

**TOWN OF BARTONVILLE
ORDINANCE NO. XXX-24**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 4, "BUSINESS REGULATIONS," BY ADDING ARTICLE 4.06, "SINGLE-FAMILY DWELLING TRANSIENT RENTALS," TO GENERALLY PROHIBIT THE SHORT-TERM RENTAL OF SINGLE-FAMILY DWELLINGS IN THE TOWN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, as a general law municipality ("Town"), is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town and that is necessary to protect the health, life, and security of Town inhabitants; and

WHEREAS, the Town has adopted a comprehensive Zoning Ordinance to regulate the location and use of buildings and land in full accordance with Chapter 211 of the Texas Local Government Code, as amended; and

WHEREAS, the Town's Zoning Ordinance presently does not allow short-term rentals of property except for bed and breakfast uses which have been authorized by conditional use permit as set forth in the Town's Zoning Ordinance; and

WHEREAS, other than an approved bed and breakfast use, "accessory dwelling," "in-law quarters," and "servant quarters" uses, as defined in Town Zoning Ordinance, Chapter 14A, § 2.2 and as provided in Chapter 14A, § 19.3, may not be sublet in any manner; and

WHEREAS, single-family dwelling transient rentals are not currently listed as a permitted or specific use in any zoning district within the Town and, therefore, are prohibited pursuant to Town Zoning Ordinance, Chapter 14A, § 4.11.B; and

WHEREAS, throughout the Dallas-Fort Worth Metroplex, including within the Town, there has been a proliferation of single-family dwelling transient rentals within single-family residential areas; and

WHEREAS, single-family dwelling transient rentals are not consistent with the character or nature of single-family residential uses in the Town; are not suitable in residential neighborhoods; are not compatible with residential uses; and the neighborhood adjacency of single-family dwelling transient rentals in residential neighborhoods is or may become harmful; and

WHEREAS, single-family dwelling transient rentals in the Town, with their attendant traffic, parking, noise, and litter issues, along with the influx of non-residents into residential areas, are incompatible with the intent of residential districts in the Town, the desires and expectations of the Town's residents, and are contrary to the long-standing single-family residential character of the community; and

WHEREAS, single-family dwelling transient rentals in residential areas of the Town may pose a risk of an increase in public nuisances, disruption of neighborhoods, and additional code enforcement-related issues; and

WHEREAS, the experience of other local governments in Texas dealing with the short-term rental of properties has shown that enforcement actions are sometimes necessary to address the negative effects of short-term rentals, including noise, public urination and defecation, littering, parking, disorderly conduct and public intoxication, among others; and

WHEREAS, the court decision, for example, in *Zaatari v. City of Austin*, 615 S.W.3d 172, 201 (Tex.App.-Austin 2019, pet. denied), held that Austin's "stated concerns . . . were to reduce the likelihood of short-term rentals [serving] as raucous 'party houses' in otherwise quiet neighborhoods and to reduce possible strain on neighborhood infrastructure," and these are "certainly valid [municipal] concerns"; and

WHEREAS, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety, and welfare of its citizens to amend the Town Code of Ordinances and enact provisions prohibiting single-family dwelling transient rentals in the Town in the reasonable exercise of the Town's police power to safeguard the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
ENACTMENT OF ARTICLE 4.06**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 4, "Business Regulations," is hereby amended by adding Article 4.06, entitled "Single-Family Dwelling Transient Rentals," which shall state as follows:

"Article 4.06 SINGLE-FAMILY DWELLING TRANSIENT RENTALS

Sec. 4.06.001. Definitions.

For the purposes of this article, the following words have the meanings hereinafter designated:

Single-family dwelling transient rental. The rental or offer for rental of any single-family dwelling or any portion of a single-family dwelling for a period of less than thirty (30) days. This definition does not include a lawful bed and breakfast operating under a conditional use permit issued by the town.

Rental. The renting, bartering, trading, letting or otherwise allowing the use of a single-family dwelling or room or rooms within a single-family dwelling for compensation. This shall not restrict, limit or interfere with any homeowner from participating in a leaseback upon the sale of a single-family dwelling.

Leaseback. An arrangement where the seller of a home leases the home back from the purchaser. In a leaseback arrangement, the specifics of the arrangements are typically made prior to or immediately after the sale of the home.

Sec. 4.06.002. Single-family dwelling transient rentals prohibited.

All single-family dwelling transient rentals are hereby prohibited and unlawful within the Town of Bartonville."

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 4.
SAVINGS**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

**SECTION 5.
ENGROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 6.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on this the 16th day of July 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary