

ORDINANCE 805-22

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE CHAPTER 8, ARTICLE 8-1, BUSINESS LICENSE, SECTION 8-1-2; AND ADDING ARTICLE 8-6, SHORT TERM RENTALS AND VACATION RENTALS; AND AMENDING CHAPTER 9 BY ADDING A NEW SECTION 9-2-13 SHORT TERM RENTAL OFFENSES, AND MOVING SECTION 9-2-13 TO 9-2-14

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, A.R.S. § 9-500.39, as amended, allows the Town to regulate the business of short term and vacation rentals within the Town subject to limitations set forth in the statute; and

WHEREAS, the Town Council has determined that enacting reasonable regulations for the business of short-term rentals and vacation rentals in the Town will protect the health, safety, and welfare of the Queen Creek community; and

WHEREAS, the Town Council has determined that it is in the best interest of the residents of Queen Creek to make certain changes to Town Code Chapter 8, Article 8-1, Business License And Adding Article 8-6, Short Term Rentals And Vacation Rentals, And Amending Chapter 9 By Adding A New Section 9-2-13 Short Term Rental Offenses, And Moving Section 9-2-13 to 9-2-14, as further set forth in Exhibit "A", which is attached hereto and incorporated herein by reference.

WHEREAS, A.R.S. § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1. The Queen Creek Town Code – Section 8-1-2, Application and Issuance, Section 8-6, Short Term Rentals and Vacation Rentals, Section 9-2-13, Short Term Rentals, and Section 9-2-14 Violation, referenced as "Exhibit A", is declared to be a public record and adopted incorporated herein by this reference;

Section 3. Added Section 8-6-3, License Required; Penalties, subsection H provides:

- H. Operating Without a License; Penalties. A vacation rental owner that fails to apply for a license or license within thirty (30) days of the license application being made available by the Town shall immediately cease

operations. In addition to any other penalty pursuant to the Town Code, the Town may impose a civil penalty of up to \$1,000 per month against the owner if the owner or owner's designee fails to apply for license within 30 days of receiving the written notice of violation from the Town. Representations or advertisements including online listings that reference the property, house or dwelling unit location within the Town is prima facie evidence that a vacation rental is operating in the Town.

Section 4. Added Section 8-6-4, Emergency Point of Contact Requirements; Penalties, subsection D, provides:

- D. Penalties. In addition to any other penalty pursuant to the Town Code, an owner shall be subject to civil penalties of up to \$1,000 for every thirty (30) days the owner fails to provide notice to the Town as required under this Section. Before imposing the initial civil penalty, the Town shall provide thirty (30) days' notice to the owner by mailing a notice of violation to the owner's mailing address that was provided to the Town. The notice of the violation shall inform the applicant of the right to appeal the denial as provided for in Section 8-6-8. Notwithstanding the date of the notice of violation, the date for calculating the penalties shall be the first day the vacation rental is occupied following the owner's failure to provide the notice to the Town regarding the change.

Section 5. Added Section 8-6-7, Penalties, provides:

- A. The remedies in this Article are cumulative and the Town may proceed under one or more such remedies.
- B. In addition to any other penalty pursuant to the Town Code, and notwithstanding any other law, the Town may impose a civil penalty of the following amounts against an owner if the owner causes, allows, facilitates, aides, or abets a verified violation of any provision of this Article or fails to perform any act or duty required by this Article, related to the same vacation rental property within the same twelve-month period:
 - 1. Up to \$500 or up to an amount equal to one night's rent for the vacation rental as advertised, whichever is greater, for the first violation.
 - 2. Up to \$1,000 or up to an amount equal to two nights' rent for the vacation rental as advertised, whichever is greater, for the second violation.
 - 3. Up to \$3,500 or up to an amount equal to three nights' rent for the vacation rental as advertised, whichever is greater, for a third and any subsequent violation.

If multiple violations arise out of the same response to an incident at a vacation rental, those violations are considered one violation for the purpose of assessing civil penalties.

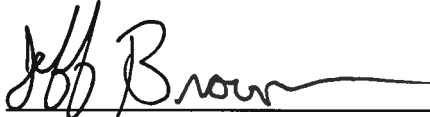
- C. In addition to any other penalty pursuant to the Town Code, any person who violates or causes, allows, facilitates, aides, or abets any violation of this Article shall be guilty of a civil offense.
- D. The failure of any designee to comply with this Article shall not relieve the owner of liability under this Article.

Section 6. If any section, subsection, clause, phrase or portion of this Ordinance or any part of these amendments to the Town Code is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

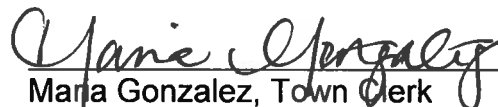
Section 7. At least one paper copy and one electronic copy of this ordinance and exhibits are to be filed in the office of the Town Clerk.

PASSED AND ADOPTED BY the Common Council of the Town of Queen Creek, Arizona, this 21st day of December 2022.

FOR THE TOWN OF QUEEN CREEK:


Jeff Brown, Vice Mayor

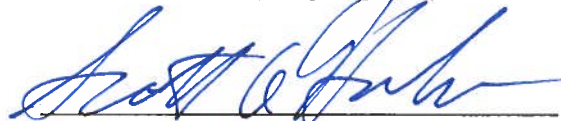
ATTESTED TO:


Maria Gonzalez, Town Clerk

REVIEWED BY:


John Kross, ICMA-CM
Town Manager

APPROVED AS TO FORM:


Dickinson Wright PLLC
Attorneys for the Town