

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 18 “BUSINESSES” OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TO ADD A NEW ARTICLE VI ENTITLED “SHORT-TERM RENTAL REGISTRATION” IN ORDER TO PROVIDE A PERMITTING PROCESS AND RELATED REGULATIONS FOR THE OPERATION OF SHORT-TERM RENTALS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the “Council”) of the City of Jersey Village, Texas (the “City”), determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the City’s Code of Ordinances (the “Code”) related to the registration, permitting, and operation of short-term rentals in the City; and

WHEREAS, the Council now deems that such amendment to the Code should be considered and approved; and, **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE:

SECTION 1. THAT, the City Council (the “Council”) of the City of Jersey Village, Texas (the “City”) hereby finds and determines that the statements set forth in the caption and Recitals of this Ordinance are true and correct and are incorporated herein for all purposes.

SECTION 2. THAT, the Code of Ordinances, City of Jersey Village, Texas is hereby amended by adding an article to Chapter 18 “Businesses” to be numbered Article VI, which article reads as follows:

“ARTICLE VI. SHORT-TERM RENTAL REGISTRATION

Sec. 18-200. Applicability.

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

Sec. 18-201. 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 and to minimize adverse impacts to residential subdivisions caused by short term rentals.

Sec. 18-202. 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.

City means the City of Jersey Village, Texas.

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 city who has access to the property on which a short-term rental is located and is authorized to make decisions regarding such property while such short-term rental is being rented.

Operator means any person, firm, or corporation who operates a short-term rental.

Owner means any person, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property on which a short-term rental is located.

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, any portion of a single-family unit, duplex unit, tri-plex unit, four-plex unit, multi-family unit, manufactured home unit, mobile home unit, townhome unit, or condominium unit.

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 twenty-four (24) hour emergency contact phone number for all the preceding persons.

Sec. 18-203. 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.

(e) *Proof of insurance required.* It shall be unlawful for an owner or operator of a short-term rental to operate without host protection or other liability insurance commensurate with the operations of the short-term rental that provides coverage of up to one million dollars (\$1,000,000) per occurrence. A certificate of insurance must be on file with the Administrator. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be made to the Administrator within thirty (30) days.

Sec. 18-204. Permit application.

(a) A person seeking a short-term rental permit shall submit an application to the administrator.

(b) The application shall be in writing, on a form provided by the city, and shall include the following information:

(1) The name, address, email address, and telephone number, of the owner or operator of the short-term rental, and if the applicant or owner is a partnership, a corporation, or limited liability company, then the application shall list the registered agent;

(2) The name, address, email, and twenty-four (24) hour telephone number of a local contact person, which can be the owner, who can respond in person and be on the premises of the short-term rental within one (1) hour to address any issue regarding the condition, operation, or conduct of occupants of the short-term rental unit, and take remedial action to resolve such issues;

(3) The physical address of the short term rental;

(4) 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;

(5) Verification the applicant has no delinquent hotel occupancy taxes due on the property;

(6) Verification of an account for payment of hotel occupancy taxes with the city;

(7) Proof of insurance as required herein; and

(8) Such other information as the administrator deems reasonably necessary to administer this article.

Sec. 18-205. Life safety inspection required.

(a) *Initial inspection.* Upon the application for a short-term rental permit, and prior to the occupation of a short-term rental by guests, the applicant shall schedule an initial inspection of the residential structure with the building official and fire marshal's office to determine if the following life safety items are in compliance with minimum applicable occupancy standards:

(1) Number of bedrooms;

(2) Working smoke detector and fire escape plans installed in bedrooms;

(3) Fire escape ladders installed in each second story bedroom;

(4) Working smoke detector installed in hallways;

(5) Each bedrooms having at least two (2) means of escape;

(6) Working carbon monoxide detectors;

- (7) Fire extinguisher present, accessible, and inspected;
- (8) Gas appliances, both indoor and outdoor, including but not limited to stoves, furnaces, and water heaters;
- (9) Hot water temperature;
- (10) Pool safety;
- (11) Electrical panel; and,
- (12) Any other item that poses a life safety concern as determined by the building official or fire marshal.

(b) *Re-inspection deficiencies.* If, upon completion of the initial inspection, the premises are found to be deficient, then the administrator shall provide written notice of such deficiencies. It shall be the responsibility of the applicant to schedule a re-inspection of the premises, and a short-term rental permit shall not be issued until the premises passes inspection.

(c) *Renewal certification.* Each owner shall schedule a renewal inspection of the residential structure with the building official and fire marshal's office to determine compliance with the minimum occupancy standards listed this section.

(d) *Additional inspections authorized.* The administrator may, at its sole discretion, perform additional inspections of a permitted short-term rental when a violation(s) of this article is reported or suspected.

Sec. 18-206. Permit requirements and fees.

(a) *Life safety inspection.* As provided above, before the issuance of a short-term rental permit by the city, the operator must allow, with reasonable notice, an on-site inspection of the short-term rental by the city building official or designee ensuring compliance with minimum health and safety requirements for use and occupancy of the short-term rental. If the short-term rental 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 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 hereby established in relation to the short-term rental registration process contemplated in this article:

- (1) *Application and application renewal fees.* The applicant shall pay a nonrefundable application fee of two hundred fifty dollars (\$250) upon submission of a short-term rental

application to the city and an annual application renewal fee of one hundred fifty dollars (\$150) per short-term rental after initial registration.

(2) *Life safety inspection fee.* The applicant shall pay a non-refundable life safety inspection one hundred fifty dollars (\$150) 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 of one hundred dollars (\$150) per short-term rental in violation for every re-inspection.

Sec. 18-207. 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; or,
- (4) The operator, its partners, officers, owners, or 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, or 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 administrator 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 the operator stating the reasons for the decision and to inform the operator of its right to appeal the decision in writing including when and to whom it must be delivered.

Sec. 18-208. Renewing permit.

An operator may file a permit renewal application before the permit expires.

Sec. 18-209. 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, then the administrator shall hold as soon as practical.

(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. 18-210. Short term rental operating requirements.

(a) Each operator shall provide to guests an informational brochure that includes:

(1) The operator's twenty-four (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) 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 for each floor 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) Each operator shall maintain the short-term rental in compliance with all applicable building and fire codes adopted by the city.

(d) Each operator shall collect and remit the hotel occupancy tax in accordance with Texas Tax Code Ch. 351. The operator shall remit to the city all city hotel occupancy taxes collected pursuant to state law by the last business day of the month following the month of collection.

Sec. 18-211. 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 1-8 of this Code.

(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 issues a notice of delinquency to submit hotel occupancy tax to the city and state before revocation of the short-term rental permit begins.”

SECTION 3. THAT, any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000), with each day of violation constituting a separate offense.

SECTION 4. THAT, in the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent or ordinances jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 5. THAT, the Council hereby directs the City Secretary to publish the caption of the Ordinance as required under and according to State law.

SECTION 6. THAT, this Ordinance shall be in full force and effect upon the date of its passage by the Council.

PASSED AND APPROVED this 27th day of February, 2023.

FOR THE CITY OF JERSEY VILLAGE:

s/BOBBY WARREN, MAYOR

ATTEST:

s/LORRI COODY, CITY SECRETARY

