

ORDINANCE NO. 2022-4411

AN ORDINANCE AMENDING CHAPTER 103, “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE VI, “SHORT TERM RENTAL REGISTRATION,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO SHORT TERM RENTAL REGISTRATION; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Chapter 103, “Buildings and Building Regulations,” Article VI, “Short Term Rental Registration,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

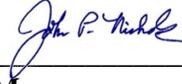
PASSED, ADOPTED and APPROVED this 8th day of December, 2022.

ATTEST:



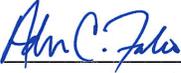
City Secretary

APPROVED:



Mayor

APPROVED:



City Attorney

EXHIBIT A

That Chapter 103, “Buildings and Building Regulations,” Article VI, “Short Term Rental Regulation,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

ARTICLE VI SHORT TERM RENTAL REGISTRATION

Sec. 103-243. Applicability.

This article applies to all short-term rental operators unless expressly provided otherwise herein.

Sec. 103-244. Purpose and intent.

The purpose of this article is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the registration and regulation of short-term rentals and to ensure the collection and payment of hotel occupancy taxes.

The intent of this article is to preserve the neighborhood character of residential subdivisions within the City of College Station and to minimize adverse impacts to residential subdivisions caused by short term rentals.

Sec. 103-245. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the City Manager or designee.

Dwelling unit means a residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating, and sanitation.

Hotel occupancy tax means the hotel occupancy tax required to be assessed and collected for the operation of any short-term rental and paid pursuant to Texas Tax Code Ch. 351.

Local contact means an individual located within thirty (30) miles of the College Station City Hall who has access to the property and is authorized to make decisions regarding the property while a short-term rental is being rented.

Operator means any person, firm, or corporation who operates a short-term rental, as defined in this article.

Owner means any person, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property.

Short term rental means a dwelling unit that is rented out for compensation on a temporary basis for a period of less than thirty (30) consecutive days; including, but not limited to, single-

family unit, duplex unit, tri-plex, four-plex unit, multi-family unit, manufactured or mobile home unit, townhome, or condominium.

Short term rental permit means a permit issued by the City that identifies the address of the subject property as a lawful short-term rental, the short-term rental permit number, the names and contact information of the owner and local contact, and a 24-hour emergency contact phone number for all the preceding persons.

Sec. 103-246. Permit required.

- (a) 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 article.
- (b) A permit issued under this article may not be transferred and does not convey with the property upon sale. Each new owner of a permitted or previously permitted short term rental must apply for a short-term rental permit to rent property under the short-term rental guidelines.
- (c) Each short-term rental shall be issued a permit with a unique permit number. The permit number must be included in any and all advertisements for the short-term rental including any posting on internet booking sites.
- (d) A permit is valid for a one (1) year from the date of issuance and may be renewed by applying in accordance with this article.

Sec. 103-247. Permit application.

A person seeking a short-term rental permit shall submit an application to the administrator. The application shall be in writing, on a form provided by the City, and shall include the following information (if applicable):

- (a) The name, address, email address, and telephone number, of the owner or operator. If the applicant or owner is a partnership, a corporation, or limited liability company, the application shall list the registered agent;
- (b) The name, address, email, and twenty-four (24) hour telephone number of a local contact person;
 - (1) The local contact person is the person designated by the operator who is available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (a) responding in person within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and (b) taking remedial action to resolve such complaints. The owner may be listed as the local contact.

- (c) The physical address of the short term rental;
- (d) A signed statement that the operator of the short-term rental must comply with the requirements of this article and understands that the operator is responsible and liable for any violations on the property;
- (e) Verification the applicant has no delinquent hotel occupancy taxes due on the property;
- (f) Verification of an account for payment of hotel occupancy taxes with the City of College Station.
- (g) Such other information as the administrator, deems reasonably necessary to administer this article.

Sec. 103-248. Permit requirements and fees.

- (a) **Life safety inspection.** Before issuing a short-term rental permit, the operator must allow, with reasonable notice, an on-site inspection of the short-term rental unit by the City Building Official or designee ensuring compliance with minimum health and safety requirements for use and occupancy.
 - (1) If the short-term rental unit fails to pass an inspection, a re-inspection fee shall be charged for each subsequent inspection. If, upon completion of an inspection, the short-term rental unit fails inspection or is found in violation of any City ordinances or any other applicable law, the City shall provide written notice of such of failure or violation and shall set a re-inspection date for the failure or violation to be corrected before its occupancy.
- (b) **Hotel occupancy tax.** It is a condition of the initial and continued validity of a short-term rental permit 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.
- (c) **Fees.** The following fees are authorized and are established in Section 2-117.
 - (1) **Application and Application Renewal Fees.** The applicant shall pay a nonrefundable application fee upon submission of a short-term rental application to the City and an annual application renewal fee per short term rental after initial registration.
 - (2) **Life Safety Inspection Fee.** The applicant shall pay a non-refundable life safety inspection fee per short term rental.
 - (3) **Life Safety Reinspection Fee.** If a short term rental does not pass a life safety inspection or is found in violation of any City Ordinance or other applicable law, the applicant shall pay a non-refundable re-inspection fee per short term rental.

Sec. 103-249. Permit denial and revocation.

- (a) **Permit denial.** The permit application or any permit renewal shall be denied and no permit issued if the City finds that:
- (1) Any statement made in the application is incomplete, inaccurate, misleading, or false;
 - (2) The operator, its partners, officers, owners, and other principals have not paid to the City all fees due under this article;
 - (3) The operator has had a short-term rental permit revoked within the preceding eighteen (18) months;
 - (4) The operator, its partners, officers, owners, and other principals have violated this Article, any other City Ordinance, or any other state or federal law related to short-term rentals or has allowed violations on the property by any other person;
- (b) **Permit Revocation.** The City may revoke a permit for any of the following reasons:
- (1) The operator, its partners, officers, owners, and other principals fails to comply with or is in violation of any provision of the permit, City ordinances, or have violated this article, any other City Ordinance, or any other state or federal law related to short-term rentals or has allowed violations on the property by any other person;
 - (2) The application contains a false or misleading statement of material fact;
 - (3) The authorized City official determines that the rental poses a serious threat to the public health, safety or welfare; or
 - (4) Failure to remit hotel occupancy tax.
- (c) **Notice of denial or revocation.** The City shall provide written notice within ten (10) days of the denial or revocation of a permit to operator stating the reason(s) for the decision and inform the operator of its right to appeal the decision in writing including when and to whom it must be delivered.

Sec. 103-250. Renewing permit.

- (a) **Renewing a permit.** An operator may file a permit renewal application before the permit expires.
- (b) **Inspection.** Life safety inspection may be waived for a renewing permit if the operator self-certifies compliance with life safety standards.

Sec. 103-251. Appeal.

- (a) The applicant may appeal a denial of a permit by submitting in writing a notice to appeal, delivered to the administrator's office no later than five (5) business days after the denial or revocation decision.
- (b) The notice of appeal must be in writing and state the grounds for the appeal and why the determination should be reversed or modified. If the applicant makes a timely, written request for appeal, the administrator shall hold a hearing within ten (10) business days.
- (c) The applicant shall have the opportunity to be heard at the hearing.
- (d) After the close of the hearing, the administrator shall make a determination concerning approval, denial, or modification of the permit within five (5) business days.

Sec. 103-252. Short term rental operating requirements.

Each short-term rental operator shall do the following:

- (a) **Informational brochure.** Each operator shall provide to guests a brochure that includes:
 - (1) The operator's 24-hour contact information;
 - (2) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
 - (3) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- (b) **Life safety equipment.** Each operator shall at a minimum equip the short term rental with working smoke detectors in accordance with adopted codes, at least one (1) working carbon monoxide detector and alarm if the dwelling uses natural gas or propane, and one (1) working fire extinguisher with a minimum standard rating of 1A:10B:C for each floor of the dwelling.
- (c) Maintain the short term rental in compliance with applicable building and fire codes adopted by the City.
- (d) Collect and remit the hotel occupancy tax in accordance with Texas Tax Code Ch. 351. The operator shall remit to the City of College Station fiscal services department, or designee, all city hotel occupancy taxes collected pursuant to state law by the last business day of the month following the month of collection.

Sec. 103-253. Violation; penalties.

- (a) It shall be unlawful for an operator to operate, maintain or conduct a short-term rental without a permit, or without complying with this article or any other law.
- (b) Any person, firm or corporation violating this article shall be punished as provided in Section 1-7.
- (c) Failure to timely pay the hotel occupancy taxes is considered a violation of this article and may result in revocation of the permit. Owner shall have thirty (30) days from the date the city or state issue a notice of delinquency to submit hotel occupancy tax to City and state before revocation of the short-term rental permit begins.