

Ordinance amending Chapter 5 of the Corpus Christi Code to require a permit for the operation of short-term rentals; and providing for publication.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI:

SECTION 1. Chapter 5 of the Corpus Christi Code is hereby amended by adding Chapter 5, Article II. SHORT-TERM RENTALS to read as follows:

CHAPTER 5

ARTICLE II – SHORT TERM RENTALS:

Division 1. Short-term Rental Permit

Sec. 5-36. – Purpose.

The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short-term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

Sec. 5-37. – Definitions.

As used in this article the following words and phrases shall have the definitions ascribed to them by this section:

Agent means a person designated by the short-term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental

Occupant means the person(s) who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its operator, and the guest(s) of such person(s).

Operator means any person who operates a short-term rental, as defined in this Article. For purposes of this Article, a lessee of a Unit, when expressly permitted in writing by Owner, may serve as Operator of a short-term rental.

Owner means the person or entity that holds legal and/or equitable title to the private property.

Short term rental means a property that rents out all or a portion of a residential dwelling unit for a period of less than 30 days and not less than 12 hours.

Short term rental permit means the permit issued by the city that identifies the subject property as a lawful short-term rental, the short-term rental permit number, the names

and contact information of the owner, operator, and agent if applicable, and 24-hour emergency contact phone for at least one of the preceding.

Sleeping area means a room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall not be considered a sleeping area.

Sec. 5-38. - Permit required.

- (a) No short-term rental shall operate within the city of Corpus Christi without a current valid short term rental permit.
- (b) All individual units having cooking, sleeping, and bathing facilities, within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a short-term rental.

Sec. 5-39. - Short term rental permit.

- (a) ***Application.*** Application for a short-term rental permit shall be made either in writing or electronically. Application for a short-term rental permit shall be accompanied by a one-time application fee of \$100 and shall include the following information, at a minimum:
 - (1) A list of all owners, operators, and agents (if applicable) of the short-term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.
 - (2) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).
 - (3) The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
 - (4) A sworn, self-certification that the owner of the short-term rental has met and will continue to comply with the standards and other requirements of this Article including, but not limited to: maintenance of insurance coverage of the unit or portions thereof in accordance with this Article and obtaining annual independent inspections of required fire extinguishers in compliance with the city's current fire code.
- (b) ***Completeness of application.*** Applications shall not be considered complete until all documentation required under this Article has been submitted, and until the

full application and permit fees have been paid. Incomplete applications will not be accepted.

- (c) *Acknowledgement by Applicant.* In connection with submission of the application, each applicant shall acknowledge that any permit granted under this Article does not supersede any property-specific restrictions against short-term rentals that may exist under law, agreement, lease, covenant or deed restriction.

Sec. 5-40. - Expiration and renewal of permit.

- (a) Unless revoked earlier pursuant to this Article, a permit to operate a short-term rental expires two years after the date of issuance.
- (b) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under Section 5-39 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit, as described in Section 5-39.
- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.
- (d) The fee for the renewal of a permit to operate a short-term rental is \$100.

Sec. 5-41. – Non-transferability.

A permit to operate a short-term rental is not transferable to another Owner, Operator, unit or location.

Sec. 5-42. – General Standards

All short-term rentals permitted pursuant to this chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a short-term rental shall be defined by the City of Corpus Christi Property Maintenance Code. The Owner/Operator shall not allow an occupancy of a residential structure that exceed the maximum occupancy level for that structure.

(b) **Insurance.** The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.

(d) **Life safety.**

- (1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances.
- (2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short-term rental on each floor.
- (3) Smoke and Carbon Monoxide detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances.
- (4) Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances.
- (5) An evacuation plan shall be posted conspicuously in each unit or permitted sleeping area.
- (6) Every bedroom/sleeping area in a short-term rental that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation as defined by the City of Corpus Christi Property Maintenance Code for the short-term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.

(d) **Conduct on premises.**

- (1) Short term rental Operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.
- (2) Excessive noise or other disturbance outside the short-term rental is prohibited per Chapter 31 of the Code of Ordinances. This includes, but is not limited to, decks, docks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.

(e) **Advertisement.** All advertisements, including online or proprietary (website, app, or other technology) will include legible short-term rental permit number within the description or body of the advertisement for public reference.

- (f) **Tenant indoor notification.** The Operator shall post in a conspicuous location of the dwelling the following minimum information:
- (1) Maximum number of Occupants.
 - (2) Location of off-street parking, other available parking and prohibition of parking on unimproved surfaces.
 - (3) Quiet hours and noise restrictions as defined per Chapter 31 of the Code of Ordinances.
 - (4) Restrictions of outdoor facilities.
 - (5) 24-hour contact person and phone number.
 - (6) Property cleanliness requirements.
 - (7) Trash pick-up requirements, including location of trash cans.
 - (8) Flooding hazards and evacuation routes.
 - (9) Emergency numbers.
 - (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.
 - (11) Short-Term Rental permit, and/or any other required permits, if applicable.
- (g) **Emergency contact.** The Owner/Operator of the short-term rental shall provide the city with a 24-hour contact number for the operator or a designated agent per Sec. 5-39 and shall provide timely updates to city of any changes thereto. Should a law enforcement officer respond to the short-term rental and issue a citation for any violation of city ordinances, the operator or their agent shall be called by the officer. The Operator or their agent shall attempt to contact the Occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the owner/operator must take appropriate steps, in accordance with the individual rental agreement, to assure future complaints do not occur. Short Term Rental permits shall be revoked if three or more confirmed citations are issued at a permitted property within any six-month period, whether issued to the operator or any occupants. Failure to provide updated information to the city regarding designated agent or responsible party shall be a violation of this section.

- (h) **Compliance with Laws.** Owners, Operators, and Occupants are required to comply with city, state, and federal laws.

Sec. 5-44. – Inspections.

To ensure continued compliance with the requirements of this section a short-term rental may be inspected in the following methods:

- (a) *Inspections* upon complaint or suspicion of a violation. The city may perform inspections when a violation is reported or suspected in accordance with established code enforcement procedures.

Sec. 5-45. - Enforcement/penalty.

- (a) A person who violates a provision of this division, or who fails to perform an act required of the person by this division, commits an offense. A person commits a separate offense for each and every violation, and for each day during which a violation is committed, permitted or continued
- (b) The culpable mental state required by Texas Penal Code § 6.02, is specifically negated and dispensed with and a violation under this Division is a strict liability offense.
- (c) The provisions of this Article are in addition to and not in lieu of any criminal prosecution or penalties as provided by other city ordinances, county, or state law.
- (d) An offense under this Division is punishable by a fine of not more than \$500.
- (e) Violation of any section of this division shall constitute an offense resulting in permit revocation in accordance with subsection 5-46, Revocation Procedures.

Sec. 5-46. - Other Restrictions on Use of Premises.

This Article does not create any right to operate a short-term rental in violation of any City Ordinance, State or Federal law, lease, license, deed restriction, covenant, easement, or other legal encumbrance.

Division 2. Short-term Rental Permit Revocation

Sec 5-47. - Revocation Procedures.

The Director of Code Enforcement is authorized to suspend or revoke a short-term rental permit issued under the provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect information supplied, or where it is determined that the

building, structure, unit, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Article. In addition, if any violations have been committed and not corrected within the time specified, the Director shall begin the procedures to revoke the short-term rental permit in accordance with the following:

- (a) The Director shall give written notice to the owner/operator regarding the revocation.
- (b) If a short-term rental permit is revoked, the owner/operator may not reapply for the same property for a period of 12 months.

Sec. 5-48. - Appeals.

If the Director of Code Enforcement denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the Owner/Operator files a written appeal within ten business days to the Director of Code Enforcement or designee.

Appeals will be reviewed by the City Manager, Assistant City Manager, and Director of Code Enforcement, collectively, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation of the article should be modified or reversed.

SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. The effective date of this ordinance is upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____ 2022, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the ____ day of _____, 2022.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor