

ORDINANCE NO. 4939

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED "2020 CODE AMENDMENTS - SHORT TERM RENTALS" TO BE A PUBLIC RECORD; AMENDING THE CODE OF THE CITY OF CHANDLER BY ADDING CHAPTER 22 - SHORT TERM RENTALS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, A.R.S. § 9-500.39 authorizes a legislative body to regulate short-term rentals for the purpose of protecting the public's health and safety; and

WHEREAS, the City Council has determined that regulation of short-term rentals is necessary to protect the health and safety of Chandler residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document known as "2020 Code Amendments - Short Term Rentals," one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments set forth in "2020 Code Amendments - Short Term Rentals," said document having been declared a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

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 5. Providing for Penalties.

A violation of this ordinance subjects an individual to a civil penalty, habitual violations of this section may result in a class 1 misdemeanor and upon conviction shall be punishable as provided for in Chandler City Code Section 1-8 and Chapter 26.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona this 17^m day of September, 2020.

ATTEST:

Dana R. McKay
City Clerk

Kevin Hartke
Mayor Kevin Hartke

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this 12^m day of October, 2020.

ATTEST:

Dana R. McKay
City Clerk

Kevin Hartke
Mayor Kevin Hartke

APPROVED AS TO FORM:

[Signature]
City Attorney



2020 Code Amendments - Short Term Rentals
{Public Record for Ordinance No. 4939}

The Chandler City Code is hereby amended by adding the following Chapter 22 and amending the following Chapters and Sections (additions in ALL CAPS, deletions in ~~strikeout~~):

CHAPTER 22 – SHORT TERM RENTALS

22-1. – PURPOSE.

THIS CHAPTER IS ADOPTED TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS OF AND VISITORS TO THE CITY OF CHANDLER BY ENACTING REASONABLE REGULATIONS FOR THE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN THE CITY. THE INCLUSION OF A SPECIFIC REGULATION OR REFERENCE TO CITY CODE IN THIS CHAPTER DOES NOT IMPLY THE EXCLUSION OF ANY OTHER APPLICABLE LAW.

22-2. – DEFINITIONS.

THE FOLLOWING WORDS, TERMS, AND PHRASES, WHEN USED IN THIS CHAPTER, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING. WORDS NOT DEFINED SHALL BE GIVEN THEIR NORMAL, ORDINARY MEANING.

DIRECTOR MEANS THE MANAGEMENT SERVICES DIRECTOR OR DESIGNEE.

LODGING ACCOMMODATIONS SHALL HAVE THE SAME MEANING AS DEFINED IN A.R.S. SECTION 42-5076.

ONLINE LODGING OPERATOR SHALL HAVE THE SAME MEANING AS DEFINED IN A.R.S. SECTION 42-5076.

NONRESIDENTIAL USE MEANS ANY USE THAT IS NOT A PERMITTED USE IN A RESIDENTIAL ZONING DISTRICT.

RESIDENTIAL ZONING DISTRICT MEANS ANY OF THE FOLLOWING: AG-1, SF-33, SF-18, SF-10, SF 8.5, MF-1, MF-2, MF-3, OR MH-1.

SHORT TERM RENTAL OR VACATION RENTAL SHALL HAVE THE SAME MEANING AS SET FORTH IN A.R.S. SECTION 9-500.39 AND ANY PORTION OF LAND LOCATED IN A RESIDENTIAL ZONING DISTRICT OR ANY UNIT, ROOM OR STRUCTURE ON LAND LOCATED IN A RESIDENTIAL ZONING DISTRICT THAT IS ALSO OFFERED TO THE PUBLIC FOR TRANSIENT LODGING ACCOMMODATIONS. SHORT TERM RENTAL DOES NOT INCLUDE PROPERTY THAT IS USED FOR ANY NONRESIDENTIAL USE, INCLUDING,

BUT NOT LIMITED TO, RETAIL, RESTAURANT, BANQUET SPACE, OR EVENT CENTER. ADVERTISEMENT ONLINE CREATES A REBUTTABLE PRESUMPTION THAT A PROPERTY IS A SHORT TERM RENTAL.

TRANSIENT MEANS FOR A DURATION LASTING LESS THAN 30 CONSECUTIVE DAYS.

VERIFIED VIOLATION MEANS A FINALLY ADJUDICATED FINDING OF GUILT OR CIVIL RESPONSIBILITY FOR VIOLATING ANY STATE LAW OR LOCAL ORDINANCE RELATING TO A SHORT TERM RENTAL.

22-3. – REGISTRATION REQUIRED.

22-3.1. THE OWNER OF A SHORT TERM RENTAL SHALL OBTAIN A SHORT TERM RENTAL REGISTRATION BY COMPLETING AN APPLICATION ON A FORM PRESCRIBED BY THE CITY.

22-3.2. THE OWNER OF A SHORT TERM RENTAL SHALL PROVIDE THE FOLLOWING INFORMATION WHEN APPLYING FOR A SHORT TERM RENTAL REGISTRATION:

A. ADDRESS OF THE SHORT TERM RENTAL.

B. VALID MAILING ADDRESS OF THE OWNER OR THE OWNER'S AGENT.

C. PHONE NUMBER AND EMAIL ADDRESS OF THE OWNER OR THE OWNER'S AGENT HAVING THE AUTHORITY TO RESPOND TO A COMPLAINT IN PERSON, OVER THE PHONE, OR BY EMAIL AT ANY TIME OF THE DAY.

D. THE OWNER OF A SHORT TERM RENTAL SHALL INFORM THE DIRECTOR OF ANY CHANGE IN THE INFORMATION PROVIDED UNDER THIS SECTION WITHIN 10 DAYS OF THE CHANGE.

22-4. – OPERATING REQUIREMENTS.

22-4.1. A SHORT TERM RENTAL MAY NOT BE USED FOR NONRESIDENTIAL USES, INCLUDING, BUT NOT LIMITED TO RETAIL, RESTAURANT, BANQUET HALL, EVENT SPACE, OR ANY EVENT THAT REQUIRES A PERMIT OR LICENSE PURSUANT TO A CITY ORDINANCE OR STATE LAW.

22-4.2. A SHORT TERM RENTAL MAY NOT BE RENTED, ADVERTISED, OR USED FOR ANY OF THE USES PROHIBITED UNDER A.R.S. § 9-500.39.

22-4.3. A SHORT TERM RENTAL MAY NOT BE RENTED, ADVERTISED, OR USED FOR OCCUPANCIES EXCEEDING THOSE ALLOWED UNDER CHAPTER 29 OF THIS CODE.

22-4.4. THE NEIGHBORHOOD PRESERVATION REQUIREMENTS SET FORTH IN CHAPTER 30 OF THIS CODE APPLY TO A SHORT TERM RENTAL.

22-4.5. THE RESIDENTIAL PARKING REQUIREMENTS SET FORTH IN CHAPTER 35 OF THIS CODE APPLY TO A SHORT TERM RENTAL.

22-4.6. THE FOLLOWING NOTICE MUST BE POSTED IN A CONSPICUOUS PLACE IN THE SHORT TERM RENTAL:

NOTICE: USING THIS PROPERTY FOR THE FOLLOWING PURPOSES IS PROHIBITED:

1. ANY NONRESIDENTIAL USE;
2. HOLDING ANY EVENT THAT REQUIRES A PERMIT OR LICENSE PURSUANT TO A CITY ORDINANCE OR STATE LAW;
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 THE PEACE AND ENJOYMENT OF NEIGHBORING PROPERTIES.

THE MAXIMUM OCCUPANCY OF THIS RESIDENCE IS ____.

22-4.7. A SHORT TERM RENTAL SHALL NOT BE RENTED OR OFFERED FOR RENT WITHOUT A VALID SHORT TERM RENTAL REGISTRATION UNDER SECTION 22-3 AND A VALID TRANSACTION PRIVILEGE TAX LICENSE UNDER ARIZONA REVISED STATUTES TITLE 42.

22-4.8. WHEN REQUESTED BY A POLICE OFFICER OR CITY CODE INSPECTOR, THE OWNER OR OWNER'S AGENT WHOSE NAME APPEARS ON THE SHORT TERM RENTAL REGISTRATION, OR ANOTHER PERSON WITH MANAGEMENT AUTHORITY REGARDING THE SHORT TERM RENTAL MUST BE AVAILABLE EITHER IN PERSON OR BY TELEPHONE WITHIN 60 MINUTES AFTER RECEIVING THE REQUEST.

22-5. – ENFORCEMENT OF CHAPTER.

A. THE CITY, ITS OFFICERS, AND ITS EMPLOYEES MAY ENFORCE THIS CHAPTER BY ONE OR MORE LAWFUL MEANS, INCLUDING BUT NOT

LIMITED TO VOLUNTARY COMPLIANCE, CIVIL CITATION, INJUNCTIVE ACTION, AND CRIMINAL ENFORCEMENT. THE CITY MAY ALSO REQUIRE RESTITUTION.

B. THE CITY MANAGER SHALL DESIGNATE THOSE OFFICERS AND EMPLOYEES OF THE CITY AUTHORIZED TO INSPECT SHORT TERM RENTALS AND OTHER PROPERTIES TO DETERMINE COMPLIANCE WITH THIS CHAPTER.

C. THE REMEDIES IN THIS SECTION ARE CUMULATIVE AND THE CITY MAY PROCEED UNDER ONE OR MORE CONCURRENTLY.

D. ANY SHORT TERM RENTAL OWNER, AGENT, RENTER, OR ONLINE LODGING OPERATOR WHO CAUSES, PERMITS, FACILITATES, AIDES, OR ABETS ANY VIOLATION OF THIS CHAPTER IS SUBJECT TO A CIVIL PENALTY AS FOLLOWS:

1. FIRST OFFENSE, \$500.
2. SECOND OFFENSE ON THE SAME PROPERTY WITHIN A TWELVE-MONTH PERIOD, \$1,000 PER OFFENSE.
3. THIRD AND SUBSEQUENT OFFENSE ON THE SAME PROPERTY WITHIN A TWELVE-MONTH PERIOD, \$1,500 PER OFFENSE.

E. A SHORT TERM RENTAL OWNER IS SUBJECT TO A SEPARATE CIVIL PENALTY AS SET FORTH IN PARAGRAPH D OF THIS SECTION FOR EACH VERIFIED VIOLATION OCCURRING ON THE SHORT TERM RENTAL OWNER'S PROPERTY.

F. ANY SHORT TERM RENTAL OWNER, AGENT, RENTER, OR ONLINE LODGING OPERATOR WHO COMMITS A VIOLATION OF A PROVISION OF THIS CHAPTER AFTER PREVIOUSLY HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING THREE (3) OR MORE CIVIL INFRACTIONS OF THIS CHAPTER WITHIN A SIXTEEN (16) MONTH PERIOD, WHETHER BY ADMISSION, BY PAYMENT OF THE FINE, BY DEFAULT, OR BY JUDGMENT AFTER HEARING, SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR PUNISHABLE AS SET FORTH IN SECTION 1-8 OF THIS CODE. THE CITY PROSECUTOR IS AUTHORIZED TO FILE A CLASS 1 CRIMINAL MISDEMEANOR COMPLAINT IN THE CHANDLER MUNICIPAL COURT AGAINST SUCH HABITUAL OFFENDERS WHO VIOLATE THIS SECTION. FOR PURPOSES OF CALCULATING THE SIXTEEN (16) MONTH PERIOD UNDER THIS PARAGRAPH, THE DATES OF THE COMMISSION OF THE OFFENSES ARE THE DETERMINING FACTOR.

G. IF THE OWNER OF A SHORT TERM RENTAL HAS OBTAINED A SHORT TERM RENTAL REGISTRATION AND PROVIDED VALID CONTACT INFORMATION AS REQUIRED UNDER THIS CHAPTER, THE DIRECTOR SHALL MAKE A REASONABLE ATTEMPT TO NOTIFY THE OWNER OR THE OWNER'S

AGENT OF ANY CITATION ISSUED FOR A VIOLATION OF A CITY ORDINANCE OR STATE LAW THAT OCCURRED ON OR AT THE SHORT TERM RENTAL WITHIN SEVEN BUSINESS DAYS AFTER ISSUANCE OF THE CITATION USING THE CONTACT INFORMATION THE OWNER PROVIDED UNDER SECTION 22-3.3. NO SUCH NOTICE IS REQUIRED FOR AN OWNER WHO HAS FAILED TO OBTAIN A SHORT TERM RENTAL REGISTRATION AND PROVIDE CONTACT INFORMATION AS REQUIRED UNDER THIS CHAPTER.

22-6. – NOTIFICATION TO THE ARIZONA DEPARTMENT OF REVENUE.

A. WITHIN 30 DAYS AFTER A VERIFIED VIOLATION, THE DIRECTOR SHALL NOTIFY THE ARIZONA DEPARTMENT OF REVENUE AND THE OWNER OF THE SHORT TERM RENTAL OF THE VERIFIED VIOLATION.

B. THE NOTIFICATION PROVIDED UNDER PARAGRAPH A OF THIS SECTION WILL INCLUDE THE AMOUNT OF ANY CIVIL PENALTY ASSESSED AGAINST THE OWNER OF THE SHORT TERM RENTAL UNDER SECTION 22-5(E) AND ANY OTHER INFORMATION REQUIRED BY LAW.