

## ORDINANCE NUMBER 2019-12

### AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY ZONING ORDINANCE, CHAPTER 10, OFFENSES; ADDING A NEW ARTICLE 10-14, SHORT-TERM RENTALS RESPONSIBLE PARTY REQUIREMENTS AND OTHER VIOLATIONS; AND PROVIDING FOR PENALTIES

WHEREAS, the Arizona Legislature adopted HB 2672 in the Spring of 2019 and the Governor signed HB 2672 on May 21, 2019; said legislation now providing that cities and towns may adopt regulations requiring short term rental property owners to provide contact information to cities and towns and to respond promptly to complaints, as well as limiting the use of short term rentals to residential uses; and

WHEREAS, the Town Council desires to make revisions to Chapter 10, Offenses, to add a new Article 10-14 to provide that short term rental property owners must provide contact information to the Town and respond promptly to complaints, and to further limit the use of short term rentals to residential uses only.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF  
THE TOWN OF PARADISE VALLEY, ARIZONA:**

Section 1. Chapter 10, Offenses, is hereby amended by adding Article 10-14 (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

#### **Article 10-14 SHORT-TERM RENTALS RESPONSIBLE PARTY REQUIREMENTS AND OTHER VIOLATIONS**

##### **Section 10-14-1 Definitions**

**“Short-term rental” or “vacation rental” means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use. Short-term rental and vacation rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or similar use.**

##### **Section 10-14-2 Contact information required; information updates**

- A. Before offering for rent or renting a short-term rental or vacation rental within the Town the owner of a short-term rental or vacation rental shall provide the Town with contact information for the owner or the owner’s designee who is responsible for responding to complaints in a timely manner in person, over the phone or by e-mail at any time of day.**

- B. In addition to the information required above, the owner of a short-term rental or vacation rental shall provide to the Town the name and contact information of a person designated as an emergency contact.**
- C. The owner or the owner's designee is responsible for responding to complaints in a timely manner in person, by telephone, or by e-mail at any time of day or night. For purposes of this section "timely manner" shall mean: 1) within two hours after the initiation of contact with the owner's designee when the contact is made by a police department officer or employee for a complaint or incident that is reported to the police department and for which police officers have been called out to the owner's property due to such complaint or incident and where the police officers are at the owner's property at the time that such contact is initiated; and 2) within twenty four hours after the initiation of contact with the owner's designee when the contact is made by a police department officer or employee or a code enforcement officer for a complaint or incident that is either reported to or directly observed by the police department personnel or a code enforcement officer and for which the police are not at the scene of the complaint or incident at the time that such contact is initiated.**
- D. The Town Manager or designee shall develop the necessary forms and/or database necessary to implement this section.**

**Section 10-14-3      Compliance with laws**

- A. A short-term rental or vacation rental must at all times comply with the federal, state and local laws, rules and regulations related to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing including advertising requirement, property tax registration, traffic control, pollution control, noise, property maintenance, and nuisance abatement.**
- B. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.**

**Section 10-14-4      Non-residential usage by short-term rentals or vacation rentals prohibited**

- A. No short-term rental or vacation rental may be used for any non-residential use or purpose including but not limited to any of the uses listed in ARS § 9-500.39(B)(3).**
- B. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.**

Section 2. Pursuit to Section 1-9-2 of the Town Code, any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a

separate offense punishable as described. Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or amendments thereto may also constitute a civil offense, and any person who is served with a citation charging such violation and who admits or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed seven hundred fifty dollars. Each day that a violation continues shall be a separate offense punishable as described.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. In accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 5. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Jerry Bien-Willner, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM

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Andrew M. Miller, Town Attorney