

VILLAGE OF VOLENTE

ORDINANCE NO. 2023-O-216

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING CHAPTER 9, ARTICLE 9.06, ORDINANCE 2018-O-184, TO CLARIFY THE REGULATIONS FOR SHORT-TERM RENTALS AND ESTABLISH CLEAR PROCESSES, STANDARDS AND LIMITATIONS ON CONDITIONAL USE AND LICENSING OF SHORT-TERM RENTALS; AMENDING APPENDIX A FEE SCHEDULE, ARTICLE A2.0000 SEC. A2.007; AMENDING ARTICLE 9.02 ZONING REGULATIONS, SEC 9.02.003 DEFINITIONS AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, PENALTIES, CODIFICATION, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES.

WHEREAS, pursuant to Texas Local Government Code Section 211.003 the Village has general authority to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt or amend an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Texas Local Government Code Section 217.002, the Village has general authority to define and declare what constitutes a nuisance and abate and remove a nuisance and punish by fine the person responsible in a manner considered expedient; and

WHEREAS, the City Council finds that regulating short-term rentals 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 Village of Volente; and

WHEREAS, the City Council finds the historical nature of the community is residential and the City Council wishes to preserve the quiet enjoyment of single-family residential neighborhoods, which are the primary land use within the City, protect property values, and to promote orderly and safe use of property within these neighborhoods; and

WHEREAS, the City Council finds that the unregulated use, placement and operation of short-term rentals creates an additional enforcement burden, and merits a stand-alone ordinance to provide clear regulations for the permitting and licensing of such rentals; and

WHEREAS, the City Council finds that repeated violations of the short-term rental standards

and limitations established by this article by an operator can result in the permit and/or license being suspended or revoked and penalties being assessed; and

WHEREAS, the Planning and Zoning Commission recommended adoption of the proposed ordinance amendments at a public hearing on February 13, 2023; and

WHEREAS, the City Council held discussion and invited public comment on the proposed ordinance amendments at a public hearing held on February 21, 2023.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

SECTION 1. FINDINGS

The facts and recitations found in the preamble of the Ordinance are true and correct and incorporated herein for all purposes.

SECTION 2. ENACTMENT

Chapter 9, Article 9.06, of the Code of Ordinances of the Village of Volente is hereby amended to read in accordance with **Attachment A** which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. CUMULATIVE AND REPEALER

This Ordinance shall be cumulative of all provisions of ordinances of the Village of Volente, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances. All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person, entity or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the Village of Volente, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. PENALTY

Any individual, business, entity, or person who violates this article or fails to comply with the conditions of a permit as required by this article or otherwise restricted, commits a class C misdemeanor. A violation of this article is punishable by a fine in accordance with the general penalty provided in Sec. 1.01.009 of the Village Code Ordinances per violation. Each day of violation of any provision of this article shall constitute a separate offense.

SECTION 6. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the Village's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

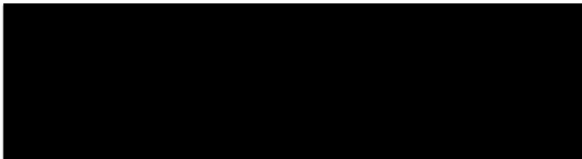
SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective upon approval of the City Council OR if required by State law, after any required posting and publication of this Ordinance.


SECTION 8. PROPER NOTICE AND MEETING

That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chap. 551, Tex. Loc. Govt. Code.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS on this 9th day of **March 2023**, by a vote of 4 ayes, 0 nays, and 0 abstentions.



Thomas Blauvelt, Mayor



Lacie Hale, City Secretary

Attachment A

ARTICLE 9.06 SHORT-TERM RENTAL APPLICATION PROCESS, STANDARDS AND LIMITATIONS

Sec. 9.06.001 Purpose

The village desires a friendly, mutually cooperative, and successful relationship between its residents and its short-term rental owners, many of whom are one and the same. It is the purpose of this article to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units; and to implement rationally based, reasonably tailored regulations to protect the integrity and quiet enjoyment of the village's neighborhoods.

Sec. 9.06.002 Definitions

Bedroom. An area of a dwelling unit intended primarily as sleeping quarters. The term does not include a kitchen, dining room, bathroom, living room, utility room, closet or storage area of a dwelling.

Dwelling Unit. A building or portion of a building arranged, occupied, or intended to be occupied as a residential unit designed to accommodate one (1) household for living, sleeping, eating, cooking and sanitation.

Hosting Platform. Business or person that provides a means through which an Owner and/or Operator may offer a dwelling unit, or portion thereof, for Short-Term Rentals. A Hosting Platform is usually, though not necessarily, provided through an internet-based platform. It generally allows a property owner or operator to advertise the dwelling unit through a website provided by the Hosting Platform and provides a means for potential Short-Term Rental renters and/or occupants to book the short-term rental, whether the Short-Term Rental renter and/or occupants pays rent directly to the Operator or to the Hosting Platform.

Operator. Any person or entity who is the Owner, Lessor, or Owner's agent to act on the Owner's behalf to insure compliance with this Subsection.

Owner. Any person or entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under this article.

Short-term Rental (STR). Use of any dwelling unit or accessory structure, or any portion of any dwelling unit, which is occupied or offered or designed for transient and/or temporary human occupancy for less than thirty (30) consecutive days for dwelling, lodging or sleeping purposes for compensation. This includes, but is not limited to, houses, garage apartments, guest houses, cabins, or other dwelling units, or portions of any of these dwelling units. The term short-term rental excludes all recreational vehicles .

Substantiated Complaints. Any written complaint submitted to the City Secretary or designated Village Officer and determined to be an ordinance violation, and/or a violation of state law that is supported or verified by corroborating information, for example the report of an investigating police officer, photographic documentation or an audio or video

recording. The allegations in the complaint do not have to be the subject of a criminal complaint or result in a criminal conviction for a complaint to be substantiated.

Sec. 9.06.003 Short Term Rental Conditional Use Permit Application Requirements

A. Short-term rentals are not authorized in any residential or commercial zoned district. No owner, operator, real estate or property manager for an owner of property within the village shall conduct, operate, or maintain a short-term rental in the village without the owner first having applied for and received a valid conditional use permit under section 9.02.141 of this code and a license from the village, complied with the requirements of this article, as may be amended, and all applicable provisions of local, state, or federal laws, statutes, rules, or regulations.

Any property used as a short-term rental without complying with the process, standards, and limitations herein and not qualifying for the exemption under Sec. 9.06.004, will be in violation of this article and subject to Sec. 9.06.010 of this article.

1. The application for a short-term rental conditional use permit shall include and be accompanied by the following:
 - a) An application for a conditional use permit under this article must be submitted to the village by the property owner or with the approval of the property owner by the property owner's designated representative;
 - b) A written verification from all the owners of the real property consenting to the property being used for Short Term Rentals;
 - c) Proof of ownership of the property to be used as a short-term rental (i.e., deed);
 - d) The owner's, operator's and their designated 24-hour representative's or agents, sworn acknowledgement that he or she has received a copy of this article, has reviewed it and understands its requirements and will enforce it with any tenants;
 - e) The owner's agreement to use their best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties, and will adhere to the village nuisance standards (Article 8.03 of the village code of ordinances, as amended) and noise standards (Article 8.02 of the village code of ordinances, as amended);
 - f) The maximum number of occupants allowed on the premises of the short-term rental dwelling unit in compliance with the standards and limitations (Sec. 9.06.007 Short-term rental standards and limitations);
 - g) The number of vehicles allowed to be parked on the premises and on the street in compliance with the standards and limitations; (Sec. 9.06.007 Short-term rental standards and limitations);
 - h) Written certification from the short-term rental representative or agent that he or she agrees to perform the duties as required in this article;

i) Homeowners' association affidavit (if applicable): If the subject dwelling is on a property that has a homeowner's association (HOA) at the time of permitting, the owner of the dwelling shall provide the village with an affidavit that the HOA allows for short-term rental of their dwelling;

j) Copy of garbage service bill or contract showing weekly pickup;

k) Proof of LCRA/OSSF approval. Septic systems must be inspected and documentation of the inspection approval must be provided with the Conditional Use application. All dwelling units used for short-term rentals shall comply with all applicable regulations and ordinances of the village and the LCRA and OSSF septic tank regulations and have the septic tank capacity to adequately dispose of the volumes of wastewater generated from the short-term rental of the structure and maximum occupants;

l) An inspection of the short-term rental shall be required by the City Secretary or designee at the time of initial application and renewal. The purpose of the Fire/Safety/Health inspection is to assure conformance of the dwelling unit with the state's adopted International Residential Building Code, the Uniform Housing Code, and the Uniform Fire Code regulations related to potential safety issues, including but not limited to an approved means of egress from every bedroom;

m) Proof of insurance shall be maintained by the owner in state mandated amounts to provide adequate personal injury and general liability coverage for the property and any structures on the property;

n) Fee payment in the amount established in the fee schedule provided in Appendix A of this code for the original conditional use permit, license application, and/or renewal;

o) An accurately scaled and dimensional floor plan and site plan that illustrates the proposed use to be established, its relationship to adjoining properties, how it meets the approval standards set forth in this article, and the location of all bedroom and parking places to be made available to short-term rental tenants;

p) Copy of a valid certificate of occupancy or compliance, as required by sec. 9.05.072 (Certificates of Occupancy and Compliance), issued no more than ten (10) years before the date of the application;

q) An affidavit by the owner of the property applying for short-term rental use stating that the applicant's property is not subject to outstanding Village Code or state law violations;

r) An affidavit by the owner of the property applying for short-term rental use that the applicant has sent written neighbor notification, by regular first-class mail via the United States Postal Service or email, to all owners of real property within five hundred (500) feet of the STR property line. The affidavit shall be accompanied by proof of receipt or rejection of said notification by adjacent property owners;

Written neighbor notification shall include the following information:

- (B) A copy of the permit application and brief explanation of the reason for the change in use of the property to short-term rental;
 - (ii) Designation of 24-hour representative(s): The short-term rental owner and/or designated representative's name, physical address, email address, and phone numbers. The information must be kept current;
 - (iii) The maximum number of occupants allowed on the premises of the short-term rental dwelling unit;
 - (iv) Copy of an accurately scaled and dimensional floor plan and site plan that illustrates the proposed use to be established, its relationship to adjoining properties, how it meets the approval standards set forth in this article, and the location of all bedroom and parking places to be made available to short term rental tenants; and
 - (v) The telephone number and email address of the village office at which members of the public may report violations of the short-term rental ordinance or request conditions of permit approval.
- s) A copy of the rental agreement the applicant will require of each short-term rental tenant, which shall include the following:
 - i) Specification that the short-term rental tenant(s) agree(s) to comply with all the village ordinances and state laws; and
 - ii) Specification that short-term rental tenant(s) shall comply with maximum occupancy and motor vehicle parking limitations.

Sec. 9.06.004 Exemptions

A property may be exempt from the conditional use permit requirement if it is determined by documented records that the short-term rental use existed with the current property owner on or before February 1, 2003.

Sec. 9.06.005 Transfer of a Conditional Use Permit Prohibited

A conditional use permit issued pursuant to this article is not transferable upon change in ownership of the short-term rental property. Short-term rental conditional use permits are not transferable between properties. Each new owner of the property must apply for a new conditional use permit to rent property under the short-term rental ordinance. A permit holder shall inform the village within seven (7) days if the property is sold or transferred. The permit shall become invalid immediately upon sale or transfer of the property.

Sec. 9.06.006 Conditional Use Permit Application Review Process

A. Administrative review.

1. The City Secretary shall conduct a completeness review of the application. If the application is incomplete, the Village must provide the applicant notice of any failure to provide required or necessary documents or other information within ten (10) business days of receipt of the application. Once the City Secretary determines that the application is administratively complete, such application shall be processed in accordance with the provisions of Sec. 9.02.141 and 9.02.192 of the village code of ordinances.

B. Notice and public hearing, approval, additional conditions.

1. Before granting a conditional use permit of any dwelling unit as a STR, a public notice shall be given by written notification, by regular first-class mail via the United States Postal Service or email, to all owners of real property within five hundred (500) feet of the STR property line, fifteen (15) calendar days before the public hearing. Notice shall also be published in the Village designated newspaper fifteen (15) days before the public hearings.

2. Before granting a conditional use permit of any dwelling unit as a STR the owner and/or operator shall receive a notice from the Village that must be posted within the right of way, four feet off the road in plain view, 15 calendar days before the public hearing.

3. When considering applications for a conditional use permit under this article, the planning and zoning commission in making its recommendation and the council in rendering its decision on the application shall, on the basis of the floor and site plans and other information submitted, evaluate the impact of the STR's use on and the compatibility of the use with surrounding properties to ensure the appropriateness of the use at a particular location.

4.. The planning and zoning commission, and/or the village representative may recommend conditions and the council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article. Any conditions imposed shall be set forth in the ordinance approving the conditional use of the STR and shall be incorporated into or noted on the floor and site plans for final approval. The village shall maintain a record of such approved uses and the floor and site plans and conditions attached thereto.

5. Once the conditional use permit is approved, a short-term rental license will be issued specific to the property within ten (10) business days after the fees are paid. Following license issuance, the property shall be legally authorized to operate as a short-term rental.

Sec. 9.06.007 Short-term Rental License Renewal

Licenses for short-term rentals shall be renewed every twelve (12) months on the anniversary date of issuance. Property owner shall present an updated STR Fire/Safety/Health inspection at time of license renewal.

Sec. 9.06.008 Short-term Rental Standards and Limitations

Where permitted, a property owner who operates a STR shall comply with the following conditions and limitations and shall provide proof of compliance with the following and inspection approval documentation to the village, as required.

A. Maximum occupancy. The maximum occupancy allowed on the premises of the STR shall be two (2) persons per bedroom with a maximum of two (2) additional persons.

B. Off-premise parking requirements. Off-premise parking by renters or their guests shall be limited to one side of the right-of-way within the width of the short-term rental property line. Parked vehicles shall not prevent or obstruct ingress and egress to the neighboring properties or to emergency and/or fire vehicles.

C. Signage. All STRs must comply with Article 4.04 of the village code of ordinances, Signs.

D. Garbage service. The property owner and/or operators are responsible for removal of garbage via the village's contracted disposal company after occupancy. Weekly solid waste collection shall be provided by the property owner during all months that the STR is available for short-term rental occupancy. Garbage cans shall be placed on the street the day before pickup and shall be stored by the day after pickup. Trash and refuse must be stored outside of public view, except in proper containers for the purpose of collection by the Village's authorized waste hauler on scheduled trash collection days.

E. Emergency Evacuation Plan. In addition to the notice to occupants required under this subsection, property owners and operators of STRs are expected to review and inform occupants of the village's emergency evacuation plan provided by the village fire department.

F. Indemnification. To the fullest extent permitted by law, the Owner of an STR must defend, indemnify, and hold the Village of Volente, its officials, officers, and employees free and harmless from any and all claims, demands, causes of action, damage or injury to persons or property arising out of any alleged acts, omissions, or willful conduct of the Owner, its employees, its agents, and/or lessees.

G. Hosting Platform. All hosting platforms for the short-term rental must include the occupancy and motor vehicle parking limitations.

H. 24 Hour Contact. The owner and/or their operator(s) shall be available by phone (24-hours a day, seven (7) days a week) to ensure a response to neighborhood concerns, questions, and complaints regarding non emergencies, and the condition, operation, or conduct of the occupants. A 24-hour operator must have the physical ability to respond at the short-term rental site within two (2) hours. A new notification shall be required to be filed with the village and sent to property owners described above whenever there is a change in contact information, within 24 hours.

J. Notifications to STR occupants. The following information, requirements and/or limitations shall be reviewed with each tenant and displayed on the inside

of the front door or at a prominent location in the STR:

1. Maximum number of occupants to be allowed on the premises at any given time;
2. Notice of the parking limitations on the premises and allowed street parking as per the standards and limitations of this article. Copy of a site plan designating where the motor vehicle parking is allowed;
3. Notice that failure to conform to the occupancy and parking requirements of this article is a violation of the village's municipal code;
4. Address of the STR;
5. Contact information of the property owner and operator(s), i.e. phone numbers, pager and email addresses etc.;
6. Designated 24 hour, 7 days a week, contact representative(s) information, including, phone numbers, pager number and email addresses;
7. Contact information for the Fire department, emergency 911, and village office;
8. No occupant of a STR shall cause or permit a violation of the village code of ordinance (included but not limited to noise, nuisance, trespassing, littering, etc.) and details of these standards are to be maintained on the property in a prominent location;
9. Renters and Occupants take full responsibility to the property and may both be subject to fines;
10. Dwelling Evacuation Plan to be posted at every exit;
11. Posting of short-term rental license with expiration date; and
12. Posting of current burn ban notifications.

Sec. 9.06.009 Violations

A. The provisions of this subsection are in addition to, and not in lieu of, any criminal prosecution or penalties as provided by village ordinances or county or state law.

B. Holders and responsible parties of a short term rental conditional use permit issued under this article shall comply with and ensure that their renters comply with all applicable village ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public.

C. It is a violation of this article for an owner and/or operator in control of the dwelling unit to:

1. Operate a short-term rental without complying with the process, standards, and limitations of this article;
2. Submit false documents, or otherwise make a false statement of a material fact on the application for a conditional use permit submitted under this article;
3. Advertise or rent a property that does not have a valid STR conditional use permit and/or license;
4. Fail to notify the village and neighbors, within 500 feet of the property line, of a change in the 24-hour contact information;
5. Failure of a 24 hour representative or agent to respond to a STR complaint within two (2) hours of being alerted and correct any violations;
6. Have occupancy and/or motor vehicles above the allowed limits at the premises;
7. Have septic violations resulting from over capacity usage;
8. Have any instance that police authorities issued a citation to occupants of the short-term rental, i.e., parties, domestic disturbances, fighting, noise, etc.;
 - a. Should the owner and/or operator become aware that the police department and/or fire department responded to an incident at the STR the owner and/or operator shall contact the occupants within two (2) hours of being alerted of the call to address the complaint. The owner and/or operator shall submit in writing to the Village the date of the incident, time it occurred, incident address, and description of the incident/reason for the public safety personnel response and the corrective action taken, if applicable.
9. Have any new fire code violations that arise after a permit is issued;
10. Have any instance of noncompliance with garbage/littering or standards set forth within this article;
11. Have any instance of noncompliance with Article 8.02 the noise control ordinance of the Village of Volente; and
12. Have any instances of noncompliance with Article 8.03, Nuisance Standards. Nuisances include but are not limited to, sounds, noises, odors, dust, and lights at levels that are unreasonable, and which disturb persons of ordinary sensibilities, or that unreasonably interfere with the normal use and enjoyment of properties beyond the boundaries of the property on which the activity producing the condition occur.

Sec. 9.06.010 Complaints, License Suspension, Revocation and Operating without a License

A. Any resident or employee of the village may submit a written complaint to the City Secretary or designee regarding a STR.

B. The City Secretary or their designee shall notify the owner and/or operator in writing within ten (10) business days of any substantiated complaint and request corrective action within fourteen (14) calendar days of day being notified. If no corrective action is taken, the STR license is suspended, and subject to penalties.

C. If the City Secretary or their designee finds that a STR owner has received three (3) separate substantiated cumulative complaints in one twelve (12) month rolling period, the STR license shall be suspended and the planning and zoning commission will be notified. The owner and/or operator shall receive written notification of the third substantiated complaint and the suspension. A public hearing will be held with the planning and zoning commission, with the planning and zoning Commission f making a determination as to whether to recommend to village council to revoke the STR conditional use permit and STR license.. The owner and/or operator may not rent their property during the period of noncompliance or suspension.

E. Properties operating a short-term rental without the license and permit required by this article will be notified of such in writing the by a City Secretary. The owner and/or operator, to avoid penalties, shall:

1. Within fourteen (14) calendar days of the date of notification must file an application for a conditional use permit and/or license to operate a short-term rental;
2. The illegal operation of the short-term rental must cease immediately, including advertising until all requirements of this article are satisfied; and
3. In the event no applications are received within the required time frame, the owner and/or operator is subject to penalty as detailed in Sec. 9.06.012 and loses the right to apply for a short-term rental conditional use permit and/or license for a period of one (1) year.

Sec. 9.06.011 Short Term Rental Conditional Use Permit and License Revocation

A. Revocation of short term rental conditional use permit and rental license. After a public hearing and recommendation from the planning and zoning commission, the village council, after public notice and a public hearing, may revoke any conditional use permit for the following reasons:

1. Substantiated violation of any of the standards, conditions and limitations applicable to the conditional use permit in which a suspension has not been rectified as requested;
2. A substantiated violation of any applicable village ordinance or state laws or regulation;
3. A substantiated violation of operation or maintenance of the conditional use dwelling or property in a manner that is detrimental to the public's health or safety, or constitutes a nuisance; or
4. Discontinuance of the use.

B. If the short-term conditional use permit and rental license has been revoked, the owner loses the ability to use the property as a short-term rental immediately and must complete a new STR conditional use application approval process after a one (1) year waiting period.

C. The City Secretary or their designee shall notify a STR conditional use permit holder that the STR conditional use permit and license has been revoked and of the process for appealing the revocation.

D. Any denial or revocation of a STR conditional use permit or license may be appealed. An appeal under this section must be filed within fifteen (15) calendar days of the revocation or denial.

E. Restriction of Short-term rentals within the Village City Limits (Reserved)

Section 9.06.012 Immediate closure by the Village and Revocation of a License

A. Any village official to include elected, appointed or hired personnel or their designee may order the immediate closure of a short-term rental when there is a reasonable basis to believe that there is an immediate threat to the public health, safety and welfare of the occupants or to the public in general.

B. Failure to promptly comply with the notice of immediate closure shall subject the licensee to other enforcement provisions of this article.

Section 9.06.013 Compliance Period

A. Current, active and valid Short-Term Rental License Holders shall have 30 days from the date this ordinance is passed to apply for a Short-Term Rental Conditional Use Permit and pay applicable fees. The current license will be valid until the original expiration date. The renewal period for licenses will be at the one-year anniversary date from original approval and is subject to all applicable renewal fees per this ordinance.

B. Active but not licensed Short-Term Rental owners and/or operators shall have 30 days from the date this ordinance is passed to apply for both the Short-Term Rental Conditional Use Permit and a Short-Term Rental License.

Sec. 9.06.014 Penalty

Any individual, business, entity, or person to include but not limited to, the owner, operator, investors, occupants, renters and hosting platform, who violates this article or fails to comply with the conditions of a permit as required by this article or otherwise restricted, commits a class C misdemeanor. A violation of this article is punishable by a fine or revocation of the short-term rental conditional use permit, license and/or permit in accordance with the general penalty provided in [Sec. 1.01.009](#) of this code per violation. Each day of violation of any provision of this article shall constitute a separate offense..

	1 st Violation	2 nd Violation	3 rd Violation or more
Fine for advertising a property for short-term	Minimum of \$200 per day	Minimum of \$400 per day	Minimum of \$650 per day

rent (online or offline) without first having obtained a permit and license			
Fine for violating any other requirement of the short-term rental regulation, including substantiated complaints	Minimum of \$250 per day	Minimum of \$500 per day	Minimum of \$750 per day

Article 9.02 Zoning Regulations, Division 1. General Provisions Sec 9.02.005 Definitions (a)

Replace the definition for Bed and breakfast to:

Bed and Breakfast means an owner and/or operator occupied dwelling unit without individual cooking facilities that is rented for overnight lodging for compensation and serves at least one meal per day, on a less than weekly basis.

Appendix A Fee Schedule, Article A2.000

Sec. A2.007 Short-term Rental				
	Administrative Fee	Professional Services	Fees and Deposit	Fire and Safety Inspections and Review
Short-term Rental - Conditional Use permit	\$200.00	Cost plus 15%	Deposit is the administrative fee plus a deposit of \$900.00 for applicable professional services and fees for fire plan review, STR inspection, public notices, property owner notifications, and markup.	2-hour minimum
Short-term Rental - License application	\$75.00		Deposit is the administrative fee	
Short-term Rental - License renewal (renewal of unexpired license only)	\$250.00	Cost plus 15%	Deposit is the administrative fee plus a deposit of \$200.00 for applicable professional services and fees for fire plan review, STR inspection and markup.	2-hour minimum

