



Gun Barrel City
Short Term Rental Checklist

Name of Owner: _____
Phone Number: _____
Property Address: _____
Name of Local Contact: _____
Local Contact Phone Number: _____

Short term rentals are subject to inspection prior to issuance of an operating permit. The inspection requires compliance with the 2009 Life Safety Code, 2015 International Fire Code, 2015 International Residential Code and all applicable Gun Barrel City Code of Ordinances.

- House Address numbers clearly visible (2015 IFC 505)
- Portable fire extinguisher installed (2015 IFC 906)
- Smoke and CO detector(s) installed and operable (2015 IRC R-314)
- Emergency Egress escapes adequate and accessible (2015 IRC R-311)
- Entry/Exit Door acceptable (2015 IRC R-311.2)
- Electrical Panel labeled and serviceable (2015 IFC 605)
- GFI or AFCI receptacle, where required, functional and accessible (2015 IRC E-3902)
- No exposed wires (2015 IFC)
- Emergency evacuation routes posted (2015 IFC 408.8.1)
- Water heater functional (2015 IRC P-2801)
- Conformance with Gun Barrel City Code of Ordinances to include sanitation, signage, and all adopted building and maintenance codes.

Gun Barrel City has adopted 2015 International Fire Code, 2015 International Residential Code, and current Code of Ordinances.

As a result of the annual inspection conducted on your short term rental, the following discrepancies and/or issues were noted: _____

Permit valid for one calendar year from: _____

City Official

Date

Original copy of Inspection shall be posted in conspicuous location for the
duration of the permit period.



Application for Short term Rental

Short Term Rental Property Address and Name (if applicable)

Owner/Operator Information

Name: _____
Address of Owner: _____

Contact E-mail: _____
Contact Phone: _____

Local Contact Information

Name: _____ Phone: _____
Address: _____
E-mail: _____

Local contact must be available by phone 24 hours a day.

Short Term Rental Information

Size of house (sq ft): _____ Number of bedrooms: _____
Proposed daytime occupancy: _____ Proposed overnight occupancy: _____
Avenu Insights Acct. No. _____

Insurance Information

Company Name: _____
Company Address: _____
Phone: _____ Policy No.: _____

To be completed by Gun Barrel City

Date application submitted: _____ Payment Type: _____

Date of Inspection: _____

As a result of the annual inspection conducted on your short term rental, the following discrepancies and/or issues were noted:

Date approved/Permit Issued: _____ Expiration Date: _____

(1 Year from Issuance/Sale of Property)

Code of Ordinances, Chapter 119

Article XI, Short Term Rentals

The operator shall operate a Short Term Rental (STR) in compliance with the following:

1. All provisions and requirements set forth in Gun Barrel City (GBC) Ordinance Number O-2019-026, approved by the Gun Barrel City Council on December 17, 2019 to include:
 - A. GBC Zoning Regulations
 - B. GBC Hotel Occupancy Tax Ordinance
 - C. GBC Sign Ordinance.
 - D. GBC Noise and Sound Regulation Ordinance
 - E. GBC Garbage Collection Ordinance
 - F. 2015 International Building Codes
 - G. 2015 International Residential Codes
 - H. GBC Lighting Ordinance
 - I. 2014 National Electric Code
 - J. 2015 International Fire Code
 - K. Onsite parking, minimum one space per bedroom rental.
 - L. Any advertisement that promotes the availability of a STR, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current STR Permit number assigned by the City.

2. During any period when a STR is occupied, or intended to be occupied, by guest, 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 STR. The local contact person shall be available to respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of guests of the STR, and shall take immediate remedial action, as needed, to resolve such concerns or requests for assistance.

Acknowledgment

I certify that the above information is accurate and complete to the best of my knowledge and I declare I have read the forgoing application and Gun Barrel City Ordinance #O-2019-026 and conditions stated herein have been met. I further understand that the full application fee is non-refundable once paid to the city.

Owner Printed Name: _____

Owner Signature: _____

Date: _____

HOTEL/MOTEL OCCUPANCY TAX

§ 38.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

-COLLECTOR OF TAXES (for hotel/motel purposes only). The City Treasurer of Gun Barrel City, Texas.

CONSIDERATION. The cost of the room, sleeping space, bed or dormitory space but shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy, and shall not include any tax assessed for the occupancy thereof by any other governmental agency.

HOTEL. A building in which members of the public obtain sleeping accommodations for consideration. The term includes hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium or nursing home, nor does the term include a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Tex. Educ. Code § 61.003, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

OCCUPANCY. The use or possession, or the right to use of possession of any room space or sleeping facility in a hotel for any purpose.

OCCUPANT. Anyone who, for a consideration, uses, possesses, or has the right to use or possess any room or rooms, or sleeping space or facility in a hotel under any lease, concession, permit, right or access, license, contract or agreement.

PERMANENT RESIDENT. Any occupant who has or shall have the right to occupancy of any room or sleeping space or facility in a hotel for at least 30 consecutive days during the current calendar year of preceding year, so long as there is no interruption of payment for the period.

PERSON. Any individual, company, corporation, or association owning, operating, managing or controlling any hotel.

QUARTERLY PERIOD. The regular calendar quarters of the year, the first quarter being composed of the months of January, February, and March; the second quarter being the months of April, May, and June; the third quarter being the months of July, August, and September; and the fourth quarter being the months of October, November, and December.
(*88 Code, Ch. 1, § 10.01) (Ord. 128, passed 11-11-80)

Statutory reference:

Local hotel occupancy taxes, see Tex. Code §§ 351.001 et seq.

§ 38.36 LEVY OF TAX; COLLECTION.

(A) *Levy of tax.* There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any hotel where such cost of occupancy is at the rate of \$2 or more per day, such tax to be equal to 7% of the consideration paid by the occupancy of such room to hotel; provided, however, no tax shall be imposed hereunder upon the consideration paid by the occupant of such room who is a permanent resident, as heretofore defined.

(*88 Code, Ch. 1, § 10.02) (Ord. 260, passed 1-10-89)

(B) *Collection of tax by hotel.* Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by division (A) of this section for the city.
(*88 Code, Ch. 1, § 10.03) (Ord. 128, passed 11-11-80)

§ 38.37 REPORT AND PAYMENT.

On the last day of the month following each quarterly period, every person required in § 38.36(B) of this subchapter to collect the tax imposed herein, shall file a report with the Collector of Taxes showing the consideration paid for all room occupancies in the preceding quarter, the amount of tax collected on such tax due on such occupancies at the time of filling such report.
(*88 Code, Ch. 1, § 10.04) (Ord. 128, passed 11-11-80)

§ 38.38 REGULATION AUTHORITY.

The Collector of Taxes shall have the power to make such rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required by this subchapter and the amount of taxes due under the provision of this subchapter.

(*88 Code, Ch. 1, § 10.05) (Ord. 128, passed 11-11-80)

§ 38.39 COLLECTION OF DELINQUENT TAXES.

If any person required by the provisions of this subchapter to collect the tax imposed herein, make reports as required herein, or pay to the Tax Collector the tax imposed herein, shall fail to collect such tax, file such report or pay such tax, or if any such person shall file a false report, such person shall be fined in an amount not to exceed \$200 and shall pay to the Tax Collector the tax due, together with a penalty of 5% of the tax due for the first 30 days that the same is not timely filed and an additional 5% for more than 30 days. Such person shall also forfeit the reimbursement for the cost of collecting the tax.

(*88 Code, Ch. 1, § 10.06) (Ord. 334, passed 6-23-92)

§ 38.40 OPTION TO CONTACT FOR ADMINISTRATIVE OF FUNDS

The city may, at its option, enter into a contract with an agency outside of the city government to administer the funds made available under this chapter and to carry out the purpose of this subchapter.

(*88 Code, Ch. 1, § 10.07) (Ord. 128, passed 11-11-80)



NEW ACCOUNT REGISTRATION FORM

Avenu • Attn: TX Hotel Occupancy Tax

Please complete the below form, and send via email or fax.

Email: supportmuni@avenuinsights.com

Fax: (855) 219-4338

1 – Legal Business Name: _____ FEIN/Social Security #: _____

2 – Sole Proprietorship General Partnership Corporation LLC – Single Member LLC – Multi Member LLP
 Governmental Agency Professional Association Other (please explain) _____

3 – Mailing Address:

(Mailing Address) (City) (State) (Zip) (County)

4 – Phone Number :(_____) _____ Fax: (_____) _____

5 – Name(s) of Owner(s):

(Last, First, Middle) (Residence Address) (SSN)

(Last, First, Middle) (Residence Address) (SSN)

(Last, First, Middle) (Residence Address) (SSN)

(Last, First, Middle) (Residence Address) (SSN)

(Last, First, Middle) (Residence Address) (SSN)

6 – Contact Person: _____ Title: _____ Email: _____

7 – Physical Locations:

(DBA) (Physical Address) (City, State, Zip) (County)

(DBA) (Physical Address) (City, State, Zip) (County)

(DBA) (Physical Address) (City, State, Zip) (County)

(DBA) (Physical Address) (City, State, Zip) (County)

(DBA) (Physical Address) (City, State, Zip) (County)

8 – (Required Information) Begin Date _____ Description of Business _____
(Hotel, bed and breakfast, resort, etc.)

9 – Indicate the city(ies) you will be filing for:

Please visit www.avenuinsights.com for a complete listing of Avenu administered cities for hotel occupancy tax. (Taxpayer → Texas → Tax Forms)

10 – Room/Rate Information:

Please specify the total number of rooms available for occupancy at your business: _____

Please specify the average room per room rate: \$ _____ per night

11 – Sworn Statement:

I declare, under penalties of perjury, that this return (and any accompanying schedules) has been examined by me and to the best of my knowledge is true, correct and complete.

Print Name: _____ Signed: _____ Date Signed: _____

Title: _____ Phone #: _____ Email: _____

Questions? Contact Avenu Support at (866) 240-3665 or via email at supportmuni@avenuinsights.com

ORDINANCE NO. O-2019-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, AMENDING ORDINANCE #O-2019-024, DATED OCTOBER 22, 2019, TO REMOVE SECTIONS REQUIRING OCCUPANCY LIMITS AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; 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)~~ (5) 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)~~ (6) 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 and Fire Marshall 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

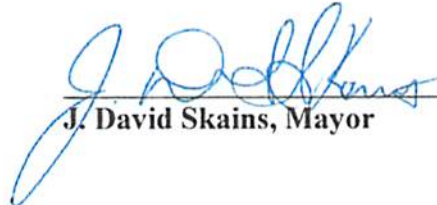
An applicant for a Short Term Rental Permit shall pay to the City an application/inspection fee of \$200.00 for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.

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 17th day of December, 2019.

APPROVED:



J. David Skains, Mayor

ATTEST:



Janet Dillard, City Secretary