

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF FAIRVIEW, TEXAS, CHAPTER 4 “BUSINESS REGULATIONS,” ADDING A NEW ARTICLE 4.07 “SHORT-TERM RENTALS” AND RELATED PROVISIONS THEREIN; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH PENAL FINE FOR VIOLATION OF UP TO \$2,000 PER DAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Fairview, Texas, (the “Town”) is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Town of Fairview, Texas Town Council (“Town Council”) recognizes the Town’s proximity to retail shopping, restaurants, entertainment venues, convention facilities, and tourist destinations in the Dallas-Fort Worth Metroplex; and

WHEREAS, in the Town of Fairview and elsewhere, the increase in the number of persons or entities desiring to rent their residential properties has led to the proliferation of transient and vacation rental uses within neighborhoods previously planned, approved and constructed for solely residential use; and

WHEREAS, the use of residential properties by individuals for short periods of time negatively impacts the original residential character of neighborhoods that was an inducement for owners to buy their homes in such neighborhoods due, in part, to substituting permanent residents with transient visitors and thereby reducing or eliminating common goals, cohesiveness, communication, and accountability between permanent or long-term residents; and

WHEREAS, the short-term rental of a property in the Town of Fairview, with its attendant traffic, parking, noise, litter, and the influx of non-residents into residential areas is incompatible with the intent of residential areas in the Town and the desires and expectations of the Town’s residents and is contrary to the long-standing character of the community; and

WHEREAS, the provisions of this ordinance are intended to prevent the further erosion of pre-existing and stable neighborhoods, and further advance the Town Council’s commitment to preserving the residential character of its neighborhoods; and

WHEREAS, the rise of substitute land uses for residential property contributes to the shortage of affordable housing for both homeowners and long-term renters; and

WHEREAS, the proliferation of short-term rentals presents fire and structural safety concerns that are not applicable to structures used for permanent occupancy but are deemed necessary to accommodate guests who, as visitors to the Town of Fairview, will rely on Town emergency services in the event of a crisis; and

WHEREAS, the Town has received complaints from neighbors seeking to resolve issues with parking, noise, and other adverse effects related to the operation of short-term rentals in residential areas; and

WHEREAS, the Town Council has reviewed data and information from other cities' experiences with short-term rentals and used this data and information to structure this ordinance; and

WHEREAS, the Town Council finds that prohibiting the short-term rental of residential property is necessary for promoting the health, safety, and welfare of the general public, ensuring consistency in land uses and development, and protecting the rights of property owners, residents, and visitors in the Town of Fairview;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. The above-stated recitals are incorporated herein as if set forth in full for all purposes.


Section 2. The Town Council hereby approves and adopts amendments to the provisions of Chapter 4 "Business Regulations," by adding a new Article 4.07 "Short-Term Rentals," as said amendments are set forth in the document attached to this ordinance as Exhibit "A," incorporated herein for all purposes as if set forth in full and being part of this ordinance.

Section 3. The sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. It shall be a Class C misdemeanor to violate any provision of this ordinance or the regulations adopted hereunder. The amount to be paid upon conviction shall not exceed the amount set forth and as applicable in the Fairview Code or in said regulations, or the highest amount allowed by law, whichever is lower. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

Section 5. This ordinance amendment shall take effect upon passage and publication, and it is accordingly so ordained.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN
OF FAIRVIEW, TEXAS, THIS 4th DAY OF APRIL 2023.**


Henry Lessner, Mayor
Town of Fairview

ATTEST:


Tenitrus Bethel, Town Secretary

APPROVED AS TO FORM:

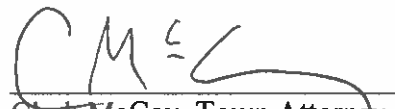

Clark McCoy, Town Attorney



EXHIBIT “A”

ARTICLE 4.07 SHORT-TERM RENTALS

§ 4.07.001 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Leaseback. An arrangement where the seller of a residential property—that the seller used as a residence—leases the property back from the purchaser. In a leaseback arrangement, the specifics of the arrangements are typically made prior or immediately after the sale of the home.

Rental. The renting, leasing, bartering, trading, letting, or otherwise allowing the use of all or any part of a residential property, including a residence, residential structure, room or rooms within a residence or residential structure, or amenities on residential property including without limitation accessory structures, barns, swimming pools, tennis/sport courts and other similar amenities on residential property. This shall not restrict, limit or interfere with any homeowner from participating in a leaseback upon the sale of a residence or residential structure.

Short-Term Rental. The rental of any residence, residential structure, or residential property or any portion of a residence, residential structure, or residential property for a period of less than 30 days; this definition includes the rental of amenities on residential property including without limitation accessory structures, barns, swimming pools, tennis/sport courts and other similar amenities on residential property.

§ 4.07.002 Short-term rentals prohibited.

All short-term rentals are hereby prohibited and unlawful within the Town of Fairview.

§ 4.07.003 Penalty.

(a) A person commits an offense under this article if that person owns or operates a short term rental in the City.

(b) Violation of the conditions of this article shall be punishable by a maximum fine of \$2,000 per violation, per day.

(c) Each day of violation of said regulations of this article constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.