

**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.**

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**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2.** That the Short Term Rental Ordinance of the Code of Ordinances of the City of Jamaica Beach, Texas is hereby repealed and replaced as shown below: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 26<sup>th</sup> day of October 2023.

  
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Sharon Bower, Mayor

ATTEST:  
  
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Robert Quintero, City Secretary

