

CITY OF HASLET

ORDINANCE NO. 017-2018

AN ORDINANCE OF THE CITY OF HASLET, TEXAS, AMENDING CHAPTER 4 “BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE 4.08 “SHORT TERM RENTALS” PROVIDING REGULATIONS FOR THE REGISTRATION, INSPECTION AND USE OF SHORT TERM RENTALS; AND AMENDING APPENDIX A, FEE SCHEDULE, OF THE HASLET CODE OF ORDINANCES TO ADD REGISTRATION AND INSPECTION FEES FOR SHORT TERM RENTALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Haslet, Texas is a Type A general-law municipality located in Tarrant and Denton Counties, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has determined that regulations are needed to address regulations for Short Term Rentals; and

WHEREAS, permanent residents desire the option to occasionally utilize their properties for home share rentals; and

WHEREAS, the operation of Short Term Rentals should not negatively affect property values; and

WHEREAS, the Short Term Rentals should be required to pay Hotel Occupancy Taxes; and

WHEREAS, the City Council has determined that regulations needed are intended to protect the public health, safety, morals and general welfare.

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

SECTION 1.

That Chapter 4 “Business Regulations,” of the Haslet Code of Ordinances is hereby amended by adding a new Article 4.08 “Short Term Rentals,” to read as follows:

“ARTICLE 4.08 SHORT TERM RENTALS

Sec. 4.08.001 Purpose and applicability

The purpose of this Article is to establish regulations for the registration and use of Short Term Rentals for single family living units. The requirements of this Article apply only to Short Term Rentals, as defined herein, located in residential zoning districts established under the city's Zoning Ordinance, Chapter 14 of Code of Ordinances. Nothing in this Article, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days, or any other applicable provision of the Haslet Code of Ordinances.

Sec. 4.08.002 Definitions

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short Term Rental in order to promote the availability of the short term rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Article 11.04 of the Haslet Code of Ordinances and Chapter 351 of the Texas Tax Code.

Local Emergency Contact means an individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the Short Term Rental Property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court.

Primary Residence means the usual dwelling place of the owner of a residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, property tax documents, or utility bill. For purposes of this Article, a person may have only one primary residence.

Residential districts: Includes the following districts: AG, R-1, R-2, R-MF, R-MH or any Planned Development District or other Special District including residential use in Chapter 14 of the Code of Ordinances.

Short Term Rental (STR) is defined as “the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of less than 30 days”. The term does not include:

- (1) a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- (2) a bed and breakfast; or
- (3) a hotel/residence hotel.

Sec. 4.08.003 Short Term rental registration requirements

(a) No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the City as a Short Term Rental for which a registration has not been properly made and filed with the Planning and Development Department of the City. Registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

- (1) Name, address, phone number and e-mail address of the property owner of the Short Term Rental property.
- (2) Verification of that the Short Term rental property is the applicant’s Primary Residence.
- (3) Name, address, phone number and e-mail address of the designated Local Emergency Contact.
- (4) The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with Sec. 4.08.005 (b) of this Article.
- (5) A submission of a sketch floor plan of the dwelling with dimensioned room layout.
- (6) Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys, or other public rights-of-way or public property.

Sec. 4.08.004 Inspection Required

Upon initial registration, or any renewal thereof, and prior to the first rental occupant of a Short Term rental property, the owner is required to schedule a Short Term Rental Registration Inspection of the residential structure with the City of Haslet Planning and Development Department to determine compliance with the minimum property standards in Chapter 3 of the Haslet Code of Ordinances.

- (1) If only a portion of the premises is offered for rent, then that portion plus shared

amenities and points of access shall be inspected.

(2) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable City codes and ordinances, the City shall provide written notice of such violation(s) and shall set a re-inspection date for such violation(s) to be corrected prior to its occupancy.

Sec. 4.08.005 Restrictions on Short Term Rentals

(a) External Signage. There shall be no external on-site or off-site advertising signs or displays indicating the property is a Short Term Rental.

(b) Limit on occupants allowed. No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short term rental with a maximum occupancy of ten (10) persons, adult and children.

(c) Limits on number of vehicles. There shall be a maximum of one car per bedroom, or maximum number of cars that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks) whichever is less.

(d) Advertisement and contracts. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

(e) Other restrictions. It is unlawful:

(1) To operate or allow to be operated a Short Term Rental without first registering the property in which the rental is to occur with the City in accordance with this Article;

(2) To advertise or offer a Short Term Rental without first registering the property in which the rental is to occur with the City in accordance with this Article; documented advertisement of the subject property as a Short Term Rental, online or offline, shall be considered evidence of a violation of this Article;

(3) To operate a Short Term Rental in any location that is not the registrant's primary residence;

(4) To operate a Short Term Rental that does not comply with all applicable city and state laws and codes;

(5) To operate a Short Term Rental without paying the required hotel occupancy taxes;

(6) To offer or allow the use of a Short Term Rental for the sole or primary purpose of having a party venue;

(7) To fail to include a written prohibition against the use of a Short Term Rental for having a party in every advertisement, listing, or other publication offering the premises for rent.

(8) Permit the use of the Short Term Rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license

under the Alcoholic Beverage Code; or operating as a sexually oriented business.

Sec. 4.08.006 Brochure and safety features

(a) Informational brochure. Each registrant operating a Short Term Rental shall provide to guests a brochure that includes:

- (1) The registrant's twenty-four (24) hour contact information;
- (2) A local responsible party's twenty-four (24) hour contact information if the property owner is not within the city limits when guests are renting the premises;
- (3) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
- (4) 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) Safety features. Each Short Term Rental registrant shall provide in the premises working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall otherwise comply with all applicable adopted building and municipal codes, including but not limited to the Building and Fire Codes.

Sec. 4.08.007 Notification of Approval of Short Term Rental

Within ten (10) days of the approval of a Short Term Rental registration, a notice will be sent by the Planning and Development Department of the City to all property owners within one-hundred feet (100 ft.) of the property, and shall include the twenty-four (24) hour contact number for complaints and emergencies, and pertinent information about this Article.

Sec.4.08.008 Registration term, fees, and renewal

(a) All registrations approved under this Article shall be valid for a period of one year from the date of its issuance.

(b) The fees for registration and inspection of a Short Term Rentals shall be as established in Appendix A, fee schedule, of the Haslet Code of Ordinances.

(c) Upon receipt of an application for renewal of the registration, the Planning and Development Department may deny the renewal if there is reasonable cause to believe that:

- (1) The registrant has violated any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or

(2) There are grounds for suspension, revocation, or other registration sanction as provided in this Article.”

SECTION 2.

That Article 7.000 “Development Fees” Section (h) “Miscellaneous Permits” of Appendix A to the Haslet Code of Ordinances, the fee schedule, is hereby amended to add a new subsection (19) “Short Term Rental Registration” to read as follows:

ARTICLE 7.000 DEVELOPMENT FEES

...

(h) Miscellaneous Permits.

...

“(19) Short Term Rental Registration: \$100.00.”

SECTION 3.

That Article 9.000 “Inspection Fees”, Section 9.500 “Miscellaneous Inspection Fees” of Appendix A to the Haslet Code of Ordinances, the fee schedule, is hereby amended to add a new subsection (c) “Short Term Rental Inspections” to read as follows:

ARTICLE 9.000 INSPECTION FEES

...

Sec. 9.500 Miscellaneous inspection fees

...

“(c) Short term rental inspections: \$75.00.”

SECTION 4.

This Ordinance shall be cumulative of all provisions of all ordinances of the City of Haslet, Texas, and the Haslet Code of Ordinances, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than \$2000.00 for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined \$500.00 for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

The City Secretary of the City of Haslet is directed to publish the caption, penalty clause, and effective date of this Ordinance in the official newspaper of the City of Haslet, Texas, as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 8.

This Ordinance shall take effect September 1, 2018 after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 20TH DAY OF AUGUST, 2018.



Bob Golden
Mayor

Attest:



Dianna Buchanan
City Secretary

