

City of Bellaire

ORDINANCE NO. 25-108

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS,
AMENDING CHAPTER 22, OFFENSES—MISCELLANEOUS, OF THE CODE OF ORDINANCES
OF THE CITY OF BELLAIRE, TEXAS, BY ADDING ARTICLE VI, SHORT-TERM RENTALS, TO
PROHIBIT OR OTHERWISE REGULATE SHORT-TERM RENTALS WITHIN THE CITY;
CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT AND IMPOSING A
PENALTY FOR VIOLATIONS.**

WHEREAS, the City Council of the City of Bellaire, Texas (the “City Council”), seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of Bellaire, Texas (“City”); and

WHEREAS, the City Council finds that short-term rentals pose certain adverse externalities on neighbors not generally created by long-term rentals due to the nature of temporary, transient guests; and

WHEREAS, the City Council finds that absentee owners lack the same level of commitment to the neighborhood and the community as resident owners; and

WHEREAS, the City Council finds that the community has historically been predominantly single-family residences; and

WHEREAS, the City’s Comprehensive Plan values residential uses; and

WHEREAS, the City Council believes that regulating short-term rentals will assist in protecting and preserving the dignity, sanctity, and quiet enjoyment of single-family residential neighborhoods, which are the City’s primary land use category; and

WHEREAS, the City Council desires to give City Staff tools to respond promptly to residents’ concerns related to short-term rentals; and

WHEREAS, the Texas Legislature has defined the short-term rental of residential property as a business activity by inclusion of short-term rentals in Texas Tax Code, Section 156.001, making same subject to the Hotel Occupancy Tax; and

WHEREAS, the City Council agrees with the State that short-term rentals are business activities, and further that such are not “home occupations”, nor are they non-conforming uses as defined by the City Code; and

WHEREAS, pursuant to Texas Local Government Code, Section 211.003, the City has general authority to regulate the location and use of buildings, other structures and land for business,

industrial, residential, or other purposes; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has general authority to adopt an ordinance or regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code, Section 217.002, the City has general authority to define and declare what constitutes a nuisance and authorize the summary abatement of the nuisance in any manner considered expedient; and

WHEREAS, the City Council finds that the terms of this ordinance are reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, THAT:

Section 1. *Chapter 22, Miscellaneous—Offenses, of the Code of Ordinances of the City of Bellaire, Texas* (the “City Code”), is amended by the addition of a new Article VI, *Short-Term Rentals*, to read as set out in Appendix A, attached hereto. All other portions of *Chapter 22* of the *City Code* not specifically amended hereby remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

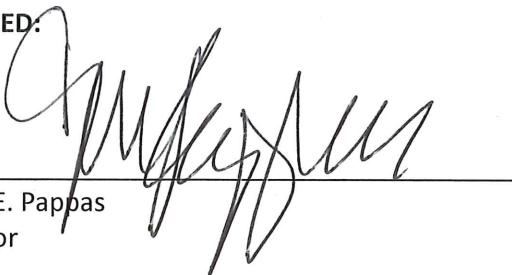
Section 4. The City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 5. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 6. This Ordinance takes effect 120 days after its passage and adoption.

PASSED, APPROVED, and ADOPTED this 17th day of November, 2025.

SIGNED:



Gus E. Pappas
Mayor



APPROVED AS TO FORM:



Alan P. Petrov
City Attorney

Appendix A

(deletions shown by strike-out, additions shown by underline)

Chapter 22, Offenses—Miscellaneous

Article VI. – SHORT-TERM RENTALS

Sec. 22-150. - Definitions.

In this article:

Short-Term Rental means the rental for compensation of all or part of a dwelling for a period of not more than 30 days. The term does not include hotels as permitted by Chapter 24 of this Code nor does it include a residence temporarily leased back to a prior owner in connection with a real estate sales transaction.

Platform means a person who provides a means to advertise or promote a short-term rental or facilitates short-term rental bookings.

Sec. 22-151. - Confirmation of Zoning Violation.

- (a) Short-term rentals in the residential districts of the city are an unlawful use in those districts as a business or commercial use incompatible with the zoning of the city's residential districts.
- (b) Any person subject to enforcement under Section 22-154 of this Code found violating this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with Section 1-10 of this Code.

Sec. 22-153. - Declaring a Nuisance.

- (a) The traffic, parking difficulty, noise, trash, and other aspects of the operation of a Short-Term Rental are not the norm in a residential neighborhood of Bellaire, Texas. Those aspects of commercial use are the basis for the separation through zoning of commercial and residential uses. Therefore the City declares Short-Term Rentals a nuisance in the residential zoning districts of the City.
- (b) Any person subject to enforcement under Section 22-154 of this Code found violating this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with Section 1-10 of this Code.

Sec. 22-154. - Persons Subject to Enforcement.

The owner of the Short-Term Rental, the tenant and each of his or her guests, the management company, platform, and any partnership or corporate entity acting in those capacities are subject to enforcement under this article.

Sec. 22-155. - Permitting.

(a) Short-Term Rentals may be permitted only within the Mixed-Use Districts of the City per Sec. 24-501 of the Code of Ordinances, subject to the following conditions.

- 1) Occupancy. The maximum number of persons allowed to stay in a Short-Term Rental is two (2) adults per bedroom, plus two (2) additional adults, while not exceeding a total of twelve (12) persons.
- 2) Parking restrictions. Parking shall be restricted to the maximum number of cars that can be accommodated within the garage and driveway of the subject property.
- 3) Life Safety.
 - a. The Short-Term Rental shall be equipped with:
 - i. Working smoke detectors, with at least one on each floor level (if applicable) and one in each bedroom, as well as at least one working carbon monoxide detector.
 - ii. A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within seventy-five (75) feet of all portions of the structure on each floor.
 - b. All gas appliances shall be properly ventilated outside the home.
 - c. Emergency escape openings shall comply with the currently adopted International Residential Code (IRC), with at least one emergency escape opening for each bedroom opening directly to the outdoors.
 - d. An evacuation plan shall be posted in each bedroom.
 - e. Any bedroom that does not comply with subsection (a)(4) Life safety, of this section shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a Short-Term Rental. Such a non-compliant bedroom shall not be included in the maximum occupancy calculation for the Short-Term Rental, nor be advertised as a bedroom.
- 4) Conduct on premises. The short-term rental owner or occupant shall comply with all requirements of this Code. In addition, the following shall be unlawful:
 - a. Use of amplified sound during quiet hours as defined in Section 22-4, excessive noise or other disturbances outside the short-term rental including, but not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas;
 - b. Sleeping Outdoors;
 - c. Placing, or allowing to be placed, garbage at the designated pickup location prior to 6:00 p.m. on the day before pickup or failing to comply with all collection requirements; and
 - d. Advertising or promoting a special event, or allowing the advertising or promotion of a special event (e.g. banquet, wedding, reception, reunion, bachelor, bachelorette party, concert, or similar activity that would assemble large numbers of invitees) to be held on the premises.
 - e. Each occupant and visitor to a short-term rental shall comply with all applicable provisions of the City's Code, including, without limitation on: noise and disorderly conduct, litter prohibition, parking, trespassing, and nuisance provisions. All occupants and visitors shall be informed in writing of relevant city's ordinances

including, but not limited to, the city's nuisance ordinance by the owner or operator of the short-term rental.

- 5) Signage. Signage for Short-Term Rentals shall not be permitted.
- 6) Advertising. The owner of a Short-Term Rental shall not advertise or promote, or allow another to advertise or promote the Short-Term Rental:
 - a. Without a valid, active permit.
 - b. Without including the occupancy limits and parking standards for the listing.
- 7) Local Contact. An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a Short-Term Rental. If called, a local responsible party must be able to, and shall be present at the premises within one (1) hour of receiving a call. A local responsible party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release owner of any liability under this chapter.
- 8) Insurance. It shall be unlawful for the owner of a premises operating as a Short-Term Rental to operate without host protection or other liability insurance commensurate with the operations of the Short-Term Rental. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be made to the Development Services Department within thirty (30) days of any such cancelation.
- 9) Occupant Notification Packet. The owner/operator shall post in a conspicuous location of the Short-Term Rental, a packet of the following, at minimum, information:
 - a. Maximum number of occupants.
 - b. Location of required off-street parking, other available parking and prohibition of parking on landscaped areas or on the street.
 - c. Quiet hours and noise restrictions.
 - d. List of HOA rules, if applicable.
 - e. 24-hour local contact person and phone number.
 - f. Property cleanliness requirements.
 - g. Waste pick-up requirements.
 - h. Flooding hazards and evacuation routes.
 - i. Emergency and non-emergency numbers.
 - j. Notice that failure to conform to the occupancy and parking requirements is a violation of City Code and an occupant or visitor can be cited.
- 10) Rental agreement notification. The rental agreement between the owner/operator of the Short-Term Rental and the renter shall include, by attachment, all of the information provided in the occupant notification packet.

(b) Application process:

- 1) The following application requirements apply to a Short-Term Rental application.
 - a. The name, address, contact information, and signature for the owner of the premise;
 - b. The name, address, and phone number of the 24-hour contact;
 - c. The registration number for the City of Bellaire Hotel Occupancy Tax;

- d. A parking plan of the premises identifying the location of parking spaces to be used in conjunction with the Short-Term Rental, in relation to the residence;
- e. A dimensioned floor plan of the proposed Short-Term Rental identifying bedrooms, other living spaces and emergency evacuation routes;
- f. The name, contact information, and rules for the homeowners association (HOA), if applicable;
- g. Proof of host protection or liability insurance;
- h. A copy of the proposed host rules for the Short-Term Rental; and
- i. A statement that the owner of the Short-Term Rental has met and will continue to comply with the standards and other requirements of this ordinance.

2) Changes in ownership. A new owner, if they wish to continue to operate a subject site as a Short-Term Rental, must submit a Short-Term Rental application within thirty (30) days from the closing date of the purchase. The new owner must provide a copy of the closing statement with the Short-Term Rental application form. Failure of the new property owner to apply for the permit within thirty (30) days from the closing date will result in the revocation of the Short-Term Rental permit.

3) Hotel occupancy taxes. The owner of the Short-Term Rental shall register with the City of Bellaire to pay hotel occupancy taxes, before the Short-Term Rental application is submitted.

- a. Request for occupancy history. Upon request of the Planning Services Director or the Finance Department, the owner of a premises used as a Short-Term Rental shall remit, within thirty (30) days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor.

4) Right to inspect premises.

- a. Inspections. For the purpose of making inspections, the fire marshal or code official may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. An owner or other authorized individual may refuse to consent to an inspection conducted by the fire marshal or the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure. Nothing in this Code limits the ability of the fire marshal or the code official to inspect as necessary or as authorized by other law.
- b. The following inspections will be typical of a Short-Term Rental permit request:
 - i. Annual fire inspection.
 - ii. Repeat inspections. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions, the city will set a re-inspection date. If a premises fails to pass an inspection, a re-inspection fee will be charged after the third re-inspection of the premises. A property cannot be occupied as a Short-Term Rental while its status with the Fire Marshal's Office is noted as being in violation.
 - iii. Fire extinguishers. The owner/operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's requirements.

- iv. Change in ownership inspection. As part of the change in ownership process for a Short-Term Rental, the Fire Marshal's Office shall conduct an inspection to verify compliance with this section.
- 5) Enforcement. If the owner of the Short-Term Rental property fails or refuses to comply with the requirements herein, within thirty (30) days after notification, the City may initiate enforcement actions against the property owner including, but not limited to, citations permit revocation. Any violations of the provisions of this section shall also be subject to a fine as forth in Section 1-10 of this Code. Any advertisement, whether it be online or in print, promoting the availability of a Short-Term Rental in violation of this Code is prima facie evidence of a violation and is cause to issue a citation and may also be grounds for denial of a Short-Term Rental permit.
- 6) Platforms. A platform must require each user to include a permit number in a short-term rental advertisement or promotion on the platform.

Sec. 22-156. – Short-term rental permit renewal.

A short-term rental permit will be renewed annually through an inspection conducted by the fire marshal to verify continued compliance with this article. A renewal of a short-term rental permit will include renewal fee be established by city manager or his or her designee payable by the owner or operator before the permit is renewed.

Sec. 22-157. – Short-term rental permit appeal.

If an application for a short-term rental permit or renewal is denied, the owner or operator may appeal to the building and standards commission by written notice delivered within 30 days of denial or revocation.

Sec. 22-158. - Revocation of short-term rental permit.

- (a) The City may revoke a short-term rental permit for any of the following reasons without refund of any portion of the required fee:
 - 1) The permit was issued in error;
 - 2) Any information provided in the application is false, misleading, incorrect, or incomplete;
 - 3) The applicant fails to supplement any change in information as required in this Code;
 - 4) Two or more instances when the City, after providing notice pursuant to this Code, removes or abates a nuisance prescribed in this Code at a property operating as a short-term rental;
 - 5) Two or more citations are issued over two separate occasions within a twelve-month period at the property permitted as a short-term rental, whether the citations are issued to the owner, operator, or occupants, resulting in two or more convictions for violations of this Code; or
 - 6) One or more convictions of the owner, operator, or any occupant of the property permitted as a short-term rental for any of the following offenses occurring at the short-term rental:
 - a. Kidnapping, unlawful restraint, and smuggling of persons as described in Chapter 20 of the Texas Penal Code;
 - b. Reckless discharge of a firearm as prohibited by the Penal Code;
 - c. Trafficking of persons as described in Chapter 20A of the Texas Penal Code;
 - d. Prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as

described by Section 43.03, Penal Code, or aggravated promotion of prostitution as described by Section 43.04, Penal Code;

- e. Compelling prostitution as prohibited by the Penal Code;
- f. Aggravated assault as described by Section 22.02, Penal Code;
- g. Sexual assault as described by Section 22.011, Penal Code;
- h. Aggravated sexual assault as described by Section 22.021, Penal Code;
- i. Continuous sexual abuse of young child or disabled individual as described by Section 21.02, Penal Code;
- j. Sexual conduct or performance by a child as described by Section 43.25, Penal Code;
- k. Employment harmful to a child as described by Section 43.251, Penal Code; or
- l. Disorderly conduct as described by Section 42.01(a)(7) and (a)(8), Penal Code.

(b) The director shall provide the applicant written notice of the revocation by certified mail, return receipt requested, to the mailing address of the registrant provided in the certificate of registration application, or by electronic mail to the email address provided by the registrant.

(c) An owner/operator whose permit has been revoked pursuant to this Code shall be ineligible to reapply for and receive a permit for the same short-term rental property for which the permit was revoked for the one-year period following the date that the certificate of registration was revoked.

(d) An owner/operator may appeal a decision to revoke a permit to the building and standards commission as provided for under this Code.