

**CITY CODE, CHAPTER 10, ARTICLE XVI
VACATION RENTAL****THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE****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(D)(2).
- C. *Nonresidential use* means use that is prohibited in a residentially-zoned district.
- D. *Short-term rental* means any portion of the land zoned for residential use or any unit, room, or detached structure of a single-family or multi-family dwelling unit that is offered to the public for short-term residential purpose.
- E. *Short-term residential purpose* means the intent to use any portion of a residentially-zoned property for the living or sleeping activities of persons for a duration of 30 days or less.
- F. *Vacation rental* means short-term rental.
- G. *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. If there is a change in the information required in subsection 2, the owner of vacation rental must complete a new vacation rental registration within 10 days.
- D. The online lodging operator 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, or by email 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 to the vacation rental.

10-195 Vacation Rental; Violations

- A. Renting or advertising a vacation rental for the uses outlined in ARS 9-500.39 is prohibited.
- B. 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
- C. Renting, or offering for rent, a vacation rental without complying with the registration requirement in Section 10-195 is prohibited.
- D. An online lodging marketplace is prohibited from allowing an online lodging operator to offer for rent on its platform a vacation rental that is not registered pursuant to Section 10-194.
- E. When requested by a police officer or code enforcement officer, the owner or owner's agent whose name appears on the vacation rental registration must be on the vacation rental premise within 60 minutes after receiving the request. Failure for the owner or owner's agent to be on the vacation rental premise within 60 minutes after receiving the request by the police officer or code enforcement officer is a violation of this Article.
- F. Unless a use permit is obtained for the vacation rental, having persons other than a "family" as defined in Section 202 of the Phoenix Zoning Ordinance stay overnight at the vacation rental is prohibited.
- G. Unless a use permit is obtained for the vacation rental, failure to identify in its rental listing or marketing material that the vacation rental is limited to residential use by "family" as defined in Section 202 of the Phoenix Zoning Ordinance is prohibited.

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, or online marketplace 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, or online marketplace 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, or online marketplace 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.

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.

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