

ORDINANCE NO:

AN ORDINANCE AMENDING LEON VALLEY CODE OF ORDINANCES, CHAPTER 4 BUSINESS REGULATIONS; ADDING ARTICLE 4.13 SHORT TERM RENTAL, SECTIONS 4.13.001 – 4.13.011; PROVIDING FOR REGULATIONS FOR THE REGISTRATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR INSPECTIONS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR BROCHURE AND SAFETY REQUIREMENTS; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); AMENDING CHAPTER 11 - TAXATION OF THE CODE OF ORDINANCES BY AMENDING THE DEFINITION OF A HOTEL TO INCLUDE SHORT TERM RENTAL UNITS; AMENDING APPENDIX A FEE SCHEDULE, ADDING ARTICLE A17.011 SHORT-TERM RENTAL REGISTRATION FEE; PROVIDING A PENALTY; SEVERABILITY; SAVINGS; REPEAL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City of Leon Valley is a home rule municipality. Chapter 215 of the Texas Local Government Code (LGC) authorizes a home rule municipality to regulate businesses pursuant to its police power. Chapter 51 of the LGC authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for good government, peace, or order of the municipality or for trade and commerce within the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

WHEREAS, permanent residents desire the option to occasionally utilize their properties for Short-Term Rentals;

WHEREAS, the operation of Short-Term Rentals should not be permitted to negatively affect property values and the quiet enjoyment of adjacent property in residential districts;

WHEREAS, the City Council has determined that regulations are needed to protect the public health, safety, morals and general welfare of the citizens of Leon Valley; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

Section 1. *Chapter 4 Business Regulations, Article 4.13 Short-Term Rental, Sections 4.13.001 – 4.13.011* are hereby added as stated in Exhibit A attached hereto and incorporated herein.

Section 2. *Chapter 11 Taxation, Article 11.04 Hotel Occupancy Tax, Section 11.04.001 Definitions* is hereby amended by amending the definition of Hotel as follows:

Hotel. Any building or buildings, trailer or other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, Short-Term Rental as defined in Section 4.13.002, tourist homes, houses or courts, lodging houses, inns, rooming houses, guest houses, or other buildings where rooms are furnished for a consideration, but "hotel" shall not be defined so as to include hospitals, sanitariums or nursing homes.

Section 3. *Appendix A Fee Schedule*, is amended by adding Section A17.011 Short-Term Rental as follows:

“Sec. A17.011 Short-Term Rental

(a) Annual Registration Fee: \$125.00”

Section 4. Penalty. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

Section 5. Severability Clause. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

Section 6. Savings Clause. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

Section 7. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections not revised or amended herein shall remain in effect.

Section 8. Effective Date. This ordinance shall become effective on and after its passage and approval, and publication requirements as provided by law.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley this the ____ day of _____ 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney