

ORDINANCE NO. 2017-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE RENTAL NUISANCE ABATEMENT CODE STANDARDS CONTAINED IN CHAPTER 34, ARTICLE 7 OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH REGULATIONS AND REGISTRATION REQUIREMENTS FOR HOME SHARE RENTALS OF PROPERTY FOR PERIODS OF LESS THAN 30 DAYS, TOGETHER WITH CORRESPONDING AMENDMENTS TO CHAPTER 4 OF THE LAND DEVELOPMENT CODE, SUBPART B OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH HOME SHARE RENTALS AS A NEW LAND USE, SUBJECT TO THE REQUIREMENTS OF CHAPTER 34; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The advent of residential rentals for periods of less than 30 days has resulted from the rapidly growing sharing economy and has recently been accepted by cities as a way to enhance tourism and economic development when regulations are in place to protect the well-being and property of the local residents as well as the safety of the visitors.
2. A subcommittee of the City Council, working with City staff has proposed regulations for such rentals of residential property in the city.
3. The Planning and Zoning Commission considered aspects of the proposal relating to the City's Land Development Code and recommended amendments to the Land Development Code to establish a new land use allowing for and regulating such residential.
4. The City Council hereby finds and determines that allowing and regulating certain residential rentals for periods of less than 30 days is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The City Council finds the Recitals to be true and correct and the Recitals Recitals are adopted and incorporated herein.

SECTION 2. The City's Code of Ordinances is hereby amended as set forth below. Additions are indicated by underlining. Deletions are indicated by strikethroughs.

SECTION 3. Chapter 34, Article 7 is hereby amended to read as follows:

**ARTICLE 7. - RENTAL NUISANCE ~~ABATEMENT CODE~~ PROPERTY
STANDARDS**

DIVISION 1. - ADMINISTRATION

Sec. 34.801. Administration.

Sec. 34.802. Title.

These regulations shall be known as the "~~Rental Nuisance Abatement~~ Property Standards Code" ~~code of San Marcos, Hays County, Texas~~, hereinafter referred to as "this code", "chapter" or "provision".

Sec. 34.803. Scope Applicability.

The provisions of this Code shall apply to all existing and future residential rental properties, units and accessory structures.

Sec. 34.804. Purpose.

The purpose of this chapter is to safeguard the life, health, safety, welfare, and property of the occupants of single family and multi-family residential rental unit(s) and the general public by establishing minimum standards and registration requirements for certain residential rental properties and home share rental properties in the city. ~~Additionally, this chapter authorizes cumulative enforcement action against repeated or multiple violations under this chapter.~~

Sec. 34.806. ~~Applicability and administration~~ **Generally.**

(1) Residential rental registration shall be required before ~~apply to all registrants of rented~~ renting any residential single-family homes, accessory dwellings, manufactured/mobile homes, duplexes, and multi-family units located in the City of San Marcos for a continuous period of at least 30 days when any of the conditions set forth in Section 34.818 exist on a rental property. Voluntary rental registration is permitted under Section 34.819.

(2) Home share rental registration shall be required before renting any residential single-family homes, accessory dwellings, manufactured/mobile homes, duplexes, and multi-family units located in the City of San Marcos for a period of less than 30 consecutive days.

(3) The code official (city marshal), the marshal's authorized representatives, neighborhood services and other city personnel authorized may enforce the provisions of this Code.

Sec. 34.807. Applications outline.

(a) Residential Rental Application Requirements. Application for residential rental registration shall be made upon a form prescribed by the City of San Marcos for such purposes. ~~and shall include at least the following information. The following information is required of all applications and missing items or information constitute an invalid application.~~ Additional information may be required based on individual circumstances.

- (1) Registrant's name, business address, home address, telephone number, electronic mail address; or
- (2) If owner is a partnership the principal business addresses, and contact (including electronic) information; or
- (3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, electronic mail address, contact information and name of the primary individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation; or
- (4) Name, address, electronic mail address and telephone number of the property manager or management company (if any); and
- (5) Street address of the rental unit; and
- (6) Number of persons the rental unit is designed to occupy; and
- (7) Whether there has been a change of occupancy use; and
- (8) The name(s), address, electronic mail address and phone number (24-hour contact number) of designated employee(s) or authorized representative(s) who shall be assigned to respond to emergency conditions. Emergency conditions shall include but not limited to; fire, natural disaster, flood, burst pipes, collapse hazard, emergency repairs and violent crime; and
- (9) Signature or electronic signature by the registrant requiring the applicant to self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas.

(b) Home Share Rental Registration Requirements. Application for Home Share Rental Registration shall be made upon a form prescribed by the City of San Marcos for such purpose. The following information is required of all applications

and missing items or information constitute an invalid application. Additional information may be required based on individual circumstances.

- (1) Registrant's name, home address, telephone number, and electronic mail address
- (2) Proof of possession of the premises being registered, either by warranty deed, or valid lease.
- (3) If the applicant does not own the property where the premises are located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a home share rental on the premises
- (4) Proof that the premises is the primary residence of the applicant, including at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, tax documents, or utility bill.
- (5) Signature or electronic signature by the registrant requiring the applicant to self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas.
- (6) Incomplete applications will not be processed and, as a result,/ any premises associated with an incomplete application will not be registered in compliance with or as required by this Division.

DIVISION 2. DEFINITIONS

Sec. 34.808. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Advertise means the act of drawing the public's attention to a home share rental in order to promote the availability of the home share rental.

Code official means city marshal or designated official who is charged with the enforcement of this Code.

Complex. See "Multi-family unit (MFU)".

Duplex Unit (DU)—(two family dwelling). As defined by the International Building and/or Residential Code.

Home Share Rental means a primary residence having fewer than five bedrooms, or portion thereof, used for lodging accommodations to guests for a period of less than 30 consecutive days. A home share rental does not include a bed and breakfast inn as defined in the City's Land Development Code, Subpart B of the City's Code of Ordinances.

Hotel Occupancy Tax means the hotel occupancy tax required to be assessed and collected for the operation of any home share rental and paid pursuant to Chapter 351 of the Texas Tax Code.

Landlord means the owner, landlord, operator, and lessor, management company, managing agent or on-site manager of a rental unit or multi-family dwelling unit.

Local responsible party means an individual located in the City of San Marcos while a home share rental is being rented and who has access to the premises and is authorized to make decisions regarding the premises.

Multi-family unit (MFU) means any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments. The term shall not include hotels, motels, nursing facilities, or assisted living units.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building. This includes, but is not limited to, persons that reside at a residence the majority of 21 calendar days, regardless if that person pays rent or provides in-kind services. The person is not required to have a lease, contract or other legal document to be considered an occupant.

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.

Owner-occupied rental unit a dwelling unit in which at least one owner of record of the property resides as his/her primary dwelling.

Premises means property, a lot, plot or parcel of land, easement or public way, including any structures thereon.

Primary Residence means the usual dwelling place of the owner or tenant of a residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter

registration, tax documents, or utility bill. For purposes of this chapter, a person may have only one primary residence.

Property. See "premises".

Registrant means owner, manager or representative of a property. For home share rentals only, it also includes a lessee of property under a lease for a period of at least 30 days..

Rental unit means a structure or portion thereof that is rented or offered for rent as a residence; including but not limited to, single-family unit, duplex unit, tri-plex, quad-plex unit, multi-family unit, manufactured or mobile home unit, town home or condominium. ~~This is not intended to regard individual rental spaces inside of a structure for separate fee related submissions.~~

Single Family Unit (SFU) as defined by the International Residential Code.

Unit. See "rental unit".

DIVISION 3. - RESIDENTIAL RENTAL PROPERTY REGISTRATION

Sec. 34.809. Residential rental property registration.

The purpose of this division is to identify and notify owners regarding minimum building standards, complaints and property maintenance codes in a timely manner. In this Division Rental Registration has the same meaning as Residential Rental Registration in Division 2.

Sec. 34.810. Registration timeline.

Each registrant or landlord of a rental unit within the City of San Marcos subject to section 34.818 shall register each such rental unit with the City of San Marcos before January 1st of each year, or as prescribed in section 34.813. If subject to provisions of section 34.818 prior to the annual deadline, registration must be completed within 14 days of notice. Notice can be in the form of mail, electronic communication, or posting on the property.

Sec. 34.811. Separate registration required.

Separate registration shall be required for each rental unit on a property. If more than one structure is on the same property, then each structure is considered a separate rental unit.

Sec. 34.812. Registration expires.

A residential rental property registration shall be valid for no more than 12 calendar months. There are no prorated registration time periods.

Sec. 34.813. Geographic designation.

The City of San Marcos, may by administrative order, divide the city into geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file with the code official.

Sec. 34.814. Incomplete application

Incomplete applications will not be processed and, as a result, any rental units associated with an incomplete application will not be registered in compliance with or as required by this Division. ~~residential rental property registration will not be issued.~~

Sec. 34.815. Registrant registration responsibility.

It is the ~~registrant's and/or landlord's~~ responsibility of the landlord, owner, or registrant to renew the registration for each rental unit within the City of San Marcos as prescribed by this code.

Sec. 34.816. Renewals or change of status notice required.

If a change in ownership, trade name or transfer occurs for the premise prior to the expiration of the permit, the new landlord, owner, or registrant (~~new owner~~) of the premise shall have 30 days from the date the change of ownership occurred to file a new registration with the City of San Marcos and pay the applicable fee.

A landlord, owner, or registrant required to register a property under this Division shall notify the new owner or transferee of the current registration and associated violations, as well as the requirement for the new owner or transferee to register under this Division. Notice shall be in writing and signed by both parties.

Sec. 34.817. Liability.

Neither the registrant, it's officers, employees, agents, representatives, or any person, who is in good faith carrying out, complying with, or attempting to comply with, release of information pursuant to the provisions of this chapter shall be liable for any such activity.

Sec. 34.818. Registration required.

Except as provided in section 34.820, a rental registration is required to operate, lease, occupy, or otherwise allow multi-family or single family rental property to be occupied by a non-owner if the following conditions exist ~~are met~~:

- (1) Two or more separate notices of violation are issued for the same property within a 12-month period and the owner of the property fails to correct the violations within the time frame required by the code official; or
- (2) Five or more separate code violations within a 12-month period regardless of whether the owner of the property corrects the violations within the time frame required by the code official; or
- (3) Two or more citations are issued for the same property within a 12-month period.

For the purposes of this section, violations identified in the notices and citations must be related to the San Marcos Code of Ordinances, or violations of state law relating to public order and decency, controlled substances or alcohol, or public health, safety and morals as adopted.

Sec. 34.819. Voluntary registration.

Nothing in this chapter prohibits voluntary submission of registration for convenience and expediency of landlord or owner notification. The voluntary registration submission cannot be related to any enforcement action or as a method to avoid enforcement of this chapter. For purposes of this section annual registration is not required. However, if a property that voluntarily registered meets requirements of section 34.818, the registrant must comply with this entire chapter.

Sec. 34.820. Exceptions.

The provisions of this Code do not apply to:

- (1) Owner-occupied rental units; or
- (2) Properties specifically registered as members, or affiliate members with property designation of the Achieving Community Together (ACT) program. However, if a property, member or affiliate withdraws or is suspended from the ACT program their requirements of this Division shall apply immediately. ~~provision shall apply before the end of a thirty day period from date of separation.~~

Sec. 34.821. Performance.

Registered properties that do not receive further notices of violation, or have any registration violations for three contiguous years, are not required to re-register. ~~properties. However, Should a previously registered property that was required to register be found in subsequent violation of provisions under section 34.818 or require registration after been a registered property, the property and has subsequent violations of section 34.818 must will have to re-register and maintain a registration for a period of five years.~~

DIVISION 4. HOME SHARE RENTALS

Sec. 34.821.1. Purpose and applicability.

The purpose of this Division is to establish regulations for the registration and use of home share rentals. The requirements of this division apply only to home share rentals located in residential only zoning districts established under the City's Land Development Code, Subpart B of the City's Code of Ordinances. Nothing in this division, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days of property that is located outside of such residential only zoning districts or that is located in any SmartCode zoning district.

Sec. 34.821.2. Home Share Rental Registration Restrictions.

(a) It is unlawful rent, lease, or otherwise permit or allow any rental unit or premises to be operated as a home share rental unless all requirements of this code are met, including all registration requirements.

(b) Home share rental is not permitted for any property where the registrant is under suspension or revocation of the Residential Rental Registration requirements.

(c) *Registration non-transferrable.* An approved home share rental registration shall not be assigned or transferred to any person or entity. Any attempt to transfer a registration shall render the registration subject to suspension or revocation as provided in this chapter.

(d) *Only one home share rental allowed per registrant.* No registrant shall be allowed to operate or register more than one home share rental in the city, and no registration for a new home share rental shall be authorized, while another registration in the registrant's name is still active or under suspension.

(e) *Only one home share rental per property owner and affiliates of owner.* An owner of property may not have more than one home share rental unit ~~property~~ in the city that is registered or operated as a home share rental. When an owner of property registered or operated as a home share rental is a business organization,

trust or other entity, no person or entity affiliated with such business organization, trust or other entity as an organizer, officer, member, manager, shareholder, trustee, beneficiary, partner, equity owner or investor shall be allowed to register or operate an additional home share rental at a different property address in the city.

Sec. 34.821.3. Restrictions on Home Share Rentals.

(a) Limit on occupants allowed. No more than two adult guests per bedroom, plus no more than two additional adults guests, shall be allowed when renting a property as a home share rental.

(b) Other restrictions. It is unlawful:

- (1) to operate or allow to be operated a home share rental without first registering the property in which the rental is to occur with the city in accordance with this article;
- (2) to operate a home share rental in any location that is not the registrant's primary residence;
- (3) to operate a home share rental that does not comply with all applicable City and State laws and codes;
- (4) for a registrant to operate or property owner to allow the operation of more than one home share rental within the City Limits;
- (5) to operate a home share rental without paying the required hotel occupancy taxes;
- (6) to offer or allow the use of a home share rental for having a party; or
- (7) to fail to include a written prohibition against the use of a home share rental for having a party in every advertisement, listing, or other publication offering the premises for rent
- (8) It is unlawful to offer for rent more than one rental agreement concurrently at the same rental unit in Sec. 34.821.3. Restrictions on Home Share Rentals.

Sec. 34.821.4. Brochure and Safety Features.

(a) Informational brochure. Each registrant operating a home share rental shall provide to guests a brochure that includes:

- (1) the registrant's contact information;

- (2) the property owner's contact information if the registrant is not the property owner;
- (3) a local responsible party's contact information if neither the registrant nor the property owner are in the city limits when guests are renting the premises;
- (4) pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash collection schedule, and relevant water restrictions;
- (5) Information 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 and updates.
- (9) Safety features. Each home share rental registrant shall provide in the premises at least at least one working smoke detector and alarm and one working carbon monoxide detector and alarm per bedroom, and one working fire extinguisher. The premises shall, otherwise be in compliance with applicable building and fire codes adopted under Chapter 14 of the City's Code of Ordinances.

Sec. 34.821.5. Registration Term, Renewal.

(a) All registrations approved under this Division shall be valid for a period of one year from the date of their issuance.

(b) If the registrant has received notice of violation of any law or regulation including enforcement-action, the application for renewal shall include a copy of the notice;

(c) Upon receipt of an application for renewal of the registration, the director may deny the renewal if there is reasonable cause to believe that:

- (1) The registrant has violated any ordinance of the City, or any State, or Federal law on the premises or has permitted such a violation on the premises by any other person; or
- (2) There are grounds for suspension, revocation, or other registration sanction as provided in this Article.

DIVISION 54. - OFFENSES AND ENFORCEMENT

Sec. 34.822. Offenses: Reserved.

Sec. 34.823. Registrant/landlord offenses.

A registrant or landlord commits an offense if they:

- (1) Allow operation of a rental unit that is not registered with the City of San Marcos in violation of ~~section 34.818~~ this Article;
- (2) Fails to renew registration;
- (3) Registers past deadline of required registration; or
- (4) Omits, or provides false or incorrect information on application.

Sec. 34.824. Failure to comply with requirements of code.

A violation of this Article is a Class C misdemeanor offense. Any persons, firm, corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any of the provisions of this ~~Code Article~~ Article is subject to payment of a fine not to exceed \$2,000.00 plus court costs. Each act of violation and each day upon which such violation occurs constitutes a separate offense. Additionally, this Article authorizes cumulative enforcement action against repeated or multiple violations under this Article.

Sec. 34.825. Electronic communication notice.

Electronically transmitting a copy of the notice, acknowledgment of receipt requested, to the last known electronic address of the registrant or landlord shall serve as an accepted legal standard of contact and notice under this provision.

Sec. 34.826. Suspension.

The code official may suspend a residential rental property registration or a home share rental registration for a rental property if the code official determines that:

- (1) The property is declared a substandard or dangerous building by the building department, the code official, or a court of competent jurisdiction;
- (2) Registrant fails to comply with a notice of violation;
- (3) Registrant fails to comply with applicable requirements of this ~~chapter~~ Article.

For purposes of this section the code official must serve notice of ~~intent to suspend~~ suspension of a registration by mail, electronic notification, or posting ~~of~~ on the subject property. The suspension is effective immediately until the requirements of this chapter are met or for the duration of the suspension set forth in the notice, or

if no duration is listed in the notice, until such time as the code official lifts the suspension.

Sec. 34.827. Revocation.

(a) A court of competent jurisdiction may revoke a residential rental property registration or a home share rental registration that has been suspended pursuant to section 34.826 if the court determines that during the suspension the registrant did not comply with the requirements of this chapter, abate a notice of violation for which the suspension was ordered, or failed to comply with a court order. A suspension need not be in place in order to revoke a registration.

(b) The code official may revoke a home share rental registration that has been suspended pursuant to section 34.826 if the Director determines that during the suspension the registrant did not comply with the requirements of this chapter or abate a notice of violation for which the suspension was ordered.

Sec. 34.828. Other remedies.

Nothing in this article prevents the city from seeking injunctive relief or other civil action required to enforce this chapter including suspension of utility services, placement of liens, and posting of notices prohibiting occupancy or use.

Sec. 34.829. Rental prohibited.

Any person, landlord or registrant may not operate, lease, occupy, or otherwise allow another person to occupy a rental property without a residential rental property registration or a home share rental registration when required by this chapter or, if the property is under a suspension or revocation notice or order.

~~Sec. 34.830. Fee schedule.~~

Sec. 34.8310. Time line for fees.

All fees are based on a calendar year. Prorated fees will not be allowed.

Sec. 34.8321. Fees schedule.

The registrant of a rental property shall annually pay the city a fee to offset the city's cost of administration and registration. The amount of the fee is set by the City Council in the passage of an annual Fee Schedule. The registrant shall also pay a ~~(A) A~~ technology fee of ten dollars (\$10.00) per rental unit.

Sec. 34.8332. Late fee schedule.

Annual registration or renewals received after expiration date shall be assessed a double fee. Nothing in this section prohibits legal action for operation of a premise without a registration or operational permit.

Sec. 34.833. Sunset Review – Home Share Rental Provisions.

The provisions of this Chapter pertaining to home share rentals shall be reviewed by the city council within one year of the adoption of Ordinance No. 2017-37. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the home share rental provisions of this Chapter shall not be construed to create any enforceable right to the continuation of home share rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result its repeal.

Secs. 34.834—34.840. Reserved.

SECTION 4. Chapter 4 of Subpart B, the Land Development Code, is hereby amended as set forth in Exhibit “A,” attached hereto and made a part hereof for all purposes.

SECTION 5. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 6. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 7 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. This ordinance will take effect after its passage, approval and adoption on second reading.

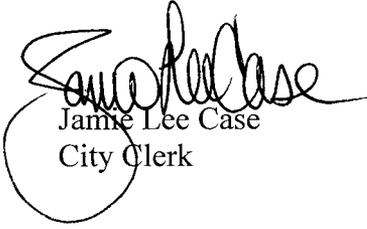
PASSED AND APPROVED on first reading on July 18, 2017.

PASSED, APPROVED AND ADOPTED on second reading on August 1, 2017.



John Thomaides
Mayor

Attest:



Jamie Lee Case
City Clerk

Approved:



Michael J. Cosentino
City Attorney

EXHIBIT A

4.3.1.2 Land Use Matrix

	FD	AR	SF-R	SF-11	SF-6	SF-4.5	D	DR	TH	PH-ZL	MF-12	MF-18	MF-24	MR	MH	MU	VMU	P	NC	OP	CC	GC	HC	CBA	LI	HI	
Home Share Rental (accessory use only; must comply with Ch34 of the City Code & Sec 4.3.4.8)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

4.3.4.8 Home Share Rentals

(a) **Defined.** Home Share Rental means a primary residence having fewer than five bedrooms, or portion thereof, or an accessory dwelling on premises with a primary residence that is offered for use or is used for accommodations or lodging of guests for a period of less than thirty consecutive dates. A home share rental does not include a bed and breakfast inn as defined in the City's Land Development Code, Subpart B of the City's Code of Ordinances.

(b) **Purpose.** The purpose of these standards is to establish regulations for the registration and use of home share rentals and to ensure, among other things, that habitation of such units is safe, hotel occupancy taxes are paid to the City in a timely fashion and to provide for the general welfare of neighborhoods, residents and visitors.

(c) **Special Provisions for Home Share Rentals.** All home share rentals shall:

- (1) Be clearly incidental and customary to and commonly associated with the operation of the primary residential household living use;
- (2) Be operated by the person or persons maintaining the dwelling unit use as their primary residence. For purposes of this provision, "person or persons" shall not include any corporation, limited liability company, partnership, firm, association, joint venture, or other similar legal entity. For purposes of this section 4.3.4.8, the term "primary residence" shall have the meaning prescribed thereto in Chapter 34 of the City Code of Ordinances;
- (3) Hold a valid home share rental registration with the City pursuant to Chapter 34, Article 7 of the City Code and pay the fee identified in the City Fee Schedule;
- (4) Not include rentals where the length of stay of any individual is 30 or more consecutive days during the calendar year; and
- (5) Not permit more than two adult guests per bedroom offered for accommodation or lodging of guests plus an additional 2 adults.

(d) **Related Provisions.** Use of property for home share rentals as an accessory use is subject to compliance with provisions governing licensing and regulation of such uses under Chapter 34 of the City Code of Ordinances and may be suspended or revoked for non-compliance.

(e) **Sunset Review-Home Share Rental Provisions.** The provisions of this Chapter pertaining to home share rentals, including the provisions in Section 4.3.1.2, shall be reviewed by the city council within one year of the adoption of Ordinance No. 2017- 37. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the home share rental provisions of this Chapter shall not be construed to create any enforceable right to the continuation of home share rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal.