

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REGULATE THE ESTABLISHMENT AND OPERATION OF SHORT-TERM RESIDENTIAL RENTALS; AND FOR OTHER PURPOSES**

WHEREAS, there are currently no ordinances regulating the operation of short-term residential rentals; and

WHEREAS, there have been issues raised by citizens relating to noise, parking, trash, and safety in and around properties that are being utilized as short-term rentals; and

WHEREAS, the Planning Commission met on March 11, 2025, and certified recommendation to approve the ordinance regulating short-term rentals;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas, that the following is added to Article VIII of the *City of Texarkana, Arkansas, Code of Ordinances*:

**Sec. 13-160. - Short-term residential rentals**

**1. Purpose**

The purpose of this chapter is to establish the process, together with appropriate standards, that regulate short-term residential rentals, to minimize negative secondary effects of short-term residential rentals on surrounding neighborhoods; and to preserve the character of neighborhoods in which any such use occurs. This chapter further addresses traffic, noise, and density; ensures health, safety, and welfare of neighborhoods renters, occupants, and guests patronizing short-term residential rentals; and imposes limits on the number of licenses issued to ensure long-term availability of affordable housing stock. This chapter also sets regulations to ensure enforcement of these standards.

**2. Definitions**

Certain terms used herein have the meanings set forth below, and such meanings shall prevail in case of conflict with the definitions set forth elsewhere within the *City of Texarkana, Arkansas, Code of Ordinances*.

*Bedroom*: A habitable room meeting the requirements of the International Residential Code.

*Guest*: The overnight occupant(s) renting the short-term residential rental for a transient period and the visitors of the overnight occupants.

*Local contact person:* The person designated by the owner who shall be available 24 hours per day, seven days a week for the purpose of responding within 60 minutes to issues related to the short-term residential rental and with authority to resolve issues.

*Owner:* The person who possesses title to a short-term residential rental property.

*Compensation:* Money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.

*Short-term residential rental:* The renting, leasing or otherwise furnishing of a house, cabin, condominium, apartment, and/or similar private rental accommodation within the City of Texarkana, Arkansas, for a period of not more than 30 days.

*Transient period:* A period of not more than 30 days.

### **3. Allowed use**

- (a) Short-term residential rentals are intended for use as sleeping or transient living accommodations only. Parties, social events, weddings, reunions, commercial events, etc. are not permitted.
- (b) Short-term residential rentals shall not violate any private conditions, covenants, bill of assurances, by-laws or restrictions applicable to the owner's property that may prohibit the use of such property for short-term residential rental.
- (c) Any pre-existing short-term residential rental at the time of the making of this ordinance shall continue so long as it comes into compliance with the requirements of this ordinance within one year of the effective date of this ordinance.
- (d) Recreational vehicles, manufactured homes or temporary secondary residences may not be utilized as short-term residential rentals.
- (e) Short term residential rentals shall be a conditional use in R-1 Rural Residential, R-2 Single Family Residential and R-3 Low Density Residential. Short term residential rentals shall be a use by right in R-4 Medium Density Residential and A-1 Limited Mixed Use Rural.
- (f) Maximum occupancy shall be two (2) persons per bedroom plus two (2) for overnight lodging. Maximum occupancy at any time other than overnight is maximum authorized to stay overnight plus 50%.
- (g) Short-term residential rentals shall not contain owner or manager living quarters.
- (h) No signage shall be allowed.
- (i) Short-term residential rentals may contain cooking and kitchen facilities, however, there shall be no food provided by the owner or local contact person as part of the rental agreement or for compensation.
- (j) Any lawful existing non-conforming structure licensed as a short-term rental shall continue as long the non-conforming use does not cease for more than 6 months. Such pre-existing non-conforming use shall not be expanded by way of total square feet or any other fashion.

### **4. Registration**

- (a) All owners of short-term residential rentals shall be required to register with the City of Texarkana, Arkansas, Planning Department and provide:
  - a. Owner's name and contact information

- i. In the event the owner is a corporation, a limited liability company, or a partnership, the registration shall contain the names and addresses of the principal officers, members, managing member(s), and all partners thereof.
  - ii. In the event the owner intends to conduct business under a fictitious name, the registration shall contain the names and places of residence of those owning the business.
- b. Local contact person's name and contact information.
- c. Address of short-term residential rental.
- d. Deed proving ownership.
- (b) Owners of short-term residential rentals are required to obtain a short-term residential rental permit from the Texarkana, Arkansas, Planning Department. The fee for processing said permit shall be \$100. The permit must be renewed annually.
- (c) Each short-term residential rental shall have on file a current Certificate of Occupancy.
- (d) All short-term residential rentals shall be inspected by the Code Enforcement Department on an annual basis. Failure to pass an inspection shall result in the revoking of both the short-term residential rental permit and/or the Certificate of Occupancy.
- (e) A separate short-term residential registration must be obtained for each separate short-term residential location owned by a common owner.
- (f) In the event ownership of a short-term residential rental changes, a new registration must be filed under the new owner's name.

## 5. Compliance

- (a) Short-term residential rentals shall comply with Chapter 22 – SOLID WASTE of the *City of Texarkana, Arkansas, Code of Ordinances*.
- (b) Guests of all short-term residential rentals shall comply at all times with ARTICLE IV. – NOISE of the *City of Texarkana, Arkansas, Code of Ordinances*.
- (c) There shall be available one-and-one-half off-street parking spaces for each rentable unit within the short-term residential rental in accordance with Sec. 28-91. – Off street parking requirements of the *City of Texarkana, Arkansas, Code of Ordinances*.
- (d) Owners of all short-term residential rentals shall be required to post in a prominent place inside the unit the following information:
  - a. Owner's name and phone number.
  - b. Local contact person's name and phone number.
  - c. Emergency exits.
  - d. Certificate of Occupancy.
  - e. Fire and police non-emergency numbers.
- (e) The transient use site:
  - a. Shall be used and maintained in a manner consistent with the character of the neighborhood.
  - b. Shall not impair the desirability of investment or occupation of the surrounding neighborhood.
  - c. Shall comply with any local, neighborhood or association covenant or codes.
- (f) Local contact persons shall be on-call full-time (24 hours a day, seven days a week) to manage property and shall be physically present at the short-term residential rental within 60 minutes of request during any time the property is occupied. Within 24 hours of a call

from the city, the owner or local contact person shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any issues. Failure to respond timely to two or more calls from the city is grounds for revocation of the Certificate of Occupancy and/or short-term residential rental permit.

- (g) The owner agrees to collect and remit all applicable taxes pertaining to the short-term residential rental to include but not limited to Texarkana, Arkansas, Advertising and Promotion tax.
- (h) Should the ownership of an approved short-term residential rental change during the year, the new owner shall apply to the Planning Department for a new permit and Certificate of Occupancy in order to continue operating as a short-term residential rental.

**6. Maximum density**

- (a) The maximum number of short-term residential rentals allowed in the city limits of Texarkana Arkansas shall be 2% of the total number of single-family homes in the city limits of Texarkana, Arkansas.

**7. Enforcement**

- (a) The Public Works Department or their designee may deny any application for a short-term residential rental permit as a result of failure to comply with the requirements herein. Furthermore, the Public Works Department or their designee may suspend or revoke such a permit as a result of a failure to comply with the requirements herein by mailing notice thereof to the owner and/or owner representative at the address provided in the application for such short-term residential rental permit. Continuing to advertise for or operate any type of short-term residential rental in the city limits of Texarkana, Arkansas, without a permit may result in the forfeiture of the Certificate of Occupancy for such use.
- (b) Any person who has been denied a conditional use permit for a short-term residential rental permit, or to whom notice of revocation or suspension has been given may, within 30 days, appeal the decision in writing to the Board of Directors. Decisions by the Board of Directors shall be final and binding. Appeals should be filed with the City Clerk's office.

**PASSED AND APPROVED** this 17<sup>th</sup> day of March 2025.

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Allen L. Brown, Mayor

**ATTEST:**

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Heather Soyars, City Clerk

**APPROVED:**

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Joshua L. Potter, City Attorney