

ORDINANCE NO. 2025-18

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS AMENDING CHAPTER 10, "BUILDINGS AND BUILDING REGULATIONS," OF THE SAGINAW CITY CODE BY ADDING A NEW ARTICLE XXV, "SHORT-TERM RENTAL REGISTRATION, REGULATIONS, AND INSPECTION PROGRAM," TO ESTABLISH REGISTRATION AND INSPECTION REQUIREMENTS FOR SHORT-TERM RENTALS AND RELATED FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas, (the "City") is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, and property of the occupants of rental dwelling units; and

WHEREAS, the City Council of the City seeks to preserve the quality and stability of its residential neighborhoods while also allowing residents to operate short-term rentals in a regulated manner that protects the public health, safety, and general welfare; and

WHEREAS, unregulated short-term rentals can result in adverse impacts to residential neighborhoods through excessive noise, traffic, and density, and may negatively affect the availability of long-term housing; and

WHEREAS, the City has reviewed data and information from other cities' experiences with short-term rentals and used this data and information to develop a regulatory structure suitable for the circumstances within the City; and

WHEREAS, the City Council previously adopted a registration and inspection program for rental dwelling units in the City; and

WHEREAS, the City Council of the City now deems it necessary to adopt uniform regulations and a permitting process specific to short-term rentals and hereby finds that such amendment is necessary for promoting the health, safety, and welfare of the general public, ensuring consistency in land uses and development, and protecting the rights of property owners, residents, and visitors in the City.

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

SECTION 1.

Chapter 10, "Buildings and Building Regulations," of the Saginaw City Code is hereby amended by adding a new Article XXV, "Short-Term Rental Registration, Regulations, and Inspection Program," to read as follows:

"Sec. 10-630. - Purpose.

The purpose of this article is to safeguard the life, health, safety, welfare and property of the occupants of short-term rental units and the general public by regulating the short-term rental of property to short-term visitors, while ensuring that such use does not create adverse impacts on residential neighborhoods due to excessive traffic, noise, and density and, additionally, to ensure that (1) the number of occupants within such short-term rental units does not exceed the design capacity of the structure and create health and safety concerns and (2) minimum health and safety standards are maintained in short-term rental units to protect occupants and other visitors from unsafe or unsanitary conditions, by establishing a process to enforce the provisions of this article, minimum building standards, and property maintenance codes.

Sec. 10-631. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board. The city's Building Board of Appeals.

Building official. The officer or other designated authority of the city, or their designee, charged with the administration and enforcement of this article.

Code. The Saginaw City Code.

Lease. A special kind of contract between a property owner and a person wanting temporary enjoyment and exclusive use of the property, in exchange for rent paid or other consideration.

Local contact. An individual designated by the owner and/or operator who resides within 30 miles and is available at all times to respond to complaints and emergencies at the short-term rental.

Occupant. The person(s) who have lawfully obtained the exclusive use and possession of a short-term rental property from the owner and/or operator and the guest(s) of such person(s).

Operator. The owner or other party tasked with managing a property operating a short-term rental on behalf of the owner and who, if different from the owner, shall be the authorized agent for purposes of notice and other communications and is authorized to accept service on behalf of the

owner.

Owner. Any person, agent, firm, or corporation having a legal or equitable interest in the short-term rental property.

Permit. A document issued by the Building Official pursuant to the terms of this article authorizing the operation of a short-term rental.

Rent. Money or other consideration paid by a short-term rental occupant to an owner in exchange for the exclusive use and enjoyment of a short-term rental premises.

Short-term rental or STR. The rental for compensation of all or part of a residence for a period not more than twenty-nine (29) consecutive days. This definition does not include hotels, motels, boarding houses, or extended-stay hotels/motels.

Sec. 10-632. - Prohibited.

It shall be prohibited to divide a single-family structure located in a single-family zoning district, including SF-1, SF-2, SF-3, SF-4, and ZLL, into separate short-term rental units with restricted access to the common areas.

Sec. 10-633. - Permit and inspection required.

No person shall lease to, rent to, or permit occupancy by a person other than the owner of a short-term rental without obtaining a permit issued under the provisions of this article. It shall be unlawful to submit a false or fraudulent application for a permit. A person who leases to, rents to, or permits occupancy by a person other than the owner of a short-term rental unit for which a permit has not been issued or for which the permit has been suspended commits an offense each day that the short-term rental unit is occupied by an occupant.

No person shall lease a short-term rental without submitting a written or electronic request for a rental inspection after a permit is applied for as provided herein. A person commits an offense each day that a short-term rental is leased to an occupant with an expired rental registration or overdue rental inspection request.

Sec. 10-634. - Period of validity.

Each permit issued under this article shall be valid for one year from its date of issuance, unless suspended and except as provided for an owner's new short-term rental unit as provided in Section 10-637.

Sec. 10-635. - Permit non-assignable, surrender.

A permit issued under this article is not assignable or transferable. A permit is valid only for the short-term rental premises for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit. A permit may be canceled upon the written request of the owner(s) to the building official. The cancellation of a permit shall be effective immediately upon filing such written request.

Sec. 10-636. - Permit copy.

The original permit issued pursuant to this article shall be maintained by the city, with a copy provided to the owner and/or operator.

Sec. 10-637. - Annual application and registration fee; form; delinquent fees; utility and building permit release.

- (a) *Annual application and registration fee.* The owner or operator of a short-term rental shall annually file with the city a written application, on the form provided for that purpose, signed by the owner or operator. Applications for the permit shall include the remittance of the annual permit fee required by this article. If an owner maintains multiple short-term rental units, the owner or operator shall file a single application that includes all short-term rentals under that owner's ownership. The application and fee shall be due within fourteen (14) days of notice and annual renewals shall be due one (1) year from the date of issue. The owner and/or operator shall apply for a rental registration permit for new short-term rental units acquired during the calendar year prior to permitting occupancy of those new short-term rental units. Permits issued for newly acquired short-term rental units shall expire on the same date as all other permits issued to the same owner.
- (b) *Application form; contents.* The application shall include:
 - (1) If the owner is one or more individuals, the name, physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the owner;
 - (2) If the owner is other than an individual, the legal name and all trade names of the owner and the physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the registered agent, managing partner, or other person authorized to accept service of process on behalf of the owner;
 - (3) The name, street address, e-mail address, and telephone number of the operator, if different from the owner, who may serve as the authorized agent for purposes of notice and other communications provided in this article;

- (4) The name, street address, e-mail address, and telephone number of the local contact for the short-term rental;
 - (5) The short-term rental's registration number for payment of applicable hotel occupancy tax with the city's finance department;
 - (6) A parking plan for the short-term rental premises identifying the location of parking spaces to be used in conjunction with the short-term rental, in relation to the residence;
 - (7) A tax certificate indicating that property taxes are paid to the current year (a pdf printout from the Tarrant County Appraisal District website is acceptable in lieu of the original certificate); and
 - (8) A certification that the short-term rental unit(s) is/are equipped with properly working smoke detectors and carbon monoxide detectors in accordance with the provisions of the adopted editions of the International Property Maintenance Code and the International Building Code.
- (c) *Delinquent fees.* An owner and/or operator that fails to timely apply for a short-term rental registration or renewal under this article shall be required to pay, at the time of registration, a delinquent fee as set forth in the city fee schedule for every thirty (30) days that the registration or renewal is overdue.
- (d) *Utility and building permit release.* The Building Official may issue a hold of utilities and a hold on building permits for any short-term rental unit without a current rental registration or that fails to timely obtain a required rental inspection, rental follow-up inspection, or rental re-inspection as required by Section 10-638.

Sec. 10-638. - Inspections.

- (a) Short-term rental unit(s) for which a new or renewal application is submitted shall be inspected for compliance with the applicable provisions of the adopted editions of the International Property Maintenance Code and the International Building Code. Such inspections shall be conducted one time per calendar year. The owner and/or operator shall submit to the city a written or electronic request for inspection each year no later than thirty (30) days after a permit is issued. Nothing contained in this section shall be construed to prohibit an inspection of a short-term rental unit at the request of an occupant.:
- (b) The Building Department will conduct rental inspections as provided for in this section. The building official shall notify the owner and/or operator of all violations identified in the course of a rental inspection. The owner and/or operator must correct the violations identified and schedule a rental follow-up inspection to confirm compliance within twenty (20) days of the rental inspection. Upon the rental follow-up inspection, if all violations

have been corrected, the permit shall be deemed active. If all violations have not been corrected at the time of the rental follow-up inspection, a rental re-inspection will be required within twenty (20) days of the rental follow-up inspection until all violations are brought into compliance. The city shall charge a fee as set forth in the city fee schedule for each rental re-inspection.

- (c) The city may re-inspect any short-term rental as necessary to determine compliance.
- (d) A release of utilities may be provided upon submittal of an application for utilities pending a current short-term rental permit and compliance with required rental inspections as provided for in this article.
- (e) The building official shall enforce the provisions of this article upon presentation of proper identification to the owner of short-term rental or, if occupied, to the occupant and, with the owner and/or occupant's permission, may inspect the unit. The authority to conduct both exterior and interior inspections by the building official is subject to all limitations provided in state and federal law. If entry is refused by the owner or occupant or could not be obtained, the building official is authorized to seek a warrant pursuant to Article 18.05 of the Texas Code of Criminal Procedure as the same may be amended from time to time. Any warrants issued will constitute authority for the building official to enter upon and inspect the short-term rental unit described therein.

Sec. 10-639. - Temporary tenancies.

It shall be an affirmative defense to prosecution for a violation of this article that the short-term rental property was rented or leased for a period of less than thirty (30) days to a person who was the immediate past owner of the dwelling or who shall be the immediate next owner of the dwelling.

Sec. 10-640. – Additional regulations for short-term rentals.

Short term rental registration shall comply with all requirements of the rental registration and inspection program with the following additional requirements.

- (a) *Rules for occupants.* The owner and/or operator shall post a copy of the short-term rental rules for occupants in a conspicuous location inside the property and shall include, at minimum, the following information:
 - (1) Emergency and non-emergency contact information for police, fire, and medical services;

- (2) The 24-hour telephone number for the local contact for occupants to address property concerns and complaints;
 - (3) Waste and recycling collection schedule and the proper location of receptacles;
 - (4) Quiet hours and noise restrictions;
 - (5) Occupancy restrictions; and
 - (6) A parking plan for the premises identifying the location of parking spaces to be used in conjunction with the short-term rental in relation to the residence.
- (b) Operational Standards.
- (1) *Maximum stay.* It shall be unlawful for an owner and/or operator to rent or lease a short-term rental for a period of more than twenty-nine (29) consecutive days.
 - (2) *Occupancy.* Limited to two (2) persons per bedroom, plus two (2) additional persons, with a maximum of ten (10) total occupants regardless of the number of bedrooms. This regulation serves strictly as a formula for calculating occupancy maximums at short-term rental properties, as indicated by the following examples, and does not prohibit more than two (2) occupants from occupying a room:
 - 1 Bedroom – max occupancy 4
 - 2 Bedroom – max occupancy 6
 - 3 Bedroom – max occupancy 8
 - 4 Bedroom – max occupancy 10
 - 5 Bedroom – max occupancy 10
 - (3) *Parking.* Parking is restricted to the number of spaces associated with the residential structure, either in the driveway and garage, or by location or number assigned to a specific unit.
- (c) *Conduct.* Each short-term rental owner, operator, and occupant shall comply with all requirements of the code, including, but not limited to, the following conduct, which shall be prohibited and shall constitute a violation of this article:
- (1) Sleeping outdoors;
 - (2) Advertising or promoting, or permitting the advertising or promotion of, the use of

the STR for special events (including, but not limited to, a banquet, wedding, reception, reunion, bachelor/bachelorette party, concert, or similar activity that would assemble large numbers of invitees);

- (3) Using the STR for illegal or other regulated purposes (including, but not limited to, housing sex offenders; operating a structured sober, recovery, or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business).
- (d) *Signage.* On-premises signage advertising or identifying the property as a STR shall not be permitted.
- (e) *Advertising.* The owner shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the occupancy limits and parking standards for the listing.
- (f) *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 in person or by phone at all times while occupants are on the premises of the short-term rental. If called, the operator or local contact must be able to, and shall, be present at the premises within one (1) hour of receiving a call from the city. A local contact must be authorized to make decisions regarding the premises and its occupants.
- (g) *Hotel occupancy tax.* Owner must register with the city to pay hotel occupancy taxes and remit such taxes to the city as required by article V, chapter 90 of this code.
- (h) *Occupancy history.* Upon request of the Building Official, the owner of a short-term rental shall remit, within thirty (30) days, an accounting of all rental activity and the hotel occupancy taxes paid therefor.

Sec. 10-641. - Suspension of permit.

The city may temporarily suspend a short-term rental permit in the following circumstances:

- (a) When the owner or operator of the short-term rental has not submitted a written or electronic request for inspection within thirty (30) days from the issuance of the permit.

- (b) If the Building Official finds that the owner, operator, or any occupant of a short-term rental failed to comply with any requirement of this article at least twice within a 12-month period, the Building Official may revoke an existing permit or deny an application to renew a permit. No new permit may be sought for the subject property for a period of twelve (12) months following a denial or revocation pursuant to this section.
- (c) If a short-term rental property is the subject of three or more violations of City Code, state or federal law within the previous 24-month period, the Building Official may revoke an existing permit; may deny an application for an original permit; or may deny an application to renew a permit, based on (1) the frequency of any repeated violations, (2) whether a violation was committed intentionally or knowingly, and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare. No new permit may be sought for the subject property for a period of twelve (12) months following the denial or revocation pursuant to this section.

Sec. 10-642. - Reinstatement of suspended permit.

A person whose permit has been suspended may, at any time, make written application for a reinstatement inspection and pay the reinstatement inspection fee for the purpose of reinstating the permit. Within ten (10) days following receipt of a written request, which shall include a statement signed by the applicant that in the applicant's opinion all of the violations that caused suspension of the permit have been corrected, and the applicable fee, the city shall perform a rental reinstatement inspection. Upon inspection, if all of the violations that caused suspension of the permit have been corrected, the permit shall be reinstated. If all violations that caused suspension of the permit have not been corrected, the permit will continue to be suspended. The city shall charge a fee for each reinstatement inspection or a reinstatement re- inspection that is required.

Sec. 10-643. - Appeal.

An owner and/or operator may appeal a decision revoking, suspending, or denying a short-term rental permit pursuant to this article to the Board in accordance with the procedures set forth in chapter 10, article X of the code. The Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the city.

Sec. 10-644. - Existing operations.

- (a) The owner and/or operator of a property used as a short-term rental that was registered with the city for collecting hotel occupancy tax prior to the effective date of this article shall, within sixty (60) days of the effective date of this article, update the property's registration

with the short-term rental permit application required by this article and comply with all applicable regulations contained herein.

- (b) The owner and/or operator of a property used as a short-term rental that was not registered with the city for collecting hotel occupancy tax prior to the effective date of this article shall discontinue the short-term rental use immediately following the effective date of this article. Such property shall not be resumed as a short-term rental until a permit has been applied for and issued pursuant to this article and all outstanding hotel occupancy tax amounts have been remitted to the city.

Sec. 10-645. - Enforcement and penalty.

- (a) If the owner, operator, or any occupant of a short-term rental property fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner, operator, or any occupant, including, but not limited to, the immediate issuance of a citation.
- (b) Any advertisement, whether it be digital or in print, promoting the availability of a property within the city for rent for a period of twenty-nine (29) days or less shall constitute prima facie evidence of the property's use as a short-term rental."

SECTION 2.

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

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 shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

All rights or remedies of the City are expressly saved as to any and all violations of the Saginaw City Code or any amendments thereto regarding the inspection of rental dwelling units that have accrued at the time of the effective date of this Ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each violation of this Ordinance.

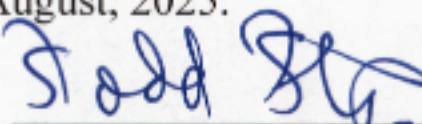
SECTION 6.

The City Secretary of the City is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 7.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON this the 19th day of August, 2025.


Todd Flippo, Mayor

ATTEST:


Vicky Vega, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Bryn Meredith, City Attorney

