

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF POINT BLANK, TEXAS, ADDING, "SHORT TERM RENTALS - REGISTRATION FEES" AND TO ALLOW FOR EXCEPTIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Council finds that it is in the public interest to regulate Short Term Rentals, to address registration fees, and to allow for exception of registration fees of those properties in compliance with the City's "Hotel Occupancy Tax"; and,

WHEREAS, after public notice and hearing as required by law, the City Council finds that:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POINT BLANK, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. "License, Permits and Business Regulations" of the City of Point Blank, is hereby added to read and provide as follows:

SHORT TERM RENTALS

Short Term Rentals

- (a) The purpose of this Article is to establish regulations for the use of residential dwelling units as short term rentals and to ensure the collection and payment of hotel/motel occupancy taxes.
- (b) For purposes of this Article a Short Term Rental (STR), is defined as the use of a residential dwelling unit or accessory building on a temporary or transient basis. A short term rental shall include a single-family or a unit in a multi-family facility residential dwelling unit, room or accessory building used or rented as a short term vacation rental, for any period less than thirty (30) consecutive days. This STR facility shall be registered with the City.

- (c) For purposes of this Article: An Owner shall designate the Owner, or an Agent or a Representative to comply with the requirements of this section on behalf of the Owner. The Owner or designated agent or representative is referred to as "Operator" herein.
- (d) The Owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the Owner's authorized agent or representative or the occupants of the Owner's short term rental unit or their guests.
- (e) This Article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section.

Registration

- (a) The City of Point Blank is the Administrative Agency for the registration of short term rentals and collection of rental registration fees.
- (b) The Owner/Operator shall obtain a short term rental registration (Attachment 1) and any other required documents from the City of Point Blank located at 101 South Counts Road, P. O. Box 479, Point Blank, Texas 77364. The City may be contacted at phone number (936) 377-2899 for additional information.
- (c) The Owner/Operator must submit the following information on a short term rental registration form:
 - (1) The name, address, driver's license, and telephone number of the Owner/Operator of the subject short term rental.
 - (2) All third party agents must have notarized letters form the Owner allowing them to manage the property.
 - (3) The name, address, email and twenty-four hour telephone number of the local contact person.
 - i. The local contact person is the person designated by the owner or the operator who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding in person within one hour to complaints regarding the condition, operation, or conduct of occupants or complaints of the general public of the short term rental unit; and (2) taking remedial action to resolve any such complaints.

- (4) The Owner/Operator must furnish Proof of General Liability and Property Insurance – Declarations, Information or Summary pages from an approved Insurance Company.
- (5) The name and address of the proposed short term rental unit and the Property identification R-# from the San Jacinto County Tax Appraisal District.
- (6) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit; the maximum limit of individuals 18 years of age or older in a unit must be less or equal to a number that is two individuals multiplied by the number of bedrooms in the unit plus two individuals. The term “bedroom” means rooms used for sleeping, not open areas, decks, living rooms or storage areas.
- (7) If applicable, Owner must prove that the septic system is in good working order and properly maintained according to TRA regulations and/or County OSSF rules.
- (8) Such other information as the City Manager, or designee, deems reasonably necessary to administer this section.
- (9) The maximum number of vehicles that can be parked on the street is two with no trailers.

Registration Fees

- (1) Except as provided by this Ordinance, short term rentals are subject to a registration fee as established by the City Council. The initial fee is \$300 payable with the Application. Should the initial Application be denied, ½ of the fee will be returned. Annual renewal fees are set at \$100 – non-refundable.
- (2) A registration is valid from the date the completed registration is filed with the City and applicable payment of the registration fee has been made, unless the ownership of the short term rental changes. Licenses are to be renewed on January 1st of each calendar year.
- (3) Each property shall be issued a registration number.

Minimum Standards of Conduct

- (1) The Owner, Agent or Representative shall provide a brochure or other alternative publication to renters, of short term vacation rentals, with information which shall provide basic, minimum, standards of conduct during their visit to the City of Point Blank. An *example* of such brochure, created by the Short Term Rental Owners Association of Galveston, can be found at <http://stroag.org>.

- (2) Additionally, renters can be directed to the City's website, www.cityofpointblank.com, and access the "Community" tab for additional resources and/or list of rules and regulations pertaining to the City.

Compliance - Penalty Provision

- (a) The Owner or Operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, "Public Nuisances", "Noise" and "Hotel Occupancy Tax" of the City Code of Point Blank. The Owner or Operator shall submit a quarterly report to the City, on the appropriate "Hotel Occupancy Tax Collection Report" form (Attachment 2), even if the short term rental unit was not rented during any such month.
- (b) **Failure to comply**
 - (1) Notice of Violation. The City may issue a notice of violation to any occupant, Owner(s) or Operator, if there is any violation of this Article committed, caused or maintained by the Owner, Operator or Occupant.
 - (2) Citation. As allowed by law, the City may issue citations for violations of this Article and any other applicable state or local law.
- (c) **Penalty**
 - (1) A violation under this section is a Class C misdemeanor offense punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.
 - (2) Pursuant to state law and the Code of the City of Point Blank, the maximum penalty for offenses arising under such code or ordinance of the city governing fire safety, zoning, public health and sanitation, shall not exceed the sum of two thousand dollars (\$2,000.00) annually.
 - (3) If such maximum penalty provided for by this code or any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the state, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this code.
 - (4) Penalties provided for are in addition to any other enforcement remedies that the City may have under city ordinances and state law.

SECTION 1. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 2. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

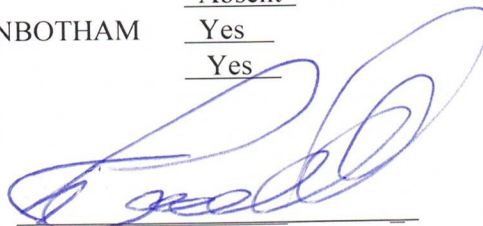
SECTION 3. In accordance with the provisions of The City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption and may be read and published by descriptive caption only.

SECTION 4. This Ordinance shall be and become effective on January 1, 2022 and after its adoption and publication in accordance with the provisions of Ordinances of the City of Point Blank.

FIRST READING:


READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF POINT BLANK HELD ON THE 13 DAY OF December 2021.

COUNCILMAN BASHAM	<u>Yes</u>
COUNCILMAN GUMPERT	<u>Yes</u>
COUNCILMAN SIMS	<u>Absent</u>
COUNCILMAN HICKINBOTHAM	<u>Yes</u>
COUNCILMAN WULF	<u>Yes</u>



Mark T. Wood, Mayor

ATTEST:



Kelly Hoot, City Secretary

CITY OF POINT BLANK

Short-Term Rental Application

LICENSE No. (PByymm-#)	
Date:	
Owner Name:	
Address of Property:	
San Jacinto County Property #	
Date Property Became a Rental:	
Agents Name(s), Listing Numbers & State Tax Payer Number(s):	1. 2. 3.
Number of Bedrooms:	
Occupancy Limit:	
Contact Email Address & Phone Number:	

Fee: \$300 Initial (1/2 refundable if rejected)
 \$100 Renewal (annually)

Attach the Following:

- Proof of Insurance
- Proof of Septic Maintenance Contract – if applicable
If within TRA Jurisdiction or San Jacinto County On Site Sanitary Facility Permit (OSSF)
- Copy of Owner's Driver's License
- Contracts with any Agents
- Proof of Payment of Sales Tax

This license expires 12 months from date of issuance and the number must appear on all listings or advertisements.

Notes/Additional Comments

[Empty rectangular box for notes or comments]

101 S. Counts Road – Point Blank, TX 77364 - (936) 377-2899

HOTEL OCCUPANCY TAX COLLECTION REPORT

Please print/type all requested information.

Property Address: _____ Property I.D.: _____
*
Number & Street Unit # Zip code

*The Property I.D. # is a 6-digit number assigned to a property by the San Jacinto Co. Appraisal District
https://propaccess.trueautomation.com/mapSearch/?cid=22
To locate the Property I.D.#

CONTACT INFORMATION for PERSON FILING THIS REPORT:

Name: _____ Email: _____
Street Address/P O Box: _____ Unit #: _____
City/State/Zip: _____ Phone: _____

Payment is due the 20th of the month following the reporting period. (Postmark determines compliance.)

Reporting for (Check one) [] month or [] quarter ending: ___/___/___ Filing date: _____

1. Total revenue from room rentals, cleaning fees, linen fees, pet fees, etc. \$ _____

2. Allowable deductions: Federal government employees and 30+ day rentals..... \$ _____

NOTE: Exemption Certificates & long-term rental agreements must be kept on file and available upon request.

3. Taxable receipts (Line 1 minus Line 2) \$ _____

4. Tax due (7% times Line 3)..... \$ _____

a. Penalties: _____

b. Add 5% of tax due (line 4) if payment is 1 to 30 days\$ _____

OR

c. Add 10% of tax due (line 4) if payment is 31 to 60 days late.....\$ _____

OR

d. Add 15% of tax due (line 4) if payment is 61+ days late.....\$ _____

AND IF 61+ DAYS PAST DUE, ADD INTEREST AS SHOWN BELOW

e. Interest: Multiply tax due (#4) by .10 and by the # of days past 60 then divide by 365 \$ _____

5. Total tax due (Add lines 4, b, c, d, e)\$ _____

For assistance with calculating penalties and/or interest. contact cityofpointblank@outlook.com or (936) 377-2899

Make checks payable to: City of Point Blank – HOT and mail to: P.O. Box 479, Point Blank, TX 77364

NOTE: A REPORT MUST BE FILED WHETHER TAX IS DUE OR NOT