

## Chapter 4 BUSINESS REGULATIONS

### ARTICLE 4.13 SHORT TERM RENTALS

#### **Sec. 4.13.001 Purpose.**

This Chapter is intended to regulate short-term rentals within the municipal city limits of the City of Bastrop. This Chapter allows the rental of residential properties to short-term visitors, while preserving the quality of life and character of Bastrop neighborhoods. This Chapter ensures that owners and operators are following City, State, and Federal Law. This Chapter also ensures that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

#### **Sec. 4.13.002. Definitions.**

*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 International Residential Code as adopted by the City of Bastrop.

*City Manager* means the City's City Manager or the City Manager's designee.

*Director* means the City's Development Services Director or designee.

*Local contact person* means the person designated by the owner or operator who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:

- (1) Responding promptly to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and
- (2) Taking remedial action to resolve such complaints.

The owner or operator may be listed as the local contact person.

*Occupant* means any individual person living in, sleeping in, 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.

*Operator* means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit who is the proprietor of a short-term rental with authority to act in that capacity, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any capacity.

*Owner* means a person or entity who owns the real property and a structure where a short-term rental is located.

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*Premises* means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

*Short-term rental* (also known as transient rentals, vacation rentals, short-term vacation rentals, or resort dwelling units) means any residential structure, including a single-family home, an accessory dwelling structure, or a unit in an apartment or condominium building, or any portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The definition of short-term rental does not include a hotel, motel, bed and breakfast, executive suite, or other non-residential use. Properties rented for longer than 30 days that are still advertised as available on a nightly basis fall into this category.

**Sec. 4.13.003. Short-term rental registration required.**

- (1) It shall be unlawful for any person to own or operate a short-term rental within the city without a valid short-term rental registration issued pursuant to this Chapter.
- (2) For properties with more than one short-term rental, a separate application shall be required to be filed with the City of Bastrop for each individual structure operating as a short-term rental on the property.
- (3) Short-term rentals in operation at the time of the effective date of this Ordinance shall have sixty-days to obtain a short-term rental registration.

**Sec. 4.13.004 Registration Application.**

- 1) *Application Requirement.* An owner of a short-term rental shall submit to the city an application for registration to the City.
- 2) *Application Contents.* Applications shall contain the following information:
  - a. The physical address of the short-term rental and property ID designated by the Appraisal District;
  - b. The owner's name, address, email address, and telephone number;
  - c. If the owner is not an individual, then the name, address, and email address of a natural person who has the legal authority to act for the owner;
  - d. The operator's name, address, email address, and telephone number and written verification from the owner that the operator is authorized to operate the premises as a short-term rental;
  - e. If the operator is not a natural person, then the name, address, and email address of a natural person who has the legal authority to act for the operator;
  - f. The name and website link to all internet platforms that owner or operator advertises or takes reservations for the short-term rental at any time during a 12-month period from the date of application;

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- g. The name, address, email address, and twenty-four (24) hour telephone number of a local contact person;
  - h. A statement that the owner or operator of the short-term rental is in compliance with and will maintain compliance with the requirements of this Chapter, and with all applicable state and local laws, including applicable Fire and Building Code requirements regarding occupancy, smoke and carbon monoxide detectors, and fire extinguishers, and that the owner or operator shall be liable for any violations of applicable state and local laws;
  - i. Verification that the owner or operator has no delinquent hotel occupancy taxes due on the residential premises in accordance with City Code of Ordinances Chapter 11;
  - j. The number of bedrooms in the short-term rental, the proposed number of occupants, and the number of off-street parking spaces available on the property where the short-term rental is located;
  - k. Any other information deemed necessary for review of the application by the Director.
- 3) *Application fee.* The short-term rental non-refundable registration application fee is twenty-five dollars (\$25.00) and must be paid when the application is submitted.
- 4) *Registration Issuance.* The Director shall issue a short-term rental registration to the owner or operator if the Director determines:
- a. All fees required under this Chapter and taxes, including hotel occupancy taxes required under Chapter 11 of the Code of Ordinances of the City of Bastrop have been paid to the City;
  - b. The applicant has submitted a complete application and has complied with all requirements for issuance of a short-term rental registration; and
  - c. The applicant did not make a false statement in the application for the short-term rental registration.
- 5) *Registration Denial.*
- a. The Director may deny the short-term rental registration application if:
    - i. The applicant provided false or misleading information on the application;
    - ii. The owner is overdue in payment to the city of taxes, fees, fines or penalties or fails to provide documentation when requested showing all occupancy taxes have been paid for the property;
    - iii. The applicant has failed to provide the required information in Section 4.13.004(2) of this Chapter;
    - iv. The applicant or property has pending complaints or violations of this Chapter or any other provision of the Code of Ordinances or the Bastrop Building Block (B3) Code; or

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- v. The applicant or the property is the subject of repeated substantiated violations of the City Code or state law during a 24-month period prior to applying for a short-term rental registration or renewal of a registration provided that the denial will be based on:

- 1. the frequency of any repeated violations;
- 2. whether a violation was committed intentionally or knowingly; and
- 3. any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.

- b. The applicant shall have the right to appeal the denial pursuant to Section 4.13.011.

#### **Sec. 4.13.005 Change of Information.**

Any change of information provided in a short-term rental application form must be reported to the City within ten (10) days and be continuously updated as changes occur.

#### **Sec. 4.13.006 Transferability.**

A short-term rental registration is not transferable and shall not be assigned nor transferred to another person or entity. Any attempt to transfer a registration or attempt to use another person's registration may be grounds for revocation of a registration.

#### **Sec. 4.13.007 Expiration of registration; renewals.**

A short-term rental registration expires upon the earlier of the following occurrences:

- i. One (1) year after the date of issuance; or
  - ii. When the ownership of the short-term rental changes.
- 1) An owner shall file an application to renew a short-term rental registration at least thirty (30) days prior to the expiration of the current registration.
  - 2) The property owner or entity shall submit a new application and pay a new registration fee each year for the renewal of the short-term rental registration with the City of Bastrop.
  - 3) The Director may require such certifications deemed necessary and proper to ensure continuing compliance with this article.
  - 4) If the renewal application satisfies the conditions of this Chapter and all other applicable ordinances, the application for renewal of a short-term rental registration shall be approved by the director or designee.
  - 5) A nonrefundable registration renewal application fee of twenty-five dollars (\$25.00) shall accompany any renewal application.

#### **Sec. 4.13.008 Additional requirements.**

- 1) The short-term rental registration, including the City's registration number, must be conspicuously displayed outside the entrance to a short-term rental.

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- 2) Each short-term rental owner or operator shall provide in the short-term rental working smoke and carbon monoxide detectors, with alarms, in accordance with adopted codes, and at least one (1) working Type 5 ABC fire extinguisher that has been inspected within the last calendar year. The premises shall otherwise comply with applicable Code of Ordinance requirements, including but not limited to all building and fire codes. Each bedroom must have a working window for exit in the event of a fire in compliance with the adopted International Residential Code as adopted by the City of Bastrop.
  - 3) The owner or operator of the short-term rental must provide the following information to all occupants:
    - i. The contact information for the local contact person, which must also be posted in the short-term rental in a prominent location.
    - ii. City contact information, website, and emergency numbers.
    - iii. A parking plan identifying the location of parking spaces to be used in conjunction with the short-term rental.
    - iv. A floor plan of the short-term rental identifying bedrooms, other living spaces, and emergency evacuation routes.
    - v. Summary of applicable local regulations and restrictions related to parking, noise ordinance, water conservation, and emergency management protocol.

#### **Sec. 4.13.009 Hotel Occupancy Taxes.**

It is a condition of the initial and continued validity of a short-term rental registration that the owner or operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code. Failure to timely pay the hotel occupancy taxes is considered a violation of this Chapter and may result in the revocation of a short-term rental registration.

#### **Sec. 4.13.010 Revocation of Registration.**

- a) The Director may revoke a registration for any of the following reasons:
  - i. Failure to comply with any provision of the city ordinances or any state or federal law applicable to the operation of the short-term rental or the property on which it is located.
  - ii. Providing false or misleading information on a short-term rental application.
  - iii. Failure to notify a change of information required pursuant to Sec 4.13.005.
  - iv. Failure to pay any hotel occupancy tax required under Chapter 11, Article 11.04 of the Code of Ordinances.
  - v. Failure to pay a fee required pursuant to this Chapter at the time payment was due.
- b) Prior to denying or revoking a registration, the director shall deliver written notice of the possible revocation, the basis of the revocation, and a statement that the owner or operator has ten (10) days after delivery to comply with the notice to prevent revocation.
- c) Upon revocation of a registration, the director shall send written notice of revocation, the basis of the revocation, and a statement informing the owner or operator of the right to appeal a revocation pursuant to Section 4.13.011.

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- d) Once during a registration period, the director may reinstate a revoked short-term rental registration if the basis of the revocation is remedied and the owner or occupant has paid a twenty-five dollar (\$25) reinstatement fee.

#### **Sec. 4.13.011 Appeals.**

- a) If the Director denies the issuance or renewal of a short-term registration or revokes a short-term rental registration, the action is final unless the owner or operator files a written appeal to the City Manager within ten (10) calendar days of delivery of the notice of revocation.
- b) If a written request for an appeal is filed with the City Manager within the ten-day period, the City Manager shall hear the appeal within thirty (30) days from the city's receipt of the appeal unless otherwise agreed by the city and the appellant.
- c) Failure to file an appeal in accordance with this section is a waiver of appeal, and the Director's decision shall be final.
- d) At the appeal hearing, the City Manager may only affirm or reverse a denial or revocation if the appellant proves that the Director erred in denying or revoking the short-term rental registration as of the date of the revocation or denial. The City Manager may consider the appellant's subsequent remedial measures or payments in determining whether to affirm or reverse the director's decision.
- e) If the City Manager denies the appeal for the issuance or renewal of a short-term rental registration or revocation of a short-term rental registration, the action is final unless the owner or operator files a written appeal to the City Council, which shall be submitted to the City Secretary's Office within ten (10) calendar days of delivery of the notice of the denial of the appeal.
- f) If a written request for an appeal to City Council is filed with the City Secretary's Office within the ten-day period, the City Council shall hear the appeal within thirty (30) days from the city's receipt of the appeal unless otherwise agreed by the city and the appellant.
- g) Failure to file an appeal in accordance with this section is a waiver of appeal and the City Manager's decision shall be final.
- h) At the appeal hearing, the City Council may only affirm or reverse a denial or revocation if the appellant proves that the Director and City Manager erred in denying or revoking the short-term rental registration as of the date of the revocation or denial. The City Council may consider the appellant's subsequent remedial measures or payments in determining whether to affirm or reverse the Director and City Manager's decision. The decision of the City Council is final and no rehearing or appeal may be granted.

#### **Sec. 4.13.012 Compliance and enforcement—Penalty provisions.**

- a) Any person or entity who violates a provision of this chapter or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by law and a fee of \$25.00 per day shall be assessed until said violations have been remedied and the property is deemed in compliance with the requirements of this Chapter.
- b) Penalties provided for in this article are in addition to any other criminal or civil remedies that the city may pursue under federal, state, or local law.