

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES BY REPEALING ARTICLE 9-29, SHORT TERM RENTALS IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE 9-29, SHORT TERM RENTALS; PROVIDING FOR REGULATIONS FOR THE REGISTRATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR REGISTRATION, PROVIDING FOR DEFINITIONS; PROVIDING FOR INSPECTIONS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR BROCHURE AND SAFETY REQUIREMENTS; PROVIDING FOR NEIGHBORHOOD NOTIFICATION; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FEES; PROVIDING FOR A SUNSET REVIEW; 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 Council has determined that regulations are needed to be updated to address regulations for Short Term Rentals, and

WHEREAS, permanent residents desire the option to occasionally utilize their properties for home share rentals, and

WHEREAS, the operation of Short Term Rentals should not negatively affect property values, and

WHEREAS, the Short Term Rentals should be required to pay Hotel Occupancy Taxes, and

WHEREAS, the City Council has determined that regulations needed are intended to protect the public health, safety, morals and general welfare.

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 repealing **Article 9-29, Short Term Rentals** in its entirety and replacing it with a new Article 9-29, Short Term Rentals, which shall read as follows:

“CHAPTER 9, GENERAL REGULATIONS

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ARTICLE 9-29 SHORT TERM RENTAL

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

The purpose of this division is to establish regulations for the registration and use of Short Term Rentals for single family living units. The requirements of this division apply only to Short Term Rentals, as defined herein, located in residential and historic zoning districts established under 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 Coppell 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 Short Term Rental in order to promote the availability of the short term rental.

Host means the person, firm, corporation, partnership or association, assigned the duty and responsibility by the owner to manage or rent the residence for a short term rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Chapter 1 the Coppell 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 reachable on a 24-hour basis, have access to the Short Term Rental Property, and be authorized by the owner to act in the owners absence to address any complaints, disturbances, and emergencies.

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 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 V.T.C.A., Property Code § 5.076, as amended; or
- (4) A mortgagee, receiver, executor or trustee in control of real property.

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.

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.

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 bed and breakfast; or
3. a hotel/residence hotel.

Single-family residence means a single-family residence as referred to in this article which includes the following:

- (1) One-family dwelling (detached): A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract;

(2) One-family dwelling (attached): A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a platted separate lot, delineated by front, side and rear lot lines;

(3) Two-family dwelling: A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families, one in each unit; and

(4) Condominium: The separate ownership of single dwelling units in a multiple unit structures with common elements and;

(5) Multi-family dwelling or apartment: Any building or portion of a building, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

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 defined as a residential use in Chapter 12 of the Code of Ordinances.

Short term rental license means the license issued by the building official or their designee pursuant to this article.

Sec. 9-29-3. - Short Term rental registration requirements.

A. No person shall hereafter advertise, offer to rent or rent, lease, 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 community development 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:

1. Name, address, phone number and e-mail address of the property owner (s) of the Short Term Rental property.
2. Verification of that this Short Term rental property is the applicant's Residence.

3. Name, address, phone number and e-mail address of the designated Local Emergency Contact.
4. The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with Sec 9-29-5 (b) of the Code of Ordinances.
5. A submission of a sketch floor plan of the dwelling with dimensioned room layout.
6. Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys; other public rights-of-way or public property.
7. Property owner must submit complete list of all rentals advertised on all hosting sites.
8. Name, address, e-mail address, and telephone number of the resident owner, nonresident owner, property manager, resident manager, local emergency contact, and mortgagee, if there is a mortgage against property.
9. Trade name of resident owner or nonresident owner.
10. Names and addresses of all registered agents should the parties named in this subsection be corporations.
11. Zoning classification(s).
12. 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 maintaining a short-term rental license.

Sec. 9-29-4. - Inspection Required

A. Upon registration and renewal, and prior to the first rental occupant of a Short Term rental property, after such registration and renewal, the owner is required to schedule an Inspection of the residential structure with the community development department to determine compliance with the minimum property standards in Article 15-14 of the Code of Ordinances.

1. If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.

2. 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 Short Term Rentals.

A. *External Signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a Short Term Rental.

B. *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a home share rental, except that:

1. There shall be a maximum occupancy of ten (10) persons, adult and children.
2. Bedrooms under 120 square feet shall be limited to only adult one 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 short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

E. *Other restrictions.* It is unlawful:

1. To operate or allow to be operated a Short Term Rental without first registering the property in which the rental is to occur with the City in accordance with this article;
2. To advertise or offer a Short Term Rental without first registering the property in which the rental is to occur with the City in accordance with this article; 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 that does not comply with all applicable city and state laws and codes;

5. To operate a short term rental without paying the required hotel occupancy taxes;
6. To offer or allow the use of a Short Term Rental for the sole or primary purpose of having a party venue;
7. To fail to include a written prohibition against the use of a Short Term Rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
8. Permit the use of the Short Term Rental 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 or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.

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

A. *Informational brochure.* Each registrant operating a Short Term Rental shall provide to guests a brochure that includes:

1. The registrant's twenty-four (24) hour contact information;
2. The host's twenty-four (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 restrictions, 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 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 Codes of Ordinance including but not limited to Building and Fire Codes.

Sec. 9-29-7. – Notification of Approval of Short Term Rental

Within ten (10) days of the approval of a Short Term Rental registration or renewal, a notice will be sent to all property owners within two-hundred feet (200 ft.) 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 Short Term Rentals shall be as established by resolution of the City Council and 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 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 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 license.

(a) *Inspections; access.* The resident owner, nonresident owner, resident manager and property manager, as a condition to the issuance of a short-term rental license 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 short-term rental 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 short-term rental license and any renewal of the short-term rental license is approved, and before the rental of any single-family residence as a short-term rental 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 short-term rental and may enter, with the occupant's permission, any short-term rental 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 short-term rental 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 short-term rental 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, then a reinspection fee of \$50.00 shall be paid prior to the second reinspection.

(d) *Suspension or revocation of license.* 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 short-term rental license 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 short-term rental license that has been suspended or revoked shall be required to apply for and receive a new short-term rental license 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 maybe 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 holder may be subject to revocation of their permit if there are four or more violations within a twelve-month period of this article or other safety, health and welfare ordinances of the City.

C. 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.

D. 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 for reinstatement of a denied or revoked permit.

E. 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.

F. At the hearing, the Board of Adjustment shall receive a testimony and evidence to contest the decision to deny or revoke a permit.

G. 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.

H. After a permit under this article has been revoked an owner may not reapply until after a six (6) months of any revocation or appeal.

I. All decision 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. 9-19-12. - 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 short-term rental license 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 Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Sec. 9-29-14. – Sunset Review

The provisions of this article shall expire on January 31, 2022 unless extended by ordinance of the city council.”

SECTION 3. 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 4. 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 5. 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 6. That this ordinance shall take effect on January 2, 2019 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 _____, 2020.

APPROVED:

KAREN SELBO HUNT, MAYOR

ATTEST:

ASHLEY OWENS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY

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DULY PASSED by the City Council of the City of Coppel, Texas, this the _____ day of _____, 2020.

APPROVED:

KAREN SELBO HUNT, MAYOR

ATTEST:

ASHLEY OWENS, CITY SECRETARY