

ORDINANCE G-6653

AN ORDINANCE RELATING TO SHORT-TERM VACATION RENTAL BY AMENDING THE PHOENIX CITY CODE, CHAPTER 10, BY ADDING A NEW ARTICLE XVI; IMPOSING A PENALTY FOR VIOLATIONS AND INCLUDING SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. Chapter 10, Phoenix City Code, is amended by adding Article XVI,

Sections 10-193 through 10-197 as follows:

10-193 Definition

In this Article, unless the context otherwise requires:

- A. *Online Lodging Marketplace* means “online lodging marketplace” as defined in A.R.S. section 42-5076.
- B. *Online Lodging Operator* means “online lodging operator” as defined in A.R.S. Section 42- 5076.
- C. *Nonresidential use* means use that is prohibited in a residentially-zoned district.
- D. *Short-term rental* means “vacation rental” as defined in A.R.S. Section 9-500.39. Vacation rental does not include residential lease with a lease term of 31 days or longer.
- E. *Vacation rental* means short-term rental.
- F. *Verified violation* means a finally adjudicated finding of guilt or civil responsibility for violating any state law or local ordinance relating to use of the property for short-term rental purpose.

10-194 Vacation Rental Registration Required

- A. The owner of vacation rental must register with the City of Phoenix on a form or platform specified by the City of Phoenix.

- B. Vacation rental registration must include the following information about the vacation rental:
 1. Name of the property owner. If the property owner is a business entity, the name of the statutory agent.
 2. Address of the vacation rental.
 3. Phone number and email address of the property owner or property owner's agent who has the authority and responsibility to respond to complaints in person, over the phone, or by email at any time of the day.
- C. The City will provide a vacation rental registration number for each vacation rental registered by a property owner.
- D. If there is a change in the information required in Subsection B, the owner of vacation rental must complete a new vacation rental registration within 10 days.
- E. The owner of the vacation rental must display the phone number and email address of the property owner or property owner's agent who has authority and responsibility to respond to complaint in person, over the phone, by e-mail, or text at any time of the day. The information required under this paragraph must be displayed in a conspicuous place within 10 feet of the primary entrance inside of the vacation rental.

10-195 Vacation Rental; Violations

- A. Renting, or offering for rent, a vacation rental for uses contained in Subsection C of this Section is prohibited.
- B. An online lodging operator shall provide the following statement in its offer to rent a vacation rental on any chosen online lodging marketplace:

This property cannot be used for purposes identified in the City of Phoenix Ordinance Section 10-195(c). The City of Phoenix short-term registration number for this property is _____.
- C. Failure to post the following notice in a conspicuous place in the vacation rental: NOTICE: Using this property for following purposes are prohibited:
 1. Any nonresidential use;
 2. Holding a special event that requires a permit or license pursuant to a city or town ordinance or state law or rule;
 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;
 - 8. Obscenity;
 - 9. Adult-oriented business; or
 - 10. Other uses prohibited by A.R.S. 9-500.39
- D. Renting, or offering for rent, a vacation rental without complying with the registration requirement in Section 10-194 is prohibited.
- E. When requested by a police officer, the owner or owner's agent whose name appears on the vacation rental registration must be on the vacation rental premise, or be available over the phone or text, within 60 minutes after receiving the request. Failure for the owner or owner's agent to be on the vacation rental premise, or be available on the phone or text, within 60 minutes after receiving the request by the police officer is a violation of this Article.
- F. For purposes of this section, the online lodging marketplace is not responsible for any violation committed by an online lodging operator that advertises on the online lodging marketplace's platform.

10-196 Enhanced Penalties

- A. The remedies herein are cumulative and the City may proceed under one or more such remedies.
- B. Any vacation rental owner, agent, 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 a civil sanction as follows:
- 1. First offense, \$500.
 - 2. Second offense on the property within twelve-month period, \$1,000 per offense.
 - 3. Third and subsequent offense within twelve-month period, \$1,500 per offense.
- C. Notwithstanding any other provisions of the Code, the vacation rental owner, agent, 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, 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 guilty of a Class 1

misdemeanor.

- E. Notwithstanding any provision in the Article, a vacation rental owner is not liable for any violation of this Article if the vacation rental owner: 1) identified on the vacation rental registry an online lodging operator who will be responsible for complying with all applicable requirements of the City Code; and 2) submitted to the City a signed agreement with an online lodging operator who will be responsible for complying with all applicable requirements of the Ordinance. The online lodging operator who signs the agreement will be liable for any violation relating to any violation of this Article.

10-197 Verified Violation Notification to the Arizona Department of Revenue

- A. Within thirty days after a verified violation, and if required by law, the City will notify the Arizona Department of Revenues and the owner of the vacation rental of the verified violation.
- B. The notification provided pursuant to Section A will include the amount of civil penalty assessed against the owner of the vacation rental and any other information required by law.

SECTION 2. Any person found guilty of violating any applicable provision of this Ordinance shall be guilty of a class one misdemeanor as indicated or as otherwise provided herein and by Section 1-5.

SECTION 3. 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, such decision shall not affect the validity of remaining sections.

PASSED by the Council of the City of Phoenix this 8th day of January, 2020.



MAYOR

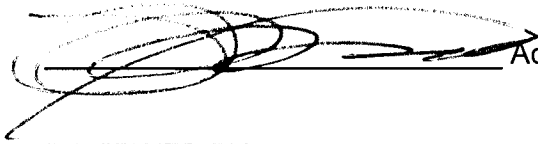
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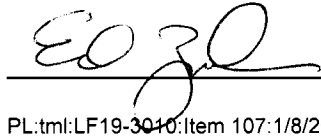
City Clerk



APPROVED AS TO FORM:

 Acting City Attorney *pml*

REVIEWED BY:

 City Manager

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