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# PROPOSED CODE CHANGES TO NUISANCE ORDINANCES AND SHORT-TERM RENTALS PURSUANT TO STATE LAW

DECEMBER 2, 2021

# Goals for Today

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Response to Council and Public Input on  
Proposed Code Changes

# Today's Outline

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- Review of Proposed Code Changes Nov 18, 2021
- What Has Been Tried and Isn't Effective
- Summary of Suggestions
- Recommended Additional Code Changes
- Policy Questions for Council Consideration

# Proposed Code Changes Intended to:

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## **Regulate Short-Term Rentals as Explicitly Authorized by Arizona State Law (§9-500.39)**

- Further Minimize Nuisance Complaints for All Residents
- Protect the Public's Health and Safety

# **Regulate Nuisances**

- **Noise Ordinance**
  - **Unruly Gathering Ordinance**
  - **Special Events on Private Property Ordinance**
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# Proposed Noise regulations for all residential units

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Except where a **Special Event Permit** provides otherwise, it's a violation to make noise from 10 p.m. - 7 a.m. (10-6 in Summer) that are:

- **Plainly audible** from within two or more enclosed residences or the cabin of a police vehicle situated on a public right-of-way
- Above the **Vibration Perception Threshold** of two or more residences or an officer across a real property boundary

If noise is measured above the Town's existing noise limitations (day 56dB(A)/night 45dB(A)) it is also considered Plainly Audible.

# Unruly Gathering Regulations for All Residences

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## 1. Aggravating Factors:

- a. Minor in possession;
- b. Public urination or defecation;
- c. Indecent exposure;
- d. Public sexual indecency;
- e. Weapons violations; or
- f. Felonious conduct.

## 2. Incidents involving Consistent Premises or Consistent Responsible Persons deemed Nuisance

## 3. Appeal Process for Person charged with Police Service Fee

# **Protecting the public's health and safety**

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# Proposed Public Health & Safety Regulations

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**To protect the health, safety, and general welfare of all Short-Term Rental occupants, Short-Term Rentals must meet the minimum standards regarding:**

- Smoke and carbon monoxide (CO) detection and notification system.
- Fire extinguisher
- Fire Safety and Emergency Evacuation Map
- Air Filters
- Local phone service
- Rental Cleaning...between bookings following CDC guidelines
- Pest Control

# Proposed Public Health & Safety Regulations

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## **Renting to sex offenders is prohibited.**

- Owner must perform a background check within 24 hours of every booking to ensure that there are no sex offenders at the short-term rental.

## **Prohibited uses expanded to include:**

- other adult-oriented businesses, performances, parties, or activities in which consideration is given in exchange for an adult-oriented service.

## **Where they may reasonably be viewed by the public, whether at ground level or from a reasonable vantage point of a nearby property:**

- Urination or defecation; Nudity; or Sexual acts

# Proposed Public Health & Safety Regulations

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**Town will make all of the following available:**

- Owner's name/contact information.
- Short-term rental's physical address.
- Local contact's name/address/contact information.
- Emergency contact's name/address/contact information.
- Short-term rental's phone number.

**Owner required to meet guest in person on arrival and present copy of rules and regulations.**

# What Has Been Tried and Isn't Effective

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- a. Working with the rental platforms.
  - i. Multiple platforms.
  - ii. Platforms that do not interact with one another.
- b. Platforms removing repeat violators.
  - i. Industry staff limitations.
  - ii. Industry will remove/suspend properties for violations, but not cancel reservations. So, the property can continually be rented.
  - iii. Industry frequently does not timely respond/update with any property sanctions.
  - iv. Owners of removed listings can create another profile and relist, avoiding any sanctions from the platform.

# What Has Been Tried and Isn't Effective

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- c. Working with property managers.
  - i. Property managers cannot review renters before the reservation is booked. If they decline a renter, the property gets a “bad mark”.
  - ii. Communication breakdowns
    - Property managers report that they are telling the renters about the Town’s noise restrictions.
    - Renters are telling officers that they are informed of noise limits after 10pm, but not about any noise levels otherwise.
  - iii. Property managers say their properties are using technology to keep noise and participants down, but admit that the technology is not foolproof.
- d. Working with DOR.
  - i. Filing adjudicated violations-TPT numbers. No response from DOR

# Summary of Council and Public Input

Items Not Yet Covered during  
November 18 2021 Study Session

1. Limiting size of a social gathering at all residences problematic
2. Consider time or number per year limit on gatherings
3. Consider amending evening Noise Ordinance time from 10 pm to 9 pm
4. Restrict Parking in Front of Driveways and Mailboxes
5. Consider Parking Restrictions
6. Commercial Vehicle Restrictions for Catering, Shuttles
7. Trash Left Out Has Attracted Javelinas, Sanitary Issues
8. Street Fights

# Summary of Council and Public Input

Items Not Yet Covered during  
November 18 2021 Study Session

1. Limiting size and requiring special event permits for all social gatherings would be problematic to all residents
2. Consider time or number per year limit on gatherings
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# Non-residential Uses Prohibited in STRs

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“Banquet Space” means an Event Center that is used for serving and/or consuming food and/or beverages.

“Event Center” means any dwelling unit

- i. for which the occupant has made payment for transient use of the dwelling until and
- ii. is used for social gatherings or special events more than two times within a period of 12 consecutive months.



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# Existing Nuisance Ordinance Efforts

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- Noise Ordinance Article 10-7 (ordinance adopted 11/20/08)

## Limiting noise levels for stationary sources

TIME OF DAY MAXIMUM ALLOWABLE NOISE LEVEL dB (A)

- 7:00 a.m. to 10:00 p.m. 56 dB(A)
- 10:00 p.m. to 7:00 a.m. & 45 dB(A)  
Sundays and specified legal holidays

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# Parking Restrictions

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1. Blocking driveways- already covered in Town Code (11-2-30 A. 7.)
2. Impeding fire hydrants- already covered in Town Code (11-2-30, A. 4.)
3. Additional Parking Restrictions on Public Streets Difficult to Enforce

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“Special Event” includes a wide variety of events or short-term activities, other than ~~minor events~~ **Minor Events**, that may impact neighboring properties; and that involve **any one of the following**:

1. ~~The~~ the temporary use of residential property for **any Nonresidential Use, including but not limited to commercial, or charitable, or other purposes, inconsistent with the property’s legal use under the Zoning Ordinance;**
2. **Plainly Audible Noise, as defined in and prohibited under section 8-10-2(E);**
3. **Any electronically- or mechanically-amplified sound between the hours of 10:00 p.m. and 7:00 a.m.;**
4. ~~The~~ the use of pyrotechnics or other temporary displays visible or audible off the property;
5. ~~The~~ the temporary use of public rights-of-way; ~~or the use of temporary directional signage in the public rights-of-way~~ **for private purposes, including but not limited to valet parking, staging of shuttle vehicles, or directional signage;**
6. ~~The~~ the use of ~~any temporary structures~~ **Temporary Structure** for more than 24 hours; or

~~Special Event includes~~ **Events include**, but ~~is~~ **are** not limited to, parades or processions, block parties, film production events, charitable fundraising events, designer and/or showcase home events, home and garden tours, weddings, banquets, pop-up bars, valet parking via public rights-of-way, fireworks displays, and unless the **Owner or non-transient occupant is on site for the duration of the event, and fireworks displays.**

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# Health & Safety Issues Associated with STRs

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- Trash Left After Renters Attract Javelina's Noted
- Street Fights and Other Neighborhood Impacts



# Questions?

1. Feedback on Proposed Code Changes
  - a. Definition of Special Event, Banquet Space, Event Center
2. Policy Direction on:
  - a. Requiring Special Event Permit for all Residents that use Catering Services
  - b. Amending evening Noise Ordinance time from 10 pm to 9 pm