

**ORDINANCE NO. 643-18**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA AMENDING THE CODE OF THE CITY OF PAGE, § 152.09, VACATION HOME RENTALS (VHR).**

**WHEREAS, the Arizona State Legislature has adopted certain provisions relating to vacation rentals and short-term rentals, including restricting the ability of cities to regulate vacation rentals; and**

**WHEREAS, the City Council desires to amend the Code of the City of Page to mirror state law.**

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA:**

**Section 1: That Section 152.091 of the Code of the City of Page, is hereby amended as follows:**

**§ 152.091 VACATION HOME RENTALS (VHR).**

**(A) *Purpose.***

**(1) The purpose of this section is to establish minimum regulations for the use of ~~privately-owned~~ residential dwellings utilized as vacation rentals; ~~it is designed to:~~**

**~~(a) Minimize negative secondary impacts from the operation of vacation home rental units on surrounding residential neighborhoods;~~  
~~AND~~**

**~~(b) Ensure the collection and payment of transient occupancy taxes;~~  
~~and~~**

**~~(c) Ensure vacation home rental units meet applicable Building and Fire Code standards in relation to health and safety.~~**

**(2) This section is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined herein.**

**(3) VACATION HOME RENTALS ARE LIMITED TO INDIVIDUALLY OR COLLECTIVELY OWNED SINGLE-FAMILY OR ONE-TO-FOUR-FAMILY HOUSE OR DWELLING UNITS OR ANY UNIT OR GROUP OF**

UNITS IN A CONDOMINIUM, COOPERATIVE OR TIMESHARE, THAT IS ALSO A TRANSIENT PUBLIC LODGING ESTABLISHMENT OR OWNER-OCCUPIED RESIDENTIAL HOME OFFERED FOR TRANSIENT USE IF THE ACCOMMODATIONS ARE NOT CLASSIFIED FOR PROPERTY TAXATION UNDER SECTION 42-12001. USE OF ANY OTHER UNIT, DWELLING OR GROUP OF UNITS OR DWELLINGS AS A VACATION RENTAL OR SHORT-TERM RENTAL IS PROHIBITED. VACATION RENTALS DO NOT INCLUDE A UNIT THAT IS USED FOR ANY NONRESIDENTIAL USE, INCLUDING RETAIL, RESTAURANT, BANQUET SPACE, EVENT CENTER OR ANOTHER SIMILAR USE.

(B) *Applicability.* The provisions of this section apply within the incorporated boundaries of the city. ~~All requirements, regulations and standards imposed by this section are intended to apply in conjunction with any other applicable requirements, regulations and standards imposed elsewhere in this code. Vacation home rentals ( VHR) shall be allowed in the RE-2A, RE-1A, R-8, R1-7, R1-5, R2, RM, and MHP districts with a conditional use permit and in the CBD, C-2 and SC districts in conjunction with a conditionally permitted residential land use.~~

(C) VACATION HOME RENTALS ARE SUBJECT TO ALL LAWS RELATING TO NOISE, BUILDING AND FIRE CODES, PROTECTION OF WELFARE, PARKING, PROPERTY MAINTENANCE AND NUISANCE AND MAY NOT BE USED FOR THE PURPOSES OF HOUSING SEX OFFENDERS, OPERATING OR MAINTAINING A STRUCTURED SOBER LIVING HOME, SELLING ILLEGAL DRUGS, LIQUOR CONTROL OR PORNOGRAPHY, OBSCENITY, NUDE OR TOPLESS DANCING AND OTHER ADULT-ORIENTED BUSINESSES. *Definitions.* ~~For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*APPLICABLE LAWS, RULES AND REGULATIONS.* Any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a vacation home rental.~~

~~*APPLICANT.* The owner of the vacation home rental or the owner's authorized agent or representative.~~

~~*COMMUNITY DEVELOPMENT DIRECTOR.* The person acting in the capacity as director of the Planning and Zoning and Building Departments or, in the event that position is vacant, a substitute employee designated by the City Manager.~~

~~*LOCAL CONTACT PERSON.* A local property manager, owner or agent representing the owner, who is available 24 hours per day, seven days a week for the purpose of: responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the vacation home rental; and taking remedial action to resolve any such complaints.~~

~~**OVERFLOW LODGING.** The use of a vacation home rental unit for contingency lodging in association, conjunction, partnership, contract or agreement with a local hotel/motel when the hotel/motel (or owner or employee thereof) has either an ownership interest in the vacation home rental unit or receives rent or other consideration in exchange for facilitating the lodging. **OVERFLOW LODGING** shall be considered an extension of hotel/motel operation and is strictly prohibited within ...[missing text]...~~

~~**OWNER.** The person or entity that holds legal or equitable title to the property.~~

~~**PROPERTY.** A residential legal lot of record on which a vacation home rental unit is located.~~

~~**RENT.** The consideration charged, whether or not received, for the occupancy of lodging space, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.~~

~~**RESPONSIBLE PERSON.** An occupant of a vacation home rental who is at least 21 years of age and who is legally responsible for ensuring that all occupants of the vacation rental home unit and/ or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject vacation home rental unit.~~

~~**VACATION HOME RENTAL UNIT.** One or more dwelling units or a part of a dwelling unit, including either a single family, detached or multiple family attached unit, being utilized by any person, other than the owner, as lodging on a daily, weekly or any other basis for less than 30 consecutive days, in exchange for rent.~~

~~(D) **Vacation home rental permit requirements.** No owner of a vacation home rental unit may rent that unit without a valid vacation home rental conditional use permit (CUP) issued by the City Planning and Zoning Commission. A separate CUP is required for each vacation home rental. The CUP permit requirements of this section are in addition to any business registration, tax, other permit, licensing agreements or other applicable law. The City Community Development Director or his or her designee is authorized to prescribe forms and procedures for the processing of permits under this section.~~

~~(E)(D) **EMERGENCY POINT OF CONTACT.** Authorized agent or representative.~~

~~(1) An owner OF A VACATION HOME RENTAL SHALL DESIGNATE AN EMERGENCY POINT OF CONTACT. SAID POINT OF CONTACT SHALL BE FILED WITH THE CITY CLERK. may retain an agent, representative or local contact person to comply with the requirements of this chapter, including, without limitation, the filing of the conditional use permit application for a permit, the management of the vacation home rental and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental.~~

~~(2) The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of an agent, managing agency, local contact person, responsible person, transient or occupant to comply with this section is noncompliance by the owner.~~

~~—(F) *Application for vacation home rental permit.*~~

~~—(1) No conditional use permit shall be issued unless the application confirms unqualified compliance with this section. Permits shall be personal to the permittee and applicable only to the specific property and shall not be transferable. The permit shall be applied for, and the property posted, in accordance with conditional use permit, the zoning ordinance.~~

~~—(2) An application for a VHR conditional use permit must be filed and approved before use of the property as a vacation home rental and must contain the following information:~~

~~—(a) The name, address and telephone number of the owner of the vacation home rental for which the permit will be issued;~~

~~—(b) The name, address and telephone number of the local contact person for the vacation home rental. This information shall be furnished by the Community Development Department to the City Police and Fire Departments. The owner shall ensure this contact information is current;~~

~~—(c) Acknowledgment that all designated bedrooms contain a minimum of 70 square feet and meet all requirements of the current International Building Code;~~

~~—(d) The number of bedrooms (each containing a minimum of 70 square feet), approximate total heated square footage in the vacation home rental and the maximum number of overnight occupants;~~

~~—(e) A site plan showing the relation of the building and parking to lot lines, location of parking and a floor plan showing building square footage, exits, location of bedrooms and number of beds per room, shall be provided. The diagram or site plan shall indicate the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants;~~

~~—(f) Evidence of a valid transient occupancy tax remittance form issued by the state for the vacation home rental as defined by A.R.S. § 42-5070, transient lodging classification. A state transaction privilege (sales) tax license shall also be required;~~

~~—(g) Acknowledgment that the owner, agent or local contact has read all regulations pertaining to the operation of a vacation home rental;~~

~~—(h) Acknowledgment that the owner, agent or local contact has or will post the vacation home rental standard permit conditions and additional conditions;~~

~~—(i) A copy of the proposed written rental agreement that will be utilized to rent the vacation home rental unit; and~~

~~—(j) Other information the Community Development Director or his or her designee deems reasonably necessary to administer this chapter.~~

~~—(G) *Application and renewal fees and requirements.*~~

~~—(1) Vacation home rental conditional use permits will require, in addition to the \$300 initial application fee, an annual fee of \$250 and shall be subject to an annual review or revocation by the Commission each year upon review of a status report for compliance with § 152.030 and this section.~~

~~—(2) An application for a conditional use permit shall also be accompanied by preliminary inspection reports filed with the Planning and Zoning Department from the~~

~~Building and Fire Departments. Subsequent to Commission action, no conditional use permit shall be issued or renewed until the following final inspections have been conducted and reports have been filed with the Planning and Zoning Department.~~

~~— (a) A Fire Department inspection report stating that the vacation home rental single-family dwelling unit and premises comply with the applicable fire codes.~~

~~— (b) A Building Department inspection report stating that the vacation home rental single-family unit and premises comply with the applicable building codes, electrical codes and plumbing codes.~~

~~— (3) In the event the vacation home rental fails to comply with any of the terms of the conditional use permit or any other applicable laws, the permit may be revoked in accordance with the provisions of § 152.030(F).~~

~~— (H) Standard permit conditions and additional conditions. All permits issued pursuant to this section are subject to the following standard conditions:~~

~~— (1) Vacation home rentals shall be restricted to principal single family buildings or units with a minimum of 1,000 square feet livable space. No accessory structure, guest house, motor home, travel trailer, shed, garage or other similar structure shall be used as guest facilities.~~

~~— (a) The number of overnight occupants not to exceed two per bedroom, plus two additional persons per residence, excluding children under 12 years of age.~~

~~— (b) A bedroom for purposes of this section is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose. The structure must have at least one other habitable room containing a minimum of 120 square feet. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height in accord with the current International Residential Code.~~

~~— (2) The number of vehicles of overnight occupants shall be limited to the number in the permit; with the number of vehicles of overnight occupants not to exceed the number of designated on-site parking spaces. Parking of buses, boats, recreational vehicles or commercial vehicles in off-site vacant lots or the street shall be prohibited. Off-site on-street parking shall be strictly prohibited.~~

~~(3) The owner must use best efforts to ensure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of this code or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as a peace officer or place himself or herself in harm's way.~~

~~— (4) Visitation to the vacation home rental unit by invitees or guests of the occupants shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Unattended pets shall not be allowed.~~

~~— (5) The owner of the vacation home rental must post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the vacation home rental unit.~~

~~— (6) Each vacation home rental must have a clearly visible and legible notice posted~~

within the unit, on or adjacent to the front door, containing the following information:

- ~~— (a) The name of the local contact person and a telephone number at which that person may be reached on a 24-hour basis;~~
- ~~— (b) The maximum number of occupants permitted to stay in the unit;~~
- ~~— (c) The maximum number of vehicles allowed to be parked on the property;~~
- ~~— (d) The number and location of on-site parking spaces and the parking rules for emergency vehicle access;~~
- ~~— (e) The trash pick-up day and notification that trash and refuse must be placed in the appropriate container (i.e., blue for trash on Monday/Tuesday, green for recycling on Thursday/Friday);~~
- ~~— (f) Notification that an occupant as a person responsible for the stay, may be criminally or civilly cited for creating a disturbance or for violating other provisions of this chapter;~~
- ~~— (g) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter; and~~
- ~~— (h) The occupants of a vacation home rental must make the notice required by this division (H) available for inspection by the Community Development Director or a designee, the police department or the code enforcement officer on a request made by any of these officials.~~
- ~~— (7) All permissible uses must comply with the city parking, driveway and loading standards and emergency vehicle access regulations. The owner must provide sufficient parking to meet city on-site parking requirements, including the garage when necessary. All overnight parking must be on-site.~~
- ~~— (8) A written rental agreement that contains at a minimum the requirements and provisions contained within this division (H).~~
- ~~— (9) Compliance with all applicable federal, state and local tax laws, including § 8A-447 of the Tax Code of the city.~~
- ~~— (10) No signs of any manner advertising or identifying the property as a vacation home rental shall be placed on the vacation home rental unit property.~~
- ~~— (a) The City Council, at a duly noticed meeting, has the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter.~~
- ~~— (b) The Community Development Director or a designee has the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter subject to compliance with the procedures set forth in this code.~~
- ~~— (I) Violation and administrative penalties.~~
  - ~~— (1) Additional conditions. A violation of any provision of this chapter by any of the occupants, responsible party, owner(s) or the owner's authorized agent or representative shall authorize the City Manager, or his or her designee, to impose additional conditions on the use of any given vacation rental unit to ensure that any potential additional violations are avoided.~~
  - ~~— (2) Permit modification, suspension and revocation. A violation of any provision of this~~

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~~chapter by any of the occupants, responsible party, owner(s) or the owner's authorized agent or representative shall constitute grounds for modification, suspension and/or revocation of the conditional use permit for the vacation rental.~~

~~— (3) *Notice of violation.* The city may issue a notice of violation to any occupant, responsible person, owner(s) or the owner's authorized agent or representative, pursuant to § 152.999(A), if there is any violation of this chapter committed, caused or maintained by any of the above parties.~~

**Section 2:**

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

**Section 3:**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 4:**

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and the City Clerk is authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with the Page City Code of Ordinances.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF  
THE CITY OF PAGE, COCONINO COUNTY, ARIZONA this \_\_\_\_\_ day of  
April, 2018, by the following vote:**

Ayes	_____
Nays	_____
Abstentions	_____
Absent	_____