

ORDINANCE202204-5-1-1--  
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**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE PARADISE VALLEY TOWN CODE BY AMENDING CERTAIN PROVISIONS OF CHAPTER 10 (OFFENSES); PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, on January 27, 2022, the Town Council adopted Ordinance 2022-03 (the "Ordinance") to protect the peace, health, safety, and welfare of the general public; and

**WHEREAS**, on February 28, 2022, the Arizona Attorney General's Office (the "AGO") received a request, pursuant to A.R.S. § 41-194.01, to investigate whether the Ordinance violated state law; and

**WHEREAS**, on March 30, 2022, after conducting its investigation, the AGO issued Investigative Report No. 22-001 (the "AGO Report"), finding that "most of the regulations contained in the Ordinance are within the City's statutory authority" and therefore "most of the Ordinance does not violate state law," but that "a few" specific provisions of the Ordinance were contrary to state law; and

**WHEREAS**, the Town Council desires to amend the Paradise Valley Town Code, as amended by the Ordinance, to bring it into compliance with the findings of the AGO Report.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The definition of "Event Center" in Section 10-14-2 of the Town Code is hereby amended as follows:

"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 social gatherings or Special Events more than two (2) times within a period of twelve (12) consecutive months or other Nonresidential Uses.**

Section 3. Section 10-14-3(B) of the Town Code is hereby amended as follows:

B. Consent and Certification. When registering a Short-Term Rental, the Owner must:

1. ~~Consent to and authorize any Online Lodging Marketplace on which the Short-Term Rental is listed to provide to the Town the Owner's listing~~

~~(including the address of the listing), rental activity, and contact information.~~

21. Provide evidence that the Short-Term Rental has been registered with Maricopa County Assessor's Office in accordance with A.R.S. § 33-1902.
32. Provide evidence of a valid transaction privilege tax license issued by the State of Arizona.

Section 4. Section 10-14-3(C) of the Town Code is hereby amended as follows:

- C. Booking Information. To protect the peace, health, safety, and general welfare of the Town's residents and visitors, the Owner of a Short-Term Rental shall **provide each booking guest with a statement of applicable Town rules and regulations, or direct each booking guest thereto, and inform the guest that rental of the unit constitutes an agreement to comply with such rules and regulations.** ~~promptly provide the information below to the Town, on a form or a platform specified by the Town, within twenty four (24) hours of every booking; provided, that any booking for an occupancy beginning less than twenty four (24) hours from the time of booking shall be reported within one (1) hour after the time of the booking;~~
1. ~~A copy of the Short Term Rental's advertisement or listing upon which the relevant booking occurred, along with the name of the Online Lodging Marketplace accommodating the listing;~~
  2. ~~The dates for which a guest booked the Short Term Rental and the number of people in their party;~~
  3. ~~Evidence of compliance with Section 10-14-5(B).~~
  4. ~~Evidence that the booking guest has acknowledged receipt of the statement of rules and regulations prepared by the Town, and has agreed by that acknowledgement to comply with such rules and regulations.~~

Section 5. Section 10-14-3(D) of the Town Code is hereby amended as follows:

- D. Failure to Register. Any person, ~~or entity, or Online Lodging Marketplace~~ who offers for rent or accepts a fee for booking a Short-Term Rental that is not registered with the Town pursuant to Section 10-14-3(A) or, where applicable, with the Maricopa County Assessor's Office pursuant to A.R.S. § 33-1902, as amended, shall be fined one hundred fifty dollars (\$150) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Section 6. Section 10-14-5(A)(2) of the Town Code is hereby amended as follows:

2. ~~The Owner shall meet in person at their Short Term Rental with their Short Term Rental guests prior~~ **Prior** to the commencement of the occupancy or during check-

~~in and verbally~~, the Owner shall explain and describe all rules and regulations applicable to the use of the property as a Short-Term Rental including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash collection schedules, Special Event and Nonresidential Use restrictions, fire evacuation routes, and any other information, as required by this Code, applicable to the Short-Term Rental and the surrounding neighborhood. ~~When meeting in person~~ Prior to or upon the guest's arrival at the Short-Term Rental, the Owner shall provide the booking guest with a written copy of the statement of rules and regulations acknowledged by the guest at the time of booking as required by Section 10-14-3(C)(4). The Owner shall keep a record of compliance with this section.

Section 7. Section 10-14-5(C) of the Town Code is hereby amended as follows:

- C. 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 Vacation Rental's Online Lodging Marketplace or other listing:

~~You must meet in person with the owner of this property during check-in.~~ The owner of this property will provide you with pertinent safety information, explain your responsibilities under the Paradise Valley Town Code, and expect you to certify your compliance therewith.

You must not use this property for any of the uses identified in Paradise Valley Town Code Section 10-14-4. Any renter who causes, permits, facilitates, aides, or abets any violation thereof shall be subject to a civil infraction carrying a mandatory penalty of a minimum of \$500.00 in addition to any other penalties which the Town may impose.

The use of this short-term rental to house sex offenders is prohibited. The owner of this short-term rental is required to perform a background check on you and your guests prior to your stay.

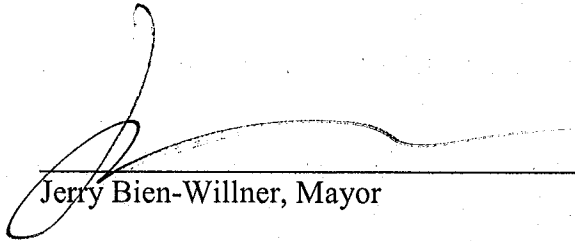
Section 8. Because of the urgent need for amendment of Town Code to comply the AGO Report and A.R.S. § 41-194.01, the immediate operation of this ordinance is necessary for the preservation of health, safety, and welfare. An emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon adoption by the Town Council.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 10. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

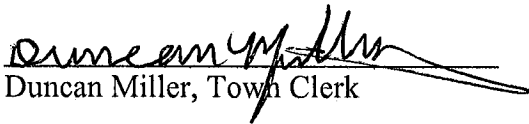
(SIGNATURES ON FOLLOWING PAGE)

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise Valley this 28th day of April, 2022.


  
Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED TO THIS 28 DAY OF April 2022.

ATTEST:

  
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

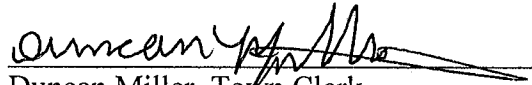
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Andrew J. McGuire, Town Attorney

STATE OF ARIZONA )  
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 )  
COUNTY OF MARICOPA )

**CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the foregoing is a full, true, and correct copy of Ordinance Number 2022-04 duly passed and adopted by a majority vote of the Town Council at a meeting duly called and held on the 28<sup>th</sup> day of April 2022. Said Ordinance appears in the minutes of said meeting, and it has not been rescinded or modified and is now in full force and effect.

I further certify that said municipal corporation is duly organized and existing and has the power to take the action called for by the Ordinance.

  
Duncan Miller, Town Clerk



**VOTE**

AYES: 7

NAYES: 0

NOT PRESENT: 0

**PUBLISHED**

May 5, 2022

May 12, 2022