

**NOTICE OF REGULAR MEETING
OF THE CAREFREE TOWN COUNCIL**

WHEN: TUESDAY, FEBRUARY 7, 2023

WHERE: CAREFREE TOWN COUNCIL CHAMBERS
33 EASY STREET, CAREFREE, AZ 85377

LIVESTREAM: CAREFREE YOUTUBE CHANNEL <https://youtu.be/Afuj9zAvVDw>

TIME: 5:00 P.M.

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Town Council of the Town of Carefree, Arizona and to the general public that the members of the Town Council will hold a meeting open to the public. For any item listed on the agenda, the Council may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to Arizona Revised Statutes §38-431.03.

The agenda for the meeting is as follows:

CALL TO ORDER

ROLL CALL

A members of the Council may participate by technological means or methods pursuant to A.R.S. §38-431(4).

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

All items listed hereunder are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests, in which event the item will be removed from the consent agenda and will be discussed separately:

- ITEM #1** Approval of the January 3, 2023 Town Council Regular Meeting Minutes.
- ITEM #2** Acceptance into the public record of the January, 2023 paid bills.
- ITEM #3** Acceptance of the cash receipts and disbursements report for November, 2022.
- ITEM #4** Acceptance of the cash receipts and disbursements report for December, 2022.

CALL TO THE PUBLIC

ITEM #5 Call to the Public: Consideration of comments from the public. Pursuant to Section 2-4-7(G) of the Town Code and A.R.S. 38-431.01(H), those wishing to address the Council need not request permission in advance. The public may address the Council on matters not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, direct staff to study the matter, reschedule the matter for further consideration and decision at a later date, or may ask that a matter be put on a future agenda. However, the Council may not discuss or take legal action at this time. Please limit your comments to not more than 3 minutes.

REGULAR AGENDA:

ITEM #6 Current Events.

ITEM #7 Presentation by the Town of Cave Creek regarding the evolution of fire and emergency services.

ITEM #8 Appointment of the Planning and Zoning Commission members.

ITEM #9 Review, discussion and possible action to approve the Redevelopment Plan Executive Summary.

ITEM #10 Review, discussion and possible action for a street closure on Easy Street and HoHum on Sunday March 5, 2023 from 7:00 a.m. to 4:00 p.m. for the All Porsche Grand Display at Carefree Town Center Car Show.

ITEM #11 **PUBLIC HEARING** – Review and discussion regarding amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to the repeal and replacement of Article 6, Offenses, Chapter 6-8 Short-Term Rentals Responsible Party Requirements and other Violations to align with recently passed state legislation. (*Second Reading*).

ITEM #12 **PUBLIC HEARING** – Review and discussion regarding amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to amending Chapter 6 *Offenses*, Article 6-2 *Nuisances*, Section 6-2-4 *Noise*, to align with the new *Short-Term Rentals and Vacation Rentals Ordinance*.

ITEM #13 **PUBLIC HEARING** – Review and discussion regarding amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to amending Chapter 6 *Offenses*, Article 6-5 *Curfew Hours for Minors*, Section 6-5-2 *Offenses* to align with the new *Short-Term Rentals and Vacation Rentals Ordinance*.

ITEM #14 Adjournment.

DATED this 31st day of January, 2023.

TOWN OF CAREFREE

BY: *Kandace French Contreras*
Kandace French Contreras, Town Clerk/Treasurer

Items may be taken out of sequence

Council meeting are now broadcast live via the Town of Carefree YouTube channel:
[@CarefreeAZgov](https://www.youtube.com/channel/UCarefreeAZgov)

LIVESTREAM LINK: <https://www.youtube.com/watch?v=Afuj9zAvVDw>



FOR SPECIAL ACCOMMODATIONS

Please contact the Town Clerk, 8 Sundial Circle (PO Box 740), Carefree, AZ 85377; (480) 488-3686, at least three working days prior to the meeting if you require special accommodations due to a disability.

**MINUTES OF THE REGULAR MEETING
OF THE CAREFREE TOWN COUNCIL**



WHEN: TUESDAY, JANUARY 3, 2023

WHERE: CAREFREE TOWN COUNCIL CHAMBERS
33 EASY STREET, CAREFREE, AZ 85377

TIME: 5:00 P.M.

Town Council Attending:

Mayor John Crane
Vice Mayor Cheryl Kroyer
Sheila Amoroso
Vince D'Aliesio
Tony Geiger
Stephen Hatcher
Mike Johnson

Town Council Absent:

None

Staff Present:

Gary Neiss, Town Administrator; Michael Wright, Town Attorney; Stacey Bridge Denzak, Director of Planning and Zoning; Steve Prokopek, Economic Development Director; Kandace French Contreras, Town Clerk, Treasurer.

Mayor Peterson called the meeting to order at 5:00 p.m.

Sharon Smith led the Council in the Pledge of Allegiance.

CONSENT AGENDA

ITEM #1 Approval of the December 6, 2022 Town Council Regular Meeting Minutes.

ITEM #2 Approval of the December 13, 2022 Town Council Special Meeting Minutes.

ITEM #3 Acceptance into the public record of the December, 2022 paid bills.

ITEM #4 Acceptance of the cash receipts and disbursements report for October, 2022.

ACTION: Agenda items were APPROVED as a single motion.

MOTION: Vice Mayor Kroyer.

SECOND: Council Member D’Aliesio.

VOTE: Approved 7-0.

Voting Member	Aye/Nay
Mayor John Crane	Aye
Vice Mayor Cheryl Kroyer	Aye
Sheila Amoroso	Aye
Vince D’Aliesio	Aye
Tony Geiger	Aye
Stephen Hatcher	Aye
Mike Johnson	Aye

CALL TO THE PUBLIC

ITEM #5 Call to the Public –

Debra Morrow, of Carefree, appeared and thanked the Council for the installation of the speedbumps on Bloody Basin. She described the improvement in traffic volume and speed. She commented that additional informal counts and studies will continue.

ACTION: NONE.

REGULAR AGENDA:

ITEM #6 Current Events.

- First Garden Seminar of 2023 being held on January 14, 2023
- Planning and Zoning Commission applications close January 13th. Members to be appointed by the Council on February 7, 2023
- New broadcasting and recording system installation in Town Council Chambers almost complete. Staff are recording the January meeting for posting to the website and YouTube Channel with the expectation that full live stream will begin with the February 7, 2023 meeting.
- Thunderbird Artists event in Town Center January 20th through January 22nd.

ACTION: NONE.

ITEM #7 PUBLIC HEARING – Review and discussion regarding amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to the repeal and replacement of Article 6, Offenses, Chapter 6-8 Short-Term Rentals

Responsible Party Requirements and other Violations to align with recently passed state legislation. (Second Reading).

ACTION: DEFER this matter to the February 7, 2023 Regular Town Council Meeting.

MOTION: Vice Mayor Kroyer.

SECOND: Council Member D’Aliesio.

VOTE: Approved 7-0.

Voting Member	Aye/Nay
Mayor John Crane	Aye
Vice Mayor Cheryl Kroyer	Aye
Sheila Amoroso	Aye
Vince D’Aliesio	Aye
Tony Geiger	Aye
Stephen Hatcher	Aye
Mike Johnson	Aye

ITEM #8 PUBLIC HEARING – Review and discussion to approve the Village Center Redevelopment Plan.

Presentation by Steve Prokopek and Matthew Klyszeiko of Michael Banker, International. Approved with an amendment to the Vision Statement on page 18. Replace “progressive: with “Forward thinking.” Staff were directed to draft an Executive Summary of the Village Center Redevelopment Plan.

ACTION: Agenda items APPROVED with direction to bring forth an EXECUTIVE SUMMARY at the next meeting along with an overview to arrive a more rigorous design review standards and tighter density control within the redevelopment area.

MOTION: Vice Mayor Kroyer.

SECOND: Council Member D’Aliesio.

VOTE: Approved 7-0.

Voting Member	Aye/Nay
Mayor John Crane	Aye
Vice Mayor Cheryl Kroyer	Aye
Sheila Amoroso	Aye
Vince D’Aliesio	Aye

Tony Geiger	Aye
Stephen Hatcher	Aye
Mike Johnson	Aye

ITEM #9 **Approval of an Application for Series 14 Club Liquor License for Desert Forest Golf Club, Scott Edward Szymoniak, as General Manager located at 37207 N, Mule Train Road, Carefree, AZ 85277.**

ACTION: Agenda items APPROVED.

MOTION: Vice Mayor Kroyer.

SECOND: Council Member D’Aliesio.

VOTE: Approved 7-0.

Voting Member	Aye/Nay
Mayor John Crane	Aye
Vice Mayor Cheryl Kroyer	Aye
Sheila Amoroso	Aye
Vince D’Aliesio	Aye
Tony Geiger	Aye
Stephen Hatcher	Aye
Mike Johnson	Aye

ITEM #10 **Adjournment.**

ACTION: Agenda items APPROVED.

MOTION: Vice Mayor Kroyer.

SECOND: Council Member D’Aliesio.

VOTE: Approved 7-0.

Voting Member	Aye/Nay
Mayor John Crane	Aye
Vice Mayor Cheryl Kroyer	Aye
Sheila Amoroso	Aye
Vince D’Aliesio	Aye
Tony Geiger	Aye
Stephen Hatcher	Aye
Mike Johnson	Aye

ADJOURNED AT 6:15 P.M.

DATED this 10th day of January, 2023

TOWN OF CAREFREE

BY:

Kandace French Contreras, Town Clerk/Treasurer

TOWN OF CAREFREE

John Crane, Mayor

Attest:

Kandace French Contreras, Town Clerk/Treasurer

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the Regular Meeting of the Town of Carefree held January 3, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Kandace French Contreras, Town Clerk

Check Register Report

ALL CHECKS JANUARY 2023

BANK: NATIONAL BANK OF ARIZONA



Date: 01/27/2023
Time: 12:06 pm
Page: 1

Town Of Carefree

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
NATIONAL BANK OF ARIZONA Checks							
48973	01/03/2023	Printed		3595	AMAZON CAPITAL SERVICES	Dec 22 Town Office Supplies	531.08
48974	01/03/2023	Printed		1512	ARROW AWARDS	2 New Nameplates Council	36.30
48975	01/03/2023	Printed		3495	ASSURITY LIFE INSURANCE CO	Dec 2022 Supplemental Ins	409.66
48976	01/03/2023	Printed		0414	AZ MUN. RISK RETENTION POOL	2nd Qtr FY2023 Worker Comp Ins	5,982.00
48977	01/03/2023	Printed		3699	CANON FINANCIAL SERVICES, INC	Large Format Copier Serv Jan23	101.43
48978	01/03/2023	Printed		3299	CIRCLE K UNIVERSAL	Dec 202 Gasoline All Depts	1,211.43
48979	01/03/2023	Printed		1460	COX COMMUNICATIONS	Jan23 Town Internet&Phones	1,001.64
48980	01/03/2023	Printed		1058	DAILY JOURNAL CORPORATION	P&Z Legal Ad Case #22-21-51	7.04
48981	01/03/2023	Printed		3174	DESERT DIGITAL IMAGING, INC.	Court Business Cards D Stutz	60.90
48982	01/03/2023	Printed		1320	KARSTEN'S ACE HARDWARE	Dec 22 Pub Wrks Supplies	74.83
48983	01/03/2023	Printed		3611	KRAETZ, JOHN	Dec22 Consult FD Engineering	562.50
48984	01/03/2023	Printed		0010	MARICOPA COUNTY	Jan 23 MCSO Sheriff's Patrol	41,606.53
48985	01/03/2023	Printed		3714	MCDONALD, PATRICIA	Restitution Pmt	200.00
48986	01/03/2023	Printed		3613	MGX EQUIPMENT SERVICES	Tymco Street Sweeper Service	4,896.98
48987	01/03/2023	Printed		3015	NOTHING BUT NET	Jan 23 Comp Maint Agreements	1,530.87
48988	01/03/2023	Printed		3598	STORQUEST - CAREFREE-CC	Feb 23 Town Records Storage	297.66
48989	01/03/2023	Printed		3461	TITAN COMMERCIAL CLEANING	Dec 22 Town, Gardens Cleaning	7,305.00
48990	01/03/2023	Printed		0088	TYLER TECHNOLOGIES	Maint 11-1-22 to 10-31-23	4,559.62
48991	01/03/2023	Printed		3115	VERIZON WIRELESS	Dec 22 Mobile Phones All	486.56
48992	01/06/2023	Printed		0389	CAREFREE WATER COMPANY, INC	Jan 23 Water All Dept.	2,823.73
48993	01/06/2023	Printed		1329	COLONIAL SUPPLEMENTAL INS	Dec 22 Supplemental Ins	74.90
48994	01/06/2023	Printed		3174	DESERT DIGITAL IMAGING, INC.	Ticket Option Inserts	584.09
48995	01/06/2023	Printed		2059	DESERT FOOTHILLS LANDSCAPE	Town Cemetery Cleanup 12/12/22	5,830.00
48996	01/06/2023	Printed		2059	DESERT FOOTHILLS LANDSCAPE	Jan 23 Gardens Maintenance	2,000.00
48997	01/06/2023	Printed		2059	DESERT FOOTHILLS LANDSCAPE	Jan 23 Medians Maintenance	4,955.00
48998	01/06/2023	Printed		3612	DOMENICO, DEBBIE	Town Office Supplies	161.28
48999	01/06/2023	Printed		3210	ECOBLU POOLS MY POOL GAL, INC	Dec 22 Gardens Fountain Serv	600.00
49000	01/06/2023	Printed		3716	GUST ROSENFELD PLC	Legal Election Services	1,035.30
49001	01/06/2023	Printed		1796	HEINFELD, MEECH & CO.,P.C.	Final Fy2021-22 Town Audit	2,440.00
49002	01/06/2023	Printed		3221	NATIONAL BANK OF ARIZONA	Miles Meetings Dec 22	112.00
49003	01/06/2023	Printed		3221	NATIONAL BANK OF ARIZONA	Dec22 Office Sup,PU Tires,Zoom	7,599.07
49004	01/06/2023	Printed		3015	NOTHING BUT NET	Dec 22 Additional PC Serv	371.89
49005	01/06/2023	Printed		2081	O'REILLY AUTO PARTS, INC	Dec 22 Pub Wrks Veh Maint.	594.21
49006	01/06/2023	Printed		2025	QUADIENT FINANCE USA	Refill Town Postage Meter	400.00
49007	01/06/2023	Printed		3010	REPUBLIC SERVICES #753	Jan 2023 Trash PU & Sundial	796.92
49008	01/06/2023	Printed		3425	RURAL ARIZ GROUP HEALTH	Jan 23 MedicalDentalVision Ins	17,668.29
49009	01/06/2023	Printed		3287	TOSHIBA BUSINESS SOLUTIONS	Dec 22 Town Copier Maint&Lease	1,042.19
49010	01/13/2023	Printed		3504	AAA SMART HOME	Town Hall Security Sys Maint	138.51
49011	01/13/2023	Printed		3688	ASCAP	2023 License Music Royalties	420.00
49012	01/13/2023	Printed		1470	BROWN & ASSOCIATES	Dec 22 Bld Inspection 91.5 Hrs	6,405.00
49013	01/13/2023	Printed		1472	CENTERLINE SUPPLY, INC.	21 St Signs and Post anchors	3,468.68
49014	01/13/2023	Printed		3318	CERTIPRO FIRE & LIFE	Add 33 Easy Fire Sprinkler Sys	2,820.00
49015	01/13/2023	Printed		1460	COX COMMUNICATIONS	Jan 23 Internet 33 Easy St	129.00
49016	01/13/2023	Printed		3584	KIMLEY-HORN AND ASSOCIATES,INC	Dec 22 Carefree Sign Plan	2,100.00
49017	01/13/2023	Printed		3578	LIBERTY UTILITIES	Dec 22 Sewer Gardens	658.06
49018	01/13/2023	Printed		1876	LOWE'S	Pub Wrks Gardens Supplies	154.38
49019	01/13/2023	Printed		0668	RURAL METRO FIRE DEPT.	Dec 2022 Fire Truck Diesel	724.37
49020	01/13/2023	Printed		0668	RURAL METRO FIRE DEPT.	Jan 23 Fire Contract	152,416.66
49021	01/13/2023	Printed		1691	SPARKLETTS	Dec22 Office Bottled Water All	139.35
49022	01/13/2023	Printed		1794	STAPLES ADVANTAGE	Town Office Supplies	39.39
49023	01/13/2023	Printed		1947	STUCKEY, KEVIN	Court Sec for 1/11/2023	60.00
49024	01/13/2023	Printed		3461	TITAN COMMERCIAL CLEANING	2022 Gardens Restroom Supplies	5,200.00
49025	01/13/2023	Printed		3352	UNUM LIFE INSURANCE COMPANY	Feb 2023 Short Term Dis Ins	443.93

**Combined Trial Balance - All Funds
November 30, 2022**



Assets

Checking - National Bank of AZ	3,518,507
Local Gov't Investment Pool - AZ	13,203,286
Petty Cash	700
Advances to the Water Company	2,400,977
Total Assets	\$ 19,123,470

Liabilities

Accounts Payable	67,001
Bonds	40,010
Sales Tax Remittance	-7
Long Term Deferred Revenue	2,400,977
Total Liabilities	\$2,507,980

Fund Balance

Fund Balance-Beginning of Year	16,478,314
Year-to-date change in Fund Balance	<u>137,176</u>
Total Fund Balance	<u>16,615,490</u>
Total Liabilities and Fund Balance	\$ <u>19,123,470</u>

Contingency Reserve Fund	\$2,500,000
Capital Fund	\$13,866,031
Total	\$16,366,031

Town of Carefree Reconciled Cash Receipts and Cash Disbursements as of November 30, 2022

Revenues		FY2021	FY2022	FY2023	2022 vs 2023	Budget	Nov22	% of Budget
		YTD Nov	YTD Nov	Y-T-D	% (+/-)			
Local Sales Taxes	(1 month lag)	\$794,864	\$ 876,579	\$ 916,180	4.5%	2,840,000	211,257	32.3%
State Sales Taxes	(1 month lag)	158,588	180,557	191,629	6.1%	528,000	38,085	36.3%
Building Fees		147,571	151,268	242,078	60.0%	375,000	40,284	64.6%
State Income Tax		233,843	207,059	291,271	40.7%	712,000	58,254	40.9%
Fines		51,163	84,054	46,281	-44.9%	150,000	16,439	30.9%
Court Service Fees		71,972	44,526	46,309	4.0%	185,000	0	25.0%
Town Clerk-Misc. Sales		56	0	0	0.0%	100	0	0.0%
Town Clerk-Permits & Sol Fees		100	575	100	-82.6%	700	50	14.3%
Water Company Reimbursements		288,377	256,662	288,377	12.4%	692,105	57,675	41.7%
Miscellaneous Income & Donations		80,127	31,714	25,369	-20.0%	26,000	50	97.6%
Interest Income		10,398	1,110	89,837	7994.2%	6,139	37,793	1463.4%
Utility Franchise Fees	(1 month lag)	142,598	139,440	151,526	8.7%	300,000	0	50.5%
County Lieu Tax	(1 month lag)	71,356	65,363	64,760	-0.9%	175,000	13,758	37.0%
General Fund & All Funds Reserve Contribution(Below)		0	0	0	0.0%	3,397,842	0	0.0%
Special Events		22,060	32,216	27,873	-13.5%	45,000	7,100	61.9%
County & State Grants		98,132	0	0	0.0%	1,250,000	0	0.0%
Court Enhancement, GAP, MJCEF		4,844	6,794	4,621	-32.0%	11,400	554	40.5%
HURF	(1 month lag)	89,441	94,538	85,936	0.0%	1,279,616	21,695	6.7%
Cemetery		100	750	500	0.0%	600	0	83.3%
CPR Ed Fund		0	0	0	0.0%	200	0	0.0%
CARES Fund Grants		450,846	655,770	655,770	0.0%	656,000	0	100.0%
Utility Capital Improvement Fund		3,314	4,252	4,861	0.0%	100,000	0	4.9%
Fire Reimb Income & Ins Reimb		28,164	48,367	35,155	0.0%	108,079	0	32.5%
Fire Fund-L Sales Tax	(1 month lag)	397,433	438,289	458,091	4.5%	1,420,350	105,629	32.3%
Total Revenues		3,145,348	3,319,883	3,626,524	9.2%	14,259,131	608,623	25.4%
Expenses								
Mayor & Council		2,954	4,345	4,902	12.8%	12,330	892	39.8%
Town Clerk		134,238	130,952	165,166	26.1%	374,011	37,994	44.2%
Court		117,670	115,967	111,748	-3.6%	268,892	24,868	41.6%
Administration		171,507	226,524	273,522	20.7%	771,479	46,943	35.5%
Claims & Losses		400	0	0	0.0%	10,000	0	0.0%
Legal		168,522	86,824	40,715	-53.1%	160,000	3,850	25.4%
Risk Management		16,169	44,244	39,053	-11.7%	120,000	0	32.5%
Planning & Development		86,715	97,742	104,841	7.3%	352,915	18,468	29.7%
Building Safety		83,688	108,175	102,135	-5.6%	262,919	17,098	38.8%
Law Enforcement		212,113	216,482	231,747	7.1%	563,194	43,170	41.1%
Code Enforcement		19,773	21,536	22,588	4.9%	56,275	4,870	40.1%
Engineering		12,384	53,472	104,060	94.6%	261,779	18,639	39.8%
Public Works - Streets & Gardens		315,900	308,909	364,325	17.9%	946,554	53,243	38.5%
Debt Service WIFA		231,385	235,406	239,579	1.8%	244,070	0	98.2%
33 Easy St		11,716	10,841	16,324	0.0%	28,950	2,490	56.4%
Capital Improvement Program	(See Below)	0	0	0	0.0%	0	0	0.0%
Public Safety Fire General Fund		5	0	0	0.0%	664,200	0	0.0%
Economic Development		71,270	74,260	95,740	28.9%	334,179	15,965	28.6%
Contingencies		0	0	13,940	0.0%	0	0	0.0%
Court Enhancement, GAP, MJCEF		0	(252)	0	0.0%	11,407	0	0.0%
HURF	(See Below)	0	0	0	0.0%	1,279,716	0	0.0%
Cemetery		0	0	0	0.0%	600	0	0.0%
CPR - Education Fund		0	0	0	0.0%	202	0	0.0%
AZ CARES Fund Expense to Water Infra (See Below)		450,904	0	655,812	0.0%	0	0	0.0%
Utility Capital Improvement Fund	(See Below)	0	0	0	0.0%	100,000	0	0.0%
Transfers Out		100	0	0	100.0%	0	0	0.0%
Fire Fund		202,794	667,501	799,287	19.7%	1,529,350	160,109	52.3%
Total Expenses without Capital Expense		2,310,206	2,402,929	3,385,485	40.9%	8,353,022	448,598	40.5%
Net without Capital Expense		\$ 835,141	\$ 916,954	\$ 241,039		\$ 5,906,109	\$ 160,025	4.1%
All Capital Projects		580,570	243,217	103,862	-57.3%	5,856,100	1,250	1.8%
Total Expenses with Capital Expense		2,890,776	2,646,146	3,489,347	31.9%	\$14,209,122	\$449,848	24.6%
Net with Capital Expense		254,571	673,737	137,176	-79.6%	50,009	158,775	274.3%

Combined Trial Balance - All Funds
December 31, 2022



Assets

Checking - National Bank of AZ	3,787,486
Local Gov't Investment Pool - AZ	13,528,224
Petty Cash	700
Advances to the Water Company	2,349,221
Total Assets	\$ 19,665,631

Liabilities

Accounts Payable	74,926
Bonds	40,010
Sales Tax Remittance	-7
Long Term Deferred Revenue	2,349,221
Total Liabilities	\$2,464,150

Fund Balance

Fund Balance-Beginning of Year	16,478,314
Year-to-date change in Fund Balance	723,167
Total Fund Balance	17,201,481
Total Liabilities and Fund Balance	\$ 19,665,631

Contingency Reserve Fund	\$2,500,000
Capital Fund	\$14,448,769
Total	\$16,948,769

Town of Carefree Reconciled Cash Receipts and Cash Disbursements as of December 31, 2022

Revenues	FY2021	FY2022	FY2023	2022 vs 2023		Dec22	% of Budget
	YTD Dec	YTD Dec	Y-T-D	% (+/-)	Budget		
Local Sales Taxes (1 month lag)	\$1,031,358	\$ 1,194,246	\$ 1,279,590	7.1%	2,840,000	363,410	45.1%
State Sales Taxes (1 month lag)	203,245	233,868	241,174	3.1%	528,000	49,545	45.7%
Building Fees	176,871	177,223	287,197	62.1%	375,000	45,119	76.6%
State Income Tax	280,612	247,613	349,525	41.2%	712,000	58,254	49.1%
Fines	72,059	98,459	58,453	-40.6%	150,000	12,172	39.0%
Court Service Fees	100,761	59,368	92,617	56.0%	185,000	46,309	50.1%
Town Clerk-Misc. Sales	56	0	0	0.0%	100	0	0.0%
Town Clerk-Permits & Sol Fees	550	575	100	-82.6%	700	0	14.3%
Water Company Reimbursements	311,524	311,524	346,052	11.1%	692,105	57,675	50.0%
Miscellaneous Income & Donations	397,620	33,314	25,502	-23.5%	26,000	133	98.1%
Interest Income	19,448	(8,056)	141,334	117.7%	6,139	51,497	123.0%
Utility Franchise Fees (1 month lag)	142,598	139,440	151,526	8.7%	300,000	0	50.5%
County Lieu Tax (1 month lag)	85,563	79,858	78,721	-1.4%	175,000	13,961	45.0%
General Fund & All Funds Reserve Contribution(Belk)	0	0	0	0.0%	3,397,842	0	0.0%
Special Events	22,720	33,920	29,213	-13.9%	45,000	1,340	64.9%
County & State Grants	98,132	0	177,000	100.0%	1,250,000	177,000	14.2%
Court Enhancement, GAP, MJCEF	6,548	8,255	6,668	-19.2%	11,400	2,047	58.5%
HURF (1 month lag)	110,057	116,203	106,832	0.0%	1,279,616	20,896	8.3%
Cemetery	200	950	915	0.0%	600	415	152.5%
CPR Ed Fund	0	0	0	0.0%	200	0	0.0%
CARES Fund Grants	450,846	655,770	655,770	0.0%	656,000	0	100.0%
Utility Capital Improvement Fund	3,314	4,252	4,861	0.0%	100,000	0	4.9%
Fire Reimb Income & Ins Reimb	33,703	56,391	40,952	0.0%	108,079	5,796	37.9%
Fire Fund-L Sales Tax (1 month lag)	515,681	597,123	639,796	7.1%	1,420,350	181,705	45.0%
Total Revenues	4,063,464	4,040,297	4,713,798	16.7%	14,259,131	1,087,275	33.1%
Expenses							
Mayor & Council	3,385	4,762	7,427	56.0%	12,330	2,525	60.2%
Town Clerk	166,477	189,616	203,623	7.4%	374,011	38,457	54.4%
Court	141,962	136,087	128,409	-5.6%	268,892	16,660	47.8%
Administration	209,081	265,756	332,994	25.3%	771,479	59,471	43.2%
Claims & Losses	400	0	0	0.0%	10,000	0	0.0%
Legal	169,902	109,482	41,751	-61.9%	160,000	1,035	26.1%
Risk Management	36,371	52,457	53,022	1.1%	120,000	13,969	44.2%
Planning & Development	108,815	119,596	132,148	10.5%	352,915	27,308	37.4%
Building Safety	103,214	163,938	120,214	-26.7%	262,919	18,079	45.7%
Law Enforcement	253,850	260,150	273,353	5.1%	563,194	41,607	48.5%
Code Enforcement	30,093	62,064	28,408	-54.2%	56,275	5,821	50.5%
Engineering	14,861	64,209	115,788	80.3%	261,779	11,727	44.2%
Public Works - Streets & Gardens	365,708	405,031	449,343	10.9%	946,554	85,017	47.5%
Debt Service WIFA	231,385	235,406	239,579	1.8%	244,070	0	98.2%
33 Easy St	13,518	12,783	18,462	44.4%	28,950	2,138	63.8%
Capital Improvement Program (See Below)	0	0	0	0.0%	0	0	0.0%
Public Safety Fire General Fund	5	0	0	0.0%	664,200	0	0.0%
Economic Development	84,737	93,546	116,655	24.7%	334,179	20,915	34.9%
Contingencies	0	0	13,940	0.0%	0	0	0.0%
Court Enhancement, GAP, MJCEF	0	(252)	0	0.0%	11,407	0	0.0%
HURF (See Below)	0	0	0	0.0%	1,279,716	0	0.0%
Cemetery	0	0	0	0.0%	600	0	0.0%
CPR - Education Fund	0	0	0	0.0%	202	0	0.0%
AZ CARES Fund Expense to Water Infra (See Below)	450,904	0	655,812	0.0%	0	0	0.0%
Utility Capital Improvement Fund (See Below)	0	0	0	0.0%	100,000	0	0.0%
Transfers Out	100	0	0	0.0%	0	0	0.0%
Fire Fund	331,556	804,750	953,741	18.5%	1,529,350	154,454	62.4%
Total Expenses without Capital Expense	2,716,324	2,979,382	3,884,669	30.4%	8,353,022	499,184	46.5%
Net without Capital Expense	\$ 1,347,140	\$ 1,060,915	\$ 829,129		\$ 5,906,109		14.0%
All Capital Projects	682,746	263,392	105,962	-59.8%	5,856,100	2,100	1.8%
Total Expenses with Capital Expense	3,399,070	3,242,774	3,990,631	23.1%	\$14,209,122	\$501,284	28.1%
Net with Capital Expense	664,394	797,523	723,167	-9.3%	50,009	585,991	

2023 APPLICATIONS FOR PLANNING AND ZONING COMMISSION

February 7, 2023



- Peter Budnick
- Heather D. Burgett*
- Peter Burns*
- Phil Corso*
- Thomas B. Cross*
- Karen Dahlman
- Susie Dymoke
- Ralph Ferro*
- Sarah Gondell
- Lyn Hitchon*
- Sharon Jenness
- Lon Johnson
- John Knell
- Margaret Mekernan
- Mary Roberts
- Diane Roth
- Sharon P. Smith

***Denotes Incumbent**

Section 3.02
Planning and Zoning Commission

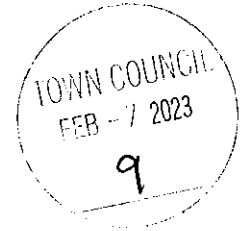
PURPOSE

The Planning and Zoning Commission shall serve as the planning agency for the Town to carry out the purposes of this Ordinance and the Arizona Revised Statutes relating to planning, zoning, subdivision, and building regulations.

ORGANIZATION

The number of members of the Commission shall be seven (7) who shall be appointed by the Town Council to serve without compensation for a term of office at the pleasure of the Town Council.

Agenda Item #



**TOWN OF CAREFREE
INFORMATION SUMMARY**

MEETING

DATE: February 7, 2023

SUBJECT

DISCUSSION AND POSSIBLE ACTION Review, discussion and possible action to approve the Redevelopment Plan Executive Summary.

ATTACHMENTS

- Redevelopment Plan Executive Summary

SUMMARY

On January 3, 2023, Town Council approved the Town Center Redevelopment Plan. Upon approval of the plan, Town Council requested staff to prepare an Executive Summary. The attached summary captures:

1. The plans purpose
2. The value of the redevelopment area
3. The plans vision
4. The plans objectives and implementation outline

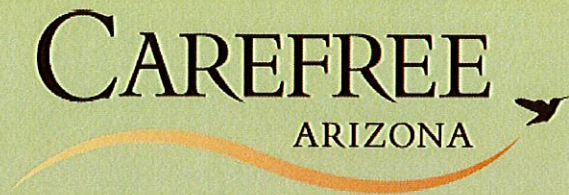
This Executive Summary can be printed individually or as a foldable 4 page brochure, and will be the basis for the website.

ACTION NEEDED:

Approval of the Executive Summary

REPORT PREPARED BY:

Steve Prokopek, Economic Development Director



Village Center Redevelopment Plan

Executive Summary

Prepared by.
Michael Baker International

Date Issued
01.25.2023

Introduction

Over the last several years, the Town of Carefree has undertaken a number of public projects and initiatives to encourage development and redevelopment that supports the ongoing success of Carefree's Village Center. Despite this investment and activity, several areas within the Village Center continue to require improvement, particularly in new retail and housing options, but also around infrastructure, transportation, and safety improvements.

This Redevelopment Plan recognizes recent improvements within the Village Center and builds on the area's original Village Center Master Plan (2015) to recommend enhanced strategic initiatives, and in turn, make available additional redevelopment tools that are not currently accessible to improve conditions within the Village Center.

Benefits of a Redevelopment Plan



State Law strictly limits the manner in which Cities and Towns can use public funds for private use as well as the way in which public property can be managed and sold.

A Redevelopment Plan (Arizona Revised Statute 36-1474) enables a special set of tools, where communities can use public resources to leverage private investment. These tools allow:

- The ability for municipalities to have greater control over the disposition of real estate.
- The ability to enter into public/private partnerships, allowing public sector investment in the revitalization of private property.
- Enhanced rules for bond financing of municipal improvements.
- Access to federal grants and loans.

Planning Process & Redevelopment Area:

To establish the Redevelopment Plan and access the redevelopment powers allowable under Arizona law, the Town of Carefree underwent a planning process that included conducting a "Finding of Necessity" and approval of the Plan's formal "Redevelopment Area". The Village Center Redevelopment Area encompasses approximately 81 acres and was formally adopted by the Town Council on August 3, 2022.

Redevelopment Plan Outreach:

As part of the process to prepare this Redevelopment Plan, the following public outreach was conducted:

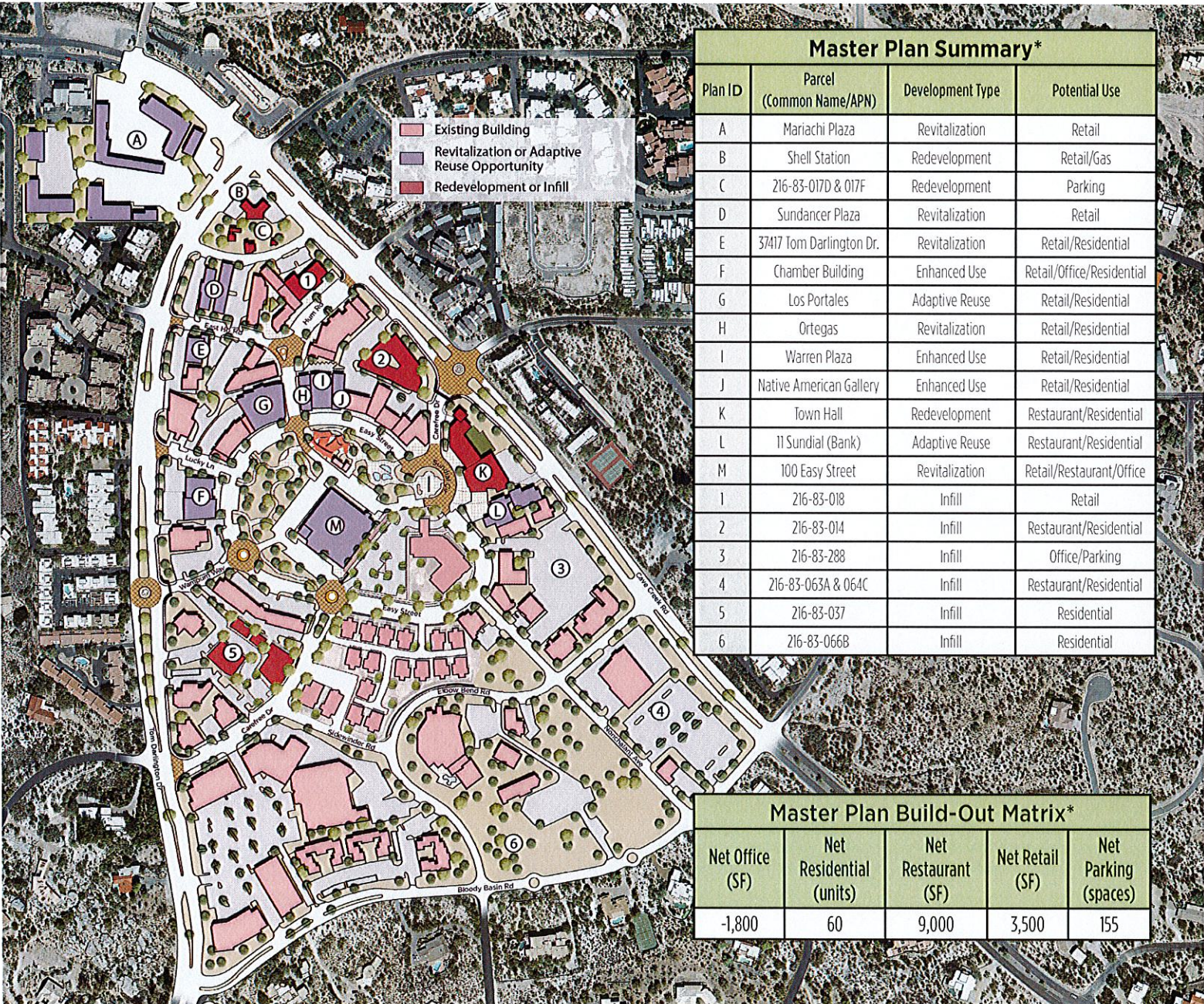
- Multiple public workshops and public meetings were conducted with the Planning & Zoning Commission over the course of this effort.
- To supplement and expand on the feedback provided by the Planning & Zoning Commission, input was also garnered from the Carefree Economic Development

Technical Advisory Panel. This staff level professional advisory panel was comprised of property owners and representatives as well as business owners within the Village Center.

- Along with the opportunity to attend all public workshops and meetings that were conducted with the Planning & Zoning Commission to review this effort, a community open house was also hosted by the Town to inform residents about the project and gain feedback on any aspects of the planning process.

Redevelopment Master Plan

VISION STATEMENT “Carefree’s Village Center is the heart of a community that is also a regional magnet for activity. Entry to the Village Center is distinct and beckons visitors and locals alike to wander and discover new goods, services and entertainment within. A diverse mix of specialty shops, art, and dining opportunities leverage the unique design and natural setting of the Village Center to thrive and prosper. Selected cultural amenities and exceptional annual events showcase the authentic character of the community and attract new residents who choose to live in the Village Center and enjoy the true “Carefree” lifestyle.”



Master Plan Summary*			
Plan ID	Parcel (Common Name/APN)	Development Type	Potential Use
A	Mariachi Plaza	Revitalization	Retail
B	Shell Station	Redevelopment	Retail/Gas
C	216-83-017D & 017F	Redevelopment	Parking
D	Sundancer Plaza	Revitalization	Retail
E	37417 Tom Darlington Dr.	Revitalization	Retail/Residential
F	Chamber Building	Enhanced Use	Retail/Office/Residential
G	Los Portales	Adaptive Reuse	Retail/Residential
H	Ortegas	Revitalization	Retail/Residential
I	Warren Plaza	Enhanced Use	Retail/Residential
J	Native American Gallery	Enhanced Use	Retail/Residential
K	Town Hall	Redevelopment	Restaurant/Residential
L	11 Sundial (Bank)	Adaptive Reuse	Restaurant/Residential
M	100 Easy Street	Revitalization	Retail/Restaurant/Office
1	216-83-018	Infill	Retail
2	216-83-014	Infill	Restaurant/Residential
3	216-83-288	Infill	Office/Parking
4	216-83-063A & 064C	Infill	Restaurant/Residential
5	216-83-037	Infill	Residential
6	216-83-066B	Infill	Residential

Master Plan Build-Out Matrix*				
Net Office (SF)	Net Residential (units)	Net Restaurant (SF)	Net Retail (SF)	Net Parking (spaces)
-1,800	60	9,000	3,500	155

* The Master Plan Summary table outlines the redevelopment or new development potential for each Plan ID site. This planning approach was based on evaluating existing conditions along with input from the community, especially regarding density expectations. As a result, the Master Plan Build-out Matrix was prepared to outline the anticipated net change to the Village Center over the anticipated 10-year period of this Redevelopment Plan.

Plan For Action

The following “Plan for Action” establishes the blueprint for achieving this desired enhancements within the Town Center by outlining a framework of **Objectives** that focus on achieving the community’s Vision for this critical area of the Town. Each Objective includes a summary of its importance to the Village Center and key **Strategic Initiatives** toward which planning efforts should be directed. The complete Redevelopment Plan also includes further detailed **Action Steps** that could be undertaken to advance each strategic initiative.

Objective 1

Improve the Village Center’s visibility and access

Strategic Initiatives

- ✓ Celebrate the points of arrival into the Village Center to counteract the inward facing design.
- ✓ Decrease the number of entry drives along Tom Darlington Drive and Cave Creek Road.
- ✓ Establish a hierarchy of street typologies.
- ✓ Build-upon the Village Center’s pedestrian and bicycle friendly design.
- ✓ Create additional parking opportunities.

Objective 2

Foster development of a strong retail, residential, entertainment, and service core in the Village Center

Strategic Initiatives

- ✓ Identify and pursue key anchor or cultural center projects in strategic locations that can be a catalyst for economic change.
- ✓ Help foster the growth of existing Village Center business establishments.
- ✓ Revitalize existing commercial areas/buildings through redevelopment, rehabilitation, and adaptive reuse.
- ✓ Develop a recruitment campaign targeting specific restaurant and retail business establishments.
- ✓ Establish the Village Center as the next great neighborhood.
- ✓ Consider Town acquisition of available properties to directly guide/seed redevelopment efforts.
- ✓ Modify existing land use policies/development standards.

Objective 3

Enhance the Village Center experience

Strategic Initiatives

- ✓ Foster characteristics that set the Village Center apart from other places in the Valley.
- ✓ Enhance the Village Center’s prominence through iconic imagery.
- ✓ Create incentives for commercial building and site improvements.
- ✓ Work with businesses to improve their physical presentation as well as enhance the presentation of empty storefronts.
- ✓ Encourage exploration by improving wayfinding and signage.
- ✓ Activate the Desert Gardens during non-event periods.
- ✓ Improve sightlines through the Village Center.

Objective 4

Market and Promote the Village Center

Strategic Initiatives

- ✓ Create a comprehensive Village Center marketing plan.
- ✓ Encourage businesses and organizations to tie-in their own advertising efforts with those promoting the Village Center in general.
- ✓ Enhance web, social media, and e-marketing campaigns.
- ✓ Leverage local markets to boost the Center’s Commerce.
- ✓ Strategically program and manage the calendar of events.
- ✓ Continue to work towards all businesses being open year-round.
- ✓ Support the Town’s Visitor Center located in the Village Center amphitheater and continue to collaborate with the Cave Creek/Carefree Chamber of Commerce Visitor Center

Objective 5

Develop a strong organizational structure

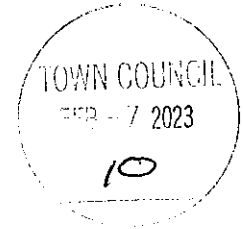
Strategic Initiatives

- ✓ Build and sustain a strong downtown network and organizational structure.
- ✓ Maintain the Marketing and Communication Coordinator position.
- ✓ Maintain consistent communication regarding the Carefree Village Center Redevelopment Plan.

To assure the momentum from planning to implementation is clearly directed and not delayed, a complete framework for implementation is presented in the Redevelopment Plan to detail the timeframe, responsibility, partners, and priority actions/projects for each strategic initiative listed above.

Agenda Item #

**TOWN OF CAREFREE
INFORMATION SUMMARY**



MEETING

DATE: February 7, 2023

SUBJECT

DISCUSSION AND POSSIBLE ACTION Review, discussion and possible action for a street closure on Easy Street and HoHum on Sunday March 5, 2023 from 7:00 a.m. to 4:00 p.m. for the All Porsche Grand Display at Carefree Town Center car show.

ATTACHMENTS

- Street Closure Map

SUMMARY

On March 5th from 7:00 am to 4:00 pm, a request has been made to for a street closure on Easy Street and Ho Hum Road to host the All Porsche Grand Display at Carefree Town Center car show. This time frame includes load in and load out, and will include over 70 vehicles.

ACTION NEEDED:

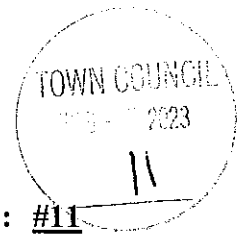
Approval of the Street Closure

REPORT PREPARED BY:

Steve Prokopek, Economic Development Director

All Porsche Grand Display at Carefree Town Center
Street Closure Map





Agenda Item: #11

**TOWN OF CAREFREE
INFORMATION SUMMARY**

MEETING DATE: February 7, 2023

SUBJECT: Review and discussion regarding an amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to the repeal and replacement of Article 6, Offenses, Chapter 6-8 Short-Term Rentals Responsible Party Requirements and other Violations to align with recently passed state legislation. *(Second Reading)*.

ATTACHMENTS:

- 2nd Draft Short-Term Rental Regulations with Highlighted Modifications from 1st Draft Ordinance
- 2nd Draft Ordinance 2022-03
- Agenda Item 10, December 6, 2022 Town Council Meeting, Information Summary First Reading

SUMMARY

In staff's first report regarding the subject matter, as of December 1, 2022, the Town identified 80 short-term rental (STR) properties in Carefree. Verification of these properties was made through use of the Town's new short-term rental software, Rentalscape, which identifies locations, recent and past activity, and online lodging platforms where STR listings may be found.

At its first public hearing held on December 6, 2022, the Carefree Town Council felt provisions in the new ordinance should be as tight and stringent as possible and incorporate any and all hurdles to help the Town reduce the number of "bad actors" or repeat offenders. Members of the public expressed their frustrations related to noise, trespassing, and use of the property other than as a single-family residence. Staff met with the City of Scottsdale as well as studied Paradise Valley's revised ordinance and has incorporated edits that staff believes reflects a legal, enforceable, and meaningful regulation.

The following briefly summarizes the edits to the first draft in response to above:

Definitions and other Code Modifications: Additional definitions are incorporated to better clarify complaints related to excessive noise and uses that contribute to excessive noise, which was identified as a major problem for Carefree residents. Modifications to Town Code now include updating the *Noise* regulations to ensure that excessive noise is prohibited in all residential zoning districts. In addition, language was added to the *Offenses* section prohibiting minors to attend unlawful gatherings.

The new text also specifies the legal occupancy of a unit, similar to a family; however, it is important to keep in mind that it does not prohibit guests. The Zoning Ordinance will be updated next month to clarify occupancy and family definitions.

Responsible Parties: After review of other town ordinances, included is a required contact for not only emergency situations, but one for complaints as well. The owner shall provide proof of each via a notarized affidavit attesting to the authenticity of the information.

Compliance with Permit Requirements: Staff will institute as part of the permit application process a required annual inspection to ensure that all public health, safety, and welfare requirements established in the Ordinance are met. Application of the permit will be the trigger to schedule this inspection. Also, included as part of the permit application, will be proof of: 1) A TPT license, 2) Registration with Maricopa County as a rental property, and 3) Sex offender background checks.

Due to the added and necessary Town Code amendments related to noise and unlawful gatherings, staff recommends that these modifications be deemed necessary for the immediate preservation of the peace, health, and safety of the Town. With this understanding, each additional Ordinance (agenda items 11 and 12) will be deemed “emergency measures” and require affirmative votes by three-fourths of the Town Council to pass and be effective immediately. If these amendments are not incorporated along with the approval of the revised short-term rental Ordinance, the noise aspect will not be enforceable until these amendments are approved.

In conclusion, the new STR Ordinance provides tools to the Town to better manage nuisance issues related to STRs and “bad actors”, who have continually disturbed the peace and tranquility of Carefree neighborhoods. It also provides for better communication with properties as well as for a process to deal with such offenders. It is important to note that the implementation and enforcement has and will continue to be a cost to the Town. The permit application process will help offset some of this expense as well as potentially affect the total number of STRs in Carefree.

As outlined at the last hearing, the next steps after tonight’s possible approval of Ordinance 2022-03 include:

1. Preparing a written notice to send out to all properties to inform them of the need to apply for a license from the Town by **March 10, 2023**;

2. Creating a permit process for short-term rentals to include proof of neighbor notification, liability insurance, TPT license number, registration with Maricopa County, and required inspections by Town staff to ensure all permit requirements have been met;
3. Updating any current forms such as Business License applications and/or the STR contact form;
4. Developing helpful guides for residents and short-term rental owners/operators related to the new regulations; and
5. Updating the Town's web page and other relevant information.

ACTION NEEDED:

An action of approval, denial, or continuance is required at this time.

ARTICLE 6-8. – SHORT-TERM RENTALS AND VACATION RENTALS.

Section 6-8-1 Purpose.

This article is necessary to protect the health, safety and welfare of the public.

Section 6-8-2 Definitions.

Banquet Space means an Event Center that is used for serving and/or consuming food and/or beverages.

Event Center means any dwelling unit (i) for which the occupant has made payment for transient use of the dwelling unit and (ii) which is used for Special Events or other Nonresidential Uses.

Banquet Space means an Event Center that is used for serving and/or consuming food and/or beverages.

Event Center means any dwelling unit (i) for which the occupant has made payment for transient use of the dwelling unit and (ii) which is used for Special Events or other Nonresidential Uses.

Nonresidential Use means any use that is not permitted in a residential zoning district pursuant to the Zoning Ordinance, any use that constitutes an unlawful gathering as defined herein, and any use for which entrants pay an entrance fee.

Owner's designee means a person authorized to act on behalf of the owner of a short-term rental or vacation rental.

Short-term rental or vacation rental means 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, which is also a transient public lodging establishment or owner-occupied residential home offered for transient use. Short-term rental and vacation rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or similar use.

~~*Nuisance party* means an assembly of persons for a social activity or for a special occasion in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace and litter.~~ (Moved to other part of Town Code)

Timely Manner means: (i) within one hour after the initiation of contact with the Owner or Owner's Representative for a complaint or incident that has been reported to the Police Department or for which police officers have been dispatched or are on the scene; and (ii) within 24 hours after the initiation of contact with the Owner or Owner's Representative for a complaint or incident for which the police have not been dispatched at the time that such contact is initiated.

~~*Unlawful gathering* means a party, gathering, or event where spirituous liquor is served to, or is in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person, regardless of whether it would otherwise qualify as a nuisance party.~~ (Moved to other part of Town Code)

"Verified Violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in A.R.S. Sections 9-500.39(B) or 9-500.39(K) that has been finally adjudicated.

6-8-3 Licensing.

A. Short-term rental license required; invalid license; penalties.

1. Effective March 10, 2023, no person shall operate a short-term rental or vacation rental in the Town without first having obtained a current short-term rental license from the Town and paying the applicable fees. A separate current short-term rental license is required for each house or dwelling unit where a short-term rental or vacation rental is operated.
2. No person shall operate a short-term rental or vacation rental in the Town with an expired, suspended or revoked short-term rental license.
3. Representations or advertisements including online listings that reference the property, house or dwelling unit location within the Town is prima facie evidence that a short-term rental or vacation rental is operating in the Town.
4. A first violation of this section is a civil offense and shall be punished by a fine of not less than one thousand (\$1,000.00) per violation. A second or subsequent violation of this section within one (1) year of conviction of a first violation is a Class 1 misdemeanor, and shall be punished by a fine of up to two thousand five hundred dollars, by imprisonment for a period not to exceed six months jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation. The court shall not suspend any part of any fine required by this Section.

B. License fees.

1. Every application, including any renewal application, for a short-term rental license under this article shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) license fee and penalties incurred pursuant to this section.
2. If the applicant failed to apply for a short-term rental license upon receiving written notice from the Town of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000) penalty for every thirty (30) day period the applicant failed to apply. Any penalty shall be non-refundable. For purposes of this section, written notice includes, but is not limited, to a notice sent by electronic means, US mail or hand delivered to the physical location of the short-term rental or vacation rental or the address on file with the Maricopa County Assessors Office for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or, if mailed, on the date it is deposited in the United States mail.
3. The amount of any license fee and any penalty imposed by the provisions of this article shall be deemed a debt to the Town. An action may be commenced in the name of the Town in any court of competent jurisdiction for the amount of any delinquent license fee and penalties.

C. Term of license; transfer.

1. A short-term rental license issued under this article shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.
2. No license shall be transferable either as to location or as to person.

D. Application for license .

1. An applicant for a short-term rental license including for a renewal application shall file an application on a form prescribed by the Town Administrator or designee and contain the following information:
 - a. The physical address of the house or dwelling unit to be used as a short-term rental or vacation rental.

- b. The name and contact information (address, telephone number, and email) of the owner of the short-term rental or vacation rental.
- c. The name and contact information (address, telephone number, and email address) of the owner, or of the owner's designee who is responsible for responding to complaints in person, by telephone, or by email as specified herein. An individual pursuant to this subsection must be a real person and cannot be a fictitious person. The owner shall certify that the owner's designee is authorized to act upon the owner's behalf.
- d. The name, address, email and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the short-term rental or vacation rental. An individual pursuant to this subsection must be a real person and cannot be a fictitious person.
- e. Agreement by the owner and each designee to comply with all applicable laws, regulations, and ordinances.
- f. The owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five years.
- g. Proof of a valid transaction privilege tax license.
- h. Proof that the Short-Term Rental has been registered with the Maricopa County Assessor's Office in accordance with A.R.S. § 33-1902, where applicable.
- ~~i. Evidence of liability insurance appropriate to cover the short-term rental or vacation rental in the aggregate of at least \$500,000 or evidence that each short-term rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the short-term rental. (Moved to later in this Code)~~
- i. If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080 unless exempted by A.R.S. §41-1080(B).

E. License issuance; denial.

1. The Town shall issue a short-term rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:
 - a. Failure to provide the information required by this article;
 - b. Failure to pay the required license fee(s) including any penalties;
 - c. At the time of application, the owner has a revoked or suspended license for the same short-term rental or vacation rental;
 - d. The applicant has provided false information;

- e. The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and
 - f. Any grounds for revocation or suspension of a short-term rental license exist for the specific license application.
2. The Town Administrator or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this article.

F. License revocation.

The Town Administrator or designee shall initiate revocation proceedings if any grounds for denial exist for a short-term rental license that already has been issued.

G. Reapplication after denial or revocation.

No person who has had a short-term rental license denied or revoked pursuant to this article may apply for another short-term rental license for one (1) year after the decision affecting the applicant's license has become final at that same property after the decision affecting the applicant's license has become final. At the time of sustaining a denial, the hearing officer or Town Council may reduce in whole or in part the one (1) year period described above in this section, if the denial was based on a good faith failure to provide complete information pursuant to Section 6-8-3, E.1.a. or failure to pay the required license fee(s) and any penalties provided that the applicant has paid all required fees and penalties by the time of the denial hearing.

H. License suspension; term of suspension.

1. The Town Administrator or designee shall initiate suspension proceedings against a short-term rental license for any of the following:
 - a. Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.
 - b. One verified violation that results in or constitutes any of the following:
 - i. A felony offense committed at or in the vicinity of a short-term rental or vacation rental by the owner of the short-term rental or by the owner's designee;
 - ii. A serious physical injury or wrongful death at or related to a short-term rental or vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the short-term rental or vacation rental or the owner's designee;
 - iii. An owner of the short-term rental or vacation rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or

- iv. An owner of the short-term rental or vacation rental or the owner's designee knowingly or intentionally allowing the use of a short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule or for a retail, restaurant, banquet space or other similar use.
2. The Town Administrator or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this article.
3. Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the short-term rental or vacation rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

I. Judicial relief for certain grounds of suspension.

1. Notwithstanding Section 6-8-3, Subsection H herein, any attempted or completed felony act, arising from the occupancy or use of a short-term rental or vacation rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a short-term rental or vacation rental for a period that shall not exceed twelve (12) months.
2. The Town Attorney may initiate proceedings in the Carefree-Cave Creek Consolidated Court or other court of competent jurisdiction to enforce this section.

J. Information updates.

All applicants and persons holding licenses issued pursuant to this article shall give written notice to the Town Administrator or designee of any material changes in information submitted in connection with an application or application for renewal of a license. Any information required for an application pursuant to Section 6-8-3, Subsection D is deemed to be material for purposes of this section. This information shall be provided to the Town Administrator or designee by the licensee or the effected person, as applicable, within ten (10) business days of any such change.

K. Appeals.

1. Any person aggrieved by any decision with respect to the denial of or a refusal to issue a short-term rental license, the revocation of a short-term rental license, the suspension of a short-term rental license or a verified violation penalty imposed pursuant to Section 6-8-4, Subsection H, shall be entitled to the review and appeal procedures provided in ~~chapter 16, article 1~~ **Chapter 8, Section 8-1-8.**
2. This section is not applicable for judicial actions brought pursuant to Section 8-6-3, Subsection K herein or penalties including fines imposed by a court.

L. Town use of license information.

Unless otherwise provided for by law, the Town may use any information obtained from licensing applications including contact information pursuant to this article for any lawful purpose including, but not limited, to communicating or providing information regarding compliance with laws, public

health and safety regulations, general Town updates and reminders to keep required information updated with the Town.

M. Reserved

6-8-4 PROHIBITIONS AND OPERATIONAL REQUIREMENTS.

A. Compliance with laws.

1. A short-term rental or vacation rental must at all times comply with all federal, state, and local laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.
2. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.

B. Non-residential usage by short-term rentals or vacation rentals prohibited.

1. 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 following:
 - a. Any commercial, industrial, manufacturing, or other non-residential purpose; or
 - b. Operating a retail business, restaurant, event center, banquet center or similar use; or
 - c. Housing sex offenders; or
 - d. Operating or maintaining a structured sober living home; or
 - e. Selling liquor, controlled substances or pornography; or
 - f. Operating any adult-oriented business including nude and topless dancing.
2. The owner of a vacation rental or short-term rental or the owner's designee shall not knowingly or intentionally allow the use of a vacation rental or short-term rental for special event that would otherwise require a permit or license pursuant to this code or a state law or rule.
3. No person including, but not limited to, an owner, owner's designee, tenant, guest, business, vendor or operator shall operate a short-term rental or vacation rental in violation of this section.
4. Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a short-term rental or vacation rental property, house or dwelling unit location within the Town is prima facie evidence that a short-term rental or vacation rental is operating in the violation of this section.

C. Failure to respond to an emergency; penalties.

1. In the event of an emergency, any person designated as an emergency contact pursuant to Section 6-8-3 Subsection D herein upon the request of public safety personnel shall respond in-person within one (1) hour to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact.
2. For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a short-term rental or vacation rental for a call for service including responding to a nuisance party or unlawful gathering.
3. An owner or owner's designee shall (a) affirmatively respond to complaints in person, over the phone, or by email, and (b) abate the incident from which the complaint arose in a 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 or owner's designee shall so respond in person. If the response is due within 24 hours, the owner or owner's designee shall respond either in person, by telephone, or by email. Failure to respond to a complaint as provided herein is a violation of this Article, and the owner shall be deemed responsible for such violation regardless of whether an owner's designee has been assigned.
4. It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to subsection (a) of this section to either fail to respond to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred (\$500.00) dollars and failure to arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty (\$250.00) dollars.
5. It shall be a civil offense for the owner of a short-term rental or vacation rental to intentionally, knowingly or recklessly have the owner's emergency contact fail to comply with the requirements of subsection (a). A violation of this subsection shall be punished a minimum fine of five hundred (\$500.00) dollars. Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly or recklessly.

D. Failure to maintain Insurance required; failure to maintain; penalty.

1. Unless provided by an online lodging market place that provides primary liability insurance coverage of at least five hundred thousand dollars (\$500,000) for the short-term or vacation rental, every owner of a vacation rental or short-term rental shall maintain liability insurance to cover each vacation rental or short-term rental in the aggregate of a least five hundred thousand dollars (\$500,000).
2. Within thirty (30) days of obtaining a vacation rental license issued pursuant to this article, the owner or owner's designee shall provide evidence to the town of liability insurance to cover the short-term or vacation rental in the aggregate of at least five hundred thousand dollars (\$500,000) or evidence that each vacation rental or short-term rental transaction will be provided through an online lodging market place that provides equal or greater primary liability insurance coverage for the vacation rental or short-term rental.

3. The owner or owner's designee of vacation rental or short-term rental shall provide proof of compliance with subsection a above upon demand by the town.
4. It shall be unlawful for the owner or operator of a short-term rental or vacation rental to fail to comply with the insurance requirements specified in Section 6-8-3, Subsection D as specified herein.
5. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or operator has obtained the required insurance, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

E. Advertising license number required; penalty.

1. It shall be unlawful for the owner, operator or owner's designee of a short-term rental or vacation rental to fail to display or list a Town short-term rental license number on each advertisement for a short-term rental or vacation rental located within the Town.
2. 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 Short-Term Rental's Online Lodging Marketplace or other listing:
 - a. All Dwelling units, including Vacation Rentals and Short-term rentals shall have a maximum family size of 6 adults 18 years of age and older (and their related dependent children under the age of 18 years).
 - b. Non-residential uses, including retail, restaurant, banquet space, event center, or other similar use is prohibited.
3. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner, operator or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

F. Additional health and public safety regulations.

1. The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as short-term rentals and vacation rentals create unique public health and safety issues.
2. No person owning or operating a short-term rental or vacation rental shall:
 - a. Leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in Article 5-5, Section 5-5-1 of the Carefree Town Code.
3. Any person owning or operating a short-term rental or vacation rental shall ensure that every short-term rental or vacation rental has working smoke alarms and carbon monoxide (CO) alarms, which may require the installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (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.

4. 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 or vacation 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.
5. 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.
6. The owner or owner's designee of a short-term or vacation rental shall provide and prominently display a map of the floor plan of the property 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 section; 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/emergency contact information.
7. Local phone service. At least one working landline, or another similar fixed telephone that operates through cable or a "voice over internet" system, with the ability to call 911 and receive inbound calls shall be available on every floor of the short-term or vacation rental.
8. The owner or owner's designee of a short-term rental or vacation rental shall have the property cleaned between bookings stays. It shall be a defense to any prosecution of this subsection that the owner or owner's designee followed the cleaning standards outlined in the Maricopa County Environmental Health Code, Chapter 10, Section 2 relating to Transient Dwelling Establishments.
9. The owner or owner's designee of a short-term rental or vacation rental shall ensure that the property receives regular (at least bi-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.
10. The owner of a short-term or vacation rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Carefree Town Code Chapter 5, Article 5-3 Private Pools Barrier Code. Owners of short-term or vacation rentals shall have six months from the effective date of this article to come into compliance with this subsection.
11. 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 a conspicuous location near each such door.

The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the Town of Carefree nuisance waste disposal regulations.

NOTICE

USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED;
VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

- i. Any commercial, industrial, manufacturing, or other non-residential purpose; or
- ii. Operating a retail business, restaurant, event center, banquet center or similar use; or
- iii. Housing sex offenders; or
- iv. Operating or maintaining a structured sober living home; or
- v. Selling liquor, controlled substances or pornography; or
- vi. Operating any adult-oriented business including nude and topless dancing; or
- vii. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
- viii. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unlawful gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person.
- ix. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Article II of the Carefree Zoning Ordinance. **(Zoning Ordinance Amendment required; Shall move forward in March)**
- x. 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:
 - Urination or defecation;
 - Nudity; or
 - Sexual acts.

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 PENTALTIES:

Use for any nonresidential use, including:

- i. For a special event that would otherwise require a permit or license pursuant to Town ordinance, or a state law or rule; or
- ii. Operating a retail business, restaurant, event center, banquet space, or similar use.

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

G. Sex offender background checks.

1. Within twenty-four (24) hours of every booking, the owner or owner's designee shall perform a background check on every guest or renter of a short-term rental or vacation rental to ensure that there are no sex offenders at the short-term rental or vacation rental.

However, that this requirement may be satisfied by the owner providing evidence that the Online Lodging Marketplace on which the short-term or vacation rental is booked conducted a sex offender background check of every guest.

2. An owner or owner's designee shall retain a full printout (either in hard copy or electronic form) of the background check on each guest or renter for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by the Town upon demand during normal business hours.
3. It shall be a civil offense for owners or owner's designees who fail to comply with the requirements of this section and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.
4. It shall be a civil offense for a person to intentionally or knowingly book a short-term or vacation rental on behalf of a sex offender when the person booking the reservation will not be staying at the vacation rental or short-term rental. A violation of this subsection shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.
5. The requirements of this section are satisfied and/or waived if the online lodging marketplace on which the short-term rental or vacation rental is advertised performs the background check.
6. For the purposes of this section, booking means the act of securing a reservation for the use of a short-term or vacation rental.

H. Verified violation penalties.

1. In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the Town upon the owner of a short-term rental or vacation rental related to the same short-term rental property within the same twelve-month period:
 - a. Up to \$500 or up to an amount equal to one night's rent for the short-term rental as advertised, whichever is greater, for a first verified violation.
 - b. Up to \$1,000 or up to an amount equal to two nights' rent for the short-term rental as advertised, whichever is greater, for the second verified violation.
 - c. Up to \$3,500 or up to an amount equal to three nights' rent for the short-term rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.
2. If multiple violations arise out of the same response to an incident at a short-term rental or vacation rental, those violations are considered one violation for the purpose of assessing the civil penalties provided in this section.
3. Unless an appeal is filed in a timely manner pursuant to Section 6-8-3, Subsection K, a civil penalty assessed pursuant to this section shall be due within thirty (30) days of the

initial notice sent to the owner by the Town. For purposes of this section, written notice includes but is not limited to a notice sent by electronic means, US mail or hand delivered.

I. – Reserved.

6-8-5 NEIGHBOR NOTIFICATION.

A. Neighbor Notification.

1. Prior to offering a short-term rental or vacation rental for rent for the first time, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest compliance on a form prescribed by the Town Administrator or designee and contain the following information:
 - a. The short-term rental license number required by this Article;
 - b. The address of each property notified;
 - c. How the notification was provided; and
 - d. The name and contact information of the person attesting to compliance.
2. The notification required by subsection a above is also required anytime the contact information for the short-term rental or vacation rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.
3. The notice required by this section shall be in writing and include the following information: the short-term rental license number issued pursuant to this article, the physical address of the short-term rental or vacation rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes of this section, written notice includes notice sent by electronic means, US mail or hand delivered.
4. Short-term rentals or vacation rentals that are lawfully operating prior to the effective date of this section must comply with this section **within 30 days of obtaining a vacation rental license required by this article when the contact information for the short term rental or vacation rental changes.**
5. It shall be unlawful to operate a short-term rental or vacation rental without complying with the notification requirements in this section.
6. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, REPEALING AND REPLACING CHAPTER 6-8 OF THE CAREFREE, ARIZONA TOWN CODE CONCERNING SHORT TERM RENTALS; PROVIDING FOR SEPARABILITY; ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CAREFREE, ARIZONA TOWN CODE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

- Section 1: The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, to amend that certain document known as the Carefree, Arizona Town Code.
- Section 2: All Ordinances and portions of Ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- Section 3: The Amendments are made to Chapter 6 Offenses, Article 6-8 Short-Term Rentals Responsible Party Requirements and Other Violations, amended as follows (additions are shown in double underline, and deleted language is ~~crossed-out~~):

ARTICLE 6-8. – SHORT-TERM RENTALS AND VACATION RENTALS.

Section 6-8-1 Purpose.

This article is necessary to protect the health, safety and welfare of the public.

Section 6-8-2 Definitions.

Banquet Space means an Event Center that is used for serving and/or consuming food and/or beverages.

Event Center means any dwelling unit (i) for which the occupant has made payment for transient use of the dwelling unit and (ii) which is used for Special Events or other Nonresidential Uses.

Banquet Space means an Event Center that is used for serving and/or consuming food and/or beverages.

Event Center means any dwelling unit (i) for which the occupant has made payment for transient use of the dwelling unit and (ii) which is used for Special Events or other Nonresidential Uses.

Nonresidential Use means any use that is not permitted in a residential zoning district pursuant to the Zoning Ordinance, any use that constitutes an unlawful gathering as defined herein, and any use for which entrants pay an entrance fee.

Owner's designee means a person authorized to act on behalf of the owner of a short-term rental or vacation rental.

Short-term rental or vacation rental means 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, which is also a transient public lodging establishment or owner-occupied residential home offered for transient use. Short-term rental and vacation rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or similar use.

Timely Manner means: (i) within one hour after the initiation of contact with the Owner or Owner's Representative for a complaint or incident that has been reported to the Police Department or for which police officers have been dispatched or are on the scene; and (ii) within 24 hours after the initiation of contact with the Owner or Owner's Representative for a complaint or incident for which the police have not been dispatched at the time that such contact is initiated.

"Verified Violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in A.R.S. Sections 9-500.39(B) or 9-500.39(K) that has been finally adjudicated.

6-8-3 Licensing.

A. Short-term rental license required; invalid license; penalties.

1. Effective March 10, 2023, no person shall operate a short-term rental or vacation rental in the Town without first having obtained a current short-term rental license from the Town and paying the applicable fees. A separate current short-term rental license is required for each house or dwelling unit where a short-term rental or vacation rental is operated.
2. No person shall operate a short-term rental or vacation rental in the Town with an expired, suspended or revoked short-term rental license.
3. Representations or advertisements including online listings that reference the property, house or dwelling unit location within the Town is prima facie evidence that a short-term rental or vacation rental is operating in the Town.
4. A violation of this section is a civil offense and shall be punished by a fine of not less than one thousand (\$1,000.00) per violation. The court shall not suspend any part of any fine required by this Section.

B. License fees.

1. Every application, including any renewal application, for a short-term rental license under this article shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) license fee and penalties incurred pursuant to this section.
2. If the applicant failed to apply for a short-term rental license upon receiving written notice from the Town of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000) penalty for every thirty (30) day period the applicant failed to apply. Any penalty shall be non-refundable. For purposes of this section, written notice includes, but is not limited, to a notice sent by electronic means, US mail or hand delivered to the physical location of the short-term rental or vacation rental or the address on file with the Maricopa County Assessors Office for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or, if mailed, on the date it is deposited in the United States mail.
3. The amount of any license fee and any penalty imposed by the provisions of this article shall be deemed a debt to the Town. An action may be commenced in the name of the

Town in any court of competent jurisdiction for the amount of any delinquent license fee and penalties.

C. Term of license; transfer.

1. A short-term rental license issued under this article shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.
2. No license shall be transferable either as to location or as to person.

D. Application for license.

1. An applicant for a short-term rental license including for a renewal application shall file an application on a form prescribed by the Town Administrator or designee and contain the following information:
 - a. The physical address of the house or dwelling unit to be used as a short-term rental or vacation rental.
 - b. The name and contact information (address, telephone number, and email) of the owner of the short-term rental or vacation rental.
 - c. The name and contact information (address, telephone number, and email address) of the owner, or of the owner's designee who is responsible for responding to complaints in person, by telephone, or by email as specified herein. An individual pursuant to this subsection must be a real person and cannot be a fictitious person. The owner shall certify that the owner's designee is authorized to act upon the owner's behalf.
 - d. The name, address, email and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the short-term rental or vacation rental. An individual pursuant to this subsection must be a real person and cannot be a fictitious person.
 - e. Agreement by the owner and each designee to comply with all applicable laws, regulations, and ordinances.
 - f. The owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five years.
 - g. Proof of a valid transaction privilege tax license.
 - h. Proof that the Short-Term Rental has been registered with the Maricopa County Assessor's Office in accordance with A.R.S. § 33-1902, where applicable.
 - i. If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080 unless exempted by A.R.S. §41-1080(B).

E. License issuance; denial.

1. The Town shall issue a short-term rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:
 - a. Failure to provide the information required by this article;
 - b. Failure to pay the required license fee(s) including any penalties;
 - c. At the time of application, the owner has a revoked or suspended license for the same short-term rental or vacation rental;
 - d. The applicant has provided false information;
 - e. The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and
 - f. Any grounds for revocation or suspension of a short-term rental license exist for the specific license application.
2. The Town Administrator or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this article.

F. License revocation.

The Town Administrator or designee shall initiate revocation proceedings if any grounds for denial exist for a short-term rental license that already has been issued.

G. Reapplication after denial or revocation.

No person who has had a short-term rental license denied or revoked pursuant to this article may apply for another short-term rental license for one (1) year after the decision affecting the applicant's license has become final at that same property after the decision affecting the applicant's license has become final. At the time of sustaining a denial, the hearing officer Town Council may reduce in whole or in part the one (1) year period described above in this section, if the denial was based on a good faith failure to provide complete information pursuant to Section 6-8-3, E.1.a. or failure to pay the required license fee(s) and any penalties provided that the applicant has paid all required fees and penalties by the time of the denial hearing.

H. License suspension; term of suspension.

1. The Town Administrator or designee shall initiate suspension proceedings against a short-term rental license for any of the following:
 - a. Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.
 - b. One verified violation that results in or constitutes any of the following:

- i. A felony offense committed at or in the vicinity of a short-term rental or vacation rental by the owner of the short-term rental or by the owner's designee;
 - ii. A serious physical injury or wrongful death at or related to a short-term rental or vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the short-term rental or vacation rental or the owner's designee;
 - iii. An owner of the short-term rental or vacation rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or
 - iv. An owner of the short-term rental or vacation rental or the owner's designee knowingly or intentionally allowing the use of a short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule or for a retail, restaurant, banquet space or other similar use.
2. The Town Administrator or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this article.
 3. Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the short-term rental or vacation rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

I. Judicial relief for certain grounds of suspension.

1. Notwithstanding Section 6-8-3, Subsection H herein, any attempted or completed felony act, arising from the occupancy or use of a short-term rental or vacation rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a short-term rental or vacation rental for a period that shall not exceed twelve (12) months.
2. The Town Attorney may initiate proceedings in the Carefree-Cave Creek Consolidated Court or other court of competent jurisdiction to enforce this section.

J. Information updates.

All applicants and persons holding license s issued pursuant to this article shall give written notice to the Town Administrator or designee of any material changes in information submitted in connection with an application or application for renewal of a license. Any information required for an application pursuant to Section 6-8-3, Subsection D is deemed to be material for purposes of this section. This information shall be provided to the Town Administrator or designee by the licensee or the effected person, as applicable, within ten (10) business days of any such change.

K. Appeals.

1. Any person aggrieved by any decision with respect to the denial of or a refusal to issue a short-term rental license, the revocation of a short-term rental license, the suspension of a short-term rental license or a verified violation penalty imposed pursuant to Section 6-8-4, Subsection H, shall be entitled to the review and appeal procedures provided in Chapter 8, Section 8-1-8.
2. This section is not applicable for judicial actions brought pursuant to Section 8-6-3, Subsection K herein or penalties including fines imposed by a court.

L. Town use of license information.

Unless otherwise provided for by law, the Town may use any information obtained from licensing applications including contact information pursuant to this article for any lawful purpose including, but not limited, to communicating or providing information regarding compliance with laws, public health and safety regulations, general Town updates and reminders to keep required information updated with the Town.

M. Reserved

6-8-4 PROHIBITIONS AND OPERATIONAL REQUIREMENTS.

A. Compliance with laws.

1. A short-term rental or vacation rental must at all times comply with all federal, state, and local laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.
2. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.

B. Non-residential usage by short-term rentals or vacation rentals prohibited.

1. 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 following:
 - a. Any commercial, industrial, manufacturing, or other non-residential purpose; or
 - b. Operating a retail business, restaurant, event center, banquet center or similar use;
or
 - c. Housing sex offenders; or
 - d. Operating or maintaining a structured sober living home; or
 - e. Selling liquor, controlled substances or pornography; or
 - f. Operating any adult-oriented business including nude and topless dancing.

2. The owner of a vacation rental or short-term rental or the owner's designee shall not knowingly or intentionally allow the use of a vacation rental or short-term rental for special event that would otherwise require a permit or license pursuant to this code or a state law or rule.
3. No person including, but not limited to, an owner, owner's designee, tenant, guest, business, vendor or operator shall operate a short-term rental or vacation rental in violation of this section.
4. Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a short-term rental or vacation rental property, house or dwelling unit location within the Town is prima facie evidence that a short-term rental or vacation rental is operating in the violation of this section.

C. Failure to respond to an emergency; penalties.

1. In the event of an emergency, any person designated as an emergency contact pursuant to Section 6-8-3 Subsection D herein upon the request of public safety personnel shall respond in-person within one (1) hour to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact.
2. For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a short-term rental or vacation rental for a call for service including responding to a nuisance party or unlawful gathering.
3. An owner or owner's designee shall (a) affirmatively respond to complaints in person, over the phone, or by email, and (b) abate the incident from which the complaint arose in a 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 or owner's designee shall so respond in person. If the response is due within 24 hours, the owner or owner's designee shall respond either in person, by telephone, or by email. Failure to respond to a complaint as provided herein is a violation of this Article, and the owner shall be deemed responsible for such violation regardless of whether an owner's designee has been assigned.
4. It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to subsection (a) of this section to either fail to respond to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred (\$500.00) dollars and failure to arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty (\$250.00) dollars.
5. It shall be a civil offense for the owner of a short-term rental or vacation rental to intentionally, knowingly or recklessly have the owner's emergency contact fail to comply with the requirements of subsection (a). A violation of this subsection shall be punished a minimum fine of five hundred (\$500.00) dollars. Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly or recklessly.

D. Insurance required; failure to maintain; penalty.

1. Unless provided by an online lodging market place that provides primary liability insurance coverage of at least five hundred thousand dollars (\$500,000) for the short-term or vacation rental, every owner of a vacation rental or short-term rental shall maintain liability insurance to cover each vacation rental or short-term rental in the aggregate of a least five hundred thousand dollars (\$500,000).
2. Within thirty (30) days of obtaining a vacation rental license issued pursuant to this article, the owner or owner's designee shall provide evidence to the town of liability insurance to cover the short-term or vacation rental in the aggregate of at least five hundred thousand dollars (\$500,000) or evidence that each vacation rental or short-term rental transaction will be provided through an online lodging market place that provides equal or greater primary liability insurance coverage for the vacation rental or short-term rental.
3. The owner or owner's designee of vacation rental or short-term rental shall provide proof of compliance with subsection a above upon demand by the town.
4. It shall be unlawful for the owner or operator of a short-term rental or vacation rental to fail to comply with the insurance requirements specified in Section 6-8-3, Subsection D as specified herein.
5. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or operator has obtained the required insurance, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

E. Advertising license number required; penalty.

1. It shall be unlawful for the owner, operator or owner's designee of a short-term rental or vacation rental to fail to display or list a Town short-term rental license number on each advertisement for a short-term rental or vacation rental located within the Town.
2. 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 Short-Term Rental's Online Lodging Marketplace or other listing:
 - a. All Dwelling units, including Vacation Rentals and Short-term rentals shall have a maximum family size of 6 adults 18 years of age and older (and their related dependent children under the age of 18 years).
 - b. Non-residential uses, including retail, restaurant, banquet space, event center, or other similar use is prohibited.
3. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner, operator or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

F. Additional health and public safety regulations.

1. The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as short-term rentals and vacation rentals create unique public health and safety issues.
2. No person owning or operating a short-term rental or vacation rental shall:
 - a. Leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in Article 5-5, Section 5-5-1 of the Carefree Town Code.
3. Any person owning or operating a short-term rental or vacation rental shall ensure that every short-term rental or vacation rental has working smoke alarms and carbon monoxide (CO) alarms, which may require the installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (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.
4. 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 or vacation 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.
5. 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.
6. The owner or owner's designee of a short-term or vacation rental shall provide and prominently display a map of the floor plan of the property 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 section; 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/emergency contact information.
7. Local phone service. At least one working landline, or another similar fixed telephone that operates through cable or a "voice over internet" system, with the ability to call 911 and receive inbound calls shall be available on every floor of the short-term or vacation rental.
8. The owner or owner's designee of a short-term rental or vacation rental shall have the property cleaned between bookings stays. It shall be a defense to any prosecution of this subsection that the owner or owner's designee followed the cleaning standards

outlined in the Maricopa County Environmental Health Code, Chapter 10, Section 2 relating to Transient Dwelling Establishments.

9. The owner or owner's designee of a short-term rental or vacation rental shall ensure that the property receives regular (at least bi-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.
10. The owner of a short-term or vacation rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Carefree Town Code Chapter 5, Article 5-3 Private Pools Barrier Code. Owners of short-term or vacation rentals shall have six months from the effective date of this article to come into compliance with this subsection.
11. 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 a conspicuous location near each such door. The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the Town of Carefree nuisance waste disposal regulations.

NOTICE

USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED:
VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

- i. Any commercial, industrial, manufacturing, or other non-residential purpose; or
- ii. Operating a retail business, restaurant, event center, banquet center or similar use;
or
- iii. Housing sex offenders; or
- iv. Operating or maintaining a structured sober living home; or
- v. Selling liquor, controlled substances or pornography; or
- vi. Operating any adult-oriented business including nude and topless dancing; or
- vii. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
- viii. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unlawful gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person.
- ix. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Article II of the Carefree Zoning Ordinance.
- x. 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:
 - Urination or defecation;
 - Nudity; or
 - Sexual acts.

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 PENTALTIES:

Use for any nonresidential use, including:

- i. For a special event that would otherwise require a permit or license pursuant to Town ordinance, or a state law or rule; or
- ii. Operating a retail business, restaurant, event center, banquet space, or similar use.

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

G. Sex offender background checks.

1. Within twenty-four (24) hours of every booking, the owner or owner's designee shall perform a background check on every guest or renter of a short-term rental or vacation rental to ensure that there are no sex offenders at the short-term rental or vacation rental. However, that this requirement may be satisfied by the owner providing evidence that the Online Lodging Marketplace on which the short-term or vacation rental is booked conducted a sex offender background check of every guest.
2. An owner or owner's designee shall retain a printout (either in hard copy or electronic form) of the background check on each guest or renter for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by the Town upon demand during normal business hours.
3. It shall be a civil offense for owners or owners' designees who fail to comply with the requirements of this section and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.
4. It shall be a civil offense for a person to intentionally or knowingly book a short-term or vacation rental on behalf of a sex offender when the person booking the reservation will not be staying at the vacation rental or short-term rental. A violation of this subsection shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.
5. The requirements of this section are satisfied and/or waived if the online lodging marketplace on which the short-term rental or vacation rental is advertised performs the background check.
6. For the purposes of this section, booking means the act of securing a reservation for the use of a short-term or vacation rental.

H. Verified violation penalties.

1. In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the Town upon the owner of a short-term rental or vacation rental related to the same short-term rental property within the same twelve-month period:

- a. Up to \$500 or up to an amount equal to one night's rent for the short-term rental as advertised, whichever is greater, for a first verified violation.
 - b. Up to \$1,000 or up to an amount equal to two nights' rent for the short-term rental as advertised, whichever is greater, for the second verified violation.
 - c. Up to \$3,500 or up to an amount equal to three nights' rent for the short-term rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.
2. If multiple violations arise out of the same response to an incident at a short-term rental or vacation rental, those violations are considered one violation for the purpose of assessing the civil penalties provided in this section.
 3. Unless an appeal is filed in a timely manner pursuant to Section 6-8-3, Subsection K, a civil penalty assessed pursuant to this section shall be due within thirty (30) days of the initial notice sent to the owner by the Town. For purposes of this section, written notice includes but is not limited to a notice sent by electronic means, US mail or hand delivered.

I. – Reserved.

6-8-5 NEIGHBOR NOTIFICATION.

A. Neighbor Notification.

1. Prior to offering a short-term rental or vacation rental for rent for the first time, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest compliance on a form prescribed by the Town Administrator or designee and contain the following information:
 - a. The short-term rental license number required by this Article;
 - b. The address of each property notified;
 - c. How the notification was provided; and
 - d. The name and contact information of the person attesting to compliance.
2. The notification required by subsection a above is also required anytime the contact information for the short-term rental or vacation rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.
3. The notice required by this section shall be in writing and include the following information: the short-term rental license number issued pursuant to this article, the physical address of the short-term rental or vacation rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes

of this section, written notice includes notice sent by electronic means, US mail or hand delivered.

4. Short-term rentals or vacation rentals that are lawfully operating prior to the effective date of this section must comply with this section within 30 days of obtaining a vacation rental license required by this article.
5. It shall be unlawful to operate a short-term rental or vacation rental without complying with the notification requirements in this section.
6. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this _____ day of _____, 2023.

Ayes _____ Noes _____ Abstentions _____ Absent _____

TOWN OF CAREFREE

John Crane, Mayor

Attest:

Kandace French Contreras, Town Clerk

Approved as to Form:

Michael Wright, Town Attorney

FIRST READING / STAFF REPORT

Agenda Item #23

TOWN OF CAREFREE INFORMATION SUMMARY

MEETING DATE: December 6, 2022

SUBJECT: Review and discussion regarding an amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to the repeal and replacement of Article 6, Offenses, Chapter 6-8 Short-Term Rentals Responsible Party Requirements and other Violations to align with recently passed state legislation. (*First Reading*).

ATTACHMENTS:

- Draft Ordinance 2022-03
- SB 1168

SUMMARY

As of December 1, 2022, Town staff has identified 80 short-term rental (STR) properties in Carefree. Verification of these properties was made through use of the Town's new short-term rental software, Rentalscape, which identifies locations, recent and past activity, and online lodging platforms where STR listings may be found.

In July 2022, Governor Ducey signed SB 1168 allowing local governments to require short-term rentals to obtain and maintain a local regulatory permit or license, which can only be denied and/or suspended for limited reasons. Provisions relating to neighborhood notification, liability insurance, public health and safety, and sex offender background checks were also included. In essence, these changes now provide tools for local governments to hold "bad actors" accountable for their actions. Ordinance 2022-03 was drafted by staff to reflect this new authority granted to cities and towns under state law. It aligns with many other community's regulations as well.

The proposed ordinance repeals and replaces the Town's current regulations with new language that is necessary to protect the public health and safety. The right for a residential property to operate as a short-term rental use has not been reversed. However, the following briefly describes what staff sees as substantive changes under the new statute:

Regulatory License Requirement: Effective February 10, 2023 (or a date determined by Town Council), all short-term rentals will have to have a license to operate in the Carefree. SB 1168 allows cities and towns to set a fee not to exceed the actual cost of issuing the license or \$250, whichever is less. Staff recommends setting the fee at \$250.

The proposed ordinance translates the SB 1168 requirements regarding license application information, license issuance, and the limited conditions under which a license could be denied. The proposed ordinance also includes a section for license revocation if grounds for denial exist for a license that already was issued. In addition, it includes criteria for the limited conditions when a license can be suspended. Basically, whenever an application is denied or a license is revoked or suspended, there will be a hearing process, either administratively in most cases, or through the courts for certain serious incidents.

Insurance, Notification and Background Check Requirements: Non-residential usage continues to be prohibited, and the requirement that emergency contacts respond at the request of public safety staff remains in place as well. There are new requirements for short-term rentals to obtain liability insurance, to conduct sex offender background checks, and a neighbor notification process.

Public Health and Safety Requirements: State law allows cities and towns to regulate short-term rentals for the purposes of protecting the public's health and safety if the municipality can demonstrate that the rule or regulation is for that primary purpose. These additional requirements include language related to trash/garbage pickup, fire and life safety (such as pool barrier requirements and an emergency egress map of the home), and required cleanings between bookings and pest control.

The next steps after possible approval of Ordinance 2022-03 include:

1. Preparing a written notice to send out to all properties to inform them of the need to apply for a license from the Town by February 10, 2023;
2. Creating a permit process for short-term rentals;
3. Updating any current forms such as Business License applications and/or the STR contact form;
4. Developing helpful guides for residents and short-term rental owners/operators related to the new regulations; and
5. Updating the Town's web page and other relevant information.

ACTION NEEDED:

No action is needed at this time.

DRAFT 1

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, REPEALING AND REPLACING CHAPTER 6-8 OF THE CAREFREE, ARIZONA TOWN CODE CONCERNING SHORT TERM RENTALS; PROVIDING FOR SEPARABILITY; ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CAREFREE, ARIZONA TOWN CODE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

- Section 1: The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, to amend that certain document known as the Carefree, Arizona Town Code.
- Section 2: All Ordinances and portions of Ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- Section 3: The Amendments are made to Chapter 6 Offenses, Article 6-8 Short-Term Rentals Responsible Party Requirements and Other Violations, amended as follows (additions are shown in double underline, and deleted language is ~~crossed out~~):

ARTICLE 6-8. – SHORT-TERM RENTALS AND VACATION RENTALS.

Section 6-8-1 Purpose.

This article is necessary to protect the health, safety and welfare of the public.

Section 6-8-2 Definitions.

Owner's designee means a person authorized to act on behalf of the owner of a short-term rental or vacation rental.

Nuisance party means an assembly of persons for a social activity or for a special occasion in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace and litter.

Short-term rental or vacation rental means 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, which is also a transient public lodging establishment or owner-occupied residential home offered for transient use. Short-term rental and vacation rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or similar use.

Unlawful gathering means a party, gathering, or event where spirituous liquor is served to, or is in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person, regardless of whether it would otherwise qualify as a nuisance party.

"Verified Violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in A.R.S. Sections 9-500.39(B) or 9-500.39(K) that has been finally adjudicated.

6-8-3 Licensing.

A. Short-term rental license required; invalid license ; penalties.

1. Effective February 13, 2023, no person shall operate a short-term rental or vacation rental in the Town without first having obtained a current short-term rental license from the Town and paying the applicable fees. A separate current short-term rental license is required for each house or dwelling unit where a short-term rental or vacation rental is operated.
2. No person shall operate a short-term rental or vacation rental in the Town with an expired, suspended or revoked short-term rental license .
3. Representations or advertisements including online listings that reference the property, house or dwelling unit location within the Town is prima facie evidence that a short-term rental or vacation rental is operating in the Town.
4. A first violation of this section is a civil offense and shall be punished by a fine of not less than one thousand (\$1,000.00) per violation. A second or subsequent violation of this section within one (1) year of conviction of a first violation is a Class 1 misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation.

B. License fees.

1. Every application, including any renewal application, for a short-term rental license under this article shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) license fee and penalties incurred pursuant to this section.
2. If the applicant failed to apply for a short-term rental license upon receiving written notice from the Town of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000) penalty for every thirty (30) day period the applicant failed to apply. Any penalty shall be non-refundable. For purposes of this section, written notice includes, but is not limited, to a notice sent by electronic means, US mail or hand delivered to the physical location of the short-term rental or vacation rental or the address on file with the Maricopa County Assessors Office for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or, if mailed, on the date it is deposited in the United States mail.

C. Term of license ; transfer.

1. A short-term rental license issued under this article shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.
2. No license shall be transferable either as to location or as to person.

D. Application for license .

1. An applicant for a short-term rental license including for a renewal application shall file an application on a form prescribed by the Town Administrator or designee and contain the following information:

- a. The physical address of the house or dwelling unit to be used as a short-term rental or vacation rental.
- b. The name, address, email and telephone number of the owner of the short-term rental or vacation rental. If the owner is a fictitious person, the name, address, email and phone number of the owner's statutory agent.
- c. The name, address, email and telephone number of the owner's designee, if any.
- d. The name, address, email and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the short-term rental or vacation rental. An individual pursuant to this subsection must be a real person and cannot be a fictitious person.
- e. Agreement by the owner and each designee to comply with all applicable laws, regulations, and ordinances.
- f. The owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five years.
- g. Proof of a valid transaction privilege tax license.
- h. Evidence of liability insurance appropriate to cover the short-term rental or vacation rental in the aggregate of at least \$500,000 or evidence that each short-term rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the short-term rental.
- i. If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080 unless exempted by A.R.S. §41-1080(B).

E. License issuance; denial.

1. The Town shall issue a short-term rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:
 - a. Failure to provide the information required by this article;
 - b. Failure to pay the required license fee(s) including any penalties;
 - c. At the time of application, the owner has a revoked or suspended license for the same short-term rental or vacation rental;
 - d. The applicant has provided false information;
 - e. The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and

- f. Any grounds for revocation or suspension of a short-term rental license exist.
2. The Town Administrator or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this article.

F. License revocation.

The Town Administrator or designee shall initiate revocation proceedings if any grounds for denial exist for a short-term rental license that already has been issued.

G. Reapplication after denial or revocation.

No person who has had a short-term rental license denied or revoked pursuant to this article may apply for another short-term rental license for one (1) year after the decision affecting the applicant's license has become final.

H. License suspension; term of suspension.

1. The Town Administrator or designee shall initiate suspension proceedings against a short-term rental license for any of the following:
2. Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.
3. One verified violation that results in or constitutes any of the following:
 - a. A felony offense committed at or in the vicinity of a short-term rental or vacation rental by the owner of the short-term rental or by the owner's designee;
 - b. A serious physical injury or wrongful death at or related to a short-term rental or vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the short-term rental or vacation rental or the owner's designee;
 - c. An owner of the short-term rental or vacation rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or
 - d. An owner of the short-term rental or vacation rental or the owner's designee knowingly or intentionally allowing the use of a short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule or for a retail, restaurant, banquet space or other similar use.
4. The Town Administrator or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this article.
5. Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the short-term rental or vacation rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

I. Judicial relief for certain grounds of suspension.

1. Notwithstanding Section 6-8-3, Subsection H herein, any attempted or completed felony act, arising from the occupancy or use of a short-term rental or vacation rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a short-term rental or vacation rental for a period that shall not exceed twelve (12) months.
2. The Town Attorney may initiate proceedings in the Carefree-Cave Creek Consolidated Court or other court of competent jurisdiction to enforce this section.

J. Information updates.

All applicants and persons holding license s issued pursuant to this article shall give written notice to the Town Administrator or designee of any material changes in information submitted in connection with an application or application for renewal of a license . Any information required for an application pursuant to Section 6-8-3, Subsection D is deemed to be material for purposes of this section. This information shall be provided to the Town Administrator or designee by the license e or the effected person, as applicable, within ten (10) business days of any such change.

K. Appeals.

1. Any person aggrieved by any decision with respect to the denial of or a refusal to issue a short-term rental license , the revocation of a short-term rental license , the suspension of a short-term rental license or a verified violation penalty imposed pursuant to Section 6-8-4, Subsection H, shall be entitled to the review and appeal procedures provided in chapter 16, article I.
2. This section is not applicable for judicial actions brought pursuant to Section 8-6-3, Subsection K herein or penalties including fines imposed by a court.

L. Town use of license information.

Unless otherwise provided for by law, the Town may use any information obtained from licensing applications including contact information pursuant to this article for any lawful purpose including, but not limited, to communicating or providing information regarding compliance with laws, public health and safety regulations, general Town updates and reminders to keep required information updated with the Town.

M. Reserved

6-8-4 PROHIBITIONS AND OPERATIONAL REQUIREMENTS.

A. Compliance with laws.

1. A short-term rental or vacation rental must at all times comply with all federal, state, and local laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.

2. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.

B. Non-residential usage by short-term rentals or vacation rentals prohibited.

1. 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 following:
 - a. Any commercial, industrial, manufacturing, or other non-residential purpose; or
 - b. Operating a retail business, restaurant, event center, banquet center or similar use;
or
 - c. Housing sex offenders; or
 - d. Operating or maintaining a structured sober living home; or
 - e. Selling liquor, controlled substances or pornography; or
 - f. Operating any adult-oriented business including nude and topless dancing.
2. No person including, but not limited to, an owner, owner's designee, tenant, guest, business, vendor or operator shall operate a short-term rental or vacation rental in violation of this section.
3. Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a short-term rental or vacation rental property, house or dwelling unit location within the Town is prima facie evidence that a short-term rental or vacation rental is operating in the violation of this section.

C. Failure to respond to an emergency; penalties.

1. In the event of an emergency, any person designated as an emergency contact pursuant to Section 6-8-3 Subsection D herein upon the request of public safety personnel shall respond in-person within one (1) hour to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact.
2. For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a short-term rental or vacation rental for a call for service including responding to a nuisance party or unlawful gathering.
3. It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to subsection (a) of this section to either fail to respond to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the short-term rental or vacation rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred (\$500.00) dollars and failure to arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty (\$250.00) dollars.
4. It shall be a civil offense for the owner of a short-term rental or vacation rental to intentionally, knowingly or recklessly have the owner's emergency contact fail to comply

with the requirements of subsection (a). A violation of this subsection shall be punished a minimum fine of five hundred (\$500.00) dollars. Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly or recklessly.

D. Failure to maintain insurance; penalty.

1. It shall be unlawful for the owner or operator of a short-term rental or vacation rental to fail to comply with the insurance requirements specified in Section 6-8-3, Subsection D herein.
2. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or operator has obtained the required insurance, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

E. Advertising license number required; penalty.

1. It shall be unlawful for the owner, operator or owner's designee of a short-term rental or vacation rental to fail to display or list a Town short-term rental license number on each advertisement for a short-term rental or vacation rental located within the Town.
2. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner, operator or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

F. Additional health and public safety regulations.

1. The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as short-term rentals and vacation rentals create unique public health and safety issues.
2. No person owning or operating a short-term rental or vacation rental shall:
 - a. Leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in Article 5-5, Section 5-5-1 of the Carefree Town Code.
3. Any person owning or operating a short-term rental or vacation rental shall ensure that every short-term rental or vacation rental has working smoke alarms, which may require the installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (NFPA) 72. The owner or owner's designee shall keep and make available for inspection upon request by the Town a record of all inspections and maintenance activities.
4. The owner or owner's designee of a short-term rental or vacation rental shall provide and prominently display a map of the floor plan of the property 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 section; 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/emergency contact information.

5. The owner or owner's designee of a short-term rental or vacation rental shall have the property cleaned between bookings.
6. The owner or owner's designee of a short-term rental or vacation rental shall ensure that the property receives regular (at least bi-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.
7. The owner of a short-term rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Carefree Town Code Chapter 5, Article 5-3 Private Pools Barrier Code.
8. 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 a conspicuous location near each such door. The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the Town of Carefree nuisance waste disposal regulations.

NOTICE

USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED:
VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

- i. Any commercial, industrial, manufacturing, or other non-residential purpose; or
- ii. Operating a retail business, restaurant, event center, banquet center or similar use;
or
- iii. Housing sex offenders; or
- iv. Operating or maintaining a structured sober living home; or
- v. Selling liquor, controlled substances or pornography; or
- vi. Operating any adult-oriented business including nude and topless dancing; or
- vii. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
- viii. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unruly gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person.
- ix. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Article II of the Carefree Zoning Ordinance.
- x. 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:
 - Urination or defecation;
 - Nudity; or
 - Sexual acts.

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 PENTALTIES:

Use for any nonresidential purpose, including:

- i. For a special event that would otherwise require a permit or license pursuant to Town ordinance, or a state law or rule; or
- ii. Operating a retail business, restaurant, event center, banquet space, or similar use.

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

G. Sex offender background checks.

1. Within twenty-four (24) hours of every booking, the owner or owner's designee shall perform a background check on every guest or renter of a short-term rental or vacation rental to ensure that there are no sex offenders at the short-term rental or vacation rental.
2. An owner or owner's designee shall retain a full copy of the background check on each guest or renter for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by the Town upon demand during normal business hours.
3. It shall be a civil offense for owners or owner's designees to fail to comply with the requirements of this section and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000). The court shall not suspend any part of any fine required by this section.
4. The requirements of this section are satisfied and/or waived if the online lodging marketplace on which the short-term rental or vacation rental is advertised performs the background check.

H. Verified violation penalties.

1. In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the Town upon the owner of a short-term rental or vacation rental related to the same short-term rental property within the same twelve-month period:
 - a. Up to \$500 or up to an amount equal to one night's rent for the short-term rental as advertised, whichever is greater, for a first verified violation.
 - b. Up to \$1,000 or up to an amount equal to two nights' rent for the short-term rental as advertised, whichever is greater, for the second verified violation.

- c. Up to \$3,500 or up to an amount equal to three nights' rent for the short-term rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.
2. If multiple violations arise out of the same response to an incident at a short-term rental or vacation rental, those violations are considered one violation for the purpose of assessing the civil penalties provided in this section.
3. Unless an appeal is filed in a timely manner pursuant to Section 6-8-3, Subsection K, a civil penalty assessed pursuant to this section shall be due within thirty (30) days of the initial notice sent to the owner by the Town. For purposes of this section, written notice includes but is not limited to a notice sent by electronic means, US mail or hand delivered.

I. – Reserved.

6-8-5 NEIGHBOR NOTIFICATION.

A. Neighbor Notification.

1. Prior to offering a short-term rental or vacation rental for rent for the first time, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest compliance on a form prescribed by the Town Administrator or designee and contain the following information:
 - a. The short-term rental license number required by this Article;
 - b. The address of each property notified;
 - c. How the notification was provided; and
 - d. The name and contact information of the person attesting to compliance.
2. The notification required by subsection a above is also required anytime the contact information for the short-term rental or vacation rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.
3. The notice required by this section shall be in writing and include the following information: the short-term rental license number issued pursuant to this article, the physical address of the short-term rental or vacation rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes of this section, written notice includes notice sent by electronic means, US mail or hand delivered.
4. Short-term rentals or vacation rentals that are lawfully operating prior to the effective date of this section must comply with this section when the contact information for the short-term rental or vacation rental changes.

5. It shall be unlawful to operate a short-term rental or vacation rental without complying with the notification requirements in this section.
6. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred (\$100.00).

B. – Reserved.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this ___ day of _____, 2022.

Ayes ___ Noes ___ Abstentions ___ Absent ___

TOWN OF CAREFREE

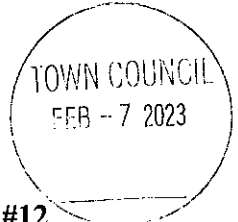
John Crane, Mayor

Attest:

Kandace French Contreras, Town Clerk

Approved as to Form:

Michael Wright, Town Attorney



Agenda Item: **#12**

**TOWN OF CAREFREE
INFORMATION SUMMARY**

MEETING DATE: February 7, 2023

SUBJECT: PUBLIC HEARING – Review and discussion regarding amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to amending Chapter 6 *Offenses*, Article 6-2 *Nuisances*, Section 6-2-4 *Noise*, to align with the new *Short-Term Rentals and Vacation Rentals Ordinance*.

ATTACHMENTS:

- Draft Ordinance 2023-02

SUMMARY

See Agenda Item 11 from this 2/7/23 meeting.

ACTION NEEDED:

An action of approval, denial, or continuance is required at this time.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTER 6, ARTICLE 6-5, SECTION 6-5-2 OF THE TOWN CODE OF THE TOWN OF CAREFREE, ARIZONA; PROVIDING FOR SEPARABILITY; AND DECLARING THAT THE IMMEDIATE OPERATION OF THE PROVISION OF THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY, THAT AN EMERGENCY EXISTS, AND THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY AND IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CODE OF THE TOWN OF CAREFREE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, as it pertains to noise and unlawful gatherings and to amend that certain document known as the Code of the Town of Carefree, Arizona.

Section 2: All ordinances and portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3: The Amendments are made to Chapter 12, Article 12-1 of the Town of Carefree Code, Amended as follows (additions are shown as underlined, and deleted language is ~~crossed-out~~):

Section 6-5-2 Offenses

A. If is unlawful for any minor under the age of sixteen years to be in, about or upon any place in the town away from the property where the youth resides between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

B. It is unlawful for any minor sixteen years of age or older and under the age of eighteen years, to be in, about or upon any place in the town away from the property where the child resides between the hours of 12:00 a.m. and 5:00 a.m.

C. It is unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow a minor to violate subsections A or B of this section.

D. It is unlawful for a parent, guardian or other person having the care, custody or supervision of the minor to fail or refuse to take custody of the minor after such demand is made upon him by a law enforcement officer who cites the minor for violation of subsection A or B of Section 6-5-2.

E. It is unlawful for any minor to attend and/or be present at an unlawful gathering as defined in Section 6-2-4.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments 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: The immediate operation of the provision of this Ordinance is necessary for the immediate preservation of the public peace, health and safety; and emergency is hereby declared to exist; and this ordinance shall be effective immediately and in full force and effect from and after its passage, adoption and approval by the Mayor and the Common Council of the Town of Carefree as required by law.

Section 6: The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein in to the Town Code of the Town of Carefree, Arizona.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this _____ day of _____, 2023.

Ayes _____ Noes _____ Abstentions _____ Absent _____

TOWN OF CAREFREE

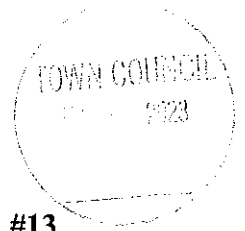
John Crane, Mayor

Attest:

Kandace French Contreras, Town Clerk

Approved as to Form:

Michael Wright, Town Attorney



Agenda Item: **#13**

**TOWN OF CAREFREE
INFORMATION SUMMARY**

MEETING DATE: February 7, 2023

SUBJECT: PUBLIC HEARING – Review and discussion regarding amendment to the Carefree, Arizona - Code of Ordinances (Town Code) related to amending Chapter 6 *Offenses*, Article 6-5 *Curfew Hours for Minors*, Section 6-5-2 *Offenses* to align with the new *Short-Term Rentals and Vacation Rentals Ordinance*.

ATTACHMENTS:

- Draft Ordinance 2023-03

SUMMARY

See Agenda Item 11 from this 2/7/23 meeting.

ACTION NEEDED:

An action of approval, denial, or continuance is required at this time.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTER 6, ARTICLE 6-5, SECTION 6-5-2 OF THE TOWN CODE OF THE TOWN OF CAREFREE, ARIZONA; PROVIDING FOR SEPARABILITY; AND DECLARING THAT THE IMMEDIATE OPERATION OF THE PROVISION OF THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY, THAT AN EMERGENCY EXISTS, AND THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY AND IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CODE OF THE TOWN OF CAREFREE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, as it pertains to noise and unlawful gatherings and to amend that certain document known as the Code of the Town of Carefree, Arizona.

Section 2: All ordinances and portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3: The Amendments are made to Chapter 12, Article 12-1 of the Town of Carefree Code, Amended as follows (additions are shown as underlined, and deleted language is ~~crossed out~~):

Section 6-5-2 Offenses

A. It is unlawful for any minor under the age of sixteen years to be in, about or upon any place in the town away from the property where the youth resides between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

B. It is unlawful for any minor sixteen years of age or older and under the age of eighteen years, to be in, about or upon any place in the town away from the property where the child resides between the hours of 12:00 a.m. and 5:00 a.m.

C. It is unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow a minor to violate subsections A or B of this section.

D. It is unlawful for a parent, guardian or other person having the care, custody or supervision of the minor to fail or refuse to take custody of the minor after such demand is made upon him by a law enforcement officer who cites the minor for violation of subsection A or B of Section 6-5-2.

E. It is unlawful for any minor to attend and/or be present at an unlawful gathering as defined in Section 6-2-4.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments 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: The immediate operation of the provision of this Ordinance is necessary for the immediate preservation of the public peace, health and safety; and emergency is hereby declared to exist; and this ordinance shall be effective immediately and in full force and effect from and after its passage, adoption and approval by the Mayor and the Common Council of the Town of Carefree as required by law.

Section 6: The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein in to the Town Code of the Town of Carefree, Arizona.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this _____ day of _____, 2023.

Ayes _____ Noes _____ Abstentions _____ Absent _____

TOWN OF CAREFREE

John Crane, Mayor

Attest:

Kandace French Contreras, Town Clerk

Approved as to Form:

Michael Wright, Town Attorney