

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 ‘GENERAL REGULATIONS’, ARTICLE 9-29, SHORT TERM RENTALS, TO AMEND ANY REFERENCE TO SHORT TERM RENTALS AND REPLACING IT WITH TERM LODGING HOUSES IN SAID ARTICLE IN SECTIONS 9-29-1 TO 9-29-13; AND BY ADDING THE DEFINITION OF LODGING HOUSES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coppel, Texas previously adopted an ordinance regarding Short Term Rentals; and

**WHEREAS**, the City desires to change the definition of short term rentals to Lodging Houses; and

**WHEREAS**, the City Council of the City of Coppel, Texas has determined that it is the City’s best interest to change the terminology from Short Term Rentals to Lodging Houses as defined in the Code of Ordinances Chapter 12, Article 30 of the Code of Ordinances.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF COPPELL, TEXAS, THAT:**

**SECTION 1.** That Chapter 9, General Regulations, of the Code of Ordinances is hereby amended by amending **Article 9-29, Short Term Rentals** to remove any reference to short term rentals and replacing it with lodging houses in said article in Sections 9-29-1 through 9-29-13 and by adding new definition of ‘lodging houses’ in section 9-29-2 which shall read as follows:

**“CHAPTER 9, GENERAL REGULATIONS**

. . . . .

**ARTICLE 9-29 LODGING HOUSE**

**Sec. 9-29-1. - Purpose and applicability.**

The purpose of this division is to establish regulations for the registration and use of lodging houses for single family living units. The requirements of this division apply only to the regulation of lodging houses, as defined herein, in accordance with the city's Zoning Ordinance, Chapter 12 of Code of Ordinances. Nothing in this division, 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 Coppel Code of Ordinances.

## **Sec. 9-29-2. - 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 lodging house in order to promote the availability of the lodging house.

*Dwelling* means a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Guest* means a person who pays or gives a benefit or thing of value to another in exchange for the use of dwelling, premises or a portion thereof regulated under this article for use of a residential dwelling, premises or portion thereof for the privilege to use a lodging house and/or person's invitees for use of such dwelling, premises or portion.

*Guest room.* A room or part thereof used or intended to be used by one or more guests for living or overnight sleeping purposes.

*Host* means the person, firm, corporation, partnership or association, assigned the duty and responsibility by the owner to manage or rent a residence for a lodging house.

*Hotel occupancy tax* means the hotel occupancy tax as defined in Chapter 1 the Coppel Code of Ordinances and Chapter 3 of the Texas Tax Code.

*Local emergency contact* means an individual other than the applicant, who resides within 20 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 lodging house property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, emergencies and property conditions.

*Lodging House* is defined in Chapter 12, Article 12-42 of the Code of Ordinances.

*Lodging house listing service* means an individual from corporation, association, business or other legal entity that participates in the lodging house business by facilitating booking or proceeding management services through which an owner may offer lodging houses to potential guests <sup>[13]</sup>.

*Lodging house permit* means a permit issued by the city that allows a person, firm, corporation and those acting in concert with such lawfully rent or offer to rent to a guest.

*Onsite Property Manager* means a person living or residing on the property subject to this article and responsible for the day-to-day operation of the rented unit, handle tenant complaints, and manage the property amenities such as garden, pools, garages and outdoor accessory structures.

*Owner* means the person who, in accordance with the most recently recorded deed, deed of trust, security instrument, trust instrument, affidavit of heirship, muniment of title or other similar conveyance or transfer document indicating title to real property recorded in the Official Public Records of Dallas County, Texas, is vested in, the ownership, dominion or title of real property, including, but not limited to:

- (1) The owner of a fee simple title;
- (2) The owner of a life estate;
- (3) The purchaser named in an executory contract for conveyance entered in compliance with title 2, chapter 5, subchapter D of the Texas Property Code, as amended, and recorded in the Official Public Records of Dallas County, Texas if required by Texas Property Code, § 5.076, as amended; or
- (4) A mortgagee, receiver, executor or trustee in control of real property.

*Permit holder* means person who receives a permit to operate a under this article.

*Person* means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or community entity.

*Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.

*Primary residence* means the usual dwelling place of the applicant's residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, property tax documents, or utility bill. For purpose of this chapter, a person may have only one primary residence.

*Residential districts:* Includes the following districts: SF-ED, SF-18, SF-12, SF-9, SF-7, 2F-9, TH-1, TH-2, RBN or any Planned Development District, which allow residential occupancy defined in Chapter 12 of the Code of Ordinances.

*Single-family residence* means includes all residential use as defined in Section 12-3-2 in the Code of Ordinances

*Sleeping unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Transient* means occupancy of a dwelling unit or sleeping unit for fewer than 30 consecutive days.

*Lodging house listing services* usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the premises through a website provided by the lodging house listing service and the lodging house listing service conducts a transaction by which potential guests arrange their use and their payment, whether the potential guest pays rent directly to the owner or to the lodging house listing service.

### **Sec. 9-29-3. - Lodging house registration requirements.**

- A. No person (owner, onsite property manager, broker or agent thereof) shall advertise, offer rent, lease, sublease, license or sublicense or offer the same, real property within a residential district within the city as a lodging house without a special use permit and registration in accordance with this article.
- B. Registration shall be made upon forms promulgated by the city for such purpose and shall specifically require the following minimum information:
  - 1. Name, address, phone number and e-mail address of the property owner(s) and /or onsite property manager (if different from owner) of the lodging house property.
  - 2. Verification of that this lodging house property is the applicant's residence or if there is an onsite property manager for such property.
  - 3. An acknowledgement and representation that the property subject to this article is not occupied as a primary residence or the owner, onsite property manager will be present on the premises during any rental period.
  - 4. The name, address, e-mail address and 24-hour telephone number of a contact person and/or onsite property manager who is local emergency contact, the owner, operator or designated agent and who shall be responsible and authorized to respond to complaints concerning the lodging house within one hour or less;
  - 5. An acknowledgement that any permit granted under this article does not supersede any property-specific restrictions against lodging houses that may exist under law, agreement, lease, private covenantor deed restriction, homeowner association rules or regulation.
  - 6. A depiction of the floor plan that identifies sleeping areas, proposed maximum number of guests, evacuation routes and location of all fire extinguishers and smoke detectors;
  - 7. Site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto sidewalks or alleys, other public rights-of-way or public property.
  - 8. Zoning classification(s).

9. A sworn statement that the owner has met and will continue to comply with all requirements of this article including, but not limited to, obtaining annual independent inspections of required fire extinguishers in compliance with the current Coppel Fire Code, as amended; and
  10. Acknowledgement of receipt of a copy of this article and agreement to comply with all provisions of this article as a condition to receiving and consent to inspection during 8:00 a.m. to 5:00 p.m. maintaining a lodging house permit.
- C. Applications shall be considered complete when all documentation required under this article has been submitted and all permit fees have been paid. Incomplete applications will not be accepted.
- D. A permit to operate or maintain a lodging house is not transferable to another owner, operator or location.

**Sec. 9-29-4. - Inspection required.**

- A. Upon registration and renewal, and prior to the first rental occupant of lodging house after such registration and renewal, the owner and/or the onsite property manager is required to schedule an inspection of the residential structure with the community development department to determine compliance with the minimum property standards as set forth in the Property Maintenance Code, Article 15-14 of the Code of Ordinances, as amended.
- B. To ensure compliance with the requirements of this article, a lodging house may be inspected in the following methods:
1. Initial inspection. As part of the issuance of a new lodging house permit and any reapplication thereof, the city may conduct an inspection to verify compliance with this article.
  2. Fire extinguishers/suppression system. The owner is responsible for obtaining annual independent inspections of the fire extinguishers or fire suppression system in compliance with the Coppel Fire Code.
  3. Inspections upon report or suspicion of a violation. The city may perform inspections when a violation of this article or other law is reported or suspected.
- C. If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.
- D. If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for violation to be corrected prior to its occupancy.

**Sec. 9-29-5. - Restrictions on lodging house operation.**

- A. External signage. External on-site or off-site advertising signs or displays indicating the property is a lodging house are forbidden.
- B. Limit on occupants allowed. No more than two occupants per bedroom, plus no more than two occupants shall be allowed when renting a property as a home share rental, except that:
  - 1. There shall be a maximum occupancy of ten occupants.
  - 2. Bedrooms under 120 square feet shall be limited to only one adult occupant.
- C. Limits on number of vehicles. There shall be a maximum of one car per bedroom, or maximum number of cars that can be accommodated within the garage and driveway, without extending over the public rights-of-way (alleys and sidewalks) whichever is less.
- D. Advertisement and contracts. Any advertisement of the property as a lodging house and all rental contracts must contain language in bold and different font that specifies the maximum number of occupants and maximum number of vehicles as set forth in this section.
- E. Other restrictions. It is unlawful for any person to:
  - 1. Operate or allow to be knowingly operated a lodging house without first registering the property in which the rental is to occur with the city in accordance with this article;
  - 2. Advertise or offer to rent a lodging house without having obtained a permit issued for such premises in accordance with this article. Any documented advertisement or offer, shall be considered prima facie evidence of a violation under this article;
  - 3. A licensee or operator may not advertise, promote or allow another to advertise or promote a lodging house without including:
    - a. The permit number assigned by the city to the lodging house; and
    - b. The applicable occupancy limit for the lodging house.
  - 4. Operate a lodging house that does not comply with all applicable city and state laws and codes;
  - 5. Operate a lodging house without paying the required hotel occupancy taxes;
  - 6. Offer or allow the use of a lodging house for the sole or primary purpose of having a party venue;

7. Fail to include a written prohibition against the use of a lodging house for having a party in every advertisement, listing, or other publication offering the premises for rent.
8. Allow, permit or suffer the use of the lodging house for the purpose of housing 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 under the Alcoholic Beverage Code; or operating as a sexually oriented business.
9. Rent to a guest who is under the age of 21.

**Sec. 9-29-6. - Brochure and safety features.**

- A. Informational brochure. Each registrant operating a lodging house shall file with city and provide to guests a brochure that includes:
  1. The registrant's 24 hour contact information;
  2. The host's 24 hour contact information if the property owner is not within the city limits when guests are renting the premises;
  3. Pertinent neighborhood information including, but not limited to, parking guidelines restrictions on noise and amplified sound, and trash collection schedules;
  4. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- B. Safety features. Each lodging house 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 or fire suspension system. The premises shall, otherwise comply with applicable Codes of Ordinance including but not limited to Building Maintenance and Fire Codes.

**Sec. 9-29-7. - Notification of approval of lodging house.**

Within ten days of the approval of a lodging house registration and reapplication, a notice will be sent to all property owners within 200 feet of the property, and shall include the 24-hour complaint line, and pertinent information about this article.

**Sec. 9-29-8. - 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.
  - 1. The fees for registration of a lodging houses may include the following:
    - a. The initial registration fee,
    - b. A late fee of twice the established the fee, and
    - c. Senior exemption or other exemption.
- B. Upon receipt of an application for re-application of the registration, the director or their designee may deny the registration if there is reasonable cause to believe that:
  - 1. The registrant has violated 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. 9-29-9. - Inspections; re-inspections; suspension and revocation of permit.**

- (a) *Inspections; access.* The resident owner, nonresident owner, resident manager and property manager, as a condition to the issuance of a lodging house permit required by this article, shall consent and agree to permit and allow the city's building official or their designee to make the following inspections of the lodging house when and as needed to ensure compliance with this article:
  - (1) Right and access to inspect all portions of the premises and structures located on the premises that are not dwelling units, including, but not limited to, all storage areas, detached garages, and swimming pools, upon reasonable advance notice being given to the resident owner, nonresident owner, property manager or resident manager;
  - (2) Right and access to inspect all unoccupied dwelling units upon giving reasonable notice to resident owner, nonresident owner, resident manager or property manager;
  - (3) Right and access to inspect all occupied dwelling units when, upon receipt of reliable information, the building official or their designee has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property; and
  - (4) Before the lodging house permit and any renewal of the lodging house permit is approved, and before the rental of any single-family residence as a lodging house under this article, the resident owner, nonresident owner, resident manager or



property manager shall request an inspection and make the single-family residence available for inspection by the building official or their designee. The building official or their designee and the resident owner, nonresident owner, resident manager and property manager shall agree on a reasonable date and time for the requested inspection.

- (b) *Admission to premises.* The building official or their designee may enforce the provisions of this article upon presentation of proper identification to the occupant in charge of the lodging house and may enter, with the occupant's permission, any lodging house between the hours of 8:00 a.m. and 6:00 p.m.; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, the building official or their designee may enter the lodging house referenced in subsection (a) of this section at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the building official is denied admission to inspect any lodging house under this provision, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection.
- (c) *Reinspection.* If any of the inspections authorized by this article require a second reinspection due to noted violations, reinspection shall be assessed and paid prior to the second reinspection.
- (d) *Suspension or revocation of permit.* Failure of an owner to comply with the provisions of this article after receipt of written notice of the violation from the building official or their designee setting out the violations and the time allowed to rectify the violations, the lodging house permit authorized by this article issued to the owner may be suspended or revoked by the community development department.
- (e) *Reinstatement.* Any person requesting a reinstatement or reissuance of a lodging house permit that has been suspended or revoked shall be required to apply for and receive a new lodging house permit issued under this article as a condition precedent to the reissuance or reinstatement of the certificate of occupancy.

#### **Sec. 9-29-10. - Revocation/appeal.**

- A. Permit may be denied and/or revoked by the city manager or designee upon a finding by the noncompliance with any provisions of this article or violations of the Comprehensive Zoning Ordinance, or other applicable city codes.
- B. A permit may be suspended for up to 150 days for the following reasons:
  - 1. If found guilty in Municipal Court of two or more violations of The City of Coppell Code ordinances or misdemeanor state penal laws within a 12-month period.
    - i. Operating in violation of building, fire, health, or safety codes - based on official investigation and determination - 10-day correction period allowed.

- ii. Failure to file or pay applicable sales and lodging taxes.
  - iii. Failure to pay an annual permit application fee.
  - iv. Failure to apply for a lodging house permit.
- C. A permit may be revoked, or reapplication denied for up to one full year for the following reasons:
  - 1. More than one permit suspension within the past year;
  - 2. False or misleading application materials;
  - 3. Operation of lodging house during a suspension;
  - 4. Any conditions that would have warranted a denial of permit at the time of application.
- D. A permit holder may be subject to permanent revocation if there are four violations of this article or other city's safety, health, and welfare ordinances.
  - 1. Operating in violation of building, fire, health, or safety codes - based on official investigation and determination - ten-day correction period allowed.
  - 2. Failure to file or pay applicable sales and lodging taxes.
  - 3. Failure to pay an annual permit application fee.
  - 4. Failure to apply for a lodging house permit.
  - 5. False or misleading information contained in the application for permit.
  - 6. Operation of lodging house during a permit suspension.
- E. The community development department shall issue a notice of violation of any provision of this article or violations as provided herein. Such notice shall include the date, time and synopsis of the facts surrounding such violation.
- F. An applicant or permit holder who wishes to appeal the denial or revocation of a permit under this article, shall file an appeal with the board of adjustment within ten days of notice for reinstatement of a denied or revoked permit.
- G. The board of adjustment shall conduct an evidentiary hearing, take testimony and receive any documented evidence to determine whether the decision of city manager or designee should be upheld or overturned.

- H. At the hearing, the board of adjustment shall receive testimony and evidence to contest the decision to deny or revoke a permit.
- I. The board of adjustment upon completion of a hearing, shall upon a majority vote of four-fifths of the board grant or deny the appeal.
- J. All decisions of the board of adjustment under this article shall be deemed final.

**Sec. 9-29-11. - Fees.**

All fees for registration, inspection or renewal, including any late fees or exemptions, as provided in this article, shall be as established by resolution of the city council.

**Sec. 9-29-12. - Presumption; presentation of documents or affidavit.**

- (a) Presumption. It shall be a rebuttable presumption that a single-family residence that is occupied by one or more person(s) who are not the owner is being occupied pursuant to an agreement between the owner and the occupant(s) of the single-family residence wherein the occupant(s) have agreed to lease said residence from the owner.
- (b) Presentation of documents or affidavits. Any resident owner or nonresident owner claiming that the owner is not required to obtain a lodging house permit pursuant to this article shall, not later than five business days following receipt of a written request of the building official or their designee or, in the case of an appeal filed pursuant to [section 9-29-10](#) of this article deliver to the community development department a true and correct copy of any agreements, documents of title, letters of administration, letters testamentary, executory contracts for conveyance (also known as "contracts for deed"), affidavits, or other documents that establish to the satisfaction of the community development department that a landlord/tenant relationship does not exist between the owner and the occupant(s) of the single-family residence. Unless an extension of the time for delivery of such documents or affidavits is granted by the building official or their designee or city manager, as the case may be, the failure of the owner to present the requested documents within the time provided by this subsection (b) shall result in the presumption described in subsection (a) above, becoming irrefutable.

**Sec. 9-29-13. - Violations and penalties.**

Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.”

**SECTION 2.** That all provisions of the Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That this ordinance shall take effect on \_\_\_\_\_ and after publication of its caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
WES MAYS, MAYOR

ATTEST:

\_\_\_\_\_  
ASHLEY OWENS, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT E. HAGER, CITY ATTORNEY