

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTER 6 OF THE CAREFREE, ARIZONA TOWN CODE; 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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, Amended as follows:

Article 6-8 SHORT-TERM RENTALS RESPONSIBLE PARTY REQUIREMENTS AND OTHER VIOLATIONS

- 6-8-1 Definitions
- 6-8-2 Contact information required; information updates
- 6-8-3 Compliance with laws
- 6-8-4 Non-residential usage by short-term rentals or vacation rentals prohibited

Section 6-8-1 Definitions

“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.

Section 6-8-2 Contact information required; information updates

- A. Before offering for rent or renting a short-term rental or vacation rental within the Town of Carefree, the owner of a short-term rental or vacation rental shall register with the Town on a form or platform specified by the Town of Carefree. The registration must include the following information:
 - 1. Name of property owner and physical address of the short term rental property;
 - 2. Contact information for the property owner or the owner's designee who is responsible for responding to complaints in a timely manner in person, over the phone, by email, or by text at any time of day.
 - 3. The name and contact information of a person designated as an emergency contact.
- B. The owner shall notify the Town, in writing, of all changes in the contact and emergency contact information required by this section, not less than ten (10) days prior to the effective date of the change.
- C. The Town Administrator or designee shall develop the necessary forms and/or database necessary to implement this section.

Section 6-8-3 Compliance with laws

- A. A short-term rental or vacation rental must at all times comply with the federal, state and local laws, rules and regulations related to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing including advertising requirement, property tax registration, traffic control, pollution control, noise, property maintenance, and nuisance abatement.
- B. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.

Section 6-8-4 Non-residential usage by short-term rentals or vacation rentals prohibited

- A. 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 uses:
 - 1. Any nonresidential use or purpose; or
 - 2. Operating a retail business, restaurant, event center, banquet center, or similar use; or
 - 3. Housing sex offenders; or
 - 4. Operating or maintaining a sober living home; or
 - 5. Selling liquor, illegal drugs, or pornography; or
 - 6. Obscenity; or
 - 7. Operating any adult-oriented business including nude and topless dancing.

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

Section 6-8-5 Violations

- A. Any short term rental or vacation rental owner, agent, renter, who causes, permits, facilitates, aides or abets any violation of any provision of this Article or who fails to perform any act or duty required by this Article shall be deemed responsible/guilty as follows:
1. A first offense shall be deemed a civil infraction, punishable by a fine of not more than five hundred dollars (\$500.00).
 2. A second offense committed within twelve (12) months shall be deemed a civil infraction, punishable by a fine of not more than one thousand dollars (\$1,000.00).
 3. A third offense committed within twelve (12) months shall be deemed a Class 1 misdemeanor, punishable by a fine of not more than two thousand five-hundred dollars (\$2,500.00), imprisonment for up to one hundred eighty (180) days, probation for up to three (3) years, or any combination.
 4. The dates of violation shall control.
- B. Except where otherwise provided, any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this article shall upon admission or judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars (\$750.00).

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 Carefree Arizona Town Code.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 7th day of July, 2020.

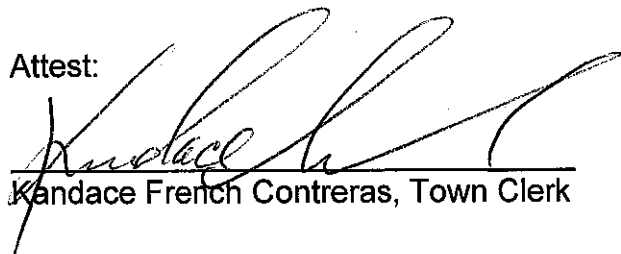
Ayes 6 Noes 0 Abstentions 0 Absent 1

TOWN OF CAREFREE



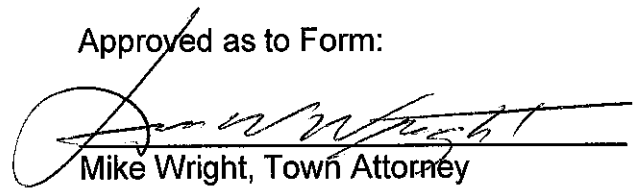
Les Peterson, Mayor

Attest:



Kandace French Contreras, Town Clerk

Approved as to Form:



Mike Wright, Town Attorney