

**NOVEMBER 2021 AMENDMENTS  
TO THE PARADISE VALLEY TOWN CODE  
REGARDING NUISANCES, UNRULY GATHERINGS, NON-COMPLIANT SHORT-  
TERM RENTALS, AND THE PEACE, HEALTH, SAFETY, AND WELFARE OF THE  
GENERAL PUBLIC**

**ADOPTED [DATE]**

**SECTION 1.** Chapter 1 (General) of the Town Code of Paradise Valley, Article 1-9 (Penalty), Section 1-9-3 (Civil Penalties Prescribed) is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Section 1-9-3 Civil Penalties Prescribed

**In the absence of a specifically prescribed penalty,**~~Any~~ any violation of the provisions of this Code or amendments thereto shall also constitute a civil offense,~~and any.~~ **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 that does not exceed the maximum amount permitted by law. Each day that a violation continues shall be a separate offense punishable as described.

**SECTION 2.** Chapter 8 (Safety, Health, Sanitation and Nuisance), Article 8-8 (Special Events on Private Property and Public Rights-of-Way), Section 8-8-2 (Definitions) is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Section 8-8-2 Definitions

**In this Article, unless the context otherwise requires, the following terms or phrases are defined as follows:**

1. “Block Party” means any group or neighborhood association consisting of Town residents, which, under competent adult supervision, gather upon any public street or right-of-way for a social purpose.
2. “Charitable Nonprofit Organization” means any person(s), partnership, association, corporation or other group whose activities are conducted for civic or humanitarian motives, or for the benefit of others, and not for the commercial gain of any private individual or group and may include, but shall not be limited, to political parties or committees, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, religious, athletic or medical organizations. Proof of federal exemption under 26 U.S.C. Section 501 (c), Section 501 (d) or Section 501 (e) may be required.
3. “Commercial ” means any individual, entity or organization that operates for profit and does not have valid 26 U.S.C. Section 501(c), Section 501 (d), or Section 501 (e) tax-exempt status.
4. “Minor Event” means an event that takes place on private property; **which** has a minimal impact on neighboring properties; ~~and~~ lasts for less than twenty-four (24) consecutive hours; and does not meet the Special Event criteria., ~~including but not limited to weddings, family reunions, memorials, or other ceremonies.~~

5. **“Nonresidential Use” means any use that is not permitted in a residential zoning district and any use that constitutes an Unruly Gathering, as used in Article 10-13 of this Code.**
6. **“Parade “ or “Procession” means any organized procession, march, ceremony, or public walk, consisting of a group of individuals, animals or vehicles, or any combination thereof, moving in an orderly way on a public street or right-of-way, and shall include distance running, bicycle races and similar activities. This Article shall not apply to funeral processions or to governmental agencies acting within the scope of their functions.**
7. **“Special Event” includes a wide variety of events or short-term activities, other than minor events, that may impact neighboring properties; and that involve **any one of the following:****
  - a. ~~the temporary~~ **The 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 Paradise Valley Zoning Code;**
  - b. **Plainly audible noise, as defined in section 8-10-2(E);**
  - c. **Any electronically- or mechanically-amplified sound between the hours of 10:00 p.m. and 7:00 a.m.;**
  - d. ~~The~~ **the use of pyrotechnics or other temporary displays visible or audible off the property;**
  - e. ~~the temporary~~ **The use of public rights-of-way; or the use of temporary directional signage in the public rights-of-way for private purposes (e.g., valet parking);**
  - f. ~~The~~ **the use of any temporary structures-structure for more than 24 hours; or**
  - g. **On-street parking, except under the following conditions:**
    - 1) **On specified legal holidays, as defined in section 10-7-2;**
    - 2) **When loading or unloading passengers or goods;**
    - 3) **For temporary uses incidental to emergency or residential services, including but not limited to landscaping, maintenance, repair, pest control, healthcare, and housekeeping; or**
    - 4) **When parking with a valid guest parking pass displayed on the dashboard of the parked car. Residents are entitled to a total of two guest parking passes at no cost, available upon request.**

~~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, social gatherings consisting of more than five unrelated adults**, and fireworks displays.

8. “Temporary Structure” means anything constructed or erected, the use of which requires a fixed location on the ground that is intended to be erected for a limited time, including but not limited to, tents, grandstands, bleachers, scaffolding and platforms, but excluding temporary sunshade structures or canopies of 200 square feet or less which have no side walls, and any tents or membrane structures that are depicted on the approved site plan for a property subject to a Special Use Permit, or otherwise provided for pursuant to the terms of a Special Use Permit.

**SECTION 3.** Chapter 8 (Safety, Health, Sanitation and Nuisance), at the Table of Contents, Article 8-10 (Nuisance Noise) is hereby amended as follows (deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

**Article 8-10 NUISANCE NOISE**

Section 8-10-1	General Prohibitions
Section 8-10-2	Declaration of Certain Acts Constituting Disturbing, Excessive, or Offensive Noises
Section 8-10-3	Exemptions
Section 8-10-4	Penalty
<b>Section 8-10-5</b>	<b>Enforcement</b>

**SECTION 4.** The following sections of Chapter 8 (Safety, Health, Sanitation and Nuisance), Article 8-10 (Nuisance Noise) are hereby amended as follows (deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 8-10-2	<u>Declaration of Certain Acts Constituting Disturbing, Excessive, or Offensive Noises</u>
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**E. Plainly Audible Noise; Vibration**

**1. Prohibition.**

**It shall be unlawful for any person in a residentially zoned property to make, continue, maintain, or cause to be made or continued (1) any plainly audible noise or accompanying vibration that is (a) audible 100 feet beyond the source’s property line or (b) above the vibration perception threshold of any person across a real property boundary, or (2) any noise in violation of Article 10-7. “Plainly audible noise” means any sound for which any of the content of that sound, such as, but not limited to, comprehensible speech or musical rhythms, is communicated to the listener using their unaided hearing faculties.**

## 2. Detection.

For enforcement of this code, the detection of any sound component, including, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, by a person using their unaided hearing faculties is sufficient to verify plainly audible noise. It is not necessary for such a person to determine the title, specific words, or artist of music, or the content of any speech. A sound level meter may be used but is not required to determine whether noise is prohibited.

## 3. Rebuttable Presumptions.

There is a rebuttable presumption that a noise prohibited under subsection (E)(1) of this section violates this section if it disturbs two or more residents residing in separate residences adjacent to any part of the source property or three or more residents residing in separate residences close to the source property, or measures at the property line (1) above 56 dB between 7:00 a.m. and 10:00 p.m., or (2) above 45 dB between 10:00 p.m. and 7:00 a.m. and on all Sundays and specified legal holidays.

### Section 8-10-5 Enforcement

To protect the peace, health, safety, and welfare of the general public, the Police Department is authorized to enforce the provisions of this section regardless of whether enforcement is initiated by a complaint from a member of the public or detected by the Police Department without any such complaint. Peace officers shall enforce the provisions of this section using their sound discretion and the consideration of the totality of the circumstances, including but not limited to the use of the Premises (e.g., residential, commercial, etc.).

**SECTION 5.** Chapter 10 (Offenses), at the Table of Contents, Article 10-13 (Unruly Gatherings) is hereby amended as follows (deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

### ARTICLE 10-13 UNRULY GATHERINGS

10-13-1	Purpose
10-13-2	Definitions
10-13-3	Unruly Gathering
10-13-4	Subsequent Unruly Gathering
10-13-5	Posting of Unruly Gathering; Removal of Notice Prohibited; Right to Contest Posting
10-13- <del>56</del>	Billing; <b>Procedure for appeal of Police Service Fee</b>
10-13- <del>67</del>	Penalties; <b>Aggravating Factors</b>
10-13- <del>78</del>	Enforcement
<b>10-13-9</b>	<b>Violations deemed a public nuisance</b>

**SECTION 6.** The following sections of Chapter 10 (Offenses), Article 10-13 (Unruly Gatherings) are hereby amended as follows (deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 10-13-2      Definitions

In ~~the~~**this** Article, unless the context otherwise requires, the following terms or phrases are defined as follows:

1.      **“Excessive noise” means (1) any plainly audible noise or accompanying vibration that is (a) audible 100 feet beyond the source’s property line or (b) above the vibration perception threshold of any person across a real property boundary, or (2) any noise in violation of Article 10-7.**
42.      “Increased Response” means the response of two or more uniformed officers to the scene of an Unruly Gathering in which eleven (11) or more persons are present and where it becomes necessary to restore the public peace, health, safety and/or general welfare.
23.      “Juvenile” means a minor under the age of eighteen (18) years.
34.      “Minor” means any person under the age of twenty-one (21) years.
45.      “Owner” means any owner, as well as any agent of an owner such as a landlord, **property manager, or other designees**, acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.
6.      **“Plainly audible noise” means any sound for which any of the content of that sound, such as, but not limited to, comprehensible speech or musical rhythms, is communicated to the listener using their unaided hearing faculties.**
57.      “Premises” means any property that is the site of an Unruly Gathering. For residential properties, Premises can mean the dwelling unit, units or other common areas where the unruly gathering occurs.
68.      “Police Service Fee” means the fee to reimburse the cost of services provided by the Police Department in response to the Unruly Gathering. The Police Service Fee is more fully defined in §10-13-7(C).
79.      “Responsible Person” means any person in attendance at an Unruly Gathering including any Owner, occupant, tenant, or tenant’s guest or any sponsor, host or organizer of a social activity or special occasion or Owner that was aware of the social activity or special occasion constituting the Unruly Gathering, even if such person is not in attendance, or any Owner who had been notified that an Unruly Gathering had previously occurred on the same Premises within one hundred eighty (180) days prior to a subsequent Unruly Gathering. If such a person is a Juvenile, the term “Responsible Person” includes, in addition to the Juvenile, the Juvenile’s parents or guardians. Responsible Person does not include Owners or persons in charge of Premises where an Unruly Gathering takes place if the persons in attendance obtained use of the Premises through illegal entry or

trespassing. A person need not be present at the time of the party, gathering or event to be deemed responsible.

810. “Special Security Assignment” means the police services provided during any call-in response to complaints or other information regarding unruly gatherings.
911. “Unruly Gathering” means a gathering of five (5) or more persons on any private property, including property used to conduct business, which constitutes a threat to the public peace, health, safety or general welfare including, but not limited to: excessive noise, impeding traffic, obstruction of public streets by crowds or vehicles, use or possession of illegal drugs, drinking in public areas, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.
1012. “Unruly Gathering Notice-~~(Notice)~~” **or, for purposes of this chapter, “Notice”** means be a document identifying the Premises as the site of an Unruly Gathering in which a citation was issued and advising the Owner, occupants, guests or other persons entering the Premises that any future Unruly Gathering upon the Premises shall have additional consequences.

Section 10-13-4      Subsequent Unruly Gathering

- A. Consistent Premises - If, after receiving an Unruly Gathering Notice as provided in §10-13-3(C), a second or subsequent police response or responses is/are necessary to the same Premises for an Unruly Gathering within ninety (90) days of the first response, such response(s) shall be deemed a second response and subject to the higher fines and the Police Service Fee as provided in §10-13-7(C). If, after written notice of the violation as provided in §10-13-3(C), a third **or subsequent** response is necessary to the same Premises for an Unruly Gathering within one hundred twenty (120) days of the second response, such response shall be deemed a third response and subject to the highest fines and the Police Service Fee as provided in §10-13-7(C).
- B. Consistent Responsible Person - If, after receiving an Unruly Gathering Notice as provided in §10-13-3(C), a second or subsequent police response or responses is necessary to any Premises involving the same Responsible Person for an Unruly Gathering within ninety (90) days of the first response, such response shall be deemed a second response and subject to the higher fines and the Police Service Fee as provided in §10-13-7(C). If, after written notice of the violation as provided in §10-13-3(C), a third **or subsequent** response is necessary to any Premises involving the Same Responsible Person for an Unruly Gathering within one hundred twenty (120) days of the second response, such response shall be deemed a third response and subject to the highest fines and the Police Service Fee as provided in §10-13- 7(C).
- C. Once a Premises is initially posted as a result of an Unruly Gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the Premises resulting in another police response shall constitute a new and separate, yet cumulative, Unruly Gathering for purposes of this section.

Section 10-13-6      Billing; Procedure for appeal of Police Service Fee

The Chief of Police, or any person designated by the Chief of Police, shall cause appropriate billings for the Police Service Fee to be made to the Responsible Person(s). Billings shall include the name and address of the Responsible Person, the date, time and location of the Unruly Gathering for which a Police Service Fee is imposed, and shall identify the services provided, any loss or damage and such other information as may be relevant.

- A. The amount of such Police Service Fees charged shall be deemed a joint and several debt to the Town of any and all Responsible Persons, whether they received the benefit of such Special Security Assignment services or not. If the Responsible Person(s) for the Unruly Gathering is a Juvenile, then the parents or guardians of that Juvenile will also be jointly and severally liable for the costs incurred for police services. Any person owing money due for the Police Service Fee shall be liable in an action brought in the name of the Town for recovery of such amount, including reasonable attorney fees.
- B. If a Responsible Person is the person who owns the property where an Unruly Gathering takes place, the Owner will not be charged the Police Service Fee unless:
  - 1. the Owner was present at or had knowledge of the Unruly Gathering and took no reasonable action to prevent the unruly gathering or unlawful gathering; or
  - 2. the **Town notified the Owner pursuant to section 10-13-3(C)** ~~had been sent a notice from the Town~~ that an Unruly Gathering had taken place on the Premises, and a subsequent unruly gathering occurs within the prescribed time of the mailing of such notice to the owner; or
  - 3. the Owner/landlord fails to provide the names of the occupants listed on the leasing documents where the Unruly Gathering occurs.

The Town reserves all rights and remedies at its disposal to collect the Police Service Fee.

- C. **A person charged a Police Service Fee may file an appeal with the Town Clerk requesting a hearing before the Town Manager's designee within ten (10) days of receiving notice of the costs imposed. The Town Manager shall designate a hearing officer who is not an employee of the Police Department or a sworn police officer to preside over this administrative hearing.**
- D. **The request must set forth the specific objections to the Police Service Fee, which form the basis of the appeal.**
- E. **The hearing officer shall set a time and place for the hearing as soon as practicable, which shall be conducted informally and without a jury to determine whether there is a sufficient factual and legal basis to impose the costs of the Police Service Fee.**
- G. **All parties to the hearing have the right to present evidence in support of or opposition to the Police Service Fee. Except for the statutory provisions relating to privileged communications, the technical rules of evidence do not apply. However, the hearing officer's decision shall always be based upon the evidence presented.**



- H. **The Police Department shall have the burden of establishing by a preponderance of the evidence that the Police Service Fees should be imposed and that the amount is reasonable under the circumstances. The hearing officer may reduce the costs imposed if the Police Department fails to meet its burden.**
- I. **The decision of the hearing officer is final.**
- J. **A person's failure to timely request a hearing or appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the Police Service Fee's validity or amount.**

Section 10-13-7. **Penalties; Aggravating Factors**

- A. Criminal Offense. If the Responsible Person is convicted of an Unruly Gathering, the penalty shall be a minimum mandatory fine of one thousand dollars (\$1000.00) or up to the maximum associated with a class one misdemeanor. Additionally, if the Responsible Person for an Unruly Gathering has previously been convicted for an Unruly Gathering, regardless of the location of the prior violation, the penalty shall be a minimum mandatory fine of two thousand dollars (\$2,000.00) for a second violation, and a minimum mandatory fine of two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation.
- B. Civil Offense. If the Responsible Person is an Owner that was not present at the Unruly Gathering, was not aware of the social activity or special occasion constituting the Unruly Gathering, and was not an organizer, host or sponsor of the Unruly Gathering, but had been notified that an Unruly Gathering had ~~previously~~ occurred on the property within **the prior** one hundred eighty (180) days ~~prior an Unruly Gathering~~, then the civil penalty shall be a minimum mandatory fine of one thousand dollars (\$1000.00) for a first violation, a minimum mandatory fine of two thousand dollars (\$2,000.00) for a second violation, and **a** minimum mandatory fine of the maximum amount permitted by law for civil violations for a third or subsequent violation.
- C. Police Service Fee. The Police Service Fee shall be an amount equal to the actual costs (essentially a reimbursement) of the law enforcement response to an Unruly Gathering, including:
  - 1. the salaries, and associated benefits of the responding law enforcement officers corresponding to the amount of time actually spent in responding to and remaining at the Unruly Gathering; and,
  - 2. the salaries, and associated benefits of any dispatcher or other police personnel involved with the response for the amount of time actually spent in responding to Unruly Gathering; and
  - 3. any actual costs of any medical treatment to injured officers and/or the costs of repairing any damage to town equipment or property; and

4. the associated overhead costs including, but not limited to, vehicle and equipment used; with such overhead costs to be set annually within the first 60 days of the new fiscal year and available for inspection.

**D. Aggravating Factors. Mandatory fines shall be automatically increased to the next higher fine level should any felonious conduct be found at an Unruly Gathering.**

**Section 10-13-9. Violations deemed a public nuisance**

**Incidents involving Consistent Premises or Consistent Responsible Persons that violate any of the provisions of this Article and threaten the public peace, health, safety, and welfare, are declared and deemed a nuisance, which the Town may abate as provided in Article 8-5 of this Code, under A.R.S. § 9-240, as amended, by removing nuisances and punishing persons committing nuisances, or in any other manner authorized by law.**

**SECTION 7.** Chapter 10 (Offenses), at the Table of Contents, Article 10-14 (Short-Term Rentals Responsible Party Requirements and Other Violations) is hereby amended as follows (deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

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

10-14-1	<del>Definitions</del> <b>Purpose</b>
10-14-2	<del>Contact information required; information updates</del> <b>Definitions</b>
10-14-3	<del>Compliance with Laws</del> <b>Short-Term Rental Registration Required; Required Information; Penalties</b>
10-14-4	<del>Non-Residential Usage by Short-Term Rentals or Vacation Rentals Prohibited</del> <b>Compliance with laws; Standards and Operating Requirements; Health and Safety</b>
<b>10-14-5</b>	<b>Nonresidential Usage by Short-Term Rentals or Vacation Rentals Prohibited</b>
<b>10-14-6</b>	<b>Enhanced Penalties</b>

**SECTION 8.** The following sections of Chapter 10 (Offenses), Article 10-14 (Short-Term Rentals Responsible Party Requirements and Other Violations) are hereby amended as follows (deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

**Section 10-14-1      Definitions**Purpose****

**This Article is adopted to protect the peace, health, safety, and welfare of the Town's residents and visitors by enacting reasonable regulations that mitigate the harmful abuses common to the short-term rental of residential property within the Town while preserving property owners' rights to rent their property in a manner that does not disturb the peace or harm the health, safety, or general welfare of the public. Such harmful abuses deplete law**

enforcement resources and can leave other areas of the Town with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike. The regulations herein reasonably allow the Town to more accurately evaluate how many emergency, law enforcement, and other resources need be available to protect the peace, health, safety, and welfare of the Town's residents and visitors. The inclusion of a specific regulation or reference to the Town Code in this chapter does not imply the exclusion of any other applicable law.

Section 10-14-2

~~Contact information required; information updates~~Definitions

In this Article, unless the context otherwise requires, the following terms or phrases are defined as follows:

1. **"Online lodging marketplace"** has the same meaning given to it in A.R.S. § 42-5076, as amended.
2. **"Online lodging operator"** has the same meaning prescribed in A.R.S. § 42-5076, as amended, and includes an owner of a vacation rental or short-term rental that is not offered through an online lodging marketplace.
3. **"Owner"** means any owner, as well as any agent of an owner, such as a landlord, property manager, or other designees, acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.
4. **"Short-term rental" or "vacation rental" whether used in conjunction, independently, or interchangeably,** 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.
5. **"Timely manner"** means (1) within one hour 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.

Section 10-14-3

~~Compliance with laws~~Short-Term Rental Registration Required; Required Information; Penalties

- A. **Short-Term Rental Registration Required.** Before offering for rent or renting a short-term rental or vacation rental within the Town, the owner **thereof shall register the short-term rental with the Town on a form or platform specified by the Town. The owner shall notify the Town, in writing, of all changes in the contact information required by this section, not less than ten (10) days prior to the effective date of the change.** ~~of a short term rental or vacation rental must 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 email at any time, of day.~~

1. Every short-term rental registration must include the following information:
  - a. The name and contact information of the owner or, if the owner is a business entity, the name and contact information of the entity's statutory agent.
  - b. The short-term rental's physical address.
  - c. The name, address, and contact information of the owner or owner's designated local contact person who is responsible for responding to complaints in person, by telephone, or by email in accordance with section 10-14-4(B)(1). This information will be made publicly available.
  - d. The name, address, and contact information of the person the owner designated as an emergency contact. This information will be made publicly available.

- B. **Consent and Certification.** When registering a short-term rental, the owner must:

1. Consent to and authorize any online lodging marketplace on which the short-term rental is listed to provide to the Town the owner's listing (including the address of the listing), rental activity, and contact information.
2. Certify under penalty of perjury that:
  - a. The owner will advertise the short-term rental in compliance with this Code and all applicable laws;
  - b. The owner will take responsibility for and actively prevent any nuisance activities that may occur at the short-term rental;
  - c. The short-term rental meets the health and safety requirements of section 10-14-4(C);
  - d. The short-term rental has been registered with Maricopa County Assessor's Office in accordance with A.R.S. § 33-1902.

- e. The owner will comply with all applicable laws, including noise limitations, and all health, safety, building, and fire protection laws; and
- f. The information provided when registering the short-term rental is correct, and the supporting documentation submitted therewith is authentic.

~~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. **Failure to Register.** Any person who offers for rent a short-term rental, or any online lodging marketplace or online lodging operator that accepts a fee for booking a short-term rental, where the short-term rental is not registered with the Town pursuant to section 10-14-3(A)(1), and, where applicable, with the Maricopa County Assessor's Office pursuant to A.R.S. § 33-1902, as amended, shall be fined \$500 per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

~~The owner or the owner's designee designees is responsible for responding to complaints in a timely manner in person, by telephone, or by email 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. **Booking Information.** To protect the peace, health, safety, and general welfare of the Town's residents and visitors, the owner of a short-term rental shall provide to the Town, prior to every booking, and on a form or platform specified by the Town, the following information:

- 1. A copy of the short-term rental's advertisement or listing upon which the relevant booking occurred.
- 2. The dates for which a guest booked the short-term rental;
- 3. Evidence of compliance with section 10-14-4(C).

- E. The Town Manager or designee shall develop the necessary forms and/or database necessary to implement this section.

~~Non-Residential Usage by Short Term Rentals or Vacation Rentals~~  
**Prohibited Compliance with laws; Standards and Operating Requirements; Health and Safety**

**A. Compliance with laws; Specific Prohibitions**

- 1.** 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. 2.** No person, including an owner or operator, shall operate a short-term rental or vacation rental in violation of this section.
- 3.** **It is a violation of this Code for any online lodging marketplace or online lodging operator to receive payment or accept a fee, directly or indirectly, for facilitating the rental of a short-term rental operating in violation of this Code or any other applicable law.**
- 4.** **A short-term rental may not be used for nonresidential uses, including but not limited to retail, restaurant, banquet hall, event space, any use that is prohibited in a residentially-zoned district, or any event that requires a permit or license pursuant to a Town ordinance or State law.**
- 5.** **A short-term rental may not be rented, advertised, or used for any of the uses prohibited under A.R.S. § 9-500.39.**
- 6.** **A short-term rental may not be used or advertised to accommodate occupancies exceeding the lesser of five unrelated adults or the occupancy limits set forth in Chapter 5 of this Code.**
- 7.** **The filing of knowingly false claims against the Owner of a short-term rental or the guests staying in a short-term rental is prohibited and punishable by civil sanction as provided in section 1-9-3 of this Code.**

**B. Standards and Operating Requirements.**

- 1.** **Owners or their designees shall (1) affirmatively respond to complaints in person, over the phone, or by email, and (2) abate the incident from which the complaint arose in a timely manner regardless of when the owner receives notice of the complaint. If such a response is due within one hour under this Article's definition of timely manner, the response is deemed necessary to protect the peace, health, safety, and welfare of the general public, and the owner shall so respond in person. If the response is due within twenty-four hours, the owner shall respond either in person, by telephone, or by email. Failure of the owner to respond to a complaint as provided herein is a violation of this Article.**

2. The Owner shall meet their short-term rental guests at the short-term rental prior to the commencement of the occupancy or during check-in and verbally explain and describe all rules and regulations applicable to the use of the property as a short-term rental including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash collection schedules, special event and nonresidential use restrictions, fire evacuation routes, and any other information, as required by this Code, applicable to the short-term rental and the surrounding neighborhood. The owner shall secure the signature of the guest who booked the short-term rental to a statement of rules and regulations prepared by the Town Manager prior to or within 24 hours of the guest's arrival at the short-term rental. The owner shall certify compliance with this section under penalty of perjury.
3. Trash and refuse shall not be left stored within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in section 8-3-9 of this Code. Collection containers may be placed at the curb the night before collection day and must be removed from the street and stored in a screened area by the end of the collection day.
4. The following notice must be completed in 14-point or larger bold font, on a laminated or otherwise similarly shielded paper, and prominently displayed on the inside of the front door and the primary door to the backyard or in a conspicuous location near each such door. The notice below shall also include information regarding the location of all fire extinguishers and Town of Paradise Valley parking and waste disposal regulations.

**NOTICE: USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED:**

1. Any nonresidential use;
2. Holding an event that exceeds the maximum occupancy or otherwise requires a permit or license under Town Code or state law, including but not limited to, special events, on-street parking, and social gatherings consisting of more than five unrelated adults;
3. Operating a retail business, restaurant, event center, banquet hall, or similar use;
4. Housing sex offenders;
5. Operating or maintaining a sober living home;
6. Selling liquor, illegal drugs, or pornography;
7. Operating a nude or topless dancing establishment;
8. Adult-oriented business;
9. Any uses prohibited under A.R.S. § 9-500.39; or
10. Any use that disturbs neighboring properties' peace and enjoyment including, but not limited to, excessive noise, impeding traffic, obstruction of public streets by crowds or

vehicles, use or possession of illegal drugs, drinking in public areas, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.

The maximum occupancy of this residence is \_\_\_\_\_ adults.

Your local contact person's name is \_\_\_\_\_ and can be reached by phone twenty-four hours a day, seven days a week, at \_\_\_\_-\_\_\_\_-\_\_\_\_\_.

- C. **Health and Safety.** To protect the health, safety, and general welfare of all short-term rental occupants, short-term rentals must meet the minimum standards for habitable structures set forth in this Code and the Zoning Ordinances of the Town of Paradise Valley and the following requirements.

1. **Owners must certify under penalty of perjury that:**

- a. **Either (1) they have liability insurance to cover the short-term rental in an amount determined appropriate by the insurance company insuring such short-term rental, but in no case, an amount less than \$1,000,000 in the aggregate, or (2) equal or greater insurance coverage is provided for the short-term rental through the online lodging marketplace through which the property is booked; and**
- b. **Their short-term rental meets the following requirements of this subsection C.**

The Town may require inspection if it has a reason for concern that the short-term rental may not be compliant with the Town of Paradise Valley's fire, building, or zoning requirements.

2. **Smoke and carbon monoxide (CO) detection and notification system.** A working smoke alarm and carbon monoxide (CO) alarm system shall be present within the short-term rental or vacation rental and maintained annually as required under NFPA 72. The owner or owner's designee shall keep and make available for inspection upon request by the Fire Marshal a record of all inspections and maintenance activities.
3. **Fire extinguisher.** A portable, multi-purpose fire extinguisher shall be installed, inspected, and maintained as required under NFPA 10 on each floor of a short-term rental. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location of the fire extinguisher.
4. **Air Filters.** As applicable, all HVAC filters in the short-term rental shall be changed every three months or according to the manufacturer's instructions. The owner or owner's designee shall keep and make available for inspection upon request by the Town a record of all HVAC filter changes.



5. **Local phone service.** At least one landline telephone or modern equivalent with the ability to call 911 shall be available on every floor of the short-term rental.
  6. **Cleaning.** The owner shall have the short-term rental cleaned between bookings following CDC guidelines and using household disinfectant products included on the EPA's List N: Disinfectants for Coronavirus (COVID-19), available at <https://cfpub.epa.gov/wizards/disinfectants/>.
- D. **The owner shall complete and prominently display the following statement in the vacation rental's online lodging marketplace listing:**

**You are required to meet with the owner of this property during check-in. The owner will provide you with pertinent safety information, explain your responsibilities under the Paradise Valley Town Code, and expect you to certify your compliance therewith.**

**The maximum occupancy of this residence is \_\_\_\_ adults.**

**This property cannot be used for any of the purposes identified in Paradise Valley Town Code section 10-14-5. Any renter who causes, permits, facilitates, aides, or abets any violation thereof shall be subject to a civil infraction carrying a mandatory penalty of a minimum of \$500.00 in addition to any other penalties which the Town may impose.**

**Section 10-14-5      Nonresidential usage by short-term rentals or vacation rentals prohibited**

- A. **No short-term rental or vacation rental may be used for any ~~non-residential~~ nonresidential use or purpose, including but not limited to any of the uses listed in A.R.S. § 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.**
- C. **Any violation of an ordinance related to noise, protection of welfare, property maintenance, and other nuisance issues, as permitted under A.R.S. § 9-500.39(B)(2), constitutes a nonresidential use.**
- D. **Any renter who causes, permits, facilitates, aides, or abets any violation of this section shall be subject to a civil sanction as set forth in subsection B of section 10-14-6.**

**Section 10-14-6      Enhanced Penalties**

- A. **The remedies herein are cumulative, and the Town may proceed under one or more such remedies.**

- B. Any short-term rental owner, agent, or renter who causes, permits, facilitates, aides, or abets any violation of any provision of this Article or who fails to perform any act or duty required by this Article is subject to the following civil sanctions:**
- 1. First offense, \$500.**
  - 2. Second offense on the property within twelve months, \$1,000 per offense.**
  - 3. Third and subsequent offense within twelve months, \$1,500 per offense.**
- C. Notwithstanding any other provisions of the Code, the short-term rental owner, agent, or renter who causes, permits, facilitates, aides, or abets the use of the vacation rental in violation of any provision of the Code is subject to a civil sanction as set forth in subsection B of this section.**
- D. Any vacation rental owner, agent, or renter who causes, permits, facilitates, aides, or abets any violation of any provision of this Article or fails to perform any act or duty required by this Article is guilty of a Class 1 misdemeanor.**

**SECTION 9.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance 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 10.** This Ordinance shall become effective in the manner provided by law.