

**CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 16-2022**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11, "HEALTH AND SANITATION", BY ADDING A NEW ARTICLE 11.06 "SHORT-TERM RENTALS LICENSING"; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to develop a process to safeguard the safety and welfare of occupants of short-term rentals while also protecting the welfare and property interests of the residents of the City and insuring the proper collection and payment of Hotel Occupancy Tax;

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

**SECTION 1.** Chapter 11, "Health and Sanitation", of the Code of Ordinances of the City of Seagoville, Texas is hereby amended by adding a new Article 11.06, "Short-Term Rentals Licensing" to read in its entirety as follows:

**"CHAPTER 11. HEALTH AND SANITATION"**

...

**ARTICLE 11.06. – Short Term Rentals Licensing**

**Sec. 11.06.001 - Title.**

The regulations in this Article shall be known as the "Short Term Rentals Licensing Ordinance," and may be cited as such. A Short-Term Rental property or properties as defined in this Article may be known, cited, or referred to as a "Short Term Rental", "Short Term Rentals"

**Sec. 11.06.002 - Purpose.**

(A) The purpose of this Article is to safeguard the life, health, safety, welfare, and property of the Occupants of Short-Term Rentals and the general public, by developing a process to enforce the minimum standards of this Article with regard to Short-Term Rental activities within the City.

(B) More specifically, the purpose of this Article is to:

- (1) establish regulations, standards, and a license registration process governing the renting of privately owned residential Dwelling Units on a short-term basis;

- (2) ensure the collection and payment of sales and occupancy taxes, as authorized in the Texas Tax Code, and Seagoville City Code (Hotel Occupancy Tax);
- (3) ensure that Short-Term Rental activities do not threaten the character of residential neighborhoods;
- (4) ensure the protection of the existing housing rental stock; and
- (5) ensure that such Short-Term Rental activities do not become a nuisance or threaten the public health, safety, or welfare of neighboring properties.

**Sec. 11.06.003 - Definitions.** For the purpose of this article, the terms, words, or phrases shall have the meanings given herein.

*Bedroom* means the living area(s) of the Dwelling Unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

*Booking Service* means any reservation and/or payment service provided by a person or entity that facilitates a Short-Term 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 and/or payment services provided for the Short-Term Rental transaction.

*Building Code(s)* mean the current locally adopted building, existing building, plumbing, mechanical, electrical, swimming pool and spa, fuels gas, energy, fire, and property maintenance codes.

*Commercial Meetings* include, but are not limited to, luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other similar gatherings in such numbers of participants or guests whereby such activities would normally occur in commercial facilities for direct or indirect compensation.

*Dwelling* means any building that contains one or two Dwelling Units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. See International Residential Code, Chapter 2, Section R202 (Definitions).

*Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. See International Residential Code, Chapter 2, Section R202 (Definitions).

*HOA* means a homeowners association or similar organization in a subdivision, planned community, or condominium building that makes and enforces rules for the properties and residents.

*Host* means any person, who is the Owner of record of residential real property with a Dwelling Unit, or the lessee of residential real property with a Dwelling Unit under a written agreement for the lease of such real property, who offers that Dwelling Unit, or portion thereof, for Short-Term Rental property either through a Hosting Platform or individually.

*Hosting Platform* means a person or entity that participates in the Short-Term Rental 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 that 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.

*License* – See *Short-Term Rental License*.

*Local Representative* means an individual located within forty (40) miles of the City limits during the entire length of the Short-Term Rental period who has access to the licensed premises, is authorized to make decisions regarding the licensed premises and is available at all times during the entire length of the Short-Term Rental period.

*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.

*Owner* means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the Premise; or who is recorded in the official records of the county as holding title to the Premise; or who otherwise has control of the Premise, including the guardian, trustee or executor of the estate of any such person.

*Premise* or *Premises* means real property, a lot, plot, or parcel of land, including any buildings, structures, or appurtenances or portions of buildings, structures, or appurtenances thereon.

*Professional Property Management Firm* means an entity that is comprised of one or more professional property managers who oversee the operation, control, and maintenance of the real estate and physical property. This can include residential, commercial, and land real estate.

*Professionally Managed Short-Term Rental* means a Short-Term Rental that is managed, operated, or controlled by a Professional Property Management Firm that oversees the operation, control, and maintenance of a Short-Term Rental.

*Property Manager* means a person who, for compensation, has managing control of real property for the Host, or Owner. This term includes Professional Property Management

Firm or a Person who is responsible for the day- to-day operations of a property.

*Resident* means an individual or family who permanently resides in the dwelling unit. The resident can be the owner or host of the Short-Term Rental.

*Short-Term Rental License (or STR License)* is License, issued by the Director of Community Development, authorizing the applicant and/or owner to utilize the residential premises as a Short-Term Rental property and confirming that the said residential Premises referenced in the STR Application complies with Building codes and all health and safety regulations, satisfies all the conditions of this Article, and has passed an inspection.

*Short-Term Rental (STR)* means the rental of all or part of a residential Premise, used for lodging accommodations, to occupants for a term of less than thirty (30) consecutive calendar days. The definition of *Short-Term Rental*:

- (1) does not include a Bed and Breakfast, defined as an owner-occupied home which offers lodging for paying guests and which serves breakfast to these guests, and which contains one or more guest bedrooms; and
- (2) does not include single-room occupancy such as rooms in a hotel or motel; and
- (3) for purposes of the imposition of a hotel occupancy tax under the Texas Tax Code, Chapters 351 and 352 or other law, the term “*hotel*” includes a *short-term rental*. See TX. Tax Code, Chapter 156, § 156.001 (Definitions).

*Short-Term Rental Property* means a residential property including a residential Dwelling Unit or any room therein or other space, available for rent for a term of less than thirty (30) consecutive calendar days but excluding bed and breakfast and single-room occupancy such as rooms in a hotel or motel.

*Short-Term Renter* means a person who exercises occupancy or is entitled to occupancy of a Short-Term Rental property, because of concession, permit, right of access, license, or other agreement for a period of less than thirty (30) consecutive calendar days. Portions of days shall be counted as full calendar days.

**Sec. 11.06.004 – Applicability, administration, and enforcement.**

- (A) This article shall apply to all Dwelling Units utilized for Short-Term Rentals.
- (B) This Article shall not supersede any private conditions, covenants, or restrictions, including Homeowners Association (HOA) regulations, applicable to a Short-Term Rental property.
- (C) The Director of Community Development and his or her designee(s) are authorized to administer and enforce the provisions of this Article.

(D) In addition to the powers and duties otherwise prescribed for the Director of Community Development, as administrator of this Article, he or she is required to:

- (1) Administer and enforce all provisions of this Article;
- (2) Keep records of all licenses issued;
- (3) Adopt rules and regulations, not inconsistent with the provisions of this Article, with respect to the form and content of application for Licenses, the investigation of applicants, and other matters incidental or appropriate to his or her powers and duties as may be necessary for the proper administration and enforcement of the provisions of this Article; and
- (4) Conduct periodic investigations throughout the City with regard to short-term rental units concerning compliance with this Article.
- (5) The Director of Community Development, city field inspectors, Building Official, Fire Code Official, Peace Officers, any employee designated by the City Manager, and any other person as authorized by State or other law having jurisdiction within the City of Seagoville, are hereby designated the authorized enforcement agents for this Article.

**Sec. 11.06.005 – Zoning and Residential Structure Type Restrictions**

(A) *Zoning*. It is permissible for any Short-Term Rental property to operate in residential zoning districts as indicated on the official zoning map of the City of Seagoville, Texas.

(B) *Residential structure types*. A Short-Term Rental property is only allowed in the following residential structure types:

- (1) Single-Family Residence, Detached (e.g., a stand-alone single-family dwelling unit)
- (2) Single-Family Residence, Attached (e.g., a duplex, containing two units, where each unit is on a separate lot)
- (3) Two-Family Dwelling Unit (e.g., a duplex, on one lot, containing two units)
- (4) Multi-Family Unit (e.g., an apartment or triplex)
- (5) Townhouse
- (6) A Mixed-Used Property (e.g., residential dwelling above the ground floor)
- (7) A HUD- Code Manufactured Home.

**Sec. 11.06.006 - License application, renewal, and expiration.**

*(A) Short-Term Rental License required.*

- (1) No person shall maintain, conduct, operate, or rent a residential Short-Term Rental Property for compensation within the City, or act as agent for another who is leasing Short-Term Rental Property, without first obtaining a Short-Term Rental License (STR License) from the Director of Community Development.
- (2) Should a person own or maintain Short-Term Rental Property at more than one (1) location, a separate license is required for each additional location.
- (3) The License issued to an owner authorizes such owner and its bona fide agents or employees to rent the Short-Term Rental Property to Short-Term Renters.

*(B) Application for STR License.*

- (1) Applications for a STR License shall be filed with the Director of Community Development on a form provided for that purpose.
- (2) Should an applicant own Short-Term Rental Property at more than one (1) location, a separate application must be filed for each location.
- (3) The following information shall be required on the application:
  - (a) Names, current addresses, and telephone numbers of all Hosts, Owners, Property Managers, lien holders, and insurance companies for the intended Short-Term Rental Property;
  - (b) State-issued driver's license or identification numbers and dates of birth of all Hosts, Owners, and Property Managers;
  - (c) Professional Property Management Firm, and individual Property manager(s), names, current address, and telephone numbers;
  - (d) Names and web-site addresses of all Booking Services, and Hosting Platforms utilized for the Short-Term Rental property.
  - (e) Name, current addresses, telephone numbers, email address and state-issued driver's license or identification numbers of a Local Representative within forty (40) miles of the City limits;
  - (f) One trade name (if applicable);
  - (g) Street address of the property and telephone number for any landline at the property;

- (h) Zoning district in which the property is located;
  - (i) Telephone number, name, and address of a person responsible for paying utility bills for the property; and
  - (j) The number of Dwelling Units broken down by number of bedrooms, bathrooms, etc.
- (4) The Director of Community Development may, at any time, require additional relevant information of the Host, Owner, or Property Manager to clarify items on the application. The Host, Owner, and Property Manager shall provide the information the City requires within ten (10) calendar days of the City's request.
- (5) It is the duty of a Host, Owner, and Property Manager to update all information provided in the application within ten (10) calendar days of any change.
- (C) *Issuance of License.* The Director of Community Development or his/her designee shall issue a License to the applicant only upon the:
- (1) receipt of a completed application; and
  - (2) payment of the applicable fees; and
  - (3) successful inspection, or re-inspection when applicable, of the property verifying the property is in compliance with the minimum standards set forth in this Article; and
  - (4) applicant's compliance with all the requisites of this Article.
- (D) *Annual License fee.* The annual fee for a Short-Term Rental License is calculated per dwelling. The annual fee, as set forth in the City's Master Fee Schedule, is payable to the City of Seagoville and is due on or before April 1st of each year.
- (E) *Expiration date of License.* The License will expire on May 31 of each year.
- (F) *Display of License.* Each License issued pursuant to this Article together with a copy of this Article must be posted and displayed in a conspicuous place within the Short-Term Rental Property to which the Short -Term Renter has access.
- (G) *Replacement License.* A Replacement License may be issued for a License that is lost, destroyed, or mutilated, upon application on the form provided by the Director of Community Development. A replacement License shall have the word "REPLACEMENT" stamped across its face and shall bear the same license number as the one it replaces. See Master Fee Schedule for applicable fees.
- (H) *Transferability.* A Single-Family Residential Rental Property License for Short-Term

Rentals is not assignable or transferable.

**Sec. 11.06.007 - Inspection**

- (A) *In general.* No License shall be issued if, as a result of an inspection or reinspection, it is determined that the Short-Term Rental Property does not comply with the standards of this Article.
- (B) *Inspection.* An inspection shall be conducted prior to the issuance of a Short-Term Rental License.
- (C) *Reinspection.* Short -Term Rentals shall be periodically reinspected for compliance with the provisions of this Article. A reinspection fee may be charged each time a reinspection is required pursuant to this Article. See Master Fee Schedule for applicable fees.
- (D) *Inspection and reinspection required.* Short-Term Rentals shall be inspected and/or periodically reinspected as follows:
  - (1) upon first time issuance of a License;
  - (2) if warranted by the City's receipt of a complaint; and
  - (3) if an inspection of the rental property has not been conducted by the City within three (3) years or more.

**Sec. 11.06.008 – Denial or revocation of License**

- (A) *In general.* For failure to comply with the terms of this Article, the Director of Community Development may deny or revoke the Short-Term Rental License for the Short -Term Rental Property in violation or otherwise failing to comply with the terms of this Article.
- (B) *Process and procedures - Denial or revocation of a License.*
  - (1) A License may be denied or revoked if:
    - (a) the application contains false or incomplete information;
    - (b) there are utility, tax, or property lien fees due for the property for which the landlord, owner, or applicant is responsible;
    - (c) the property is not in compliance with the standards set forth in this Article;
    - (d) there exists any condition in, on or near the property that renders the rental property unsafe or unfit for human habitation or occupancy or presents a

threat to public health or safety; or

- (e) there is or in the last two years has been a serious or repeated violations of any of the requirements of this Article, or interference with the City or any of its agents in the performance of their duties.
- (2) The Director of Community Development shall issue a written “NOTICE OF INTENT – ADMINISTRATIVE DECISION TO DENY OR REVOKE A SHORT-TERM RENTAL LICENSE” (“**Notice of Intent – Administrative Decision**”) to deny or revoke a License, which shall set forth the grounds upon which the Administrative Decision is issued and inform the applicant or license holder:
- (a) The Director of Community Development “denies” the issuance of the License; or the Director “revokes” the License.
  - (b) The decision to deny or revoke the issuance of a License will become final at the close of business on the thirtieth (30th) day after the date of the **Notice of Intent – Administrative Decision** unless the holder appeals the administrative decision in accordance with Section 11.06.012 of this Short-Term Rental Ordinance. The date of issuance of the **Notice of Intent – Administrative Decision** is considered DAY ZERO (0).
  - (c) This Article (Short-Term Rentals) shall be referenced in the **Notice of Intent – Administrative Decision**.
- (3) Failure of any person or entity to file a “notice of appeal” within the time period, as identified in Section 11.06.012 of this Short-Term Rental Ordinance is a waiver of the right to a hearing and the Administrative Decision to deny or revoke the License shall be FINAL.

**Sec. 11.06.009 – Reinstatement of License**

- (A) *In general.* If a Short-Term Rental License is denied or revoked by the Director of Community Development, the License may be issued, reinstated, or reissued by the Director of Community Development, upon request by the owner or property manager and in accordance with the requirements of this Article.
- (B) *Reinstatement, reissuance, or issuance requirements.* In order to reinstate, reissue, or issue a License, the Director of Community Development must make a finding that the denial or revocation is no longer valid because:
  - (1) The violations have been corrected; and
  - (2) There are no other grounds for the License to remain denied or revoked; and

(3) The License should be reinstated.

(C) An administrative decision to deny the issuance, reissuance, and/or reinstatement of a License may be appealed in accordance with Section 11.06.012 of this Short-Term Rental Ordinance.

**Sec. 11.06.010 – Property and Use Standards for Short-Term Rental Properties**

In addition to all other standards set forth in the Building Codes or other applicable laws and regulations, the following property and use standards apply to all Short-Term Rentals and Short-Term Rental Properties:

(A) *Neighborhood compatibility.* Short-Term Rentals shall be operated in accordance with the neighborhood compatibility provisions as follows:

(1) Number of Overnight Guests.

- a. The total number of adults occupying a dwelling unit in a Short-Term Rental may not exceed the lesser of (i) two (2) adults per bedroom, plus two (2) additional adults, or (ii) eight (8) adults.
- b. Children under the age of 12 years shall not be considered as an adult for calculation purposes and children over the age of 12 years shall be considered as an adult for calculation.

(2) Parking.

- a. Parking for Short-Term Rentals shall comply with all applicable residential parking provisions as described in Chapter 17 (Traffic) and Article 17.04 (Parking, Stopping or Standing) of this Code.
- b. Short-Term Rentals shall not create excessive traffic or an unreasonable parking congestion.
- c. All vehicles shall be parked in designated parking areas, and parking is prohibited in any water-permeable or landscaped area.
- d. On-street parking shall not to exceed two (2) vehicles for more than a 24-hour period.

(B) *Advertising.* All advertisements for any Short-Term Rental Property must reference this Article 11.06 and state the valid Short-Term Rental License number issued hereunder for the property.

- (C) *Special Events Prohibited.* Weddings, corporate events, commercial functions, commercial meetings, parties, and other similar events which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood are prohibited and may not be allowed as part of any Short-Term Rental operation. A written prohibition against the use of a Short-Term Rental for these purposes shall be included in every advertisement, listing, or other publication offering the premises for rent.
- (D) *Noise.* All occupants, guests, and hosts shall comply with the City noise ordinance, Chapter 13 (Offenses and Nuisances), Article 13.03 (Noise).
- (E) *Local Representative.* A Local Representative shall be available by telephone at all times during the Short-Term Rental period, shall return telephone calls from any enforcement agent identified in section 11.06.004 of this Short-Term Rental Ordinance within fifteen (15) minutes of receiving a voice mail from said enforcement agent, and shall, if required by the enforcement agent, report to the property within one (1) hour of such a request by an enforcement agent.
- (F) *Occupant information sheet.* A tenant information sheet shall be conspicuously posted in all Short-Term Rental Properties, setting forth basic standards of conduct, including but not limited to:
- (1) the name, email address and telephone number of the designated Local Representative;
  - (2) the maximum occupancy limit;
  - (3) noise, parking and littering restrictions and notice that failure to conform to the City's noise, parking, and littering regulations may result in police intervention and criminal prosecution;
  - (4) trash and solid waste collection information, including collection dates and trash container placement regulations; and
  - (5) other useful information about the surrounding community.
- (G) *Outside Posted Contact Requirement.* There shall be posted on the front door, or within one (1) foot of the front door at a location visible to any visitor to the property a document being at least 8.5" x 11" in size and containing in print no smaller than 16-point font-size the following information written in English:
- (1) the Short-Term Rental License number; and
  - (2) the names and telephone numbers of the Owner, Local Representative and any other person available at all times during the Short-Term Rental period.

**Sec. 11.06.011 – Violations – Criminal Offense, Affirmative Defenses, Penalties**

- (A) *Violations and offense.*

- (2) No person may violate any provision of this Article, including Hosts, Owners, Property Managers, Short-Term Renters, and Occupants of the Short-Term Rental Property.
- (3) A person commits an offense if he/she acts in the capacity of a Host, Owner, or Property Manager without a valid License issued under this Article.
- (4) A Host, Property Manager, or an Owner commits an offense if he/she rents, leases, or allows another to occupy Short-Term Rental Property that has not passed a City inspection, or does not have a valid License.
- (5) A Host, Property Manager or Owner commits an offense if her/she rents, leases, or allows another to occupy Short-Term Rental Property for which a Local Representative is not available at all times during the Short-Term Rental period.
- (6) A Local Representative commits an offense if he/she violates a provision of this Article.
- (7) A Host, Property Manager, or an Owner commits an offense if he/she rents, leases, or allows another to occupy Short Term Rental Property after having been provided with notice of a cease-and-desist order issued by any City enforcement agent identified in section 11.06.004 of this Ordinance, which order requires vacating of the premises or repair or remediation of a condition that is a violation of this Article or which causes a public nuisance.
- (8) No Host, Property Manager, or an Owner may prevent or impair an inspection under this Article, or actively and knowingly conceal, cover, or disguise any condition that is a violation of the minimum standards imposed by this Article.

(B) *Affirmative defenses.* Notwithstanding all other sections of this Article, it will be an affirmative defense to a complaint if the defendant is able to establish that:

- (1) the rental property is a group home for elderly persons or persons with disabilities;
- (2) the rental property is an assisted care facility, nursing home, hospital, clinic, or other facility providing medical, rehabilitation or healthcare; or
- (3) the rental property is not used for residential purposes.

(C) *Penalties.* Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense; and each day such violation continues to exist, shall constitute a separate offense. In addition to the penalties of this article, the City is authorized to file suit for injunctive relief as may be necessary to enforce the provisions of this article.

**Sec. 11.06.012 – Appeals of administrative decisions for Short-Term Rentals**

(A) *In general.* Administrative decisions of City officials made pursuant to this Article may be appealed to the City Manager or his/her designee in accordance with this Section.

(B) *Types of decisions that may be appealed.* Appeals of administrative decisions under this Article include, but may not be limited to:

- (1) denial of issuance of License;
- (2) revocation of License;
- (3) denial of reissuance of License; or
- (4) denial of reinstatement of License.

(C) *Process and procedures.*

(1) *Initiating an Appeal.*

- a. *Notice of appeal.* The appellant must file with the City Manager's Office a signed, written notice of appeal specifying the grounds for the appeal.
- b. *Fee.* Unless otherwise herein authorized, a notice of appeal must be accompanied by the required fee(s) as set in the City's Master Fee Schedule.
- c. *Appellate burden.* The appellant is responsible for establishing the administrative official's administrative decision being appealed is contrary to the applicable law or regulations. The appellant is responsible for establishing the administrative official's administrative decision is:
  - i. Contrary to the applicable law or regulations, or
  - ii. Incorrectly interprets or applies the applicable law or regulations; or
  - iii. In error because the provisions of the code, law, or rule do not fully apply; or
  - iv. No longer valid because the violations have been corrected, and there are no other grounds for the License to remain revoked.
- d. *Content of notice of appeal.* A notice of appeal shall be filed in writing and shall be signed by the Short-Term Rental Property owner and, if different, the appellant. A notice of appeal shall identify the following:

- i. The name, address, and telephone number of the appellant.
  - ii. The name of the original applicant if the appellant is not the original applicant.
  - iii. The name or title of the administrative official that issued the decision.
  - iv. The decision being appealed.
  - v. The date of decision being appealed.
  - vi. The reasons the appellant believes the decision is in error and does not comply with the requirements of this Article.
- e. *Deadline.* The completed appeal, which complies with the requirements of this Article, must be filed not later than the thirtieth (30th) day after the date the administrative decision is made. The date the administrative decision is made shall be considered Day Zero (0).
- f. *Acceptance and official filing of notice of appeal.* A notice of appeal is considered accepted and officially filed upon the City Manager's Office receipt before 5:00 p.m. on a business day during normal office hours. Any notice of appeal received at or after 5:00 p.m. on a business day or on Saturday, Sunday, or a holiday shall not be considered officially accepted and filed until the next business day following the date the information was received or entered. A notice of appeal shall not be considered accepted and officially filed unless it is accompanied by the required fee(s) as set in the City of Seagoville Master Fee Schedule.
- (2) *No stay of administrative decisions and proceedings.* The appeal does not stay enforcement of the decision appealed or any related proceedings while the appeal is pending.
- (3) *Scheduling of Public Hearing.* A public hearing on an appeal shall be scheduled not later than the thirtieth (30th) day after the date the appeal is officially filed with and accepted by the City Manager's Office.
- (4) *Hearing on Appeal.*
- a. At the hearing, the City Manager or his or her designee must determine the appeal based upon the evidence presented, including properly submitted records and comments, and must render a decision to:
    - i. Affirm; or
    - ii. Modify; or

- iii. Reverse the administrative official's order, requirement, decision, or determination from which an appeal is taken.

If modifying, the City Manager must issue the corrected order, requirement, decision, or determination, and for that purpose the City Manager, or his/her has the same authority as the administrative official.

- b. In order for the City Manager, or his or her designee, to grant an appeal modifying or reversing an administrative decision, in whole or in part, the City Manager or designee must:
  - i. Find the City staff's administrative decision is erroneous; and
  - ii. Provide a statement of grounds in support of the finding; and
  - iii. State what the City Manager or designee determines to be the correct interpretation of the matter at issue in the appeal.

(5) *Postponement, continuance, or adjournment of hearing without decision.* The City Manager or designee may also take actions, including but not limited to:

- a. Postpone holding the public hearing and consideration of the appeal to a later date so long as the appeal is decided not later than the sixtieth (60th) day after the date the appeal is accepted and officially filed; or
- b. Continue an opened public hearing and consideration of the appeal to a later date so long as the appeal is decided not later than the sixtieth (60th) day after the date the appeal is accepted and officially filed.

(6) *Decision.* The City Manager or designee's decision shall be final with respect to the matter presented in the appeal, only open to reconsideration by the City Manager or designee based upon application from the City Attorney's Office, in accordance with the same process and procedures of this section, that the City Manager or designee's findings are inconsistent with or violate the law."

**SECTION 2.** All ordinances of the City in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** 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.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and publication of the caption as the law and charter may require.

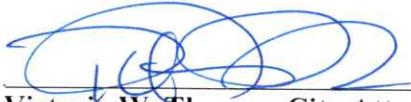
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, ON THIS THE 27<sup>th</sup> DAY OF JUNE 2022.**

**APPROVED:**



**Dennis K. Childress, Mayor**

**APPROVED AS TO FORM:**



**Victoria W. Thomas, City Attorney**  
(061722vwtTM129895)

**ATTEST:**



**Kandi Jackson, City Secretary**

