

ORDINANCE NO. 15-012

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 19 "LICENSES, PERMITS AND BUSINESS REGULATIONS" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY AMENDING ARTICLE VI, "SHORT TERM RENTALS - REGISTRATION FEES" AND TO ALLOW FOR EXCEPTIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, on January 22, 2015, the City Council adopted Ordinance 15-002, an ordinance establishing rules and regulations relating to the operation and registration of short term rentals in the City of Galveston; and,

WHEREAS, the City Council finds that it is in the public interest to amend Ordinance 15-002, to address registration fees, and to allow for exception of registration fees of those properties in compliance with Chapter 33, Article III "Hotel Occupancy Tax" of the City Code of Galveston as of December 31, 2014; 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 Section 19, "Licenses, Permits and Business Regulations to address registration fees, and to allow for exception of registration fees for those properties in compliance with Chapter 33, Article III "Hotel Occupancy Tax" of the City Code of Galveston as of December 31, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, 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 19, "License, Permits and Business Regulations" of the Code of the City of Galveston, is hereby amended to read and provide as follows:

ARTICLE VI. SHORT TERM RENTALS

Sec. 19-113. Short Term Rentals

- (a) The purpose of this Article is to establish regulations for the use of residential dwelling units 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 the use of a residential dwelling unit or accessory building on a temporary or transient basis. A

Short term rental shall include a residential dwelling unit or accessory building used as a short term vacation rental, for any period less than thirty (30) consecutive days.

- (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.
- (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. 19-114. Registration

- (a) The Park Board of Trustees of the City of Galveston is the Administrative Agency for the registration of short term rentals and collection of rental registration fees.
- (b) The Owner/Operator shall obtain a short term rental registration and any other required documents from the Park Board of Trustees of the City of Galveston located at 601 Tremont Street, Galveston, Texas, 77550. The Park Board may be contacted at phone number is 409-797-5000 for additional information.
- (c) 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;
 - i. 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) Such other information as the City Manager, or designee, deems reasonably necessary to administer this section.

(b d) Registration Fee -Renewal

- (1) Except as provided by Sec. 19-114(d)2, short term rentals are subject to a registration fee as established by the City Council.

~~The Short term rental registration form shall be accompanied by an initial registration fee and subject to an annual registration fee every 12 months thereafter, as established by the City Council.~~

- i. The short term 2015 rental registration fee shall be fifty dollars (\$50.00) (per rental unit).
- ii. ~~The 2015 annual registration fee after initial registration thereafter shall be twenty five dollars (per rental unit).~~

(2) Exceptions;

- i. Properties in compliance with Chapter 33, Article III “Hotel Occupancy Tax” of the City Code of Galveston as of December 31, 2014 (12/31/2014) are exempt from paying a registration fee.

- ~~(2 3)~~ A registration is valid from the date the completed registration is filed with the Park Board and applicable payment of the registration fee has been made, unless the ownership of the short term rental changes.

- ~~(4)~~ All entities must register each individual property, even if the tax payments are made under one tax payer identification number.

- ~~(3-5)~~ Each property shall be issued a registration number.

Sec. 19-115. Minimum Standards of Conduct

- (1) The Owner, Agent or Representative shall provide a brochure or other alternative publication to renters, of short term vacation rentals, with information which shall provide basic, minimum, standards of conduct during their visit to the City of Galveston. An *example* of such brochure, created by the Short Term Rental Owners Association of Galveston, can be found at <http://stroag.org>.

- (2) Additionally, renters can be directed to the City's website, www.cityofgalveston.org, and access the "Community" tab for additional resources and/or list of rules and regulations pertaining to the City.

Sec. 19-116. 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 23, "Public Nuisances", Chapter 24, "Noise" and Chapter 33, Article III "Hotel Occupancy Tax" of the City Code of Galveston. Pursuant to Sec. 33-89 of the city code, the Owner or Operator shall, submit a monthly report to the Park Board, on the appropriate "Hotel Occupancy Tax Collection Report" form, even if the short term rental unit was not rented during any such month.
- (b) **Failure to comply**
 - (1) Notice of Violation. The City may issue a notice of violation to any occupant, Owner(s) or Operator, if there is any violation of this Article committed, caused or maintained by the Owner, Operator or Occupant.
 - (2) Citation. As allowed by law, the City may issue citations for violations of this Article and any other applicable state or local law.
- (c) **Penalty**
 - (1) A violation under this section is a Class C misdemeanor offense punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.
 - (2) Pursuant to state law and the Code of the City of Galveston, the maximum penalty for offenses arising under such code or ordinance of the city governing fire safety, zoning, public health and sanitation, shall not exceed the sum of two thousand dollars (\$2,000.00).
 - (3) If such maximum penalty provided for by this code or any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the state, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this code.
 - (4) Penalties provided for are in addition to any other enforcement remedies that the City may have under city ordinances and state law.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the

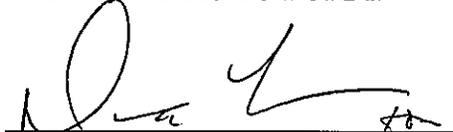
final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of The City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption and may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective on March 1, 2015 and after its adoption and publication in accordance with the provisions of The Charter of the City of Galveston.

APPROVED AS TO FORM:



DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at a Regular Meeting held on February 12, 2015, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 13 day of Feb., 2015.



Janelle Williams
Secretary for the City Council
of the City of Galveston