

Village of Point Venture, Texas

ORDINANCE NO. 2021-09-15

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING CHAPTERS 1 AND 4 OF THE ZONING ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS; PROVIDING RULES AND REGULATIONS FOR SHORT-TERM RENTAL REGISTRATION; AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE VILLAGE OF POINT VENTURE, TEXAS; PROVIDING A FEE; PROVIDING FINDINGS OF FACT; PROVIDING FOR CODIFICATION; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Point Venture (“Village Council”) seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, the Village Council identified a proliferation of short-term rentals of certain residential properties in the Village of Point Venture; and

WHEREAS, the Village Council studied the impact of the short-term rentals of certain residential properties within the Village of Point Venture; and

WHEREAS, the studies demonstrate that, without notification, guests of short-term rental properties frequently are unaware of important operational requirements of the dwellings which they rent including, but not limited to, location and operation of garbage, recycling, electrical, water and parking facilities; and

WHEREAS, the studies demonstrate that, without notification, guests of short-term rental properties frequently are unaware of important contact information for emergency services, law enforcement, utility providers and local authorities that serve the properties; and

WHEREAS, the studies demonstrate that the guests’ lack of knowledge can result in violations of laws, negative impacts to neighboring property, excessive damage to the rental properties, and confusion on the part of guests as to the appropriate local authorities to contact when needed; and

WHEREAS, pursuant to Section 51.001 of the Texas Local Government Code, the Village of Point Venture may adopt and amend ordinances for the good government, peace and order of the Village, as necessary or proper for carrying out a power granted by law to the Village; and

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

WHEREAS, the Village of Point Venture conducted public hearings regarding the regulation of short-term rentals and regulations regarding same, provided notice of such hearings in accordance with law, provided the opportunity for all persons interested in the subject matter to be heard, and considered the comments and testimony of all persons providing comments and testimony at such hearings; and

WHEREAS, the Village Council has investigated and determined that it would be advantageous and would promote orderly land use and development to make several amendments to its zoning regulations, particularly Chapter 4, "Regulations applicable to all districts;" and

WHEREAS, on August 18, 2021, after due deliberation and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at public hearings and meetings, the Village Council concludes that the amendments made by the adoption of this Ordinance are in the best interest of the Village of Point Venture; and

WHEREAS, adoption of this ordinance will require owners of short-term rental properties to provide the guests of residential short-term rental properties with important information concerning the operational requirements of the dwellings which they rent; and

WHEREAS, adoption of this ordinance will require the owners of short-term rental properties to provide the guests of short-term rental properties important contact information for emergency services, law enforcement, utility providers and the local authorities that serve the unit which they rent; and

WHEREAS, adoption of this ordinance will provide Village staff with needed information to respond promptly to concerns related to short-term rental properties; and

WHEREAS, adoption of this ordinance will promote the orderly and safe use of property within the Village; and

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TRAVIS COUNTY, TEXAS THAT:

SECTION 1. Findings of Fact. All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Village Council of the Village of Point Venture, are made a part hereof for all purposes and are hereby approved and incorporated into the body of this Ordinance as if restated in their entirety.

SECTION 2. Amendments. The Zoning Ordinance of the Village of Point Venture, Texas is hereby amended by adding a new Section 1.1.4.9 of Chapter 4 of Exhibit A Zoning Ordinance of Chapter 9 of the Code of Ordinances to provide as follows:

**“VILLAGE OF POINT VENTURE, TEXAS
CODE OF ORDINANCES**

...

CHAPTER 9 PLANNING AND DEVELOPMENT REGULATIONS

...

EXHIBIT A ZONING ORDINANCE

...

CHAPTER 4 REGULATIONS APPLICABLE TO ALL DISTRICTS

...

1.1.4.9 SHORT-TERM RENTAL REGISTRATION

(a) Purpose. The Village of Point Venture desires a friendly, mutually cooperative and beneficial relationship between its residents and its short-term rental property owners, many of whom are one and the same. The purpose of this ordinance is to require registration of certain short-term rental properties to ensure that contact information is available for persons who, when necessary, can act regarding properties and to address tenants' lack of familiarity with the properties.

(b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. The terms not defined herein shall be construed in accordance with the ordinances of the Village or their customary usage and meaning. When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms.

(1) *Agent:* A person designated by the owner who carries out management, operational or rental responsibilities associated with the owner's short-term rental unit.

(2) *Emergency contact:* The agent designated to be available at all periods of time in which the owner's short-term rental unit is rented for the purpose of responding to concerns or requests for assistance related to the owner's short-term rental unit.

(3) *Guests:* The occupants of a short-term rental unit and the visitors of such occupants, if any.

(4) *Owner:* The person or entity that holds title to a short-term rental unit.

(5) *Short-Term Rental Unit:* A dwelling, including but not limited to, a single-family dwelling unit, a duplex dwelling unit, a town home dwelling unit, a condominium dwelling unit, a manufactured home dwelling unit, or an individual multifamily dwelling

unit, or a portion thereof, that is rented or offered for rent for dwelling, lodging or sleeping purposes for any period of time of less than thirty (30) consecutive days.

(c) Application. The owner of a short-term rental unit shall be required to register such short-term rental unit by submitting an application to the Village of Point Venture. The application shall be accompanied by the payment of a fee in the amount specified in the fee schedule in Appendix A of the Village of Point Venture Code of Ordinances and shall include the following information:

(1) The name, address, email address and telephone number of the owner of the short-term rental unit.

(2) The name, address, email address and telephone number of the agent(s) if any.

(3) The identity of the emergency contact who shall be available at all periods of time in which the owner's short-term rental unit is rented for the purpose of responding to concerns or requests for assistance related to the owner's short-term rental unit, and such person's address, email address and telephone number.

(4) If the owner is a partnership, the name and address of the registered agent of the partnership.

(5) If the owner is a corporation, the state of incorporation and the name and address of the registered agent of the corporation.

(6) If the owner is a limited liability company, the registered agent of the limited liability company.

(7) Certification that the owner shall provide and make readily available to guests the instructions for disposal of garbage and recycling, if available, and collection days for same.

(8) Certification that the owner shall provide and make readily available to guests information regarding the location of the water shut-off valve, the water shut-off valve tool, and the electrical circuit breaker panel and instructions for shutting off water and resetting the circuit breaker; alternatively, certification that the owner will provide and make readily available to guests information that the emergency contact, or another person or service, shall address water and electrical concerns, and instructions for contacting same.

(9) Certification that the owner shall provide and make readily available to guests information regarding the location of on-site and off-site parking spaces available for guests.

(10) Certification that the owner shall provide and make readily available to guests the emergency telephone numbers and the nonemergency telephone numbers for the Village of Point Venture, Travis County Sheriff's Office, Travis County Emergency Services District #1, Travis County Water Control and Improvement District – Point Venture, Pedernales Electric Cooperative, Inc., and the garbage provider and recycling

provider, if available, for the short-term rental unit.

(11) Evidence of the short-term rental unit's compliance with any applicable property owners' association's regulations and deed restrictions.

(d) Registration Issuance. The Village will provide a written confirmation either granting or denying the registration. A granted registration shall be issued to the owner unless the Village determines:

(1) The application contains false or misleading information or required information is omitted.

(2) The registration fee is not paid.

(e) Registration Conditions. The following conditions shall apply to the registration:

(1) A short-term rental registration shall be valid for a period of one calendar year from the date of issuance.

(2) The short-term rental registration is not assignable or transferable. A short-term rental registration shall expire immediately upon any change in owner of the short-term rental unit.

(3) The owner must notify the Village within ten (10) calendar days, in writing, of any changes to information submitted in the short-term rental registration application.

(f) Registration Renewal. An owner seeking a renewal of a short-term rental registration for a short-term rental unit shall submit a renewal application with the Village of Point Venture at least thirty (30) days prior to the expiration of the current year registration. The application shall be accompanied by the payment of a fee in the amount specified in the fee schedule in Appendix A of the Village of Point Venture Code of Ordinances and shall include updates to the application information or verification that there were no changes to the application information.

(g) Short-Term Rental Operational Requirements.

(1) The owner shall be responsible for posting the following information in a prominent location within the short-term rental unit:

(a) The name and telephone number of the emergency contact.

(b) Emergency telephone number and nonemergency telephone numbers for the Village of Point Venture, Travis County Sheriff's Office, Travis County Emergency Services District #1, Travis County Water Control and Improvement District – Point Venture, Pedernales Electric Cooperative, Inc., and the garbage provider and recycling provider, if available, for the short-term rental unit.

(c) Location of on-site and off-site parking spaces available for guests.

(d) Directions for disposal of garbage and recycling, if available, and collection days for same.

(e) Location of the water shut-off valve, the water shut-off valve tool, and the electrical circuit breaker panel and directions for shutting off water and resetting the circuit breaker; alternatively, instructions that the emergency contact, or another person or service, shall address water and electrical concerns, and instructions for contacting same.

(f) Notification that guests are responsible for compliance with all applicable Village, county and state laws.

(2) During any period when a short-term rental is rented, the emergency contact shall make reasonable efforts to be available at all times for the purpose of responding to concerns or requests for assistance related to the short-term rental unit. If contacted by the Village for assistance regarding the condition or operation of the short-term rental unit, the emergency contact shall make reasonable efforts to resolve the request for assistance.

(h) Registration Revocation.

(1) The Village may revoke a short-term rental registration if the owner, agent or emergency contact does not comply with the requirements of this section.

(2) Upon revocation, the Village shall notify the owner of the revocation in writing and the reason for such revocation. No owner whose short-term rental registration for a short-term rental unit has been revoked may rent or offer for rent such short-term rental unit unless such revocation is reversed on appeal or the registration is reinstated pursuant to the provisions of this section.

(3) An owner may apply for reinstatement of a revoked registration after the expiration of one calendar year running from the date of the revocation of registration.

(i) Appeal. An applicant for a short-term rental registration may appeal the denial or revocation of a short-term registration by filing a written request for a hearing with the Village Secretary within ten (10) calendar days following the denial or revocation of such registration. If a request for a hearing is received, a hearing shall be held before the Board of Adjustment within forty-five (45) calendar days of the Village Secretary's receipt of request. The Board of Adjustment shall issue a written decision affirming or reversing the denial or revocation of the registration. The decision of the Board of Adjustment shall be final.

(j) Violations.

(1) It shall be unlawful for any person to rent, or offer to rent, any short-term rental unit within the Village without a current and valid short-term rental registration for such property, provided at least thirty (30) calendar days have transpired since written notice of the obligation to register was mailed to the registered owner of the property by first class

mail.

(2) It shall be unlawful to falsify or omit any information on the short-term rental registration application.

(3) It shall be unlawful to fail to update the Village of any of the information provided for registration within ten (10) business days of a change in such information, except that it shall be unlawful to fail to update the telephone number of the emergency contact within twenty-four (24) hours of a change in such telephone number.

(4) It shall be unlawful to fail to comply with any of the operational requirements provided in subsection 1.1.4.9(g) of this Zoning Ordinance.

(k) Penalty. Any person or entity who violates any of the provisions of this section 1.1.4.9 or who uses any structure or property in violation of this section 1.1.4.9 is guilty of a misdemeanor and upon conviction shall be punished by a fine in the amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per violation and each day such violation exists shall constitute a separate offense.”

SECTION 3. Amendments. The Zoning Ordinance of the Village of Point Venture, Texas is hereby amended by deleting Subsection 1.1.1.7(a) of Chapter 1 of Exhibit A Zoning Ordinance of Chapter 9 of the Code of Ordinances and substituting therefor a new Subsection 1.1.1.7(a) of Chapter 1 of Exhibit A Zoning Ordinance of Chapter 9 of the Code of Ordinances to provide as follows:

...
**“VILLAGE OF POINT VENTURE, TEXAS
CODE OF ORDINANCES**

...
CHAPTER 9 PLANNING AND DEVELOPMENT REGULATIONS

...
EXHIBIT A ZONING ORDINANCE

...
CHAPTER 1 GENERAL AUTHORITY

...
1.1.1.7 PENALTY FOR VIOLATION

(a) Except as provided herein, any person or entity who violates any of the provisions of this Ordinance, fails to comply with any of the requirements of this Ordinance, or builds, alters or uses any structure or property in violation of this Ordinance or of any permit or approval issued by the Village pursuant to this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two thousand dollars (\$2,000.00) per violation and each day such violation exists shall constitute a separate offense.”

SECTION 4. Amendments. Appendix A of the Code of Ordinances of the Village of Point Venture, Texas is hereby amended by adding a new article A3.000 to provide as follows:

**“VILLAGE OF POINT VENTURE, TEXAS
CODE OF ORDINANCES**

...

APPENDIX A FEE SCHEDULE

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ARTICLE A3.000 PLANNING AND DEVELOPMENT

A3.001 Short Term Rental Registration/Renewal Fee

Short-term registration/renewal fee: \$300.00/year.”

SECTION 5. No Vested Interest/Repeal.

No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein, which are separate and apart from any vested right granted by Chapter 245 of the Local Government Code. Any portion of this Ordinance may be repealed or amended by the Village Council in the manner provided for by law.

SECTION 6. Unlawful Use of Premises.

It shall be unlawful for any person, firm or corporation to make use of any premises in some manner other than as authorized by this Ordinance.

SECTION 7. Savings.

All rights and remedies of the Village of Point Venture are expressly saved as to any and all violations of the provisions of any ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. Repeal.

This Ordinance shall be cumulative of all other ordinances affecting zoning which are not expressly amended or repealed hereby in accordance with Sections 2, 3 and 4 above and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance in accordance with Sections 2, 3 and 4 above. Except as provided in Sections 2, 3 and 4 above, Ordinances or parts thereof in force at the time this Ordinance that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and, for that purpose, the Ordinance shall remain in full force and effect.

SECTION 9. Severability.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Village Council of the Village of Point Venture hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10. Penalty.

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), in accordance with the enforcement and penalty provisions, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the Village Council of the Village of Point Venture determines that a violation of this Ordinance creates a threat to the public safety, the Village may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 11. Publication and Codification.

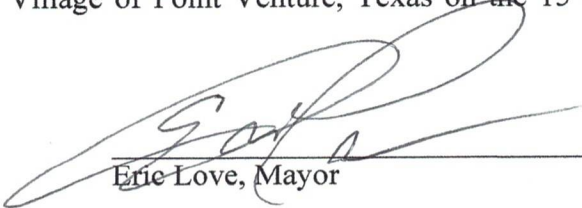
The Village Secretary of the Village of Point Venture is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is further directed to have this Ordinance codified at the next available codification update.

SECTION 12. Effective Date.

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

GIVEN FIRST READING AND CONSIDERATION OF THE AMENDMENTS by the Village Council of the Village of Point Venture, Texas on the 18th day of August, 2021.

PASSED, APPROVED AND DULY ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Point Venture, Texas on the 15th day of September, 2021.


Eric Love, Mayor

ATTEST:

Vickie Knight, Village Secretary

Caroline Kelley, Village Attorney