

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS, CREATING ARTICLE VI, SHORT TERM RENTALS, OF CHAPTER 18, BUSINESSES AND BUSINESS REGISTRATION, OF THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND A PERMITTING REQUIREMENT FOR OPERATION OF A SHORT TERM RENTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION.

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WHEREAS, the City of Clear Lake Shores desires to establish rules and regulations relating to the operation of short term rentals; and

WHEREAS, the City Council finds that is in the public interest to amend the Code of Ordinances to regulate short term rentals; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS:

Section 1. That, ARTICLE VI, SHORT TERM RENTALS, of Chapter 18, BUSINESSES AND BUSINESS REGISTRATION, of the Code of Ordinances, is hereby created and adopted as follows:

“Article VI. SHORT TERM RENTALS

Sec. 18-131. - Purpose.

The purpose of this Article 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 Hotel Occupancy Tax.

Sec. 18-132. - Definitions.

As used in this Article, the following terms shall have the following meaning:

- A. *Administrator* shall mean the City Administrator or employee designated as the administrator of this Ordinance for the City.
- B. *City* shall mean the City of Clear Lake Shores, Texas.

- C. *Contact Person* shall mean the Owner, Operator, or person designated by the Owner or the Operator, who shall be available twenty-four (24) hours per day, seven days per week for the purpose of responding to concerns or requests for assistance related to the Owner's Short-Term Rental.
- D. *Guest* shall mean the overnight occupants renting a Short-Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.
- E. *Operator* shall mean the Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short-Term Rental.
- F. *Owner* shall mean the person or entity that holds legal or equitable title to the Short-Term Rental property.
- G. *Short Term Rental* shall mean a privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than thirty (30) consecutive days.
- H. *Short Term Rental Permit* shall mean a permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.
- I. *Short Term Rental Unit* shall mean one or 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 and/or single rental payment.

Sec. 18-133. - 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 pursuant to this Article.

Sec. 18-134. - Short Term Rental, Compliance with other law.

1. The property Owner shall designate themselves or an agent to comply with the requirements of this Article on behalf of the Owner. The Owner or designated agent is sometimes referred to as "Operator" herein.
2. Nothing contained in these regulations shall be construed as relieving Owner from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a Short Term Rental unit.

3. This Article is not intended to provide any Owner/Operator of residential property with the right or privilege to violate any City zoning, private conditions, covenants or restrictions applicable to the Owner's property that may prohibit the use of such owner's residential property for Short Term Rental purposes as defined in this section or to repeal, arrogate, or impair any existing easements, covenants, or deed restrictions.
4. Abrogation and Greater Restrictions. Where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent restriction shall prevail.
5. An advertisement promoting the availability of short-term rental property in violation of any provision of this ordinance is prima facie evidence of a violation.

Sec. 18-135 – Permit registration fee, application and occupancy regulations.

Prior to using any property as a Short Term Rental or advertising in any manner the availability of the property for Short Term Rental, the Operator must submit the following information on a form and in the manner prescribed by the Administrator:

- A. An applicant for a Short Term Rental Permit shall pay to the City a permit fee of seventy-five dollars (\$75.00) a calendar year. The application for a Short Term Rental Permit shall include the following information:
 1. The name, address, email and telephone number of the Operator of the subject Short Term Rental;
 2. The name, address, email and twenty-four hour contact telephone number of a designated contact person for the Short Term Rental;
 3. The name and mailing and physical address of the proposed Short Term Rental unit;
 4. The number of sleeping rooms and applicable occupancy limit of the proposed Short Term Rental unit; and
 5. Any additional information the Administrator determines reasonably necessary for the administration of this Section.
- B. For purposes of this ordinance, a sleeping room is any enclosed habitable space within a dwelling unit which complies with the minimum room dimension requirements of the adopted International Residential Code and International Property Maintenance Code. This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise.
- C. Maximum occupancy shall be two (2) adults per sleeping room plus four (4) unless otherwise allowed by Building Official. Children shall not be counted in the occupancy calculation. For purposes of this section, a child is an individual twelve (12) years or

younger at the time of rental. The maximum occupancy of a Short Term Rental shall be determined at the time a Short Term Rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by Building Official and submission of an amended registration form.

- D. Where one owner or operator manages or owns multiple Residential Short Term Rental units within a condominium or townhome complex, a single consolidated permit application may be submitted. Each Residential Short Term Rental unit will still be assigned a unique permit number and be subject to the registration fee. If units are managed by different owner representatives, despite being in the same complex, separate applications are required. For the purpose of this Article, hotels and motels will register as a single unit and pay a single fee regardless of the number of rooms.
- E. Any existing Short Term Rental shall have ninety (90) days from adoption of this ordinance to complete the required registration and obtain their Short Term Rental Permit.
- F. Transferability. A Short Term Rental Permit is not transferable to a new property owner.
- G. Any property owner delinquent and/or owing the City of Clear Lake Shores fees to include but not limited to, occupancy tax will be prohibited from registering a Short Term Rental until such time as payment or acceptable resolution is approved by the City of Clear Lake Shores finance department.
- H. Registration Fee – Renewal Fee:
 - 1. The Short Term Rental registration form shall be accompanied by an initial non-refundable per unit registration fee as established by City Council.
 - 2. The registration of the Short Term Rental is valid for twelve (12) months from the date the application was approved by the City. Subsequent renewal of a Short Term Rental will be on an annual calendar year basis, ending on the issued permit date the following year.
- I. Each Short Term Rental, once properly registered, shall be issued a permit with a unique registration number. The registration number must be included in any and all advertisement for the Short Term Rental including internet booking sites.

Sec 18-136. - Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City.

Sec 18-137. - Compliance and Penalty provision.

- A. A person commits an offense of this Article if they intentionally, knowingly, recklessly or with criminal negligence violate any provision hereof. Any violation of this Article is a Class C misdemeanor offence, and upon conviction, shall be punished by a fine in an amount not to exceed \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.
- B. Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec 18-138. - Permit suspension or revocation; Appeal.

- A. Upon conviction for a violation of this Article, the Administrator or his/her designee may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The Administrator or his/her designee shall notify an Owner of a suspension or revocation under the 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.
- B. An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the Administrator or his/her designee within ten (10) business days following the date of said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the Administrator or his/her designee related to the suspension or revocation under this Section. Following the Administrator's final decision on appeal, the Owner may appeal an adverse decision of the Administrator by filing a written appeal with the City Council within five (5) business days following the date of the Administrator's final decision.

Sec 18-139. – Minimum Standards of Conduct.

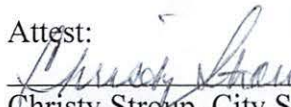
- A. The Owner, Operator or their agent shall provide a tenant information sheet to renters of short term rentals, with information providing basic, minimum standards of conduct during their stay in the City of Clear Lake Shores. At a minimum the following items must be included on the information sheet:
 - 1. The name of property's designated contact person including a 24/7 phone number;
 - 2. Occupancy limit as established at the time of registration and permitting;
 - 3. Location of available parking;
 - 4. Notice that failure to conform to the occupancy and parking requirements is a violation of City code and may subject occupants to citation;
 - 5. Noise and lighting restrictions;

6. Trash collection information to include proper timing and placement of receptacles; and
 7. Pets must be leashed when off property and all waste should be removed and disposed of properly.
- B. Health and Life Safety: Owner or Operator shall ensure all building and fire related construction conforms to the City's adopted building code. This provision does not require Owner or Operator to bring the Short Term Rental up to the current City building code.
1. All floors with an enclosed space of any kind must have a minimum of one (1) Class 2A:10B:C type fire extinguisher (standard 5lb. fire extinguisher) mounted so as to be conspicuous and convenient for the occupants.
 2. Inspection: To ensure continued compliance with the requirements of this Section, Short Term Rental properties will be subject to an inspection every twelve (12) months per the current Short Term Rental Inspection Checklist.
 3. Mandatory evacuation: All Short Term Rental units will be immediately evacuated upon notice of a non-resident evacuation order issued by the City, County or State.

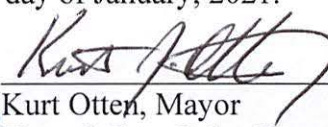
Section 2. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Clear Lake Shores, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on this the 19th day of January, 2021.

Attest:


Christy Stroup, City Secretary




Kurt Otten, Mayor
City of Clear Lake Shores, Texas