

SHORT TERM RENTAL

Purpose and applicability.

- (a) The purpose of this ordinance is to establish regulations for the registration and use of short term rentals in the Village of San Leanna.

- (b) The provisions of this article pertaining to short term rentals shall be reviewed by the city council within one year of the adoption of Ordinance No 23-001. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the short term rental provisions of this article shall not be construed to create any enforceable right to the continuation of short term rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result its repeal.

Registration and standards.

- (a) *Registration required.* An approved registration is required before operation of short term rental. Application for short term rental registration shall be made upon a form prescribed by the Village of San Leanna for such purpose. The following is required of all applications and missing items or information constitute an invalid application. Additional information may be required based on individual circumstances.

TYPE 1 PERMIT – SHORT TERM RENTAL AS SECONDARY USE

1. Registrant's name, home address, telephone number, and electronic mail address.
2. Proof of possession of the premises being registered, either by warranty deed, or valid lease.
3. If the applicant does not own the property where the rental unit is located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a short term rental on the premises
4. Proof that the premises is the primary residence of the applicant, including at least two of the following: Motor vehicle registration, driver's license, Texas State Identification card, voter registration, tax documents, or utility bill.
5. Signature or electronic signature by the registrant requiring the applicant to self- certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas.
6. Payment of all fees, established by this article or the city council and, for registration renewals, proof of collection and payment of Hotel Occupancy Tax due during the preceding registration periods.
7. Incomplete applications will not be processed and, as a result, any premises associated with an incomplete application will not be registered in compliance with or as required by this division.

TYPE 2 PERMIT – SHORT TERM RENTAL AS PRIMARY USE – TO BE LIMITED TO XX % OF RESIDENCES ?

1. Registrant's name, home address, telephone number, and electronic mail address.
2. Proof of possession of the premises being registered, either by warranty deed, or valid lease.
3. If the applicant does not own the property where the rental unit is located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a short term rental on the premises
4. Signature or electronic signature by the registrant requiring the applicant to self- certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas.
5. Payment of all fees, established by this article or the city council and, for registration renewals, proof of collection and payment of Hotel Occupancy Tax due during the preceding registration periods.
6. Incomplete applications will not be processed and, as a result, any premises associated with an incomplete application will not be registered in compliance with or as required by this division.

(b) *Standards specific to short term rentals.*

- 1) Short term rental is not permitted for any property that has not been registered under this article or where the registrant's permission to operate a short term rental has been suspended or revoked under this article.
- 2) An approved short term rental registration shall not be assigned or transferred to any person or entity. Any attempt to transfer a registration shall render the registration subject to suspension or revocation as provided in this article.
- 3) No registrant shall be allowed to operate or register more than one short term rental in the Village, and no registration for a new short term rental shall be authorized, while another registration in the registrant's name is still active or under suspension.
- 4) An owner of property may not have more than one short term rental unit in the city that is registered or operated as a short term rental. When an owner of property registered or operated as a short term rental is a business organization, trust or other entity, no person or entity affiliated with such business organization, trust or other entity as an organizer, officer, member, manager, shareholder, trustee, beneficiary, partner, equity owner or investor shall be allowed to register or operate an additional short term rental at a different property address in the city.
- 5) **No more than two adult guests per bedroom, plus no more than XX additional adults, shall be allowed when renting a property as a short term rental. ?**
- 6) No change in the external appearance of the existing buildings and structures on the property that would denote use as short term rental.
- 7) All vehicles used in connection shall be of a size, and located on the premises in such a manner, so that a casual observer or a person of normal sensibilities will not be able to detect any sign of the premises being used as a short term rental.
- 8) Sufficient off-street parking must be available for guests, with no additional parking areas to be located in the front setback or exterior side setback of the property.
- 9) There shall be no advertising devices on the property which are visible from outside the dwelling or accessory building.

-
- 10) The property shall contain no outdoor display or storage of goods or services.
 - 11) Wholesale or retail sale of goods shall not occur on the premises.
 - 12) Short term rental use shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception
 - 13) Each short term rental registrant shall provide in the premises at least at least one working smoke detector and alarm and one working carbon monoxide detector and alarm per bedroom, and one working fire extinguisher. The premises shall, otherwise be in compliance with applicable building and fire codes adopted under the Village of San Leanna's Zoning Ordinance.
 - 14) It shall be the sole responsibility of the registrant, owner, and/or landlord to review the registration for each short term rental unit in accordance with the terms outlined within this ordinance.

(c) *Standards for required brochure.*

- (1) Each registrant operating a short term rental shall provide to guests a brochure that includes:
 - a. The registrant's contact information;
 - b. The property owner's contact information if the registrant is not the property owner;
 - c. A local responsible party's contact information who can respond to the renter within one (1) hour if neither the registrant nor the property owner are in the city limits when guests are renting the premises;
 - d. Maximum occupancy limit;
 - e. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash collection schedule, and relevant water restrictions; and
 - f. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

Registration term and renewal.

- (a) All registrations approved under this division shall be valid for a period of one year from the date of their issuance.
- (b) A new registration shall be required if a change in ownership, trade name or transfer occurs prior to the expiration of the current registration. The new landlord, owner, or registrant of the premises or rental unit shall have 30 days from the date the change occurred to file a new registration with the city and pay the applicable fee.
- (c) Notification of issuance of a Type 1 or Type 2 Short Term Rental permit shall be mailed by the Village to all property owners within 500 feet of the permittee.
- (d) If the registrant has received notice of violation of any law or regulation including enforcement action under a current registration, an application for renewal shall include a copy of the notice.
- (e) Upon receipt of an application for renewal of the registration, the director may deny the renewal if there is reasonable cause to believe that:
 - (1) The registrant has violated any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or

-
- (2) There are grounds for suspension, revocation, or other registration sanction as provided in this article.

Violations. – To be reviewed by counsel

- (a) A violation of this division is a class C misdemeanor offense. Any persons, firm, corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any of the provisions of this division is subject to payment of a fine not to exceed \$2,000.00 plus court costs. Each act of violation and each day upon which such violation occurs constitutes a separate offense. Additionally, this division authorizes cumulative enforcement action against repeated or multiple violations under this division.
- (b) Violations of this division shall additionally be enforced in accordance with and subject to the remedies in division 4 of this article.
- (c) It is unlawful, and shall be considered a violation of this article, to:
- (1) Rent, lease, or otherwise permit or allow any rental unit or premises to operate, or be operated as a short term rental without first registering the property in which the rental is to occur and unless all requirements of this code and State laws and codes are met;
 - (2) Operate a short term rental in any location that is not the registrant's primary residence; ?
 - (3) Operate a short term rental without paying the required hotel occupancy taxes;
 - (4) Operate or allow to be operated a short term rental without first registering the property in which the rental is to occur with the city in accordance with this article;
 - (6) Operate a short term rental that does not comply with all applicable city and state laws and codes;
 - (7) Operate or allow the operation of more than one short term rental within the city limits;
 - (8) Operate a short term rental offer or allow the use of short term rental property primarily for a nonresidential use or for the sole or primary purpose as an event center or party or wedding facility;
 - (9) Offer or allow the use of a short term rental for having a party;
 - (10) Fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent; or
 - (11) Fail to renew required registration (may result in double fees).