

ORDINANCE NO. 22-04

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 11 OF THE CITY OF SOUTH PADRE ISLAND CODE OF ORDINANCES BY ADDING SECTION 11-300 and 11-301 PROHIBITING THE RENTING, LEASING OR SUBLEASING OF ONLY A SWIMMING POOL OR SPA IN CERTAIN ZONING DISTRICTS WITHOUT THE RENTING OR LEASING OF AN OVERNIGHT STAY AT THE DWELLING ON WHICH THE SWIMMING POOL OR SPA IS LOCATED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF \$500 FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND AUTHORIZING THE PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has heretofore adopted an ordinance allowing, with regulations, the renting or leasing of a dwelling on a short-term basis; and

WHEREAS, the City Council of the City of South Padre Island finds that allowing the rental, leasing or subleasing of only a swimming pool or spa on a hourly or temporarily basis without the renting, leasing or sub-leasing of at least an overnight stay of the dwelling on which the swimming pool or spa is located is not in the best interest of the City, and would be detrimental to the health, safety and welfare of its residents, visitors, and the general public; and

WHEREAS, the City Council of the City of South Padre Island desires and finds that allowing the hourly or temporary renting, leasing, or subleasing of only a swimming pool or spa without the renting, leasing or subleasing of an overnight stay of the dwelling on which the swimming pool or spa is located would not provide adequate safeguards for the health, safety, and welfare of residents, visitors and the general public, and property and should be prohibited.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Newly enacted Chapter 11-300 and 11-301 of the South Padre Island City Codes and Ordinances shall be enacted and read as follows:

Section 11-300 DEFINITIONS:

Dwelling means any building or structure that contains one or more Dwelling Units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Dwelling Unit means a unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Swimming pool means a pool intended for swimming, bathing, wading or other casual water play.

Spa means a product intended for the immersion of persons in temperature-controlled water circulated in a closed system and not intended to be drained and filled with water with each use.

Section 11-301

The renting, leasing, subleasing, hiring or any use of a swimming pool and spa on a hourly or temporarily basis without renting, leasing or subleasing the dwelling or building on which the swimming pool or spa is located, for at least one overnight stay is hereby prohibited.

Section 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision be given full force and effect for its purpose.

Section 3. Any violation of the above-mentioned sections may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each rental, leasing, subleasing, or hiring instance or for each day such offense shall continue, and the penalty provisions of Sections 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the City Code of Ordinances in conflict herewith.

Section 5. This ordinance and the prohibition in section 2 above (Sec 300-101) only applies to buildings and dwellings located in single family, single family/townhouse and residential and multi-family zoning districts which are zoning districts A, E and B-2.

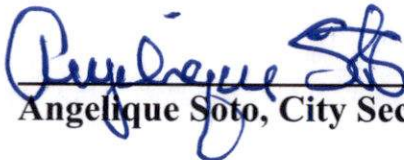
Section 6. This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the 20th day of

July, 2022

PASSED, APPROVED AND ADOPTED on Second Reading, the 27 day of July, 2022.

ATTEST: CITY OF SOUTH PADRE ISLAND, TEXAS


Angelique Soto, City Secretary


Patrick McNulty, City Mayor

