

ORDINANCE NO. 0-06-22

AN ORDINANCE AMENDING APPENDIX A, ZONING, OF THE CROCKETT CODE, ADDING SECTION 310 TO PROVIDE REGULATION FOR SHORT TERM RENTALS; DEFINING SHORT-TERM RENTALS; PROVIDING FOR SHORT-TERM RENTAL PERMITS, REGISTRATION FEES AND APPLICATIONS; PROVIDING SHORT-TERM RENTAL OPERATIONAL REQUIREMENTS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Appendix A, Zoning, of the Crockett Code, is hereby amended to add Section 310 as follows:

Sec. 310. Short Term Rentals.

310.100. Purpose.

The purpose of this section is to establish regulations for the use of privately owned dwellings as short term rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of the hotel occupancy tax.

310.101. Definitions.

As used in this section, the following terms shall have the following meanings:

City. The City of Crockett, Texas.

Guest. The overnight occupant or occupants renting a short term rental unit for a specified period and the daytime visitors of the overnight occupant.

Local Contact Person. The owner, operator, or person designated by the owner or the operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the owner's short term rental.

Operator. The owner or the owner's authorized representative who is responsible for compliance with this section while advertising or operating a short term rental.

Owner. The person or entity that holds legal or equitable title to the short term rental property.

Short Term Rental. A privately owned dwelling, including, but

not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or a portion of such dwelling, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

The following are exempt from the regulations under this section: bed and breakfast, hotel, motel, dormitory, public or private club, recreational vehicle park, hospital or medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

Short Term Rental Permit. A permit issued by the City authorizing the use of a privately owned dwelling as a short term rental.

Short Term Rental Unit. One of more habitable rooms forming a single habitable division within a short term rental, or an entire undivided short term rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of guests under a single reservation or single rental payment.

310.102. Short Term Rental Permit Required.

It shall be unlawful for any person or entity to rent, or offer to rent, any short term rental without a valid short term rental permit issued under this section.

310.103. Short Term Rental Permit Registration Fee and Application.

- A. An applicant shall submit an application for a short term rental permit using a format and method promulgated by the City Administrator or his/her designee. The application form shall require, at a minimum, the following information from applicant:
1. The name, address, email address and telephone number of the owner of the short term rental.
 2. The name, address, email address and telephone number of the operator of the short term rental.
 3. The name, address, email address and 24 hour telephone number of the local contact person.

4. The name and address of the short term rental.
 5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the short term rental.
 6. A diagram showing the proposed layout of the property use and any on-site parking available for the short term rental.
 7. A general description of any food service to be offered to guests of the short term rental.
- B. An applicant for a short term rental permit shall pay to the City a permit fee of \$150.00.
- C. A separate short term rental permit application and permit fee must be submitted for each individual short term rental unit. Each individual short term rental unit shall be assigned a unique permit number upon permit issuance by the City.
- D. Prior to issuance of a short term rental permit, the operator shall allow an on-site inspection of the short term rental unit by a City Code Enforcement officer, to ensure compliance with the following:
1. The requirements set forth in section 310.104 of this section; and
 2. The requirements set forth in section 310.106 of this section.
- E. A short term rental permit issued under this section shall be valid for a period of one calendar year from the date of issuance, provided, however, the short term rental permit shall expire immediately upon any change in ownership of the short term rental unit.
- F. The owner has a duty to notify the City, in writing, within 20 calendar days, of any changes to information submitted as part of the short term rental permit application under this section.
- G. An application for short term rental permit may be denied if the owner has had a short term rental permit suspended or revoked during the previous 365 calendar days.

Sec. 310.104. Short Term Rental Operational Requirements.

- A. The operator shall post the following information in a

prominent location within the short term rental unit, using a form promulgated by the City:

1. The unique short term rental permit number assigned to the short term rental unit;
 2. Operator name and telephone number;
 3. Local contact person name and 24-hour telephone number;
 4. The location of any on-site and off-site parking spaces available for guests;
 5. The overnight and daytime occupancy limits;
 6. Instructions to guests concerning disposal of garbage and handling of garbage containers;
 7. Notification that the guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental, and that guests may be fined by the City for violations of this section; and
 8. Notification that all functions such as weddings, parties or other gatherings are prohibited at the short term rental, except short term rentals located in the C-3 zoning district.
- B. The operator shall operate a short term rental in compliance with the following:
1. Zoning regulations prescribed for the zoning district in which such short term rental is located. Short term rentals may be located only in AR, R-1, R-2, R-3 and C-3 zoning districts, as defined in Appendix A of the Crockett Code.
 2. City of Crockett Sign Ordinance, as applicable, set forth in Chapter 13 of the Crockett Code.
 3. Maximum occupancy limits prescribed by the City Fire Marshal, pursuant to the International Fire Code, as adopted in Chapter 5 of the Crockett Code.
 4. City of Crockett Hotel Occupancy Tax Ordinance, set forth in Chapter 18 of the Crockett Code.
 5. City of Crockett Noise and Sound Level Regulation Ordinance, set forth in Chapter 15 of the Crockett Code.
 6. City of Crockett Garbage Collection Ordinance, set forth in Chapter 10 of the Crockett Code.
 7. During any period when a short term rental is occupied or intended to be occupied by guests, the local contact person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of guests of the short term rental. The local contact person shall

respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of guests of the short term rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

8. No more than two persons ages twelve years or older per bedroom may occupy short term rental unit.
9. Functions such as weddings, parties or other gatherings are prohibited at short term rentals, except for short term rentals located in the C-3 zoning district.

- C. Any advertisement that promotes the availability of a short term rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current short term rental permit number assigned by the City.

Sec. 310.105. Notification of Complaints.

Complaints related to the operation of a short term rental, including, but not limited to, complaints concerning noise, garbage and parking, shall be reported to the City Code Enforcement Officer, unless the complaint is made outside normal business hours, in which event it shall be reported to the Police Department. Complaints related to disorderly conduct and other violations of the Texas Penal Code shall be reported to the Police Department

Sec. 310.106. Compliance with Other Law.

The owner, operator, local contact person and guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a short term rental. The owner shall not be relieved from any civil or criminal liability for a violation of this section, regardless of whether such violation is committed by the owner, operator, local contact person, or guest of the owner's short term rental.

Nothing in this section shall be construed to relieve any person or owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this section shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's property as a short term rental as defined in this section.

Sec. 310.107. Compliance and Penalty Provision.

- A. It shall be unlawful for any person or entity to violate any provision of this ordinance. Proof that a violation of this ordinance occurred at a short term rental shall create a rebuttable presumption that the owner of the short term rental committed the violation.
- B. Any violation of this section is a Class C misdemeanor offense, and, upon conviction, shall be punished by a fine not to exceed \$500.00 per violation.
- C. Prosecution under this ordinance shall not require the pleading or providing of any culpable mental state.
- D. Penalties provided for in this ordinance are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec. 310.108. Permit Suspension or Revocation; Appeal.

Upon violation of this section, the City Administrator may suspend or revoke any short term rental permit issued for the same short term rental where the violation occurred. The City Administrator shall notify an owner of a suspension or revocation under this section in writing, delivered by certified mail, return receipt requested, and mailed to the address of the owner as set forth on the most recent short term rental permit application submitted to the City.

An owner may appeal a notice of suspension or revocation under this section by filing a written appeal with the City Administrator within ten business days following the date the notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the owner may present evidence to the City Administrator related to the suspension or revocation under this section. Following the City Administrator's final decision on appeal, the owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five business days following the date of the City Administrator's final decision.

SECTION II: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the Grapeland Messenger, the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective July 1, 2022.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the 6 day of June, 2022.

CITY OF CROCKETT

BY: 
DR. IANTHYA FISHER, MAYOR

ATTEST:


MITZI STEFKA, CITY SECRETARY


WILLIAM R. PEMBERTON,
CITY ATTORNEY