

ORDINANCE NO. 2019-02

**AN ORDINANCE OF THE CITY OF UVALDE AMENDING TITLE 17 ZONING OF THE UVALDE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING ENFORCEMENT AND PENALTY CLAUSES; PROVIDING OPEN MEETINGS, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, providing accommodations for tourists and other travelers brings revenue to the community,

**WHEREAS**, bed and breakfast accommodations in residential districts is a growing industry which provides extra income to families,

**WHEREAS**, free breakfast has become a commonplace amenity at hotels in business districts,

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

**Section 1. Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Chapter 17:**

Chapter 17 shall be amended as follows:

17.045.050 Definitions

"Bed and breakfast" is an accommodation offered by ~~an inn, or especially~~ a private residence home, consisting of one or more ~~a-several~~ rooms ~~of~~ which are set aside for overnight guests whose paid accommodations include breakfast.

17.20.020 Bed and Breakfast Facilities

Bed and breakfast facilities	A. Bed and breakfast facilities are subject to the following special conditions:	R-1, <del>B-3</del>
	1. Parking. One off-street parking space per guest room and one off-street parking space for the owner/proprietor are required.	
	2. Number of guest rooms. The maximum number of guest rooms shall be eight.	
	3. Length of stay. The maximum length of stay for each guest shall be limited to 14 consecutive days within any 30-day time period.	
	4. The facility shall be owner occupied <del>in the R-1 zoning districts and may be manager occupied in B-3 zoning districts.</del>	
	5. Signs shall conform to City of Uvalde Sign Control Ordinance	

	B. Health factors:	
	1. The meals shall be confined to a continental-type breakfast, consisting of pastries (prepared outside the establishment), milk, cereal, fruit, fruit juice, and coffee, unless the facility meets all state <del>and city</del> health department requirements for commercial food service. Cooking in a guest room is prohibited.	
	2. The owner of the facility shall provide clean linens and towels on a daily basis, provide adequate heating, air conditioning, ventilation and lighting; provide adequate hot and cold water; provide adequate sewage disposal; maintain the outside area in a clean and sanitary manner; maintain the structure(s) in suitable state of repair; and properly clean the premises and facilities during the guests stay and after each guest has departed.	
	<del>3. Each owner of the facility must acquire a permit for the facility from the city health department prior to issuance of a certificate of occupancy.</del>	
	4. Inspections by the city <del>health</del> <u>code enforcement</u> department will be made <del>on a regular basis and</del> upon demand as required by a complaint. The inspections must be successfully passed.	
	C. Building and Fire Protection considerations:	
	1. Owner of bed and breakfast facility must obtain a certificate of occupancy (C.O.) from the city building official after a special use permit is issued, if a special use permit (SUP) is required. The facility must successfully pass the C.O. inspection.	
	2. The structure(s) must conform to all city and state building codes for existing or new construction as the situation dictates.	
	3. The city fire marshal or his representative shall inspect all bed and breakfast facilities before a C.O. is issued. The facility must successfully pass the inspection. Regular inspections shall be made on an annual basis.	
	4. Each bed and breakfast facility must comply with the appropriate section on "Lodging and Rooming Houses" contained in NFPA 101 Life Safety Code.	
	5. Each facility must have at least one battery operated or regular hard wired smoke detector in all guest rooms, stairwells and/or corridors on each floor of the structure.	
	6. An approved fire extinguisher shall be provided in close proximity to the guest units on each floor.	

\* \* \* \* \*

**Section 3. Penalty Clause.** Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

**Section 4. Savings Clause.** All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting bed and breakfast facilities which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

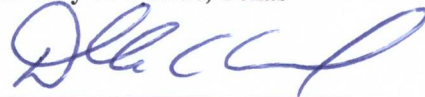
**Section 5. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

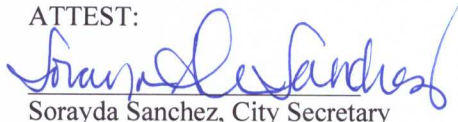
PASSED AND APPROVED on this the 12 day of March, 2019.

**The City of Uvalde, Texas**



Don McLaughlin, Jr., Mayor

ATTEST:

  
Sorayda Sanchez, City Secretary