

ORDINANCE NO. 24-105

**AN ORDINANCE AMENDING CHAPTER 22. TAXATION* OF THE
CODE OF ORDINANCES OF THE CITY OF FORT STOCKTON;
ESTABLISHING ARTICLE VII. SHORT TERM RENTALS; REPEALING
ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT;
PROVIDING A SEVERABILITY CLAUSE, PENALTIES AND AN
EFFECTIVE DATE.**

WHEREAS, the City Council has determined that the charges set forth would be in the best interest of the citizens of the City of Fort Stockton;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS:

CHAPTER 22. TAXATION

ARTICLE VII. SHORT TERM RENTALS

Sec. 22-106. Generals.

This article as herein established has been written for the purpose to control, manage and limit short term rentals commonly referred to as vacation rentals within allowable districts described in the zoning ordinance. The intent of this chapter is to safeguard the life, health, safety, welfare and property of the occupants of residential dwelling units, the neighbors of said occupants, the general public and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use. The *Building Official* shall be designated by the city manager to enforce and administer this chapter, including the Building Official's designees.

Sec. 22-107. Definitions.

- (a) *Advertise* means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.
- (b) *Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.
- (c) *Booking service* means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.
- (d) *Hosting platform* means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer premises for an occupant on a short-term basis. Hosting platforms usually, though not necessarily, provide booking service through an online platform that allows an owner to advertise the premises through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be-occupant pays rent directly to the owner or to the hosting platform.
- (e) *Occupant* means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.
- (f) *Owner* means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as a holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.
- (g) *Premises* means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.
- (h) *Short-term rental (STR)* means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days. Sec. 22-108. Unpermitted short-term rentals prohibited.
 - (a) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted short-term rental.
 - (b) All hosting platforms shall provide the following information in a notice to any owner listing a short-term rental located within the city through the hosting platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: the "short-term rental" article of this Code prohibits the short-term rental of residential premises within the city without an active short-term rental permit.
 - (c) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or housing platform of the obligations imposed by the applicable provisions of state law and this Code, including

but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and this Code.

Sec. 22-108. Unpermitted short-term rentals prohibited.

- (a) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted short-term rental.
- (b) All hosting platforms shall provide the following information in a notice to any owner listing a short-term rental located within the city through the hosting platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: the "short-term rental" article of this Code prohibits the short-term rental of residential premises within the city without an active short-term rental permit.
- (c) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or housing platform of the obligations imposed by the applicable provisions of state law and this Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and this Code.

Sec. 22-109. Short-term rental permit required.

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Each rentable unit must be permitted. Upon application to the city, a short-term rental permit shall be approved by the building official, or designee, if the application satisfies all the conditions of this chapter, the "taxation chapter," and the zoning ordinance. The building official may place reasonable conditions on short-term rental permits to ensure compliance with the provisions of this article.

Sec. 22-110. Permit limitations.

- (a) Short-term rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.
- (b) If the subject dwelling is on property that has a homeowners association (HOA) at the time of permitting, the owner of the dwelling shall provide the city with an affidavit of proof that the HOA allows for vacation rental of their dwelling, if not allowed, then the application will be denied.
- (c) A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this chapter and zoning ordinance, an application for the renewal of a short-term rental permit shall be approved by the Building official, or designee.

Sec. 22-111. Requirements of application.

- (a) Except as provided in this section, every complete application for a short-term rental permit shall include the following information with such detail and in form approved by the building official:
 - (1) The name, address, contact information and authenticated signature for the owner of the premises;
 - (2) The name, address and contact information of the operator, agent if any, and designated local responsible party.
 - (3) The city registration number for hotel occupancy tax;
 - (4) A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
 - (5) A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
 - (6) Release of liability;
 - (7) The name and contact information of the property owner's association, if any, of which the premises are covered by dedicatory instruments;
 - (8) A copy of the proposed host rules for the short-term rental.
- (b) An application for short-term renewal permit may be filed beginning 90 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.
- (c) An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (a) of this section.
- (d) If a complete application for a short-term renewal permit is submitted after the expiration of the current permit, the building official in his sole discretion may grant a one-time extension of the current permit not to exceed ten days.

Sec. 22-112. Designation of local responsible party required.

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of the call from the building official, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants and shall not act to release the owner of any liability under this chapter.

Sec. 22-113. Release of liability required.

It shall be unlawful for the owner of premises operating as a short-term rental to operate without either proof of insurance or a release of liability indemnifying and holding the city harmless from any and all claims that should arise out of the operation of the short-term rental.

Sec. 22-114. Building permits required.

All work done to the property must meet all city permitting requirements as spelled out in this Code.

Sec. 22-115. Permit fees.

An initial permit fee of \$350.00 (nonrefundable) will include the Building Official's Inspection and Certificate of Occupancy. Upon completion of all required forms, approval of each dwelling unit by the Building Official or his designee, and payment of the initial permit fee, the Building Official may approve a special use permit and a short term rental permit shall be issued.

The annual permit renewal fee shall be \$100.00.

City short-term rental taxes must be paid quarterly for the permit to remain valid, as verified by the city short-term rental tax form.

Sec. 22-116. Hotel occupancy tax; request for occupancy history.

It shall be unlawful for any owner of premises used for a short-term rental to fail to pay hotel occupancy taxes under state law and this chapter. Upon the request of the building official or the finance department of the city, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

Sec. 22-117. Short-term rental permit non transferable.

A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Only by inheritance is a short-term rental transferable.

Sec. 22-118. Parking restrictions.

Parking is established by the International Building Codes (IBC) and will differ based on the zoning districts.

Guidelines are as follows: One parking space per sleeping unit plus one parking space per 500 square feet of common area. The parking spaces required shall be on the same lot or where use of such is provided on another lot not more than 500 feet radially from the subject lot.

Sec. 22-119. Neighbor notice.

The city shall provide [by] mailing, email or otherwise distribute by hand a flier to neighbors within 200-foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

Sec. 22-120. Zones.

Vacation rentals are permitted in zones SF1, SF2, SF3, C, CA, O, SF4 (with specific use permit) by conditional use permit. All permits must meet general zoning regulations as defined in appendix B, zoning, of this Code.

Sec. 22-121. Penalties.

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Sec. 22-122. Enforcement.

- (a) The owner of a short-term rental use that was not registered with the city for hotel occupancy tax prior to June 1, 2024 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of the ordinance from which this article derived, shall discontinue the short-term rental use no later than June 1, 2024.

- (b) If the permit of a short-term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.
- (c) This article shall be and is hereby declared to be cumulative of all other ordinances of the city; and this article shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this article, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.
- (d) If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this article.
- (e) All of the regulations provided in this article are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the city council or any city official or employee charged with the enforcement of this article, acting for the city in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Severability. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

Conflicts. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

This ordinance shall become effective after its approval and adoption upon first and final reading and its publications pursuant to law.

PASSED AND APPROVED THIS 25th DAY OF MARCH 2024.



CITY OF FORT STOCKTON

Paul Casias

Paul Casias, MAYOR

Frank Rodriguez III
Frank Rodriguez III, CITY MANAGER

ATTEST:

Marina A. Cantu
Marina A. Cantu, CITY SECRETARY

APPROVED AS TO FORM & LEGALITY:

Puja Boinpally
Puja Boinpally, CITY ATTORNEY