



CITY OF JAMAICA BEACH

16628 San Luis Pass Road
5264 Jamaica Beach
Jamaica Beach, Texas 77554
PH (409) 737-1142 FAX (409) 737-5211
www.jamaicabeachtx.gov



The City Council of the City of Jamaica Beach, Texas, will conduct a **Regular Meeting** scheduled at **6:00 pm on Thursday, October 26th, 2023**, in the City Hall Council Chambers located at 16628 San Luis Pass Road.

To participate remotely:

- Dial (888) 612-2252.
- Enter Pin #0000 and state your name.
- To participate in Public Comments:
Press *6 to unmute and announce your name and address before speaking.

1) **ADJOURN COUNCIL MEETING OF 10-12-2023**

1. The meeting ended at 7:34 pm because the agenda had been completed in totality.

2) **CALL TO ORDER AND ROLL CALL OF MEMBERS**

3) **PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS**

4) **SPECIAL PRESENTATION**

1. Presentation of 2 Police Patrol Bicycles Donated by Bike the Blue Foundation.

5) **PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING**

1. Discussion and consideration to take action to approve replating of Lot 11 and Lot 12 of Jamaica Beach Section 23 and combining them into one property known as 16616 Sandpiper Road, Jamaica Beach, Texas 77554. Legal Description: Abstract 121 Hall & Jones Survey Lot 11 – Jamaica Beach Section 23 of Galveston County, Texas, according to the Official Public Records of Real Property of Galveston County, Texas. Abstract 121 Hall & Jones Survey Lot 12 – Jamaica Beach Section 23 of Galveston County, Texas, according to the Official Public Records of Real Property of Galveston County, Texas.

6) **PUBLIC COMMENT**

Members of the public are invited to give comments. Anyone will be allowed to speak on any subject other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council / Board discussion or action can take place on non-agenda items until such items are placed on an agenda and posted in accordance with law. (GC, 551.042.)

7) **ANNOUNCEMENTS**

1. National Night Out and Trunk or Treat Event, Saturday, October 28, 5:00 pm – 7:00 pm
2. Korean Veteran Appreciation, Thursday, November 9 at the next regular City Council meeting

8) **REPORTS FROM DIRECTORS, POLICE, AND FIRE**

1. Chief of Police Garivey – None
2. Director of Operations Quintero – None
3. Fire Chief Baden – None

9) CONSENT AGENDA AND APPROVAL OF MINUTES

The following items are considered routine by the City Council and will be enacted by one motion. There will only be a separate discussion on these items if a council member requests and then the item will be removed from the general order of business and considered in its typical sequence on the agenda.

1. Approval of minutes from the Regular City Council meeting on 10-12-2023.

10) COMMENTS / REPORTS FROM MEMBERS OF COUNCIL

11) NEW BUSINESS

1. Discussion, consideration, and take action to approve Ordinance No. 2023-10, AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING ORDINANCE 2019-9 WATER AND SEWER SYSTEM RATES AND CHARGES; AS AMENDED, TO REVISE AND PROVIDE FOR AN INCREASE IN THE RATES AND FEES TO BE CHARGED FOR WATER AND SEWER SYSTEM SERVICES; PROVIDING FOR THE REPEAL OF ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.
2. Discussion, consideration, and take action to approve only on Ordinance No. 2023-11, AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING THE REGULATIONS AND PERMITTING REQUIREMENTS FOR OPERATION OF A SHORT-TERM RENTAL WITHIN THE CITY; PROVIDING A PENALTY FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

12) MAYOR'S REPORT

13) EXECUTIVE SESSION

The City Council may convene a public meeting and then recess into closed executive session, to discuss any of the items listed on this agenda, if necessary, and if authorized under chapter 551 of the Texas Government Code. Situations in which a closed executive session may be authorized by law include, without limitation; (1) consulting with the Council's attorney to seek or receive legal advice concerning pending or contemplated litigation, a settlement offer, or any other matter in which the ethical duty of the attorney to the Council clearly conflicts with the general requirement that all meetings be open, §551.071; (2) discussing the purchase, exchange, lease, or value of real property, §551.072; (3) discussing a prospective gift or donation, §551.073; (4) discussing certain personnel matters, §551.074; and (5) discussing security personnel or devices, §551.076.

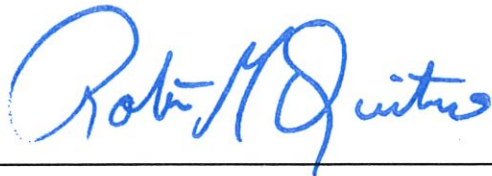
14) RECONVENE

Open Session to consider action, if any, on the items discussed in executive session, if applicable.

15) ADJOURN

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, 16628 San Luis Pass Road, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: October 23rd, 2023, at 5:30 pm and remained so posted continuously for at least 72 hours before said meeting was convened.



Robert Quintero - Director of Operations / Interim City Secretary



The City Hall is wheelchair accessible and accessible parking spaces are available. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 409-737-1142, by fax at 409-737-5211, or by email at cityadmin@jamaicabeachtx.gov. Requests should be made at least 48 hours prior to the meeting. This agenda is posted on the city's web site at www.jamaicabeachtx.gov.



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Hearing Date: October 26, 2023,

Representative: Greory Lewis, Lewis
Design Group, PLLC,
for Lyle B. & Kristen J.
Dillmann

Zoning: F-2 General Single Family Residential District

Legal Description: LEGAL DESCRIPTION OF PROPERTY IS ABSTRACT 121 OF
THE HALL & JONES SURVEY LOTS 11 & 12 JAMAICA
BEACH 23. THE REQUEST IS TO REPLAT INTO ONE
PROPERTY.

Physical 16616 Sandpiper Road – Jamaica Beach Texas

Proposal

A request to consider a Replat to the City of Jamaica Beach Zoning and Planning Commission the replating the above-mentioned properties and combine them into one property to be known as 16616 Sandpiper Road – Jamaica Beach, Texas 77554 was approved on the 9th day of October 2023.

Procedural Requirements

The application was published in The Galveston County Daily News, an official newspaper with general circulation. Notices were sent to property owners within two hundred (200) feet of the subject property. Additionally, a notice of this meeting was posted at Jamaica Beach City Hall and on Jamaica Beach city's internet website in accordance with the Texas Local Government Code. The Planning & Zoning Commission held a public meeting on Thursday, October 9, 2023, at 5:30 p.m. The application was presented for discussion and passed unanimously by the Planning & Zoning Commission.

Recommended Action

Staff recommends that the Jamaica Beach, Texas City Council approve replating the above-mentioned property.

Notices Mailed

Notices were mailed to property owners within 200 feet of the property replat.

Adjacent Zoning and Land Usage

Current Zoning: Single-Family Residential District

Current Land Usage: Single-Family Residential

Criteria for Review

According to Jamaica Beach City Ordinance, 2019-7 under Section 14-500 of said ordinance paragraph 4, which states; Grant a permit for the extension of a user into an adjoining district, where such extension would constitute a non-conforming use and where the lot upon which the existing use is situated extended into the adjoining district and is in single ownership at the time this Ordinance is adopted.

VOTE NECESSARY FOR DECISION OF THE BOARD OF ADJUSTMENTS

Jamaica Beach City Ordinance 2019-7 Sec. 14-600)

The concurring vote of five (5) members of the Planning and Zoning Commission voted in the affirmative of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation of Jamaica Beach City Ordinance 2019-7.

The City Council of Jamaica Beach shall consider the passage of the approval of the Planning and Zoning Commission of the replating of the property filed as, LEGAL DESCRIPTION OF PROPERTY IS ABSTRACT 121 OF THE HALL & JONES SURVEY LOTS 11 & 12 JAMAICA BEACH 23. THE REQUEST IS TO REPLAT INTO ONE PROPERTY also known as 16616 Sandpiper Road – Jamaica Beach Texas

October 26, 2023

| M/2 | | Yea | Nay | N/V | Absent |
|--------------------------|-------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | S. Bower | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | R. Rupertus | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | D. Welch | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | L. Jones | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | S. Green | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | G. Madray | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Passed Failed:

Recorded on this 26th day of October 2023.

Robert M. Quintero,
Director of Operations
Interim City Secretary



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CITY COUNCIL REGULAR MEETING MINUTES

October 12, 2023
6:00 P.M.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor Sharon Bower called the meeting to order at 6:00 pm

The following Council Members were present:

*Mayor Sharon Bower
Mayor Pro Tem Gil Madray
Alderman Lorraine Jones
Alderman Russell Rupertus*

The following Council Members were absent:

*Alderman David Welch
Alderman Sherwood Green*

The following staff were present:

*Director of Operations – Robert Quintero
Police Chief – Raymond Garivey
Finance Clerk - Ester Abrego
Water Clerk – Tina Sifuentes
Building Clerk – Bailey Clement*

RECESS: *Mayor Bower called for a recess due to technical difficulties at 6:01 pm*

RECONVENE: *Mayor Bower reconvened the meeting at 6:10 pm*

PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

SPECIAL PRESENTATION:

1. PRESENTATION BY SALLY BAKKO WITH THE GULF COAST PROTECTION DISTRICT ON THE COASTAL TEXAS STORM SURGE PROTECTION PROJECT.

Sally Bakko with the Gulf Coast Protection District attended the meeting to explain the Coastal Texas Storm Surge Protection Project, specifically on the dune and beach segment of the project. The following details about the project were mentioned: the Gulf Coast Protection District was created in 2021 by the Texas Legislature for the purpose of acting as a non-federal sponsor for projects. The Coastal Texas Project was authorized, but not funded, in 2022 by Congress. The Galveston Bay Storm Barrier System, The Bolivar Roads System, The Double Dune and Expanded Beach System, The Seawall Improvements, and some nonstructural improvements, are included. The GLO is the non-federal sponsor for the Coast Wide Ecosystem Restoration Projects, which includes beach nourishment for the South Padre Island Nourishment, was authorized for \$34.4 billion. The Texas Legislature appropriated \$200 million in advance as non-federal share for the Texas Coastal Project. Galveston beaches are listed as one the top 10 tourist sites in the state and are included in an upcoming sediment study that will allow the work of dunes for the beaches.

2. CITY OF JAMAICA BEACH PROCLAMATION OCTOBER, DOMESTIC VIOLENCE AWARENESS MONTH.

Mayor Bower presented a proclamation claiming that October is Domestic Violence Awareness month to Melissa Joseph with the Resource and Crisis Center in Galveston. Melissa Joseph and Terry Rizzo addressed the council about the nature of their work and thanked the City of Jamaica Beach for the partnership.

PUBLIC COMMENTS:

- **Ginger Jones:** stated that elections are coming up and Seaside Church will be the location for the polls. October 23 will begin the two-week early election, with the first week being open from 8 am to 5 pm and the second week to be open from 7 am to 7 pm. It will also be open on election day.

ANNOUNCEMENTS:

Mayor Sharon Bower stated there will be a Planning and Zoning Committee meeting prior to the next City Council meeting. National Night Out and Trunk or Treat will be held on Saturday, October 28, 2023. AmeriWaste will not be providing recycling services until October 20. Veteran Appreciation for Korean Veterans will be on Thursday, November 9. Please bring any names of vets forward. Introduced the new Building Clerk, Baily Clement.

REPORTS FROM DIRECTORS, POLICE, AND FIRE:

- Chief of Police, Garivey – Citizens Police Academy was completed within the past 5 weeks and 11 citizens completed the academy. Chief Garivey presented plaques to the following graduates: Karen Anderson, Jerry Banner, Charie Carnes, Noelia Carnes, Sandy Denby, Suzanne Heard, Marci Hoffman, Lorraine Jones, Gina Renick, Terry Rizzo, Joan Watters. Special thanks to Lieutenant Posey and Corporal Seurattan for an amazing job. Graduates presented JBPD with a plaque to say thank you. Three families donated funds towards 7 new ballistic vests for the full-time officers, due to be delivered by mid-November.
- Director of Operations, Quintero – Recertification with Cahoon Consulting for insurance rates. Found old dune crossovers and will put an RFP out to begin work on the crossovers.
- Fire Chief, Baden – Presented a slideshow with a report that listed the number of firefighters and the duties that the volunteer fire department provides, as well as information on certifications obtained by members, information on grants that have been provided, response times, work on vehicles, and information on services that have been provided so far in 2023.

APPROVAL OF MINUTES:

Mayor Sharon Bower presented the minutes for September 28, 2023

*Motion made by Mayor Pro Tem Madray to **approve**, seconded by Alderwoman Jones*

VOTE

3 AYES (Rupertus, Jones, Madray)

0 NAYS

0 ABSTAIN

MOTION PASSED

ALDERMAN REPORTS:

Mayor Pro Tem Madray: No report

Alderman Green: Absent/No report

Alderwoman Jones: Thanked Chief Garivey and JBPD for the work they provided with the police academy. Stated that the academy was hard and scary and was provided a fake gun and asked when she felt she would be ready and need to use it. She stated failed because it was scary having the 10-ft tall Officer Seurattan come at her. Hopes this could be done again and she was given a better idea on what the PD does on a daily basis.

Alderman Rupertus: No report

Alderman Welch: Absent/No report

NEW BUSINESS:

1. DISCUSSION ONLY ON PROPOSED WATER STRUCTURE INCREASES – DRAFT ORDINANCE 2023-10. (Bower)

- a. Application fee from \$30 to \$50
- b. Water rate from \$28.75 to \$42 for first 2,000 gallons and from \$5 to 7.30 for each additional 1,000 gallons
- c. Volunteer Fire Department donation from \$4 to \$7
- d. Emergency Management donation from \$1 to \$3
- e. Water tap fee from \$2,145 to \$2,500
- f. Sewer tap fee from \$350 to \$4,500
- g. Delinquent payment fee from \$10 to \$15
- h. Emergency after hours water reconnect fee from \$50 to \$300
- i. New call out fee to activate/deactivate residence water shutoff valve
- j. Illegal use of water from \$50 to \$250

Mayor Sharon Bower read the above line items for water structure increases and presented a slideshow with current rates for water services provided, as well as discussed, a breakdown of revenue and expenses for the water system and repairs. Alderman Rupertus left the meeting at 7:05 pm. Mayor Bower announced Nathan, President of the Volunteer Fire Department, to discuss and answer questions about the donation increase. Nathan stated that the rates have been the same since 1988 and with prices increasing, the operating budget is up to \$120,000 a year and the fee is about 1/3 of the budget. Noted that the funds will go towards insurance, maintenance on vehicles, training, supplies, and expenses due to higher call volumes. Fire Chief Baden gave a brief discussion on the medicine required during emergencies that have an expiration date. Mayor Bower stated that citizens may increase, decrease, or elect out of donations.

MAYOR'S REPORT:

Mayor Sharon Bower stated the search for a city administrator is progressing, 9 applicants to date, with the posting closing the first week of November. Bailey Clement is our new permit coordinator replacing Jessica Sark who has accepted a position with the Corps of Engineers so she can continue adding to her federal retirement account. We will miss Jessica, but Bailey brings great computer skills, a great work ethic and a passion to improve. She and Jessica have already been searching out software programs to streamline the permit and code enforcement process. Bailey will also be taking over managing the registration process and HOT tax payment compliance for our STR's. Tina will continue managing our water but will also be taking over park scheduling, and marina permits. Robert will oversee the pool until next season when it is anticipated that Tina will oversee the summer programs at the pool. Nov 9th we will be honoring our Korean vets so please contact city hall if you know of any Korean Vets in the neighborhood. The trash ordinance will be going into effect Nov 1st. We will have an online form within the water and sewer department page located on our city website. This form will allow you to submit an email with information about out of compliance locations. Remember to remind your neighbors and we are all looking forward to a more trash-free neighborhood. Next phase of the water line project is progressing. The drawings have been reviewed. The bid proposal is being developed with a bid approval date targeted for early December and a start construction date of early January. Targeted to be complete before spring break. The streets impacted are Pelican Way, and the streets between the park and the bird sanctuary with 3 new fire hydrants being installed too. Staff are looking at improving our internal efficiency by migrating to online or cloud hosted platforms, just can't say enough good things about how committed to sustainable, efficient processes our staff is. Website continues to improve. The old website has been shut down and the old ordinances have been moved to the new site. We are still working on Municode, keep hitting a few issues but slowly churning through it. That's it, everyone please enjoy our wonderful fall weather, and the lovely mosquitos that have come with it.

EXECUTIVE SESSION: None

RECONVENE: N/A

ADJOURNMENT:

The meeting ended at 7:34 pm because the agenda had been completed in totality.

**CITY OF JAMAICA BEACH
ORDINANCE 2023-10**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING ORDINANCE 2019-9 WATER AND SEWER SYSTEM RATES AND CHARGES; AS AMENDED, TO REVISE AND PROVIDE FOR AN INCREASE IN THE RATES AND FEES TO BE CHARGED FOR WATER AND SEWER SYSTEM SERVICES; PROVIDING FOR THE REPEAL OF ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Jamaica Beach, Texas is authorized and required to fix uniform and adequate rates for its services; and,

WHEREAS, the City of Jamaica Beach finds the rates and charges established herein are fair and equitable and serve a valid public purpose; and,

WHEREAS, this ordinance covers topics that include application for service, services offered, service rates and charges, penalty for violation, and providing an effective date;

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

SECTION 1. APPLICATION FOR SERVICE:

(A) Application for Water, Sewer, and Garbage Services.

1. Application: Before water, sewer, or garbage collection services shall be supplied to any person or to any premises by the City, the person who is to be responsible for the payment of those services or that person's duly authorized agent, shall make written application for those services on a form to be provided by the City. The application shall contain such information regarding the applicant(s) and the service(s) to be provided as established by the City. When completed and approved, the application shall constitute a contract on the part of the applicant to pay the City for the use and benefit of the services provided by the City to that person or premises, and to abide by all regulations relating to those services as those regulations exist and may be amended by the City of Jamaica Beach, County of Galveston, and State of Texas. In making application for water, sewer, and garbage collection services, each applicant shall provide such information and documentation as may be required by City policy including, but not limited to, documentation which establishes the identity of the applicant(s) and/or establishes the authority of the applicant(s) to make the application on behalf of the applicant(s) or a third party.
2. Application Fee: The City shall collect a total fee of fifty dollars (\$50.00) for each water, sewer, and garbage collection service it establishes.

3. Security Deposit Fees: A deposit shall be made with the City at the time of making an application for water, sewer, and garbage services, the minimum amount of which shall be as follows:
 - (a) Residential: \$250.00
 - (b) Commercial: 3 month estimated average bill.
 - (c) The deposit on any property on which a valid rental property declaration has been filed and is effective pursuant to Section 11 (F) of this Ordinance shall be two hundred fifty dollars (\$250) or an amount equal to three (3) months estimated average bill for all water, sewer, and garbage collection services provided to such property.
 - (d) If one person holds the service accounts for twelve (12) or more residential properties, the bills for none of which have been declared by the property owner pursuant to Section 11 (F) of this Ordinance, then the deposit for those accounts shall be no more than six hundred dollars (\$600.00), that deposit being applicable to each and all of these properties.

(B) Deposit Regulations for Refunding, Waiving, and Delinquencies.

1. The security deposit may be refunded or added to the customer's utility bill after one (1) year if the account is in good standing and no involuntary disconnection notice have been issued in a twelve (12) month time frame.
2. Customers in good standing (having no involuntary disconnect notices issued in a twelve (12) month time frame or frequent, recent, or large delinquencies) that acquire additional property or move from one residence to another in Jamaica Beach, may have the deposit waived.
3. The City shall require persons whose utility bill has been delinquent three (3) months in a twelve (12) month time frame to post a deposit of an estimated average of a three (3) month bill for all water, sewer, and garbage collection services provided to the property. The deposit on any property may be raised to four (4) months average bill by the City if the customer's payment history indicates frequent, recent, or large delinquencies. Refunding and/or waiving of the deposit does not preclude requiring a future deposit, if the utility bill has been delinquent three (3) months in a twelve (12) month time frame, or the service was disconnected for non-payment.
4. If a person making a deposit becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, then and in that event, the City shall have the prerogative to apply the deposit to any bill of that person which may be outstanding.

(C) Use of water without an application or permit: It shall be unlawful for any person or persons to use water from the City without an application or permit or to turn on

the City water for use on his premises if the same has been, for any reason, disconnected or before the same has been turned on by the City.

- (D) No new service until application is made: Before any water or sewer service shall be installed to serve any premises from the City system, the person to be responsible for the payment for the services shall make written application for said service, as provided in Section 1 (A) above. No permit for any connection with the City water and sewer system shall be issued until such application is accepted by the City.
- (E) Using or furnishing water without permission: It shall be unlawful for any person to take or use water from the City water system except under the terms and conditions specified in this Ordinance. All owners and occupants of property are hereby prohibited from furnishing water to any person occupying other premises for any purpose whatsoever except with the written consent of the City.

SECTION 2. RATES AND TAP FEES:

- (A) Water Rates: The monthly rates charged by the City of Jamaica Beach for all water provided by the City's waterworks system shall be:
 - 1. Base Rate: forty two dollars (\$42.00) for zero (0) up to two thousand (2,000) gallons of metered water consumption; and
 - 2. Seven dollars and thirty cents (\$7.30) for each additional thousand (1,000) gallons of metered water consumption (or prorated amount thereafter).
- (B) Sewer Rates: The monthly rates charged by the City of Jamaica Beach for all sewer services provided by the City's sewer system shall be:
 - 1. Base Rate: thirty-four and 35/100 dollars (\$34.35) for zero (0) up to five thousand (5,000) gallons of metered water consumption; and
 - 2. Three and 25/100 dollars (\$3.25) for each thousand (1,000) gallons up to ten thousand (10,000) gallons of metered water consumption (or prorated amount thereafter); and
 - 3. No additional charges for sewer overage after ten thousand (10,000) gallons of metered water consumption.
- (C) Garbage Rate: The rate and regulations for garbage service is provided in the City of Jamaica Beach Solid Waste Disposal Service Ordinance.
- (D) Voluntary Fees: The monthly voluntary fee for the Volunteer Fire Department shall be seven dollars (\$7.00) and the monthly voluntary fee for EMS shall be three dollars (\$3.00). Voluntary fees are optional. Customers may request at any time for the voluntary fee to be removed and/or increased or decreased.

- (E) **Water Tap Fees:** The water tap fee shall be two thousand five hundred dollars (\$2,500) for residential water tap or connection up to and including a $\frac{3}{4}$ inch connection to the City's water distribution system, which shall include the meter and meter box and installation thereof. For connections of over $\frac{3}{4}$ inch, the City will establish tapping charges and water rates by separate order and agreement. No person other than the properly authorized agents of the City, shall be permitted to tap or make any connection with the mains or distribution pipes of the City's water system. No person, other than the properly authorized agents of the City, shall be permitted to make repairs or additions to or alteration in any tap, pipe, valve, or other fixture connected with the service.

Water consumers are not guaranteed to specific quantity or pressure of water for any purpose whatever, and it is understood that the City is only to furnish a connection with its water system and is in no case to be liable of failure or refusal to furnish water or any particular amount or pressure of water.

- (F) **Sewer Taps:** residential sewer taps and connections up to and including a 4-inch connection to the City sewer collection system is four thousand five hundred dollars (\$4,500) for each sewer tap. There will be a fifty dollar (\$50.00) inspection fee after the contractor has completed the connection to the tap. No downspouts, swimming pool drains, yard drains, street drains, or gutter drains will be permitted to be connected to the City's sanitary sewer facilities.
- (G) **Commercial Users:** commercial taps are subject to a contract signed by the owner or user (not the contractor). The City may establish a separate monthly rate for water/sewer services for commercial accounts.
- (H) All tap charges and other charges, including deposits, shall be paid for when application for the tap or connection is made and the request for services shall be held in abeyance until such charges have been paid.

SECTION 3. DELINQUENT FEE AND RETURN CHECK FEE:

- (A) **Delinquent Fee:** All bills for water, sewer, and garbage collection are due when billed and must be paid in their entirety on or before the twenty-second (22) of each month. If payment is not made by the due date the bill shall be considered delinquent. Delinquent bills shall be charged a penalty of fifteen dollars (\$15.00). If payment is not made by the 10th of the following month, services shall be disconnected. The City is hereby authorized to refuse partial payment of water, sewer and/or garbage collection bills.
- (B) **Return Check Fee:** Should any customer pay for services by check or other negotiable instrument and that check, or other negotiable instrument be dishonored or returned, the City shall add a charge of twenty-five dollars (\$25.00) to that customer's bill due to the dishonoring of that check or other negotiable instrument.

SECTION 4. METER TESTING FEES:

- (A) Meter Reread Fee: Should the customer request that the meter be reread within any given month to verify its accuracy, and that the recheck shall indicate that the previous reading or readings were accurate then the City shall add a charge of thirty dollars (\$30.00) to that customer's bill for the reread and each subsequent rereading of that customer's meter.
- (B) Meter Testing Fee: Should the customer request testing of the meter and that testing indicates that the meter was registering accurately or was registering less water than was actually delivered to the customer, then the City shall add a charge of thirty dollars (\$30.00) to that customer for that meter test and each subsequent meter test requested by that customer.
- (C) Data Log Report Fee: Should the customer request a data log report of the meter and that report indicates that the meter was registering accurately, then the City shall add a charge of fifty dollars (\$50.00) to that customer for the meter test and data log report and each subsequent meter test and data log report requested by that customer.

SECTION 5. DISCONNECTION AND RECONNECTION FEES:

- (A) Customers requesting a voluntary disconnection of service will be charged a fee of thirty dollars (\$30.00) on their utility billing. Voluntary disconnection of water service requests must be in writing and will be accomplished within two working days. The voluntary disconnection fee is for reading the meter and turning off the water service to the residence or business. There shall be no occupancy or use of water service at the residence or business.
- (B) Customers requesting reconnection of water service will be charged a fee of one hundred dollars (\$100.00). Reconnection of water service must be in writing to be restored by the current customer of record, or a new application for service made and accepted by the City. The reconnection fee must be paid at the time of the request by the current customer of record, or subsequent customer. Reconnection of service will be accomplished within two working days of receipt of payment by the City.
- (C) In the event any user or customer of the City's water, sewer and/or garbage collection services does not pay the amounts due upon proper billing by the date the same becomes delinquent, the utility department is hereby authorized and directed to order the disconnection of that customer's water service. After water service has been terminated pursuant to this Ordinance, such services may be resumed upon the payment of all past due amounts, up to and including the date of disconnection, plus a reconnection charge of one hundred dollars (\$100.00).
- (D) Emergency reconnection of services after normal working hours, weekends and/or holidays must be approved by the City Water Department Supervisor and the customer shall pay an additional charge of three hundred dollars (\$300.00).

SECTION 6. WATER ACTIVATION AND DEACTIVATION REQUEST FEES

- (A) Customers who require the City's assistance in activating or deactivating water services using the residence's primary water shutoff valve will incur the following fees: (1) Monday to Friday during working hours the fee is \$75.00 (2) After Working Hours Monday through Thursday 5:00pm to 8:00am the next day the fee is \$150 and (3) Weekends beginning Friday at 5:00pm through Monday at 8:00am the fee is \$300.
- (B) For voluntary water valve activation or deactivation of the residence's primary water shutoff valve, customers are required to submit their requests during working hours to the City of Jamaica Beach. After working hours, submit requests to the After Hours Water Emergency Line.

SECTION 7. FREE SERVICES PROHIBITED AND RIGHT OF ACCESS:

- (C) All consumers receiving either water or sewer services or both, from the City shall be subject to the provisions of this Ordinance and shall be charged the rates established in this Ordinance and no reduced rate or free service shall be furnished to any such consumer.
- (D) Inspections/Right of Access to City Authorized Person: Any officer, inspector foreman or authorized person of the City shall have free access at all reasonable hours to any premises supplied with City water and sewer services for the purpose of making an inspection thereof or for reading meters. After a meter has been set, the consumer shall at all times keep the space occupied by the meter and the box free from rubbish and obstructions of any kind. No person other than a duly authorized agent of the City shall open the meter box, tamper or in any way interfere with the meter or box.
 - 1. In case any such authorized person shall be prevented in making such an examination the City may cause the water and sewer service to be disconnected from that premises according to the procedures detailed in Section 10 of this Ordinance.
 - 2. It shall be unlawful for any person to threaten with bodily harm or reprisal by any means any authorized officer or City personnel/agent making an inspection of any premises for City water service purposes or rereading meters and shall be unlawful for any person to in any way prevent any authorized officer of the City making an inspection of the premises for City water service purposes or reading meters. Any person violating the provisions of this subsection shall be guilty of a misdemeanor and upon conviction shall be fined.
 - 3. It shall be unlawful for any person to hinder or interfere with any City personnel/agent who is delivering water termination notices pursuant to Section 10 of this Ordinance. It shall further be unlawful for any person, other than an occupant of the premises to which notice is delivered, to remove a water termination notice delivered by the City from any premises to which the City delivered that notice.

SECTION 8. CROSS CONNECTIONS, BACKFLOW AND BACK-SIPHONAGE PROHIBITED BY STANDARD PLUMBING CODE AND UNLAWFUL USE OF WATER OR USE OF SANITARY SEWER FACILITIES:

(A) Whoever intentionally by any means or device prevents the City or used in connection with the supply of water to any consumer by the City to register the amount of water passing through the meter, or intentionally prevents a meter from duly registering the quantity of water supplied, or in any way interferes with its proper action or just registration, or without the consent of the City intentionally diverts any water from any pipe or pipes of the City or otherwise intentionally uses or causes to be used, without the consent of the City, shall for every such offense be fined as provided for violation of this Ordinance. The presence at any time on or about any such meter or pipe of any device or pipes resulting in the diversion of water or prevention of its free passage and registration by the meter or diverting from the meter as above defined or resulting in the prevention of water from reaching the meter or preventing the just registration of the meter or meters or the taking of any water except through a meter as above set forth shall constitute prima facie evidence of knowledge, on the part of the person owning or having custody and control of the room, building, place or premises where such device or pipe is, of the existence thereof and knowledge of such existence to the person who would be benefited by the failure of the water to be properly metered; and shall further constitute prima facie evidence of intention on the part of such person or persons to defraud, and bring such person prima facie within the scope, meaning and penalties of this Ordinance. It shall be unlawful for any person to use water from the City without an application or permit, or to turn the City water on for use on his premises after the same has been for any reason, cut off.

(B) Whoever intentionally, by any means or device, connects to the City sanitary sewer or allows wastewater to enter the City sanitary sewer to avoid payment of sewer charges shall be fined as provided for a violation of this Ordinance. The location of such a sewer tap unlawfully installed by a customer or his agent shall constitute prima facie evidence of knowledge on the part of the persons owning or having custody and control of the room, building, place or premises where such device is.

(C) Prohibited Discharges:

- I. No person shall discharge or cause to be discharged any storm water, ground water, roof run off, sub-surface drainage, or any water from down spouts, yard drains, yard fountains and ponds or lawn spray into any sanitary sewer.
2. No person shall discharge or cause to be discharged into any public sewer any substance, material, waters or wastes which creates any condition deleterious to sewer structures, or systems, or treatment processes, or requires unusual facilities, attention, or expense to handle such materials.
3. If any person discharges a substance into the sanitary sewer in violation of this Section, the City Administrator may:
 - (a) Require pretreatment or control of the quantities and rates of discharge of discharge waste to bring the discharge within acceptable limits; and
 - (b) Require payment of surcharge for excessive cost of treatment.

- (D) Grease, oil and sand interceptors shall be provided as required in the Standard Plumbing Code.

SECTION 9. BILL FOR ILLEGALLY USED WATER OR ILLEGAL USE OF SANITARY SEWER FACILITIES OR DISCONNECTION OF ILLEGAL FACILITIES:

- (A) Any person or person's illegally using water from the City, as defined in Section 8 of this Ordinance shall be responsible for all water used from the date of last reading of the water meter on that person's place or premises. In the event the meter has been removed by that person or persons or has been circumvented, broken or damaged, then that person or persons shall be billed for an estimated amount of water used during the period of time when that meter was not registering the amount of water used plus the cost of repairing or replacing the meter. Water meter repair/replacement charges shall be determined by the cost.
- (B) Water charge estimates shall be made by the City and shall be based on an average month of the previous year.
- (C) Should the City authorized person remove from any premises any illegal water connection as defined in this Ordinance, the City Water Department Supervisor shall add two hundred and fifty dollars (\$250.00) to the bill of the customer or user at the premises from which such illegal connections were removed.
- (D) Any person or persons illegally using sanitary sewer facilities shall be billed for all sewer charges which were evaded from the time the customer first connected to the sanitary sewer system. The sewer charge estimate shall be made by the City Water Department Supervisor and shall be based on the established rates at the time the violations were discovered.
- (E) A disconnection does not prevent the use of other enforcement or collection procedures available to the City.
- (F) Indemnity Agreement required under certain circumstances: When, in the opinion of the City Administrator, the property is subject to flooding or the sanitary sewer is subject to being surcharged due to infiltration of storm waters, or the premises is subject to being flooded by an overcharged sewer due to its elevation in relation to the main sewer line, then the owner or user of the premises shall be denied a connection to the sanitary sewer unless the owner or user agrees to install a check or backflow valve in his house sewer and agrees to indemnify fill the City and save it whole and harmless from and against any and all damages, costs, or expenses of every kind, character and nature, whether real or asserted, accruing upon or about the building due to surcharge of the sanitary sewer. Such agreement shall be executed by the owner of the property and filed in the Deed Records of the County and shall be covenant running with the land and shall be binding on the owner, his successor or assigns.

- (G) Penalty for Violation: Any person, corporation, or association, as that term is defined by Section 1.07 (a) of Texas Penal Code, violating any of the provisions of this Section shall, upon conviction, be fined in any sum not exceeding one thousand dollars (\$1000.00); and each and every day that the provisions of this Section are violated shall constitute a separate and distinct offense.

SECTION 10. TERMINATION PROCEDURES:

- (A) Nonemergency Termination: Whenever the City is authorized to terminate a customer's consent and under the provisions of the subsection or whenever the City otherwise terminates water service to a customer in a nonemergency situation other than by the customer's request, the City shall first provide notice in the form and manner described below to the customer and afford the customer an opportunity for a hearing in the form and manner described below before the termination of such services. If after the City has complied with the notice requirements as described below, the customer does not request a hearing for review of the termination within the specified time, the City may terminate water services to the customer.

1. Notice: Notice must be sent to a water customer at least eight (8) days prior to the proposed termination date of the services to that the customer if notice is sent by mail, or at least five (5) days prior to termination if the notice is delivered by the City. The notice may be incorporated into the customer's monthly bill, or sent by certified letter, or hand delivered to the customer by City personnel/agent designated by the City to deliver such notices. The notice must be written and clearly communicate the following information:
 - (a) The name of the customer whose service is proposed to be terminated;
 - (b) The address where service is proposed to be terminated;
 - (c) The reason for the proposed termination; including the amount of delinquency if nonpayment of charges is the reason for termination;
 - (d) The customer has the right to appear and be heard at a hearing to contest the proposed termination prior to the date of termination.
2. After the deadline for requesting a hearing has passed, a customer may still request a hearing to review the decision to terminate the customer's water service within ten (10) days of the mentioned deadline upon presentation to the City Administrator of an affidavit declaring that the customer, through no fault of that customer did not receive notice of termination in time to act upon the same. When a hearing pursuant to this subsection is requested, the City Administrator shall as soon as practicable make a determination of whether the appeal appears to be meritorious and if the City Administrator finds it meritorious, the City Administrator shall order the continuation or restoration of services.
3. If the customer to whom water service is proposed to be terminated is a landlord who supplies water services to tenant water users, the City shall attempt to give notice to the tenant water users.

4. Hearing: Should any customer request a hearing to review the decision to terminate that customer's water services, the hearing shall be presided over by the City Administrator or any fair and neutral person he may appoint, which person must be of managerial employment and not involved in the original decision to terminate services, hereafter known as the Hearing Officer. The hearing shall be held no sooner than the next business day, nor later than five (5) days after being requested by the customer. The Hearing Officer may, in his/her discretion, delay or advance the hearing time upon showing of good cause by the customer. At the hearing, the customer shall be given the opportunity to be heard in person to present the customer's case, to present testimony from other persons, and to admit documents. The customer may be represented by counsel, though the City shall in no case provide counsel for the customer. The customer shall be given the opportunity to confront and cross examine any witnesses appearing against him at the hearing. The customer may request that a representative of the City be present at the hearing and be subject to questioning. However, the rules of evidence for civil or criminal trials need not be enforced. The City's reasons for terminating the customer's water service shall be stated at the hearing. Upon reaching a final decision, the Hearing Officer shall state his reasons for reaching that decision and state the evidence on which he relied in reaching those conclusions. Should the Hearing Officer find in favor of the customer, the customer's water service shall continue. Should the Hearing Officer find against the customer, the customer's service shall be terminated, The Hearing Officer shall have the power to grant extensions and fashion other reliefs as would be equitable.

(B) Emergency Termination: Whenever the City is specifically authorized by this Ordinance to act pursuant to this subsection or whenever the City shall deem it necessary due to an emergency situation to terminate a customer's water service prior to giving notice and an opportunity for a hearing, the City shall give the customer whose water service has been terminated notice of that termination according to the requirements described below and afford that customer an opportunity for a post termination hearing to review the decision to terminate.

1. Notice: Whenever the City shall terminate a customer's water service pursuant to this subsection, the City shall post notice on the door of the premises to which water service was terminated, if possible, and shall on that day send by certified letter notice to that customer at the customer's usual billing address. The notice shall be in writing and shall clearly communicate the following information:

- (a) The name of the customer;
- (b) The address to which service has been terminated;
- (c) The reason for the termination;
- (d) The customer has the right to appear and be heard at a hearing to review the termination;
- (e) The customer must request the hearing for review of the termination within ten (10) days of the termination;

- (f) The means by which the customer may request the hearing for review of the termination.
2. If the customer to whom water service has been terminated is a landlord who supplies water services to tenant water users, the City shall attempt to give notice to the tenant water users.
 3. Hearing: If a customer shall request a hearing to review the prior termination of that customer's services, that request must be lodged by the customer within ten (10) days after the termination and notice. Should the Hearing Officer find in favor of the customer, water services shall be reconnected, otherwise to remain disconnected. The hearing shall in all other respects, nature, procedures and consequences be identical to that described in Subsection (A) of this Section.
 4. Notice to Tenant Users: If a customer to whom water service is proposed to be terminated or has been terminated, pursuant to the foregoing provisions of this section, is a landlord who supplied water to tenant users, and the City is aware that the customer supplies water to tenant users, then the City shall provide notice to the tenant users of the proposed termination. The notice to the tenant user need not state the name of that tenant user nor the name of the water customer, but must communicate sufficient information to inform the tenant user that his premises is covered by the United States mail addressed to the appropriate address or posted on the door of the dwelling or commercial unit, or hand delivered to the tenant or any other person residing at or employed at the tenant's premises.

SECTION 11. LIENS AND COLLECTION FEE:

- (A) After the City has terminated a customer's service pursuant to the requirements of Section 10 of this Ordinance or after the City terminates water service at a customer's request, the City Administrator may file a lien on the property which the terminated service served and in the amount that the customers whose service was terminated owed to the City for service at the time of the termination of services.
- (B) If a property receives services illegally, without having an account with the City, then the City Administrator may file a lien against that property in the amount of the proper charge for services used.
- (C) Any lien authorized by this section shall be filed with the County Clerk of Galveston County, Texas. The City shall then have a privileged lien on as many lots or pieces of property as the terminated services previously served and are described on the lien instrument by the metes and bounds, or by City lot and block description, or by any other adequate description. The lien shall secure the charges made by the City for those above discussed services rendered to that property. Such a lien shall be filed pursuant to the authority granted in Tex. Rev. Civ. Stat. Ann. Art 1175/11 (Vernon 1963) and Tex. Const. art, XI /5. The Lien shall bear ten percent (10%) per annum interest. The City Administrator shall add to any lien filed pursuant to this section the amount of the filing fee charged by the Count Clerk for that lien. The lien shall be effective against that property if the account holder or user of services of that property was either the owner of that property,

a tenant of that property or a permissive holder of that property, or an adverse possessor of that property. It is further provided that for any charges for which the lien authorized by this section is designed to secure, it may be instituted and recovery in the foreclosure of that lien held in the name of the City.

- (D) Notice and Hearing: After filing of a lien pursuant to this section, the City Secretary shall within thirty (30) days of the filing of that lien give the owner of the property and the account holder notice that such a lien or liens have been filed on that property and inform the owner and account holder of their rights of appeal. Within thirty (30) of the post mark of the notice sent to the property owner or account holder, the property owner or account holder may appeal the decision to impose the lien on that property to the City Administrator or any fair and impartial person the City Administrator may designate. The City Administrator or his/her designee shall authorize the release of the lien if the property owner or account holder shows that no bill for the above mentioned services to his property encumbered by the lien or liens is owing or if the property owner shows that the encumbered property is and at all times from the hour of the filing of the lien or liens until the time of the appeal has been a homestead as defined by the Texas Constitution. The City Administrator or his/her designee may modify or release the lien to reflect the true amount of delinquency in payment for services to the property of the owner or account holder demonstrates that a lesser bill is owing than the lien alleged or if the City Administrator cannot show that all the lien alleged is owing. The person last listed on the Galveston County tax records as being the owner of any given piece of property shall be presumed to be the owner for purposes of this subsection and the address listed for the owner on the Galveston County tax records shall be presumed to be the address of the owner.
- (E) Whenever a person or entity pays all principal, interest and the filing fee of a lien validly filed pursuant to this section, the City Administrator shall execute a release of that lien and surrender it to the paying party. The City shall not be responsible for filing that release.
- (F) Declaration of Rental Property: The owner of any property, which property is rented to another and such tenant carried City water, sewer, or garbage collection services in that tenant's name may prevent the City from using that property as security for the water, sewer, and garbage collection service charges for service to that property and from filing any lien on such property under the provisions of this Ordinance by filing with the City a declaration in writing specifically naming the service address of that property and declaring such to be rental property which the owner does not wish to be security for the water, sewer, and garbage collection service charges for services to that property.
1. When such a declaration has been filed with the City prior to the time the account holder begins to receive services, the City may collect a deposit in an amount equal to three (3) months estimated average bill on that account pursuant to Section I of this Ordinance. If a property owner wishes to declare in regard to the bill of a person or an entity already receiving services at a particular property, that declaration shall not be effective until the posting of a deposit in an amount equal to three (3) months

estimated average bill on that account in the amount required by Section I of this Ordinance.

2. An owner of property who files the above described declaration on the property which is rented to another and the tenant is carrying the City water, sewer or garbage collection services in the tenant's name at the time of the passage of this section, then such declaration shall become effective with the posting of a deposit in an amount equal to three (3) months estimated average bill as described in Section I of this Ordinance. However, if water service is terminated to that tenant for delinquency in payment, a deposit in an amount equal to four (4) months estimated average bill pursuant to Section 1 of this Ordinance shall be collected before such City water, sewer or garbage collection service is resumed.
3. The declaration of rental property shall be valid only so long as the person making such declaration owns such property, rents such property to another, and the tenant of such property carries water, sewer, or garbage collection services in the tenant's name. The owner may revoke the declaration of rental property at any time by so notifying the City in writing.

- (G) After the City has terminated a customer's service for non-payment or after the City terminates water service at a customer's request, the City may contract with a collection agency to collect the amount that the customers whose service was terminated owed plus assess a collection fee in an amount not to exceed 30%. The collection fee will be added to all unpaid balances submitted to the collection agency regardless of age.

SECTION 12. 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 13. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 14. This Ordinance shall be and become effective immediately upon its adoption and publication, with the new rates reflected in the utility bill for November 2023 and due in December 2023.

APPROVED AND ADOPTED the 26th day of October 2023.

CITY OF JAMAICA BEACH, TEXAS:

Sharon Bower, Mayor

ATTEST:

Robert Quintero, City Secretary

**ORDINANCE NO. 2023-11
REPLACING ORDINANCE NO. 2021-06
CITY OF JAMAICA BEACH**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING THE REGULATIONS AND PERMITTING REQUIREMENTS FOR OPERATION OF A SHORT TERM RENTAL WITHIN THE CITY; 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 citizens of the City of Jamaica Beach, the City’s administrative processes and City code enforcement to adopt this Ordinance to establish regulations for the use of privately owned dwellings as Short Term Rentals; and

WHEREAS, the City Council finds that the enforcement of these regulations will minimize negative ancillary impacts that transient occupants have on surrounding properties and permanent occupants and residents and ensure the collection and payment of Hotel Occupancy Tax as required by State law; and

WHEREAS, the City Council finds that the current Short Term Rental process should provide for annual updates of information and address maximum occupancy to increase oversight and management of Short Term Rental Units used for the pleasure and enjoyment of all transient visitors and permanent residents; and

WHEREAS, the intent of this Ordinance is to safeguard the life, health, safety, welfare and property of the occupants of residential dwelling units being used as Short Term Rentals, the neighborhood of said occupants, and the general public; and

WHEREAS, the occupancy limitations are based on the 2018 International Fire Code, formally adopted by the City, in conjunction with advice and counsel from the City Fire Marshal and are found to be necessary to protect the life, health, safety, and welfare of transient occupants, property, and responding agencies; and

WHEREAS, uniform application and enforcement of such regulations is necessary to achieve the intent and purpose of this Ordinance.

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

SECTION 1. That 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. That the Short Term Rental Ordinance of the Code of Ordinances of the City of Jamaica Beach, Texas is hereby repealed and replaced as shown below:

SHORT TERM RENTAL ORDINANCE

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 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 single family dwelling rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days 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. The following are exempt from the regulations under this Ordinance: 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 Application Fee* - A non-refundable application fee of \$250 to apply to register a Short Term Rental within the City of Jamaica Beach.
- H. *Short Term Rental Annual Operation Fee* - Once a Short Term Rental registration is approved by the City of Jamaica Beach, an annual operation fee of \$250 is required to operate a registered Short Term Rental within the City of Jamaica Beach for each twelve (12) month period.
- I. *Short Term Rental Registration Number* - A registration number shall be issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental once the request for a Short Term Rental registration is approved by the City of Jamaica Beach and the Annual Operation Fee is paid by the owner/operator.
- J. *Galveston County Appraisal District Living Area Square Footage* - The Living Area Square Footage as listed for the Short Term Rental address as listed on the Galveston County Appraisal District.
- K. *Galveston County Appraisal District Parcel Number* - The Galveston County number assigned to the property by the Galveston County Appraisal District.
- L. *Qualified Bedrooms* - The number of bedrooms within the Galveston County Appraisal District Living Area Square Footage. Bedrooms not included within the Galveston County Appraisal District Living Area square footage are not Qualified Bedrooms.
- M. *Maximum Occupancy* - The maximum occupancy shall be two (2) persons per qualified bedrooms, plus two (2) additional persons.

- N. *Short Term Rental Platform* - A short term rental platform is a person or entity that 1) provides an online means through which an Owner / Operator may offer a short term rental until for rent by the public and the consumer may rent the unit; and 2) receives a financial benefit because of the rental.

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.

Short Term Rental Registration and Application.

- A. An Owner shall submit an application for a Short Term Rental Registration using a format and method promulgated by the City Administrator or his/her designer. 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. If the owner is an LLC or corporation or any other registered business entity, the articles of incorporation, or the equivalent, validating the principal name and contact information shall be provided.
 2. The name, address, email and telephone number of the Operator of the Short Term Rental, if applicable.
 3. The name, address, email and 24 hour telephone number of the Local Contact Person.
 4. The address of the Short Term Rental.
 5. A \$250 non-refundable Short Term Rental Application Fee will be assessed at the time of application.
 6. Galveston County Appraisal District Parcel Number for the Short Term Rental.
 7. Galveston County Appraisal District Living Area Square Footage for the Short Term Rental.
 8. Number of Qualified Bedrooms for the Short Term Rental located within the Galveston County Appraisal District Living Area Square Footage.
 9. Maximum Occupancy for the Short Term Rental based on two (2) persons per qualified bedroom(s) plus two (2) additional persons. Example: Galveston County Appraisal District Living Area Square Footage area contains three (3) bedrooms. The Maximum Occupancy would be 3 bedrooms times 2 persons allowed equals six (6) persons plus two (2) additional persons for a total of eight (8) persons for maximum occupancy.
 10. Sketch of the floor plan of the Short Term Rental with dimension layout of the Galveston County Appraisal District Living Area Square Footage. Only the square footage included in the Galveston County Appraisal District Living Area Square Footage will be considered in determining maximum occupancy.
 11. Maximum number of on-site parking spaces.
 12. Sketch of the property showing the maximum number of vehicles that may be legally parked on the real property on improved surfaces without encroaching onto street, sidewalks or alleys, other public rights-of-way, or public property.

13. Acknowledgement of receipt of this Ordinance and agreement to comply with all provisions of this Ordinance as a condition to receiving and maintaining a short term rental permit.
 14. The owner shall grant permission to the City with ten (10) days written notice to perform an on-site inspection of the Short Term Rental to determine accuracy of the Short Term Rental Application information or if there has been a written complaint to the City from occupants about the safety of the Short Term Rental.
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- B. Once a Short Term Rental Registration Number is approved by the City of Jamaica Beach, the owner must submit the Annual Operation Fee of \$250 that is valid for twelve (12) months. After payment of the Annual Operation Fee, the owner will be provided with the Short Term Rental Registration Certificate that includes a unique registration number and the approved Maximum Occupancy.
 - C. A separate Short Term Rental Application fee of \$250 and application information form must be submitted and approved for each individual Short Term Rental.
 - D. The Short Term Rental Registration Number shall expire immediately upon any change in Owner of the Short Term Rental.
 - E. A Short Term Rental Registration Number shall expire if the City does not receive the required amount of Hotel Occupancy Tax payments within six (6) months of a verified rental of the corresponding Short Term Rental property.
 - F. 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.
 - G. The Short Term Rental Registration Number must be renewed after twelve (12) months and will expire if not renewed within sixty (60) days after the expiration date. If the registration number expires, a new application and \$250 non-refundable application fee to register the Short Term Rental will be required to be approved by the City of Jamaica Beach and a twelve (12) month Operation Fee of \$250 paid before operation of the Short Term Rental can commence.
 - H. The Short Term Rental Registration Number shall be revoked by the City for six (6) months upon conviction of more than three (3) total violations of Ordinance 2023-11, Ordinance 97-4 and Ordinance 2003-4 in any combination within a twelve (12) month period. During the six (6) month revocation period, the Short Term Rental cannot operate. After the six (6) month revocation period, a new application and \$250 non-refundable application fee to register the Short Term Rental will be required to be approved by the City of Jamaica Beach and the twelve (12) month Operation Fee of \$250 paid before operation of the Short Term Rental can commence.
 - I. Within 60 days of approval of this Ordinance, all currently registered Short Term Rental Owners will be required to submit the information required in the “Short Term Rental Registration and Application” section above to ensure that the City has all up-to-date information. For currently registered Short Term Rental units, there will be no required Rental Registration Application Fee or Annual Operation Fee for the first twelve (12) months. After the first twelve (12) months from the effective date of this ordinance, all previously approved Short Term Rentals shall be subject to the Annual Operation Fee.

Short Term Rental Operational Requirements.

- A. The Owner shall post the Jamaica Beach Short Term Rental Registration Certificate within the Short Term Rental on the back of the front door and provide each guest the following information in written form. If requested, the Owner shall provide access to the City to verify that the Registration Certificate is posted.

The Jamaica Beach Short Term Rental Registration Certificate shall include:

- 1. Short Term Rental Registration Number assigned by the City of Jamaica Beach for the Short Term Rental.
 - 2. Operator name and telephone number.
 - 3. Local 24 Hour Contact Person name, and telephone number.
 - 4. The Short Term Rental Maximum occupancy limit assigned by the City.
 - 5. Short Term Rental Address.
 - 6. Galveston County Appraisal District Living Area Square Footage.
 - 7. Number of Qualified Bedrooms Approved within the Galveston County Appraisal District Living Area Square Footage.
 - 8. The location and number of on-site parking spaces for guests.
 - 9. The location of off-site parking spaces for guests (overflow parking available at the City Park or City Hall).
 - 10. Notification that Guests are responsible for compliance with all City of Jamaica Beach applicable laws and ordinances.
 - 11. Link or QR Code to the Visitors page on the City of Jamaica Beach official website that includes critical visitor information including quick links to all applicable City Ordinances.
- B. The Owner 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, complaints or requests for assistance regarding the condition, operation or conduct of occupants of the Short Term Rental and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

- C. Any advertisement or Short Term Rental Platform 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 maximum occupancy limit as assigned by the City and the Short Term Rental Registration Number assigned by the City.
- D. The Owner shall post the following outside the house: Street Number on the house and a sign that contains the (1) Short Term Rental Registration Number and (2) the local 24 hour contact telephone number. The posting requires a minimum of two (2) inch lettering visible from the public street for emergency and police responders.
- E. The short term rental agreement between the Owner/Operator of the Short Term Rental Unit and the renter must contain terms specifying the maximum allowed occupancy as approved by the City.

Failure to Comply

- A. Notice of Violation. The City may issue a notice of violation / citation to the Owner if there is any violation of this ordinance committed, caused or maintained by the Owner, or the designated Operator.
- B. Any complaints regarding the conduct of occupants reported to the Jamaica Beach Police Department will be investigated and proper legal action will be taken. All investigative findings will be provided to the owner of the Short Term Rental.

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.
- D. Violation of this Ordinance may lead to the revocation of a Short Term Rental Registration Number at the City Council's discretion.

SECTION 3. 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 4. All Ordinances or parts thereof in conflict herewith are repealed.

SECTION 5. This Ordinance and the regulations contained herein shall become immediately applicable to all previously permitted Short Term Rentals except as saved herein and shall apply to all permitted Short Term Rentals applied for after the effective date.

SECTION 6. This Ordinance shall be effective on the date as approved by the City Council.

APPROVED AND ADOPTED this 26th day of October 2023.

Sharon Bower, Mayor

ATTEST:

Robert Quintero, City Secretary



SHORT-TERM RENTAL PERMIT APPLICATION

Instructions:

1. The owner must complete the entire application form, date, and sign.
2. If the owner is an LLC or corporation or any other registered business entity, the articles of incorporation, or the equivalent, validating the principal name and contact information must be provided.
3. Applications will not be accepted from operators or management companies.
4. Attach a sketch of the floor plan (including dimensions) of the Galveston County Appraisal District Living Area Square Footage of the Short-Term Rental. Only the square footage included in the Galveston County Appraisal District Living Area Square Footage will be considered in determining maximum occupancy.
5. Attach a sketch of the property showing the location of the maximum number of vehicles that may be legally parked on the real property, on improved surfaces without encroaching onto streets, sidewalks or alleys, other public rights-of-way, or public property.
6. For new Short-Term Rental Registrations Include \$250 non-fundable administrative fee payable to the City of Jamaica Beach with the completed application form.

Date Submitted _____ Check Number _____

7. If you already have an existing City of Jamaica Beach STR Registration number, please list it here. The \$250 Administrative Fee is not required. STR _____
8. If any item is left blank on the application form, if the sketches are not attached or if the \$250 non-refundable application fee is not paid, the processing of the application will be delayed.
9. Owner is responsible to work with the City of Jamaica Beach Staff to resolve any questions and complete the application form and payment within 15 days of application date. After 15 days, the application is null and void.

Galveston County Appraisal District information can be found at <https://galvestoncad.org/>



SHORT-TERM RENTAL PROPERTY DETAILS

- A. Short-Term Rental Property Address: _____
- B. Galveston County Appraisal District (GCAD) Parcel Number: _____
- C. GCAD Property Land Sq. Ft. _____
- D. GCAD Living Area Sq. Ft. _____
- E. Number of Qualified Bedrooms within GCAD Living Area Sq. Ft. _____
- F. Requested Maximum Occupancy: _____
(Calculation: Number of Qualified Bedrooms Multiplied by Two (2) Persons Plus Two (2) Additional Persons)
- G. Number of On-Site Parking Spaces Available: _____

OWNER INFORMATION

- Name: _____
- Mailing Address: _____
- Email Address: _____
- Phone Number: _____ Phone Number: _____

MANAGEMENT/OPERATOR INFORMATION

- Contact Name: _____
- Mailing Address: _____
- Email Address: _____
- Phone Number: _____ Phone Number: _____



LOCAL 24/7 CONTACT INFORMATION (must be available 24/7 to respond within 60 minutes)

Contact Name: _____

Mailing Address: _____

Email Address: _____

Phone number: _____

Owner Applicant agrees to operate the Short-Term Rental in compliance with all laws and ordinances of the City of Jamaica Beach and specifically the Hotel Occupancy Tax 97-4 and 2003-4 and the Short-Term Rental Ordinance 2023-11 that govern the operation and requirements for a Short-Term Rental Permit:

(Please initial each statement as evidence of fact and compliance.)

_____ Owner is responsible for compliance with all applicable laws and ordinances of the City of Jamaica Beach, Texas.

_____ Owner is responsible and acknowledges receipt of 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 Ordinances 97-4 and 2003-4.

_____ Owner is responsible for Hotel Occupancy Tax (HOT) of 9% that is due to the City of Jamaica Beach quarterly on the 15th of the month following the quarter end (due April 15, July 15, October 15 and January 15).

_____ Owner acknowledges that the City Administrator shall have the power to effectively collect the Hotel and Occupancy Tax and shall upon notice of 15 days have access to books and records necessary to enable him to determine the correctness of any report filed and the amount of taxes due.

_____ Owner acknowledges that the City is hereby authorized to take legal action and bring suit against any person required to collect the tax imposed hereby and pay the collection over to the City and who has failed to file a report, or filed a false report, or failed to pay the tax when due.

_____ Owner is responsible and acknowledges receipt of the Short-Term Rental Ordinance 2023-11 that governs the operation and requirements for a Short-Term Rental Permit and agrees to comply with all provisions of this ordinance as a condition to receiving and maintaining a Short-Term Rental Permit.



_____ Owner acknowledges that violation of the Short-Term Rental Ordinance 2023-11 may lead to the revocation of a Short-Term Rental Registration Number at the City Council's discretion.

_____ Owner agrees to operate the short-term rental property in compliance with the zoning regulations prescribed for the zoning district in which the Short-Term Rental is located as set forth in Section 11-700 Use and Regulations of the City of Jamaica Beach Zoning Ordinance 2019-7.

_____ Owner agrees to grant permission to the City with ten (10) days written notice to perform an on-site inspection of the Short-Term Rental to determine accuracy of the Short-Term Rental Application information or if there has been a written complaint to the City from occupants about the safety of the Short-Term Rental.

_____ Owner is responsible to ensure that 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 via telephone or in person for the purpose of responding within 60 minutes of being notified of concerns or requests for assistance regarding the condition or conduct of Guests of the Short-Term Rental. The Local Contact Person shall take immediate remedial actions as needed to resolve such concerns or requests for assistance.

_____ Owners is responsible to ensure that all advertisements that promote 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 maximum occupancy limit approved by the City of Jamaica Beach and the Short-Term Rental Registration Number as assigned by the City of Jamaica Beach.

_____ Owner is responsible to post the City of Jamaica Beach Short-Term Rental Registration Permit within the Short-Term Rental on the back of the front door and to provide each guest the information outlined in the section below.

_____ Owner is responsible to post the following on the outside of the house: Street Number of the house and a sign that contains the (1) Short-Term Rental Registration Number and (2) The Local 24-hour Contact telephone number. The posting requires a minimum of two (2) inch lettering visible from the public street for emergency and police responders.

_____ Owner is responsible 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.



_____ Owner is responsible to renew the Short-Term Rental Registration Number after twelve (12) months and will expire if not renewed within sixty (60) days after the expiration date. If the registration number expires, a new registration application and \$250 non-refundable application fee to register the Short-Term Rental will be required to be approved by the City of Jamaica Beach and a twelve month (12) Operation Fee paid before operation of the Short-Term Rental can commence.

_____ Owner acknowledges that the Short-Term Rental Registration Number shall be revoked by the City for six (6) months upon conviction of more than three (3) total violations of Ordinance 2023-11, Ordinance 97-4, and Ordinance 2003-4 in any combination within a twelve (12) month period. During the six (6) month revocation period, the Short-Term Rental cannot operate. After the six (6) month revocation period, a new application and \$250 non-refundable application fee to register the Short-Term Rental will be required to be approved by the City of Jamaica Beach and the twelve (12) month Operation Fee paid before operation of the Short-Term Rental can commence.

_____ Owner acknowledges that any violation of the Short-Term Rental Ordinances 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.

_____ Owner acknowledges that the Short-Term Rental Registration expires upon change of ownership.

_____ Owner acknowledges that the Short Term Rental Registration Number will expire if the City does not receive the required amount of Hotel Occupancy Tax payments within six (6) months of a verified rental of the corresponding Short Term Rental property

_____ 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.

_____ Owner acknowledges that the short-term rental agreement between the Owner/Operator of the Short Term Rental Unit and the renter must contain terms specifying the maximum allowed occupancy as approved by the City.

_____ Attach a sketch of the property showing location of the maximum number of parking spaces.

_____ Attach a sketch of the floor plan (including dimensions) of the Galveston County Appraisal District Living Area square footage.



OWNERS ACKNOWLEDGEMENT TO PROVIDE WRITTEN NOTIFICATIONS TO GUESTS OF THE FOLLOWING:

(Please initial each statement as evidence of fact and compliance.)

_____ Written notification to guests of the Short-Term Registration Number assigned by the City of Jamaica Beach.

_____ Written notification to guest of the physical address of the Short-Term Rental property.

_____ Written notification to guests of the Short-Term Rental maximum occupancy limit as assigned by the City of Jamaica Beach.

_____ Written notification to guests of the name and telephone number of the 24 Hour Contact Person of the Short-Term Rental.

_____ Written notification to guests of the name and telephone number of the Operator of the Short-Term Rental.

_____ Written notification of the Galveston County Appraisal District Living Area Square Footage.

_____ Written notification of the number of Qualified Bedrooms Approved within the Galveston County Appraisal District Living Area Square Footage of the Short-Term Rental.

_____ Written notification to guests that they are responsible for compliance with all applicable laws and ordinances of the City of Jamaica Beach.

_____ Written notification to guests of the location and number of on-site parking spaces located on the property.

_____ Written notification to guests of the location of off-site parking spaces available for guests (overflow parking at City Park or City Hall).

_____ Written notification to guests regarding disposal of garbage and handling of garbage containers for trash handling:

- All trash containers should be set out for collection prior to 8:00am on Mondays and Thursdays to guarantee pick-up that day.
- Please help to keep our neighborhoods free of trash and litter by deterring animals and birds from accessing the trash contents.
- No white trash bags visible.
- All white trash bags should be placed in a securely sealed trash container.
- Black plastic bags are permissible to be left outside of a trash container if they have adequate thickness to resist damage by animals and birds.



- Each container or black bag should not exceed a size of 64 gallons or a weight of 50 pounds.
- A maximum of four trash containers can be placed out for collection. Example: Two trash containers and Two Black Trash Bags.

_____ Written notification to guests prohibiting unreasonably loud, disturbing, or unnecessary noise and that they may be subject to emergency eviction from the short-term rental for violation of the law or breach of the rental agreement.

_____ Written notification to guests regarding the use of the City of Jamaica Beach Marina:

- Use is by permit only to launch or remove a watercraft or to park at the Marina and on Basin Drive.
- All permits must be obtained at City Hall and will be issued only to homeowners, residents and guests of homeowners and residents.
- It is unlawful to park recreation vehicles or non-attached trailers at any time by any person.
- It is unlawful for any person to park any vehicles or trailers at the Marina for more than 24 consecutive hours.

_____ Written notification to guests regarding the use of golf carts or other slow-moving vehicles:

- Licensed drivers and subject to all traffic laws.
- Do not operate on FM 3005 other than crossing FM 3005 at Buccaneer (north/south) to get to the beach.
- Must have proper lighting and safety equipment and license plates registration.
- The maximum speed on streets is 25 mph and 10 mph on the beach.

_____ Written notification to guests regarding the use of the beach:

- Put Trash in its place! Please help to keep our beaches clean.
- NO GLASS containers on the beach.
- Canopies, pop-up tents, umbrellas, beach chairs and other gear cannot be left on the beach between sunset and sunrise. Anything left will be removed and discarded.
- Stay off the Dunes as they are in a constant state of replenishment.
- No walking or parking on the dunes or vegetation area.
- No Camping on the beach.
- No Campfires on the beach.
- Leash law enforced at all times



_____ Written notification to guests regarding vehicular traffic and parking on the beach:

- No Parking within 25 feet of the water.
- Park perpendicular to the dunes.
- 10 Miles per hour Speed Limit Strictly Enforced.
- No RVs or Trailers allowed on the beach.
- Beginning the second Saturday of March until the Tuesday after Labor Day: Designated areas of the beach are closed to vehicular parking (dune side parking only) from 12:01 AM Saturday until 6:00 PM Sunday and on all legal holidays.

For more information, please visit the **Short-Term Rental Owners' page** on the City of Jamaica Beach Official Website at <https://www.jamaicabeachtx.gov/services/short-term-rental-owners>

Please share with your guests the link to the **Visitors page** on the City of Jamaica Beach Official Website at <https://www.jamaicabeachtx.gov/services/visitors>

OATH OF APPLICANT:

I DECLARE THAT I AM THE OWNER OF THE PROPERTY AND HAVE READ THE FORGOING APPLICATION AND ALL THE INFORMATION THERIN IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND THE CONDITIONS STATED HERIN HAVE BEEN MET.

Printed Name

Title

Signature

Date

Please drop off completed form and check at Jamaica Beach City Hall or mail to:

City of Jamaica Beach
Attention: Short-Term Rental
5264 Jamaica Beach
Jamaica Beach, TX 77554