

**CITY OF WAXAHACHIE, TEXAS
ORDINANCE NO. 3383**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS,
PROVIDING AN INTERIM BAN ON NEW SHORT-TERM RENTALS,
AND ON CURRENT SHORT-TERM RENTALS THAT HAVE BEEN
DETERMINED TO BE A NUISANCE; PROVIDING FOR A REPEALER
CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES;
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the rise of digital platforms such as Airbnb and VRBO has led to an increase in resident property concerns about transient and vacation rental uses that infringe on the property rights of neighbors in the City of Waxahachie ("City");

WHEREAS, there have been reports of tenants and visitors at short-term rentals ("STRs") in the City engaging in conduct negatively affecting the public sense of well-being and security such as properties being used for gatherings disruptive to neighborhoods; and

WHEREAS, the public has complained of STRs in the City regarding unreasonable noise, excessive trash, and parking issues; and

WHEREAS, residents have indicated that some STR occupants are less concerned than long-term residents with the impact of conduct at STR premises on neighbors, due to the temporary nature of their occupancy and lack of community with the neighborhood; and

WHEREAS, the City's full-time residents have a right to peace and quiet enjoyment of their properties; and

WHEREAS, the City Council wishes to respond to residents' concerns and address issues with property owners and managers of STRs; and

WHEREAS, the City Council is contemplating establishing regulations for the registration, inspections, and use of short-term rentals within residential zoning districts, and within non-residential zoning districts with residential use, within the City; and

WHEREAS, state law requires, to the extent that such regulations comprise zoning regulations, that the City follow certain procedures regarding notices, public hearings, City Planning and Zoning Commission consideration and recommendations and, ultimately, City Council action; and

WHEREAS, following this state law mandated process, as well as following the zoning process set forth in the City's Zoning Ordinance, will take time; and

WHEREAS, the City desires to immediately prohibit the establishment of new STRs of dwelling units, and to prohibit existing STRs of dwelling units that have been determined to be a nuisance as described herein, while the City goes through the required procedural process, which process will also allow the City to conduct public outreach, collect data and analyzes information to determine permanent recommendations, and generally explore community concerns about health

and safety related to STRs; and

WHEREAS, the City desires to temporarily ban new STRs in the City, as well as existing STRs that have been determined to be a nuisance as described herein, pending the City's review and legislation creation process.

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

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
INTERIM PROHIBITION ON SHORT-TERM RENTAL OF DWELLING UNITS**

- A. That the use of new STRs in the City, which shall mean any STR not already operating and that have not hosted guests on a commercial basis as of the effective date of this Ordinance, is immediately prohibited until the moratorium established by this Ordinance expires or this Ordinance is repealed; provided, however, that those STRs already operating and that have hosted guests on a commercial basis as of the effective date of this Ordinance shall be prohibited from continuing to operate as a STR until the moratorium established by this Ordinance expires, or this Ordinance is repealed, in the event the STR is deemed to be a nuisance and law enforcement has responded to complaints regarding the STR being a nuisance on more than three (3) occasions within the twelve (12) calendar months proceeding the effective date of this Ordinance. For purposes of this Ordinance, a "nuisance" shall be defined and shall mean as follows:
- (i) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof;
 - (ii) Any noise of the character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities; or
 - (iii) Any violation of law at the STR as witnessed by law enforcement or by a complaining witness that has personal knowledge of said violation.
- B. STRs means the rental of any residence of residential structure, or a portion of a residence or a residential structure, for a period of less than thirty (30) consecutive days. The definition of a STRs does not include:
- i. A unit that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space, or event space purpose or another similar use;

- ii. A residential structure or portion of a residential or residential structure that is not designed or intended for habitation purposes;
 - iii. A bed and breakfast as defined in Article IV of Appendix A on the City's Zoning Ordinance; or
 - iv. A hotel/residence hotel.
- C. The moratorium imposed by this Ordinance shall expire with no further action of the City being required at 12:01 a.m. on October 1, 2023.

SECTION 3 CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4 ENFORCEMENT AND PENALTY CLAUSE

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, as provided by section 1-12 of the City's Code, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. Each day such violation continues shall be deemed a separate offense.

SECTION 5 SEVERABILITY CLAUSE

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole. City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6 EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and the publication

of the caption, as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Waxahachie, Texas, this the 17 day of July, 2023.

CITY OF WAXAHACHIE, TEXAS



DAVID HILL, MAYOR

ATTEST:



AMBER VILLARREAL, CITY SECRETARY



APPROVED AS TO FORM



ROBERT F. BROWN, CITY ATTORNEY