

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS AMENDING CHAPTER 12, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES BY ADDING ARTICLE XII, "SHORT-TERM RENTALS;" PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REGISTRATION AND USE OF SHORT-TERM RENTALS; PROVIDING FOR REGISTRATION, FEES, AND RENEWALS; PROVIDING FOR RESTRICTIONS ON SHORT-TERM RENTALS; PROVIDING FOR SAFETY REQUIREMENTS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

WHEREAS, the renting of residences in Lockhart by their owners to third parties, commonly referred to as "short term rentals," are occurring regularly in the City; and

WHEREAS, it is the opinion of the City Council of the City of Lockhart that regulations should be put in place that will provide for registration of short term rentals and establishment of practices that will prevent or minimize disturbance of the citizens of Lockhart;

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

Section 1. Chapter 12, Building and Building Regulations of the Code of Ordinances is hereby amended by adding Article XII. - Short Term Rentals, which shall read in its entirety as follows:

CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS

ARTICLE XII. - SHORT-TERM RENTALS

Sec. 12-577. - Purpose and Applicability.

The purpose of this article is to establish regulations for the registration and use of Short-Term Rentals within residential zoning districts within the City of Lockhart, Texas. The requirements of this division apply only to Short Term Rentals, as defined herein, located in residential zoning districts established in Chapter 64 of the 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 City of Lockhart Code of Ordinances.

Sec. 12-578. - 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 website to promote the availability of the Short-Term Rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Chapter 54 City of Lockhart, Texas Code of Ordinances and Chapter 351 of the Texas Tax Code.

Local Emergency Contact means an individual other than the applicant, who resides within 50 miles of the subject property, and who is designated by the owner/applicant 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.

Nuisance party means an assembly of persons for a social activity or for a special occasion in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace and litter.

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. The term "owner" does not include the holder of a non-possessory security interest in the property.

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 residential structure or portion of a residential or residential structure that is not designed or intended for habitation purposes; or
- (3) a hotel/residence hotel.

Sec. 12-579. – Short-Term Rental Registration Requirements.

No person shall hereafter advertise, offer to rent, lease or 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 Finance 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:

(a) Name, address, phone number and e-mail address of the property owner of the Short-Term Rental property.

(b) Name, address, phone number and e-mail address of the designated Local Emergency Contact.

(c) The maximum number of occupants for the dwelling unit or sleeping room.

Sec. 12-580. -Registration Term, Fees, and Renewal.

(a) All registrations approved under this Chapter shall be valid for a period of one year from the date of its issuance. Annual renewal is required.

(b) The fee for registration of a Short-Term Rental shall be \$50 with a late fee of twice the established fee. The late fee shall apply if payment is received after the annual renewal date.

(c) Upon receipt of an application for renewal of the registration, the director or their designee may deny the renewal if there is reasonable cause to believe that:

(1) The registrant has plead no contest to or been convicted of a violation of 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.

Sec. 12-581. -Restrictions on Short-Term Rentals.

Any violation of the restrictions of Short-Term Rentals will be subject to the penalties listed in Section 12-583.

(a) Limit on occupants allowed. No more than two adult guests per bedroom shall be allowed when renting a property as a Short-Term Rental. There shall be a maximum occupancy of ten (10) persons, adult, and children.

(b) Off-street parking. A minimum of one off-street parking space is required for each bedroom in the dwelling being rented. Off-street parking spaces may be located in a driveway, garage, and/or carport, and shall be constructed in accordance with the City's dimensional and all-weather surface standards in Chapter 64.

(c) Other restrictions. It is unlawful:

1. To operate or allow to be operated a Short-Term Rental without first registering, in accordance with this article, the property in which the rental is to occur.
2. To advertise or offer a Short-Term Rental without first registering, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a Short-Term Rental, online or offline, shall be considered evidence of a violation of this ordinance.
3. To operate a Short-Term Rental that does not comply with all applicable city and state laws and codes.
4. To operate a Short-Term Rental without paying the required hotel occupancy taxes.
5. To offer or allow the use of a Short-Term Rental where, spirituous liquor is served to, or is in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person at the venue.
6. To fail to include a written prohibition against the use of a Short-Term Rental for having a nuisance party in every advertisement, listing, or other publication offering the premises for rent.
7. Permit the use of Short-Term Rental for the purpose of: temporary or transition housing for 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. City nuisance-related ordinance violation citations shall be issued to both the Owner and individual Short-Term Rental occupants. Both parties shall be joint and severally liable for such citations.

Sec. 12-582. - Safety Features.

a) 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 applicable Code of Ordinance requirements, including but not limited to Building and Fire Codes.

Sec. 12-583. - Violations and Penalties.

Violation of this ordinance upon conviction shall be punished by the fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

Section 2. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that all remaining portions of this Ordinance shall remain in full force and effect. City of Lockhart hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. Publication. The City Secretary shall cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

Section 5. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the 1st day of March, 2022.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:

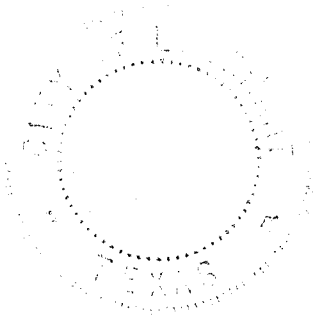


Connie Constancio, TRMC, City Secretary

APPROVED AS TO FORM:



Monte Akers, City Attorney





City of Lockhart, Texas

SHORT-TERM RENTAL
REGISTRATION

PERMIT NUMBER:
DATE RECEIVED:

Application must be filled out, signed, and submitted with all required documents attached.

Requirements Checklist

- | | |
|---|---|
| <input type="checkbox"/> No External Signage | <input type="checkbox"/> Maximum Number of Occupants Permitted ¹ |
| <input type="checkbox"/> Working Smoke Alarms | <input type="checkbox"/> City of Lockhart Permit attached |
| <input type="checkbox"/> Working Carbon Monoxide Alarm | <input type="checkbox"/> Registration Fee (\$50.00) |
| <input type="checkbox"/> Working Fire Extinguisher (5lbs., ABC rated) | |

- Occupancy limit – no more than two adults per bedroom plus two additional adults with a maximum of 10 person’s total, including adults and children.*
- Parking restrictions: Off-street parking. A minimum of one off-street parking space is required for each bedroom in the dwelling being rented. Off-street parking spaces may be located in a driveway, garage, and/or carport, and shall be constructed in accordance with the City’s dimensional an all-weather surface standards in Chapter 64.*
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Property Address of the Short-Term Rental

Property Owner Information

Name _____

Mailing Address _____

Phone Number _____ 24-Hour Contact Number _____

Email _____

Property Owner’s Local Emergency Contact Representative

Name _____

Mailing Address _____

Phone Number _____ 24-Hour Contact Number _____

Email _____

I certify that I am the property owner or authorized Agent, and I will provide an informative brochure to guests that includes my 24-hour contact information, and a local 24-hour contact number should I be out of town during the rental of my property, pertinent neighborhood information (such as noise restrictions and trash collection schedules) and information to assist guests in case of emergencies. I understand that I shall include the correct limits of guests and vehicles when advertising the property as a short-term rental based on the Ordinance 2022-12 and will include the prohibition against the use of the property for having a party in any advertisement, listing or other publication offering the premises for rent and will include the permit number assigned to the property by the City of Lockhart, Texas as a short-term rental in all advertisements.

Date of Application _____ Signature _____

HOTEL OCCUPANCY TAX INFORMATION

The City of Lockhart, Texas imposes a 7% hotel occupancy tax per Article IV- Hotel Occupancy Tax of its municipal code. Reporting and payment of the city’s 7% occupancy tax is made by the property owner directly to the City of Lockhart, Texas using its required reporting form. New lodging properties must contact the City’s Finance department before collecting and paying the imposed 7% occupancy tax. **Please contact the Finance Department at (512) 398-3461 for more information.**

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