

ORDINANCE NO. 22- 062

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 19, "LICENSES, PERMITS AND BUSINESS REGULATIONS", VI, "SHORT TERM RENTALS", TO AMEND THE ANNUAL FEE REGARDING SHORT TERM RENTALS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Galveston City Council seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

WHEREAS, City Council raises the annual short term rental registration fee to two hundred and fifty dollars, (\$250.00); and,

WHEREAS, the City Council deems it in the public's interest to amend Chapter 19, "Licenses, Permits and Business Regulations", regarding Article VI, "Short Term Rentals", of "The Code of The City of Galveston 1982, as amended," provided below.

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, "Licenses, Permits and Business Regulations", Article VI, "Short Term Rentals", is 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, fit for human habitation, 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.
- (f) No owner may make available for a short term rental any building/property unless that building/property ~~has previously been~~ is registered as a short term rental in accordance with section 19-114 below.

Sec. 19-114. - Registration.

- (a) The park board of trustees (park board) of the city 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 forms and any other required documents from the park board of trustees of the city located at 601 Tremont Street, Galveston, Texas, 77550. The park board office may be contacted at phone number is 409-797-5000 for additional information.
- (c) The owner/operator must include the following information and submit the completed forms to the park board:

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 (24) hour telephone number of the local contact person;
 - a. 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 (1) 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.
- (3) The name and address of the existing structure proposed to be used as the short term rental unit;

- (4) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit;
 - (5) Such other information as the city manager, or designee, deems reasonably necessary to administer this section.
- (d) Registration fee.
- (1) Short term rentals are subject to a registration fee as established by the city council.
 - a. The annual short term rental registration fee shall be fifty dollars (\$50.00) two hundred and fifty dollars (\$250.00) (per rental unit).

- (5) Except as provided herein:
 - a. Registrations of short term rentals shall expire yearly on December 31 of each calendar year.
 - b. The registration of a short term rental for which a registration has been completed and for which the annual registration fee has been paid in the year 2021, shall be valid until December, 2022. Thereafter the registration shall be renewed annually.
 - e. The registration of a short term rental which is filed after January 1 of a calendar year shall expire in December of that calendar year and there will be no pro rate reduction of the registration fee.
 - c. Failure to pay the registration fee shall result in an immediate suspension of the registration of the short term rental unit. During the period of any suspension, the unit may not be utilized as a short term rental.
- (6) Nonconformity. A property established as a short term rental prior to a zoning change shall be considered a nonconformity in accordance with Article 11 of the Galveston Land Development Regulations. Continuation of a nonconformity shall not be allowed if the property is not registered as a short term rental in excess of a period of 365 consecutive days from the date of its previous registration approval, or if the use a short term rental was discontinued for a period of 365 consecutive days for any reason.

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. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 6. 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; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

SECTION 8. There will be a transition period from the effective date of this Ordinance through December 31 for current concession permit holders to allow those current permit holders to come into conformance with the requirements of the Ordinance. Any new concession permits must comply with the new regulations and requirements as adopted herein. The regulations of this Ordinance will be fully **enforced beginning January 1, 2023.**

APPROVED AS TO FORM:

DONALD GLYWASKY
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 its Regular meeting held on October 27, 2022, 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 28th day of October, 2022.

Secretary for the City Council
Of the City of Galveston