

ORDINANCE NO. 17-09
Amendment No. 1

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 11-221 AND SECTION 11-222 OF ARTICLE XII OF CHAPTER 11 SHORT TERM RENTALS TO INCLUDE STRICTER COMPLIANCE; UPDATING THE SUBSEQUENT NUMBERING IN THE SECTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND AUTHORIZING THE PUBLICATION IN CAPTION FORM.

WHEREAS, on May 2015, the City of South Padre Island adopted Chapter 11 (Short Term Rentals) of the Code of Ordinances to provide for regulations relating to the operation and regulation of short term rentals;

WHEREAS, it was later amended to remove certain requirements, namely sec. 11-221(b)(2), as well as to make other revisions; and

WHEREAS, the resulting amendment made it more difficult for the City to enforce the rules and regulations of short term rentals and ultimately, made it more difficult to protect the public's health, safety and welfare; and

WHEREAS, the City Council wishes to re-establish those provisions and modify a few more to establish more stringent written rules and regulations relating to the regulation and operation of Short Term Rentals in order to protect the public's health, safety, welfare and peace in the community.

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

Section 1. Sec. 11-221 Registration and Section 11-222 Compliance – Penalty Provision of Chapter 11 Short Term Rentals Ordinance is hereby amended to read as follows:

“Sec. 11-221 Registration

- (a) The Owner/Operator who offers for rent or advertises for rent (in any manner) a short term rental of a dwelling unit shall obtain a short term rental registration and any other required documents from the Convention Centre Department of the City of South Padre Island located at 7355 Padre Boulevard, South Padre Island, Texas, 78597. The Convention Centre Department may be contacted at phone number 956-761-3000 for additional information.
- (b) The Owner/Operator must submit and comply with the following information on a short term rental registration form:
 - (1) The name, address, email and telephone number of the Owner/Operator of the subject short term rental unit;
 - (2) The name, address, email and twenty-four hour telephone number of the local contact person. The local contact person is the person designated by the owner or the operator who shall be available twenty-four (24) hours per day,

- seven (7) days per week and shall respond in person within one hour (with the signed rental contract in hand) to complaints from a City Official regarding the condition, operation, or conduct of occupants of the short term rental unit; and take remedial action to resolve any such complaints;
- (3) The name and address of the proposed short term rental unit;
- (4) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit;
- (5) The property ID number as listed on the Cameron County Appraisal District; and
- (6) Such other information as the City Manager, or designee, deems reasonably necessary to administer this section.
- (c) If any information on the registration form changes, the Owner/Operator must modify that information within 30 days.
- (d) Registration Fee
 - (1) The short term rental registration form shall be accompanied by a registration fee as established by the City Council.
 - i. The rental registration fee shall be fifty dollars (\$50.00) (per rental unit).
 - ii. The registration fee is waived for those properties that have been properly remitting hotel occupancy tax.
 - (2) A registration is valid from the date the completed registration is filed with the City and payment of the registration fee (if applicable) has been made, and is transferrable if the ownership of the short term rental changes.
 - (3) Each property shall be issued a registration number.
- (e) The registration number must appear on any advertisement of the property available for short term rental.

Sec. 11-222 Compliance – Penalty Provision

- (a) The Owner or Operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, Chapter 12, “Noises” and Chapter 17, Article II “Hotel-Motel Occupancy Tax: of the City Code of South Padre Island. Pursuant to Sec. 17-20 of the city code, the Owner or Operator shall, submit a monthly report to the City, on the appropriate “Hotel Occupancy Tax Collection Report” form, even if the short term rental unit was not rented during any such month.
- (b) Any violation of this Article XII may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense, for each day such offense shall continue and the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.”

Section 2. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 3. Any violation of the above mentioned section of Chapter 11 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense of for each day such offense shall continue and the penalty

provisions of Sections of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. 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 hereof be given full force and effect for its purpose.

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

PASSED, APPROVED AND ADOPTED on First Reading, the 5th day of July 2017.

PASSED, APPROVED AND ADOPTED on Second Reading, the 19th day of July 2017.

ATTEST:

**CITY OF SOUTH PADRE ISLAND,
TEXAS**

Susan Hill, City Secretary

Dennis Stahl, Mayor Pro-tem

+AMENDMENT NO. 1 – REMOVING WORDING “EACH HOUR” FROM SEC. 11-222(b):

PASSED, APPROVED AND ADOPTED on First Reading of Amendment No. 1, the 2nd day of August 2017.

PASSED, APPROVED AND ADOPTED on Second Reading of Amendment No. 1, the 16th day of August 2017.

ATTEST:

**CITY OF SOUTH PADRE ISLAND,
TEXAS**

Susan Hill, City Secretary

Bharat R. Patel, Mayor