

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY ADDING SECTION 74-247, SHORT TERM RENTALS, TO ARTICLE IV – DISTRICT REGULATIONS IN CHAPTER 74 - ZONING; PROHIBITING SHORT TERM RENTALS IN RESIDENTIAL AREAS WITHIN THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Piney Point Village, Texas (the “City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of Piney Point Village, Texas (“City”); and

WHEREAS, the City Council finds that short term rentals pose certain adverse externalities on neighbors not generally created by long term rentals due to the nature of temporary, transient guests; and

WHEREAS, the City Council finds that the community has historically been exclusively single- family residences, with some complimentary school and church facilities; and

WHEREAS, the City Council prioritizes residential uses and values of the City; and

WHEREAS, the City Council believes that regulating short term rentals will assist in protecting and preserving the dignity, sanctity, and quiet enjoyment of low-density, single-family residential neighborhoods, which is the City’s exclusive land use zoning category; and

WHEREAS, the Texas Legislature has defined that the short-term rental of residential property as a business activity by inclusion of short-term rentals in Texas Tax Code, Section 156.001, making same subject to the Hotel Occupancy Tax; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that the terms of this ordinance are reasonable, necessary, and proper for the good government of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Article IV – District Regulations in Chapter 74 - Zoning of the Code of Ordinances of the City of Piney Point Village, Texas is amended by adding a new Section 74-247, Short Term Rentals, to read as follows:

Sec. 74-247. – Short Term Rentals.

(a) Definitions:

(1) *Residential area* means an area designated as a single-family residential district under the City’s Zoning Ordinance.

(2) *Short term rental* means the rental of all or a part of a property in a residential area to a person who is not a permanent resident, and who does not have the right to use or possess the property for at least thirty (30) consecutive days.

(b) *Prohibition.* A person commits an offense if the person uses, permits another to use, or to allows the use of, a property for a short term rental in a residential area of the City. This prohibition shall not apply to a leaseback agreement between a seller and a purchaser, or to the extension of an existing lease.

Section 3. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00 per offense. No penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day of any violation shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the

newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2023.

Mark Kobelan
Mayor

ATTEST:

Robert Pennington
City Administrator / City Secretary