**ORDINANCE**

**AN ORDINANCE AMENDING ARTICLE XII, "SHORT-TERM RENTAL REGISTRATION," OF CHAPTER 14, "BUSINESSES," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS BY AMENDING SECTION 14-572, "DEFINITIONS," TO ADD A DEFINITION FOR THE CITY'S HOTEL OCCUPANCY TAX ORDINANCE, BY AMENDING SECTION 14-574, "SHORT-TERM RENTAL PERMIT REQUIRED," TO REQUIRE A SHORT-TERM RENTAL PERMIT SATISFY THE CONDITIONS OF THE CITY'S HOTEL OCCUPANCY TAX ORDINANCE, BY AMENDING SECTION 14-577, "EXPIRATION OF PERMIT; RENEWALS," TO REQUIRE A SHORT-TERM RENTAL PERMIT RENEWAL SATISFY THE CONDITIONS OF THE CITY'S HOTEL OCCUPANCY TAX ORDINANCE, BY AMENDING SECTION 14-582, "REVOCATION OF PERMIT," TO ALLOW A PERMIT TO BE DENIED OR REVOKED FOR FAILURE TO COMPLY WITH THE HOTEL OCCUPANCY ORDINANCE, AND BY ADDING SECTION 14-583, "HOTEL OCCUPANCY TAXES," TO REQUIRE SHORT-TERM RENTALS COLLECT AND REMIT THE TAX IMPOSED BY THE CITY'S HOTEL OCCUPANCY TAX ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS,** the City Council has investigated the nature and extent of short-term rentals in the City and has obtained public input at public meetings regarding the impact of short-term rentals on neighborhoods in the City; and

**WHEREAS,** the City Council has found that the City has received complaints about short-term rentals from citizens who have contacted code enforcement, police, and City councilmembers about short-term rentals; and

**WHEREAS,** the City Council has found that when investigating complaints, the City needs adequate contact information for owners of short-term rentals, which would be beneficial in timely responding to complaints and in the event of life, health or safety emergencies; and

**WHEREAS,** the City Council desires to ensure the health and safety of guests and residents, but also support tourism in a balanced way; and

**WHEREAS,** the City Council has reviewed a variety of possible regulations for short-

term rentals and determined that enacting a registration program for short-term rentals will serve to balance the rights of all stakeholders through a fair and balanced regulatory framework and ensure that the short-term rentals do not become a nuisance; and

**WHEREAS**, the City Council, after due and careful consideration, determines that the increase in the number of persons or entities desiring to rent their residential properties has led to the increase of transient and vacation rental uses within neighborhoods; and

**WHEREAS**, the City Council additionally determines that the use of residential premises by individuals for short periods of time may negatively impact the residential character of many neighborhoods by reducing communication and accountability between permanent residents by partially substituting permanent residents with transient visitors; and

**WHEREAS,** the City Council wishes to adopt amendments to the regulations requiring the registration of short-term rentals in Burleson, which will allow the City to properly identify the location of short-term rentals and to provide contact information for owners and agents of short-term rentals to aid in responding to complaints and emergencies; and

**WHEREAS,** the City Council further wishes to adopt regulations requiring the registration of short-term rentals in Burleson to ensure that the short-term rentals are paying all required taxes to the City, including hotel occupancy taxes; and

**WHEREAS,** the City Council finds and determines that regulating the short-term rental property is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Burleson;

**WHEREAS,** the City Council finds and determines that the adoption of this ordinance is necessary and proper and in the best interests of the public health, safety, and general welfare.

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

**SECTION I.**

Section 14-572, "Definitions," of Article XII, "Short-Term Rental Registration," of Chapter 14, "Businesses," of the Code of Ordinances, City of Burleson, Texas is hereby amended to add the following definition without removing or replacing any of the existing text in the section:

"**§ 14-572. Definitions.**

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"*Hotel Occupancy Tax Ordinance* means the hotel occupancy tax ordinance(s) as codified in Article II "Hotel Occupancy Tax" of Chapter 74 "Taxation" of the City of Burleson Code of Ordinances (2005), as amended."

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**SECTION II.**

Subsection (a) of Section 14-574, "Short-Term Rental Permit Required," of Article XII, "Short-Term Rental Registration," of Chapter 14, "Businesses," of the Code of Ordinances, City of Burleson, Texas is hereby amended to read as follows:

**§ 14-574. Short-Term Rental Permit Required.**

"(a) An Owner or Operator who desires to use its Premises as a Short-Term Rental must have valid, active short-term rental permit from the City prior to using, allowing the use of, or advertising the use of said Premises as a Short-Term Rental. Each rentable unit must be permitted. Upon application to the City, a Short-Term Rental permit shall be approved by the Director if the application satisfies all the conditions of this Article, the Zoning Ordinance, and the Hotel Occupancy Tax Ordinance. The Director may place reasonable conditions on Short-Term Rental permits to ensure compliance with the provisions of this Article."

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**SECTION III.**

Subsection (a) of Section 14-577, "Expiration of Permit; Renewals," of Article XII, "Short-Term Rental Registration," of Chapter 14, "Businesses," of the Code of Ordinances, City of Burleson, Texas is hereby amended to read as follows:

**§ 14-577. Expiration of Permit; Renewals.**

"(a) A Short-Term Rental permit shall expire on the last day of the month one year after the date of issuance. No Short-Term Rental permit may be renewed without a completed renewal application submitted by the Owner or Operator and payment of the application fee. If the renewal application satisfies the conditions of this Article and all other provisions of the Code of Ordinances, the Zoning Ordinance , and the Hotel Occupancy Tax Ordinance, an application for renewal of a Short-Term Rental permit shall be approved by the Director or his designee."

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**SECTION IV.**

Subsection (a) of Section 14-582, "Revocation of Permit," of Article XII, "Short-Term Rental Registration," of Chapter 14, "Businesses," of the Code of Ordinances, City of Burleson, Texas is hereby amended to read as follows:

**§ 14-582. Revocation of Permit.**

"(a) A permit may be denied or revoked by the Director for any of the following reasons:

(1) Providing false or misleading information on a Short-Term Rental application form.

(2) Information required to be provided as part of this Article has changed or is no longer accurate and the permit holder has failed to notify the City.

(3) Found guilty in the Municipal Court of two or more violations of the City of Burleson Code of Ordinances, this Article, or any other City ordinance within the preceding twelve-month time period.

(4) Failure to timely provide any information, or any corrected information, required under this Article.

(5) Failure to comply with the requirements of the Hotel Occupancy Tax Ordinance."

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**SECTION V.**

Article XII, "Short-Term Rental Registration," of Chapter 14, "Businesses," of the Code of Ordinances, City of Burleson, Texas is hereby amended by adding Section 14-583, "Hotel Occupancy Taxes," to read as follows:

"**§ 14-583. Hotel Occupancy Taxes.**

Every person owning, operating, managing or controlling short-term rental shall collect the tax imposed in the Hotel Occupancy Tax Ordinance for the city, and remit the same to the tax assessor-collector on or before the due date and at the same time file the report as required by the Hotel Occupancy Tax Ordinance."

**SECTION VI.**

This Ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION VII.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and if any phrase, clauses, sentence, paragraph, or section of this Ordinance shall 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, and sections of this Ordinance, since

the same would have been enacted by the City Council without the incorporation in its ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION VIII.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars ($500.00) for each offense; however, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety or public health, such offense shall be punishable by a fine not to exceed two thousand dollars ($2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense. Penalties provided for in this ordinance are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

**SECTION IX.**

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of Chapter 14 of the Code of Ordinances, City of Burleson, Texas and or any other ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION X.**

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as required by state law.

**SECTION XI.**

This Ordinance shall become effective January 1, 2027, after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

AND IT IS SO ORDAINED.

**PASSED AND APPROVED** this _____ day of _____, 20_____.

**First Reading:** the _____ day of _____, 20_____.

**Final Reading:** the _____ day of _____, 20_____.

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Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM:

E. Allen Taylor, Jr., City Attorney