

ORDINANCE 2401

AN ORDINANCE OF THE CITY OF HURST CITY COUNCIL AMENDING CHAPTER 5, ARTICLE X- RENTAL REGISTRATION OF THE CITY OF HURST CODE OF ORDINANCES BY AMENDING SECTION 5-391 TO ADD A DEFINITION FOR SHORT-TERM RENTALS AND BY ADDING A NEW SECTION 5-397 ESTABLISHING A PROHIBITION AGAINST SHORT-TERM RENTALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY

WHEREAS, the City of Hurst is authorized to adopt and enforce ordinances necessary to protect health, life, and property to preserve good government and the security of its inhabitants; and

WHEREAS, the City Council of the City of Hurst adopted regulations regarding the rental of residential dwellings in Chapter 5, Article X of the Code of Ordinances; and

WHEREAS, Section 5-391 of the Code of Ordinances of the City of Hurst defines a “rental unit” as “a single-family dwelling unit, duplex unit, triplex, quadruplex, mobile home, town house dwelling unit, or a portion thereof that is rented or offered for rent as a residence”; and

WHEREAS, the City Council of the City Hurst wishes to define the term “short-term rental” under the Code of Ordinances; and

WHEREAS, short-term rentals are not currently listed as a permitted use in any Zoning District within the City; and

WHEREAS, there has been a growing number of short-term rentals within residential areas of the City; and

WHEREAS, short-term rentals are not consistent with the character or nature of single-family residential uses in the City; and

WHEREAS, short-term rentals are not suitable in residential neighborhoods, are not compatible with residential uses, and the neighborhood adjacency of short-term rentals in residential neighborhoods is harmful; and

WHEREAS, in the absence of being listed as a permitted use in any Zoning District, short-term rentals are prohibited under the City’s Zoning Ordinance; and

WHEREAS, short-term rentals in the City of Hurst, with their attendant increases in traffic, parking, noise, litter, and the influx of strangers into residential areas is incompatible with the intent of residential districts in the City and the desires and expectations of the City’s residents and is contrary to the long-standing character of the community; and

WHEREAS, short-term rentals in residential areas of the City pose a risk of increased public nuisances, disruption of neighborhoods, and additional enforcement related issues; and

WHEREAS, the increase in calls for service attributable to short-term rentals in residential areas of the City result in an additional burden on the Police Department; and

WHEREAS, the City of Hurst City Council has determined that it is a necessity to prohibit short-term rentals as provided for herein to safeguard the public; and

WHEREAS, the City of Hurst is authorized by law to adopt the provisions contained herein; and

WHEREAS, the City Council of the City of Hurst deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

SECTION 1. THAT the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. THAT Section 5-391 of the Code of Ordinances of the City of Hurst is hereby amended to add new definitions as follows:

Section 5-391 Definitions.

“Short-term rental – The rental or offer for rental of a rental unit for a period of less than 30 days.

Leaseback – An arrangement where the seller of a home leases the home back from the purchaser. In a leaseback arrangement, the specifics of the arrangements are typically made prior or immediately after the sale of the home.”

SECTION 3. THAT Chapter 5, Article X of the Code of Ordinances of the City of Hurst is hereby amended to add a new Section as follows:

“Section 5-397 Short-term rentals prohibited.

Short-term rentals are hereby prohibited and unlawful within the City of Hurst. This shall not restrict, limit or interfere with any homeowner from participating in a leaseback upon the sale of a rental unit.”

SECTION 4. **THAT** in order to allow for a reasonable transition of uses and to allow for ample opportunity for the recovery any short-term rental owner(s)' investment-backed expectations, the short-term rental prohibition will not be enforced for a period of six (6) months following the approval of this Ordinance. Further that all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 5. **THAT** should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Code of Ordinances of the City of Hurst, Texas as a whole.

SECTION 6. **THAT** any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. Incorporation. **THAT** this ordinance shall be deemed to be incorporated into the Code of Ordinances of the City of Hurst, Texas.

SECTION 8. **THAT** this ordinance shall take effect immediately following its passage and approval as provided by law.

AND IT IS SO ORDAINED.

Passed on the first reading on the 13th day of November 2018 by a vote of 6 to 0.

Approved on the second reading on the 11 day of December 2018 by a vote of 6 to 0.

ATTEST:



Rita Frick, City Secretary

CITY OF HURST



Henry Wilson, Mayor

Approved as to form and legality:



City Attorney