \$1,000,000

Section 530.040 Registration Fees; Renewal.

- A. The owner of a vacant or abandoned real property shall pay a fee of ~~two hundred~~ two hundred fifty dollars (~~\$200~~50.00) per real property for the initial twelve (12) month registration of the property no later than fourteen (14) calendar days after ~~when~~ the real property remains ~~meets the definition contained herein for or becomes classified by the City, based upon evidence of vacancy, as vacant or abandoned. The registration fee is reasonably related to and calculated to cover the administrative costs for registering~~

~~and processing the vacant real property owner registration form and for the costs the City may incur in monitoring and inspecting the vacant or abandoned real property.~~

~~B. The first registration fee shall be paid no later than thirty (30) days after the real property becomes vacant or abandoned; and, a new fee shall be paid each one hundred eighty (180) day period in which the property remains vacant or abandoned. Each successive fee shall be paid no later than ten (10) days after the one hundred eighty (180) day period. If the fee is not paid within the due date, the owner shall be in violation of this Chapter and shall be subject to the enforcement, remedies and penalties provided in the Code. The fee for renewing the vacant property registration shall be fifty dollars (\$50) and shall cover a period of six (6) months following renewal and shall continue at the same rate for one (1) additional six (6) month renewal period for a total of twelve (12) months.~~

~~C. If a property remains in foreclosure, abandoned or vacant beyond twenty-four (24) months (e.g. Initial registration period plus two (2) renewal periods), the following may apply based on continuing and/or increased enforcement-related activities and administrative costs:~~

- ~~1. An increased renewal registration fee of one hundred dollars (\$100.00) per six (6) month period that such properties remain in foreclosure, abandoned or vacant.~~
- ~~2. A fine of not less than fifty dollars (\$50.00) per month for properties that are vacant for at least three (3) years and thereafter.~~
- ~~3. This renewal registration fees and monthly fines schedule are intended to run with the land not with the Owner, such that the twenty-four (24) months do not begin again if a new Owner or other party becomes involved with the property.~~

~~C.D. All fees and penalties required by this Chapter shall be paid in full prior to the issuance of any building or occupancy permit. All delinquent fees and penalties shall be paid in full prior to any transfer of an ownership interest in any vacant or abandoned real property. If a transfer occurs prior to the payment of any outstanding fee or penalty, the new owner shall accept responsibility for payment of all delinquent fees; and, shall make payment no later than thirty (30) days after the transfer of ownership and subsequent semi-annual fees shall be due ten-fourteen (1014) calendar days after each successive six (6) month period.~~

~~E. Payment of the applicable registration fee(s) does not relieve or exempt the Owner or other Person from paying any and all fines, penalties, costs or other such charges assessed for non-compliance with property maintenance standards or other code provisions in this article or elsewhere in the City's ordinances.~~

Section 530.050 Enforcement, Remedies ~~And~~ and Penalties.

- A. This ~~Chapter~~Section shall be enforced by the ~~Community Development Director~~Building Commissioner or designee.
- B. Any owner or responsible party that fails to comply with the registration requirements of this Chapter shall be subject to the general penalty provisions as provided Section 100.140 of the Code of Ordinances of Arnold Missouri.
- C. Notwithstanding the provisions of this article, the City shall retain the right afforded under relevant State or local law to declare a non-compliant vacant structure unsafe and/or a public nuisance. The City may pursue whatever legal recourse afforded to it by law, including, but not limited to, action to abate a public nuisance or an action seeking the demolition of a dangerous and unsafe building.

Section 530.060 Responsible Parties; Liens.

- A. Every responsible party with respect to any vacant property shall be jointly and severally liable with every other responsible party for the obligations set forth in this Chapter. All fees, costs and charges assessed or incurred by the City shall constitute a lien on the real estate upon which such vacant structure is situated.”

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF MARCH 2019.

 Presiding Officer of the Council

 Mayor Ron Counts

ATTEST:

 City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

 City Attorney Robert Sweeney



7

**CITY COUNCIL
DISCUSSION ITEM MEMORANDUM**

MEETING DATE: March 14, 2019

TITLE: Temporary Signs (Signs Amendment)

DEPARTMENT: Community Development

PROJECT MANAGER: David B. Bookless, Community Development Director

ATTACHMENTS: None

Staff has received several complaints from citizens about particular types of temporary signs that they believe to be unsightly. Staff will be presenting visual examples of such signs and seeks guidance as whether or not to proceed with drafting changes to the Code.



8

CITY COUNCIL
DISCUSSION ITEM MEMORANDUM

MEETING DATE:	March 14, 2019
TITLE:	New/Used Car Sales (Zoning Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
ATTACHMENTS:	None

Staff has received a number of inquiries from “buy here pay here” used car dealers with respect to locating on Jeffco Boulevard. Staff will be presenting visual examples of such dealers and seeks guidance as whether or not to proceed with drafting changes to the Code.