

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JOHNSON CITY, TEXAS AMENDING CHAPTER 4 BUSINESS REGULATIONS OF THE MUNICIPAL CODE OF ORDINANCES BY ADDING *ARTICLE 4.08 SHORT-TERM RENTALS* PROVIDING FOR REGULATIONS REQUIRING A PERMIT AND REGARDING THE OPERATION OF A SHORT-TERM RENTAL IN THE CITY; DECLARING A MISDEMEANOR VIOLATION WITH PENALTIES NOT TO EXCEED \$2,000; AND SETTING AN EFFECTIVE DATE

RECITALS

WHEREAS, the City Council (“City Council”) of the City of Johnson City, Texas (“City”) seeks to provide for the public health, safety and welfare of its citizens by promoting the orderly and safe use of property within the city to protect and preserve the dignity and sanctity of low-density, single-family residential neighborhoods, which are the City’s primary land use category; and

WHEREAS, the City Council has determined that amendment of Chapter 4 Business Regulations of the Municipal Code of Ordinances by adding *Article 4.08 Short-Term Rentals* to require a permit for a short-term rental within the city limits and to provide for the operation and management of a short-term rental under specified criteria is in the best interest of the citizens and businesses of the City and promotes the health, safety, and general welfare of the inhabitants of the City; and

WHEREAS, pursuant to Texas Local Government Code Section 211.003, the City has general authority to regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

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

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT AND ENACTMENT

The City Council hereby amends Chapter 4 Business Regulations of the Municipal Code of Ordinances by adding and enacting *Article 4.08 Short-Term Rentals*, attached hereto as **Exhibit A** and incorporated fully herein for all purposes.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

- A. This Ordinance shall be effective immediately upon approval by the City Council and publication in the Johnson City Record Courier.
- B. A grace period of thirty (30) days is allowed for a permit application to be submitted by an operator/owner/agent of a short-term rental currently in operation at the time of passage of this Ordinance. An application fee shall be waived for an application submitted during the grace period.

PASSED and APPROVED by the City Council of the City this _____ day of _____ 2022.

Rhonda Stell, Mayor

Attest:

Whitney Walston, City Secretary

Published: Johnson City Record Courier

Date: _____

Initials: _____

CITY OF JOHNSON CITY CODE OF ORDINANCES

CHAPTER 4 BUSINESS REGULATIONS

ARTICLE 4.08 SHORT-TERM RENTALS

Sec. 4.08.001 Definitions

The following terms used in this Article shall have the meanings below:

Agent. A person designated in writing by the short-term rental operator in lieu of themselves as the 24-hour emergency contact for an operating short-term rental.

Apartment. A room or group of rooms used as a dwelling for one (1) family unit which includes full kitchen facilities for the preparation of meals and cooking.

Chief Administrative Officer; CAO: The individual or his designee designated by the City.

City: The City of Johnson City, Texas.

Operator. A person who operates a short-term rental.

Owner. The person or entity that holds legal and/or equitable title to real property.

Person. An individual, corporation, business, or other organization.

Short-term Rental; STR. A residential dwelling unit or bedroom in a residential dwelling unit, including a guesthouse or garage apartment, that is rented out for compensation on a temporary basis for a period of less than two (2) consecutive nights nor more than thirty (30) consecutive days.

Short-term Rental Permit. A permit issued by the City that identifies and authorizes the use of a residential property as a short-term rental property.

Sec. 4.08.002 Short-Term Rental Permit Required

- (a) **Permit Required.** No person, owner or real estate manager shall conduct, operate, or maintain residential property as a short-term rental in the city without first having obtained and paid for a valid short-term rental permit from and issued by the City, and complying with the requirements of this and all applicable provisions of the City's ordinances.
- (b) **Prohibition.** A short-term rental permit shall not be issued for short-term rental use in an apartment.

- (c) Advertising. No person shall rent or lease, advertise, or offer to rent a residential property within the City as a short-term rental without first obtaining a permit from the City. The City-issued permit number shall be included for all short-term rental advertising in print or online.
- (d) Expiration. Unless previously revoked by the CAO, a permit expires two (2) year after its date of issuance.
- (e) Nontransferable. A permit may not be transferred and does not convey with the property upon sale.

Sec. 4.08.003 Permit Application; Process

(a) Application Required. An applicant for a STR permit shall submit to the City a completed City application for issuance of a permit and an application fee as provided in the City Master Fee Schedule.

(b) Application Information. A STR permit application shall include, but is not limited to, the following:

- (1) The name, address, phone number, and email address of the owner, operator, and agent, if applicable, of the short-term rental;
- (2) The address of the property to be used as a short-term rental,
- (3) Proof of ownership of the property for STR use;
- (4) Zoning classification of the property;
- (5) Name, address, e-mail address and 24-hour phone number of an emergency contact person who is the owner, operator or designated Agent and who shall be responsible and authorized to respond within one hour or less to complaints concerning the short-term rental;
- (6) The number of bedrooms to be used for the STR;
- (7) The number of maximum occupants requested;
- (8) Whether the premises was operated as a short-term rental during the twelve months prior to the date of the permit application and whether the City's Hotel Occupancy Tax for the previous 12-month period have been paid in full;
- (9) Proof of insurance maintained by the owner in minimal amounts to provide adequate personal injury and general liability coverage for the property and any structures on the property;
- (10) A plat/plot plan to an 8 ½ x 11" scale of the property and showing the parking, buildings, and driveway; and
- (11) An application for a hotel permit registration for hotel occupancy tax purposes as contained in Article 4.07 of the City's Code of Ordinances.
- (12) Acknowledgement of receipt of a copy of this Article and the applicant's agreement to comply with all provisions of this Article as a condition to issuance of a permit;

(c) Inspection. Upon receipt of an application for a permit, the CAO shall arrange for an inspection of the residential structure for STR use to determine compliance with the following minimum occupancy standards:

- (1) Number of bedrooms;
- (2) Bedrooms have 2 means of escape;
- (3) Working smoke detector installed in bedrooms and hallways;
- (4) Working CO detectors; and
- (5) Fire extinguisher present, accessible and inspected.

(d) Application Issuance; Appeal of Denial.

- (1) The CAO shall review the application and issue a STR permit upon a determination that the STR meets and satisfies application requirements and STR criteria contained in this Article.
- (2) The CAO may deny a STR permit application if:
 - (A) Any statement made in the application is incomplete, inaccurate, misleading, or false;
 - (B) The applicant has not complied with this Article;
 - (C) The property is not in compliance with the applicable zoning district requirements;
 - (D) The applicant has been cited with three (3) or more substantiated violations of this Article and any applicable federal, state or local law within a 24-month period;
 - (E) The applicant owes an outstanding debt to the City, including *ad valorem* taxes and special assessments;
 - (F) The applicant operates Short-Term rental without registering and paying all local, county and state hotel occupancy taxes in accordance with Article 4.07 of the City's Code of Ordinances; or
 - (G) Deed restrictions or rules promulgated by a home or property owners' association prohibit short-term rental use.
- (3) If a permit application is denied, the applicant may appeal the denial to the City Council.

(e) Posting of Permit. A copy of an issued permit shall be posted at a visible location inside the primary entrance to the STR. The posting shall contain the following information:

- (1) The owner, operator or designated agent's name and twenty-four (24) hour contact telephone number;
- (2) Location of the fire extinguisher(s);
- (3) Maximum permitted occupancy;
- (4) Description of the required off-street parking requirements; and
- (5) Written prohibition against the use of the property as a party/entertainment venue; or any commercial/ non-residential use that violates the City's Zoning regulations.

Sec. 4.08.004 Complaints; Emergency Closing

(a) Code/Permit Enforcement. Complaints regarding operation and management of a STR shall be submitted to the City's Code Enforcement Officer for review. The Code Enforcement Officer shall have the right of entry onto the STR premises to review the complaint. Upon finding of a violation, the officer shall in writing notify the permit holder of the complaint and any violation found. The notice shall advise of required compliance, if the violation can be remedied, and of action for failure to comply. A permit shall be suspended pending remediation. If a violation cannot be remedied, the permit may be revoked and an action in municipal court for a code violation may be filed.

(b) Law Enforcement. Should a law enforcement officer respond to a complaint regarding a short-term rental and issue a citation or warning for any violation of City ordinances or other law, the responsible agent may be contacted by the officer. If contact is made, the agent shall contact the occupants of the short-term rental within one (1) hour of the contact from the City regarding the complaints.

(c) Emergency Contact Update. The permit holder shall provide updated information to the City of any changes to the name, address and 24-hour telephone number of the agent/emergency contact person responsible and authorized to respond to complaints concerning the short-term rental.

(d) Immediate Closure by City.

(1) The CAO may order the immediate closure of a short-term rental when there is a reasonable basis to believe that there is an immediate threat to the public health, safety and welfare of the occupants or to the public in general.

(2) Failure to promptly comply with the notice of immediate closure shall subject the permit holder to other enforcement provisions of this Article.

Sec. 4.08.005 Criteria for Short-Term Rental Operation

(a) Signage. On-site or off-site advertising signs or displays indicating a property is a short-term rental shall not be placed on a STR property.

(b) Occupancy Limits. Occupancy of short-term rentals shall be based on the number of bedrooms in the residence: 1 bedroom = 4 persons; 2 bedrooms = 6 persons; 3 bedrooms = 8 persons; 4 bedrooms = 10 persons. Overnight occupancy of a short-term rental shall be limited to a maximum of ten (10) persons.

(c) Parking. The permit holder shall provide off-street parking on the premises of the short-term rental to accommodate at least one motor vehicle per bedroom. Guests that park in the public right-of-way shall be advised to park in a manner that preserves the ingress and egress of adjacent and neighboring properties.

(d) Advertisements. An advertisement of a short-term rental property shall specify the following:

(1) City short-term rental permit number;

(2) Maximum permitted occupancy limits;

(3) Off-street parking requirements; and

(4) Written prohibition against the use of the property as a party/entertainment venue; or any commercial/ non-residential use that violates the City's Zoning Regulations.

(e) Non-Residential Use. A STR property shall not be used for any commercial/ non-residential use including use for weddings, parties, entertainment, or other type gatherings.

(f) Rental Term. The minimum rental period for a short-term rental shall be two (2) consecutive nights and the maximum shall not exceed 30 days.

(g) Building Facilities. Tents, hammocks, recreational/camper vehicles or other vehicles and outdoor areas that are not residential dwellings shall not be used for a STR.

(h) Noise. Noise shall be held to levels in compliance with the City's Noise Ordinance.

(i) Activity. No outside activities are allowed after 10:00 p.m.

(j) Firepits. No firepits shall be allowed on a STR property.

(k) Trash. A STR property shall be maintained, and trash collection and disposal provided in accordance with the City's Solid Waste Ordinance.

(l) Compatibility; Adverse Impact. The appearance, size, density and operating characteristics of the short-term rental must be compatible with the surrounding neighborhood and uses and shall not be managed to have an adverse effect on the value of surrounding properties or impede their proper development. The STR shall not be operated to create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business. The STR must not be setup to generate traffic to add significantly to congestion, a safety hazard, or a parking problem in the area, nor to disturb the peace and quiet of the neighborhood.

Sec. 4.08.006 Hotel Occupancy Tax Payment Required

A STR permit holder shall assess, collect and remit a hotel occupancy tax in accordance with Article 4.07 of the Johnson City Code of Ordinances.

Sec. 4.08.007 Permit Revocation

(a) The CAO may revoke a permit due to a permit holder's failure to maintain compliance with registration requirements or for violation of any provision of this Article or any applicable federal, state, or local law, including city ordinances.

(b) Written notice of the revocation of a permit shall be provided by the City to the permit holder.

(c) A permit may be revoked for three (3) substantiated complaints. A substantiated complaint is any written complaint submitted to the CAO or code enforcement officer and determined to be an ordinance violation, including a violation of this Article, or state law violation that is supported or verified by corroborating information, for example the report of an investigating police officer or an audio or video recording. The allegations in the complaint do not have to be the subject of a criminal complaint or result in a criminal conviction for the complaint to be substantiated.

(d) If a permit is revoked, the permit holder may appeal the revocation to the City Council.

(e) A permit holder whose permit is revoked may not reapply for a new permit for a period of twelve (12) months following a revocation.

Sec. 4.08.008 Violation Declared; Penalties

(a) Violation Declared. A person who violates this Article commits a misdemeanor offense and is subject to prosecution for criminal violations as well as suit for injunctive relief. Each day of the violation shall constitute a separate offense.

(b) Criminal and Civil Penalties.

- (1) **Criminal Fines.** A person in violation of this Article shall, on conviction, shall be subject to a fine of \$500.00, and up to \$2,000.00 if the violation also involves fire safety, zoning or public health and sanitation including dumping of refuse.
- (2) **Civil Penalties.** Nothing in this Article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including, but not limited to, the following:
 - (A) injunctive relief to prevent specific conduct in violation or to require specific conduct that is necessary for compliance; and
 - (B) a civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Article and after receiving notice committed acts in violation or failed to take action necessary for compliance; and
 - (C) other available relief.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JOHNSON CITY, TEXAS AMENDING ARTICLE 14.02 ZONING ORDINANCE OF CHAPTER 14 ZONING OF THE MUNICIPAL CODE OF ORDINANCES BY PROVIDING DEFINITIONS REGARDING AND RELATING TO A SHORT-TERM RENTAL AND AMENDING THE PERMITTED CHART OF USES FOR A SHORT-TERM RENTAL IN ZONING DISTRICTS IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

WHEREAS, the City Council (“City Council”) of the City of Johnson City, Texas (“City”) seeks to provide for the public health, safety and welfare of its citizens by promoting the orderly and safe use of property within the city to protect and preserve the dignity and sanctity of low-density, single-family residential neighborhoods, which are the City’s primary land use category; and

WHEREAS, the City Council has determined that amendment of Chapter 14 Zoning of the Municipal Code of Ordinances by amending *Article 14.02 Zoning Ordinance* to provide definitions and regulations regarding a short-term rental within the city limits is in the best interest of the citizens and businesses of the City and promotes the health, safety, and general welfare of the inhabitants of the City; and

WHEREAS, pursuant to Texas Local Government Code Section 211.005 and 211.006, the City has general authority to adopt zoning regulations and zoning district boundaries regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes; and

WHEREAS, in accordance with Section 211.006, public notice was issued and a public hearing was conducted before the City’s Planning and Zoning Commission and the City Council; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

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

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT AND ENACTMENT

The City Council hereby amends Chapter 14 Zoning of the Municipal Code of Ordinances by amending *Article 14.02 Zoning Ordinance* and enacting those amendments as depicted in *Exhibit A*, attached hereto and incorporated fully herein for all purposes.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon approval by the City Council.

PASSED and APPROVED by the City Council of the City this ____ day of _____ 2022.

Rhonda Stell, Mayor

Attest:

Whitney Walston, City Secretary

Exhibit A

The following sections of *Article 14.02 Zoning Ordinance* in Chapter 14 Zoning of the Municipal Code of Ordinances are amended as follows (bold, underlined text indicates new text):

ARTICLE I. GENERAL

Sec. 1-3 Definitions

The following terms used in this Article shall have the meanings below:

Apartment. **A room or group of rooms used as a dwelling for one (1) family unit which includes full kitchen facilities for the preparation of meals and cooking.**

Short-term Rental. **A residential dwelling unit or bedroom in a residential dwelling unit, including a guesthouse or garage apartment, that is rented out for compensation on a temporary basis for a period of less than two (2) consecutive nights nor more than thirty (30) consecutive days.**

Short-term Rental Permit. **A permit issued by the City that identifies and authorizes the use of a residential property as a short-term rental property.**

ARTICLE VIII. SCHEDULE OF USES

Zoning district abbreviations are as follows:

SF	Single-Family Residential
SFR	Single-Family Residential Restricted
MR	Mixed Residential
GHD	Garden Housing District
MHD	Micro Housing District
M	Manufactured Home District
CD	Commercial District
HC	Highway Commercial Corridor District
IP	Industrial Park
DO	Downtown District Overlay
PFD	Public Facilities District

Permitted use abbreviations are as follows:

C:	Conditional Use Permit
P:	Permitted

Schedule follows:

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
RESIDENTIAL											
Accessory Bldg/Structure (Nonresidential)											P
Accessory Bldg/Structure (Residential)	P		P	P	P	P					
Accessory Dwelling	C		C	C	C						
Caretaker's/Guard Residence	P		P	P	P						P
Community or Group Home	C	C	C	C	C	C	C	C			
Duplex/Two-Family			P			C					
Garage Residential Conversion	P		P								
Garden Home/Townhome			P		P						
Home Occupation	P		P	P							
HUD-Code Manufactured Home, Single Wide				P							
HUD-Code Manufactured Home, Double Wide	P			P							
Living Quarters onsite with a Business											P
Multiple Family Dwelling			P								
Residential Loft											P
Short-Term Rental	<u>P*</u>	<u>P*</u>	<u>P**</u>		<u>P*</u>	<u>P*</u>					
Single Family Dwelling, Detached	P		P	P	P	P					
Single Family Industrialized Housing				P							
Swimming Pool Private	P		P	P	P						

***Permitted with a short-term rental permit.**

****Permitted with a short-term rental permit for single-family housing only; a short-term rental permit shall not issue for an apartment.**