

ORDINANCE NO. 15-03

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES THE CITY OF SOUTH PADRE ISLAND, BY ADDING ARTICLE XII, "SHORT TERM RENTALS", TO REGULATE SHORT TERM RENTALS; REQUIRING REGISTRATION; PROVIDING FOR ADDITIONAL REGULATIONS AND A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR AN EFFECTIVE DATE OF JUNE 15, 2015; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, the City of South Padre Island desires to establish rules and regulations relating to the operation of short term rentals; and,

WHEREAS, the City Council finds that it is in the public interest to amend the City Code to regulate short term rentals; and,

WHEREAS, after public notice and hearing as required by law, the City Council finds that it is in the public's interest to amend Chapter 11, by adding Article XII, "Short Term Rentals" to the Code of the City of South Padre Island, as amended, to establish rules and regulations relating to the operation of short term rentals in the City of South Padre Island.

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Chapter 11, "Occupation Licenses, Alcoholic Beverages, Miscellaneous Permits" of the Code of the City of South Padre Island, is hereby amended to add Article XII. "Short Term Rentals" and to read and provide as follows:

**ARTICLE XII
SHORT TERM RENTALS**

Sec.11-220. Short Term Rentals

(a) The purpose of this Article is to establish regulations for the use of residential single family dwelling units ("dwelling units" herein) as short term rentals and to ensure the collection and payment of hotel/motel occupancy taxes.

(b) For purposes of this Article a Short Term Rental (STR), is defined as a residential dwelling, including a single-family residence, apartment, residential condominium unit, or other residential real estate improvement, in which the public may obtain sleeping accommodations in exchange for compensation for a period of less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling.

(c) For purposes of this Article: An Owner shall designate the Owner, or an Agent or a Representative to comply with the requirements of this section on behalf of the Owner. The Owner or designated agent or representative is referred to as "Operator" herein.

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(d) The Owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the Owner's authorized agent or representative or the occupants of the Owner's short term rental unit or their guests.

(e) This Article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section.

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 Blvd, South Padre Island, Texas, 78597. The Convention Centre Department may be contacted at phone number is 956-761-3000 for additional information.

(b) The Owner/Operator must submit 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;

(3) 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 for the purpose of: (1) responding in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the short term rental unit; and (2) taking remedial action to resolve any such complaints.

(4) The name and address of the proposed short term rental unit;

(5) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit;

(6) The property ID number as listed on the Cameron County Appraisal District; and

(7) 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 an initial registration fee as established by the City Council.

i. The initial rental registration fee shall be fifty dollars (\$50.00) (per rental unit).

ii. The initial 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, unless 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. 17-10 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 or 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 3. While the effective date is June 15, 2015, every Owner or Operator has until July 1, 2015 to register.

Section 4. This Ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 5. Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or 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 6. 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 7. This Ordinance shall become effective June 15, 2015 and when published in summary form or by publishing its caption.

PASSED, APPROVED AND ADOPTED on First Reading, this 15th day of April 2015.

PASSED, APPROVED AND ADOPTED on Second Reading, this 6th day of May 2015.

ATTEST:

**CITY OF SOUTH PADRE
ISLAND, TEXAS**

Susan Hill, CITY SECRETARY

Bharat R. Patel, MAYOR