

ORDINANCE NO. 10471-2018

AN ORDINANCE AMENDING CHAPTER 29 “CODE COMPLIANCE” OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS, BY CREATING A NEW ARTICLE IX, “SHORT TERM RESIDENTIAL RENTALS”; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; A CUMULATIVE CLAUSE; A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Grand Prairie desires to establish rules and regulations relating to the operation of short term residential rentals;

WHEREAS, the City Council finds that it is in the public interest to amend the Code of Ordinances to regulate short term residential rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

Section 1.

THAT the findings and recitations set out in the preamble of this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part of hereof for all purposes.

Section 2.

Chapter 29 “Code Compliance” of the Code of Ordinances of the City of Grand Prairie is hereby amended by creating a new Article IX to read as follows:

“Article IX. - Short Term Residential Rentals.

Sec. 29-181. Purpose

The purpose of this Article is to set forth a process through which certain dwelling units may be registered with the City of Grand Prairie for use as short-term rental units under the stipulations set forth within the ordinance, and to ensure the collection and payment of hotel/motel occupancy taxes.

Sec. 29-182. Definitions

Operator means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit who is the proprietor of a short term rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, license or any capacity. Where the operator performs his or her functions through a managing agent of any type or character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal.

Residential Unit means a dwelling unit within a dwelling classified as a residential use, as those terms are defined in the Uniform Development Code, but excluding: a congregate living complex; elderly housing; a group residence; a homeless shelter; an orphanage; a temporary dwelling structure; and transitional

housing. The term “Residential Unit” shall not include a hotel, motel, bed and breakfast, executive suite, or other non-residential use.

Short-Term Rental means the use of a Residential Unit for its intended purpose for a tenancy of thirty (30) or fewer consecutive calendar days for a fee.

Sec. 29-183. Short -Term Residential Rentals in the City of Grand Prairie.

No Residential Unit shall be offered as a Short-Term Rental except in compliance with the provisions of this Article.

Sec. 29-184. Short-Term Rental Registration Process

(a) **Registration Requirement.** An Operator who wishes to offer his or her Residential Unit as a Short-Term Rental shall register with the City.

(b) **Registration Process.** Registration shall be in writing on a short-term rental registration form prescribed by the City Manager or his designee. The date of receipt of a registration form shall be recorded by the City in a manner sufficient to verify the date of its submission. The Operator must submit the following information on the registration form:

- (1) The physical address of the short-term residential unit;
- (2) The Operator’s name, address, email address, and telephone number;
- (3) The Operator’s relationship to the residential unit;
- (4) The name, physical address, email address, and telephone number of all owners of the residential unit;
- (5) The name, physical address, email address, and twenty-four hour telephone number of a local contact who shall be responsible and authorized to respond to complaints concerning the use of the residential unit.
- (6) Such other information as the City Manager or his designee deems reasonably necessary to administer this Article.

(c) **Registration Fee - Renewal.**

- (1) There shall be no fee for registration of a short-term rental unit.
- (2) A registration is valid from the date of the City’s receipt of a completed registration form containing all the required information, and shall remain valid until withdrawn by the Operator or the ownership or Operator of the short-term residential unit changes. The Operator shall provide the City updated information, in writing and within thirty (30) days, when the information previously provided to the City on the registration form is no longer current.

- (3) If a registration form is determined to be incomplete, the Planning Director shall notify the Operator in writing within ten (10) days of the date the registration form was submitted, advising the Operator that the registration form is incomplete.

Sec. 29-185 Hotel Occupancy Taxes.

- (a) Condition of Permit.** It is a condition of the initial and continued validity of a short-term registration that the Operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code. Failure to timely pay the hotel occupancy taxes is considered a violation of this Article and may result in revocation of the registration.

Sec. 29-186 Revocation.

The City may revoke the registration of any short-term rental for violation of any provision of this article.

Sec. 29-187 Offense.

It shall be an offense for any person to violate any provisions of this article.”

Section 3.

That, if any article, section, sub-section, sentence or phrase of this Ordinance should be held to be invalid for an reason whatsoever, such invalidity shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 4.

That, this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Grand Prairie, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Section 5.

That, all of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Grand Prairie, Texas, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved of all personal liability for any damage that might occur to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 6.

That, violation of this ordinance shall be punishable in accordance with Section 1-8 of the Code of Ordinances.

Section 7.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE,
TEXAS, ON THIS THE 5TH DAY OF JUNE 2018.**

APPROVED:

A handwritten signature in black ink, appearing to read 'Ron Jensen', written over a horizontal line.

Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney