JANUARY 2022 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. The following sections of Chapter 8 (Safety, Health, Sanitation and Nuisance), Article 8-8 (Special Events on Private Property and Publics Rights-of-Way) are 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:

"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.

"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.

"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.

"Minor Event" means an event ~~that takes place~~ on private property~~;~~**: (i) that** has a minimal impact on neighboring properties; ~~and~~ **(ii) that** lasts for less than ~~twenty-four (~~24~~)~~ consecutive hours; ~~and~~ **(iii) that** does not meet the Special Event criteria**; and (iv) during which the Owner or non-transient occupant is on site for the entire duration of the event**~~., including but not limited to weddings, family reunions, memorials, or other ceremonies.~~

"Nonresidential Use" means any use that is not permitted in a residential zoning district pursuant to the Zoning Ordinance; any use that constitutes an Unruly

Gathering, as used in Article 10-13; retail, restaurant, banquet space, or other similar use; and any use for which entrants pay an entry free, unless such use is exempted under section 8-8-4 (C) or (D).

"Owner" means any person or entity who has legal or equitable title to the subject real property or, if the property is not owner-occupied, a non-transient occupant of the subject real property.

"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.

"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 (e.g., valet parking)**~~.~~**;**

6. **The** ~~the~~ use of **any** ~~temporary structures~~ **Temporary Structure** for more than 24 hours; or

7. **Social gatherings consisting of more than five unrelated adults when the Owner or non-transient occupant is not on site for the duration of the event.**

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, **banquets, pop-up bars, valet parking via public rights-of-way, fireworks displays** ~~and fireworks displays~~.

9. "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 8-8-3 Permit Required

A. An application for a Special Event permit on private property or Town-owned property shall be submitted to the Community Development Department. An application for a Special Event involving the use of a public street, or that may require extra security or special traffic control measures, shall also be reviewed by the Chief of Police or his designee.

B. It shall be unlawful to conduct a Special Event without a properly issued Special Event permit, unless the event is exempted as provided in Section 4 of this Article, provided, however, that any Special Event that occurs on or involves the use of public rights-of-way, in whole or in part, shall obtain a permit. ~~Minor deviations or variances from Town Code requirements, such as temporary exceptions from regulations to the noise and sign regulations, shall be denoted in the Special Event permit.~~ **Minor deviations or variances from Town Code regulations, prohibitions, requirements, or conditions shall be denoted in the Special Event permit. Such minor deviations or variances may include, but are in no way limited to, temporary exceptions regarding noise, social gatherings, occupancies, private use of public rights-of-way, signs, or as otherwise permitted by the Town Manager or designee.**

C. Special Events occurring without a valid permit shall be subject to immediate cessation pursuant to notice from the Town ~~manager~~**Manager** or ~~his~~ designee. It shall be unlawful to continue event activities after notice of a violation has been issued.

SECTION 3. Chapter 8 (Safety, Health, Sanitation and Nuisance), at the Table of Contents, Article 8-10 (Nuisance Noise) is hereby amended as follows (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
Section 8-10-5	**Enforcement**

SECTION 4. Chapter 8 (Safety, Health, Sanitation and Nuisance), Article 8-10 (Nuisance Noise), Section 8-10-2 (Declaration of Certain Acts Constituting Disturbing, Excessive, or

Offensive Noises) is hereby amended by adding Subsection E (Plainly Audible Noise; Vibration) as follows (additions shown in **bold type**):

Section 8-10-2 Declaration of Certain Acts Constituting Disturbing, Excessive, or Offensive Noises

E. Plainly Audible Noise; Vibration

1. Definition.

"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.

"Summer" shall mean those months from May through September, inclusive.

"Vibration Perception Threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause an ordinary person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

2. Prohibition.

a. Except for those properties where a Special Use Permit provides otherwise, or as otherwise allowed under Town Code, it shall be unlawful for any person in a residentially zoned property to make, continue, maintain, or cause to be made or continued, between the hours of 10:00 p.m. and 7:00 a.m. (10:00 p.m. and 6:00 a.m. during Summer months), any noise that is:

(i) Above the Vibration Perception Threshold of any reasonable person across a real property boundary; or

(ii) Plainly audible from within:

(a) Two or more enclosed residences; or

(b) The cabin of a police vehicle situated on a public right-of-way.

b. Except for those properties where a Special Use Permit provides otherwise, or as otherwise allowed under Town Code, if noise, when measured at the property line or, where such property lines are not clear, beyond the boundary of the nearest public right-of-way, measures as follows, it is presumed to be plainly audible:

(i) Above 56 dB between 7:00 a.m. and 10:00 p.m.; or

(ii) Above 45 dB between 10:00 p.m. and 7:00 a.m. (10:00 p.m. and 6:00 a.m. during Summer months) and during all hours on all Sundays and specified legal holidays.

3. Standard of Reasonableness and Use of Technology; Detection.

It is the intent of the Town in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while desirable, shall not be required to demonstrate a violation of this section. 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, and decibel level measurements less than those specified in this article may still establish a violation of this article when due regard is made for the time, place, and circumstances of the noise.

4. Prima Facie Violations.

Noise prohibited under this section that 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 in close proximity to the source property, shall be prima facie evidence of a violation of this section.

SECTION 5. Chapter 8 (Safety, Health, Sanitation and Nuisance), Article 8-10 (Nuisance Noise), Section 8-10-4 (Penalty) is hereby amended as follows (additions shown in **bold type**):

Section 8-10-4 Penalty

Any person who violates any provision of this article may be prosecuted for such a violation in accordance with the provisions of article 1-9 of the Paradise Valley Town Code. **Each such violation shall constitute a new and separate, yet cumulative, punishable offense.**

SECTION 6. Chapter 8 (Safety, Health, Sanitation and Nuisance), Article 8-10 (Nuisance Noise), is hereby amended by adding Section 8-10-5 (Enforcement) as follows (additions shown in bold type):

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 or other designated Town employees or contractors 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 7. Chapter 10 (Offenses), at the Table of Contents, Article 10-13 (Unruly Gatherings) is hereby amended as follows (deletions shown as ~~strikethroughs~~ 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-~~5~~**6**	Billing**; Procedure for Appeal of Police Service Fee**
10-13-~~6~~**7**	Penalties**; Aggravating Factors**
10-13-~~7~~**8**	Enforcement
10-13-9	**Violations Deemed a Public Nuisance**

SECTION 8. The following sections of Chapter 10 (Offenses), Article 10-13 (Unruly Gatherings) are hereby amended as follows (deletions shown as ~~strikethroughs~~ 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 any Plainly Audible Noise, as defined in and prohibited under section 8-10-2(E), as well as any noise in violation of Article 10-7.

~~1~~**2**. "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.

~~2~~**3**. "Juvenile" means a Minor under the age of eighteen (18) years.

~~3~~**4**. "Minor" means any person under the age of twenty-one (21) years.

~~4~~**5**. "Owner" means any **person or entity who has legal or equitable title to** ~~the owner~~**the Premises**, as well as any agent of an**y such** owner**,** such as a landlord **or property manager, or other designees**~~,~~ acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.

~~5~~**6**. "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.

~~6~~**7**. "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).

~~7~~**8**. "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.

~~8~~**9**. "Special Security Assignment" means the police services provided during any call-in response to complaints or other information regarding ~~unruly gatherings~~**Unruly Gatherings**.

~~9~~**10**. "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~~**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~~**Minors** or consumption of alcohol by ~~minors~~**Minors**, fighting, disturbing the peace, and/or littering.

~~10~~**11**. "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~~**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~~**Unruly Gathering** occurs within the prescribed time of the mailing of such notice to the ~~owner~~**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.

F. 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.

G. 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.

H. The decision of the hearing officer is final.

I. 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 if any of the following factors are found during a response to an Unruly Gathering:

1. **Minor in possession;**

2. **Public urination or defecation;**

3. **Indecent exposure;**

4. **Public sexual indecency;**

5. **Weapons violations; or**

6. **Felonious conduct.**

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, pursuant to A.R.S. § 9-240, as amended, by removing nuisances and punishing persons committing nuisances, or in any other manner authorized by law.

SECTION 9. 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 ~~strikethroughs~~ and additions shown in **bold type**):

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

10-14-1 ~~Definitions~~**Purpose**
10-14-2 ~~Contact information required; information updates~~**Definitions**
10-14-3 ~~Compliance with Laws~~**Short-Term Rental Registration Required; Required Information**
10-14-4 ~~Non-Residential Usage by Short-Term Rentals or Vacation Rentals Prohibited~~ **Compliance with Laws; Non-Residential Usage and Other Prohibitions**
10-14-5 Standards and Operating Requirements; Health and Safety
10-14-6 Enhanced Penalties

SECTION 10. 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 ~~strikethroughs~~ 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 public health, public safety, or general public welfare. Such harmful abuses deplete law enforcement and public safety 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 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:

"Nonresidential Use" means any use that is not permitted in a residential zoning district pursuant to the Zoning Ordinance, any use that constitutes an Unruly Gathering, as used in Article 10-13, and any use for which entrants pay an entry fee, unless such use is exempted under section 8-8-4 (C) or (D).

"Online Lodging Marketplace" has the same meaning given to it in A.R.S. § 42-5076, as amended.

"Owner" means any owner, as well as any agent of an owner, such as a landlord or property manager, or other designees acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.

"~~Short-erm rental~~**Short-Term Rental**" ~~or~~**and** "~~vacation rental~~**Vacation Rental**" **are interchangeable for purposes of this Article, and** ~~means~~**mean** 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~~**Short-Term Rental** and ~~vacation rental~~**Vacation Rental** do not include a unit that is used for any ~~nonresidential use~~**Nonresidential Use**, including retail, restaurant, banquet space, event center or similar use.

"Special Event" has the same meaning given to it in section 8-8-2.

"Timely Manner" means: (a) 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 dispatched to the Owner's property~~due to such complaint or incident~~**; and (b) within 24 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**

A. **Short-Term Rental Registration Required.** Before offering for rent or renting a ~~short-term rental~~**Short-Term Rental** or ~~vacation rental~~**Vacation Rental** within the Town**,** the ~~owner~~**Owner thereof shall register the Short-Term Rental with the Town, on a form or platform specified by the Town and obtain a valid transaction privilege tax license under A.R.S. Title 42. The Owner shall notify the Town, in writing, of all changes in the 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, which shall be made publicly available:

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 10-14-5(A)(1).

d. The name, address, and contact information of the person the Owner designated as an emergency contact.

e. The phone number to the Short-Term Rental's landline or modern equivalent.

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. Provide evidence that the Short-Term Rental has been registered with Maricopa County Assessor's Office in accordance with A.R.S. § 33-1902.

3. Provide evidence of a valid transaction privilege tax license issued by the State of Arizona.

~~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. **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 promptly provide the information below to the Town, on a form or a platform specified by the Town, within 24 hours of every booking; provided, that any booking for an occupancy beginning less than 24 hours from the time of booking shall be reported within one hour after the time of the booking:**

1. A copy of the Short-Term Rental's advertisement or listing upon which the relevant booking occurred, along with the name of the Online Lodging Marketplace accommodating the listing;

2. The dates for which a guest booked the Short-Term Rental and the number of people in their party;

3. Evidence of compliance with section 10-14-5(B).

4. Evidence that the booking guest has acknowledged receipt of the statement of rules and regulations prepared by the Town, and has agreed by that acknowledgement to comply with such rules and regulations.

~~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. Failure to Register. Any person, entity, or Online Lodging Marketplace who offers for rent or accepts a fee for booking a Short-Term Rental that is not registered with the Town pursuant to section 10-14-3(A) or, where applicable, with the Maricopa County Assessor's Office pursuant to A.R.S. § 33-1902, as amended, shall be fined $150 per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

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

F. **The Town may mitigate, suspend, or reduce any penalties the Owner might otherwise incur under this article if the Town deems that the Owner has made reasonable attempts to prevent nuisance activities from occurring at the Short-Term Rental. The Owner shall keep a record of steps taken to prevent such nuisance activities.**

Section 10-14-4 ~~Non-Residential Usage by Short-Term Rentals or Vacation Rentals Prohibited~~ **Compliance with Laws; Non-Residential Usage and Other Prohibitions**

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).~~ **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 requirements, 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.~~**A Short-Term Rental lacking a valid Short-Term Rental registration under section 10-14-3 and a valid transaction privilege tax license issued by the State of Arizona shall not be rented or offered for rent.**

C. **No person or entity shall operate a Short-Term Rental or Vacation Rental in violation of this Article.**

D. **No person or entity may 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.**

E. **Any renter who causes, permits, facilitates, aides, or abets any violation of this Article shall be subject to a civil sanction as set forth in 10-14-6(B).**

F. **In accordance with A.R.S. § 9-500.39(B)(3), a Short-Term Rental may not be rented, advertised, or used for any of the following uses or purposes: housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other adult-oriented businesses, performances, parties, or activities in which consideration is given in exchange for an adult-oriented service. Within 24 hours of every booking, the Owner shall perform a background check on every guest to ensure that there are no sex offenders at the Short-Term Rental. Owners who permit a sex offender to occupy their Short-Term Rental shall be found in violation of this section.**

G. None of the following may occur where such acts may reasonably be viewed by the public, whether at ground level or from a reasonable vantage point of a nearby property, such as a deck or balcony:

1. Urination or defecation;

2. Nudity; or

3. Sexual acts.

H. 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.

I. Per section 1007 of the Zoning Ordinance, motor homes, campers, trailers, boats, buses, and similar equipment allowed to be stored on residentially-zoned property shall not be used for sleeping or habitation purposes.

J. Except when permitted by a Special Event permit under Article 8-8, no Short-Term Rental or Vacation Rental may be used for any Nonresidential Uses, including but not limited to, an event that requires a permit or license pursuant to a Town ordinance or State law or rule; a retail, restaurant, banquet hall, event space, or other similar use, such as weddings and pop-up bars; or any use prohibited in a residentially-zoned district pursuant to the Zoning Ordinance.

K. Any violation of an ordinance related to noise, protection of welfare, property maintenance, and other nuisance issues, where such ordinances are permitted under A.R.S. § 9-500.39(B)(2), constitutes a Nonresidential Use.

Section 10-14-5 <u>Standards and Operating Requirements; Health and Safety</u>

A. 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~~**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 24 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 in-person at their Short-Term Rental with their Short-Term Rental guests 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. When meeting in person upon the guest's arrival at the Short-Term Rental, the Owner shall provide the booking guest with a written copy of the statement of rules and regulations acknowledged by the guest at the time of booking as required by section 10-14-3(C)(4). The Owner shall keep a record of compliance with this section.

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. Containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall 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; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

1. **Housing sex offenders;**
2. **Operating or maintaining a sober living home;**
3. **Selling controlled substances, liquor, or pornography;**
4. **Obscenity, Nude or topless dancing, and other adult-oriented businesses, performances, parties, or activities in which value is given in exchange for an adult-oriented service;**
5. **Any uses prohibited under A.R.S. § 9-500.39, or federal, state, or local law; or**
6. **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.

UNLESS THE TOWN EXPRESSLY PERMITS SUCH A USE IN WRITING, USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

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;**

The <u>maximum</u> occupancy of this residence is _____ adults.

Your local contact person's name is _____ and can be reached by phone 24 hours a day, seven days a week, at ___-___-____.

B. Health, Safety, and Sanitation. 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 Ordinance and the following requirements. 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.

1. Owners shall:

a. Have either (1) 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. Ensure their Short-Term Rental meets the requirements of this subsection B.

2. Smoke and carbon monoxide (CO) detection and notification system. A working smoke alarm and carbon monoxide (CO) alarm system, which may require the installation and maintenance of several detection units,

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 in any kitchen area and on each floor of a Short-Term Rental and within 20 feet of every outdoor fire feature, fire pit, patio heater, fireplace, or other areas with fire. 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. **Fire Safety and Emergency Evacuation Map. The Owner shall provide and prominently display a map of the Short-Term Rental showing the following information: safe routes of egress in the event of a fire or other emergency; the location of telephone(s) required under this Article; the location of fire detection and suppression equipment; and any additional information relevant to such emergency preparedness measures. Such maps shall include the full property address, emergency information (911), and Owner contact information.**

5. **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.**

6. **Local phone service. At least one landline telephone or modern equivalent with the ability to call 911 and receive inbound calls shall be available on every floor of the Short-Term Rental.**

7. **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/.**

8. **Pest Control. The Owner shall ensure that the Short-Term Rental receives regular (at least monthly) pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests where such infestation threatens the health, safety, or welfare of a person or persons.**

C. In addition to the transaction privilege tax license number that must be included in the Short-Term Rental's listing, the Owner shall complete and prominently display the following statement in the Vacation Rental's Online Lodging Marketplace or other listing:

> **You must meet in person 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.**
>
> **You must not use this property for any of the uses identified in Paradise Valley Town Code section 10-14-4. 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.**
>
> **The use of this short-term rental to house sex offenders is prohibited. The owner of this short-term rental is required to perform a background check on you and your guests prior to your stay.**
>
> **The <u>maximum</u> occupancy of this residence is ___ adults.**

Section 10-14-6 <u>Enhanced Penalties</u>

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 11. 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 12. This Ordinance shall become effective in the manner provided by law.