

STATE OF TEXAS  
 COUNTY OF BREWSTER

CITY OF ALPINE

**ORDINANCE 2025-06-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 90 – TAXATION, ARTICLE V – SHORT TERM RENTALS TO THE ALPINE CODE OF ORDINANCES; AMENDING RULES AND REGULATIONS REGARDING SHORT TERM RENTALS WITHIN THE CITY LIMITS; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.**

**WHEREAS**, the City of Alpine, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City of Alpine established Article V – Short Term Rentals of the Alpine Code of Ordinance with the adoption of Ordinance 2021-01-01; and

**WHEREAS**, the short term rental ordinance was implemented to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, the general public and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out power granted by law to the City; and

**WHEREAS**, the city has identified areas of improvement in the current ordinance and desires to revisit the requirements to provide updates that will benefit city departments, operators, and the community at large.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
 FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes hereto attached as Exhibit "A." The premises attached as Exhibit "A" are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
 INCLUSION IN THE CODE OF ORDINANCES**

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the Ordinance may be renumbered or re-lettered to accomplish

such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word. The codifier of the City is empowered to make amendments to match the style of the existing code.

**SECTION III  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION IV  
PENALTY CLAUSE**

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

**SECTION V  
SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION VI  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION VII  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. A public hearing was held on June 17, 2025, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on June 12, 2025.

**SECTION VIII  
EFFECTIVE DATE**

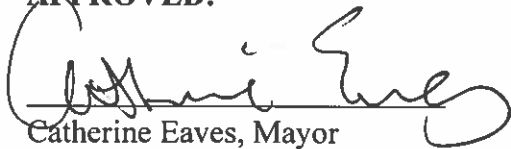
This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF JUNE 2025 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**  
JUNE 3, 2025

**SECOND AND FINAL READING**  
JUNE 17, 2025

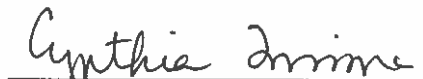
**APPROVED:**

  
Catherine Eaves, Mayor

**ATTEST:**

  
Geoffrey R. Calderon, City Secretary

**APPROVED AS TO FORM:**

  
Cynthia Trevino, City Attorney



**EXHIBIT "A"**

**EDITOR'S NOTE:**

Additions are Underlined. ~~Omissions appear in Strikethrough Text.~~

***ARTICLE V. SHORT TERM RENTALS***

**Sec. 90-121. Generals.**

This article as herein established has been written for the purpose to control, manage and limit short term rentals commonly referred to as vacation rentals within allowable districts described in the zoning ordinance. The intent of this chapter is to safeguard the life, health, safety, welfare and property of the occupants of residential dwelling units, the neighbors of said occupants, the general public and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 90-122. Definitions.**

For the purposes of this ordinance, the following words, terms, and phrases are defined as follows:

Administrator means the person designated by the City Manager to enforce and administer this ordinance ~~director of the department designated by the city manager to enforce and administer this chapter, including the director's designees.~~

*Advertise* means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, signage, social media, newspaper, magazine, brochure, website, or mobile application.

*Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

*Booking service* means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

*Hosting platform* means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer premises for an occupant on a short-term basis. Hosting platforms usually, though not necessarily, provide booking service through an online platform that allows an owner to advertise the premises through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be-occupant pays rent directly to the owner or to the hosting platform.

*Occupant* means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or be named in any lease, contract or other legal document to be considered an occupant.

*Owner* means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and or the executor of the estate of such person if ordered to take possession of real property by a court.

*Premises* means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

*Rental* means renting, bartering, trading, letting, or otherwise allowing the use of a residence or residential structure or room or rooms within a residence or residential structure. This shall not restrict, limit or interfere with any homeowner from participating in a leaseback upon the sale of a residence or residential structure.

*Residence* means a place where a person resides, occupies, lives, or has their home.

*Short-term rental (STR)* means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days. The definition of short-term rental does not include a bed and breakfast as defined in the Code, or a hotel with more than 10 rooms, cabins, bungalows, or other rentable units.

*Unit* means a separate accommodation, room, bungalow, casita, trailer, or cabin located on or within a single premises.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-123. Unpermitted short-term rentals prohibited.**

- (a) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted short-term rental.
- (b) All hosting platforms shall provide the following information in a notice to any owner listing a short-term rental located within the city through the hosting platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: the "short-term rental" article of this Code prohibits the short-term rental of residential premises within the city without an active short-term rental permit.
- (c) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or housing platform of the obligations imposed by the applicable provisions of state law and this Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and this Code.

(Ord. No. 2021-01-01, 2-2-21)

### Sec. 90-124. Short-term rental permit required.

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Each rentable unit must be permitted. Upon application to the city, a short-term rental permit shall be approved by the administrator, or designee, if the application satisfies all the conditions of this chapter, the "taxation chapter," and the zoning ordinance. The administrator may place reasonable conditions on short-term rental permits to ensure compliance with the provisions of this article.

(Ord. No. 2021-01-01, 2-2-21)

### Sec. 90-125. Permit limitations.

- (a) Short-term rental permits are not transferable ~~only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.~~
- ~~(b) If the subject dwelling is on property that has a homeowners association (HOA) at the time of permitting, the owner of the dwelling shall provide the city with an affidavit of proof that the HOA allows for vacation rental of their dwelling, if not allowed, then the application will be denied.~~
- (e b) A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this chapter and zoning ordinance, an application for the renewal of a short-term rental permit shall be approved by the Administrator, or designee.

(Ord. No. 2021-01-01, 2-2-21)

### Sec. 90-126. Requirements of application.

- (a) Except as provided in this section, every complete application for a short-term rental permit shall include the following information with such detail and in form approved by the administrator:
- (1) The name, address, contact information and ~~authenticated~~ signature ~~for~~ of the owner of the premises;
  - (2) The name, address and contact information of the operator, agent if any, and designated local responsible party.
  - ~~(3) The city registration number for hotel occupancy tax;~~
  - ~~(4) A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;~~
  - (3 5) A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
  - (4 6) Release of liability by the applicant, releasing the city from liability issues that arise from the operation of the short term rental;
  - ~~(7) The name and contact information of the property owner's association, if any, of which the premises are covered by dedicatory instruments;~~
  - (7 8) A copy of the proposed host rules for the short-term rental.
  - ~~(8) The applicant shall submit a fully completed self-inspection report on the form provided by the Administrator~~
- (b) An application for short-term renewal permit may be filed beginning 30 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.

- (c) An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (a) of this section.
- (d) If a complete application for a short-term renewal permit is submitted less than 30 days prior to expiration of the current permit, the administrator in his sole discretion may grant a one-time extension of the current permit not to exceed ten days.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-127. Designation of local responsible party required.**

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of the call from the administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants and shall not act to release the owner of any liability under this chapter.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-128. Release of liability required.**

It shall be unlawful for the owner of premises operating as a short-term rental to operate without either proof of insurance or a release of liability indemnifying and holding the city harmless from any and all claims that should arise out of the operation of the short-term rental.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-129. Building permits required; conformance with zoning requirements.**

All work done to the property must meet all city permitting requirements as ~~spelled out~~ provided in this Code. No permits shall be issued for properties that are non-conforming under the city's zoning ordinance.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-130. Permit fees.**

An initial, nonrefundable, permit fee ~~of \$350.00 (nonrefundable)~~ will include the preliminary fire inspection fees. The amount of the permit fee shall be established with the adoption Appendix B: Building Services Fees, set by annual city council resolution. A copy of the Building Services Fees appendix may be obtained at city hall during normal business hours or by visiting [www.cityofalpine.com/fees](http://www.cityofalpine.com/fees).

Upon completion of all required forms, approval of each dwelling unit by the administrator or his designee, and payment of the initial permit fee, the administrator may recommend a special use permit (short term rental permit) to be considered by the city council. Once approved by the city council, a special use permit (short term rental permit) shall be issued.

The annual permit renewal fee shall be ~~\$100.00~~ established with the adoption Appendix B: Building Services Fees, set by annual city council resolution. A copy of the Building Services Fees appendix may be obtained at city hall during normal business hours or by visiting [www.cityofalpine.com/fees](http://www.cityofalpine.com/fees).

An annual fire inspection is required, the fee of which shall be established ~~by city ordinance~~ with the adoption Appendix B: Building Services Fees, set by annual city council resolution. A copy of the Building Services Fees appendix may be obtained at city hall during normal business hours or by visiting [www.cityofalpine.com/fees](http://www.cityofalpine.com/fees).

City short-term rental taxes must be paid in accordance with the City's Hotel Occupancy Tax Ordinance (Article IV. Hotel Occupancy Tax) ~~quarterly~~ for the permit to remain valid, as verified by the city short-term rental tax form.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-131. Hotel occupancy tax; request for occupancy history.**

It shall be unlawful for any owner of premises used for a short-term rental to fail to pay hotel occupancy taxes under state law and this chapter. Upon the request of the administrator or the finance department of the city, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-132. Short-term rental permit non transferable.**

A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. ~~Only by inheritance is a short-term rental transferable.~~

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-133. Parking restrictions.**

Parking is established by ~~the International Building Codes (IBC) and will differ based on the zoning districts~~ the city of Alpine zoning ordinance.

~~Guidelines are as follows: One parking space per sleeping unit plus one parking space per 500 square feet of common area. The parking spaces required shall be on the same lot or where use of such is provided on another lot not more than 500 feet radially from the subject lot.~~

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-134. Neighbor notice.**

The city shall provide [by] mailing, email or otherwise distribute by hand a flier to neighbors within 200-foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-135. Zones.**

Vacation rentals are permitted in zones R-1, R-2, R-3, R-4, M-1, C-2a, C-2, C-1, C-1a, C-O by conditional use permit. All permits must meet general zoning regulations as defined in appendix C, zoning, of this Code.

(Ord. No. 2021-01-01, 2-2-21)

### **Sec. 90-136. Short-term rental hosting platforms.**

1. A short term rental operator that displays listings of short-term rentals located in the city shall be required to include the property's permit number in any listing for a short-term rental on a hosting platform. The permit number must be displayed on the listing. No short-term rental shall be listed on a hosting platform which does not include the permit number.
2. A short term rental operator shall remove any listing for a short-term rental from a hosting platform after notification by the city that the permit number associated with a short-term rental listing is invalid, expired, or has been revoked. The notification must identify the listing(s) to be removed and state the reason for removal. The operator shall remove the listing as soon as practicable.

**Sec. 90-1376. Penalties.**

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 90-1387. Enforcement.**

- (a) The owner of a short-term rental use that was not registered with the city for hotel occupancy tax prior to April 1, 2021 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of the ordinance from which this article derived, shall discontinue the short-term rental use no later than April 30, 2021.
- (b) If the permit of a short-term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.
- (c) This article shall be and is hereby declared to be cumulative of all other ordinances of the city; and this article shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this article, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.
- (d) If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this article.
- (e) All of the regulations provided in this article 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 article, acting for the city in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

(Ord. No. 2021-01-01, 2-2-21)