

Ordinance # 2022-07

Short-Term Rental Regulations

SHORT-TERM RENTAL REGULATIONS ORDINANCE NO. 2022-07

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY, WELFARE, COMFORT AND CONVENIENCE OF THE CITIZENS OF TOOL, TEXAS, BY PROVIDING STANDARDS FOR RENTAL PROPERTIES THAT ARE DEEMED SHORT-TERM RENTALS FOR THOSE HOMES OR USE WITHIN THE CITY LIMITS, PROVIDING A PENALTY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TOOL, TEXAS:

SECTION I.

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 the Hotel Occupancy Tax towards the City of Tool, Texas.

SECTION II

Definitions

CITY. The City of Tool, Texas.

GUEST(S). 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 chapter while advertising and/or operating a short-term rental.

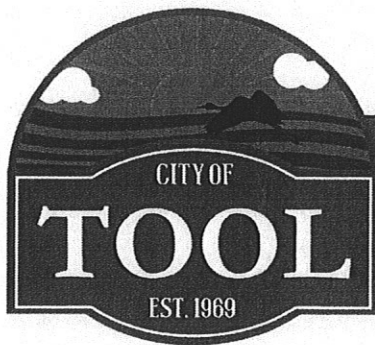
OWNER. The person or entity that holds legal or equitable title to the short-term rental property.

SHORT-TERM RENTAL.

- a) 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 a period less than 30 consecutive days.
- b) The following are exempt from the regulations under this chapter: 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 of Tool 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 dwelling, which is advertised to be occupied, is occupied, or intended to be



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occupied by a single party of guests under a single reservation and/single rental payment.

SECTION III

SHORT-TERM RENTAL PERMIT REQUIRED.

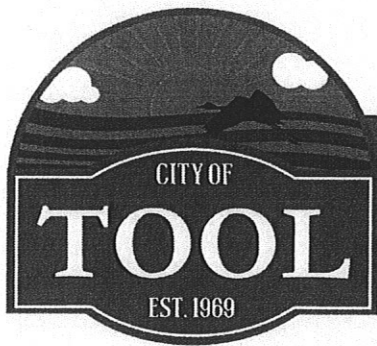
It shall be unlawful for any person or entity to rent, offer to rent, any short-term rental without a valid short-term rental permit issued.

SHORT-TERM RENTAL PERMIT REGISTRATION, INSPECTION FEE AND APPLICATION.

- (A) 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 telephone number of the local contact person.
 - (4) The address of the short-term rental.
 - (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.
 - (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 the issuance of a short-term rental permit, the operator shall allow an on-site inspection of the short-term rental unit.
- (D) A short-term rental permit issued under this section 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.
- (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.
- (G) The Owner, Operator, Contact Person(s) of the aforementioned short-term rental shall adhere, understand and compromise with all local, state and federal taxing agencies.

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) Instructions to guests concerning disposal of garbage and handling of garbage containers;
 - (6) Notification that the guests are responsible for compliance with all applicable laws, ordinances, rules and regulations pertaining to the use and occupancy of the short-term rental, and that guests or the owner may be fined by the city for violations of this chapter;
 - (7) Notification that fireworks are prohibited in the city and by TRWD;



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- (8) TP&W Boating Safety regulations;
- (9) Location(s) of fire extinguishers; and
- (B) The operator shall operate a short-term rental in compliance with Building Regulations, Mobile Home Housing Standards, Subdivision Regulations, and 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 sign ordinance, as applicable, set forth in the Code of Ordinances.
 - (3) Minimum egress requirements prescribed by the County Fire Marshal, pursuant to the International Fire Code as adopted by the Code of Ordinances.
 - (4) The city hotel occupancy tax ordinance, set forth in the Ordinance 2020-04.
 - (5) The city noise and sound level regulation ordinance, set forth in the Code of Ordinances.
 - (6) The 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 the 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 building codes.
 - (9) The city residential codes.
 - (10) The city swimming pool and spa code.
 - (11) The international electric code.
 - (12) The city 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.

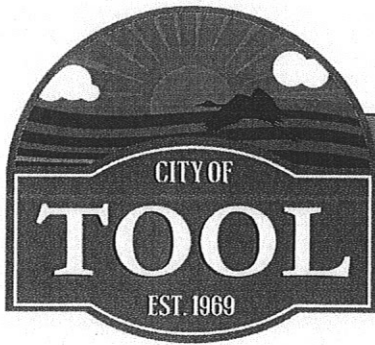
NOTIFICATION OF COMPLAINTS.

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 Tool Police Dispatch at 903-432-3522, Option 2

COMPLIANCE WITH OTHER LAW.

(A) 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 ordinance, regardless of whether such violation is committed by the owner, operator, local contact person, or guest of the owner's short-term rental.

(B) Nothing in this ordinance 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 chapter 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 chapter.



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COMPLIANCE AND PENALTY PROVISION.

(A) It shall be unlawful for any person or entity to violate any provision of this chapter. Proof that a violation of this chapter 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 chapter is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine.

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

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

PERMIT SUSPENSION OR REVOCATION; APPEAL.

(A) Upon conviction for a violation of this chapter, the City Administrator may suspend or revoke any short-term rental permit issued for the same short-term rental where the violation occurred. The City Administrator 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.

(B) An owner may appeal a notice of suspension or revocation under this section by filing a written appeal to the City Administrator 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 Administrator related to the suspension or revocation under this section. Following City Administrator's final decision on appeal, the owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five business days following the date of the City Administrator's final decision.

SECTION IV

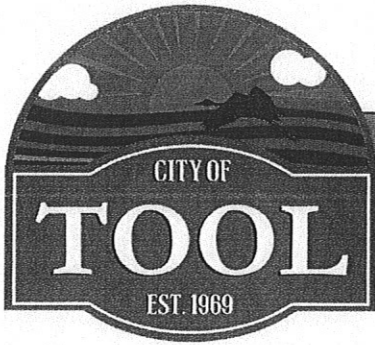
SHORT-TERM RENTAL FEES

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 V

PENALTY

That any person, firm, or corporation violating any of the provisions of this ordinance shall be fined not more than \$2,000.00 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.



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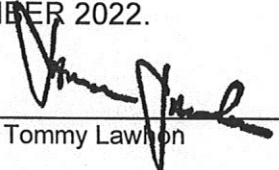
SECTION VI

EFFECTIVE DATE

This ordinance shall take effect December 15, 2022 after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 15TH DAY OF DECEMBER 2022.

ATTEST:


MAYOR Tommy Lawhon


CITY SECRETARY Cheryl Odom



701 N. Tool Dr.
Tool, TX 75143

Office: 903.432.3522
Fax: 903.432.3867

www.tooltexas.org
Ldavis@tooltexas.org

Short Term Rental Application

Rental Property Address: _____

House sq. ft. _____ Number of rooms _____

Proposed occupancy _____

Property Owner Name: _____

Address: _____

Email: _____

Property Manager (Local contact): _____

Address: _____

Email: _____

Must provide site plan, proof of fire and liability insurance, and yearly permit fee of \$200.

City Use Only

Date application submitted _____

Date approved _____ Not approved _____

Short term rental expires: _____