

**CITY OF ROLLINGWOOD, TEXAS**

**ORDINANCE NO. 2019-08-21 (C)**

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES TO PROHIBIT SHORT TERM RENTALS; PROVIDING FOR A PENALTY OF UP TO \$2,000.00 PER DAY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE, REPEALING CONFLICTING LAWS AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the Texas Local Government Code authorizes a municipality to adopt zoning regulations designed to accomplish the goals as delineated in Section 211.004 of the Texas Local Government Code and for the purpose of regulating those issues as delineated in Section 211.003 of the Texas Local Government Code; and

**WHEREAS**, the short-term rental of property in the City of Rollingwood, with its attendant traffic, parking, noise, litter, and influx of non-residents is incompatible with the residential atmosphere in the City and the expectations of the City's residents; and

**WHEREAS**, it is the opinion of the City Council that short term rental of houses in the residential areas of the City is contrary to the long-standing and traditional nature and character of the community; and

**WHEREAS**, the short-term rental of houses in residential areas of the City poses a risk of increased congestion in neighborhood streets; increased public nuisances, disruption of neighborhoods, and criminal activity in conflict with the general welfare of the neighborhoods; and

**WHEREAS**, short term rentals of property tend to create additional enforcement issues which the Police Department of the City of Rollingwood must address on an ongoing basis.

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

**SECTION 1.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** The City's Code of Ordinances Chapter 8, "Offenses and Nuisances," Article 8.07 "Short Term Rentals" is hereby repealed.

**SECTION 3.** The City’s Code of Ordinances Chapter 14, Zoning is hereby amended by adding a new Section 14.02.214 “Short Term Rentals,” to state the following:

**SECTION 14.02.214 SHORT TERM RENTALS**

**Sec. 14.02.214 Short Term Rentals**

(a) Definitions

(1) For purposes of this article, the terms used will have the meanings set forth below. Words that are not defined will have their ordinarily accepted meanings.

(2) Short Term Rental. The rental of any property for a period of less than 30 days.

(3) Rental. The renting, bartering, trading, letting, or otherwise allowing the use of a residential structure or a room or rooms within a residential structure for compensation.

(b) All short-term rentals are hereby prohibited and are unlawful within the City of Rollingwood.

(c) A violation of this article is a misdemeanor punishable by a criminal penalty of up to \$2000.00 per day.

**SECTION 4.** All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** 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 invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas, on the 21<sup>st</sup> day of August, 2019.

APPROVED:

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Michael R. Dyson, Mayor

ATTEST:

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Amber A. Lewis, City Administrator