

An Ordinance of the City of Plano, Texas amending Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano by adding Article XXIV, Registration of Short-term Rental Properties; providing for procedures for the registration of short-term rentals for operation; providing for procedures for approval, denial, suspension, and revocation of registration of short-term rentals; and providing a penalty clause, a severability clause, a repealer clause, a savings clause, a publication clause and an effective date.

WHEREAS, the rise of digital platforms that enable the rental of a room or residence on a short-term basis, such as Airbnb and VRBO, led to an increase in citizen concern about transient residential uses that can infringe on the reasonable expectations of neighboring properties in the City of Plano; and

WHEREAS, there were reports of tenants and visitors at short-term rentals (STRs) in the City of Plano engaging in criminal conduct negatively affecting the public sense of well-being and security, including operation of a prostitution enterprise and discharge of a firearm into a nearby residence occupied by a child, public urination, public indecency, and disorderly conduct; and

WHEREAS, more commonly, there were reports of tenants and visitors at the STRs in the City of Plano failing to be reasonably quiet and pick up after themselves as Plano neighbors expect; and

WHEREAS, the City Council adopted Ordinance No. 2023-5-1 on May 8, 2023, which placed an interim ban on new short-term rentals while the city conducted a public outreach process, collected data, and analyzed information to determine permanent recommendations for the proper zoning of short-term rentals; and

WHEREAS, in May of 2023, the city created a Short-Term Rental Task Force to consider data, identify problems, and suggest solution to the City Council regarding regulation of STRs; and

WHEREAS, the Task Force met six times, conducted surveys, took public input at two open houses, reviewed and analyzed data, and reported their findings and recommendations to the Planning & Zoning Commission and City Council in a Phase One Report and a Phase Two Report; and

WHEREAS, data presented to and discussed amongst the Task Force indicated that, aggregated, STR properties cause more calls-for-service for noise and other nuisances to the police department than owned or long-term leased properties; and

WHEREAS, the Task Force recommended that the City: 1) require registration of STRs; 2) prohibit listing of an STR on a platform without registration; 3) require regular renewals of registration; 4) require posting of the registration inside the property; 5) require hosts to post rules and the noise ordinance; 6) require registrants to provide links to all platforms upon which they will list their STR; 7) require liability insurance; 8) require

a local contact who can be available to address issues; 9) require local property management who actively manages the site; 10) require hosts to be responsive to issues in a reasonable time; 11) require STR operators of full-dwelling STRs to utilize city-directed technology as tools for property monitoring; 12) adopt escalating penalties for multiple violations of the registration ordinance, including for trash and debris; and 13) subject STRs to a one-year suspension of registration for a one-time severe offense that causes significant public harm; and

WHEREAS, a majority of Plano residents surveyed supported the Task Force recommendations presented; and

WHEREAS, the City Council has considered the data and studies presented during the process leading to the public hearings on this ordinance as well as the accompanying zoning ordinance, the solutions offered by the Short-Term Rental Task Force, speakers at public meetings, and other input received from concerned residents and short-term rental owners and operators and has incorporated many of those solutions in this ordinance; and

WHEREAS, the registration of STRs is intended to identify the existence, location, ownership, management, and designated contacts for STRs and to assist in the investigation of incidents involving criminal conduct or public nuisances related to STRs; and

WHEREAS, the requirement of an annual short-term registration that may be suspended, or in some instances revoked, is intended to assist in prevention and resolution of incidents involving criminal conduct or public nuisances related to STRs; and

WHEREAS, the City Council finds that identification of individuals and entities with ownership in or responsibility for management, maintenance, and inspection of STRs will aid in obtaining compliance with and enforcement of building standards, property maintenance codes, and other laws affecting STRs and will aid in the protection of the health, welfare, safety, and property of the residents of the City of Plano, STR owners, STR occupants and visitors, neighbors of STRs, and the general public; and

WHEREAS, the City Council finds that requiring self-inspections and records retention for STR properties will increase the safety of STR occupants in the City of Plano; and

WHEREAS, the City Council finds it is necessary for successful enforcement of these regulations to prohibit advertising and promoting STRs in a manner that is illegal because it is inconsistent with these regulations; and

WHEREAS, the registration of STRs will aid in the collection of hotel occupancy taxes and compliance with, and enforcement of, ordinances and other laws relating to

the health, welfare, safety and property of STR owners, STR occupants and visitors, neighbors of STRs, and the general public; and

WHEREAS, registration is not a property right and may be withheld, suspended, or revoked in the event of non-compliance with the registration ordinance; and

WHEREAS, the regulation of the use and operation of STRs is intended to support healthy and stable neighborhoods, and further advance the City Council's objective of championing great neighborhoods; and

WHEREAS, the City Council finds that it is necessary to adopt procedures and requirements for registration issuance, suspension, revocation, and enforcement for STRs by adding Article XXIV, Registration of Short-term Rental Properties to Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas.

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

Section I. Article XXIV, Registration of Short-term Rental Properties is hereby added to Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano to read as follows:.

“ARTICLE XXIV. - REGISTRATION OF SHORT-TERM RENTAL PROPERTIES

Sec. 6-730. - Short title.

This article may be referred to as the “Short-Term Rental Code”.

Sec. 6-731. - Definitions.

Any terms not defined in this article shall be defined as they are in the City of Plano Zoning Ordinance. Any terms not defined in this article or in the Zoning Ordinance shall have their ordinary accepted meanings. The following terms and phrases, as used in this article, are defined as follows:

Advertise or Promote means to offer an STR for rental in any medium, including but not limited to, newspaper, magazine, handbill, brochure, website, social media, or mobile application.

Applicant means a person applying for registration of an STR.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates an STR rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives,

directly or indirectly through an agent or intermediary, a fee in connection with the reservation or payment services provided for the STR transaction.

Criminal Conduct means any violation of local, state, or federal law. Criminal conduct includes, but is not limited to, violation of the City of Plano Code of Ordinances, the City of Plano Zoning Ordinance, or state or federal law. Proof of criminal conduct may include, but does not require, criminal enforcement action, criminal prosecution, an adjudication of guilt, or a criminal defendant's plea of No Contest or Guilty.

Designated Contact means an individual designated to respond to a report or request regarding an emergency condition, property or building maintenance condition, nuisance or criminal conduct at an STR.

Director means the director of the department of the City of Plano designated by the City Manager to administer and enforce the provisions of this article and any person or persons designated by the Director to represent the department for this purpose.

Hosting Platform means a person or entity that participates in the STR business by providing, and collecting or receiving a fee for, booking services through which an owner may offer an STR. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the STR through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the owner or to the hosting platform.

Noise monitoring device means a device capable of all of the following (i) monitoring noise levels (ii) detecting exposure to noise levels that exceed an acceptable level for more than a continuous five-minute period (iii) sending real-time alerts to the subject short-term rental owner and operator, and (iv) being programmed to receive real-time alerts if noise levels continuously exceed an acceptable level for the five-minute period. The noise monitoring device shall comply with all laws, rules and regulations regarding privacy.

Nuisance Incident means an incident involving criminal conduct, as defined by city ordinance, state law, or federal law, committed at the premises of the STR by an occupant, guest or visitor of the STR, that tends to substantially interfere with the use or enjoyment of private or public property by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy their property, including, but not limited to, conduct involving assault, sexual misconduct, public order and decency, alcohol, drugs, weapons, noise, trash, and parking.

Occupant means any person lawfully living in, sleeping in or possessing an STR. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Operate means to do any of the following for an STR: rent or lease; offer, advertise, or market to rent or lease; or enter into an agreement to rent or lease.

Operator means a natural person designated on the registration application as the operator. For live-in management STRs as defined by the City of Plano Zoning Ordinance, the Operator is the person who stays in the dwelling overnight whenever guests are present at the STR.

Owner means any person, agent, firm or trust who: (1) has a legal or equitable interest in the STR and their designee; (2) is recorded in the official records of the county as holding title to the STR; or (3) has control of the STR, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of the STR by a court.

Person means an individual, corporation, association, partnership or other entity acting as a group.

Premises means any parcel of real property together with all buildings and structures thereon used as an STR and any public property immediately adjacent to the STR that is used because of the use of the STR, such as the public right-of-way used for parking, or the sidewalk used to access the STR.

Registrant means a person who has applied for and been approved for registration and operation of an STR.

Registration means approval by the Director of an application to operate an STR.

Serious Incident means an incident involving criminal conduct, as defined by city ordinance, state law, or federal law, committed at the premises of the STR by an occupant, guest or visitor of the STR that substantially interferes with the use or enjoyment of private or public property and is reasonably likely to induce fear in persons of ordinary sensibilities, including but not limited to, conduct involving child abuse, sexual offenses, discharge of firearms, and offenses causing serious bodily injury or death.

Short-term Rental (STR) means any portion, or all, of a dwelling unit offered or used for transient lodging, in exchange for compensation, for less than thirty (30) consecutive days. This definition of Short-term Rental includes all uses defined as short-term rentals in the City of Plano Zoning Ordinance, but does not include Temporary Accessory Housing Shelter.

Video Monitoring Device means an outdoor camera or other device, which captures, records or broadcasts video.

Sec. 6-732. - Purpose.

The purpose of this article is to develop a process to identify STRs and their owners and others responsible for their operation, management, and ensuring compliance with applicable law; to register and self-inspect STRs; and to provide equitable and practical remedies for violations of this article in order to protect the general health, safety and welfare of occupants and others in the community. Registration of short-term rentals is a privilege, rather than a right.

Sec. 6-733. – Applicability, administration, and training.

- (a) This article shall apply to STRs located in the city. The Director is authorized to administer and enforce the provisions of this article.
- (b) Registration of a short-term rental with the City of Plano does not supersede any prohibition or requirement placed upon a short-term rental owner by a lease, private contract or property covenant, such as a deed restriction or binding HOA rules.
- (c) The Director may provide training to be completed by an applicant for STR registration. The Director establishes the training and shall include at least the following: requirements of this ordinance, noise regulations, parking requirements, trash pickup, human trafficking awareness and prevention, and property maintenance requirements. The Director may discount registration up to a maximum of \$100.00 for completion of training. Training will be offered annually and owners who complete the annual training will be eligible for this discount when renewing their registration.

Sec. 6-734. - Requirements of hosting platforms.

- (a) All hosting platforms shall provide the following information in a notice to any person listing an STR located within the city through the hosting platform's service. The notice shall be provided prior to the person listing the premises and shall include the following information: THE SHORT-TERM RENTAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF PLANO PROHIBITS THE SHORT-TERM RENTAL OF PREMISES WITHIN THE CITY OF PLANO WITHOUT AN ACTIVE SHORT-TERM RENTAL REGISTRATION.
- (b) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant or hosting platform of the obligations imposed by applicable local, state, and federal law including this Code and the Texas Tax

Code. Further, nothing in this article shall be construed to limit any remedies available under applicable local, state, and federal law.

Sec. 6-735. – Registration required.

- (a) No STR may be operated without an approved, valid STR registration from the city.
- (b) Every individual dwelling unit operated as an STR within a common structure or building, regardless of ownership or management, shall require a separate, individual registration.
- (c) A new STR owner who purchases a property with a current, valid registration on the property as of the date of purchase will be allowed to legally operate the STR on that property without updating the registration for up to ninety (90) days following the date the STR property ownership is transferred.
- (d) The following are required for issuance of an STR registration:
 - (1) Along with the completed registration application described in the subsection below, the applicant shall provide evidence of one of the following: a) that the STR is allowed by right in the zoning district where the STR will operate; or b) that the STR is allowed by specific use permit in the zoning district where the STR will operate and an SUP has been issued for the property; or c) that the applicant has received a determination by the city, pursuant to Article 7, Nonconformities, of the Zoning Ordinance establishing that:
 - i. The STR is a nonconforming use because it was in operation on the subject property prior to May 15, 2023, which is the effective date of Ordinance No. 2023-5-1; or
 - ii. The owner had an investment-backed expectation in creating an STR on the subject property prior to May 15, 2023, which is the effective date of Ordinance No. 2023-5-1.
 - (2) A completed registration application must be submitted on a form prescribed by the Director containing, at a minimum, the following, as applicable:
 - i. Business or trade name, physical address, and business mailing address of the STR; identity and contact information (including legal name, mailing address, email addresses, and telephone number), for every owner, operator, manager, partner, and mortgage lien holder of the STR or premises where it is located, including the registered agent for any entity;

- ii. Complete contact information for all designated contacts, including legal name, residential and business mailing addresses, email address, telephone number, copy of government-issued identification, and dates and times of availability as a designated contact;
- iii. Copy of government-issued identification for the primary applicant for registration;
- iv. Depiction of the floor plan, including room dimensions, that identifies sleeping areas, dining areas, living areas, furniture layout, evacuation routes, and location of all fire extinguishers, noise monitoring devices, outdoor video monitoring devices, and smoke and carbon monoxide detectors;
- v. Photographs of all interior and exterior rooms, hallways and spaces that are offered for use as an STR;
- vi. Proof of insurance as required by this article;
- vii. Identity and contact information for the property owners' association, if any, of which the premises are included in a dedicatory instrument;
- viii. A list of all Hosting Platforms and other media that the applicant will use to advertise the STR, and a link to each listing for the STR on a Hosting Platform;
- ix. A copy of the proposed host rules for the STR, including any rule on maximum number of guests;
- x. For live-in management STRs, the designated Operator;
- xi. A sworn statement by the owner that:
 - 1. there is no prohibition on operation of an STR at the premises by a lease, property covenant, private contract, binding HOA rule, or other agreement;
 - 2. the STR is in compliance and will continue to comply with all requirements of this article and all applicable local, state, and federal law;
 - 3. the applicant has provided accurate and complete information on all documents submitted to the city pursuant to this article;

4. all applicable fees and assessments on the premises used as an STR have been paid and shall continue to be paid including hotel occupancy taxes. If an STR is booked through a Hosting Platform that has entered into a contract with the city to collect hotel occupancy taxes (“a Hosting Platform Agreement”), then the owner is not required to remit the hotel occupancy taxes for that booking if it is remitted by the Hosting Platform; and
5. there is no property right in an STR registration and it is issued at the city’s discretion and subject to revocation or denial in accordance with the terms of this article.

xii. All other information as may be required by this article.

- (e) Applications shall be considered complete when all documentation required under this article has been submitted, all training is completed, and all registration fees have been paid.
- (f) Incomplete applications will not be accepted.
- (g) An STR registration may be approved and issued by the Director if the STR application satisfies all conditions of this article.
- (h) All city fees due from the owner and city assessments levied upon premises must be paid prior to the registration or renewal of an STR registration by the city.
- (i) A registration to operate an STR is non-transferable and shall not be assigned nor transferred to another owner, operator or location. Any attempt to transfer a registration or attempt to use another person’s registration is a violation of this Article.
- (j) The registration granted by this article is a regulated privilege, not a right, and can be revoked or suspended by the city in accordance with the provisions provided herein.

Sec. 6-736. - Designated contact.

- (a) As part of the registration application, applicant, owner, or registrant shall designate one or more designated contacts for the STR. A designated contact may be an owner, applicant, operator, registrant, or a designee and shall meet the following criteria:
 - (1) Accessible by telephone;
 - (2) Able to respond or resolve the report or request within one hour of being

contacted or within a reasonable time considering the circumstances;

- (3) Authorized to make decisions regarding the premises, STR, and its occupants.
- (b) The Owner shall ensure the designated contact(s) is/are available and authorized to act as described in section (a) above during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article.
- (c) The City recommends that the designated contact be local to the DFW area to assist with the required accessibility, responsiveness, and authority, but a non-local designated contact is acceptable so long as the required accessibility, responsiveness and authority under this Section is maintained.

Sec. 6-737. - Expiration of registration; renewals.

- (a) A registration is valid for one calendar year after the date of issuance, unless suspended or revoked pursuant to this article or there is a change in ownership of the STR.
- (b) Every complete renewal application for an STR registration shall include updates, if any, to the information contained in the original registration application or any subsequent renewals. The registrant shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The Director may require additional information to ensure compliance with this article.
- (c) A renewal application for an STR registration submitted after the expiration of the most current registration shall be treated as an application for a new registration as described in this article.
- (d) No STR registration may be renewed without a completed renewal application and payment of the renewal application fee prior to the expiry of the current registration.
- (e) An application for renewal may be denied if the premises cannot be legally used as a short-term rental as determined under the provisions of the City of Plano Zoning Ordinance, other law, private contract, or property covenant, including, but not limited to, deed restrictions and binding HOA rules. The city, however, is not responsible for interpreting or enforcing property covenants or private contracts.
- (f) The Director may renew the registration of an STR if the renewal application satisfies all conditions of this article and all applicable local, state, and federal law.

Sec. 6-738. - Application fees.

- (a) A non-refundable fee of three hundred dollars (\$300.00) shall be submitted with each registration or renewal application for an STR.
- (b) A non-refundable fee of two hundred dollars (\$200.00) shall be submitted with a renewal application for an STR in which an owner can show that the STR has not been the subject of a Nuisance Incident or Serious Incident within the previous twelve (12) months.
- (c) A fee of twenty-five dollars (\$25.00) shall be submitted to reprint an already issued registration certificate.

Sec. 6-739. - Proof of insurance required.

No STR shall be operated without liability insurance that provides coverage of at least \$1 million per occurrence. A certificate of insurance shall be on file with the Director. Proof of insurance shall be required at the time of application and notice of cancellation or change of insurance shall be made to the Director within thirty (30) calendar days.

Sec. 6-740. - Hotel occupancy taxes; request for occupancy history.

No STR shall be operated without payment of hotel occupancy taxes as required under state law. Upon request of the city, the registrant shall remit, within thirty (30) calendar days, an accounting of all occupants who rented the STR and the hotel occupancy taxes paid therefor.

The owner, however, is not required to provide such accounting for STRs rented with a Hosting Platform that has entered into a Hosting Platform Agreement with the city. If, however, the city receives a complaint about failure to pay hotel occupancy taxes or the City determines, independent of information gained from the Hosting Platform Agreement or information received pursuant to that Agreement that there is reason to believe the hotel occupancy taxes have not been paid, then the city may audit the owner for compliance with the hotel occupancy tax laws.

Sec. 6-741. - Owner self-inspections and record retention.

- (a) Registrant shall fully inspect each STR in compliance with this article. Self-inspections by the owner shall be conducted at least once a year. The Director shall provide a list indicating the areas to be self-inspected by owner. Owner shall sign and date each self-inspection report at the time the self-inspection is completed for each STR and provide it to the Director upon request. Self-inspection reports shall be in writing and on a form prescribed or approved by the Director.

- (b) All documents related to the self-inspection, and the inspection reports shall be maintained by the registrant for a minimum of three (3) years from the date of approval by the Director.

Sec. 6-742. – Noise and video monitoring

Each STR shall be equipped with a noise-monitoring device, and all data produced by this device shall be retained for a period of 180 days and made available to the City upon request. Data shall not include data protected by privacy laws, rules and regulations, including but not limited to Texas Penal Code Section 16.02.

Each STR shall be equipped with an outdoor video monitoring device for security purposes in a conspicuous area where there is not a reasonable expectation of privacy.

Sec. 6-743. – Registration and host rules to be displayed.

Each STR shall provide, in a conspicuous, publicly accessible area inside the front entrance(s) of the STR:

- (a) A copy of the current and valid registration certificate;
- (b) The contact information for the designated contact(s);
- (c) Pertinent local and state information, regulations, and laws, in a format to be provided by the Director, as it relates to the use of the STR by the occupant; and
- (d) Host rules for the STR.

Sec. 6-744. – Advertising, promoting or allowing primary use as an assembly hall prohibited.

- (a) The registrant shall update the information provided pursuant to Section 6-735(d)(2)(viii), in a method determined by the Director, within 24 hours of a new, revised or removed advertisement or promotion.
- (b) An owner, registrant or occupant shall not advertise, promote or allow a short-term rental for use that would be consistent with primary use as an “assembly hall” under the City of Plano Zoning Ordinance.
- (c) The owner and the registrant is presumed to have allowed an advertisement or promotion on a hosting platform identified pursuant to Section 6-735(d)(2)(viii).

Sec. 6-745. - Denial, suspension or revocation of short term rental registration.

(a) **Suspension Pending New Application.** A registration may be suspended, and a registrant may reapply immediately, if the Director determines, by a preponderance of the evidence, any of the following:

- (1) Previous registration was issued in error; or
- (2) Previous registration was issued on the basis of incomplete or incorrect information provided by applicant, registrant or owner.

(b) **Suspension for Three Months.** An application for registration or renewal may be denied or a registration may be suspended for three months, if the Director determines, by a preponderance of the evidence, any of the following:

- (1) Failure to maintain or to provide upon request from the Director proof of insurance in compliance with this article and consistent with the registration application.
- (2) Failure of the Owner to designate a contact as required by 6-736(a) or failure of the Owner to ensure the designated contact is available and authorized to act as required by 6-736(b).
- (3) Failure of the Designated Contact to meet the requirements of 6-736(a) during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article.

(c) **Suspension for Six Months, Nuisance Incident.** If the Director determines, by a preponderance of the evidence, that one Nuisance Incident occurred at the STR premises within six months preceding the date of the application, then an application for registration may be denied until six months after the date of the Nuisance Incident.

If the Director determines that one Nuisance Incident occurred at the STR premises while the STR was registered, the registration may be suspended for six months.

(d) **Suspension for One Year, Nuisance Incident, Serious Incident, or Operation of an STR without a valid registration.** If the Director determines, by a preponderance of the evidence, that two or more Nuisance Incidents occurred at the STR premises within one year preceding the date of the application, or that one Serious Incident occurred and the Director determines that the registrant was

aware of but consciously disregarded a substantial risk of the serious incident occurring, then an application for registration may be denied until one year after the date of the last Nuisance Incident.

If the Director determines, by a preponderance of the evidence, that two or more Nuisance Incidents occurred at the STR premises while the STR was registered, or one Serious Incident occurred and the Director determines that the registrant was aware of but consciously disregarded a substantial risk of the serious incident, then the registration may be suspended for one year.

If the Director determines, by a preponderance of the evidence, that an STR was operated, advertised or promoted without a valid registration, then the application for registration may be denied for one year.

- (e) **Other Violations Not Specially Addressed.** An application for registration or renewal may be denied for a period of three months or a registration may be suspended for three months, if the Director determines, by a preponderance of the evidence, that the Registrant, owner or designated person failed or refused to comply with a requirement of this article, other than the requirements specifically addressed in this section, and remains in non-compliance ten (10) business days after being notified in writing of such non-compliance.
- (f) **Presumption of Nuisance Incident.** A Nuisance Incident is presumed if enforcement action was taken by law enforcement or code enforcement, including, but not limited to, issuance of a citation, notice to appear, or summons; an arrest; or issuance of a warrant for arrest for the criminal conduct at the premises of the STR or committed by an occupant or guest of the STR during the rental period.
- (g) **Nuisance Incident or Serious Incident Reported by Owner.** In a determination or proceeding to deny, suspend or revoke a short-term rental registration based on a Nuisance Incident or Serious Nuisance Incident, the Director may disregard such Incident if the following criteria is met:
 - (1) an owner, operator, or manager of the STR reported such Incident immediately to law enforcement and/or code enforcement agents responsible for investigating such Incident; and
 - (2) the reporting person and STR owner were fully cooperative in the investigation of such Incident by law enforcement and code enforcement.
- (h) **Denial or Revocation for Illegal Use.** An application for registration or renewal will be denied or a registration will be revoked permanently if:

- (1) the premises cannot be legally used as a short-term rental as determined under the provisions of the City of Plano Zoning Ordinance, such as situations where the property owner has intentionally abandoned a nonconforming use; or
 - (2) in the opinion of the city, the premises cannot be legally used as a short-term rental by other law, private contract or property covenant, including but not limited to deed restrictions, HOA rules, or leases. The City, however, is not responsible for interpreting or enforcing property covenants or private contracts.
- (i) **Prior Incidents.** No suspension or revocation may be based upon Nuisance Incidents that occurred prior to the adoption of this Article.
 - (j) **Action during Suspension.** While a registration is suspended, the registration is inactive. The premises may not be advertised as available for use, or used, as an STR on an inactive registration.
 - (k) **Term of Suspension.** If the term of the suspension of an STR registration is shorter than the amount of time left before the registration expires, the registration becomes valid the day after the suspension concludes. If the term of the suspension of an STR registration is longer than the amount of time left before registration expires, the applicant may not be granted a new registration until the day after the suspension concludes.
 - (l) **Notice of Director Determination.** Notice of the determination of denial, suspension or revocation shall be given to the applicant or registrant in writing, with the reasons for the denial, suspension or revocation. Such notice of determination shall be served either by personal service, express mail service, or by United States mail to the applicant or registrant's last known address. In cases of suspension or revocation, the service of the suspension or revocation shall become effective the day following personal service, or, if mailed, five (5) business days from the date of mailing.

Sec. 6-746. - Hearing to contest the Director's determination of denial of an application, or suspension or revocation of a registration.

- (a) If the determination of denial, suspension or revocation is based upon absence of nonconforming status, then the process for determination and appeal is found in Articles 5 and 7 of the City of Plano Zoning Ordinance.
- (b) To contest the determination of denial, suspension or revocation of a registration, the applicant or registrant shall file a written request for a hearing with the Director within ten (10) business days following service of such notice. If no written request for hearing is filed within ten (10) business days, the denial, suspension or revocation is sustained.

- (c) The Director shall give notice of the date and time of the hearing to the appellant and conduct the hearing within twenty (20) business days of the date on which the notice of appeal was filed with the Director, unless otherwise agreed by the parties.
- (d) A request for hearing shall stay the denial, suspension or revocation of the registration unless the Director determines an immediate denial, suspension or revocation is necessary because of urgent concern for physical safety.
- (e) Based upon the evidence presented at such hearing, the Director shall sustain, modify or rescind the determination by written decision supported by reasoning and findings of fact.
- (f) If no appeal is timely filed with the City Manager, the Director's decision is final.

Sec. 6-747. –Final Appeal to City Manager.

- (a) An applicant or registrant may appeal a decision made pursuant to 6-746(e) to the City Manager. All appeals to the City Manager shall be made in writing and received no less than ten (10) business days after any final decision made by the Director in accordance with the sections above.
- (b) The City Manager shall give notice of and conduct a hearing within twenty (20) business days from receipt of the applicant or registrant's appeal request, unless otherwise agreed by the parties.
- (c) An appeal shall stay the denial, suspension or revocation of the registration unless the City Manager determines an immediate denial, suspension or revocation is necessary because of urgent concern for physical safety.
- (d) Based upon the evidence presented at such hearing, the City Manager shall sustain, modify or rescind the determination by written decision supported by reasoning and findings of fact.
- (e) The decision shall be furnished to the applicant or registrant.
- (f) If a determination of suspension or revocation is reversed, the registration shall be reinstated immediately. If a determination of denial is reversed, the registration shall be issued within five (5) business days.
- (g) The determination of the City Manager or the City Manager's designee shall be final on the date the written decision is signed.
- (h) For purposes of this section, City Manager includes his designee.

Sec. 6-748. - Offenses.

(a) It shall be an offense for any person to operate an STR and:

- (1) Fail to have a valid registration for the STR;
- (2) Fail to pay registration fees as required in this article;
- (3) Fail to comply with self-inspection requirements or record-retention as required in this article;
- (4) Fail to provide information as required in Section 6-743;
- (5) Advertise, promote, or allow the use of an STR that is not in compliance with the STR registration, this article or other law. The registrant is presumed to have allowed an advertisement or promotion on a hosting platform identified pursuant to Section 6-735(d)(2)(viii);
- (6) Operate the STR using a registration number not assigned to the owner or registrant, or to a different address, or to a different dwelling unit;
- (7) Operate the STR without current, valid insurance in compliance with this article;
- (8) Fail to provide within thirty (30) days following a request by the Director an accounting of payment of hotel occupancy taxes and history of occupants as required in this article;
- (9) Fail to designate a contact as required by 6-736(a).
- (10) Fail to ensure the designated contact(s) is/are available and authorized to act as described in section 6-736(a) above during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article.
- (11) Fail to provide complete and accurate information in an application for registration or renewal of registration of an STR; or
- (12) Fail to notify the Director within seventy-two (72) hours after information in an application or approved STR registration becomes inaccurate, excluding information regarding the change in the ownership of the STR.

(b) It shall be an offense for a person to operate an STR and intentionally, knowingly, or recklessly allow the use of the STR:

- (1) To promote or engage in an illegal activity;
- (2) By one or more persons in violation of the Residency Restrictions for Child Predator Offenders as set forth in Sec. 14-123 of this Code or in violation of Registration Requirements in Chapter 62 of the Texas Code of Criminal Procedure;
- (3) To promote or engage in illegal distribution or possession with intent to distribute marijuana, a dangerous drug, or any controlled substance, as defined by the Texas Health and Safety Code;
- (4) To promote or engage in selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code;
- (5) To operate as a sexually oriented business as defined in Sec. 17.5-2 of this Code; or
- (6) As an “assembly hall” as defined in the City of Plano Zoning Ordinance unless the short-term rental is located in a district where assembly hall use is permitted.

Sec. 6-749. - Enforcement.

- (a) Any violation of this article is a Class C misdemeanor punishable as stated in Section 1-4(b) of the City Code of Ordinance by a fine not to exceed \$500.00 for each offense. Every day a violation continues shall constitute a separate offense.
- (b) Nothing in this article prohibits the city from using civil and criminal enforcement remedies concurrently or availing itself of any other remedy allowed by law. The city may seek injunctive relief to prevent, restrain or correct unlawful use or illegal acts on the premises pursuant to Chapter 211 of the Local Government Code or bring a civil action or seek injunctive relief under Chapter 54 of the Local Government Code.

Sec. 6-750 to 769. – Reserved”

Section II. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section III. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and

all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances by a fine not to exceed \$500.00 for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall be published as required by law and shall be effective August 1, 2024.

PASSED AND APPROVED on the 22nd day of April, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY