

ORDINANCE NO. 2023-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3 BUSINESS REGULATIONS, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “2023 SHORT TERM RENTAL CODE”; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City may regulate short-term rentals to the extent allowed by A.R.S. Section 9-500.39; and

WHEREAS, the City desires to update its short-term rental regulations to protect the health, safety, and welfare of City residents and visitors; and

WHEREAS, the City has published notice of a proposed new short-term rental licensing fee pursuant to A.R.S. Section 9-499.15.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

That certain document known as “*2023 Short-Term Rental Code*”, one(1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, has been declared a public record by Resolution No. 2023-38 of the City of Flagstaff, Arizona, and is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

The Flagstaff City Code, Title 3 Business Regulations is hereby amended by amending Chapter 3-12 Short-Term Rentals, Chapter 3-01 Business License, and Chapter 3-10 User Fees, all as set forth in the *2023 Short-Term Rental Code*.

SECTION 2. Penalties.

Any person found in violation of this ordinance shall be guilty of a civil infraction and shall be fined a sum of \$500.00, \$1,000.00, or \$3,500.00 as set forth in the *2023 Short-Term Rental Code* (Chapter 3-12 of the Flagstaff City Code), which penalty clauses are set forth in the attached Exhibit A. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 3. Repeal of Conflicting Ordinances.

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of the code adopted herein by reference are hereby repealed.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 4. Severability.

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 5. Clerical Corrections.

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 6. Effective Date.

This Ordinance shall be effective November 1, 2023.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 3rd day of July, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment:

Exhibit A - Short-Term Rental Code – Penalty Clauses

EXHIBIT A
Short-Term Rental Code – Penalty Clauses

*** Text is omitted for purposes of brevity.

3-12-001-0002 DEFINITIONS

"Verified violation" means a final adjudication finding of guilt or civil responsibility for violating any state law or City Code provision relating to a purpose prescribed in A.R.S. Section 9-500.39 subsection B or K that has been finally adjudicated (a final decision of a court or administrative hearing officer with no further right of appeal).

3-12-001-0004 LICENSE APPLICATION

E. Violations. In addition to any other penalty imposed under section 3-12-001-0005 (Penalties for Verified Violations), the City may impose a civil penalty of \$1,000 per month against the owner if the owner or owner's designee fails to apply for a license within 30 days after receiving written notice of the failure to comply with licensing requirements.

3-12-001-0006 EMERGENCY POINT OF CONTACT

B. Violations. In addition to any other penalty imposed under section 3-12-001-0005 (Penalties for Verified Violations), the City may impose a civil penalty of \$1,000 against the owner for every 30 days the owner fails to provide or maintain current emergency point of contact information on file with the City as required by Section 3-12-001-0004(A)(4). The City shall provide at least thirty (30) days' written notice to the STR owner before imposing the initial civil penalty.

3-12-001-0015 PENALTIES FOR VERIFIED VIOLATIONS

A. Penalties. Notwithstanding any other law or penalties assessed, the City may impose the following enhanced civil penalties upon the owner of a STR if the owner receives one or more verified violations related to the same STR within a 12-month period:

1. \$500 for the first verified violation.
2. \$1,000 for the second verified violation.
3. \$3,500 for a third and any subsequent verified violation.

B. If multiple violations arise out of the same response to an incident at a STR, those verified violations are considered one verified violation for the purpose of imposing a penalty.

- C. If multiple violations under section 3-12-001-0008 (Advertisements) for the same STR have occurred within a period of 30 days, then, upon a showing that the STR has come into compliance with such section, those verified violations shall be considered as one verified violation for the purpose of imposing a penalty.
- D. If multiple violations under section 3-12-001-0010 (Neighbor Notification) for the same STR have occurred within a period of 30 days, then upon a showing that the STR has come into compliance with such section, those verified violations shall be considered as one verified violation for the purpose of imposing a penalty.

3-12-001-0016 ENFORCEMENT

- C. Civil offenses. Each violation of this chapter shall constitute a civil offense. Each day that a violation occurs shall be a separate offense.
- D. Owner liability. The failure of any owner's designee to comply with this chapter shall not relieve the owner of liability under this chapter.
- E. Remedies cumulative. The remedies in this chapter are cumulative and the City may proceed under one or more such remedies.