

Belton, Texas



DRAFT - Short Term Rental Ordinance Summary

- Existing and new Short-Term Rentals (STRs) must obtain a permit from the City (STR License) to operate an STR in Belton. Application fee is \$50.
- Owner must provide an emergency contact who can respond within one hour to tenant or City concerns.
- The permit must be renewed each year. The renewal fee is \$50.
- The STR must be inspected prior to receiving a license to ensure all the systems in the house are safe and operational.
- If the STR permit is denied, an appeal may be made to the City Manager.
- STRs must pay local Hotel Occupancy Taxes.
- Failure to pay local Hotel Occupancy Taxes will result in the revocation of the STR License.
- Each STR located outside of the Imagine Belton Planning Area must be at least 500-feet from another STR. The owner of an STR may appeal to the City Council if an owner intends to open an STR within 500-feet of another STR.
- STRs located in the Imagine Belton Planning Area do not have to be 500-feet apart.
- Upon approval of an STR license, a notice will be sent to all property owners within 200 feet of the approved address.
- STR must provide a minimum of one parking space per bedroom.

ORDINANCE 2023-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 11, “LICENSES AND BUSINESS REGULATIONS,” OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, TEXAS, BY ADDING ARTICLE IX, “SHORT-TERM RENTALS”; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE

WHEREAS, the purpose of this ordinance is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public;

WHEREAS, the process to do so is through the registration and regulation of short-term rentals and to ensure the collection and payment of hotel occupancy taxes;

WHEREAS, the intent of this ordinance is to preserve the neighborhood character of residential subdivisions within the City of Belton and to minimize adverse impacts to residential subdivisions caused by short-term rentals;

WHEREAS, a public hearing was held by the City Council on January 10, 2023; and

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

PART 1: Chapter 11, Article IX, “Licenses and Business Regulations,” of the Code of Ordinances of the City of Belton, Texas, is hereby established to read as follows:

CHAPTER 11 – LICENSES AND BUSINESS REGULATIONS

ARTICLE IX – SHORT-TERM RENTALS

DIVISION 1 – GENERAL

SEC. 11-187 – Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. *City* shall mean the City of Belton, Texas.
2. *Dwelling unit* means any building or portion thereof, which is designed or used as living quarters for one or more families.

3. *Hotel occupancy tax* means the hotel occupancy tax required to be assessed and collected for the operation of any short-term rental and paid pursuant to V.T.C.A., Texas Tax Code Ch. 351.
4. *Emergency contact* means an individual or company located within thirty (30) miles of Belton City Hall who has access to the property and is authorized to make decisions regarding the property while a short-term rental is being rented.
5. *Operator* means any person, firm, or corporation who operates a short-term rental.
6. *Owner* means any person, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property.
7. *Short-Term Rental Property* means:
 - (a) A privately owned dwelling or unit, including but not limited to, a single-family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, including an accessory dwelling unit;
 - (b) rented to members of the public for consideration, where the owner, host, or operator is either present on site or is not present on site during the rental period;
 - (c) and used by guests for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.
8. *Short-term rental permit* means a permit issued by the City as required herein.

DIVISION 2 – ADMINISTRATIVE

SEC. 11-188 – Permit Required.

1. It shall be unlawful for any person or entity to rent, or offer to rent, any short-term rental without a valid short-term rental permit issued under this ordinance.
2. A permit issued under this ordinance may not be transferred and does not convey with the property upon sale. Each new owner of a permitted or previously permitted dwelling unit must apply for a Short-Term Rental Permit to rent property under the short-term rental guidelines.
3. A separate Short-Term Rental Permit application and permit fee must be submitted for each individual Short-Term Rental Unit. Each individual Short-Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.
4. A Short-Term Rental Permit issued under this ordinance shall be valid for a period of one calendar year from the date of issuance.

5. The owner has a duty to notify the City within 30 calendar days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Ordinance.
6. An application for Short-Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365 calendar days and may be renewed by applying in accordance with this ordinance.
7. Each Short-Term Rental location shall be issued a permit with a unique permit number. The permit number must be included in any and all advertisements for the short-term rental including internet booking sites.

SEC. 11-189 – Application.

A person seeking a Short-Term Rental Permit shall submit an application to the Belton Planning Department. Said application shall be in writing, on a form provided by the City, and shall include at least the following information:

1. The zoning of the property.
2. The name, address, email address, and telephone number, of the property owner or operator. If the applicant or owner is a partnership, a corporation, or limited liability company, the application shall list the registered agent.
3. The physical address of the short-term rental.
4. Proof that the property has no outstanding property taxes due or outstanding city utility bills. The City shall verify that there are no outstanding property taxes and city utility balances.
5. The name, address, email, and twenty-four (24) hour telephone number of an emergency contact person. The emergency contact person is the person designated by 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 of the short-term rental unit; and (2) taking remedial action to resolve such complaints. The owner may be listed as the emergency contact if all conditions above are satisfied.
6. A statement that the operator of the Short-Term Rental will comply with the requirements of this ordinance and understands that the operator is responsible and liable for any violations on the property.
7. The name of the Short-Term Rental, if applicable.
8. Indicate the number of bedrooms.

9. A site plan showing the location of the house on the lot, and any on-site parking available for the Short-Term Rental.
10. A general description of any food service to be offered to guests of the Short-Term Rental.
11. An applicant for a Short-Term Rental Permit shall pay to the City a permit fee as indicated in the City's Fees Ordinance. **(Note: recommended at \$50 per year).**
12. No Short-Term Rental Property shall be located within 500 feet of another Short-Term Rental Property measured from the nearest property line to the nearest property line. The 500-foot separation is not required if the Short-Term Rental is located in the Imagine Belton Plan Area (see Attachment A – "Imagine Belton Plan Area Map.")
13. Previously existing Short-Term Rentals. A previously existing short-term rental that was in continuous use for the twelve (12) months preceding the effective date of this ordinance is allowed to continue, subject to the following:
 - (a) An owner/operator must provide a sworn affidavit and demonstrate to the satisfaction of the City Manager or their designee that the Short-Term Rental was being used as a Short-Term Rental on a continuous basis for the twelve (12) months preceding the effective date of this ordinance;
 - (b) An owner/operator of a Short-Term Rental provides proof in establishing that the Short-Term Rental meets all requirements of this section;
 - (c) An owner/operator shows proof of remitted state and local hotel occupancy taxes due for a period that covers at least 12 months immediately preceding the effective date of this ordinance;
 - (d) An owner/operator, within sixty (60) days of the effective date of this section, must apply for a Previously Existing Short-Term Rental Exemption on an application provided for by the City;
 - (e) An owner/operator pays the permit fee as required by this ordinance **(Note: recommended at \$50 per year)**; and
 - (f) Such other information as the City Manager, or designee, deems reasonably necessary to administer this ordinance.
14. Within five business days of approving an application for a permit to operate or renew a Short-Term Rental, a notification shall be sent to property owners within 200 feet of the subject property applying for a Short-Term Rental permit.

SEC. 11-190 – Inspection and Tax Code ~~and Inspection Requirements.~~

4. *Inspection.* Prior to issuance of a Short-Term Rental Permit, the operator shall allow, with reasonable notice, an on-site inspection of the Short-Term Rental unit by the City Building Official or designee to ensure all systems are safe and operational. If, upon completion of an inspection, the premises are found to be in violation of the provisions of this ordinance, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.
2. *Hotel occupancy tax.* It is a condition of the initial and continued validity of a Short-Term Rental Permit that the operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code and Section 21-48 of the City of Belton Code of Ordinances.

DIVISION 3 – OPERATING REQUIREMENTS

SEC. 11-191 – Compliance.

The Operator shall operate a Short-Term Rental in compliance with the following:

1. *Emergency Contact Information (written or digital).* Each operator shall provide guests information that at a minimum includes:
 - (a) The operator's 24-hour contact information.
 - (b) During any period when a Short-Term Rental is occupied or intended to be occupied by guests, the emergency contact person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of guests of the Short-Term Rental. The emergency contact person shall respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
 - (c) Information shall be provided to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts.
2. The operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City:

- (a) The unique Short-Term Rental Permit number assigned to the Short-Term Rental Unit;
 - (b) The location of any on-site parking spaces available for guests;
 - (c) A note indicating the overnight and daytime occupancy limits;
 - (d) Instructions to Guests concerning disposal of garbage and handling of garbage containers; and
 - (e) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Ordinance.
4. A minimum of one off-street parking space per bedroom.
5. Each Short-Term Rental shall have a minimum of one ~~two~~ trash carts and one (1) recycling cart as required by the City of Belton Solid Waste Ordinance and Fees Ordinance.
6. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City.

SEC. 11-192 – Permit Renewal.

An operator shall file an application for the renewal of a permit on an annual basis within twelve (12) months from the issuance of the previous permit in order to continue to operate a Short-Term Rental property.

DIVISION 4 – ENFORCEMENT

SEC. 11-193 – Denial.

- (a) *Denial of permit.* The permit application shall be denied, and no permit shall be issued if the City finds that:
- (1) Any statement made in the application is incomplete, inaccurate, misleading, or false;
 - (2) The operator, its partners, officers, owners, and other principals have not paid to the City all fees and taxes due under this ordinance; or
 - (3) The applicant has had a Short-Term Rental Permit revoked within the preceding twelve (12) months.
- (b) *Revocation of permit.* Should the owner or operator of a Short-Term Rental property fail to remit Hotel Occupancy Texas the permit will be revoked immediately. Should the owner or operator of a Short-Term Rental property have three or more violations within a 12-month period, the City may revoke a permit for one (1) or more of the following reasons:

- (1) The applicant fails to comply with or is in violation of any provision of the permit, City ordinances, or any other applicable law;
- (2) The application contains a false or misleading statement of material fact;
- (3) The authorized City official determines that the rental poses a serious threat to the public health, safety or welfare; or
- (c) *Notice of denial or revocation.* The City shall provide written notice within ten (10) business days of the denial or revocation of a permit to operator, which shall state the reason(s) for the decision and inform the operator of its right to appeal the decision in writing including when and to whom it must be delivered.

Sec. 11-194 – Appeal.

- (a) The applicant may appeal a denial of a permit by submitting in writing a notice to appeal, delivered to the City Manager's office no later than five (5) business days after the denial or revocation decision.
- (b) The notice of appeal must be in writing and state the grounds for the appeal and why the determination should be reversed or modified. If the applicant makes a timely, written request for appeal, the City Manager or designee shall consult with city staff, the owner, operator, applicant, or host within ten (10) business days.
- (c) The City Manager or designee shall make a determination concerning approval, denial, or modification of the permit within five (5) business days from the consultation required in 10 (b). The decision of the City Manager is final.
- (d) Appeal of the 500-foot separation requirement if outside of the Imagine Belton Plan Area shall be submitted to the City Council.

Sec. 11-195 – Exemptions.

- (a) The following are **exempt** from the regulations under this Ordinance: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, boarding home, any housing operated or used exclusively for religious, charitable or educational purposes, any Tourist Home (Bed and Breakfast facility) that received a specific use permit (SUP) in accordance with the Belton Zoning Ordinance, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

Sec. 11-196 – Effective Date.

The initial effective date of the ordinance shall be 60 ~~90~~ days following the approval date.

Sec. 11-197 – Violation; Penalties

- (a) It shall be unlawful for a Short-Term Rental operator to operate, maintain or conduct within the City a Short-Term Rental without first securing a permit, and complying with all the provisions of this ordinance or any other law.
- (b) Any person, firm, or corporation that fails to collect and pay hotel occupancy taxes to the City or fails to file or falsely files the required report shall be guilty of a misdemeanor punishable by fine. A penalty plus interest shall be added to the amount due, and the Short-Term Rental Permit shall be immediately revoked.
- (c) Any person, firm or corporation in violation of any provision of this ordinance, other than the non-payment of hotel occupancy taxes, shall be guilty

of a misdemeanor, which shall be punishable by a fine of not more than five hundred dollars (\$500) per day, for each day the violation persists.

This Ordinance was approved by the City Council at a regularly scheduled meeting duly posted in accordance with the Texas Open Meeting Act and at which a quorum was present and voting.

Severability: In the event that one or more of the provisions contained in this Ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability of this Ordinance shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein, but shall not affect the remaining provisions of this Resolution, which shall remain in full force and effect.

Effective Date: This Ordinance shall be and become effective immediately upon its adoption.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, that the Short-Term Rental Amendments to the Code of Ordinances for the City of Belton, Texas, are hereby officially adopted and incorporated herein for all intents and purposes.

PRESENTED AND PASSED on this the _____ day of _____, 2023, at a regular meeting of the City Council of the City of Belton, Texas.

Wayne Carpenter, Mayor

Attest:

Amy M. Casey, City Clerk

Attachment A – Imagine Belton Plan Area Map

Attachment A

Map of the Plan Area showing streets, Nolan Creek, and the proposed project area highlighted in green. The map includes labels for streets such as W 10th Ave, W 9th Ave, W 8th Ave, W 7th Ave, W 6th Ave, W 5th Ave, W 4th Ave, W 3rd Ave, W 2nd Ave, W 1st Ave, W 10th St, W 9th St, W 8th St, W 7th St, W 6th St, W 5th St, W 4th St, W 3rd St, W 2nd St, W 1st St, and W 10th St. Nolan Creek is shown flowing through the area. The proposed project area is highlighted in green.

Plan Area Map

Plan Area Map