

City of Lake Worth  
Permit Department  
3805 Adam Grubb  
Lake Worth, Texas 76135  
817-237-1211 X 112 Fax 817-237-1333



### SHORT TERM RENTAL INSPECTION APPLICATION

|                                                                                                                                                                 |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Permit Number:<br>(office use only)                                                                                                                             | Initial inspection <input type="checkbox"/> Renewal inspection <input type="checkbox"/> |
| Inspection Address:                                                                                                                                             |                                                                                         |
| I hereby authorize for the above-mentioned property to be inspected in accordance with Ordinance #1235 passed on July 19, 2022, by the Lake Worth City Council. |                                                                                         |

### PROPERTY OWNER INFORMATION

|                     |         |                 |      |
|---------------------|---------|-----------------|------|
| Owner/Company Name: |         | Contact Person: |      |
| Mailing Address:    | City:   | State:          | Zip: |
| Phone:              | Mobile: | Email:          |      |

The following utilities: electric, water, and gas need to be connected for the rental inspection. Rental inspection(s) should not be scheduled until all utilities are operational. I further understand that the initial non-refundable application fee for a rental is \$225.00. Starting with the third inspection I may be assessed a re-inspection fee of \$50.00 per inspection until it passes. See required items for submittal on attached page.

### OPERATOR/AGENT INFORMATION (IF ANY)

Please provide operator/agent name(s), a contact number, and email address:

|                      |        |        |
|----------------------|--------|--------|
| Operator/Agent Name: | Phone: | Email: |
|----------------------|--------|--------|

I affirm that the information contained in this application is true to the best of my knowledge.

|                  |       |
|------------------|-------|
| Owner Signature: | Date: |
|------------------|-------|

State of \_\_\_\_\_

County of \_\_\_\_\_

Before me a notary public, on this day personally appeared \_\_\_\_\_  
known to me to be the person whose name is subscribed to the foregoing document and, being by me first  
duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Seal

Notary Public's Signature:

\_\_\_\_\_

### OFFICE USE ONLY

|                                                 |            |            |                          |
|-------------------------------------------------|------------|------------|--------------------------|
| Fee: \$225.00-non<br>refundable application fee | Date Paid: | Receipt #: | Date Inspection Expires: |
|-------------------------------------------------|------------|------------|--------------------------|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

## Requirements of application

(a) Except as provided in this section, every complete application for a short-term rental permit shall include the following information with such detail and in a form approved by the administrator:

- (1) The name, address, contact information and authenticated signature for the owner of the premises;
- (2) The name, address and contact information of the operator, agent if any, and designated local responsible party as required in section 4.13.008;

### **Sec. 4.13.008 Designation of local responsible party required :**

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 from the administrator. A local responsible party must be authorized to make decisions regarding the premises and its occupants.

- (3) The city registration number for hotel occupancy tax;
- (4) A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
- (5) A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
- (6) Proof of insurance as required in section 4.13.009;

### **Sec. 4.13.009 Proof of insurance required:**

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 that provides coverage of up to \$1 million per occurrence and names the city, its officials, employees, agents, and officers as an "additional insured" on all policies. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancellation of insurance must be made to the administrator within thirty (30) days.

- (7) The name and contact information for the property or homeowner's association, if any, of which the premises is covered by the dedicatory instruments;
- (8) A copy of the proposed host rules for the short-term rental, if any; and
- (9) Such certifications deemed necessary and proper to ensure compliance with this article.



## HOTEL OCCUPANCY TAX RETURN

Every person providing transient lodging for remuneration in the City of Lake Worth must collect a tax of seven percent (7%) on the rent paid, unless an exception is provided by law. Allowable exceptions to the local Hotel Occupancy Tax are presented as an attachment to this return form. This tax is due and payable to the City monthly on or before the twentieth (20<sup>th</sup>) day of the month next succeeding the calendar month in which the tax was collected. For failure to pay by the due date, the lodging provider is subject to a specific penalty of fifteen percent (15%). The collection fee is not allowed for delinquent payments.

**Please attach a copy of your Texas Hotel Occupancy Tax Report for the same reporting period.**

|                                       |                 |                |
|---------------------------------------|-----------------|----------------|
| Lodging Establishment Name            | Number of Rooms | Occupancy Rate |
|                                       |                 |                |
| For the month ending _____ Year _____ |                 |                |

|                                                                  |    |
|------------------------------------------------------------------|----|
| 1. Gross rent paid for lodging                                   | \$ |
| 2. Less Non taxable rent                                         | \$ |
| 3. Net Taxable rent (subtract line 2 from Line 1)                | \$ |
| 4. Tax Due (7% of Line 3)                                        | \$ |
| 5. Less Collection Fee of 1% if paid by the 20 <sup>th</sup> day | \$ |
| 6. Add Penalty of 15% if paid after the 20 <sup>th</sup> day     | \$ |
| Total Amount Due (+line 4 – line 5 + line 6)                     | \$ |

I declare under penalties prescribed that the information provided in this return is true and correct to the best of my knowledge.

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
Taxpayer ID Number \_\_\_\_\_

**MAKE CHECKS PAYABLE TO:** City of Lake Worth  
**REMIT TO:** Director of Finance  
3805 Adam Grubb  
Lake Worth, TX 76135

### Inter-Office Use Only

Date paid: \_\_\_\_\_ Receipt Number \_\_\_\_\_ Collected by: \_\_\_\_\_

**Attach receipt copy and return to Finance**

## **ORDINANCE NO. 1235**

**AN ORDINANCE OF THE CITY OF LAKE WORTH, TEXAS, AMENDING CHAPTER 4 "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES, CITY OF LAKE WORTH, TEXAS BY ADDING A NEW ARTICLE 4.13 "SHORT-TERM RENTALS" PROVIDING REGULATIONS FOR THE REGISTRATION, INSPECTION AND USE OF SHORT-TERM RENTALS; AMENDING SECTION A4.007 "LICENSES" OF APPENDIX A "FEE SCHEDULE" TO ADD PERMIT AND INSPECTION FEES FOR SHORT-TERM RENTALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Worth, Texas 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 Council of the City of Lake Worth, Texas ("City Council") recognizes the City's proximity to tourist destinations in the Fort Worth metropolitan area and understands that short-term rental operations may become a popular use for residential properties; and

**WHEREAS**, a proliferation of unregulated short-term rentals would present fire and structural safety concerns that present concerns for guests who, as visitors to the City of Lake Worth, will rely on City emergency services in the event of a crisis; and

**WHEREAS**, the purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use complies with minimum health and safety standards to protect visitors from unsafe or unsanitary conditions; and

**WHEREAS**, the City Council finds that regulating and permitting the short-term rental of residential property is necessary for the health, safety and welfare of the general public, as well as the protection of landowners and residents of the City of Lake Worth.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS, THAT:**

### **SECTION 1.**

Chapter 4 "Business Regulations," of the Code of Ordinances, City of Lake Worth, Texas is hereby amended by adding a new Article 4.13 "Short-Term Rentals," to read as follows:

## **"ARTICLE 4.13 SHORT-TERM RENTALS**

### **Sec. 4.13.001 Purpose**

The purpose of this article is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short-term rental residential property. The intent of this article is to provide for the permitting and registration of short-term rentals and ensure compliance with health and safety regulations of the city.

### **Sec. 4.13.002 Applicability**

The provisions of this article shall apply to all existing and future residential properties.

### **Sec. 4.13.003 Definitions**

Administrator means the director of the department designated by the city manager to enforce and administer this article, including the director's designees.

Advertise or advertising means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code or other applicable building regulations adopted by the city.

Occupant means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Operator means the owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner means any person, agent, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Premises means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental means a residential premises, or portion thereof, used for lodging accommodations to occupants for a period of not more than thirty (30) consecutive days. The definition of short-term rental does not include a hotel, motel or inn.

**Sec. 4.13.004      Unpermitted short-term rentals prohibited**

(a) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted short-term rental.

(b) It shall be an affirmative defense to a violation of this section that the occupant is a party to the sale of the premises and was occupying the premises pursuant to a written post-closing occupancy agreement.

(c) Any advertisement, whether it be online or in print, promoting the availability of a property within the city for rent for a period of thirty days (30) or less shall constitute prima facie evidence of the property's use as a short-term rental.

**Sec. 4.13.005      Short-term rental permit required**

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Upon application to the city, a short-term rental permit shall be approved by the administrator, or designee, if the application satisfies all the conditions of this article, and all other applicable regulations of the city. The administrator may place reasonable conditions on a short-term rental permit to ensure compliance with the provisions of this article.

**Sec. 4.13.006      Expiration of permit; renewals**

A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee pursuant to section 4.13.011. If the renewal application satisfies all the conditions of this article and all other applicable city regulations, including the zoning code, an application for the renewal of a short-term rental permit shall be approved by the administrator. The administrator may place reasonable conditions on a short-term rental renewal permit to ensure compliance with the provisions of this article.

**Sec. 4.13.007      Requirements of application**

(a) Except as provided in this section, every complete application for a short-term rental permit shall include the following information with such detail and in a form approved by the administrator:

(1) The name, address, contact information and authenticated signature for

the owner of the premises;

- (2) The name, address and contact information of the operator, agent if any, and designated local responsible party as required in section 4.13.008;
- (3) The city registration number for hotel occupancy tax;
- (4) A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
- (5) A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
- (6) Proof of insurance as required in section 4.13.009;
- (7) The name and contact information for the property or homeowner's association, if any, of which the premises is covered by the dedicatory instruments;
- (8) A copy of the proposed host rules for the short-term rental, if any; and
- (9) Such certifications deemed necessary and proper to ensure compliance with this article.

(b) An application for a short-term rental renewal permit must be filed at least thirty (30) days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The administrator may require such certifications deemed necessary and proper to ensure continuing compliance with this article.

(c) An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (a) of this section.

(d) If a complete application for a short-term renewal permit is submitted less than thirty (30) days prior to expiration of the current permit, the administrator in his or her sole discretion may grant a one-time extension of the current permit not to exceed ten (10) days.

#### **Sec. 4.13.008      Designation of local responsible party required**

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 from the administrator. A local responsible party must be authorized to make decisions regarding the premises and its occupants.

**Sec. 4.13.009      Proof of insurance required**

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 that provides coverage of up to \$1 million per occurrence and names the city, its officials, employees, agents, and officers as an "additional insured" on all policies. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancellation of insurance must be made to the administrator within thirty (30) days.

**Sec. 4.13.010      Inspection required**

No permit or renewal permit will be approved for a short-term rental until the city has inspected the premises and found the premises to be in compliance with this article and all city regulations governing minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a reinspection fee may be charged for each subsequent inspection in accordance with section A4.007 of appendix A of the Lake Worth City Code.

**Sec. 4.13.011      Permit fees**

A fee established by the city council will be charged to reimburse the city for all costs associated with the administration of this article.

**Sec. 4.13.012      Hotel occupancy taxes; request for occupancy history**

It shall be unlawful for an owner of premises used for a short-term rental to fail to pay hotel occupancy taxes required under state law and article 11.04 of the Lake Worth City Code, as amended. Upon request of the administrator or the finance department of the city, 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. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

**Sec. 4.13.013      Short-term rental permit nontransferable**

A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Any attempt to transfer a permit or attempt to use another person's permit may be grounds for revocation of the permit.

**Sec. 4.13.014      Notice to occupants of short-term rentals**

An owner or operator shall provide a notice of instructions to occupants staying at the premises. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. Additionally, this notice shall include, at a minimum, information regarding the name, address, and contact information of the operator; identification of the parking spaces to be used in conjunction with the short-term rental, and a floor plan identifying the location of safety features and emergency evacuation routes on the premises.

**Sec. 4.13.015      Permit to be displayed**

A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental.

**Sec. 4.13.016      Use of assigned permit number required**

It shall be unlawful for an owner or person to advertise a short-term rental in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application without including the current permit number assigned by the administrator.

**Sec. 4.13.017      Use of unauthorized permit number prohibited**

It shall be unlawful for an owner or person to use, advertise or promote or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.

**Sec. 4.13.018      Notification of approval of short-term rental**

Within ten (10) days of the approval of a short-term rental permit, a notice will be sent by the planning and development department of the city to all property owners within two-hundred feet (200 ft.) of the premises, and shall include a contact number for complaints and emergencies, and pertinent information about this article.

**Sec. 4.13.019      Enforcement; revocation of permit**

(a) Citation. If the owner or operator of the short-term rental fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner or operator, including, but not limited to, the immediate issuance of a citation.

(b) Grounds for revocation. Any permit issued hereunder may be revoked by the administrator if the owner and/or operator has: (1) received more than three citations for violations of this article; (2) failed or refused to comply with an express condition of the permit and remains in non-compliance ten (10) days after being notified in writing of such non-compliance; (3) knowingly made a false statement in the application; (4) failed to

pay hotel occupancy taxes; or (5) otherwise become disqualified for the issuance of a permit under the terms of this article.

(c) Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

(d) Appeal; hearing. The permit holder shall have ten (10) working days from the date of such revocation in which to file notice with the administrator of their appeal from the order revoking said permit. The administrator shall provide for a hearing on the appeal in accordance with the provisions of this article. The administrator shall give written notice of a decision on an appeal to the appellant. An appellant who seeks judicial review of the administrator's review on appeal must file a petition with a court of competent jurisdiction not later than the 30th day after receipt of the notice of the decision.

(e) One-year waiting period. In the event an owner's short-term rental permit is revoked by the administrator, no second or additional permit shall be issued for a short-term rental on the premises for one year of the date such permit was revoked.

#### **Sec. 4.13.020      Administrative appeals of denial or revocation of permit**

(a) Upon denial or revocation of a permit, the administrator shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. To contest the denial or revocation of a permit, the applicant or permit holder shall file a written request for a hearing with the administrator within ten (10) working days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.

(b) The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the administrator.

(c) The hearings provided for in this section shall be conducted by the administrator or a designated hearing officer at a time and place designated by the administrator or the hearing officer. Based upon the recorded evidence of such hearing, the administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

(d) The determination of the administrator or designated hearing officer shall be final.

(e) An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the administrator.

**Sec. 4.13.021      Permit application deadline; discontinuance of operations**

Following the effective date of this article, the owner and/or operator of a property used as a short-term rental must apply for a permit within sixty (60) days of the effective date of this article. The owner and/or operator of a property used as a short-term rental that was operating prior to the effective date of this article and who is unable, fails, or refuses to obtain a permit for operation as a short-term rental following the effective date of this article shall discontinue the short-term rental use within the later of sixty (60) days after the effective date of this article or the notice of permit denial.

**Secs. 4.13.022 — 4.13.040      Reserved”**

**SECTION 2.**

Section A4.007 “Licenses” of Appendix A “Fee Schedule” of the Code of Ordinances, City of Lake Worth, Texas is hereby amended by adding a new subsection (6) “Short-term rental” to read as follows:

“Sec. A4.007    Licenses

\*       \*       \*

(6)    Short-term rental

- (A)    Application for permit: \$200.
- (B)    Permit renewal: \$200.
- (C)    Inspection Fee: \$25.
- (D)    Reinspection Fee: \$50.”

**SECTION 3.**

This Ordinance shall be cumulative of all provisions of all ordinances of the City of Lake Worth, Texas, and the Code of Ordinances, City of Lake Worth, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 4.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction,

such invalidity or unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

#### **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 \$2000.00 for all violations involving zoning, fire safety, or public health and sanitation, other than dumping or refuse; not more than \$4,000.00 for each offense for 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.

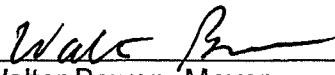
#### **SECTION 6.**

The City Secretary of the City of Lake Worth is hereby directed to publish this Ordinance as required by law.

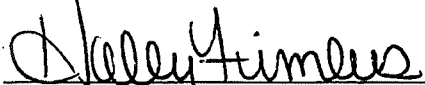
#### **SECTION 7.**

This Ordinance shall take effect after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** on this 19th day of July 2022.

  
\_\_\_\_\_  
Walter Bowen, Mayor

Attest:

  
\_\_\_\_\_  
Holly Fimbres, TRMC  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
DREW LARKIN, CITY ATTORNEY