

**ORDINANCE NO. 2021-06
CITY OF JAMAICA BEACH**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, ESTABLISHING REGULATIONS AND PERMITTING REQUIREMENTS FOR OPERATION OF A SHORT TERM RENTAL, PROVIDING A PENALTY FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jamaica Beach, Texas, deems it in the best interest of the City's Administrative process, law enforcement and the citizens of the City of Jamaica Beach to adopt this Ordinance to establish regulations for the use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of Hotel Occupancy Tax; and

WHEREAS, this Ordinance covers topics that include definitions, regulations and registration requirements for operation of a short term rental, penalty for violations, and an effective date;

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Intent and Findings.

The City Council finds that no current procedure exists whereby a property owner may apply for or receive a Short Term Rental Registration Number within the City Limits and the City Council wishes to provide a method for application and issuance of such Registration.

SECTION 3. Definitions.

As used in this Ordinance, the following terms shall have the following meanings:

- A. *City* - The City of Jamaica Beach, Texas.
- B. *Guest* - The overnight occupants renting a Short Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.
- C. *Local Contact Person* - The Owner, Operator, or person designated by the Owner or the Operator, who shall be available for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.
- D. *Operator* - The Owner or the Owner's authorized representative who is responsible for compliance with this Ordinance while advertising and/or operating a Short Term Rental.
- E. *Owner* - The person or entity that holds legal or equitable title to the Short Term Rental property.

- F. *Short Term Rental (STR)* - A privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

The following are exempt from the regulations under this Ordinance: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

- G. *Short Term Rental Registration* - A registration number issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.
- H. *Short Term Rental Unit* - One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

SECTION 4. Short Term Rental Registration Required.

It shall be unlawful for any person or entity to rent, or offer to rent, any Short Term Rental without a valid Short Term Rental Registration Number issued under this Ordinance.

SECTION 5. Short Term Rental Registration and Application.

- A. An applicant shall submit an application for a Short Term Rental Registration using a format and method promulgated by the City Administrator or his/her designee. The application form shall require, at a minimum, the following information from applicants:
1. The name, address, email and telephone number of the Owner of the Short Term Rental.
 2. The name, address, email and telephone number of the Operator of the Short Term Rental.
 3. The name, address, email and 24 hour telephone number of the Local Contact Person.
 4. The name and address of the Short Term Rental.
 5. A \$50 administrative fee will be assessed at the time of application (one-time fee).
- B. A separate Short Term Rental Registration application must be submitted for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique registration number upon issuance by the City.
- C. The Short Term Rental Registration Number shall expire immediately upon any change in Owner of the Short Term Rental Unit.
- D. The Owner has a duty to notify the City within twenty (20) calendar days, in writing, of any changes to information submitted as part of a Short Term Rental Registration application under this Ordinance.

SECTION 6. Short Term Rental Operational Requirements.

- A. The Operator shall provide each guest the following information in written form:
1. The unique Short Term Rental Registration Number assigned to the Short Term Rental Unit;
 2. Operator name and telephone number;
 3. Local Contact Person name and number;
 4. The location of any on-site and off-site parking (over flow parking available at the City Park or City Hall) spaces available for Guests;
 5. The Short Term Rental occupancy limits (set by the owner);
 6. Instructions to Guests concerning disposal of garbage and handling of garbage containers; which includes; Garbage regulations, including but not limited to ensuring all trash is set out for collection prior to 8:00 a.m. on Mondays and Thursdays for trash collection set forth in the City of Jamaica Beach Garbage Collection Ordinance.
 7. Notification that the Guests are responsible for compliance with all applicable laws and Ordinances (including Ordinance #2020-2 Prohibiting unreasonably loud, disturbing, or unnecessary noise, and that they may be subject to emergency eviction from the rental for violation of the law or breach of the rental agreement.
 8. Instructions as to the use of the Marina (by permit only).
 9. Instructions as to the use of golf carts or other slow moving vehicles (by licensed drivers, with proper lighting and safety equipment and license plates (registration).
- B. The Operator shall operate a Short Term Rental in compliance with the following:
1. Zoning regulations prescribed for the zoning district, in which such Short Term Rental is located, set forth in Section 11-700 Use and Regulations of the City of Jamaica Beach Zoning Ordinance.
 2. Hotel Occupancy Tax regulations, including but not limited to the collection, reporting and paying of Hotel Occupancy Taxes to the City of Jamaica Beach, set forth in the City of Jamaica Beach Hotel Occupancy Tax Ordinance (2003-4).
 3. For the protection of the owner's property, during any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding (via telephone or in person) to concerns or requests for assistance related to the condition or conduct of Guests of the Short Term Rental. The Local Contact Person shall respond (via telephone or in person) within sixty (60) minutes of being notified of concerns or requests for assistance regarding the condition or conduct of Guests of the Short Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
- C. Any advertisement that promotes the availability of a Short Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the occupancy limit and Short Term Rental Registration Number as assigned by the City.

SECTION 7. Notification of Complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the Jamaica Beach Police Department. Each complaint will be investigated and proper legal action will be taken. All investigative findings will be covered with the owner or operator of the Short Term Rental.

SECTION 8. Penalty for Violations.

- A. It shall be unlawful for any person or entity to violate any provision of this Ordinance.
- B. Any violation of this Ordinance is a Class C Misdemeanor Offense, and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.
- C. Penalties provided for in this Ordinance are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

SECTION 9. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 10. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 11. This Ordinance shall be effective on the date as approved by the City Council.

APPROVED AND ADOPTED this, the 19 TH. Day of July, 2021.



ATTEST:

Debbie C. Nesbitt
Debbie Nesbitt, City Secretary

Clay Morris
Clay Morris, Mayor

M/2		Yea	Nay	N/V	Absent
	C. Morris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>M</i>	R. Rupertus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	M. Hoffman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	L. Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>2</i>	S. Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	G. Madray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed ~~Failed~~:

Debbie C. Nesbitt
Debbie C. Nesbitt
City Secretary - Date 7-19-21