

**GLADEWATER
ORDINANCE O-26-05**

**AN ORDINANCE OF THE CITY OF GLADEWATER, TEXAS ADOPTING A NEW
CHAPTER 15.12 OF THE CODE OF ORDINANCES OF THE CITY OF
GLADEWATER, TEXAS; PROVIDING FOR SEVERABILITY, A REPEALER
CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Gladewater has experienced numerous issues regarding the unregulated use of residences as short-term rentals; and

WHEREAS, the City desires to adopt reasonable but enforceable regulations to govern the use of residences as short-term rentals; and

WHEREAS, the City recognizes that such regulations must be adopted with consideration of the right of property owners to use their property as they see fit, the need for more high-quality rentals to meet outside demand, and the need for other property owners to keep their property in the quiet, undisturbed charter that they have been accustomed to:

NOW THEREFORE, be it ordained by the Council of the Gladewater, in the State of Texas, as follows:

SECTION 1: **ADOPTION** “15.12 SHORT-TERM RENTALS” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12 SHORT-TERM RENTALS (Non-existent)

AFTER ADOPTION

15.12 SHORT-TERM RENTALS(*Added*)

SECTION 2: **ADOPTION** “15.12.01 PURPOSE” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.01 PURPOSE (Non-existent)

AFTER ADOPTION

15.12.01 PURPOSE(*Added*)

The city desires a friendly, mutually cooperative, and successful relationship between its residents and its short-term rental owners, many of whom are one and the same. It is the purpose of this chapter to protect the public health, safety, and general welfare of individuals and the community at large; to provide reasonable means to mitigate the impacts created by occupancy of short-term rental units; and to implement rationally-based, reasonably-tailored regulations to protect the integrity and quiet enjoyment of the city's neighborhoods.

SECTION 3: ADOPTION “15.12.02 DEFINITIONS” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.02 DEFINITIONS (Non-existent)

AFTER ADOPTION

15.12.02 DEFINITIONS(*Added*)

- A. **Bedroom.** An area of a dwelling unit intended primarily as sleeping quarters. The term does not include a kitchen, dining room, bathroom, living room, utility room, closet, or storage area of a dwelling unit.
- B. **City Secretary.** The person appointed as City Secretary for the City of Gladewater, or the person designated to perform the duties of the City Secretary under this Chapter by the City Manager.
- C. **Dwelling unit.** A building or portion of a building arranged, occupied, or intended to be occupied as a residential unit designed to accommodate one household for living, sleeping, eating, cooking, and sanitation.
- D. **Hosting platform.** A business or person that provides a means through which an owner may offer a dwelling unit, or portion thereof, for short-term rentals. A hosting platform is usually, though not necessarily, provided through an internet-based platform. It generally allows property owners to advertise the dwelling unit through a website provided by the hosting platform and provides a means for potential short-term rental renters to book the short-term rental, whether renter pays rent directly to the owner or to the hosting platform.
- E. **Owner.** Any individual or entity who has title to an STR.
- F. **Short-term rental (STR).** Any dwelling unit or accessory structure, or any portion of any dwelling unit, which is occupied or offered or designed for transient or temporary human occupancy for less than 30 consecutive days for dwelling, lodging, or sleeping purposes for compensation. This includes, but is not limited to, houses, garage apartments, guest houses, cabins, or other dwelling units, or portions of any of these dwelling units. The short-term rental excludes all recreational vehicles.

G. **Substantiated complaints.** Any written complaint, supported or verified by corroborating information, submitted to the City Secretary and determined to be an ordinance violation or a violation of state law; for example, the report of an investigating police officer, photographic documentation, or an audio or video recording. The allegations in the complaint do not have to be the subject of a criminal complaint or result in a criminal conviction for a complaint to be substantiated.

SECTION 4: ADOPTION “15.12.03 SHORT-TERM RENTAL SPECIFIC USE PERMIT APPLICATION REQUIREMENTS” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.03 SHORT-TERM RENTAL SPECIFIC USE PERMIT APPLICATION REQUIREMENTS (Non-existent)

AFTER ADOPTION

15.12.03 SHORT-TERM RENTAL SPECIFIC USE PERMIT APPLICATION REQUIREMENTS(*Added*)

- A. Short-term rentals are not an authorized use in any residential or commercial-zoned district without a specific use permit. No owner of property within the city shall conduct, operate, or maintain a short-term rental in the city without the owner first having applied for and received a valid STR specific use permit under §15.11.480 of this code, complied with the requirements of this chapter, as may be amended, and all applicable provisions of local, state, or federal laws, statutes, rules, or regulations.
- B. Any property used as a short-term rental without complying with the process, standards, and limitations herein and not qualifying for the exemption under §15.12.04, will be in violation of this chapter and subject to §15.12.12 of this chapter.
- C. An application for a specific use permit under this chapter must be submitted to the city by the property owner or with the approval of the property owner by the property owner's designated representative;
 - 1. The application for a STR specific use permit shall include and be accompanied by the following:
 - a. A written verification from all the owners of the real property consenting to the property being used for short-term rentals;
 - b. Proof of ownership, such as a deed, of the property to be used as a short-term rental;
 - c. The owner's, operator's, and their designated 24-hour representative's sworn acknowledgement that a copy of this chapter has been received, and has been reviewed;
 - d. Certification that the owner understands the requirements of this

chapter, that the owner agrees to perform the duties required by this chapter, that the dwelling is not subject to outstanding city code or state law violations, and that the owner will enforce the chapter with any tenants;

- e. The owner's agreement to use their best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties, and will adhere to the city nuisance standards (Chapter 9.07 of the city code of ordinances, as amended);
- f. The maximum number of occupants allowed on the premises of the short-term rental dwelling unit, the number of vehicles allowed to be parked on the premises, and certification that the maximum numbers are in compliance with the standards and limitations included in §15.12.06 of this chapter;
- g. If the subject dwelling is on a property that has a homeowner's association (HOA) at the time of permitting, an affidavit that the HOA allows for short-term rental of the dwelling;
- h. If the dwelling is not connected to a sewer system, documentation of approval after inspection within 1 year, and documentation that the septic tank capacity will adequately dispose of the volumes of wastewater generated from the short-term rental of the structure and maximum occupants;
- i. Proof of insurance in the amount of \$100,000 combined single limit maintained covering liability for personal injury and property damage, with language or an addendum allowing STR's;
- j. Fee payment in the amount established in the fee schedule provided in appendix A to this code for the original specific use permit or renewal;
- k. Designation of a 24-hour representative, including the designated representative's name, physical address, e-mail address, and phone number;
- l. Certification that the applicant has sent written neighbor notification, by regular first-class mail via the United States Postal Service or e-mail, to all owners of real property within 500 feet of the STR property line. The affidavit shall be accompanied by proof of receipt or rejection of said notification by adjacent property owners. Written neighbor notification shall include the following information:
 - (1) A copy of the permit application; and
 - (2) The telephone number and e-mail address of the city office at which members of the public may report violations of the short-term rental ordinance.
- m. A copy of the rental agreement the applicant will require of each short-term rental tenant, which shall include the following:
 - (1) Specification that the short-term rental tenants agree to comply with all the city ordinances and state laws; and

(2) Specification that the short-term rental tenants shall comply with the maximum occupancy and motor vehicle parking limitations.

2. An inspection of the short-term rental shall be required by the City Secretary at the time of initial application and renewal. The purpose of the fire/safety/health inspection is to assure conformance of the dwelling unit with the state's adopted International Residential Building Code, the Uniform Housing Code, and the Uniform Fire Code regulations related to potential safety issues; including but not limited to an approved means of egress from every bedroom and, if the short-term rental has a pool or lake access, life-saving equipment.

SECTION 5: **ADOPTION** “15.12.04 TRANSFER OF SPECIFIC USE PERMIT PROHIBITED” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.04 TRANSFER OF SPECIFIC USE PERMIT PROHIBITED (Non-existent)

AFTER ADOPTION

15.12.04 TRANSFER OF SPECIFIC USE PERMIT PROHIBITED(*Added*)

An STR specific use permit issued pursuant to this chapter is not transferrable upon change in ownership of the short-term rental property. STR specific use permits are not transferrable between properties. Each new owner of the property must apply for a new specific use permit to rent property under the short-term rental chapter. A permit holder shall inform the city within seven days if the property is sold or transferred. The permit shall become invalid immediately upon sale or transfer of the property.

SECTION 6: **ADOPTION** “15.12.05 SPECIFIC USE PERMIT APPLICATION REVIEW PROCESS” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.05 SPECIFIC USE PERMIT APPLICATION REVIEW PROCESS (Non-existent)

AFTER ADOPTION

15.12.05 SPECIFIC USE PERMIT APPLICATION REVIEW PROCESS(*Added*)

- A. **Administrative review.** The City Secretary shall conduct a review of the application. If the application is incomplete, the city must provide the applicant notice of any failure to provide required or necessary documents or other information within ten business days of receipt of the application. Once the City Secretary determines that the application is administratively complete, such application shall be processed in accordance with the provisions of §15.11.480 of the City Code of Ordinances.
- B. **Notice and public hearing, approval, additional conditions.** A public hearing before the Planning & Zoning Commission is required before an STR specific use permit may be issued.
1. Notice of the public hearing shall be given by written notification, to all owners of real property within 500 feet of the proposed STR property line. Notice shall be given at least 15 calendar days before the public hearing. Notice shall also be published in the city designated newspaper at least 15 days before the public hearings. The owner shall receive a notice from the city that must be posted within the right-of-way, four feet off the road in plain view, 15 calendar days before the public hearing.
 2. The planning and zoning commission in making its recommendation and the council in rendering its decision on the application shall evaluate the impact of the proposed STR and the compatibility of the STR with surrounding properties to ensure the appropriateness of the use at a particular location.

SECTION 7: ADOPTION “15.12.06 SHORT-TERM RENTAL STANDARDS AND LIMITATIONS” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.06 SHORT-TERM RENTAL STANDARDS AND LIMITATIONS (Non-existent)

AFTER ADOPTION

15.12.06 SHORT-TERM RENTAL STANDARDS AND LIMITATIONS(*Added*)

A property owner who operates a STR shall comply with the following conditions and limitations:

- A. **Maximum occupancy.** The maximum occupancy allowed on the premises of the STR shall be 2 persons per bedroom plus 2 additional persons.
- B. **On-premises parking requirements.** On-premise parking by renters or their guests shall be a maximum of 2 vehicles, plus 1 additional vehicle space for every 2 persons more than 4 that the STR is permitted to have pursuant to subsection (A) of this Section.
- C. **Garbage service.** The property owner is responsible for removing garbage via the

- city's contracted disposal company after occupancy. Weekly solid waste collection shall be provided by the property owner during all months that the STR is available for short-term rental occupancy. Garbage cans shall be placed on the street the day before pickup and shall be stored by the day after pickup. Trash and refuse must be stored outside of public view, except in proper containers for the purpose of collection by the city's authorized waste hauler on scheduled trash collection days.
- D. **Hosting platform.** All hosting platforms for the STR must include within advertisements for the STR, the occupancy and motor vehicle parking limitations.
- E. **24-hour contact.** The owner must provide a contact that will be available by phone 24-hours a day, seven days a week to ensure a response to neighborhood concerns, questions, complaints, and the condition, operation, or conduct of the occupants. The 24-hour contact number must have the physical ability to respond at the short-term rental site within 2 hours. The contact information must be kept updated.
- F. **Notifications to STR occupants.** The following information shall be reviewed with each tenant and displayed at a prominent location in the STR:
1. The maximum number of occupants to be allowed on the premises at any given time;
 2. The parking limitations on the premises, including a description of where motor vehicle parking is allowed;
 3. Contact information of the property owner and the 24-hour contact, including email or phone numbers;
 4. Contact information for the fire department, police, and city office;
 5. Details of these noise, nuisance, and littering standards;
 6. A statement that renters and occupants take full responsibility for the property and may be subject to fines; and
 7. A copy of the short-term rental permit with expiration date.
- G. Should the owner become aware that the police department and/or fire department responded to an incident at the STR the owner shall contact the occupants within two hours of being alerted of the call to address the complaint. The owner shall submit in writing to the city the date of the incident, when it occurred, incident address, and description of the incident and the corrective action taken, if applicable.
- H. **Indemnification.** To the fullest extent permitted by law, the owner of an STR must defend, indemnify, and hold harmless the city, its officials, officers, and employees free and harmless from any and all claims, demands, causes of action, damage, or injury to persons or property arising out of any alleged acts, omissions, or wilful conduct of the owner, its employees, its agents, and lessees.

SECTION 8: ADOPTION “15.12.07 SHORT-TERM RENTAL PERMIT RENEWAL” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.07 SHORT-TERM RENTAL PERMIT RENEWAL (Non-existent)

AFTER ADOPTION

15.12.07 SHORT-TERM RENTAL PERMIT RENEWAL(*Added*)

Permits for short-term rentals shall be renewed every 12 months on the anniversary date of issuance. Property owner shall present an updated STR fire, safety, and health inspection at time of permit renewal.

SECTION 9: ADOPTION “15.12.08 VIOLATIONS” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.08 VIOLATIONS (Non-existent)

AFTER ADOPTION

15.12.08 VIOLATIONS(*Added*)

- A. The provisions of this section are in addition to, and not in lieu of, any criminal prosecution or penalties as provided by city ordinances or county or state law.
- B. Holders of a short-term rental specific use permit issued under this chapter shall comply with and ensure that their renters comply with all applicable city ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public.
- C. It is a violation of this chapter for an owner of the dwelling unit to:
 - 1. Operate a short-term rental without complying with the process, standards, and limitations of this chapter;
 - 2. Submit false documents, or otherwise make a false statement of a material fact on the application for a specific use permit submitted under this chapter;
 - 3. Advertise for rental of a property that does not have a valid STR specific use permit;
 - 4. Fail to notify the city and neighbors within 500 feet of the property line a change in the 24-hour contact information;
 - 5. Fail to have a 24-hour representative or agent to respond to a STR complaint within two hours of being alerted and correct any violations;
 - 6. Have occupancy or motor vehicles above the allowed limits at the premises;
 - 7. Have any instance that police authorities issued a citation to occupants of the short-term rental;
 - 8. Have any new fire code violations that arise after a permit is issued;
 - 9. Have any instance of noncompliance with garbage or littering standards set forth within this chapter;
 - 10. Have any instance of noncompliance with Chapter 9.07, the nuisance standards of the City.

SECTION 10: ADOPTION “15.12.09 COMPLAINTS, LICENSE SUSPENSION, REVOCATION AND OPERATING WITHOUT A LICENSE” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.09 COMPLAINTS, LICENSE SUSPENSION, REVOCATION AND OPERATING WITHOUT A LICENSE (Non-existent)

AFTER ADOPTION

15.12.09 COMPLAINTS, LICENSE SUSPENSION, REVOCATION AND OPERATING WITHOUT A LICENSE(*Added*)

- A. Any resident or employee of the city may submit a written complaint to the City Secretary regarding a STR.
- B. The City Secretary shall notify the owner in writing within ten business days of any substantiated complaint and request corrective action within 14 calendar days of day being notified. If no corrective action is taken, the STR permit is suspended, and subject to penalties.
- C. If the City Secretary finds that a STR owner has received three separate substantiated cumulative complaints in one 12-month period, the STR permit shall be suspended and the planning and zoning commission will be notified. The owner shall receive written notification of the third substantiated complaint and the suspension. A public hearing will be held with the planning and zoning commission, with the planning and zoning commission making a determination as to whether to recommend to city council to revoke the STR specific use permit. The owner may not rent their property during the period of suspension.
- D. Properties operating a short-term rental without the permit required by this chapter will be notified of such in writing by the City Secretary. The owner, to avoid penalties shall:
 - 1. File an application for a STR specific use permit within 14 calendar days of the date of notification;
 - 2. Immediately cease illegal operation of the short-term rental, including advertising, until the requirements of this chapter are satisfied; and
- E. If no applications are received within the required time frame, the owner is subject to penalties as detailed in §15.12.12 and loses the right to apply for an STR specific use permit for a period of one year.

SECTION 11: **ADOPTION** “15.12.10 SHORT-TERM RENTAL SPECIFIC USE PERMIT REVOCATION” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.10 SHORT-TERM RENTAL SPECIFIC USE PERMIT REVOCATION (Non-existent)

AFTER ADOPTION

15.12.10 SHORT-TERM RENTAL SPECIFIC USE PERMIT REVOCATION(*Added*)

- A. Revocation of short-term rental specific use permit. After a public hearing and recommendation from the planning and zoning commission, the city council, after public notice and a public hearing, may revoke any specific use permit for the following reasons:
1. Substantiated violation of any of the standards, conditions, and limitations applicable to the specific use permit in which a suspension has not been rectified as requested;
 2. A substantiated violation of operation or maintenance of the specific use dwelling or property in a manner that is detrimental to the public's health or safety; or
 3. Discontinuance of the use.
- B. If the short-term specific use permit has been revoked, the owner loses the ability to use the property as a short-term rental immediately. The owner of the STR that has been revoked, other than for discontinuance of the use, is not eligible for a new STR specific use permit until after a one-year waiting period.
- C. The City Secretary shall notify a STR specific use permit holder that the STR specific use permit has been revoked and of the process for appealing the revocation.
- D. Any denial or revocation of a STR specific use permit may be appealed to Council. An appeal under this section must be filed within 15 calendar days of the revocation or denial.

SECTION 12: **ADOPTION** “15.12.11 COMPLIANCE PERIOD” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.11 COMPLIANCE PERIOD (Non-existent)

AFTER ADOPTION

15.12.11 COMPLIANCE PERIOD *(Added)*

Current short-term rental owners shall have 60 days from the date this chapter is passed to apply for a short-term rental specific use permit. The owner may continue to operate the short-term rental until the application is granted or denied.

SECTION 13: **ADOPTION** “15.12.12 PENALTY” of the Gladewater Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.12.12 PENALTY (Non-existent)

AFTER ADOPTION

15.12.12 PENALTY *(Added)*

Any individual, business, or entity who violates this chapter or fails to comply with the conditions of a permit commits a class C misdemeanor. A violation of this chapter is punishable by a fine or revocation of the short-term rental specific use permit or both. Each day of violation of any provision of this chapter shall constitute a separate offense.

1st Violation	2nd Violation	3rd Violation
Minimum of \$250.00 per day	Minimum of \$500.00 per day	Minimum of \$750.00 per day

SECTION 14: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 15: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 16, 2026 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE GLADEWATER COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Mayor Brandy J. Flanagan	_____	_____	_____	_____
Mayor Pro-tem Elijah Anderson	_____	_____	_____	_____
Councilmember Andre' Clay	_____	_____	_____	_____
Councilmember Stoney Stone	_____	_____	_____	_____
Councilmember William Blackmon	_____	_____	_____	_____
Councilmember Milton Anderson	_____	_____	_____	_____
Councilmember Kevin Clark	_____	_____	_____	_____

Attest

Presiding Officer

Judy Van Houten, City Secretary,
Gladewater

Brandy J. Flanagan, Mayor,
Gladewater