CHAPTER 97. HOTEL, SHORT-TERM RENTAL, BED AND BREAKFAST CODE

Sec. 97.01. Purposes.

The purpose of this chapter is [to] ensure the continued availability of transient lodging within the City of Carrollton, the maintenance of clean hotels, short-term rentals, and bed & breakfast operations, and to protect health, safety, and welfare. The purpose of this chapter is to require the issuance of a lodging license to operate, conduct, or own a hotel, short-term rental, or bed and breakfast within the City of Carrollton regardless of the date of the hotel's construction, establishment of a short- term rental or bed and breakfast; to establish standards for the issuance of said license; to establish rules and regulations under which such license shall remain in force, be denied or revoked; and providing penalties for violations. This chapter is remedial and essential to the public interest, safety, health, and welfare, and this chapter shall be liberally construed to effectuate its purposes.

Sec. 97.02. Definitions.

For the purpose of this chapter, the following terms, words, and derivations shall have the meaning given, unless the context clearly indicates or requires a different meaning:

Advertise means an act of drawing the public's attention in order to promote the availability of a residential property for use as a short-term rental or as a bed and breakfast. Said advertising may be found in any medium, including but not limited to newspapers, magazines, brochures, websites, or mobile applications.

Bed and Breakfast means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

Bedroom means a living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the City of Carrollton's adopted building codes.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates a hotel, short-term rental, or bed and breakfast transaction between the 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 and/or payment services provided for the hotel, short-term rental or bed and breakfast transaction.

Calls for service (CFS) includes but is not limited to any and all calls to emergency services, (police, fire, medical, code enforcement, and development services) that result in a city employee being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be attributed or traced to the hotel premises. Calls for service include any self-initiated activity or investigation based on the observation(s) of an emergency services representative that results in a written report. Multiple calls regarding the same event shall be treated as a single call for service for purposes of calculating the CFS room ratio. Calls from employees of the hotel are excluded from being used to determine the calls for service room ratio. Calls for service include but are not limited to:

1. Commission of crimes that are drug related or drug related arrests;
2. Commission of crimes that are prostitution related or prostitution related arrests;
3. Commission of crimes that are a breach of the peace;
4. All fire alarms at a hotel;
5. Immediate public safety and health issues at a hotel; or
6. Noncompliance with federal law, state law or city codes and ordinances.

Calls for service room ratio is defined as the number of calls for service divided by the total number of guest rooms in a hotel during the time-period as set forth in section 97.04(A) herein.

Clean condition means free from:

1. Chemical contamination;
2. Microbial contamination;
3. Insect or rodent contamination;
4. Displaying or undergoing spoilage, putrefaction; or
5. Trash, debris, dirt, or refuse.

Provided, however, such condition shall not be attributable to the hotel unless it exists in a room within two days after it was cleaned according to the schedule maintained by the hotel.

~~*Code conviction limit* is determined by the relationship between the number of convictions of city code violations in a court of law compared to the number of guest rooms in a hotel. The code conviction limit for hotels with less than 60 guest rooms is defined as more than five convictions of city code violations in a court of law within a period of 12 consecutive calendar months. The code conviction limit for hotels with 60 or more guest rooms or more is defined as the number of convictions of city code violations in a court of law equal to ten percent of the total number of guest rooms rounded to the next highest integer in a hotel within a period of 12 consecutive calendar months.~~

Commissioned security officers are officers who have successfully undertaken and passed a state and national criminal history check and passed the 30-hour training class provided by the Private Security Bureau of the Texas Department of Public Safety.

Designated city official or *DCO* means the City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

Drug related includes but is not limited to the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away or providing a place to use or fortification of a place involving any illegal or controlled drug, narcotic, or drug paraphernalia.

Hosting Platform means a person or entity that participates in the hotel, short-term rental, or bed and breakfast business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform and allows an Owner to advertise the premises 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.

Hotel means, within the meaning of this article, any hotel, motel, lodging house or inn in the city having three or more rooms where transient guests are ~~fed or~~ lodged for pay.

Hotel room or *room* means the portion of the hotel which may be used by a guest as a temporary residence, including single rooms and suites.

Law means any federal, state statute, or city ordinance, court decision or regulation.

Let or *let for occupancy* to permit, provide, or offer possession or occupancy of a dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to recorded or unrecorded agreement or contract for the sale of land.

Manager shall mean any person who manages the business operations of any hotel on behalf of the owner and/or management company, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs or overseeing security.

Occupant means any individual person living, sleeping, or possessing a building, or portion thereof. 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.

Operator means any person who is the proprietor of any hotel whether in the capacity of the owner, lessee, receiver, sub-lessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

Owner means any person, agent, operator, firm or corporation 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 administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, business trust, estate trust, partnership or any other group acting as a unit.

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

Prostitution related includes but is not limited to those that involve prostitution or prostitution related crimes such as pimping or pandering in violation of city and/or state codes.

Short-term rental (STR) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

Sec. 97.03. Lodging license to operate.

(A) It shall be unlawful to operate a hotel, short-term rental, or bed and breakfast without a lodging license. The application shall be submitted with the lodging license fee, as identified in Chapter 31, Comprehensive Fee Schedule.

(B) An application for an annual lodging license shall be filed with the DCO on a yearly basis by the owner or operator of each hotel, short-term rental, or bed and breakfast. ~~The initial deadline for submitting the application shall be within 45 days upon passage of the ordinance [from which this chapter is derived].~~ The lodging license shall be issued or denied within 60 days upon receipt of the completed application. ~~This initial license shall be effective until March 31, 2010 unless it is revoked earlier.~~ Applications ~~thereafter~~ must be submitted by the designated date established by the DCO. ~~no later than January 31st of each year, or if this date falls on a Saturday or Sunday, on the next business day.~~ The lodging license shall be issued or denied within 60 days upon receipt of the completed application. All subsequent licenses shall be effective ~~until March 31st of the following year.~~ for the period of time designated by the DCO. The operator or owner shall re-apply for additional periods of one year thereafter ~~by January 31st of each year~~.

(C) In the event that a new hotel, short-term rental, or bed and breakfast applies for a license during the year ~~(after January 31st application deadline),~~ the license will be issued or denied within 60 days and the lodging license shall be effective for the period of time designated by the DCO. ~~until March 31st of the subsequent year.~~ The application fee will be prorated based on the number of months remaining ~~before the March 31st~~ before expiration of the license. ~~Any subsequent license shall be applied for in accordance with the January 31st deadline above.~~

(D) Application for a lodging license shall be filed on forms provided by the city and containing the following information:

1. Owner and operator's name, address, and work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;

2. If owner and/or operator is a partnership, the name of all partners, the principal business address, and telephone number of each partner;

3. If owner and/or operator 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, name of the person in charge of the local office of such corporation, if any, and the names of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, additionally the place of incorporation;

4. Name, address and telephone number of the property managers and operators and owners;

5. Provide official criminal history from each state of residence documenting for each owner, operator and property manager that has been convicted of or is continuing on or has completed parole or probation for a crime during the last five years which relates directly to the operation of a hotel, short-term rental, bed and breakfast, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude;

6. Street address of the hotel, short-term rental, or bed and breakfast;

7. Number of hotel, short-term rental, or bed and breakfast guest rooms;

8. Maximum number of persons who can be accommodated at any given time;

9. Be signed by the owner or operator or the owner or operator's agent;

10. The City registration number for Hotel Occupancy Tax;

11. For short-term rentals, bed and breakfasts a copy of the proposed host rules for the renters;

12. A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental or bed and breakfast;

13. A dimensioned floor plan of the proposed short-term rental or bed and breakfast identifying bedrooms, other living spaces and emergency evacuation routes;

14. Proof of insurance as required in Section 97.11;

15. The name and contact information for the short-term rental or bed and breakfast's property owner's association, if any, of which the premises is covered by the dedicatory instruments;

16. An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a hotel, short-term rental, bed, and breakfast. If called a local responsible party must be able to and shall be present at the premises within one (1) hour of call from the DCO. A local party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.

17. The owner, or operator of a short-term rental or bed and breakfast must provide the name and website link to all internet platforms that host advertisements or take reservations for lodging at their short-term rental at short-term rental or bed and breakfast at any time during a 12-month period from the date of application.

~~10.~~18. All material contained herein on the application must be maintained current with the city at all times by the owner, operator, and property manager. Any material misrepresentation in the application for the lodging license or a failure to provide the required information shall be grounds for denial or revocation of the application or lodging license.

(E) The application for a lodging license hereunder shall constitute the consent of the applicant and owner to an inspection of the entire licensed premises at reasonable times by the Code Enforcement Officers, Building Inspectors, Sanitarian Inspectors, Fire Inspectors and other authorized departments of the City of Carrollton for the purpose of determining whether there is any violation on the premises sought to be permitted of any

ordinances of the City of Carrollton or any law of the State of Texas. Any inspection of occupied guest rooms at the time of the annual inspection for the lodging license shall not occur before 10:00 a.m. nor later than 7:00 p.m.

(F) The lodging license shall not be transferable or assignable from one person, firm, partnership, corporation or entity to another person, firm, partnership, corporation, or entity; provided, however, a change in an operator or manager by an owner shall not require a new license as long as the required information provided to the city is updated and the new operator or manager is not ineligible for licensing under this chapter.

(G) Whenever a change in the owner occurs at an existing hotel, short-term rental, or bed and breakfast, the new owner shall apply for a lodging license within ten business days after closing on the sale of the property. If the prior operator's lodging license for the hotel, short-term rental, or bed and breakfast, was denied or revoked, a provisional lodging license may be issued to the new owner or operator with special conditions designated by the DCO while the new operator or owner's application for license is pending a decision.

(H) The owner shall display the lodging license in the hotel, short-term rental, bed and breakfast in an open and conspicuous public place in the lobby at or near the check in ~~desk~~ area.

(I) Failure to obtain a lodging license or maintain a lodging license at all times may result in revocation of the hotel's certificate of occupancy.

(J) Once the lodging license is obtained, the DCO may routinely inspect:

1. The exterior of the structures and all of the common grounds of all hotels, short-term rentals, bed and breakfasts;

2. Any or all unoccupied ~~hotel~~ guest rooms and any and all occupied ~~hotel~~ guest rooms with permission of the occupant. The occupant and any representative of the hotel, short-term rental, bed and breakfast shall be permitted to be present, but may not hinder or interfere, with said inspection;

3. Any or all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms, and all other portions of the facility;

4. Any portion or portions of the hotel, short-term rental, bed and breakfast upon receipt of a complaint from any person, city department, employee, or division that any portion of the premises may be in violation of any applicable law;

5. All hotels, short-term rentals, bed and breakfasts in the city to determine whether they are uninhabitable, dangerous, or otherwise in violation of applicable laws;

6. In the event the DCO is denied entry by the guest, that denial is a violation of this chapter and the DCO may use the resources provided by law to gain entry;

7. The DCO, upon presentation of proper identification to the occupant in charge of any ~~hotel~~ guest room, may enter, with the occupant's permission, any ~~hotel~~ guest room; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to person, loss of life, or severe property damage, the DCO may, after presentation of proper identification enter a ~~hotel~~ guest room at any time. Whenever the DCO is denied entry to inspect any premises under this provision the DCO may use the resources provided by law to gain entry. The occupant and any representative of the hotel, short-term rental, or bed and breakfast shall be permitted to be present, but may not hinder, during such entry and inspection;

8. The DCO shall be allowed to examine records of the hotel, including maintenance and housekeeping logs, registration records, and pesticide records.

(K) Continued maintenance and compliance with this chapter are conditions that are necessary to retain a lodging license and to obtain any renewal of a license.

(L) The fee set for obtaining a Lodging License for a hotel, short-term rental, or bed and breakfast is set forth in the Carrollton Code of Ordinances, Title III Comprehensive Fee Schedule, Section 31.01.

Sec. 97.04. Classification of hotels by CFS room ratio.

(A) Upon receipt of the lodging license application, the DCO shall determine the calls for service (CFS) room ratio of all hotels located within the City of Carrollton during the previous calendar year, or during actual operations if less than 12 months during the previous calendar year.

(B) Based upon the CFS room ratio determined by the DCO, all hotels shall be classified during that year according to the following tier system:

1. *Tier 1.* Less than or equal to 1.0 CFS/room/year, or
2. *Tier 2.* Greater than 1.0 CFS/room/year.

(C) A hotel which has not previously operated in Carrollton shall be presumed to be a Tier 1 hotel until the next ~~January 31st~~ registration period or until the DCO classifies it.

(D) Upon completion of the annual lodging license inspection and review of all calls for service, the DCO shall notify each hotel owner and/or operator within the city, in writing by personal service, certified mail or other method which provides confirmation of delivery, of the CFS room ratio which shall be used as the classification for that hotel for that ensuing lodging license year.

(E) The city may monitor the CFS room ratio for each hotel on an ongoing basis. The city may change the status of any Tier 1 hotel during a calendar year upon notice in writing to the owner by personal service, certified mail or other method which provides confirmation of delivery that the CFS room ratio of such hotel has increased proportionately such that the CFS room ratio, if annualized, would fall within the Tier 2 level. This notice shall include:

1. The designation assigned to the hotel;
2. As allowed by law, data specifying the types of CFS identified as having occurred on the property during the period reviewed, including the incident numbers assigned to such CFS, and the date and time of each call to allow the owner to understand the basis of the designation;
3. The requirement of a mandatory inspection to be conducted by the DCO; and
4. The opportunity and procedures by which the owner may challenge the data provided to the owner pursuant to this subsection upon which the designation is based.

(F) Upon such notice of initial classification or reclassification the owner or operator shall have ten calendar days from the date of notice to show proof to the DCO that the revised CFS room ratio is erroneous. After receipt of such information from the owner or operator, the DCO shall classify the hotel as a Tier 1 or Tier 2 within ten calendar days of receipt of such information. The owner or operator or manager may appeal the DCO's decision pursuant to section 97.07 of the Hotel Code.

(G) The owner or operator shall have 30 calendar days from the date of notice of tier classification or reclassification (or from the date of the decision of the appeal if there was an appeal) to implement completely the changes in operation required by the revised classification. Failure to comply with this provision may result in revocation of the lodging license.

Sec. 97.05. Lodging license—Grounds for denial.

(A) The lodging license shall be denied to ~~Tier 1 and Tier 2~~ hotels, short-term rentals, or bed and breakfast for any of the following reasons the DCO may discover or deem advisable or necessary in the course of the review of the application:

1. The hotel, short-term rental, or bed and breakfast as constructed or as proposed to be operated by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations and codes;
2. The owner, operator and/or their manager is or has been a registered sex offender;
3. There are uncorrected code violations on the property;
4. The applicant has knowingly made a material misstatement in the application for the lodging license;
5. Tier 2 hotels may also be denied a lodging license if their CFS room ratio fails to meet the Tier 1 CFS room ratio within 12 months of being notified of their Tier 2 standing;
6. Based on the initial CFS room ratio determined by the DCO directly after passage of this ordinance, a hotel with a CFS room ratio of 2.0 or greater shall be denied a lodging license.
7. A Short Term Rental or Bed and Breakfast may be denied a lodging license if the owner or operator has received and been convicted for more than two citations for violations of this chapter or any other provision of the Code of Ordinances within the preceding 12-month time period.

(B) The owner, operator or manager may appeal the DCO's decision pursuant to section 97.07 of the Hotel, Short-Term Rental, Bed and Breakfast Code.

Sec. 97.06. Lodging license—Revocation.

(A) A ~~Tier 1 or Tier 2~~ hotel~~'s~~, short-term rental, or bed and breakfast's lodging license shall be revoked by the Property Standards Board ("Board") if the owner, operator or manager is convicted of a drug related or prostitution related crime.

(B) A ~~Tier 1 or Tier 2~~ hotel, short-term rental, or bed and breakfast lodging license shall be revoked by the Property Standards Board ("Board") upon good cause shown that the operation of the hotel, short-term rental, or bed and breakfast is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the neighboring community to the extent that it is a public nuisance. Decision for revocation shall be based on, but is not restricted to, the following:

1. Non-compliance with federal, state and or city codes and ordinances;
2. Drug-related calls for service and/or drug-related arrests;
3. Prostitution-related calls for service and/or prostitution-related arrests;
4. Calls for fire, police, emergency medical service;
5. The operator, owner and/or the manager have failed to correct a violation within the time period ordered by the city;
6. Any other conditions, problems, issues, concerns or facts that are deemed relevant to the owner, operator or manager to the property;
7. There are uncorrected code violations on the property;
8. False statements were intentionally made by the owner, operator, or company operating a hotel, short-term rental or bed and breakfast regarding matter(s) in the application for a Lodging License or in a hearing concerning the Lodging License;
9. The owner, operator, or company operating a hotel, short-term rental or bed and breakfast fails to notify the DCO in writing of any material change in the information contained in the Lodging License application within thirty (30) days of the change.
10. The owner, operator, or company fails to pay a fee required by this chapter at the time the payment is due; and/or

11. The owner, operator, or company operating a hotel, short-term rental, or bed and breakfast fails to pay any hotel occupancy tax in accordance with Title III, Chapter 38 – Taxation of the Carrollton Code of Ordinances.

(C) A short-term rental or bed and breakfast may also have their lodging license revoked if they have received and been convicted for more than two citations for violations of this chapter or any other provisions of the City Code within the preceding 12-month period.

(D) In the event a short-term rental or bed and breakfast which has its lodging license revoked by the Property Standards Board, no second or additional permit shall be issued for a short-term Rental or bed and breakfast on the premises for one year of the date such license was revoked.

(E) In processing a revocation, the DCO shall prepare an investigation report that details the circumstances that have led to the request for a revocation. It may include, but not be restricted to, any or all of the following:

1. Frequency or occurrence of violation(s), arrest(s), or call(s) for service;
2. Seriousness of the violation(s), arrests(s), or call(s) for service;
3. History of code violations(s);
4. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
5. The impact of the violation(s), arrest(s), or call(s) for service on the surrounding property and community; and/or
6. The financial impact to the city.

~~(D)~~(F) Upon good cause shown in the investigation report, the DCO shall file a written revocation request at the office of the city building official containing the following:

1. A heading in the words: "Before the Property Standards Board of the City of Carrollton."
2. A caption reading: "Revocation of a Lodging License ~~— Tier 1 Hotel or Tier 2 H~~ Hotel, Short-Term Rental, or Bed and Breakfast" giving the names and addresses of owners and operators (as shown on the most recent license application) and the physical address of the hotel, short-term rental, or bed and breakfast.
3. A brief statement in ordinary and concise language of why the license should be revoked together with any material facts claimed to support the contentions of the DCO.
4. The signature of the DCO and his official mailing address.

~~(E)~~(G) *Processing revocation.* Upon receipt of any revocation request filed pursuant to this section, the building official shall present it at the next regular or special meeting of the Property Standards Board.

~~(F)~~(H) *Scheduling and noticing for revocation hearing.*

1. *Notice of hearing.*
   (a) Notice of the hearing before the Property Standards Board shall be delivered to the owner, operator, manager and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.
   (b) Notice shall be by one of the following methods at least 20 calendar days prior to the hearing:
      1. Personal service;
      2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned;

3. If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

2. *Contents of notice.* The notice of hearing shall contain the following:

(a) The street address or a legal description of the property.

(b) The place, date, and time of the hearing.

(c) A statement that the owner, operator, lienholders, or mortgagee will be required to submit proof at the hearing of the scope of work that may be required to comply with the ordinances of the city and the time it will take to reasonably perform the work.

(d) A brief summary of the action of the DCO related to the property including a copy of his filed revocation request and the investigation report on this hotel, short-term rental, or bed and breakfast.

~~(G)~~(I)*Hearing.*

1. The DCO shall present evidence to the Property Standards Board of the condition of the property, the code compliance history, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports his request for the revocation of the lodging license.

2. The owner of any interest in the property may present evidence on relevant issues and has the burden to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.

3. Any party may examine or cross-examine any witness before the Property Standards Board. Strict rules of evidence or procedure are not required, but the Property Standards Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.

~~(H)~~(J) Enforcement of the revocation shall be stayed during the pendency of a revocation hearing and decision.

~~(I)~~(K) *Findings and orders of the Property Standards Board for a revocation hearing.* After hearing evidence from any interested party regarding revocation of the lodging license the Property Standards Board may:

1. Uphold the revocation for a lodging license; or

2. For cases of revocation based solely on continuing code violations uphold the revocation for a lodging license until the code violations have been corrected; or

3. Overturn the request for revocation and grant the lodging license.

~~(J)~~(L) Upon a confirmation and final decision issued by the Property Standards Board, the DCO shall post on the hotel, short-term rental, or bed and breakfast premises a copy or copies of the revocation of the lodging license. The notice shall be sent by certified mail to the owners, operator and/or manager indicating the decision of the Property Standards Board.

~~(K)~~(M) Upon a confirmation and final decision issued by the Property Standards Board the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel, short-term rental, or bed and breakfast property and the final action of the Property Standards Board evoking the lodging license.

~~(L)~~(N)A posted notice of the revocation of the lodging license may only be removed by an authorized DCO. Any removal, covering, defacing, altering or tampering by unauthorized person(s) may be prosecuted as a misdemeanor violation of this chapter.

~~(M)~~(O)Whenever a lodging license has been revoked by the city, the operator and/or owner of the hotel, short-term rental, or bed and breakfast for which the lodging license was issued shall surrender such license to the city. The operations of the hotel, short-term rental, or bed and breakfast shall cease within ten calendar days of the posting of the notice of revocation of the lodging license.

~~(N)~~(P)The action of the Property Standards Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 calendar days of the Property Standard Board's action. Such appeal shall be decided based on a de novo appeal to determine the existence of a public nuisance for revocation.

Sec. 97.07. Appeal process for denial of a hotel, short-term rental, or bed and breakfast lodging license or tier classification.

(A) *Filing appeal.* Any owner, operator or manager of a hotel, short-term rental, or bed and breakfast that had its lodging license denied by the DCO, or who has undergone tier classification by the DCO may appeal this action of the DCO to the Property Standards Board. The owner, operator and/or manager must file at the office of the city building official a written appeal containing the following:

1. A heading in the words: "Before the Property Standards Board."
2. A caption reading: "Appeal of Denial for a Lodging License" or "Appeal of Tier Classification," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the hotel, short-term rental, or bed and breakfast involved in the denial or classification change of a lodging license.
4. A brief statement in ordinary and concise language of that action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and reasons why it is claimed the denial or classification change should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
8. Produce all documents that they relied upon.

The appeal shall be filed within 30 days from receipt of the denial or classification change by the DCO.

(B) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next available regular or special meeting of the Property Standards Board.

1. *Notice of hearing.*

   (a) Notice of the hearing before the Board shall be delivered to the owner and operator as listed on the application, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.

   (b) Notice shall be by one of the following methods at least 15 calendar days prior to the hearing:

      1. Personal service delivered; or
      2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned; or
      3. If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

(C) *Hearing.*

1. The DCO shall present to the Property Standards Board evidence of the property condition, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports denial of the lodging license or change in classification of tier.

2. The owner of any interest in the property may present evidence on relevant issues and has the burden of proof to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.

3. Any party may examine or cross-examine any witness before the Property Standards Board. Strict rules of evidence or procedure are not required, but the Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.

(D) Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(E) Enforcement of the denial for a lodging license or Tier reclassification of a hotel, short-term rental, or bed and breakfast shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

(F) *Findings and orders of the Property Standards Board for a denial hearing or tier re-classification hearing.* After hearing evidence from any interested party the Property Standards Board may:

1. For a denial hearing find:

   (a) And uphold the denial for a lodging license until the code violations or other conditions identified have been corrected; or

   (b) Overturn the denial and grant a lodging license.

2. For a tier re-classification hearing find:

   (a) The hotel is classified as a Tier 1 hotel; or

   (b) The hotel is classified as a Tier 2 hotel.

(G) At the conclusion of the appeal or after the time allowed to appeal the decision of the DCO has elapsed without an appeal, the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel property and the final action of the Property Standards Board or of the DCO if no appeal was filed.

(H) The action of the Property Standards Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 days of the Property Standards Board's action. Such appeal shall be decided based on a de novo appeal to determine the existence of a public nuisance for denial or tier reclassification.

(I) An appeal of the revocation or denial by the Property Standards Board to the State District Court of the county in which the property is located does not stay the effect or the use of any enforcement measure unless specifically ordered by the DCO.

Sec. 97.08. Limitation on continuous and cumulative occupancy in a hotel, short-term rental, bed and breakfast.

(A) The sleeping accommodations of a hotel shall be let only for the use of transient occupants and shall not be used or occupied under any permanent basis, and no such occupant shall be deemed to be a resident of the hotel.

(B) It shall be unlawful for a Tier 1 hotel to let or otherwise provide any room therein to any person for more than 365 consecutive days.

(C) It shall be unlawful for a Tier 2 hotel to let or otherwise provide any room therein to any person for more than 60 days in any 180 consecutive day period.

(D) It shall be unlawful for a short-term rental or bed and breakfast to advertise, let or otherwise provide any room therein to any person for more than 30 days.

~~(D)~~(E) It shall be unlawful for the owner, operator, or property manager, to allow registration under a different name in order to avoid the continuous and cumulative occupancy provision defined in this chapter.

~~(E)~~(F) Any property left in a room by a person or party that has checked out shall be removed by the owner, property manager, or operator of the hotel, short-term rental or bed and breakfast before the room may be occupied by another party and be stored or disposed of in accordance with applicable laws.

Sec. 97.09. Hotel, Short-Term Rental, Bed and Breakfast Premises requirements.

(A) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel, short-term rental, or bed and breakfast is let. The register shall contain the following information:

1. Correct name and permanent address, designating street and number, city, state and country;
2. Actual dates of occupancy indicating check-in time, checkout time, and room number where applicable;
3. ~~Correct license or registration number, state of registration and make of any vehicle or conveyance;~~
3.~~4.~~ Number of individuals staying in the room;
4.~~5.~~ Amount of the bill and method of payment; and
5.~~6.~~ Register records shall be maintained for a period of two years for each person who lets any room at a hotel, short-term rental, or bed and breakfast.

(B) Tier 2 hotel property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.

(C) No ~~Tier 2~~ hotel, short-term rental, or bed and breakfast property owner, operator, or manager shall allow or permit any hourly charge for any guest room within said establishment.

(D) No ~~Tier 2~~ hotel, short-term rental, or bed and breakfast property owner, operator, or property manager shall allow or permit any guest room ~~or rooms~~ within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.

(E) No hotel, short-term rental, or bed and breakfast property owner, operator, or manager shall knowingly let, allow or permit any room on the premises to be used for any illegal purpose including but not limited to:

1. Prostitution;
2. Gambling;
3. Drug use, sale or manufacture of drugs;
4. Sale of alcoholic beverages.

(F) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:

1. Prostitution;
2. Gambling;

3. Drug use, sale or manufacture of drugs;

4. Sale of alcoholic beverages.

(G) Hotel Room rates shall be posted in a prominent location in all guest rooms. Guests shall not be charged in excess of posted rates. A range of rates is acceptable in the posting.

(H) For hotel guest complaints the telephone number and address for the DCO shall be posted in a prominent location in all hotel guest rooms and public reception area.

(I) A representative of the property owner, operator or manager of a hotel shall be present and accessible to the DCO in person, on a 24-hour basis.

(J) Tier 2 hotels are required to have 24-hour on-site security provided by commissioned security officers.

(K) All commissioned security officers while working for a Tier 2 hotel must be in uniform and must be registered with the Private Security Bureau of the Texas Department of Public Safety.

(L) Commissioned security officers working for a Tier 2 hotel must have a Class B security contractor license issued from the Private Security Bureau of the Texas Department of Public Safety.

(M) Tier 2 hotels must maintain records for the correct license or registration number, state of registration and make of any vehicle or conveyance for any guest registered at the hotel.

Sec. 97.10. Hotel, Short-Term Rental, Bed and Breakfast housekeeping and premises conditions.

(A) The hotel, short-term rental, bed and breakfast premises and guest rooms shall fully comply with all City of Carrollton Construction, Fire, and Health, Safety and Property Maintenance Codes.

(B) *Mattress condition/cleanliness.* Mattresses shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition (e.g., without broken springs, indentations, sags, etc.). Any coverings placed over mattresses to prevent stains and excess wear must be removable and not permanently attached to the mattress or box spring (e.g., not stapled, nailed, or pinned or tied down to the mattress or box spring).

(C) *Linen condition/cleanliness.* Linens provided by the hotel, short-term rental, bed and breakfast shall be maintained in a sanitary condition and be free of stains, holes, rips or odors in excess of normal wear and tear. Linens shall be replaced upon each change of occupancy or at least once a week when occupancy does not change. Linens shall be cleaned with appropriate sanitizing material to insure disinfection. Linens include but are not restricted to pillowcases, sheets, quilts, bedspreads, blankets, comforters, and towels.

(D) Linens furnished by the guest shall be maintained in a sanitary condition and be free of stains, holes, rips or odors in excess of normal wear and tear. Guest linens observed at time of hotel, short-term rental, bed and breakfast room inspections which do not meet the standards establish in this section require the hotel, short-term rental, bed and breakfast to give written notice to the guest to abate the violation within seven days. If the guest fails to abate the violation the hotel, short-term rental, bed and breakfast shall remove the guest's linen and replace it with the hotel, short-term rental, bed and breakfast linen at the end of the notice period. The hotel, short-term rental, bed and breakfast shall keep written documentation of the inspections and notices issued for each room and guest.

(E) *Bathroom condition/cleanliness.* Bathroom fixtures (e.g., toilet, bathtub, sink, shower, mirror) shall be maintained without cracks, chips, or stains. Floors shall be washed with water and a sanitizer at change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the owners, or manager's office.

(F) *Carpet condition/cleanliness.* Carpeting shall be free of stains, holes, rips or odors in excess of normal wear and tear, and shall be maintained in a sanitary, non-defective condition.

(G) *Floor condition/cleanliness.* Non-carpeted floor surfaces shall be made of non-absorbent material. All surfaces and tile grouting shall be maintained without cracks, rips or missing elements.

(H) *Wall condition/cleanliness.* Wall surfaces shall be maintained in a clean and sanitary condition.

(I) *Mold/mildew.* All surfaces, including carpeting and flooring, and fixtures shall be free from mold and mildew.

(J) *Electrical equipment.* For the purpose of this chapter, electrical equipment shall include furniture items installed by the property owner, operator or manager, including air conditioners, televisions, lamps, etc. All electrical items must be properly maintained and be in operable condition.

(K) *Furniture condition.* All furniture items shall be maintained in proper working condition, without structural defects.

(L) *Window coverings.* Shades, draperies or blinds shall be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, blinds, shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition.

(M) *Storage rooms.* No more than ten percent of designed guest rooms may be used for storage room purposes.

(N) *Minimum occupancy.* A minimum of 90 percent of all hotel guest rooms must be available or in use for occupancy at all times.

(O) *Windows.* All windows designed to be opened shall be operable and have an operable window security or locking device.

(P) All windows and mirrors shall be intact and free of cracks.

(Q) *Viewports.* Each door of a hotel guest room shall have a viewport or window convenient to the door.

(R) *Door locks.* All hotel rooms are required to be outfitted with exterior electronic/magnetic locks for guests to gain access to their rooms or by locks that meet with the approval of the DCO.

(S) *Exterior lighting.* The exterior of the hotel property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth of one foot-candle throughout the property and shall not exceed four-tenths of one foot-candle of light measured at the property line.

(T) *Pest control.* All hotel premises shall be treated for insects at least once a year by an exterminator licensed by the state.

(U) *Pest control maintenance.* All hotel, short-term rental, bed and breakfast premises shall be maintained so that they are free from rodents, insects, and vermin and free from conditions that encourage or harbor rodents, insects, and vermin.

(V) Interference with emergency telephone calls.

1. A hotel, short-term rental, bed and breakfast owner, operator and/or manager commits an offense if the hotel owner, operator and/or manager knowingly prevents or interferes with another individual's ability to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

2. A hotel, short-term rental, bed and breakfast owner, operator and/or manager commits an offense if they recklessly render unusable a telephone that would otherwise be used by another individual to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

3. In this section, "emergency" means a condition or circumstance in which any individual is or is reasonably believed by the individual making a telephone call to be in fear of assault or their health or safety are at risk.

(W) The hotel shall maintain a detailed list of required duties for premises inspection, the employee or position responsible for such inspection and a schedule for performance and a record of compliance. Such list shall include a requirement for at least weekly inspection of the entire premises for operational safety devices, fire extinguishers and damage to the exterior of the hotel and parking areas and daily inspection and cleanup of the grounds, including trash and garbage containers for trash and debris not placed within such containers and records shall not[e] the date and time of compliance and the signature or initials of the person carrying out such duties.

(X) The hotel shall maintain a detailed list of duties for housekeeping personnel and a schedule and log for cleaning rooms, replacing linens, inspecting for damage and other housekeeping duties. Such list and schedule shall conform to other requirements of this chapter and the log shall state the date and time of compliance and the initials of the housekeeping staff person who carried out such duties. Room inspections shall occur at least once a week for any guest rooms occupied by guests staying in excess of ten days.

(Y) The hotel shall maintain a list of duties for inspection of rooms and repair of damage or replacement of damaged items and a schedule for inspection by maintenance personnel which shall be at least weekly and in any event before occupancy by a new tenant. If not included in the duties of housekeeping personnel, such list shall include inspection to ensure that smoke alarm devices and telephones are operational as well as air conditioning units, plumbing, and door locks being operational and in good repair. A log shall be maintained noting date and time of such inspection and listing defects and repairs or replacements.

(Z) The hotel shall post rules and include such rules in material provided a guest or posted in each room to the effect that if any criminal activity in a room occurs or if a guest engages in criminal activity on the grounds, such guest will be immediately evicted. Such rules shall be strictly enforced.

Sec. 97.11. Short-Term Rental, Bed and Breakfast Proof of Insurance Required

It shall be unlawful for the owner of premises operating a short-term rental or bed and breakfast to operate without host protection or other liability insurance commensurate with the operations of the short-term rental or bed and breakfast that provides coverage of up to $1 million per occurrence. A certificate of insurance must be on file with the DCO. Proof of insurance shall be required at the time of application and notice of cancellation of insurance must be made to the DCO within 30 days.

Sec. 97.12. Parking Restrictions

(A) It shall be unlawful for the guest, owner, operator, or manager of a hotel to allow an occupant to park a motor vehicle on a residential street adjacent to or near the hotel.

(B) It shall be unlawful for the owner, operator, or manager of a hotel to allow an occupant, to occupy a motor home, recreational vehicle, boat, commercial vehicle or otherwise prohibited motor vehicle on the premises of a hotel.

(C) It shall be unlawful for the owner or operator of a short-term rental or bed and breakfast to permit, allow, or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface.

(D) The maximum amount of motor vehicles allowed to be parked at a short-term rental or bed and breakfast shall be limited to the number of available off-street parking spaces.

(E) It shall be unlawful for the occupant of a short-term rental or bed and breakfast to park a motor vehicle on a residential street near a short-term rental or bed and breakfast.

(F) It shall be unlawful for an occupant of a short-term rental or bed and breakfast, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, commercial vehicle, or otherwise prohibited motor vehicle on the premises of a short-term rental or bed and breakfast or on a residential street near a short-term rental or bed and breakfast.

Sec. 97.13. Restrictions on Number of Occupants for Short-Term Rentals, Bed and Breakfast's

(A) It shall be unlawful for an owner or operator of a short-term rental or bed and breakfast to rent, allow, provide, or advertise for more persons which exceed the "Occupancy load and overcrowding" requirements found in Section 96.06(A)(4) of the Carrollton Code of Ordinances regulating the number of individuals occupying a Single-Family and Multi-Family structure.

(B) It shall be unlawful for the owner, operator, or occupant to allow, suffer or permit the number of occupants living, sleeping within or possessing a short-term rental to exceed the maximum occupancy shown on the short-term rental or bed and breakfast lodging license.

(C) A visual inspection of more than the allowed persons staying at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.

Sec. 97.14. Physical Conversion of Short-Term Rental or Bed and Breakfast Premises is Prohibited

(A) It shall be unlawful for an owner or operator of a short-term rental or bed and breakfast to convert a garage to a living space, remodel, renovate, enlarge or otherwise modify premises to add additional bedrooms for use as a short-term rental or bed and breakfast.

(B) It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without approval from the DCO.

Sec. 97.15. Short-Term Rental, Bed and Breakfast Additional Requirements

(A) *Sound Equipment Restrictions.* It shall be unlawful for an owner, operator or occupant of a short-term rental or bed and breakfast to use or allow the use of amplified sound equipment that produces sound audible beyond the property line of the premises between the hours of 10:00 p.m. and 7:00 a.m.

(B) *On-Premises Curfew.* It shall be unlawful for an owner, operator to allow the congregation of occupants outside at the premises between the hours of 10:00 p.m. and 7:00 a.m.

(C) *Trash Requirements.* It shall be unlawful for an owner, operator, or occupant of a short-term rental or bed and breakfast to place or allow to be placed trash on the premises before the evening prior to scheduled trash collection, or on a day not scheduled for collection by the city or its authorized solid waste vendor.

(D) *Special Events Prohibited.*

1. It shall be unlawful for an owner or occupant to advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as a 'banquet hall').

2. It shall be unlawful for the owner, operator, or occupant of a short-term rental or bed and breakfast to allow, suffer, or permit a banquet hall or special event as described to be held on the premises.

(E) *Notice to Occupants.* An owner or operator of a short-term rental or bed and breakfast shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises in a form developed by the DCO. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals and bed and breakfast. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on amplified sound, and curfew times.

(F) *License Displayed.* A copy of the approved lodging license shall be posted at a conspicuous location inside the front entrance(s) to a short-term rental or bed and breakfast.

(G) *Use of Assigned Lodging License Number Required.* It shall be unlawful for an owner or operator to advertise a short-term rental or bed and breakfast in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application without including the current lodging license number assigned by the DCO.

(H) *Use of Unauthorized Permit Number Prohibited.* It shall be unlawful for an owner or person to use, advertise or promote or allow the use, advertisement or promotion of a short-term rental or bed and breakfast using a lodging license not assigned to the owner or operator, or to a different address, or to a different dwelling unit.

Sec. 97.16. Hotel Occupancy Taxes; Request for Occupancy History

It shall be unlawful for the owner or operator of the premises used for a hotel, short-term rental, or bed and breakfast to fail to pay hotel occupancy taxes required under State law and Title III, Chapter 38 of the Carrollton Code of Ordinances. Upon request by the DCO or the Finance Department of the City of Carrollton, the owner or operator of the premises used as a hotel, short-term rental, or bed and breakfast shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for an owner or operator to fail to provide said information requested in a timely manner.

Sec. 97.17. Enforcement

(A) Each violation of this chapter shall constitute a separate offense.

(B) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter except where expressly required by this chapter.

(C) Any condition which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, may result in a court summons. Such conditions include but are not limited to non-functional smoke detectors, lack of or non-functional interior door locking devices, windows which do not open, or which open but fail to stay open, sewer leaks, inoperable telephones, or telephones that fail to connect to the emergency 911 telephone number.

(D) Upon reasonable notice provided to the owner, operator or manager of a hotel, short-term rental, bed and breakfast or other responsible person, imminently dangerous conditions may be immediately abated by the DCO. Actions taken to abate the imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the DCO to be necessary. In the event use of occupancy is restricted, the owner, operator or the property manager shall discontinue the use within the time prescribed by the DCO after receipt of such notice.

(E) If entry onto the property and access to rooms or units constituting an imminently dangerous condition in violation of this chapter is denied to the DCO by the owner, operator or manager of the property, the DCO may seek a court order and/or inspection and abatement warrant from a court of competent jurisdiction to authorize the immediate abatement of the imminently dangerous conditions.

(F) Costs for any abatement performed by, or on behalf of the city, including the cost of police services provided and including the relocation of occupants of the property shall be recoverable by the city.

(G) Expenses incurred pursuant to this chapter shall be charged against the real estate and attached as a lien on which the work is done, or improvements made and charged to the owner of the property for the same.

(H) A hotel, short-term rental, or bed and breakfast owner, operator or manager will have 30 calendar days to address and abate all other code violations not considered imminently dangerous as stated in this section or longer, as the case may be, if the owner, operator, or manager is unable to remedy the code violation through no fault of its own.

(I) At the time of reinspection by the DCO, the DCO will charge the hotel a base reinspection fee as found in [section] 31.01(D)(3)(a) of the City of Carrollton Code ordinance fee schedule plus a $13.00 fee for each hotel

room that has to be reinspected. Reinspection fee for short-term rentals or bed and breakfast will be charged as found in [section] 31.01(D)(3)(b) of the City of Carrollton Code ordinance fee schedule.

(J) The owner or operator of a short-term rental or bed and breakfast use that was not registered with the City of Carrollton for hotel occupancy tax prior to January 1, 2023 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this Chapter, shall discontinue the short-term rental or bed and breakfast use no later than January 1, 2024.

(K) The owner or operator of a short-term rental or bed and breakfast use that was registered with the City of Carrollton for hotel occupancy tax prior to January 1, 2023, and who is unable to obtain a permit for said use or fails or refuses to obtain a lodging license for the use following the effective date of this Chapter, shall discontinue the short-term rental or bed and breakfast use no later than January 1, 2024.

(L) If the lodging license for a hotel, short-term rental or bed and breakfast use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

(M) *Notices by the City*. A notice given by the city pursuant to this article is deemed to have been delivered by the city on the date that it is delivered in person; posted on or near the front door of the structure if personal delivery cannot be obtained; or delivered by certified mail to the owner, operator, or company at the address provided by the registrant in the application for the Lodging License. If notice is returned as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

~~(J)~~(N) At the option of the city, the city may proceed under the alternative procedure set forth in V.T.C.A., Local Government Code, Alternative Procedure for Administrative Hearing, Section 54.044 et seq., or as it may be amended, and the remainder of V.T.C.A., Local Government Code, Chapter 54 Enforcement of Municipal Ordinances, Subchapter C Quasi-Judicial Enforcement of Health and Safety Ordinances, Section 54.031 et seq., as amended. The hearing must be held within 30 days after notice of the hearing and shall be conducted in accordance with the statute. Notice of the hearing shall be in accordance with V.T.C.A., Local Government Code, Section 54.035, as amended. Pursuant to Section 54.044 et seq., the DCO shall act as the hearing officer who shall have the authority granted by the statute including the authority to set the amount and disposition of the administrative penalties, costs, and fees. The hearing officer shall take all action required by statute in these proceedings. Each violation of this chapter shall constitute a separate violation for each day or part of a day during which the violation is committed, continued, or permitted, unless otherwise provided. The civil penalty for a violation of a provision of this chapter may not exceed $1,000.00. Administrative costs and fees shall be established by the city on an actual incurred basis for that specific case. The order of the hearing officer shall comply with Section 54.044(h), as amended. Anyone aggrieved by an order may seek judicial review in accordance with Section 54.044(k), as amended.

Sec. 97.~~12~~.18. Penalty.

An operator, owner, manager, or responsible person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99 for each act of violation and for each day or part of a day during which the violation is committed, continued or licensed.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.