

ORDINANCE NO. 2019-05-21

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF PAYNE SPRINGS, TEXAS, PROVIDING REGULATIONS FOR SHORT TERM RENTALS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Payne Springs, Texas ("City") is a Type-A general law municipality organized and existing pursuant to the laws of the State of Texas; and

WHEREAS, the City of Payne Springs is authorized, pursuant to Chapter 51 of the Texas Local Government Code, to adopt an ordinance or regulation that is for the good government, peace or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, the City of Payne Springs is geographically located on the shores of Cedar Creek lake and is a destination spot for weekend residents and, in particular, individuals looking to vacation in dwellings located within the City limits of Payne Springs; and

WHEREAS, the City Council for the City of Payne Springs finds it necessary to adopt regulations concerning the use of privately owned dwellings as short term and/or vacation rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF PAYNE SPRINGS, TEXAS, as follows:

I. PERMIT REQUIRED

A. Any individual and/or entity seeking to rent a residential dwelling as a short term rental shall make application to and receive a permit from the City of Payne Springs.

B. Application shall be made to the Payne Springs city secretary on an application form provided by the city secretary. A permit fee shall be \$150.00

C. For purposes of this Ordinance, "short term rental" shall mean any dwelling and/or structure that is used for single or multi-family residential purposes and is rented by an individual(s) and/or entity to be used for lodging, sleeping or any dwelling purpose for a period of less than thirty (30) consecutive days.

D. A recreational vehicle, hotel, motel, and/or convalescent home are exempt from the permitting requirements of this Ordinance.

E. Prior to the issuance of a short term rental permit, any applicant shall allow an onsite inspection of the short term rental unit by a designated City officer and/or representative

to ensure that the rental unit is in compliance with any and all City code regulations concerning residential dwellings.

F. Any permit issued pursuant to this Ordinance shall have the same fiscal year as the City of Payne Springs, commencing January 1 through December 31 and payable prior to the end of each year for the upcoming year. If payment is not received by the City of Payne Springs by December 31 of each year, a late fee of \$50.00 will be assessed.

G. During the valid period of a permit, the original applicant shall inform the City of any changes to the information found within the permit application. Said notification shall be provided within thirty (30) calendar days of any such change.

II. LEGAL COMPLIANCE

A. Any owner or operator of a short term rental shall operate such rental consistent with all applicable ordinances of the City of Payne Springs, Texas.

B. Nothing in this Ordinance shall be construed to relieve any operator or owner of a short term rental of any other applicable requirements of federal or state law.

III. PENALTY

A. Should any operator and/or owner of a short term rental unit violate any of the provisions of this Ordinance, a citation may be issued for said offense. Any violation of this Ordinance is a Class C Misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.

B. In addition to the penalty provision stated within Section III.A above, the City of Payne Springs reserves the right to suspend or revoke any short term rental permit issued in the event of a violation of any term or condition of this Ordinance. Any suspension of a permit may be appealed to the Payne Springs City Council within ten (10) business days following notification of the suspension and revocation.

IV. SEVERABILITY

Should any section, sentence, provision or regulation of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining sections, sentences, provisions or regulations hereof, which shall remain in full force and effect.

**V.
REPEALER**

Any and all ordinances, resolutions, orders and/or rules and regulations previously adopted by the City which may be in conflict with any provision of this Ordinance are hereby repealed to the extent of said conflict.

**VI.
EFFECTIVE DATE**

This Ordinance shall take effect upon its passage, approval by the City Council of the City of Payne Springs, and publication as provided by law.

PASSED AND APPROVED this 21st day of May, 2019, by the City Council for the City of Payne Springs, Texas.

APPROVED:

Rodney Renberg, Mayor

ATTEST:

Karen Juica, City Secretary