



City Council Work Session
Municipal Court and Council Chambers
14455 W. Van Buren St., Suite B101
Goodyear, AZ 85338
Monday, February 28, 2022
5:10 PM

Mayor
Joe Pizzillo

Vice Mayor
Brannon Hampton

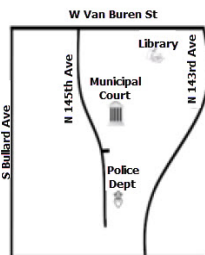
Councilmember
Sheri Lauritano

Councilmember
Wally Campbell

Councilmember
Bill Stipp

Councilmember
Laura Kaino

Councilmember
Patrick Bray



PROCEDURES

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Goodyear City Council and to the general public that the Council of the city of Goodyear will hold a meeting open to the public. Public body members of the city of Goodyear will attend either in person or by telephone conference call and/or video communication. The Goodyear City Council may vote to go into Executive Session, pursuant to A.R.S. § 38-431.03(A)(3), which will not be open to the public, to discuss certain matters. Meetings are conducted in accordance with the City Council Meetings Council Rules of Procedure adopted by Resolution No. 2018-1879

THE CITY OF GOODYEAR ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (623) 882-7830 or Arizona Relay (TDD) 7-1-1 to request an accommodation to participate in this public meeting.

LA CIUDAD DE GOODYEAR PROCURA HACER TODA JUNTA PUBLICA ACCESIBLE A PERSONAS CON DISCAPACIDADES. Con un aviso de 48 horas por adelantado se puede proveer asistencia especial a personas con discapacidades visuales o auditivas durante la junta. Se harán adaptaciones razonables con previa solicitud para personas con discapacidades o para residentes que no hablan inglés. Favor de llamar a la Secretaria Municipal al (623) 882-7830 o Retransmisión de Arizona (TDD) 7-1-1 para solicitar adaptaciones para participar en la junta pública.



City Clerk's Office: 190 N. Litchfield Rd, Goodyear, AZ 85338 (623) 882-7830
www.goodyearaz.gov/cityclerk
City Council Meeting Live Broadcast: <https://www.facebook.com/goodyearazgov/videos>

CALL TO ORDER**ROLL CALL****AGENDA ITEMS FOR DISCUSSION**

ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN NOR WILL BE TAKEN.

1. FY2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**Summary**

Staff is seeking Council direction to prioritize eligible activities for the investment of FY2023 CDBG entitlement funds. (Christina Panaitescu, Grants and Neighborhood Services Supervisor)

2. SHORT-TERM RENTALS**Summary**

As Goodyear continues to grow, the number of short-term rentals (STRs) listed on online platforms like Air Bed & Breakfast (AirBnB) and Vacation Rental by Owner (VRBO) will also increase. This work session is intended to provide Council an overview about STRs in the city of Goodyear, legislative history and impacts, and discuss potential solutions that are allowed under the law. (Julie Karins, City Manager)

ADJOURNMENT**POSTING VERIFICATION**

This agenda was posted on February 23, 2022 at 5:12 p.m. by VM.

ITEM #: 1.
DATE: 02/28/2022
AI #:651



CITY COUNCIL ACTION REPORT

SUBJECT: FY2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

STAFF PRESENTER(S): Christina Panaitescu, Grants and Neighborhood Services Supervisor

Summary

Staff is seeking Council direction to prioritize eligible activities for the investment of FY2023 CDBG entitlement funds. (Christina Panaitescu, Grants and Neighborhood Services Supervisor)

FISCAL IMPACT

The Annual Action Plan, to be submitted to the federal department of Housing and Urban Development (HUD) for acceptance, will define how Goodyear intends to invest its FY2023 CDBG entitlement funds.

BACKGROUND AND PREVIOUS ACTIONS

In May 2020 Council provided direction for staff to pursue CDBG entitlement status, meaning the city would receive a direct allocation of CDBG funds from the federal government, rather than competing for funds through the Maricopa Urban County. Last May, the City submitted a consolidated plan and first year action plan to HUD. As identified in the plan, the City is currently in the process of replacing existing streetlights with improved LED fixtures and adding bollard lighting along a neighborhood pathway to improve safety in North Subdivisions using FY2022 CDBG funds.

The consolidated plan provides a five-year framework for use of CDBG entitlement funding, and is implemented through activities identified in annual action plans.

Projects (called activities) must benefit low-to-moderate-income (LMI) Goodyear households or neighborhoods, or serve specific populations who are presumed to be LMI, and have to fit in one of the following eligible priority areas which were prioritized in the consolidated plan: program administration, community facilities and improvements, and public services. Activities identified as low priority, attainable and sustainable housing or eligible economic development projects, are also eligible if an exceptional opportunity were to present itself.

To prepare for this work session, staff has consulted with stakeholders including city department directors and members of the Faith & Community Roundtable, and hosted a public meeting, seeking suggestions for eligible projects. Eligible activity suggestions that were raised included both facilities and services.

STAFF ANALYSIS

Although specific award amounts have not yet been communicated by HUD, best practice dictates using the previous year's award for planning purposes. Goodyear's FY2022 entitlement was \$429,038. As the city's actual allocation could be greater or less than the FY2022 entitlement, any activity selected should be able to accommodate a shortfall or be adapted to a surplus.

CDBG is a complex grant program and requires administration and oversight. Examples of administrative expenses include: activities related to compliance with federal regulations, promoting the principles of fair housing, assessing neighborhood conditions and the need for human and public services to address the needs of vulnerable populations, and establishing application and monitoring systems. Staff recommends the city reserve the full 20% allowable for administration (\$85,807) and intends to apply CDBG funds toward phase II of the Community & Neighborhood Services Master Plan, a neighborhood assessment to be conducted in FY2023.

That would leave a balance of \$343,231 available for activities that meet the national objective and align with consolidated plan priorities. Given the anticipated award amount and the administrative burdens that accompany these funds, at this time, staff recommends retaining a focus on large, capital, community improvement-type projects, rather than public services, attainable and sustainable housing, or economic development initiatives.

Of the potential eligible activities raised, one community project and two city projects are feasible. Staff's recommendation is to allocate the balance (80% of the entitlement) to fund one of the following three eligible projects:

Childcare Center Renovations at New Life Center - Total Project Costs: \$524,246

This project would provide significant reconfiguration and remodeling in the Child Development Center to address the needs of children with trauma informed care. New Life Center would manage the project, submit for reimbursement from the city, and provide any required reporting to enable the city to fulfill its obligation to HUD. (This project is eligible because the population served is presumed LMI.)

Loma Linda Wading Pool Conversion - Total Project Costs: \$832,200

Currently, this project is in the CIP for FY2025 but could be accelerated to begin in FY2023. The project scope includes the removal and backfill of the existing baby pool and the installation of a splash pad with a variety of surface play features in the same location. (This project is eligible because the service area is LMI.)

Ambulance for the fire station that serves Mobile (FS187)- Total Project Costs: \$340,970

Planned to begin service in FY2027, this project could accelerate the purchase and outfitting of an ambulance to be in-service in Mobile by July 2023, enabling Goodyear Fire to transport 911 patients and subsequently bill healthcare insurances for services rendered. (This project is eligible because the service area is LMI.)

Attachments

Presentation



Agenda



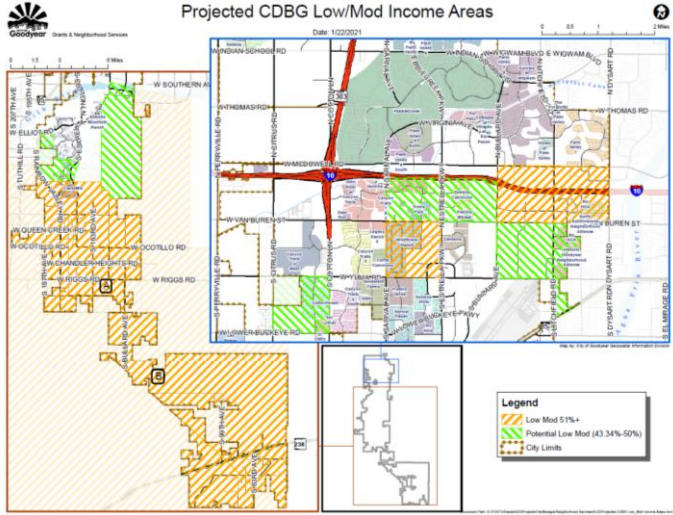
- FY2022 Update
- Five-Year Consolidated Plan
- FY2023 Annual Action Plan
- Next Steps



Five-Year Consolidated Plan



National Objective: Benefit low-to-moderate-income persons



Presumed Benefit:

- Abused children
- Battered spouses
- Elderly persons
- Severely disabled adults
- Homeless persons
- Illiterate adults
- Persons living with AIDS
- Migrant farm workers

Five-Year Consolidated Plan



National Objective: Benefit low- and moderate- income persons

Goodyear Priorities:

- High Priority Activities (likely to be funded with CDBG in the next five years)
 - Community Facilities and Improvements
 - Public Services
 - Program Administration
- Low Priority Activities (may be funded as opportunities arise)
 - Attainable and Sustainable Housing
 - Economic Development

FY2023



\$429,038 Estimated Entitlement

- Allocation Constraints
 - **Program Administration** - 20% = \$85,807
 - **Community Improvements** - \$343,231*
 - **Public Services** - \$64,355 max

*unless reduced by public services

Initial Public Meeting



Jan. 19 | 10 attendees



New Life Center



Childcare Center Renovations

Total Project Costs: \$524,246

Loma Linda Pool



Wading Pool Conversion

Total Project Costs: \$832,200

- Design - \$122,200
- Construction - \$710,000

Station 187 - Mobile



Ambulance

Total Project Costs: \$340,970

- Ambulance, radios & mobile computer - \$237,000
- Durable medical equipment - \$103,970

Discussion



FY2023 CDBG INVESTMENT



Next Steps

Stay up-to-date at: goodyearaz.gov/cdbg

- Mar. 22 – Apr. 20: Public Comment Period
- Mar. 28: Public Hearing @ Council Meeting
- May 2: Council Meeting to Authorize Submission
- Submit Plans to HUD by Deadline
- HUD Approves Plan and Funds Available After July 1

ITEM #: 2.
DATE: 02/28/2022
AI #:592



CITY COUNCIL ACTION REPORT

SUBJECT: SHORT-TERM RENTALS

STAFF PRESENTER(S): Julie Karins, City Manager

OTHER PRESENTER(S):

Summary

As Goodyear continues to grow, the number of short-term rentals (STRs) listed on online platforms like Air Bed & Breakfast (AirBnB) and Vacation Rental by Owner (VRBO) will also increase. This work session is intended to provide Council an overview about STRs in the city of Goodyear, legislative history and impacts, and discuss potential solutions that are allowed under the law. (Julie Karins, City Manager)

FISCAL IMPACT

Pending Council direction there is no impact at this time.

BACKGROUND AND PREVIOUS ACTIONS

In 2016, the Arizona Legislature passed SB 1350, which preempts municipalities from regulating or restricting STRs based solely on their classification, use or occupancy; with the exception of protecting public health and safety. While we cannot prohibit or restrict STRs in the city of Goodyear, we respond to any illegal activity occurring at these residences, including disorderly parties, gatherings or events that involve loud music, disturbances or unruly behavior. Homeowner Associations are able to restrict STRs so long as the CC&Rs clearly and specifically state the restriction.

In 2019, a bill was passed (A.R.S. 9-500.39) requiring STR hosts to include a lodging tax license number in all advertisements as well as prohibiting special events that would normally require a license (i.e. large parties). This bill also allowed cities to require STR owners to provide contact information for someone who can respond to complaints about the STR in a timely matter. Under this legislation, there are four options for consideration:

1. Do nothing;
2. Allow owner registration;
3. Impose mandatory registration with no local fines;
4. Require owner registration with local fines.

STAFF ANALYSIS

Staff recommends Council adopt option number 4, with a resolution and ordinance adopted during a regular Council session. This action will allow staff to require and maintain a STR database such that the city will be able to contact the STR property owner or the owner's designated responsible contact person for those STR properties that generate complaints or in case of an emergency occurring at the STR property.

Attachments

Summary of Proposed Actions

Draft Resolution - Chapter 8 - Short-Term Rentals

Draft Resolution - Chapter 11 - Unruly Gatherings

Presentation

Proposed Short-Term Rental Ordinance

Requires owner registration with emergency contact information into city database.

“In the event of an emergency” (meaning police, fire, code enforcement or other public safety personnel) respond to a call for service, then the emergency contact must respond in-person to the physical location of the short-term rental within one (1) hour.

Violation	Civil Fine Minimum
Owner failure to register and provide emergency contact information.	\$1,000
Owner failure to update registration and/or emergency contact information within ten (10) days.	\$500
Emergency contact failure to respond within one (1) hour in-person at the property in event of an emergency whereby police, fire and/or code enforcement are at the property responding to a call for service.	\$250
Emergency contact failure to respond within twenty-four (24) hours in-person, by telephone, or by email (<u>not</u> in the case of an emergency) when contacted by police, fire, or code enforcement about a complaint or incident at the property.	\$250
Owners’ intentional, knowing, or reckless failure to have a responsive emergency contact.	\$500

Proposed Unruly Gathering Ordinance

“Unruly Gathering” means a gathering of five (5) or more persons on any private property, including property used to conduct business, which constitutes a threat to the public peace, health, safety or general welfare including, but not limited to: excessive noise (meaning noise witnessed and reasonably evaluated by a police officer and/or by a code enforcement officer as disturbing the peace and quiet enjoyment of people working or living in the vicinity of the premises), impeding traffic, obstruction of public streets by crowds or vehicles, use or possession of illegal drugs, drinking in public areas, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.

Civil Offense	Mandatory Fine Minimum
Non-owner, as the responsible person, is convicted of an unruly gathering.	1 st Violation - \$1,000 2 nd Violation - \$2,000* 3 rd or Subsequent Violation(s) - \$2,500*
* regardless of location of prior violation(s) in the city of Goodyear	
Civil Offense	Mandatory Fine Minimum
If the owner, as the responsible person, was not present at the unruly gathering, was not aware of the social activity or special occasion constituting the unruly gathering, and was not an organizer, host or sponsor of the unruly gathering, but had been notified that an unruly gathering had previously occurred on the property within one hundred eighty (180) days prior an unruly gathering.	1 st Violation - \$1,000 2 nd Violation - \$2,000 3 rd or Subsequent Violation(s) - \$2,500

Posting of Unruly Gathering

1. The Premises at which the Unruly Gathering occurs shall be posted with a Notice stating:
 - a) That an Unruly Gathering has occurred at the Premises;
 - b) The date of the Unruly Gathering;
 - c) That any subsequent Unruly Gathering on the same Premises resulting in a citation, and subsequent conviction thereof, within a ninety (90) day period (or within one hundred and twenty days (120) of a second Unruly Gathering, as defined herein, with or without Increased Response, and within one hundred eighty days (180) of a third Unruly Gathering, as defined herein, with or without an Increased Response) shall result in the Responsible Person(s) liability for the penalties provided in this ordinance;
 - d) The right to contest the posting, as provided in subsection (4)(d) of this section; and,
 - e) Contact information at the police department.

RESOLUTION NO. 2022-XXXX

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "ENACTING A NEW CHAPTER 8 BUSINESS REGULATIONS ARTICLE OF THE CITY OF GOODYEAR CODE OF ORDINANCES, TO ESTABLISH ARTICLE 8-2 SHORT TERM RENTALS."

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. DECLARATION OF PUBLIC RECORD

That a certain document titled "Enacting a New Chapter 8 Business Regulations Article of the City of Goodyear Code of Ordinances, to Establish Article 8-2 Short Term Rentals," a copy of which is attached hereto as Exhibit A, is hereby declared a public record.

SECTION 2. PURPOSE

The aforementioned document is declared a public record in connection with the adoption of Ordinance No. 2022-XXXX.

SECTION 3. COPIES FILED WITH THE CITY CLERK

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

EXHIBIT “A”

ENACTING A NEW CHAPTER 8 BUSINESS REGULATIONS ARTICLE OF THE CITY OF GOODYEAR CODE OF ORDINANCES, TO ESTABLISH ARTICLE 8-2 SHORT TERM RENTALS

Pursuant to Ordinance No. 2022-XXXX adopted by the City of Goodyear City Council on _____, 2022, ARTICLE 8-2 SHORT TERM RENTALS is added to the City of Goodyear Code of Ordinances to read as follows:

Article 8-2 SHORT TERM RENTALS

Sections:

- 8-2-1 Definitions.
- 8-2-2 Contact information required; emergency response; information updates; penalties.
- 8-2-3 Compliance with laws; penalties.
- 8-2-4 Non-residential usage by short term rentals or vacation rentals prohibited; penalties.
- 8-2-5 Each day a separate violation.
- 8-2-6 Violations not exclusive.

§ 8-2-1 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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 or vacation rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or similar use.

§ 8-2-2 Contact information required; emergency response; information updates; penalties.

- (A) Before offering for rent or renting a short term rental or vacation rental within the City of Goodyear, the owner of a short term rental or vacation rental shall register with the City on a form or platform specified by the City. 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 any time of the day.
 - (3) State of Arizona Transaction Privilege Tax (TPT) License number.

- (4) The name and contact information of a person(s) designated as an emergency contact(s).
- (B) The property owner shall notify the City, 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 City Manager or designee shall develop the necessary forms and/or database necessary to implement this Subsections (A) and (B) of this Section 8-2-2.
- (D) Any person designated as an emergency contact upon the request of the City “in the event of an emergency” 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. For the purpose of this section, “in the event of an emergency” means any time police, fire, code enforcement, or other public safety personnel respond to the physical location of a short term rental or vacation rental for a call for service (including, but not limited to, a call for service in response to an “Unruly Gathering” as defined in City Code, Chapter 11, Section 11-1-28). In addition, any person designated as an emergency contact upon the request of the City shall respond in-person, by telephone (including messaging if available), or by email within twenty-four (24) hours after initiation of contact by a police or fire department officer, code enforcement officer, or other City employee for a complaint or incident that is not “in the event of an emergency.”
- (E) A violation of Subsection (A) of this Section 8-2-2 is a civil offense subject to a mandatory minimum fine of one thousand (\$1,000.00) dollars except that the court may reduce the fine to two hundred fifty (\$250.00) dollars if the defendant by the time of sentencing has complied with the requirements of Subsection (A) of this Section 8-2-2.
- (F) A violation of Subsection (B) of this Section 8-2-2 is a civil offense subject to a mandatory minimum fine of five hundred (\$500.00) dollars except that the court may reduce the fine to one hundred (\$100.00) dollars if the defendant by the time of sentencing has complied with the requirements of Subsection (B) of this Section 8-2-2.
- (G) It shall be a civil offense for any person designated as an emergency contact upon request by the City to fail to respond pursuant to the one (1) hour in-person response timeline; or, to fail to respond to the twenty-four (24) hour in-person, telephone (including messaging if available), or email response timeline required by Subsection (D) of this Section 8-2-2. Failure to respond in compliance with said timelines shall be punished by a minimum fine of two hundred fifty (\$250.00) dollars.
- (H) 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 (D) of this Section 8-2-2. A violation of this Subsection (H) of this Section 8-2-2 shall be punished by a minimum fine of five hundred (\$500.00) dollars. An owner’s failure to keep emergency contact information current may be considered as evidence when taking into account whether the owner acted intentionally, knowingly or recklessly.

§ 8-2-3 Compliance with laws; penalties.

- (A) A short term rental or vacation rental must at all time comply with the federal, state and local laws, rules, 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 8-2-3.
- (C) A violation of this Section 8-2-3 is a civil offense subject to a mandatory minimum fine of five hundred (\$500.00) dollars.

§ 8-2-4 Nonresidential usage by short term rentals or vacation rentals prohibited; penalties.

- (A) No short term rental or vacation rental may be used for a nonresidential use including but not limited to any of the following uses:
- (1) A nonresidential use in a residential zoning district (other than a home occupation or other nonresidential use authorized by the City Code);
 - (2) Operating a retail business, restaurant, event center, banquet center, or similar use; or
 - (3) Housing sex offenders;
 - (4) Operating or maintaining a sober living home;
 - (5) Selling liquor, marijuana, illegal drugs, or pornography; or
 - (6) Operating any adult-oriented business including nude or topless dancing.
- (B) A violation of this Section 8-2-4 is a class one (1) misdemeanor offense subject to a mandatory minimum fine of one thousand (\$1,000.00) dollars.

§ 8-2-5 Each day a separate violation.

Each day a violation continues shall constitute a separate offense.

§ 8-2-6 Violations not exclusive.

Violations of the provisions of Article [8-2](#) of the Goodyear City Code are in addition to any other violation of applicable Goodyear ordinance or code provision and in no way limits the penalties, actions, or abatement procedures which may be taken by the City of Goodyear for any violation of the provisions of Article [8-2](#) of the Goodyear City Code which is also a violation of any other ordinance or code provision of the City of Goodyear, or statutes of the State of Arizona.

RESOLUTION NO. 2022-XXXX

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "AMENDMENT CHAPTER 11 OFFENSES, SECTION 11-1-28 OF THE CITY OF GOODYEAR CODE OF ORDINANCES, TO ESTABLISH NEW UNRULY GATHERING REGULATIONS."

Be it resolved by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, as follows:

SECTION 1. DECLARATION OF PUBLIC RECORDS

That a certain document titled "Amending Chapter 11 Offenses, Section 11-1-28 of the City of Goodyear Code of Ordinances, to Establish New Unruly Gathering Regulations," a copy of which is attached hereto as Exhibit A, is hereby declared a public record.

SECTION 2. PURPOSE

The aforementioned documents are declared public records in connection with the adoption of Ordinance 202X-XXXX.

SECTION 3. COPIES FILED WITH THE CITY CLERK

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

EXHIBIT "A"

AMENDMENT TO CHAPTER 11 OFFENSES, SECTION 11-1-28 OF THE CITY OF GOODYEAR CODE OF ORDINANCES, TO ESTABLISH NEW UNRULY GATHERING REGULATIONS

Pursuant to Ordinance No. 2022-XXXX adopted by the City of Goodyear City Council on _____, 2022, CHAPTER 11, SECTION 11-1-28 of the City of Goodyear Code of Ordinances is replaced in its entirety to read as follows:

SECTION 11-1-28 UNRULY GATHERING

- (A) **Purpose and intent.** The purpose of this section is to deter behavior associated with unruly gatherings and allow the City to obtain reimbursement for expenses related to responses to unruly gatherings which have been determined to be a threat to the peace, health, safety, or welfare of the general public. The City of Goodyear finds and determines that unruly gatherings held on private property may constitute a nuisance which is a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated responses to unruly parties, gatherings or events to abate the nuisance and to disperse uncooperative or unruly participants and to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the police department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.
- (B) **Definitions.** In the Article, unless the context otherwise requires, the following terms or phrases are defined as follows:
1. "Increased Response" means the response of two or more uniformed officers to the scene of a Unruly Gathering in which eleven (11) or more persons are present and where it becomes necessary to restore the public peace, health, safety and/or general welfare.
 2. "Juvenile" means any person under the age of eighteen (18) years.
 3. "Minor" means any person under the age of twenty-one (21) years.
 4. "Owner" means any owner, as well as any agent of an owner such as a landlord, acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.
 5. "Premises" means any property that is the site of a Unruly Gathering. For residential properties, Premises can mean the dwelling unit, units or other common areas where the Unruly gathering occurs.
 6. "Responsible Person" means any person in attendance at a Unruly Gathering including any Owner, occupant, tenant, or tenant's guest or any sponsor, host or organizer of a social activity or special occasion or Owner that was aware of the social activity or special occasion constituting the Unruly Gathering, even if such person is not in attendance, or any Owner who had been notified that a Unruly Gathering had

previously occurred on the same Premises within one hundred eighty (180) days prior to a subsequent Unruly Gathering. If such a person is a Juvenile, the term "Responsible Person" includes, in addition to the Juvenile, the Juvenile's parents or guardians. Responsible Person does not include Owners or persons in charge of Premises where a Unruly Gathering takes place if the persons in attendance obtained use of the Premises through illegal entry or trespassing. A person need not be present at the time of the party, gathering or event to be deemed responsible.

7. "Unruly Gathering" means a gathering of five (5) or more persons on any private property, including property used to conduct business, which constitutes a threat to the public peace, health, safety or general welfare including, but not limited to: excessive noise (meaning noise witnessed and reasonably evaluated by a police officer and/or by a code enforcement officer as disturbing the peace and quiet enjoyment of people working or living in the vicinity of the Premises), impeding traffic, obstruction of public streets by crowds or vehicles, use or possession of illegal drugs, drinking in public areas, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.
8. "Unruly Gathering Notice (Notice)" means a document identifying the Premises as the site of a Unruly Gathering in which a citation was issued and advising the Owner, occupants, guests or other persons entering the Premises that any future Unruly Gathering upon the Premises shall have additional consequences.

(C) Unruly Gathering.

1. When a police officer responds to any Unruly Gathering and that police officer determines there is a threat to the public peace, health, safety or general welfare, the police officer may issue a civil citation for Unruly Gathering to any Responsible Person. If the Responsible Person is the Owner and the Owner is not present and was not the sponsor, organizer or host of the event and the Owner had notice that a Unruly Gathering had occurred on the Premises within the prior one hundred eighty (180) days, the Owner shall be charged with a civil citation.
2. A police officer may abate a Unruly Gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes and dispersing any remaining gathered participants. Any participant not a tenant on a lease document who fails to disperse may be deemed a Responsible Person and cited for Unruly Gathering.
3. The police officer or other police employees shall provide a Unruly Gathering Notice to the Responsible Person(s) and/or Owner in any of the following manners:
 - a) By personal service of any Responsible Person(s) being cited at the Unruly Gathering; or,
 - b) By posting of the Notice on the door of the Premises of the Unruly Gathering; or,
 - c) By mailing the Notice to the Owner, at the address shown on the Maricopa County property tax assessment records. Such notification shall be made by certified mail; with the return receipt serving as evidence of service.

4. Upon request, the Owner must provide the names of any and all occupants listed on the leasing documents at any location where the Police Department responds to a Unruly Gathering.

(D) Subsequent Unruly Gathering.

1. Consistent Premises - If, after receiving a Unruly Gathering Notice as provided in §11-1-28(C)3., a second or subsequent police response or responses is/are necessary to the same Premises for a Unruly Gathering within ninety (90) days of the first response, such response(s) shall be deemed a second response and subject to the higher fines as provided in §11-1-28(H). If, after written notice of the violation as provided in §11-1-28(C)3., a third response is necessary to the same Premises for a Unruly Gathering within one hundred twenty (120) days of the second response, such response shall be deemed a third response and subject to the highest fines as provided in §11-1-28(H).
2. Consistent Responsible Person - If, after receiving a Unruly Gathering Notice as provided in §11-1-28(C)3., a second or subsequent police response or responses is necessary to any Premises involving the same Responsible Person for an Unruly Gathering within ninety (90) days of the first response, such response shall be deemed a second response and subject to the higher fines as provided in §11-1-28(H). If, after written notice of the violation as provided in §11-1-28(C)3., a third response is necessary to any Premises involving the same Responsible Person for a Unruly Gathering within one hundred twenty (120) days of the second response, such response shall be deemed a third response and subject to the highest fines as provided in §11-1-28(H).
3. Once a Premises is initially posted as a result of a Unruly Gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the Premises resulting in another police response shall constitute a new and separate, yet cumulative, Unruly Gathering for purposes of this section.

(E) Posting of Unruly Gathering

1. The Premises at which the Unruly Gathering occurs shall be posted with a Notice stating:
 - a) That an Unruly Gathering has occurred at the Premises;
 - b) The date of the Unruly Gathering;
 - c) That any subsequent Unruly Gathering on the same Premises resulting in a citation, and subsequent conviction thereof, within a ninety (90) day period (or within one hundred and twenty days (120) of a second Unruly Gathering, as defined herein, with or without Increased Response, and within one hundred eighty days (180) of a third Unruly Gathering, as defined herein, with or without an Increased Response) shall result in the Responsible Person(s) liability for the penalties provided in this ordinance;

- d) The right to contest the posting, as provided in subsection (4)(d) of this section; and,
 - e) Contact information at the police department.
 - 2. Posting Requirements. Premises shall be posted with a Unruly Gathering Notice as provided in this section each time an Unruly Gathering occurs. The Owner, occupant or tenant of the Premises, if present, shall be advised as to the location in which such Notice is posted in order to achieve both the security of the Notice and its prominent display. The Unruly Gathering Notice shall be posted in a place visible upon inspection by a police officer during the prescribed period. In the event that the Premises are already posted at the time of a subsequent posting, the ninety (90) day period from the date of the existing posting shall be extended an additional one hundred and twenty (120) days from the date of the subsequent posting.
- (F) **Removal of notice prohibited;** The Owner of the posted Premises shall be responsible for ensuring that the Unruly Gathering Notice is not removed, defaced, or concealed. The removal, defacement, or concealment of a posted Notice is a civil infraction carrying a mandatory penalty of a minimum of two hundred fifty dollars (\$250.00) in addition to any other penalties which may be imposed under this section.
- (G) **Right to contest posting.**
- 1. An Owner, occupant, or tenant of the posted Premises may contest the posting of the Notice by filing a written petition for a civil hearing in the City Municipal Court requesting that the court determine whether justification existed for posting of the notice under the provisions of this section. The petition must be filed within ten (10) days after the posting of the Notice or, if the Notice is given by mail, within fifteen (15) days after the postage date of the mailing of the Notice, and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the City Attorney of the hearing date. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted Premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the City has the burden of proving, by a preponderance of evidence, that the posting of the Notice was justified pursuant to the provisions of this section.
 - 2. An Owner of a posted Premises, at any time after the posting or the mailing of the Notice, may petition the City Municipal Court for an order directing the removal of the Notice on the grounds that the Owner has taken reasonable and necessary actions to prevent the occurrence of a subsequent Unruly Gathering at the posted location. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the petition and shall notify both the petitioner and the City Attorney of the hearing date. At the hearing, the petitioner has the burden of proving, by a preponderance of evidence, that the petitioner has taken reasonable and necessary actions to prevent the occurrence of a subsequent Unruly Gathering. This petition process is not available to an Owner who was present at the Unruly Gathering and engaged in conduct causing the gathering to be unruly.

(H) **Penalties.**

1. Civil Offense for Non-Owner as the Responsible Person. If the Responsible Person is convicted of a Unruly Gathering, the civil penalty shall be a minimum mandatory fine of one thousand dollars (\$1000) for a first violation. Additionally, if the Responsible Person for a Unruly Gathering has previously been convicted for a Unruly Gathering, regardless of the location of the prior violation in the City of Goodyear, the penalty shall be a minimum mandatory fine of two thousand dollars (\$2,000) for a second violation, and a minimum mandatory fine of two thousand five hundred dollars (\$2,500) for a third or subsequent violation.
2. Civil Offense for Owner as the Responsible Person. If the Responsible Person is an Owner that was not present at the Unruly Gathering, was not aware of the social activity or special occasion constituting the Unruly Gathering, and was not an organizer, host or sponsor of the Unruly Gathering, but had been notified that an Unruly Gathering had previously occurred on the property within one hundred eighty (180) days prior an Unruly Gathering, then the civil penalty shall be a minimum mandatory fine of one thousand dollars (\$1000) for a first violation, a minimum mandatory fine of two thousand dollars (\$2,000) for a second violation, and minimum mandatory fine of two thousand five hundred dollars (\$2,500) for a third or subsequent violation.

- (I) **Enforcement.** The Police Department is authorized to enforce the provisions of this section regardless of whether enforcement is initiated by a complaint from a member of the public or detection by the Police Department without any such complaint. Peace officers shall enforce the provisions of this section using their sound discretion and the consideration of the totality of the circumstances, including but not limited to the use of the Premises (e.g. residential, commercial, etc.)

A close-up photograph of green grass blades covered in small, clear dew drops. The background is a soft, out-of-focus green. The text is overlaid on this image.

Short-Term Rental Work Session

Julie Karins, City Manager

What is a short-term rental?



DEFINED IN A.R.S. 9-500.39

- ❖ Residential dwelling offered for rent for less than 29 consecutive days



Goodyear Impacts



GROWING NUMBERS IN OUR COMMUNITY

 **airbnb**

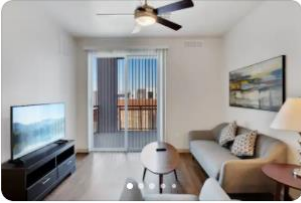
Map area Feb 4 - 6 Add guests 

Become a Host 

Price ▾ Type of place ▾ Free cancellation Pool Hot tub Wifi Kitchen Free parking Washer Dryer Self check-in Gym Indoor fireplace Dedicated workspace  Filters

85 stays in map area

 **1,438 people are looking for a place around Phoenix.** They searched for the same dates as you over the last week.



Entire rental unit in Goodyear
Stay Gia | New Modern 2 Br Apartment | Swimming ...

5 guests · 2 bedrooms · 3 beds · 2 baths
Pool · Wifi · Kitchen · Free parking

 Rare find

★ 4.45 (186 reviews)

\$209 / night
\$591 total before taxes



SUPERHOST

Entire residential home in Litchfield Park
Pueblo in the Park - By Wigwam Resort, Stadiums

6 guests · 2 bedrooms · 3 beds · 2 baths
Wifi · Kitchen · Free parking

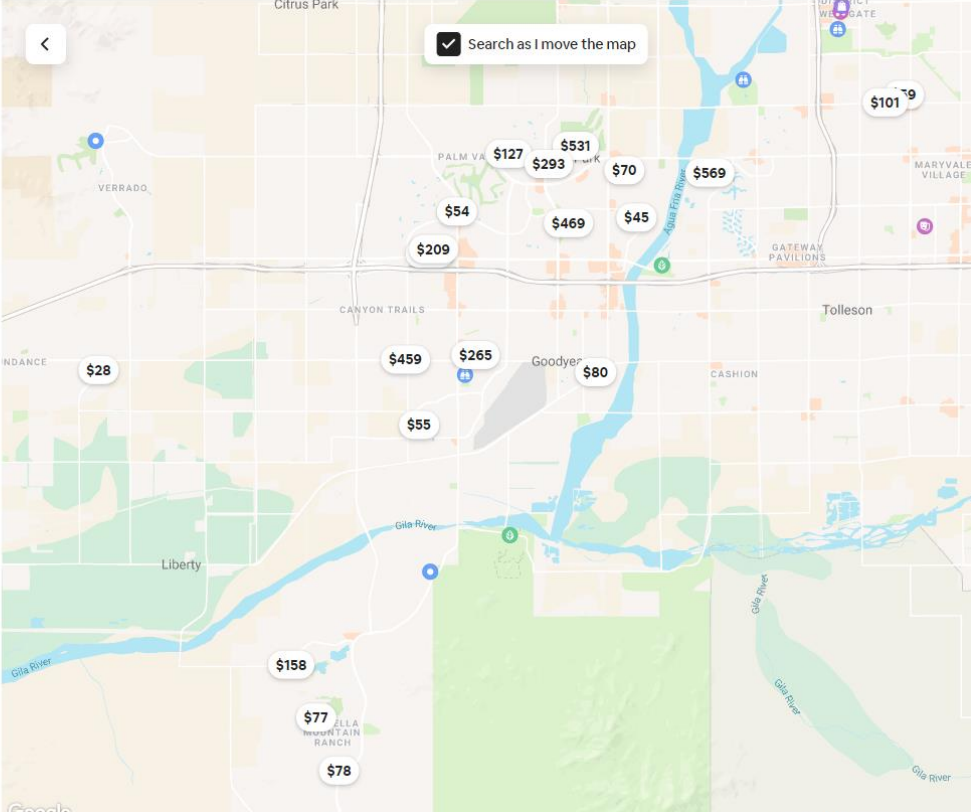
★ 4.96 (260 reviews)

\$293 / night
\$822 total before taxes



Entire residential home in Goodyear
Mid century bohemian west valley retreat

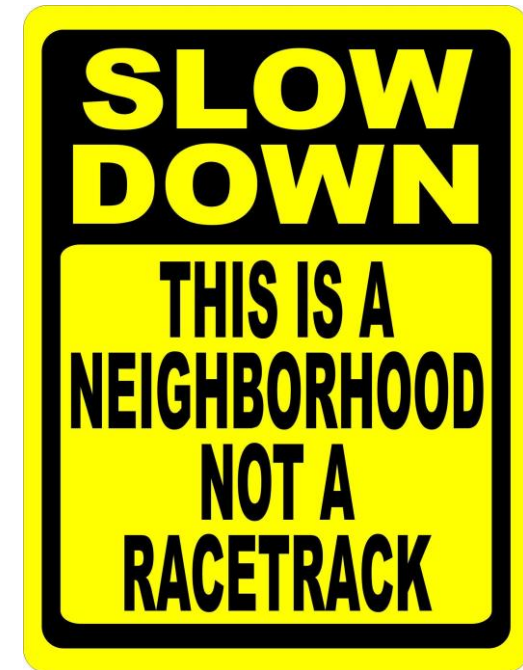
6 guests · 3 bedrooms · 3 beds · 2 baths
Pool · Wifi · Kitchen · Free parking



Concerns over STR



RESIDENT COMPLAINTS



Legislative Actions



2016, 2019 AND INTO THE FUTURE

- **SB 1350** (2016) – preempted local authority to regulate or restrict short-term rentals
- **HB 2672** (2019) – gave cities and towns the ability to collect contact information from property owners and established civil penalty structure/reporting requirements

Staff Recommendation



LOCAL ORDINANCES

- Adopt Short-Term Rental Ordinance
 - Requires registration
 - Fines range between \$250 to \$1,000 for violations (registration, current contact information, timely response)
- Adopt New Language in Unruly Gathering Ordinance
 - Update language to include short-term rentals
 - Fines range between \$1,000 to \$2,500 for non-owners
 - Fines range between \$1,000 to \$2,500 for owners

Timeline for Implementation



PENDING COUNCIL APPROVAL

March 28th Action at Regular Council Meeting

March 29th Registration Goes Live

April - June Education Period

July 1st Enforcement Begins



Questions / Discussion

A.R.S. § 9-500.39



LIMITS ON REGULATION OF VACATION RENTALS AND STRS

- A. A city or town may not prohibit vacation rentals or short-term rentals.
- B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals for the following purposes:
 - 1. Protecting the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste and pollution control, and designation of an emergency point of contact, if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.
 - 2. Adopting and enforcing residential use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.
 - 3. Limiting or prohibiting the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.
 - 4. Requiring the owner of a vacation rental or short-term rental to provide the city or town with contact information for the owner or the owner's designee who is responsible for responding to complaints in a timely manner in person, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental.
- C. Within thirty days after a verified violation, a city or town shall notify the department of revenue and the owner of the vacation rental or short-term rental of the verified violation of the city's or town's applicable laws, regulations or ordinances and, if the owner of the vacation rental or short-term rental received the verified violation, whether the city or town imposed a civil penalty on the owner of the vacation rental or short-term rental and the amount of the civil penalty, if assessed. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties pursuant to section 42-1125.02, subsection B.

A.R.S. § 9-500.39



CONTINUED

- D. If the owner of a vacation rental or short-term rental has provided contact information to a city or town pursuant to subsection B, paragraph 4 of this section and if the city or town issues a citation for a violation of the city's or town's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the city or town shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the city or town is not required to provide such notice.
- E. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.
- F. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.
- G. For the purposes of this section:
 - 1. "Transient" has the same meaning prescribed in section 42-5070.
 - 2. "Vacation rental" or "short-term 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, 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. Vacation rental and short-term rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.
 - 3. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or F of this section that has been finally adjudicated.