

**ORDINANCE NO. O-2019-024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, CREATING CHAPTER 119 - SHORT TERM RENTALS, OF THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND A PERMITTING REQUIREMENTS FOR OPERATION OF A SHORT TERM RENTAL; AND AMENDING APPENDIX 1: FEE SCHEDULE, OF THE GUN BARREL CITY CODE OF ORDINANCES TO ADD SHORT TERM RENTAL FEES AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS:**

**Section 1.** That, ARTICLE XI. - SHORT TERM RENTALS, of Chapter 119, of the Code of Ordinances, is hereby created and adopted as follows:

**ARTICLE XI. - SHORT TERM RENTALS**

The purpose of this Article is to establish regulations for the use of privately owned dwellings as Short Term Rentals, to promote fire prevention and life safety, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of Hotel Occupancy Tax.

**Sec. 119.01. - Definitions.**

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

*City.* The City of Gun Barrel City, Texas.

*Guest.* The overnight occupants renting a Short Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.

*Local Contact Person.* The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

*Operator.* The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.

*Owner.* The person or entity that holds legal or equitable title to the Short Term Rental property.

*Short Term Rental.* A privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex,

mobile home, or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

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

*Short Term Rental Permit.* A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

*Short Term Rental Unit.* One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

**Sec. 119.02. - Short Term Rental Permit 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 Permit issued under this Article.

**Sec. 119.03. - Short Term Rental Permit registration, Inspection fee and application.**

(a) An applicant shall submit an application for a Short Term Rental Permit using a format and method promulgated by the City Manager or his/her designee. The application form shall require, at a minimum, the following information from applicants:

- (1) The name, address, email and telephone number of the Owner of the Short Term Rental.
- (2) The name, address, email and telephone number of the Operator of the Short Term Rental.
- (3) The name, address, email and 24 hour telephone number of the Local Contact Person.
- (4) The name and address of the Short Term Rental.
- (5) The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short Term Rental.
- (6) A site plan/survey drawn to scale showing the proposed layout of the property use including pool and/or hot tub and any on-site parking available for the Short Term Rental.
- (7) Proof of fire and liability insurance.

(b) An applicant for a Short Term Rental Permit shall pay to the City an application/inspection fee of \$200.00 for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.

(c) Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by the Building Official to ensure compliance with the following:

- (1) The requirements set forth in Section 119.04 of this Article; and
- (2) The requirements set forth in Sections 119.01 through Section 119.08 of this Article.

(d) A Short Term Rental Permit issued under this Article shall be valid for a period of one calendar year from the date of issuance. The Short Term Rental Permit shall expire immediately upon any change in Owner of the Short Term Rental Unit.

(e) The Owner has a duty to notify the City within 20 calendar days, in writing, of any changes to information submitted as part of a Short Term Rental Permit application under this Article.

(f) An application for Short Term Rental Permit may be denied if the Owner has had a Short Term Rental Permit suspended or revoked during the previous 365 calendar days.

#### **Sec. 119.04 - Short Term Rental operational requirements.**

(a) The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:

- (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
- (2) Operator name and number;
- (3) Local Contact Person name and number;
- (4) The location of any on-site and off-site parking spaces available for Guests;
- (5) The overnight and daytime occupancy limits;
- (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- (7) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article;
- (8) Notification that fireworks are prohibited in the City and by TRWD
- (9) TP&W Boating Safety regulations
- (10) Location(s) of fire extinguishers; and

(b) The Operator shall operate a Short Term Rental in compliance with Chapter 150 - Building Regulations, Chapter 152 - Mobile Home Housing Standards, Chapter 155 - Subdivision Regulations, and Chapter 156 - Zoning Code:

- (1) Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in the Code of Ordinances.
- (2) The City of Gun Barrel City Sign Ordinance, as applicable, set forth in the Code of Ordinances.
- (3) Maximum occupancy limits and minimum egress requirements prescribed by the City Fire Marshal, pursuant to the International Fire Code as adopted in the Code of Ordinances.
- (4) The City of Gun Barrel City Hotel Occupancy Tax Ordinance, set forth in the Code of Ordinances.
- (5) The City of Gun Barrel City Noise and Sound Level Regulation Ordinance, set forth in the Code of Ordinances.
- (6) The City of Gun Barrel City Garbage Collection Ordinance, set forth in the Code of Ordinances.
- (7) 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 to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental. The Local Contact Person shall respond within

60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

- (8) The City of GBC Building Codes.
- (9) The City of GBC Residential Codes.
- (10) The City of GBC Swimming Pool and Spa Code.
- (11) The International Electric Code.
- (12) The City of GBC Lighting Ordinance.
- (13) Onsite parking, one space per bedroom rental.

(c) Any advertisement that promotes the availability of a Short Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City.

#### **Sec. 119.05 - Notification of complaints.**

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Police Dispatch at 903-887-7151.

#### **Sec. 119.06 - Compliance with other law.**

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

#### **Sec. 119.07 - Compliance and Penalty provision.**

(a) It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.

(b) Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-6 of this Code of Ordinances.

(c) Prosecution under this Article shall not require the pleading or proving of any culpable mental state.

(d) Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

#### **Sec. 119.08 - Permit suspension or revocation; appeal.**

Upon conviction for a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five business days following the date of the City Manager's final decision.

**Section 2.** That, APPENDIX 1. – FEE SCHEDULE, of the Code of Ordinances, is hereby amended to add a new subsection 37.00 “Short Term Rental Fees” to read as follows:

**§ 37.00 SHORT TERM RENTAL FEES**

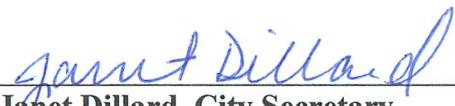
An applicant for a Short Term Rental Permit shall pay to the City an application/inspection fee of \$200.00 for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.

**Section 3. Penalty.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be fined not more than \$2000.00 for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse and shall be fined \$500.00 for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

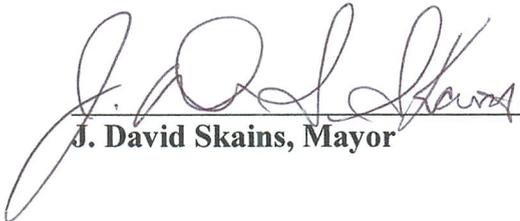
**Section 4. Effective Date.** This Ordinance shall take effect January 1, 2020 after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED this 22nd day of October, 2019.**

**ATTEST:**

  
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**Janet Dillard, City Secretary**

**APPROVED:**

  
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**J. David Skains, Mayor**