

ORDINANCE NO. 2025-03

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 amend 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 Guests have on surrounding properties and permanent 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 continue to 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 of Guests of residential dwelling units being used as *Short-Term Rentals*, the neighborhood of said Guests, 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 Guests, 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* Ordinances 2023-11, 2023-13, 2023-14, 2023-15, 2023-26 and 2024-09 of the Code of Ordinances of the City of Jamaica Beach, Texas are hereby amended to read 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 occupant(s) renting a *Short-Term Rental* for a specified period and the daytime visitors of the overnight occupant(s).
- 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* - An annual operation fee of \$250 is required to operate a registered *Short-Term Rental* within the City of Jamaica Beach.
- 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. *Suspension of Registration Number* - Beginning the day the suspension is enacted, the property must be removed from all *Short-Term Rental Platforms*. The *Owner* may honor confirmed bookings through the immediately following 30 days. Any remaining bookings must be cancelled by the *Owner*.
- K. *Compliant Living Area Square Footage* - Square footage as listed for the *Short-Term Rental* address on the Galveston County Appraisal District that is compliant with the Code of Federal Register (CFR) 60.3 as is promulgated through the National Flood Insurance Program (NFIP).
- L. *Galveston County Appraisal District Parcel Number* - The Galveston County number assigned to the property by the Galveston County Appraisal District.
- M. *Qualified Bedroom* - Means a habitable space within a dwelling designed or used for sleeping as referred to in the adopted and applicable International Residential Code. Bedrooms not included within the *Compliant Living Area Square Footage* are not

Qualified Bedrooms. To be considered a *Qualified Bedroom*, the bedroom shall comply with all applicable City-adopted codes, regulations and Ordinances.

- N. *Maximum Occupancy* – The maximum occupancy shall be whichever is less: Either
 - 1. Two (2) persons per *qualified bedroom*, plus four (4) additional persons; or
 - 2. *Compliant Living Area Square Footage* divided by 150 square feet, rounded up.
- O. *Short-Term Rental Platform* - A Short-Term Rental Platform is a person or entity that provides a means through which an *Owner* may offer a dwelling unit for *Short-Term Rental* use, and from which the person or entity financially benefits.

Short-Term Rental Registration Required.

- A. 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.
- B. Effective January 1, 2026, only one *Short-Term Rental Registration Number* will be issued per property.

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 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*. If the *Owner* is an LLC or corporation or any other registered business entity, the name of the entity as listed on the Articles of Incorporation or similar document, and the name, address, email and phone number of the *Owner* or principal and the registered agent.
 - 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. The \$250 Annual Operation Fee is due at the time of application and will not be prorated.
 - 7. Galveston County Appraisal District Parcel Number for the *Short-Term Rental*.
 - 8. *Compliant Living Area Square Footage* for the *Short-Term Rental*.
 - 9. Number of *Qualified Bedrooms* for the *Short-Term Rental*.
 - 10. *Maximum Occupancy* for the *Short-Term Rental* based on whichever is less: Either (a) two (2) persons per *Qualified Bedroom(s)* plus four (4) additional persons, or (b) *Compliant Living Area Square Footage* divided by 150 square feet rounded up.
 - Example:
 - a. Three (3) bedrooms times two (2) persons allowed equals six (6) persons plus four (4) additional persons for a total of ten (10) persons for maximum occupancy.
 - b. 1,520 divided by 150 equals 10.13 or 11 persons rounded up.

11. Sketch of the floor plan of the *Short-Term Rental* with room dimension layout of the *Compliant Living Area Square Footage*. Only the square footage included in the *Compliant Living Area Square Footage* will be considered in determining maximum occupancy.
 12. Maximum number of on-site parking spaces.
 13. 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 the street, sidewalks or alleys, other public rights-of-way, or public property.
 14. 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.
 15. The *Owner* shall grant permission to the City with thirty (30) days' notice to the *Owner* 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 *Guests* about the safety of the *Short-Term Rental*. In the event the *Owner* or *Operator* does not authorize the City to enter and inspect the premises, the City is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the City to enter upon and inspect the *Short-Term Rental* unit described therein.
- B. Once a *Short-Term Rental* Registration Application is approved by the City of Jamaica Beach, the *Owner* will be provided with the *Short-Term Rental* Registration Certificate that includes a unique *Short-Term Rental Registration Number* and the approved *Maximum Occupancy*.
- C. The *Short-Term Rental* Registration Certificate must be renewed annually by January 31st.
- D. The Annual Operation fee of \$250 is due at the time of renewal.
- E. Failure to pay the Annual Operation Fee within 60 days of the due date will result in expiration of the corresponding *Short-Term Rental Registration Number*.
- F. The *Short-Term Rental Registration Number* shall expire immediately upon any change in ownership of the *Short-Term Rental*.
- G. Quarterly Hotel Occupancy Tax reports must be submitted using the City's method for reporting Hotel Occupancy Tax. Quarterly reports are required for each *Short-Term Rental Registration Number*, even if there was no activity during the quarter. All *Short-Term Rental Platforms* utilized for booking must be included on the Quarterly Hotel Occupancy Tax report.
- H. A *Short-Term Rental Registration Number* shall expire if the City does not receive the required amount of Hotel Occupancy Tax payments within sixty (60) days of the date the tax becomes due under Texas law.
- I. The City may charge a 5% penalty if the Hotel Occupancy Tax is received 1-30 days after the date it becomes due under Texas law and 10% penalty if the Hotel Occupancy Tax is received over 30 days after the date it becomes due under Texas law. Past due Hotel Occupancy Taxes are charged interest beginning 61 days after the date it becomes due under Texas law. Interest will be calculated pursuant to the Texas Comptroller's website.
- J. 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.

- K. If a 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 the Annual Operation Fee of \$250 paid before operation of the *Short-Term Rental* can commence.
- L. A new *Short-Term Rental Registration Number* will be issued upon renewal and/or expiration.
- M. Suspensions:
 - 1. The *Short-Term Rental Registration Number* shall be suspended by the City for six (6) months upon conviction of three (3) or more total violations of the Short-Term Rental Ordinance, as may be amended from time to time, and the Hotel Occupancy Tax Ordinance, as may be amended from time to time, within a twelve (12) month period.
 - 2. The *Short-Term Rental Registration Number* shall be suspended by the City for six (6) months if three (3) or more citations, resulting in a conviction, are issued on three (3) separate occasions within a twelve (12) month period for a registered *Short-Term Rental* property. This applies regardless of whether the citations are issued to the *Owner*, *Operator*, or *Guests*. Conviction of the following laws shall lead to a *suspension* under this section: Texas Penal Code 42.01 Disorderly Conduct, the City Noise Ordinance, as may be amended from time to time, and the City Ordinance governing Intruding on Premises, as may be amended from time to time. The City shall notify the property *Owner* of each conviction, within five (5) business days. It is the property *Owner's* responsibility to ensure that an accurate and current email address is provided to the City.
- N. The City Council may permanently revoke an *Owner's* right to Short-Term rent their property following 2 suspensions.

Short-Term Rental Operational Requirements.

- A. The *Owner* shall post the Jamaica Beach *Short-Term Rental* Registration Certificate within the *Short-Term Rental* in a location visible to all *Guests* and provide each *Guest* the following information in written format.
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. The *Short-Term Rental Maximum occupancy* limit assigned by the City of Jamaica Beach.
 - 4. *Short-Term Rental Address*.
 - 5. *Compliant Living Area Square Footage*
 - 6. Number of Approved *Qualified Bedrooms*
 - 7. The number of on-site parking spaces for *Guests*.
 - 8. Notification that *Guests* are responsible for compliance with all City of Jamaica Beach applicable laws and Ordinances.
 - 9. 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 as amended from time to time.
 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 *Guests* of the *Short-Term Rental* and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
- C. Any advertisement 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. 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 only reference *qualified bedrooms*.
- E. The *Short-Term Rental Agreement* between the *Owner/Operator* of the *Short-Term Rental Unit* and the *Guest(s)* must contain terms specifying the maximum allowed occupancy as approved by the City.
- F. All platforms that display *Short-Term Rental* listings for properties in Jamaica Beach shall require that all *Owners* using the platform include a City-issued Registration Number in any listing for a *Short-Term Rental* on the platform. A *Short-Term Rental Platform* shall remove any listing for a *Short-Term Rental* from the platform after notification by City that the registration number associated with a *Short-Term Rental* listing is invalid, expired, or has been suspended. The notification must identify the listing(s) to be removed and state the reason for removal. The platform shall remove the listing as soon as practicable.
- G. Signs, banners or other displays must comply with the City Sign Ordinance as amended from time to time.

Failure to Comply

- A. Notice of Violation. The City shall 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*. All such notices concerning violations and citations shall be sent by the City via Certified Mail to the property *Owner's* mailing address last provided to the City by the property *Owner*. It is the property *Owner's* responsibility to ensure that an accurate and current mailing address is provided to the City. The notice shall be deemed

sent on the date of the postmark. Other notices that do not concern violations and citations may be sent by other means, including e-mail.

- B. Any complaints regarding the conduct of *Guests* reported to the Jamaica Beach Police Department will be investigated and proper legal action will be taken.

Appeal of Suspension

The *Owner* may appeal in writing, within ten (10) business days, to the Short-Term Rental Clerk who will schedule an appeal before the City Council at the next meeting that allows for the required 72-hour public notification. The City Council shall rule if the *Suspension* is to be upheld. The *Suspension* will not take effect until a final disposition is determined by the City Council.

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 24 day of April 2025.


 Sharon Bower, Mayor

ATTEST:

 Kendal Francis, Interim City Secretary

