

Chapter 16 BUSINESSES AND LICENSES

ARTICLE I. IN GENERAL

Secs. 16-1—16-20. Reserved.

ARTICLE II. SHORT TERM RENTALS

Sec. 16-21. Purpose.

The purpose of this article is to establish regulations for the use of residential single-family dwelling units ("dwelling units" herein) as short-term rentals (STR) within the town limits of the Town of Rancho Viejo (TORV).

(Ord. No. 246 , art. I, 10-9-2021)

Sec. 16-22. Definition.

For purposes of this article:

- (1) *Advertise* means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or online posting to a short-term rental in order to promote the availability of the short-term rental.
- (2) *Dwelling, single-family dwelling, two-family dwelling and multiple-family dwelling* have the meanings assigned by section 70-4 of the Town of Rancho Viejo Code of Ordinances.
- (3) *Local emergency contact* means an individual other than the operator, who resides within 20 miles of the subject property, and who is designated by the operator to act as the operator's authorized agent if the operator has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.
- (4) *Owner* means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.
- (5) *Operator* means an individual designated by the owner as the owner's agent for purposes of complying with the requirements of this article on behalf of the owner. An owner, that is an individual may designate himself or herself as the operator.
- (6) *Short-term rental or STR* means the rental of a single-family dwelling, apartment, residential condominium unit or other residential real estate improvement, or a portion of a single-family residence, to transient guest occupants for a period not to exceed 30 days. The term does not include a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center, or hotel.
- (7) *STR property* means real property licensed for use as an STR.

(Ord. No. 246 , art. II, 10-9-2021)

Sec. 16-23. Administrative permit.

- (a) No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the town as a short-term rental until an administrative permit has been issued by the town.
- (b) An owner shall designate an operator to comply with the requirements of this article. The owner or designated agent or representative is referred to as "operator" herein. The operator shall obtain the STR application and provide any other required documents to the town administrator of the TORV at the town located at 3301 Carmen Avenue, Rancho Viejo, Texas 78575. The TORV can be reached at (956) 350-4093 for additional information. A short-term rental administrative permit application shall include all information necessary to determine compliance with this chapter, including but not limited to:
 - (1) The name, email, mailing address and telephone number of the operator;
 - (2) The name, address, email and 24-hour telephone number of a local emergency contact. The local emergency contact is the person designated by the operator who shall be available 24 hours per day, seven days per week and shall respond in person within one hour (with the signed rental contract in hand) to complaints from a town official (including a TORV police officer) regarding the condition, operation, or conduct of occupants of the STR unit; and take remedial action to resolve any such complaints;
 - (3) The name and address of the proposed STR unit;
 - (4) The number of bedrooms;
 - (5) The property ID number as listed on the Cameron County Appraisal District; and
 - (6) Such other information as the town administrator, or designee, deems reasonably necessary to administer this section and review of requirements for the administrative permit.
- (c) The TORV shall issue an administrative permit/renewal if it appears that:
 - (1) No more than two citations have been issued to the owner or operator for any TORV ordinance or violations of this article during the last 12-month period.
 - (2) The owner and operator are current with all TORV property taxes, whether pertaining to the STR property or otherwise; and has no established liens within the TORV.
 - (3) All TORV taxes on the STR property are current;
 - (4) The application and the dwelling unit otherwise comply with this article, all other TORV ordinances, applicable building codes, and state and federal law.
- (d) Administrative permits issued under this article are both applicable only to the specific property and granted only to the applicant. Permits expire automatically if the owner transfers the owner's interest in the property to any other person. The operator must apply to the town administrator for the TORV for a new administrative permit, should there be a change in ownership of the STR property.
- (e) A violation of any provision of TORV ordinances or other applicable law shall be grounds to deny, suspend, or revoke a license.

(Ord. No. 246 , art. III, 10-9-2021)

Sec. 16-24. Registration fee.

- (a) The administrative permit/renewal application shall also be accompanied by a registration fee in the amount of \$50.00 per STR unit applying. The administrative permit shall be valid from the date signed by the town

administrator. Such fee shall be in accordance with the latest fee schedule as presented and approved by the TORV board of alderman. Such fee schedule will be reviewed on an annual basis and approved.

- (b) Such administrative permit will have to be renewed annually, based on the anniversary date of the original permit issued, or another date as established by the town administrator of the TORV. A one-time extension of 30 days may only be granted at the discretion of the town administrator of the TORV.
- (c) Once the administrative permit has been reviewed and approved, a permit number shall be issued deeming the STR eligible to be used as such rental.

(Ord. No. 246 , art. IV, 10-9-2021)

Sec. 16-25. STR rental requirements/restrictions.

- (a) Only the following are eligible to be permitted or used as an STR:
 - (1) An entire single-family dwelling;
 - (2) A portion of a dwelling unit that is also the primary residence of the owner;
 - (3) An entire dwelling unit in a two-family or multiple-dwelling structure. An STR may not include a secondary dwelling unit or secondary apartment.
- (b) A short-term rental may not include the rental of less than an entire dwelling unit unless the dwelling unit is the primary residence of the owner.
- (c) A TORV administrative permit number must be located on all rental advertisements or promotional literature, to include the maximum occupancy limit for the STR.
- (d) The operator shall mail notice of the name, address, email and 24-hour telephone number of the local emergency contact to all owners of properties located within 100 feet of the STR use.
- (e) An operator and/or local emergency contact must sign up for the TORV alert system at www.ranchoviejotexas.com
- (f) An operator or guest of an STR may not use or allow the use of sound equipment that produces sound more than 75 decibels at the property line between 11:00 p.m. and 7:00 a.m.
- (g) An operator or guest of an STR may not use or allow the use of a musical instrument that produces sound more than 75 decibels at the property line between 11:00 p.m. and 7:00 a.m.
- (h) This article is not intended to provide any operator of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the operator's property that may prohibit the use of such operator's residential property for short term rental purposes as defined in this article.
- (i) The operator shall provide the tenants with the following information upon the rental agreement being finalized:
 - (1) The name and phone number of the local emergency contact.
 - (2) All STR occupancy restrictions as established by this article.
 - (3) A certification by the operator, and if applicable, TORV inspector that the property is not in violation or subject to outstanding Town Code or State of Texas law violations.
 - (4) Proof of property and general liability insurance with coverages and limits established by the board of aldermen.
 - (5) Restrictions on noise and use of musical instruments.

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- (6) Any parking restrictions.
 - (7) TORV trash collection schedule.
 - (8) Any information on local, state and federal emergency guidelines or Cameron County burn bans.
 - (9) Any information that is received through the TORV alert system with regards to water disruptions or outages, electrical disruptions or outages, street closures or inclement weather updates.
 - (10) Other guidelines and requirements applicable to STR uses.
- (j) A STR may not be located on property that is within 300 feet of another STR-permitted property.
(Ord. No. 246 , art. V, 10-9-2021)

Sec. 16-26. Liability.

The owner and operator 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 an STR unit, regardless of whether such noncompliance was committed by the owner or operator's authorized agent or representative or the occupants of the short-term rental unit or their guests.

(Ord. No. 246 , art. VI, 10-9-2021)

Sec. 16-27. Enforcement.

Any violation of this article may be punished by a fine not to exceed \$500.00 for each offense, for each day such offense shall continue and the penalty provisions of section 1-10 of the Town of Rancho Viejo Code of Ordinances is hereby adopted and incorporated for all purposes.

(Ord. No. 246 , art. VII, 10-9-2021)

Sec. 16-28. Prima facie evidence of a violation.

An advertisement promoting the availability of a short-term rental in violation of any TORV ordinance or state law requirement is prima facie evidence of a violation and is cause to issue a citation for a violation of this article.

(Ord. No. 246 , art. VIII, 10-9-2021)

Sec. 16-29. Inspections.

The town building inspector shall make inspections to determine the condition of short-term rentals located within the city, to ensure compliance with this article and other applicable laws. For the purpose of making inspections, the building inspector or the building inspector's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. The owner or operator of a short-term rental shall give the building inspector free access to the building and its premises, at all reasonable times, for the purpose of inspection, examination, and survey.

(Ord. No. 246, art. IX, 10-9-2021)

Sec. 16-30. License suspension.

- (a) Except as provided in sections (d) and (e) below, whenever the town administrator finds on inspection of the physical premises or review of applicable records of any short-term rental that conditions or practices exist that violate any provision of any applicable building or property maintenance code, TORV Ordinances, or any rule or regulation adopted under this article, or that the establishment has failed to comply with any provision, prohibition, or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of hotel occupancy taxes, the town administrator shall give written notice to the owner of the property and the operator of the short-term rental that unless the violations are corrected by an identified deadline, the license shall be suspended.
- (b) At the end of the time provided for correction of the violation(s), the town administrator shall re-inspect the location or records of the short-term rental, and, if the conditions or practices have not been corrected, shall suspend the license and give written notice to the licensee that the license has been suspended.
- (c) On receipt of notice of suspension, the licensee shall immediately stop operation of the short-term rental, and no person may occupy for sleeping or living purposes any rooming unit other than the owner. The notice required by this subsection shall be served in accordance with the notice provisions of applicable law.
- (d) The town administrator may immediately suspend a license if the town administrator determines that the license was issued in error. A suspension is effective until the town administrator determines that the licensee has complied with the requirements of TORV ordinances or any rule or regulation adopted under this article. The town administrator shall give written notice to the owner of the property and the operator of the establishment that the license is suspended.
- (e) If a short-term rental is the subject of two or more substantiated violations of applicable law during the license period, the town administrator may suspend the short-term rental license. The town administrator must give notice to the licensee of a notice of intent to suspend a license issued under this subsection.
- (f) In determining whether to suspend a license as described in subsection (e), the town administrator shall consider the frequency of the substantiated violations, whether a violation was committed intentionally or knowingly, and any other information that demonstrates the degree to which a licensee has endangered public health, safety, or welfare.
- (g) An owner operator may seek an appeal of a decision made under this article by submitting such appeal to the town administrator of the TORV to be heard by the board of adjustments for further action.

(Ord. No. 246 , art. X, 10-9-2021)



3301 Carmen Ave.
 Rancho Viejo, Texas 78575
 (956) 350-4093
 Email: townhall@ranchoviejotexas.com
 Website: www.ranchoviejotexas.com

**APPLICATION FOR SPECIAL USE PERMIT
 SHORT TERM RENTAL**

(INCLUDE NECESSARY SUPPORTING MATERIAL)

ADDRESS OF PROPERTY:			Property ID#
LEGAL DESCRIPTION (Lot #, Section and/or Subdivision Name)			CURRENT ZONING:
PROPERTY OWNER FIRM:	CONTACT NAME:	PHONE:	Email
MAILING ADDRESS:		CITY:	STATE ZIP CODE
APPLICANT FIRM:	CONTACT NAME:	PHONE:	Email
MAILING ADDRESS:		CITY:	STATE ZIP CODE

Printed Name and Phone# of Owner, Authorized Agents, General Contractor or Other:

SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION:

I, as owner of the property hereinafter referenced, do hereby execute this document, and acknowledge the above statements to be true and accurate to the best of my knowledge. I have received, read and understand the terms and conditions of this request, and agree to comply with all applicable codes and ordinances of the Town.

I understand that my contractor or subcontractor(s) identified below will schedule inspections on my behalf permitting town inspectors to enter my property to conduct the necessary inspections as scheduled.

I authorize my duly authorized agent to coordinate with the Town and its representatives to enter the property at reasonable times for the purposes of inspecting and monitoring the project according to the adopted codes of the Town. The authorized agent is hereby given authority from me to consent to Town inspections on my behalf.

Printed Name

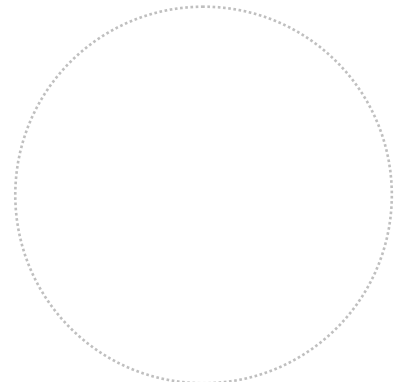
Date

Applicant Signature

(for Town use ONLY)

PERMIT NUMBER: STR-_____

Notes:_____





3301 Carmen Avenue
Rancho Viejo, Texas 78575
Phone: (956) 350-4093
Email: townhall@ranchoviejotexas.com
Website: www.ranchoviejotexas.com

Special Use Permit-Short Term Rental Checklist

- \$50 Application Fee
- Copy of Cameron Appraisal District property records
- Location Map/Aerial Map of the lot that clearly shows the home
- Copy of Recorded Subdivision Plat (11"X17")
- Proof of property and general liability insurance with coverages & limits established
- Property Taxes paid

Photographs

- Clearly showing the front of the home. Clearly showing the designated parking area.

Additional information needed:

- Mail Notice within 100 feet - mailing list & copy of notice
- Provide details on how the rental is advertised, including website and property ID#s:

Provide details on how the rental is managed/Authorized agents: _____

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- Describe amenities as advertised: _____

Number of parking spaces _____

Number of bedrooms _____

Maximum # of occupants _____

Number of fire extinguishers _____

Smoke detectors _____