



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 17, 2026, at or after 6:00 PM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, Council Member

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on March 17, 2026, at or after 6:00 PM located in the Council Chambers of the Ed Honea Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Added or revised language appears in *italics*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times

Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 6:00 PM at the Ed Honea Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda. Public access to the Council Chambers begins 20 minutes prior to the start of the meeting.

Speaking at Meetings

If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card and deliver it to the Town Clerk.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility

To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas

Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at (520) 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, at the Ed Honea Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC

At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card and deliver it to the Town Clerk. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to

criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

- P1 Relating to Communications; Presentation and discussion regarding the Town of Marana's Tangerine Interchange Improvements Outreach Strategy (Vic Hathaway)

CONSENT AGENDA

The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

- C1 Ordinance No. 2026.006: Relating to Land Development; amending Town Code Title 17 (Land Development), Chapter 17-13 (Standards for Grading and Site Work); revising section 17-13-5 "Submittal and procedures; general" to revise provisions related to permit expiration and extension, and to add provisions related to permit reactivation; revising section 17-13-7 "Submittals and procedures: major grading type 2" to add provisions for at-risk permit revocations; and designating an effective date (Jane Fairall)
- C2 Resolution No. 2026-017: Relating to Mayor and Council; approving the updated Town of Marana Code of Principle- and Ethics-Centered Governance (Jane Fairall)
- C3 Resolution No. 2026-018: Relating to Real Estate; approving the established administrative process for the issuance of right-of-way license agreements for landscaping, irrigation, hardscape, drainage, decorative and interim driveway, entry monumentation, signage and other privately-owned improvements within the public right-of-way; and authorizing the Town Engineer and the Town Director of Public Works to execute right-of-way license agreements on behalf of the Town under appropriate circumstances (Jane Fairall)

- C4 Approval of Regular Council Meeting Summary Minutes of March 3, 2026 (Jill McCleary)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

- A1 PUBLIC HEARING: Ordinance No. 2026.007: Relating to Land Development; amending Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations) by amending Section 17-6-14 "Accessory Dwelling Units" to revise the definition of "Restricted-affordable dwelling unit", to clarify provisions related to the use of accessory dwelling units as short-term rentals, and to update an exception for land in the vicinity of a public airport; making conforming revisions to title 9 (Business Regulations), chapter 9-14 (Short-Term and Vacation Rentals), section 9-14-9 "Compliance with laws; prohibited uses; accessory dwelling units" regarding the use of accessory dwelling units as short-term rentals; and designating an effective date (Jane Fairall)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

- D1 Relating to Legislation and Government Actions; discussion and possible action or direction regarding all pending state, federal, and local legislation/ government actions and on recent and upcoming meetings of other governmental bodies (Terry Rozema)
- D2 Relating to Budget; discussion, direction and possible action regarding development of the fiscal year 2026/2027 budget, including proposed budget initiatives and expenditures (Terry Rozema)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

- E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).
- E2 Executive session pursuant to A.R.S. § 38-431.03(A)(3) & (4) for discussion or consultation with the Town's attorneys to consider the Council's position and instruct the Town's attorneys regarding pending litigation related to *Unrein v. Town of Marana, et al.*, Pima County Superior Court case number C20254246.
- E3 Executive session pursuant to A.R.S. § 38-431.03(A)(3) & (4) for discussion or consultation with the Town's attorneys to consider the Council's position and instruct the Town's attorneys regarding pending litigation related to *Marana Citizens for Ethical and Transparent Government, et al. v. Town of Marana, et al.*, Pima County Superior Court case number C20261567, and *Fremont Peak Properties, LLC v. Town of Marana, et al.*, Pima County Superior Court case number C20261773.

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT



Council-Regular Meeting

P1

Meeting Date: 03/17/2026

To: Mayor and Council

Submitted For: Vickie Hathaway, Communications Manager

From: Danielle Tanner, Executive Assistant

Date: March 17, 2026

Strategic Plan Focus Area:
Vibrant Community

Subject: Relating to Communications; Presentation and discussion regarding the Town of Marana's Tangerine Interchange Improvements Outreach Strategy (Vic Hathaway)

Discussion:

The Tangerine Interim Traffic Interchange project will improve traffic flow and reduce congestion in the area of Tangerine Road and Interstate 10. During the construction phase, motorists and nearby residents will experience temporary inconveniences. Public Works and Communications have developed an outreach strategy to inform the public about the project and its anticipated outcomes. Staff will present the Tangerine Interchange Improvements Outreach Strategy to Council for discussion and feedback.

Staff Recommendation:

Presentation only.

Suggested Motion:

Presentation only.

Attachments

No file(s) attached.



Council-Regular Meeting

C1

Meeting Date: 03/17/2026

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: March 17, 2026

Strategic Plan Focus Area:
Proactive Public Services

Subject: Ordinance No. 2026.006: Relating to Land Development; amending Town Code Title 17 (Land Development), Chapter 17-13 (Standards for Grading and Site Work); revising section 17-13-5 "Submittal and procedures; general" to revise provisions related to permit expiration and extension, and to add provisions related to permit reactivation; revising section 17-13-7 "Submittals and procedures: major grading type 2" to add provisions for at-risk permit revocations; and designating an effective date (Jane Fairall)

Discussion:

The proposed ordinance, if approved, will amend various provisions of Marana Town Code (MTC) Chapter 17-13 "Standards for Grading and Site Work."

The ordinance will amend MTC Section 17-13-5 regarding expiration and extension of grading permits. The current code provides that a grading permit will expire if the authorized work has not been completed within one year of permit issuance; the proposed revisions provide that the permit shall expire if the authorized work has not been started within 180 days of issuance. Additionally, the code revisions will add parameters for permit extensions. Currently, the code provides that the Town may approve up to two 180-day extensions of a permit, but does not include any parameters for when extensions will be granted. The revisions will allow Town staff to grant as many 180-day permit extensions as appropriate, provided that the work is progressing in a timely manner as determined by town staff, and that the permit holder complies with the following:

- The permit holder must apply for the extension prior to expiration of the permit.
- The permit holder must have started the permitted work prior to expiration of the

permit.

- An inspection or observation completed by town staff must confirm work is progressing and additional time is required to complete the permitted work.

The ordinance will also add an option for a permit holder to request reactivation of an expired permit, pursuant to the Town's approved reactivation policy.

Under MTC Section 17-13-7, Town staff may issue at-risk grading permits while the grading plan is being reviewed in certain specified circumstances. However, the current code does not include provisions for revocation of an at-risk permit. The proposed ordinance will amend MTC Section 17-13-7 to add provisions to the code specifying that the Town Engineer may revoke an at-risk grading permit for any of the following reasons:

- Failure to comply with the terms and conditions of the permit;
- Failure to disclose a material fact required by the application form, of which the applicant had or should have had knowledge at the time the application was submitted;
- Failure to make timely progress toward final grading plan approval;
- Reason exists to believe the permit was obtained by fraud or misrepresentation;
- Conditions at the site vary from those shown and stated in the application or development plans;
- Failure to comply with reasonable requirements to safeguard workers, the public, or others during grading or construction operations.

Staff Recommendation:

Staff recommends approval of the ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2026.006; amending Town Code Title 17 (Land Development), Chapter 17-13 (Standards for Grading and Site Work); revising section 17-13-5 "Submittal and procedures; general" to revise provisions related to permit expiration and extension, and to add provisions related to permit reactivation; revising section 17-13-7 "Submittals and procedures: major grading type 2" to add provisions for at-risk permit revocations; and designating an effective date.

Attachments

Ordinance No. 2026.006

MARANA ORDINANCE NO. 2026.006

RELATING TO LAND DEVELOPMENT; AMENDING TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-13 (STANDARDS FOR GRADING AND SITE WORK); REVISING SECTION 17-13-5 "SUBMITTAL AND PROCEDURES; GENERAL" TO REVISE PROVISIONS RELATED TO PERMIT EXPIRATION AND EXTENSION, AND TO ADD PROVISIONS RELATED TO PERMIT REACTIVATION; REVISING SECTION 17-13-7 "SUBMITTALS AND PROCEDURES: MAJOR GRADING TYPE 2" TO ADD PROVISIONS FOR AT-RISK PERMIT REVOCATIONS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council has adopted Marana Town Code Chapter 17-13 (Standards for Grading and Site Work) to protect the public health, safety, general welfare, and aesthetics by regulating grading and related site work on private and public land; and

WHEREAS the Town Council finds that revision of the regulations for grading and site work as set forth in this ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-13 (Standards for Grading and Site Work), Section 17-13-5 "Submittals and procedures: general" is hereby revised as follows (with additions shown with double-underlining and deletions shown with ~~strikethroughs~~):

17-13-5 Submittals and procedures: general

[No amendments to paragraphs A and B]

C. Permit issuance and expiration.

1. Issuance. Permits shall be issued by the town after approval of the grading or improvement plans, including approvals as required by other agencies, except as noted in section 17-13-7(F) below. A copy of the approved permit with plan shall be kept in an easily accessible location on the site.
2. Expiration. A permit shall be null and void if the authorized work has not ~~been completed~~ started within ~~one year~~ 180 days of permit issuance.

D. Permit extension, reactivation, and reapplication.

1. Extensions. Upon written request by the permit holder, the town may approve ~~up to two time~~ extensions of a permit, for up to 180 days per extension each. Extensions may be granted up to project close-out, provided the work is progressing in a timely manner as determined by town staff. If unexpected field conditions cause work to stop, a one-time extension may be granted while plans are being revised and approved by the town. Requests for permit extensions shall be subject to the following requirements:

a. The permit holder must apply for the extension prior to expiration of the permit.

b. The permit holder must have started the permitted work prior to expiration of the permit.

c. An inspection or observation completed by town staff must confirm work is progressing and additional time is required to complete the permitted work.

2. Reactivation. A permit holder may request reactivation of an expired permit in accordance the town's approved reactivation policy.

23. Reapplication. Reapplication for a permit may be made in accordance with this chapter.

[No amendments to paragraph E]

SECTION 2. Marana Town Code Title 17 (Land Development), Chapter 17-13 (Standards for Grading and Site Work), Section 17-13-7 "Submittals and procedures: major grading type 2" is hereby revised as follows (with additions shown with double-underlining):

17-13-7 Submittals and procedures: major grading type 2

[No amendments to paragraphs A through D]

E. At-risk grading.

2. An at-risk grading permit may be issued in special circumstances at the discretion of the town while the grading plan is being reviewed, provided all of the following conditions are met:

a. The project has design plans that meet one of the following thresholds:

i. First review comments have been completed on a grading plan and the project has an approved preliminary plat or development plan, or

- ii. First review comments have been completed on a development plan package.
 - b. A detailed estimate of the earthwork quantities has been prepared;
 - c. A restoration and reseeding bond, which includes an estimated amount to regrade and reseed the site to its original condition (plus 15% for administrative costs), has been provided;
 - d. All applicable fees have been paid;
 - e. The town finds that the grading is in the best interest of the town;
 - f. The grading does not include paving, drainage, utilities, or any structures.
2. The town engineer may revoke an at-risk grading permit for any of the following reasons:
- a. Failure to comply with the terms and conditions of the permit;
 - b. Failure to disclose a material fact required by the application form, of which the applicant had or should have had knowledge at the time the application was submitted;
 - c. Failure to make timely progress toward final grading plan approval;
 - d. Reason exists to believe the permit was obtained by fraud or misrepresentation;
 - e. Conditions at the site vary from those shown and stated in the application or development plans;
 - f. Failure to comply with reasonable requirements to safeguard workers, the public, or others during grading or construction operations;

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. 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, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this
17th day of March, 2026.

Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

Jill McCleary, Town Clerk

Jane Fairall, Town Attorney



Council-Regular Meeting

C2

Meeting Date: 03/17/2026

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: March 17, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2026-017: Relating to Mayor and Council; approving the updated Town of Marana Code of Principle- and Ethics-Centered Governance (Jane Fairall)

Discussion:

On June 16, 2009, the Marana Town Council approved the Town of Marana Code of Principle- and Ethics-Centered Governance (the "Code") (copy attached). The Code applies to all Town of Marana elected and appointed officials. Councilmembers are elected officials and advisory board, commission, and committee members are appointed officials. It was created to articulate the vision, values, and processes for conducting the business of Town government in an open, fair, and transparent environment.

Town Council and Town staff have reviewed the Code for the purpose of suggesting any necessary updates given that the Code was originally adopted nearly 17 years ago. At the February 2026 Town Council Retreat, Councilmembers and staff discussed proposed amendments to the Code, including during an executive session for the purpose of receiving legal advice. The revised Town of Marana Code of Principle- and Ethics-Centered Governance is now presented to Council for adoption with the updates noted below.

- Addition of a Policy on Social Media Use. The Town does not provide or maintain official social media accounts for elected and appointed officials. Elected and appointed officials have the right to post and maintain personal social media accounts, websites, or blogs, and to discuss Town issues and business on those

personal accounts. The new policy provides guidelines for Town elected and appointed officials when they communicate on social media sites as private citizens to ensure that officials comply with laws related to ethics, public records, and open meetings, among other compelling governmental interests, and includes the following provisions:

- Elected and appointed officials shall not do any of the following:
 - Use Town equipment, including computers, laptops, and telephones, or Town resources, including Town staff, for posting to their personal social media accounts.
 - Use the Town logo or other Town identifiers on their personal sites.
 - Use their Town email account in conjunction with a personal social media site.
- Elected and appointed officials are not authorized to speak on behalf of the Town on their personal sites, but maintain the right to speak on their own behalf.
- Elected and appointed officials shall not make intentional or negligent disclosures of non-public information, unless the disclosure is authorized by law.
- Elected and appointed officials shall not use personal social media sites to discuss matters that can only be discussed in an open meeting under the open meeting law.
- Elected and appointed officials are not authorized to use their personal social media sites and accounts to conduct official Town business but may repost Town information that is available from other Town resources, such as the Town's website.
- Revisions to the sections on Disclosure of and Policy on Acceptance of Gifts and Hospitality to increase the acceptable amount of a gift or hospitality to an elected/appointed official from \$25 to \$50 and to provide that no disclosure is required for gifts of \$50 or less (increased from \$25).
- Revisions to the section on Public Records to add the statement that even when an elected or appointed official uses a personal device or account, email, texts, and other documents related to Town business may be a public record.
- Revisions to the section on Nepotism to allow Councilmember relatives to be appointed to boards, commissions, and committees if the rules of the board, commission, or committee allow direct appointment without a competitive process.

Staff Recommendation:

Staff recommends adoption of the updated Code of Principle- and Ethics-Centered Governance.

Suggested Motion:

I move to adopt Resolution No. 2026-017: approving the updated Town of Marana Code of Principle- and Ethics-Centered Governance.

Attachments

Resolution No. 2026-017

Exhibit A- Code of Principle- and Ethics- Centered Governance

2009 Code of Principle- and Ethics-Centered Governance

MARANA RESOLUTION NO. 2026-017

RELATING TO MAYOR AND COUNCIL; APPROVING THE UPDATED TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE

WHEREAS, on June 16, 2009, the Town Council adopted Resolution No. 2009-95 approving the Town of Marana Code of Principle- and Ethics-Centered Governance (the "Code"); and

WHEREAS the Code applies to all Town of Marana elected and appointed officials and was created to articulate the vision, values, and processes for conducting the business of Town government in an open, fair, and transparent environment.; and

WHEREAS Town Council and Town staff have reviewed the Code for the purpose of suggesting any necessary updates; and

WHEREAS the Town Council finds that adopting the updated Town of Marana Code of Principle- and Ethics-Centered Governance as set forth in this resolution is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the updated Town of Marana Code of Principle- and Ethics-Centered Governance attached to this resolution and incorporated by this reference as Exhibit A is hereby approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of March, 2026.

Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

Jill McCleary, Town Clerk

Jane Fairall, Town Attorney



Title: Code of Principle- and Ethics-Centered Governance
Effective Date: June 16, 2009
Approved: Council Resolution No. 2009-95
Revised: March 17, 2026 by Resolution No. 2026-017

Statement of Intent

This Code of Principle- and Ethics-Centered Governance applies to all Town of Marana elected and appointed officials. Councilmembers are elected officials and advisory board, commission, and committee members are appointed officials.

The Town of Marana and its elected and appointed officials share a commitment to professional and personal conduct above reproach in service to the community. This Code of Principle- and Ethics-Centered Governance has been created to specifically articulate the vision, values, and processes for conducting the business of Town government in an open, fair, and transparent environment.

The Town of Marana upholds, promotes and demands the highest standards of ethics from all of its officials, whether elected to Town Council or appointed to an advisory board, commission, or committee. Accordingly, all members of the Town Council and advisory boards, commissions, or committees shall maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties. This includes avoiding any improprieties in the role of public servant, complying with all applicable laws, and never using their Town position or powers inappropriately for personal gain.

Statement of Values

The five values highlighted in this Code of Principle- and Ethics-Centered Governance are designed to articulate the processes, behaviors, and actions that members of the public can expect from their elected and appointed officials. It is recognized that individuals maintain their own values and are responsible for their own behaviors. This list is designed to articulate the collective values that comprise the organizational vision, culture, and way of doing business for the Town of Marana.

1. **Ethics and Integrity.** Recognizing that this value is one that must be weighed and considered by each individual embarking on life in public service, the following

points describe the organizational commitment of the Town of Marana and its elected and appointed officials to Ethics and Integrity.

- a. *Honesty.* Transparency and trust are enhanced when people perceive that their dealings with any organization are conducted in an honest and truthful manner. Elected and appointed officials can enhance public trust by ensuring that communication, actions, and behaviors are honest and truthful to the very best of one's knowledge and ability.
 - b. *Fairness and respect.* All issues and citizens are handled with impartiality and respect. Elected and appointed officials have an obligation to treat all citizens fairly. Fairness and respect can be achieved by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, elected and appointed officials have an obligation to be accessible, open and direct, not only with the other members of the Council or board, commission or committee, but also to the citizens and representatives who appear before them. Members of the public are entitled to communicate with their public servants and to understand the position of the Council or board, commission or committee on public issues.
 - c. *Loyalty.* Elected and appointed officials have an obligation to put the interests of the Town of Marana above all personal considerations in the conduct of Town business. The goal of any behavior or decision related to Town business is based on what is in the best interest and for the broadest public good of the Town and its citizens, consistent with constitutional and other legal requirements.
 - d. *Openness and accountability.* It is the intent of the Town Council to maintain an open, accessible government that is accountable to citizens and stakeholders. Guided by laws and rules, an effective government must be a partnership between the citizens, elected officials, appointed officials, volunteers, and employees who provide Town services. This includes the encouragement of citizen and employee input and involvement on matters of policy and critical issues affecting the Town. Creating an environment of openness and accountability sets the expectation that citizens and employees can bring forward ideas that contribute to the betterment of Marana.
2. Open Communication. Characterized by open, honest and effective communication, this value is the foundation for organizational health and effective performance. The most successful organizations know how to evolve in response to the environment in which they operate. Their ability to sustain a healthy environment and respond to challenges is directly related to a culture that supports open, honest communication.

- a. *Ex-parte communication.* The Town receives and retains a large volume of information that is available to the general public, while ensuring that the public has reasonable access to official public records. Communications regarding actions under consideration by the Council or an appointed board, commission, or committee are provided to each member of the entity considering the item in order to preclude the perception of an advantage to a single individual or select group. Boards, commissions, or committees serving in a quasi-judicial capacity, such as the Board of Adjustment, are prohibited from engaging in ex-parte communication regarding a matter before the body.
 - b. *Confidential information.* The Town's commitment to maintaining an open and accessible government is intended to engender trust and confidence from the public. Equally important to garnering public confidence is protecting confidential information as defined by law. The Town and its elected and appointed officials respect the confidentiality of information that by law is not available to the public. Such information may only be disclosed with proper legal authorization, and never with the intent to use information to advance personal, financial, political, or other private interests.
 - c. *Electronic communication.* Town-assigned email accounts and Town-owned telephonic and computer equipment are used only for official Town business, except that limited, incidental personal use is permitted, provided that such use is not related to any fund-raising, political campaigns, elections, or any other prohibited use.
 - d. *Collegial information sharing.* Public information will be shared across the membership of the Town Council and affected boards, commissions, committees to promote an environment of open decision-making, inclusive of all the facts and opinions.
3. Avoidance of Conflict of Interest. Characterized by behavior that avoids actual and perceived conflicts of interest in accordance with the requirements prescribed by Arizona law, as well as this Code.
- a. *Acceptance of gifts and hospitality.* Decision-making is free from the perception that favorable treatment was sought, received, or given in exchange for business courtesies. Elected and appointed officials who conduct business on behalf of the Town adhere to generally accepted ethical considerations, as well as the provisions of the Marana Town Code, the Arizona Revised Statutes, and the policies outlined in this Code.
 - b. *Advocacy.* Because many decisions made by a governmental body often affect a significant number of people, objectivity is essential to ensuring

that the process by which decisions are made maintains its integrity. Advocacy is used for the effective and transparent decision-making process so that citizens and stakeholders can be assured of inclusion and fairness in the issues coming before the Council or a board, commission, or committee.

- c. *Representation of private interests.* In their roles as stewards of the public interest, elected and appointed officials will not represent private interests of third parties or appear before the Town's own governing bodies as an elected or appointed official on behalf of private interests. This does not preclude a Councilmember from representing personal or family interests before the Council or a board, commission, or committee, provided that the appropriate conflict of interest disclosure process has been followed and that the Councilmember makes clear that he or she is speaking as an individual and not as a public official.
4. Creation of a Positive and Productive Work Environment. Characterized by behaviors and actions that leverage resources to produce well-thought-out decisions achieved through inclusiveness and collaboration.
- a. *Meeting attendance.* Elected and appointed officials have an obligation to attend meetings and to be prepared. Elected and appointed officials review materials, participate in discussions and make informed decisions based on the merits of the issue.
 - b. *Merit-based decision-making.* Decision-making is based on the merits and substance of the matter at hand, rather than on unrelated considerations, personal relationships, or personal preferences. Policies and decision-making processes are free from actual or implied undue influence of any special group, individual, or organization where it would not be in the best interest of the community.
 - c. *Use of public resources, facilities, and equipment.* Elected and appointed officials shall not use Town resources, equipment, or facilities for private purposes, except to the extent that they are available to the public. Resources are managed to ensure long-term availability for the delivery of Town services. Elected and appointed officials shall ensure that there is no misuse or appearance of misuse of Town resources or equipment and shall follow Town policies and procedures for the use and distribution of resources.
 - d. *Collaboration and teamwork.* No single office, department, agency, or individual can serve all the varied and complex needs of a community. Service excellence can best be achieved through a true spirit of

collaboration and teamwork between elected and appointed officials and citizens working with the Town Manager's Office and Town employees.

- e. *Policy Role of Councilmembers.* Under the council-manager form of government, the Town Council appoints a Town Manager who directs the day-to-day operations of all employees, per Marana Town Code Section 3-2-1. Councilmembers adhere to the council-manager structure of the Town of Marana with respect to the role of the Town Manager and the Town Manager's Office. In this structure, the Town Council determines the policies of the Town, with advice, information and analysis provided by the public, boards, commissions, committees, and Town staff. Except as provided by law, Councilmembers shall not interfere with the administrative functions of the Town or the professional duties of staff, nor shall they impair the ability of staff to implement Council policy decisions. Councilmembers work through the Town Manager or the Town Manager's Office to address questions, concerns and requests for information or service.
 - f. *Personal conduct.* Councilmembers and board, commission, and committee members are the public face of the Town of Marana, representing citizens and employees. Members should refrain from public conduct that results in personal charges or verbal attacks on the character or motives of other members of the Council, members of boards, commissions, or committees, the staff, or the public.
5. Long-term Perspective. The Town's elected and appointed officials embrace strategies that balance and contribute to both short- and long-term benefits for the Town. Decision makers are always mindful that the way to create order out of uncertain circumstances is by focusing on more effective and sustainable ways of accomplishing the Town's mission and strategic objectives. The Town's approved plans, including the Strategic Plan and the General Plan, are guiding documents for the organization as it heads into the future.

Laws and Policies

Members of the Council and advisory boards, commissions, and committees comply with the laws of the United States, the State of Arizona, and the Town of Marana in the performance of their public duties. These laws include but are not limited to: the United States and Arizona constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and Town ordinances and policies. Below are summaries of some of these laws, as well as additional policies adopted as part of this Code of Principle- and Ethics-Centered Governance or by other Town Council action.

1. Conflicts of Interest. Arizona conflict of interest laws, A.R.S §§ 38-501 through 38-511, apply to all elected and appointed officials. Any elected or appointed official who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the Town shall make known that interest in the official records of the Town and shall refrain from voting upon or otherwise participating in any manner as an elected or appointed official in such contract, sale, purchase, or service.
2. Financial Disclosure. Councilmembers must comply annually with Arizona's financial disclosure laws, as provided in A.R.S §§ 38-541 through 38-545.
3. Disclosure of and Policy on Acceptance of Gifts and Hospitality. Arizona law, A.R.S. § 38-505(A), prohibits elected and appointed officials from receiving anything of value or any compensation other than their normal salary, if any, for any service rendered in connection with that person's duties with the Town. Elected and appointed officials may accept hospitalities that are included in the course of conducting normal business, which may include a meal or attendance at an official business or social event; floral offerings or gifts of food to commemorate events such as illness, death, birth, or holidays; or a sample promotional gift of nominal value that is directly related to a Town event or the Town's sponsorship of a private event (value of \$50 or less). Elected and appointed officials may not accept a gift of any value if the gift is a bribe or reflects to a reasonable person an effort to improperly influence the official contrary to that official's responsibility to the public to act impartially on the merits of the matter. Elected and appointed officials may not accept gifts of entertainment (sporting or cultural events) from lobbyists, per A.R.S. § 41-1232.08(B).
4. Open Meetings. Arizona's open meeting laws, A.R.S. §§ 38-431 through 431.09, require that meetings of public bodies be open to the public. Meetings include gatherings in person and through technological devices, including email. Where a quorum of the Council, board, commission, or committee exists, discussion or deliberation of issues involving Town business or proposed Town business shall be prohibited except when placed on an agenda at a properly posted public meeting.
5. Public Records. Arizona's public records laws, A.R.S. § 39-101 *et seq*, require that public records in the custody of any public officer shall be open to inspection by any person at all times during office hours. All email, texts, and other documents related to Town business and sent or received from Town equipment will be subject to disclosure under the public records law. Even when an elected or appointed official uses a personal device or account, email, texts, and other documents related to Town business may be a public record. Disclosure is subject to review by the Town's Legal Department. All documents and email

produced by a Councilmember or board, commission, or committee member must be retained in accordance with the Town's records management program.

6. Disclosure of Confidential Information. Arizona law, A.R.S. § 38-504(B), provides that no elected or appointed official may disclose or use confidential information without appropriate authorization. Confidential information includes but is not limited to discussions during executive sessions and certain personnel and economic development information.
7. Political Activities. Elected and appointed officials shall not use the Town's personnel, equipment, materials, buildings, or other resources for the purpose of influencing the outcomes of elections, per A.R.S. § 9-500.14. Elected and appointed officials shall not use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain, per Marana Town Code Section 3-3-3.
8. Travel, Training and Memberships. The Town Council shall follow its adopted budget policy on expenditures for travel, training, and professional memberships. Board, commission, and committee members shall not travel or attend training events for the Town unless required by law or specifically authorized by the Town Council.
9. Town Equipment and Facilities. Members of the Council, and boards, commissions, and committees shall follow Town policies to obtain authorization for use of Town equipment and facilities. Any exceptions to those policies shall be determined by the full Town Council.
10. Policy on Non-Discrimination. Recognizing that the stewardship of the public interest is a primary concern, members of the Council, and boards, commissions, and committees will ensure that business is conducted in an environment that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, religion, or any other protected category.
11. Policy on Nepotism. No relative of a sitting Councilmember may be directly appointed to a board, commission, or committee unless the appointment is made through an open, competitive recruitment and selection process. This policy does not apply to those boards, commissions, or committees that by their own rules allow for direct appointments without a competitive process. For those Town employment positions that are hired directly by the Town Council, no relative of a sitting Councilmember may be hired into such position.
12. Policy on Social Media Use. The Town does not provide or maintain official social media accounts for elected and appointed officials. Elected and appointed officials have the right to post and maintain personal social media accounts, websites, or blogs, and to discuss Town issues and business on those personal

accounts. This policy provides guidelines for Town elected and appointed officials when they communicate on social media sites as private citizens to ensure that officials comply with laws related to ethics, public records, and open meetings, among other compelling governmental interests.

- a. Elected and appointed officials shall not do any of the following:
 - i. Use Town equipment, including computers, laptops, and telephones, or Town resources, including Town staff, for posting to their personal social media accounts.
 - ii. Use the Town logo or other Town identifiers on their personal sites.
 - iii. Use their Town email account in conjunction with a personal social media site.
- b. Elected and appointed officials are not authorized to speak on behalf of the Town on their personal sites, but maintain the right to speak on their own behalf. To that end, elected and appointed officials shall include a disclaimer in the bios of all personal social media sites that states: "This is a personal account; these are my own statements and opinions and do not necessarily represent those of the Town of Marana."
- c. Elected and appointed officials shall not make intentional or negligent disclosures of non-public information, unless the disclosure is authorized by law. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of confidential, proprietary or privileged information.
- d. Elected and appointed officials shall not use personal social media sites to discuss matters that can only be discussed in an open meeting under the open meeting law. A member of a public body who "likes," comments, shares, tweets, or otherwise engages in another member's content on social media may be communicating Town business and the open meeting law may apply.
- e. Elected and appointed officials are not authorized to use their personal social media sites and accounts to conduct official Town business but may repost Town information that is available from other Town resources, such as the Town's website.

Processes

1. Where to Seek Advice. Questions about this Code, a conflict of interest, or other ethical issues should be presented to the Town's Legal Department. If time permits, requests are encouraged to be in writing to the Town Attorney directly.

Per A.R.S. § 38-507, requests for legal opinions related to conflicts of interest shall be confidential; however, final opinions of the Town Attorney shall be a matter of public record filed with the Town Clerk.

2. How to Declare a Conflict or Possible Conflict. If a Councilmember or board, commission, or committee member believes that a conflict of interest (or even a possible conflict) exists, he or she should disclose the potential conflict in the official records of the Town as soon as possible. The existence of an ethical issue sometimes does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents a Councilmember or board, commission, or committee member from participating. Once a conflict or possible conflict has been declared, the official shall not participate as an elected or appointed official in any manner, by discussion, questioning, or voting, in that matter. If a conflict is subsequently not found to exist after consultation with the Town's Legal Department, the official may then participate in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience.
3. Disclosure of Acceptance of Gift or Hospitality. Elected and appointed officials shall disclose in writing to the Town Clerk all gifts or hospitalities received from people with a financial interest in business before the Town, if the hospitality or gift has a face value in total of more than \$50. This disclosure shall be made within three business days of receipt of the gift, or within three business days of returning to Marana from travel outside of the Town.
4. Improper Behavior and Sanctions. This Town of Marana Code of Principle- and Ethics-Centered Governance expresses standards of ethical conduct expected for members of the Town of Marana Town Council and boards, commissions, and committees. Members themselves have the primary responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Mayor and the chairs of boards, commissions, and committees have the additional responsibility to intervene when members' actions appear to be inconsistent or in violation of the Code of Principle- and Ethics-Centered Governance. When inconsistent behavior or violations occur, the Mayor or the chair of a board, commission, or committee may bring the matter before the Town Council. The Council may impose sanctions on elected or appointed officials whose conduct does not comply with this Code, which may include reprimand, formal censure, or loss of assignment. The Town Council may also act to remove members of boards, commissions and committees from office, per Marana Town Code Section 2-6-2.

MARANA RESOLUTION NO. 2009-95

RELATING TO ETHICS; APPROVING THE TOWN OF MARANA CODE OF PRINCIPLE AND ETHICS-CENTERED GOVERNANCE; AND DECLARING AN EMERGENCY

WHEREAS the Town of Marana adopted a Strategic Plan on February 3, 2009 by Resolution No. 2009-16; and

WHEREAS the Strategic Plan included an initiative to promote the ongoing identification, evaluation and recommendation of tools, processes and programs that enhance citizen communication and involvement and promote the transparency of governmental operations and decision-making; and

WHEREAS The Town of Marana upholds, promotes and demands the highest standards of ethics from all of its officials, whether elected to Town Council or appointed to an advisory board or commission; and

WHEREAS the Town of Marana has developed a Code of Principle and Ethics-Centered Governance to specifically articulate the vision, values and processes for conducting the business of town government in an open, fair and transparent environment; and

WHEREAS the Town Council finds that adoption of the Code of Principle and Ethics-Centered Governance as set forth in this resolution is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

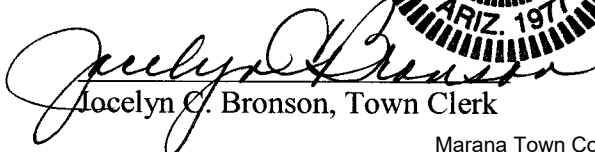
SECTION 1. The Town of Marana Code of Principle and Ethics-Centered Governance, attached to and incorporated by this reference in this resolution as Exhibit A, is hereby approved.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the aforementioned Town of Marana Code of Principle and Ethics-Centered Governance.

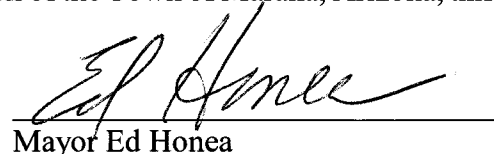
SECTION 3. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of June, 2009.

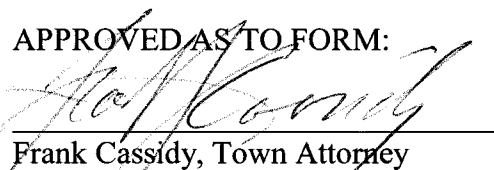
ATTEST:


Jocelyn C. Bronson, Town Clerk




Mayor Ed Honea

APPROVED AS TO FORM:


Frank Cassidy, Town Attorney



COMMERCE



COMMUNITY
BUILDING



HERITAGE



PROGRESS
INNOVATION



RECREATION



TOWN OF MARANA

Code of Principle- and Ethics-Centered Governance

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



Statement of Intent

The Town of Marana's Strategic Plan, adopted by the Town Council in February 2009, includes the following initiative in the Focus Area of Progress and Innovation:

"Ongoing identification, evaluation and recommendation of tools, processes and programs that enhance citizen communication and involvement and promote the transparency of governmental operations and decision-making."

The Town of Marana, its elected officials and advisory board, commission and committee members share a commitment to professional and personal conduct above reproach in service to the community. This **Code of Principle- and Ethics-Centered Governance** has been created to specifically articulate the vision, values and processes for conducting the business of town government in an open, fair and transparent environment.

The Town of Marana upholds, promotes and demands the highest standards of ethics from all of its officials, whether elected to Town Council or appointed to an advisory board, commission or committee. Accordingly, all members of the Town Council, advisory boards, commissions or committees shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties. This includes avoiding any improprieties in the role of public servant, complying with all applicable laws and never using their town position or powers inappropriately for personal gain.

Statement of Values

The five values highlighted in this **Code of Principle- and Ethics-Centered Governance** are designed to articulate the processes, behaviors and/or actions that members of the public can expect from their elected and appointed officials. It is recognized that individuals maintain their own values and are responsible for their own behaviors. This list is designed to articulate the collective values that comprise the organizational vision, culture and way of doing business for the Town of Marana. These values are summarized here and detailed in subsequent pages:

TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Ethics and Integrity
- Open Communication
- Avoidance of Conflicts of Interest
- Creation of a Positive and Productive Work Environment
- Embrace the Long-Term Perspective

A. *Ethics and Integrity* – Recognizing that this value is one that must be weighed and considered by each individual embarking on life in public service, the following points describe the organizational commitment of the Town of Marana and its elected and appointed officials to *Ethics and Integrity*.

- **Honesty – Transparency and trust** are enhanced when people perceive that their dealings with any organization are conducted in an honest and truthful manner. Elected and appointed officials can enhance the public trust by ensuring that communication, actions and behaviors are honest and truthful to the very best of one's knowledge and ability.
- **Fairness and Respect** – All issues and citizens are handled with impartiality and respect. Elected officials and advisory board, commission and committee members have an obligation to treat all citizens fairly. For example, the perception of fairness and respect can be achieved by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, town council members and citizen advisory board, commission and committee members have an obligation to be accessible, open and direct, not only with the other members of the council or board, but also to the citizens and representatives who appear before them. Members of the public are entitled to communicate with their public servants and understand the position of the council or commission on public issues.
- **Loyalty** – Elected officials and advisory board, commission and committee members have an obligation to put the interests of the Town of Marana above all personal considerations in the conduct of town business. The goal of any behavior or decision related to town business is based on what is in the best interest and for the broadest public good of the town and its citizens, consistent with constitutional and other legal requirements.

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Openness and Accountability – It is the intent of the Town Council to maintain an open, accessible government that is accountable to citizens and stakeholders. Guided by rules and status, an effective government must be a
 - partnership between the citizens, elected officials, appointed officials, volunteers and employees who provide town services. This includes the encouragement of citizen and employee input and involvement on matters of policy and critical issues affecting the town. Creating an environment of openness and accountability sets the expectation that citizens and employees can bring forward ideas that contribute to the betterment of Marana.
- B. Open Communication – Characterized by open, honest and effective communication, this value is the foundation for organizational health and effective performance. The most successful organizations know how to evolve in response to the environment in which they operate. Their ability to sustain a healthy environment and respond to challenges is directly related to a culture that supports open, honest communication.
- Ex-parte communication – The town receives and retains a great deal of information that is available to the general public, while ensuring that the public has reasonable access to official “public” records. Communications regarding actions under consideration by the council or an appointed board, commission or committee are provided to each member of the entity considering the item in order to preclude the perception of an advantage to a single individual or select group. Ex-parte communication does not support the town’s intent to remain an open and accessible governing body.
 - Confidential information – The town’s commitment to maintaining an open and accessible government is intended to engender trust and confidence from the public. Equally important to garnering public confidence is protecting confidential information as defined by law. The town and its elected and appointed officials respect the confidentiality of information that by law is not available to the public. Such information may only be disclosed with proper legal authorization, and never with the intent to use information to advance personal, financial, political or other private interests.

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Electronic communication – Town-assigned electronic mail accounts and town-owned telephonic and computer equipment are used only for official town business or limited and/or incidental personal use provided that such use is not related to any fund-raising, political campaigns, elections, or any other prohibited use.
- Collegial Information Sharing – Public information will be shared across the membership of affected boards, commissions, committees and the town council to promote an environment of open decision-making, inclusive of all the facts and opinions.

C *Avoidance of Conflict of Interest* – Characterized by behavior that avoids actual and perceived conflicts of interest in accordance with, and in addition to the requirements prescribed by Arizona law.

- Acceptance of gifts and hospitality – Decision-making is free from the perception that favorable treatment was sought, received or given in exchange for business courtesies. Elected and appointed officials who conduct business on behalf of the town adhere to generally accepted ethical considerations as well as the policies outlined in this document, in Town Code, or in Arizona Revised Statutes.
- Advocacy - Since many decisions made by a governmental body often affect a significant number of people, objectivity is essential to ensuring that the process by which decisions are made maintains its integrity. Advocacy is used for the effective and transparent decision-making process so that citizens and stakeholders can be assured of inclusion and fairness in the issues coming before the council or an advisory board, commission or committee.
- Representation of private interests – In their role as stewards of the public interest, council members and advisory board, commission or committee members will not represent private interests of third parties or appear before the town's own governing bodies on behalf of private interests on matters related to their duties as a governing body or advisory board, unless the situation warrants such action and the council, advisory board, commission or committee gives prior written approval. This does not preclude a council member from representing personal or family interests before the governing body or board, provided that the appropriate conflict of interest disclosure process has been followed and that the council member makes clear that s/he is speaking as an individual and not as a public official.

TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



D. *Creation of a Positive and Productive Work Environment* – Characterized by behaviors and actions that leverage resources to produce well-thought out decisions achieved through inclusiveness and collaboration.

- Effort (meeting attendance) – Elected officials and advisory board, commission and committee members have an obligation to attend meetings and to be prepared. Elected and appointed officials review materials, participate in discussions and make informed decisions based on the merits of the issue.
- Merit-based decision making – Decision-making is based on the merits and substance of the matter at hand, rather than on unrelated considerations, personal relationships, or personal preferences when acting on behalf of the town. Policies and decision-making processes are free from actual or implied undue influence of any special group, individual or organization where it would not be in the best interest of the community.
- Use of public resources (facilities and equipment) – Elected officials and advisory board, commission and committee members shall not use town equipment or town facilities for private purposes, except to the extent that they are available to the public. Resources are managed to ensure long-term availability for the delivery of town services. Elected and appointed officials ensure that there is no misuse or appearance of misuse of town resources or equipment. Elected and appointed officials follow town policies and procedures for the use and distribution of resources.
- Collaboration and teamwork – No single office, department, agency or individual can serve all the varied and complex needs of a community. Service excellence can best be achieved through a true spirit of collaboration and teamwork between elected officials and citizens working with the Town Manager's Office and town employees.
- Policy Role of Council Members – Under the council-manager form of government, the Town Council appoints a Town Manager who directs the day-to-day operations of all employees (TOM Code Section 3-2-1). Council Members adhere to the council-manager structure of the Town of Marana with respect to the role of the Town Manager and the Town Manager's Office. In this structure, the Town Council determines the policies of the town, with advice, information and analysis provided by the public, boards, commissions, committees and town staff. Except as provided by ordinance, Council Members shall not interfere with the administrative functions of the town or the professional duties of staff, nor shall they impair the ability of staff to implement council policy decisions. Council members work through the Town Manager or the Town Manager's Office to address questions, concerns and requests for information or service.

TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Personal conduct – Council and advisory board, commission and committee members are the public face of the Town of Marana, representing citizens and employees. Members should refrain from public conduct that results in personal charges or verbal attacks on the character or motives of other members of the council, boards, commission, committees, the staff or the public.
- E. Long-term Perspective - So often the short-term is emphasized at the expense of the future. The town's elected and appointed officials embrace strategies that balance and contribute to both short- and long-term benefits for the town. Decision-makers are always mindful that the way to create order out of uncertain circumstances is by focusing on more effective and sustainable ways of accomplishing the town's mission and strategic objectives. In this regard, the Strategic Plan is a guiding focus for the organization as it heads into the future.

Policies and Laws

Members of the council and advisory boards, commissions or committees comply with the laws of the nation, the State of Arizona and the Town of Marana in the performance of their public duties. These laws include, but are not limited to: the United States and Arizona constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and town ordinances and policies. Below are the highlights of some of these laws as well as the additional policies adopted as part of this **Code of Principle- and Ethics-Centered Governance** or other Town Council action.

- A. Self-Dealing and Financial Disclosure – Arizona conflict of interest laws apply to all elected officials and advisory board, commission or committee members, who must be consistently aware of any potential issues which may appear to be self-dealing. Officials must not be involved in discussing or deciding any issue over which they have jurisdiction as a council or board member which may impact the member or the member's family financially (A.R.S §§ 38-501 through 38-511. Council members must comply annually with the Financial Disclosure Act as provided for in A.R.S §§38-541 through 38-545.

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- B. Disclosure of and Policy on Acceptance of Gifts and Hospitality – Arizona law prohibits elected official and advisory board members from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with the town (A.R.S. §38-505(A)). Occasionally, as part of normal business activities, certain hospitalities, such as meals may be provided. Elected and appointed officials may accept hospitalities that are included in the course of conducting normal business, which may include a meal or attendance at an official business or social event; floral offerings or gifts of food to commemorate events such as illness, death, birth, or holidays; or a sample promotional gift of nominal value that is directly related to a town event or the town's sponsorship of a private event (value of \$25 or less). No elected or appointed official may accept a gift of any value if the gift is a bribe or reflects to a reasonable person an effort to improperly influence the official contrary to that official's responsibility to the public to act impartially on the merits of a matter. Elected and appointed officials may not accept gifts of entertainment (sporting events, ballet, trips, etc.) from lobbyists (A.R.S. § 41-1232.08(B)).
- C. Open Meetings – Arizona law requires that meetings of public bodies be open to the public (A.R.S. §§38-431 through 431.09). Meetings include gatherings in person and through technological devices, including e-mail. Where a quorum of the council, commission, board or committee exists, discussion or deliberation of issues involving town business or proposed town business shall be prohibited except when placed on an agenda at a properly posted public meeting.
- D. Public Records – Arizona law requires that public records be available for inspection. All electronic mail related to town business and/or sent/received from town equipment may be subject to disclosure under the public records law. Additionally, all documents created on town-issued equipment or attached to electronic e-mail sent or received in the course of town business may be subject to disclosure. Disclosure is subject to review by the Town Attorney in accordance with A.R.S. § 39-101 et. seq. All documents and electronic mail produced by a council or advisory board, commission or committee member must be retained in accordance with the town's records management program.
- E. Disclosure of Confidential Information – Arizona law provides that no member of a town board, commission, committee or the town council may disclose or use confidential information without appropriate authorization (A.R.S. § 38-504(B)). For example, confidential information includes discussions during executive sessions and certain personnel and economic development information such as project leads.

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- F. Political Activities – Elected officials, advisory board, commission or committee members shall not use the town's personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections (A.R.S. § 9-500.14). No elected official, advisory board, commission or committee member of the town shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect for any political campaign or personal gain (TOM Code Section 3-3-4).
- G. Travel, Training and Memberships/Outside Agency Charitable Contributions – The Town Council shall follow its adopted budget policy on expenditures for travel, training and professional memberships. Advisory boards, commissions or committees shall not travel or attend training events unless required by law or specifically authorized by the Town Council.
- H. Town-Issued Equipment – Members of the council, advisory boards, commissions and committees shall follow town policies to obtain authorization for use of town equipment and facilities. Any exceptions to those policies shall be determined by the full Town Council.
- I. Policy on Non-Discrimination – Recognizing that the stewardship of the public interest is a primary concern, members of the council, board, commission or committee will ensure that business is conducted in an environment that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin or religion, or any other protected category.
- J. Policy on Nepotism – No relative of a sitting council member may be directly appointed to an advisory board, commission or committee position unless such appointment is made through an open, competitive recruitment and selection process. No town council member may appoint or vote to appoint any person related by affinity or consanguinity within the third degree to a position of paid employment with the town (A.R.S. § 38-481).

TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



Processes

- A. Where to Seek Advice - Questions about this Code, a conflict of interest or other ethical issues should be presented to the Town Attorney's Office. If time permits, requests are encouraged to be in writing to the Town Attorney directly. Requests for legal opinions related to conflicts of interest shall be kept confidential. However, official opinions of the Town Attorney related to conflicts of interest are required by law to become public record (A.R.S. § 38-507).
- B. Declaring a Conflict or Possible Conflict - The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents an elected official or advisory board, commission or committee member from participating.
- C. How to Declare a Possible Conflict - If an elected official or advisory board, commission or committee member believes that a conflict of interest (or even a possible conflict) exists, s/he should disclose the potential conflict as soon as possible. For example, as soon as an elected official or advisory board member realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the official minutes. From that point on, the official shall not participate in any manner (by discussion, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience.
- D. Acceptance of Gift or Hospitality – Elected officials and members of an advisory board, commission or committee shall disclose in writing to the Town Clerk all gifts or hospitalities received from people with a financial interest in business before the Town, if the hospitality or gift has a face value in total of \$25 or more. This disclosure shall be made within three (3) business days of receipt of the gift, or within three (3) business days of returning to Marana from travel outside of the town.
- E. Improper Behavior and Sanctions – The Town of Marana **Code of Principle- and Ethics-Centered Governance** expresses standards of ethical conduct expected for members of the Town of Marana town council, advisory boards, commissions and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, commission,

TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



and the Mayor have the additional responsibility to intervene when members' actions appear to be inconsistent or in violation of the Code of Principle- and Ethics-Centered Governance. Such matters may be brought by the Mayor before the Town Council who may impose sanctions on members whose conduct does not comply with the town's ethical standards. Such sanctions may include reprimand, formal censure, or loss of assignment. The Town Council may also act to remove members of advisory boards, commissions and committees from office (TOM Code Section 2-6-2(H)).



Council-Regular Meeting

C3

Meeting Date: 03/17/2026

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: March 17, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2026-018: Relating to Real Estate; approving the established administrative process for the issuance of right-of-way license agreements for landscaping, irrigation, hardscape, drainage, decorative and interim driveway, entry monumentation, signage and other privately-owned improvements within the public right-of-way; and authorizing the Town Engineer and the Town Director of Public Works to execute right-of-way license agreements on behalf of the Town under appropriate circumstances (Jane Fairall)

Discussion:

The Town periodically receives requests from property owners and developers for the placement of landscaping, irrigation, hardscape, decorative and interim driveways, drainage, entry monumentation, signage, and other privately-owned improvements within the public right-of-way. Pursuant to A.R.S. §9-238, which provides that the Town Engineer shall have charge of the Town streets, the Town has an established administrative application and review process for the issuance of Right-of-Way License Agreements allowing for the placement of such privately-owned improvements within the public right-of-way. If adopted, the proposed resolution will approve the established administrative process and authorize the Town Engineer and the Town Public Works Director to execute the agreements under the appropriate circumstances in accordance with the approved policy.

Staff Recommendation:

Staff recommends approval of the resolution.

Suggested Motion:

I move to adopt Resolution No. 2026-018, approving the established administrative process for the issuance of right-of-way license agreements for landscaping, irrigation, hardscape, drainage, decorative and interim driveway, entry monumentation, signage and other privately-owned improvements within the public right-of-way; and authorizing the Town Engineer and the Town Director of Public Works to execute right-of-way license agreements on behalf of the Town under appropriate circumstances.

Attachments

Resolution No. 2026-018

Exhibit A - Administrative Process

MARANA RESOLUTION NO. 2026-018

RELATING TO REAL ESTATE; APPROVING THE ESTABLISHED ADMINISTRATIVE PROCESS FOR THE ISSUANCE OF RIGHT-OF-WAY LICENSE AGREEMENTS FOR LANDSCAPING, IRRIGATION, HARDSCAPE, DRAINAGE, DECORATIVE AND INTERIM DRIVEWAYS, ENTRY MONUMENTATION, SIGNAGE AND OTHER PRIVATELY-OWNED IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY; AND AUTHORIZING THE TOWN ENGINEER AND THE TOWN DIRECTOR OF PUBLIC WORKS TO EXECUTE RIGHT-OF-WAY LICENSE AGREEMENTS ON BEHALF OF THE TOWN UNDER APPROPRIATE CIRCUMSTANCES

WHEREAS the Town periodically receives requests from property owners and developers for the placement of landscaping, irrigation, hardscape, decorative and interim driveways, drainage, entry monumentation, signage, and other privately-owned improvements within the public right-of-way; and

WHEREAS pursuant to A.R.S. §9-238, which provides that the Town Engineer shall have charge of the Town streets, the Town has an established administrative application and review process for the issuance of Right-of-Way License Agreements allowing for the placement of such privately-owned improvements within the public right-of-way, as described in Exhibit A attached to this resolution; and

WHEREAS the Town Council finds that approving the established administrative process and authorizing the Town Engineer and the Town Director of Public Works to execute Right-of-Way License Agreements are in the best interests of the Town and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The administrative process for the issuance of Right-of-Way License Agreements as set forth on Exhibit A is hereby approved and the Town Engineer and the Town Director of Public Works are hereby authorized to execute Right-of-Way License Agreements when appropriate under the established administrative process.

SECTION 2. The Town Manager is hereby authorized to amend the established administrative process for Right-of-Way License Agreements from time to time as may be necessary to protect the interests of the Town and the public.

SECTION 3. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of March, 2026.

Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

Jill McCleary, Town Clerk

Jane Fairall, Town Attorney



Administrative Process for Issuance of Right-of-Way License Agreements

A property owner, or the property owner's authorized representative, may initiate a request for a Right-of-Way License Agreement ("ROW License Agreement") in connection with private development, typically associated with a subdivision plat or a development plan.

The Town of Marana may issue ROW License Agreements for landscaping, irrigation, hardscape, drainage, decorative and interim driveways, entry monumentation, signage, and other privately-owned improvements located within the public right-of-way pursuant to the following administrative process.

1. The applicant shall submit a completed Real Property application form and pay a non-refundable application fee in the amount set forth in the Town's comprehensive fee schedule, along with any pass-through costs for survey, appraisal, title, recording fees, and legal noticing. Upon request, the Town shall provide the applicant with a receipt for payment. The applicant shall also provide any required support documentation, including metes and bounds legal descriptions, location maps, and title reports for the proposed ROW License Agreement, as required by the Town of Marana.
2. The Real Property Coordinator shall prepare a draft ROW License Agreement in the Town's standard form as approved by the Town Attorney or designee and circulate the draft, together with the supporting documentation, for internal review. Primary reviewers shall include the Town Engineer, the Real Property Manager, and the planner assigned to the associated private development project. The CIP Division Manager shall also participate in the review to determine whether a separate right-of-way use permit is required.
3. If the internal reviewers determine that the proposed ROW License Agreement will not adversely affect the Town's interests and is otherwise acceptable, the Real Property Coordinator shall transmit the ROW License Agreement to the applicant for review and execution. At that time, the Real Property Coordinator shall also request and obtain the required certificate of insurance and additional insured endorsement in accordance with the terms of the ROW License Agreement. If the ROW License Agreement includes approval to use the right-of-way for signage advertising commercial businesses, the Real Property Coordinator shall invoice for and collect the annual fee for commercial use in the amount set forth in the Town's comprehensive fee schedule. Any applicant-proposed revisions to the Town's

standard ROW License Agreement shall be subject to review and approval by the Town Attorney or designee.

4. Upon receipt of the executed ROW License Agreement from the applicant, the Real Property Coordinator shall obtain the required signatures from the Town Engineer and the Town Attorney. Following execution, the original ROW License Agreement shall be recorded with the appropriate County Recorder's Office for Pima or Pinal County.
5. Once the ROW License Agreement is recorded, the original shall be retained by the Town Clerk, who shall upload an electronic copy into Laserfiche. The Real Property Coordinator shall place a copy of the recorded agreement in the Real Property physical file folder and will provide an electronic copy to the applicant. The Real Property Coordinator shall be responsible for invoicing and collecting the annual fee for ROW License Agreements that are subject to the commercial use fee. The Risk Management Specialist shall be responsible for obtaining all future certificates of insurance and additional insured endorsements in accordance with the terms of the ROW License Agreement.



Council-Regular Meeting

C4

Meeting Date: 03/17/2026

To: Mayor and Council

From: Jill McCleary, Town Clerk

Date: March 17, 2026

Subject: Approval of Regular Council Meeting Summary Minutes of March 3, 2026 (Jill McCleary)

Attachments

Regular Council Meeting Summary Minutes, 03/03/2026



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 3, 2026, at or after 6:00 PM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Post called the meeting to order at 6:01 PM and directed the Town Clerk to call the roll. All Council Members were present, constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by **Mayor Post**

APPROVAL OF AGENDA

Vice Mayor Ziegler moved to approve the agenda. Council Member Kai seconded the motion. Motion passed, 7-0.

CALL TO THE PUBLIC

Mayor Jon Post noted that a large number of speaker cards had been submitted and announced that the Call to the Public would be limited to 30 minutes. He suggested that speakers keep their comments brief to allow as many individuals as possible the opportunity to speak.

Eleven speakers addressed the Council, including **Joel Kordis, Mellodie Stratman, Sandra Joss, Bennett Burke, Colin Mellars, Betsy Brantner Smith, Christopher Puca, Dave Smith, Kimberly McAllister, Stacy Carlson, and Joe Fautz.** The majority of comments related to the potential use of a privately owned detention facility in Marana by U.S. Immigration and Customs Enforcement (ICE). Speakers expressed perspectives both in support of and in opposition to the facility. Additional comments included concerns regarding data center noise and other community issues. Materials related to the data center noise concern were provided to the Town Clerk by speaker **Colin Mellars.**

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Kai reported on the upcoming 10th anniversary of the Arizona Veterans' Memorial Cemetery at Marana on March 11.

Council Member Cavanaugh reported that he recently participated in a mountain biking activity at Tortolita Preserve with Wheel Fun, a nonprofit that works with schools to encourage cycling. He expressed support for the organization's efforts to promote cycling among youth.

Mayor Post recognized his former teacher, **Mike Dyer**, who was present in the audience. He also reminded the community about the upcoming Founders' Day celebration.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema reported that the Town issued 93 single-family residential permits in February 2026 compared to 73 in February 2025. He announced that a traveling museum celebrating the 250th anniversary of the United States would be at the Marana Visitor Center on March 4 and March 5. **Mr. Rozema** highlighted a recent episode of *Real Talk with the Town* featuring **Public Works Director Fausto Burruel**, which discussed regional transportation and RTA Next interchange projects. He also congratulated **Police Chief Jeff Pridgett** and the Marana Police Department on the creation of a police bicycle unit. He announced that the State of the Town address is scheduled for April 2, 2026.

PRESENTATIONS

P1 Presentation: Relating to Finance; presentation, discussion and possible direction on proposed changes to the Town of Marana Comprehensive Fee Schedule and other various rate and fee adjustments (Yiannis Kalaitzidis)

Finance Director Yiannis Kalaitzidis presented an overview of proposed changes to the Town's Comprehensive Fee Schedule. A copy of the presentation slides is on file with the Office of the Town Clerk. Please see the presentation slides for detailed information regarding the presentation.

Mr. Kalaitzidis explained that the schedule is reviewed annually. He reported that the FY27 update includes 46 proposed changes, consisting of 12 new fees and one eliminated fee. He then went through an overview of the individual fee changes. He noted that the presentation was intended to gather Council feedback before the proposed fee schedule returns for consideration following required stakeholder outreach and statutory notice.

Council Member Cavanaugh asked whether the proposed fee increase for new water meters would apply to existing residents requesting a meter or only to new development connections. **Mr. Kalaitzidis** explained that the fee applies to new development connections rather than existing customers.

Council Member Cavanaugh also asked about the proposed fee related to minor grading permit revisions. **Mr. Kalaitzidis** referred the question to **Development Services Director Jason Angell**, who explained that the fee would apply when plan revisions require additional staff review but do not require a full permit resubmittal.

CONSENT AGENDA

C1 Resolution No. 2026-015: Relating to the Marana Police Department; approving and authorizing the Mayor to execute ADOA Agreement Number DBF2025SB1735-RMS18 with the Arizona Department of Administration for funding of a law enforcement records management and data sharing system (Callie LeRoy)

C2 Approval of Regular Council Meeting Summary Minutes of February 17, 2026, and Special Council Meeting / Retreat Summary Minutes of February 11-12, 2026 (Jill McCleary)

Vice Mayor Ziegler moved to approve the consent agenda. Council Member Cavanaugh seconded the motion. Motion passed, 7-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Development and Public Works; update, discussion, and possible direction regarding public and private projects and development applications on the Town's [Marana Current and Proposed Projects](#) internet site (Jason Angell)

Development Services Director Jason Angell provided an update on public and private projects and development applications in the Town, as currently listed on the above-referenced website.

D2 Resolution No. 2026-016: Relating to Community Facility Districts; consideration and possible adoption of a resolution ordering and declaring formation of Cascada Community Facilities District (Yiannis Kalaitzidis)

Finance Director Yiannis Kalaitzidis introduced Resolution No. 2026-016 relating to the formation of the Cascada Community Facilities District (CFD). He explained that the Town received an application requesting the formation of the district to allow the issuance of debt to acquire eligible public infrastructure associated with the development.

Mr. Kalaitzidis introduced **Mark Reeder of Stifel**, who provided an overview of the proposed district. **Mr. Reeder** described the CFD's location, size, purpose, and financing structure. He explained how the district would affect the home-buying process. He noted that the developer would construct infrastructure and could later be reimbursed through district bond proceeds if bonds are issued. A copy of the presentation slides is on file with the Office of the Town Clerk. Please see the presentation slides for detailed information, including maps and summary points.

Vice Mayor Ziegler asked about the disclosure and notification of the CFD taxes to potential homebuyers. **Mr. Reeder** said they worked with DR Horton to ensure that sales representatives would inform and educate homebuyers about the CFD. He said there was also a disclosure provided at closing. **Deputy Town Manager Erik Montague** provided additional clarification regarding the structure of the tax rate and its impact on homebuyers.

Mr. Reeder explained that DR Horton asked for consideration of a special assessment on each single-family lot in the future. He said it had been brought to the Council before, but that the Town had not previously issued special assessment bonds. **Mayor Post** stated that a special assessment would not be considered unless there were changes allowing for collection through the County's process. Council Members asked several clarifying questions, and a discussion ensued regarding the parameters, benefits, administrative feasibility, and future Council approval of a potential special assessment.

Council Member Comerford stated that she wanted homebuyers to be charged the full amount upfront rather than through additional incremental charges.

Council Member Cavanaugh moved to adopt Resolution No. 2026-016. Council Member Officer seconded the motion. The motion passed, 6-1, with Council Member Comerford voting Nay.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

Mayor Post requested future agenda items. There were no requests for future agenda items from Council Members.

ADJOURNMENT

Mayor Post asked for a motion to adjourn.

Vice Mayor Ziegler moved to adjourn the meeting. Council Member Officer seconded the motion. Motion passed, 7-0. The meeting was adjourned at 7:29 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on March 3, 2026. I further certify that a quorum was present.

Jill McCleary, Town Clerk



Council-Regular Meeting

A1

Meeting Date: 03/17/2026

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: March 17, 2026

Strategic Plan Focus Area:

Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2026.007: Relating to Land Development; amending Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations) by amending Section 17-6-14 "Accessory Dwelling Units" to revise the definition of "Restricted-affordable dwelling unit", to clarify provisions related to the use of accessory dwelling units as short-term rentals, and to update an exception for land in the vicinity of a public airport; making conforming revisions to title 9 (Business Regulations), chapter 9-14 (Short-Term and Vacation Rentals), section 9-14-9 "Compliance with laws; prohibited uses; accessory dwelling units" regarding the use of accessory dwelling units as short-term rentals; and designating an effective date (Jane Fairall)

Discussion:

Request

Town staff proposes to make revisions to the Marana Town Code related to accessory dwelling units to conform with A.R.S. § 9-461.18 and A.R.S. § 9-500.39.

Background

In 2024, the Marana Town Council adopted Ordinance No. 2024.028, making changes to Title 17 (Land Development) of the Marana Town Code to provide development regulations for accessory dwelling units, in compliance with House Bill (HB) 2720, which was codified in the Arizona Revised Statutes earlier that same year. As required by state law, the ADU regulations allow one attached and one detached ADU as a permitted use on any single-family lot or parcel that

contains a primary dwelling, and allow one additional ADU on lots one acre or larger as long as one of the ADUs on the lot is “restricted-affordable” (that is, rented to households earning up to 80% of area median income). The provisions of Ordinance No. 2024.028 automatically become effective when the population of the Town reaches 75,000 persons.

In 2025, the Arizona Legislature adopted HB 2928 making amendments to the ADU bill from the previous year, necessitating corresponding changes to the Town Code. HB 2928 is now codified with changes to A.R.S. § 9-461.18 and A.R.S. § 9-500.39. A copy of HB 2928 is included in the agenda material for reference.

Proposed Amendments

The proposed ordinance will bring the Marana Town Code into compliance with the revised state laws. Specifically, the proposed ordinance will:

- Amend the definition of "restricted-affordable dwelling unit" in section 17-6-14(B) of the Town Code;
- Clarify the effective date for mandating owner-occupancy for accessory dwelling units used as short-term rentals in section 17-6-14(D);
- Update the exception for land in the vicinity of a public airport in section 17-6-14(E)(5); and
- Amend section 9-14-9(F) of the Town Code to correspond with the new effective date for mandating owner-occupancy for accessory dwelling units used as short-term rentals.

Public Notification

Notice of this public hearing was published in The Daily Territorial as required by law. Notices were also posted in various locations in town.

Staff Recommendation:

Town staff recommends approval of the ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2026.007; amending Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations) by amending Section 17-6-14 “Accessory Dwelling Units” to revise the definition of “Restricted-affordable dwelling unit”, to clarify provisions related to the use of accessory dwelling units as short-term rentals, and to update an exception for land in the vicinity of a public airport; making conforming revisions to title 9 (Business Regulations), chapter 9-14 (Short-Term and Vacation Rentals), section 9-14-9 “Compliance with laws; prohibited uses; accessory dwelling units” regarding the use of accessory dwelling units as short-term rentals; and designating an effective date

Attachments

Ordinance No. 2026.007

HB 2928

Presentation

MARANA ORDINANCE NO. 2026.007

RELATING TO LAND DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-6 (GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS) BY AMENDING SECTION 17-6-14 "ACCESSORY DWELLING UNITS" TO REVISE THE DEFINITION OF "RESTRICTED-AFFORDABLE DWELLING UNIT", TO CLARIFY PROVISIONS RELATED TO THE USE OF ACCESSORY DWELLING UNITS AS SHORT-TERM RENTALS, AND TO UPDATE AN EXCEPTION FOR LAND IN THE VICINITY OF A PUBLIC AIRPORT; MAKING CONFORMING REVISIONS TO TITLE 9 (BUSINESS REGULATIONS), CHAPTER 9-14 (SHORT-TERM AND VACATION RENTALS), SECTION 9-14-9 "COMPLIANCE WITH LAWS; PROHIBITED USES; ACCESSORY DWELLING UNITS" REGARDING THE USE OF ACCESSORY DWELLING UNITS AS SHORT-TERM RENTALS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Arizona Legislature adopted Laws 2024, Chapter 196 (House Bill 2720), signed by Governor Katie Hobbs on May 21, 2024, and effective on September 14, 2024, requiring all Arizona municipalities with a population of more than 75,000 persons to adopt regulations allowing accessory dwelling units on any lot or parcel where a single-family dwelling is allowed and House Bill 2720 is now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18; and

WHEREAS HB 2720 also revised A.R.S. §9-500.39 to provide that a municipality may regulate vacation or short-term rentals to require that the owner of a vacation or short-term rental must reside on the property if the property contains an accessory dwelling unit (ADU) that is being used as a vacation or short-term rental; and

WHEREAS, on November 6, 2024, the Town Council adopted Ordinance No. 2024.023, amending Marana Town Code Section 9-14-9 to implement the requirement that the owner of a vacation or short-term rental must reside on the property if the property contains an accessory dwelling unit (ADU) that is being used as a vacation or short-term rental; and

WHEREAS, on December 17, 2024, the Town Council adopted Ordinance No. 2024.028, adding Section 17-6-14 providing development regulations for accessory dwelling units to the Marana Town Code in conformance with A.R.S. § 9-461.18; and

WHEREAS the provisions of Ordinance No. 2024.028 will automatically become effective when the population of the Town of Marana reaches 75,000 persons; and

WHEREAS the Arizona Legislature adopted Laws 2025, Chapter 217 (House Bill (HB) 2928), signed by Governor Katie Hobbs on May 23, 2025, and effective on January 1, 2026, making revisions to A.R.S. § 9-461.18 and A.R.S. §9-500.39; and

WHEREAS the revisions to A.R.S. § 9-461.18 and A.R.S. §9-500.39 require the Town to make corresponding revisions to Marana Town Code Sections 17-6-14 and 9-14-9; and

WHEREAS the Town Council finds this ordinance to be in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations), Section 17-6-14 “Accessory dwelling units” is hereby revised as follows (with additions shown with double-underlining and deletions shown with ~~strikeouts~~):

17-6-14 Accessory dwelling units

[No revisions to paragraph A]

B. Definitions. The following definitions apply to this section:

[No revisions to subparagraphs 1 through 3]

4. “Restricted-affordable dwelling unit” means a dwelling unit that, either through a deed restriction or a development agreement with the town, ~~shall be~~ is rented to households earning up to 80% of area median income.

[No revisions to subparagraph 5]

[No revisions to paragraph C]

D. Development standards and requirements.

[No revisions to subparagraph 1 through 4]

5. Short-term rental. An accessory dwelling unit that was issued a certificate of occupancy, certificate of completion, or similar final approval by the town on or after September 14, 2024 may be used for short-term rental only if and while the owner resides on the property that contains the accessory dwelling unit.

[No revisions to subparagraph 6]

E. Exceptions. The provisions of this section do not apply to any single-family lot or parcel located on any of the following:

[No revisions to subparagraphs 1 through 4]

5. Land in the vicinity of a public airport as defined in A.R.S. § 28-8486 that has a noise level of greater than 65 decibels.

[No revisions to paragraphs F and G]

SECTION 2. Marana Town Code Title 9 (Business Regulations), chapter 9-14 (Short-Term and Vacation Rentals), section 9-14-9 “Compliance with laws; prohibited uses; accessory dwelling units” is hereby amended as follows (with additions shown with double-underlining and deletions shown with ~~strikeouts~~):

9-14-9 Compliance with laws; prohibited uses; accessory dwelling units

[No revisions to paragraphs A through E]

F. An accessory dwelling unit ~~constructed~~ that was issued a certificate of occupancy, certificate of completion, or similar final approval by the town on or after September 14, 2024 may be used as a short-term rental only if and while an owner resides on the property that contains the accessory dwelling unit. For purposes of this paragraph “accessory dwelling unit” has the same meaning as prescribed in A.R.S. § 9-461.18.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. 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, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance is effective on the 31st day after its adoption, but pursuant to Ordinance No. 2024.028, the rights associated with Marana Town Code Section 17-6-14 become effective when the population of the Town of Marana reaches 75,000 persons as determined by the official United States Census Bureau or by official acknowledgment by the Town Council of the Town of Marana or any other governmental body with jurisdiction to determine the Town’s population.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of March, 2026.

Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

Jill McCleary, Town Clerk

Jane Fairall, Town Attorney

Senate Engrossed House Bill

accessory dwelling units; requirements

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 217

HOUSE BILL 2928

AN ACT

AMENDING SECTIONS 9-461.18 AND 9-500.39, ARIZONA REVISED STATUTES;
AMENDING SECTION 9-500.49, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS
2025, CHAPTER 31, SECTION 1; AMENDING SECTION 11-269.17, ARIZONA REVISED
STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED
STATUTES, BY ADDING SECTION 11-810.01; RELATING TO COUNTY PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461.18, Arizona Revised Statutes, is amended
3 to read:

4 9-461.18. Accessory dwelling units; regulation;
5 applicability; definitions

6 A. A municipality ~~with a population of more than seventy-five~~
7 ~~thousand persons~~ shall adopt regulations that allow on any lot or parcel
8 where a single-family dwelling is allowed all of the following:

9 1. At least one attached and one detached accessory dwelling unit
10 as a permitted use.

11 2. A minimum of one additional detached accessory dwelling unit as
12 a permitted use on a lot or parcel that is one acre or more in size if at
13 least one accessory dwelling unit on the lot or parcel is a
14 restricted-affordable dwelling unit.

15 3. An accessory dwelling unit that is seventy-five percent of the
16 gross floor area of the single-family dwelling on the same lot or parcel
17 or one thousand square feet, whichever is less.

18 B. A municipality may not do any of the following:

19 1. Prohibit the use or advertisement of either the single-family
20 dwelling or any accessory dwelling unit located on the same lot or parcel
21 as separately leased long-term rental housing.

22 2. Require a familial, marital, employment or other preexisting
23 relationship between the owner or occupant of a single-family dwelling and
24 the occupant of an accessory dwelling unit located on the same lot or
25 parcel.

26 3. Require that a lot or parcel have additional parking to
27 accommodate an accessory dwelling unit or require payment of fees instead
28 of additional parking.

29 4. Require that an accessory dwelling unit match the exterior
30 design, roof pitch or finishing materials of the single-family dwelling
31 that is located on the same lot as the accessory dwelling unit.

32 5. Set restrictions for accessory dwelling units that are more
33 restrictive than those for single-family dwellings within the same zoning
34 area with regard to height, setbacks, lot size or coverage or building
35 frontage.

36 6. Set rear or side setbacks for accessory dwelling units that are
37 more than five feet from the property line.

38 7. Require improvements to public streets as a condition of
39 allowing an accessory dwelling unit, except as necessary to reconstruct or
40 repair a public street that is disturbed as a result of the construction
41 of the accessory dwelling unit.

42 8. Require a restrictive covenant concerning an accessory dwelling
43 unit on a lot or parcel zoned for residential use by a single-family
44 dwelling.

1 C. This section does not prohibit restrictive covenants concerning
2 accessory dwelling units entered into between private parties. The
3 municipality may not condition a permit, license or use of an accessory
4 dwelling unit on adopting or implementing a restrictive covenant between
5 private parties.

6 D. This section does not supersede applicable building codes, fire
7 codes or public health and safety regulations, except that a municipality
8 may not require an accessory dwelling unit to comply with a commercial
9 building code or contain a fire sprinkler.

10 E. An accessory dwelling unit may not be built on top of a current
11 or planned public utility easement unless the property owner receives
12 written consent from any utility that is currently using the public
13 utility easement or that may use the public utility easement in the
14 future.

15 F. If a municipality fails to adopt development regulations as
16 required by this section on or before January 1, 2025, accessory dwelling
17 units shall be allowed on all lots or parcels zoned for residential use in
18 the municipality without limits.

19 G. This section does not apply to lots or parcels that are located
20 on:

21 1. Tribal land. ~~on~~

22 2. Land ~~THAT IS~~ in the territory in the vicinity of a military
23 airport or ancillary military facility as defined in section 28-8461. ~~on~~

24 3. Land ~~THAT IS~~ in the territory in the vicinity of a federal
25 aviation administration commercially licensed airport or a general
26 aviation airport or ~~on~~ land ~~THAT IS~~ in the territory in the vicinity of a
27 public airport as defined in section 28-8486 ~~AND THAT HAS A NOISE LEVEL OF~~
28 ~~GREATER THAN SIXTY-FIVE DECIBELS.~~

29 ~~H. THIS SECTION APPLIES TO A MUNICIPALITY WITH A POPULATION OF MORE~~
30 ~~THAN SEVENTY-FIVE THOUSAND PERSONS.~~

31 ~~H.~~ I. For the purposes of this section:

32 1. "Accessory dwelling unit" means a self-contained living unit
33 that is on the same lot or parcel as a single-family dwelling of greater
34 square footage than the accessory dwelling unit, that includes its own
35 sleeping and sanitation facilities and that may include its own kitchen
36 facilities.

37 2. "Gross floor area" means the interior habitable area of a
38 single-family dwelling or an accessory dwelling unit.

39 3. "Long-term rental" means rental use in which the tenant holds a
40 lease of ninety days or longer or on a month-by-month basis.

41 4. "Municipality" means a city or town that exercises zoning powers
42 under this title.

43 5. "Permitted use" means the ability for a development to be
44 approved without requiring a public hearing, variance, conditional use
45 permit, special permit or special exception, other than a discretionary

1 zoning action to ~~determination~~ DETERMINE that a site plan conforms with
2 applicable zoning regulations.

3 6. "Restricted-affordable dwelling unit" means a dwelling unit
4 that, either through a deed restriction or a development agreement with
5 the municipality, ~~shall be~~ IS rented to households earning up to eighty
6 percent of area median income.

7 Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to
8 read:

9 9-500.39. Limits on regulation of vacation rentals and
10 short-term rentals: state preemption: civil
11 penalties: transaction privilege tax license
12 suspension; definitions

13 A. A city or town may not prohibit vacation rentals or short-term
14 rentals.

15 B. A city or town may not restrict the use of or regulate vacation
16 rentals or short-term rentals based on their classification, use or
17 occupancy except as provided in this section. A city or town may regulate
18 vacation rentals or short-term rentals as follows:

19 1. To protect the public's health and safety, including rules and
20 regulations related to fire and building codes, health and sanitation,
21 transportation or traffic control and solid or hazardous waste and
22 pollution control, if the city or town demonstrates that the rule or
23 regulation is for the primary purpose of protecting the public's health
24 and safety.

25 2. To adopt and enforce use and zoning ordinances, including
26 ordinances related to noise, protection of welfare, property maintenance
27 and other nuisance issues, if the ordinance is applied in the same manner
28 as other property classified under sections 42-12003 and 42-12004.

29 3. To limit or prohibit the use of a vacation rental or short-term
30 rental for the purposes of housing sex offenders, operating or maintaining
31 a sober living home, selling illegal drugs, liquor control or pornography,
32 obscenity, nude or topless dancing and other adult-oriented businesses.

33 4. To require the owner of a vacation rental or short-term rental
34 to provide the city or town with emergency contact information for the
35 owner or the owner's designee who is responsible for responding to
36 complaints or emergencies in a timely manner in person if required by
37 public safety personnel, over the phone or by email at any time of day
38 before offering for rent or renting the vacation rental or short-term
39 rental. In addition to any other penalty imposed pursuant to this
40 section, the city or town may impose a civil penalty of up to \$1,000
41 against the owner for every thirty days the owner fails to provide contact
42 information as prescribed by this paragraph. The city or town shall
43 provide thirty days' notice to the owner before imposing the initial civil
44 penalty.

1 5. To require the owner of a vacation rental or short-term rental
2 to obtain and maintain a local regulatory permit or license. As a
3 condition of issuance of a permit or license, the application for the
4 permit or license may require an applicant to provide only the following:
5 (a) The name, address, telephone number and email address for the
6 owner or owner's agent.
7 (b) The address of the vacation rental or short-term rental.
8 (c) Proof of compliance with section 42-5005.
9 (d) Contact information required pursuant to paragraph 4 of this
10 subsection.
11 (e) Acknowledgment of an agreement to comply with all applicable
12 laws, regulations and ordinances.
13 (f) A fee not to exceed the actual cost of issuing the permit or
14 license or \$250, whichever is less.
15 6. To require, before offering a vacation rental or short-term
16 rental for rent for the first time, the owner or the owner's designee of a
17 vacation rental or short-term rental to notify all single-family
18 residential properties adjacent to and directly and diagonally across the
19 street from the vacation rental or short-term rental. Notice shall be
20 deemed sufficient in a multifamily residential building if given to
21 residents on the same building floor. A city or town may require
22 additional notification pursuant to this paragraph if the contact
23 information previously provided changes. Notification provided in
24 compliance with this paragraph shall include the permit or license number
25 if required by the city or town, the address of the vacation rental or
26 short-term rental and the information required pursuant to paragraph 4 of
27 this subsection. The owner or the owner's designee shall demonstrate
28 compliance with this paragraph by providing the city or town with an
29 attestation of notification compliance that consists of the following
30 information:
31 (a) The permit or license number of the vacation rental or
32 short-term rental, if required by the city or town.
33 (b) The address of each property notified.
34 (c) A description of the manner in which the owner or owner's
35 designee chose to provide notification to each property subject to
36 notification.
37 (d) The name and contact information of the person attesting to
38 compliance with this paragraph.
39 7. To require the owner or owner's designee of a vacation rental or
40 short-term rental to display the local regulatory permit number or license
41 number, if any, on each advertisement for a vacation rental or short-term
42 rental that the owner or owner's designee maintains. A city or town that
43 does not require a local regulatory permit or license may require the
44 owner or owner's designee of a vacation rental or short-term rental to
45 display the transaction privilege tax license number required by section

1 42-5042 on each advertisement for a vacation rental or short-term rental
2 that the owner or owner's designee maintains.

3 8. To require the vacation rental or short-term rental to maintain
4 liability insurance appropriate to cover the vacation rental or short-term
5 rental in the aggregate of at least \$500,000 or to advertise and offer
6 each vacation rental or short-term rental through an online lodging
7 marketplace that provides equal or greater coverage.

8 9. To require the owner of a vacation rental or short-term rental
9 to reside on the property if the property contains an accessory dwelling
10 unit ~~that was constructed on or after September 14, 2024 and that is being~~
11 ~~used as a vacation rental or short-term rental. Unless the time period~~
12 ~~specified in section 12-1134, subsection G has expired, this paragraph~~
13 ~~does not apply to a property owner who has the right to build an accessory~~
14 ~~dwelling unit on the property owner's property before September 14, 2024~~
15 ~~whether or not the accessory dwelling unit has been built AND IF A~~
16 ~~CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLETION OR SIMILAR FINAL~~
17 ~~APPROVAL FOR THE ACCESSORY DWELLING UNIT WAS ISSUED BY THE MUNICIPALITY ON~~
18 ~~OR AFTER SEPTEMBER 14, 2024. THIS PARAGRAPH DOES NOT APPLY TO AN OWNER OF~~
19 ~~A VACATION RENTAL OR SHORT-TERM RENTAL IF THE PROPERTY CONTAINS AN~~
20 ~~ACCESSORY DWELLING UNIT AND THE CERTIFICATE OF COMPLETION, THE CERTIFICATE~~
21 ~~OF OCCUPANCY OR A SIMILAR FINAL APPROVAL FOR THE ACCESSORY DWELLING UNIT~~
22 ~~WAS ISSUED ON OR BEFORE SEPTEMBER 13, 2024.~~

23 C. A city or town that requires a local regulatory permit or
24 license pursuant to this section shall issue or deny the permit or license
25 within seven business days of receipt of the information required by
26 subsection B, paragraph 5 of this section and otherwise in accordance with
27 section 9-835, except that a city or town may deny issuance of a permit or
28 license only for any of the following:

29 1. Failure to provide the information required by subsection B,
30 paragraph 5, subdivisions (a) through (e) of this section.

31 2. Failure to pay the required permit or license fee.

32 3. At the time of application the owner has a suspended permit or
33 license for the same vacation rental or short-term rental.

34 4. The applicant provides false information.

35 5. The owner or owner's designee of a vacation rental or short-term
36 rental is a registered sex offender or has been convicted of any felony
37 offense that resulted in death or serious physical injury or any felony
38 use of a deadly weapon within the past five years.

39 D. A city or town that requires a local regulatory permit or
40 license pursuant to this section shall adopt an ordinance to allow the
41 city or town to initiate an administrative process to suspend a local
42 regulatory permit or license for a period of up to twelve months for the
43 following verified violations associated with a property:

44 1. Three verified violations within a twelve-month period, not
45 including any verified violation based on an aesthetic, solid waste

1 disposal or vehicle parking violation that is not also a serious threat to
2 public health and safety.

3 2. One verified violation that results in or constitutes any of the
4 following:

5 (a) A felony offense committed at or in the vicinity of a vacation
6 rental or short-term rental by the vacation rental or short-term rental
7 owner or owner's designee.

8 (b) A serious physical injury or wrongful death at or related to a
9 vacation rental or short-term rental resulting from the knowing,
10 intentional or reckless conduct of the vacation rental or short-term
11 rental owner or owner's designee.

12 (c) An owner or owner's designee knowingly or intentionally housing
13 a sex offender, allowing offenses related to adult-oriented businesses,
14 sexual offenses or prostitution, or operating or maintaining a sober
15 living home, in violation of a regulation or ordinance adopted pursuant to
16 subsection B, paragraph 3 of this section.

17 (d) An owner or owner's designee knowingly or intentionally
18 allowing the use of a vacation rental or short-term rental for a special
19 event that would otherwise require a permit or license pursuant to a city
20 or town ordinance or a state law or rule or for a retail, restaurant,
21 banquet space or other similar use.

22 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
23 attempted or completed felony offense, arising from the occupancy or use
24 of a vacation rental or short-term rental, that results in a death, or
25 actual or attempted serious physical injury, shall be grounds for judicial
26 relief in the form of a suspension of the property's use as a vacation
27 rental or short-term rental for a period of time that shall not exceed
28 twelve months.

29 E. A city or town that requires sex offender background checks on a
30 vacation rental or short-term rental guest shall waive the requirement if
31 an online lodging marketplace performs a sex offender background check of
32 the booking guest.

33 F. Notwithstanding any other law, a city or town may impose a civil
34 penalty of the following amounts against an owner of a vacation rental or
35 short-term rental if the owner receives one or more verified violations
36 related to the same vacation rental or short-term rental property within
37 the same twelve-month period:

38 1. Up to \$500 or up to an amount equal to one night's rent for the
39 vacation rental or short-term rental as advertised, whichever is greater,
40 for the first verified violation.

41 2. Up to \$1,000 or up to an amount equal to two nights' rent for
42 the vacation rental or short-term rental as advertised, whichever is
43 greater, for the second verified violation.

1 3. Up to \$3,500 or up to an amount equal to three nights' rent for
2 the vacation rental or short-term rental as advertised, whichever is
3 greater, for a third and any subsequent verified violation.

4 G. A vacation rental or short-term rental that fails to apply for a
5 local regulatory permit or license in accordance with subsection B,
6 paragraph 5 of this section, within thirty days of the local regulatory
7 permit or license application process being made available by the city or
8 town issuing such permits or licenses, must cease operations. In addition
9 to any civil penalties imposed pursuant to subsection F of this section, a
10 city or town may impose a civil penalty of up to \$1,000 per month against
11 the owner if the owner or owner's designee fails to apply for a regulatory
12 permit or license within thirty days after receiving written notice of the
13 failure to comply with subsection B, paragraph 5 of this section.

14 H. If multiple verified violations arise out of the same response
15 to an incident at a vacation rental or short-term rental, those verified
16 violations are considered one verified violation for the purpose of
17 assessing civil penalties or suspending the regulatory permit or license
18 of the owner pursuant to this section.

19 I. If the owner of a vacation rental or short-term rental has
20 provided contact information to a city or town pursuant to subsection B,
21 paragraph 4 of this section and if the city or town issues a citation for
22 a violation of the city's or town's applicable laws, regulations or
23 ordinances or a state law that occurred on the owner's vacation rental or
24 short-term rental property, the city or town shall make a reasonable
25 attempt to notify the owner or the owner's designee of the citation within
26 seven business days after the citation is issued using the contact
27 information provided pursuant to subsection B, paragraph 4 of this
28 section. If the owner of a vacation rental or short-term rental has not
29 provided contact information pursuant to subsection B, paragraph 4 of this
30 section, the city or town is not required to provide such notice.

31 J. This section does not exempt an owner of a residential rental
32 property, as defined in section 33-1901, from maintaining with the
33 assessor of the county in which the property is located information
34 required under title 33, chapter 17, article 1.

35 K. A vacation rental or short-term rental may not be used for
36 nonresidential uses, including for a special event that would otherwise
37 require a permit or license pursuant to a city or town ordinance or a
38 state law or rule or for a retail, restaurant, banquet space or other
39 similar use.

40 L. For the purposes of this section:

41 1. "Accessory dwelling unit" has the same meaning prescribed in
42 section 9-461.18.

43 2. "Online lodging marketplace" has the same meaning prescribed in
44 section 42-5076.

45 3. "Transient" has the same meaning prescribed in section 42-5070.

1 4. "Vacation rental" or "short-term rental":

2 (a) Means any individually or collectively owned single-family or
3 one-to-four-family house or dwelling unit or any unit or group of units in
4 a condominium or cooperative that is also a transient public lodging
5 establishment or owner-occupied residential home offered for transient use
6 if the accommodations are not classified for property taxation under
7 section 42-12001.

8 (b) Does not include a unit that is used for any nonresidential
9 use, including retail, restaurant, banquet space, event center or another
10 similar use.

11 5. "Verified violation" means a finding of guilt or civil
12 responsibility for violating any state law or local ordinance relating to
13 a purpose prescribed in subsection B, D, F or K of this section that has
14 been finally adjudicated.

15 Sec. 3. Section 9-500.49, Arizona Revised Statutes, as amended by
16 Laws 2025, chapter 31, section 1, is amended to read:

17 9-500.49. Administrative review and approval;
18 self-certification program; expedited approval;
19 applicability; definitions

20 A. Notwithstanding any other law, the legislative body of a city or
21 town shall by ordinance do the following:

22 1. Authorize administrative personnel to review and approve site
23 plans, development plans, land divisions, lot line adjustments, lot ties,
24 preliminary plats, final plats and plat amendments without a public
25 hearing.

26 2. Authorize administrative personnel to review and approve design
27 review plans based on objective standards without a public hearing.

28 3. Allow at-risk submittals for certain on-site preliminary grading
29 and drainage work or infrastructure.

30 4. Allow applicants with a history of compliance with building
31 codes and regulations to be eligible for expedited permit review.

32 B. Notwithstanding any other law, the legislative body of a city or
33 town may by ordinance adopt a self-certification program allowing
34 registered architects and professional engineers to certify and be
35 responsible for compliance with all applicable ordinances and construction
36 standards for projects that the ordinance identifies as being qualified
37 for self-certification.

38 C. Applications for a license pursuant to this section are subject
39 to chapter 7, article 4 of this title.

40 D. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

41 1. LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
42 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

43 2. LAND IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
44 REGISTER OF HISTORIC PLACES.

3. LAND IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL GOVERNMENT.

E. For the purposes of this section:

1. "License" has the same meaning prescribed in section 9-831.

2. "Objective" means not influenced by personal interpretation, taste or feelings of a municipal employee and verifiable by reference to an adopted benchmark, standard or criterion available and knowable by the applicant or proponent.

9 Sec. 4. Section 11-269.17, Arizona Revised Statutes, is amended to
10 read:

11-269.17. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A county may not prohibit vacation rentals or short-term rentals.

B. A county 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 county may regulate vacation rentals or short-term rentals within the unincorporated areas of the county as follows:

1. To protect the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control and solid or hazardous waste and pollution control, if the county demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. To adopt and enforce 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. To limit or prohibit 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. To require the owner of a vacation rental or short-term rental to provide the county with EMERGENCY contact information for the owner or the owner's designee who is responsible for responding to complaints or emergencies in a timely manner in person if required by public safety personnel, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. In addition to any other penalty IMPOSED pursuant to this section, the county may impose a civil penalty of up to \$1,000 against the owner for every thirty days the owner fails to provide contact information as prescribed by this paragraph. The county shall provide thirty days' notice to the owner before imposing the initial civil penalty.

1 5. To require ~~an~~ THE owner of a vacation rental or short-term
2 rental to obtain and maintain a local regulatory permit or license. As a
3 condition of issuance of a permit or license, the application for the
4 permit or license may require an applicant to provide only the following:
5 (a) THE name, address, ~~phone~~ TELEPHONE number and email address for
6 the owner or owner's agent.
7 (b) THE address of the vacation rental or short-term rental.
8 (c) Proof of compliance with section 42-5005.
9 (d) Contact information required pursuant to paragraph 4 of this
10 subsection.
11 (e) Acknowledgment of an agreement to comply with all applicable
12 laws, regulations and ordinances.
13 (f) A fee not to exceed the actual cost of issuing the permit or
14 license or \$250, whichever is less.
15 6. To require, before offering a vacation rental or short-term
16 rental for rent for the first time, the owner or the owner's designee of a
17 vacation rental or short-term rental to notify all single-family
18 residential properties adjacent to, ~~AND~~ AND directly and diagonally across
19 the street from the vacation rental or short-term rental. Notice shall be
20 deemed sufficient in a multifamily residential building if given to
21 residents on the same building floor. A county may require additional
22 notification pursuant to this paragraph if the contact information
23 previously provided changes. Notification provided in compliance with
24 this paragraph shall include the permit or license number if required by
25 the county, the address, ~~OF THE VACATION RENTAL OR SHORT-TERM RENTAL~~ OF THE VACATION RENTAL OR SHORT-TERM RENTAL and
26 the information required pursuant to paragraph 4 of this subsection. The
27 owner or the owner's designee shall demonstrate compliance with this
28 paragraph by providing the county with an attestation of notification
29 compliance that consists of the following information:
30 (a) The permit or license number of the vacation rental or
31 short-term rental, if required by the county.
32 (b) The address of each property notified.
33 (c) A description of the manner in which the owner or owner's
34 designee chose to provide notification to each property subject to
35 notification.
36 (d) The name and contact information of the person attesting to
37 compliance with this paragraph.
38 7. To require the owner or owner's designee of a vacation rental or
39 short-term rental to display the local regulatory permit number or license
40 number, if any, on each advertisement for a vacation rental or short-term
41 rental that the owner or owner's designee maintains. A county that does
42 not require a local regulatory permit or license may require the owner or
43 owner's designee of a vacation rental or short-term rental to display the
44 transaction privilege tax license NUMBER required by section 42-5042 on

1 each advertisement for a vacation rental or short-term rental that the
2 owner or owner's designee maintains.

3 8. To require the vacation rental or short-term rental to maintain
4 liability insurance appropriate to cover the vacation rental or short-term
5 rental in the aggregate of at least \$500,000 or to advertise and offer
6 each vacation rental or short-term rental through an online lodging
7 marketplace that provides equal or greater coverage.

8 9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL
9 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING
10 UNIT AND IF A CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLETION OR
11 SIMILAR FINAL APPROVAL FOR THE ACCESSORY DWELLING UNIT WAS ISSUED BY THE
12 COUNTY ON OR AFTER SEPTEMBER 14, 2024. THIS PARAGRAPH DOES NOT APPLY TO
13 AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL IF THE PROPERTY
14 CONTAINS AN ACCESSORY DWELLING UNIT AND THE CERTIFICATE OF COMPLETION, THE
15 CERTIFICATE OF OCCUPANCY OR A SIMILAR FINAL APPROVAL FOR THE ACCESSORY
16 DWELLING UNIT WAS ISSUED ON OR BEFORE SEPTEMBER 13, 2024.

17 C. A county that requires a local regulatory permit or license
18 pursuant to this section shall issue or deny the permit or license within
19 seven business days of receipt of the information required by subsection
20 B, paragraph 5 of this section and otherwise in accordance with section
21 11-1602, except that a county may deny issuance of a permit or license
22 only for any of the following:

23 1. Failure to provide the information required by subsection B,
24 paragraph 5, subdivisions (a) through (e) of this section.

25 2. Failure to pay the required permit or license fee.

26 3. At the time of application the owner has a suspended permit or
27 license for the same vacation rental or short-term rental.

28 4. The applicant provides false information.

29 5. The owner or owner's designee of a vacation rental or short-term
30 rental is a registered sex offender or has been convicted of any felony
31 ~~act~~ OFFENSE that results in death or serious physical injury or any felony
32 use of a deadly weapon within the past five years.

33 D. A county that requires a local regulatory permit or license
34 pursuant to this section shall adopt an ordinance to allow the county to
35 initiate an administrative process to suspend a local regulatory permit or
36 license for a period of up to twelve months for the following verified
37 violations associated with a property:

38 1. Three verified violations within a twelve-month period, not
39 including any verified violation based on an aesthetic, solid waste
40 disposal or vehicle parking violation that is not also a serious threat to
41 public health or safety.

42 2. One verified violation that results in or constitutes any of the
43 following:

1 (a) A felony offense committed at or in the vicinity of a vacation
2 rental or short-term rental by the vacation rental or short-term rental
3 owner or owner's designee.

4 (b) A serious physical injury or wrongful death at or related to a
5 vacation rental or short-term rental resulting from the knowing,
6 intentional or reckless conduct of the vacation rental or short-term
7 rental owner or owner's designee.

8 (c) An owner or owner's designee knowingly or intentionally housing
9 a sex offender, allowing offenses related to adult-oriented businesses,
10 sexual offenses or prostitution, or operating or maintaining a sober
11 living home, in violation of regulation or ordinance adopted pursuant to
12 subsection B, paragraph 3 of this section.

13 (d) An owner or owner's designee knowingly or intentionally
14 allowing the use of a vacation rental or short-term rental for a special
15 event that would otherwise require a permit or license pursuant to a
16 county ORDINANCE or a state law or rule or for a retail, restaurant,
17 banquet space or other similar use.

18 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
19 attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or
20 use of a vacation rental or short-term rental, that results in a death, or
21 actual or attempted serious physical injury, shall be grounds for judicial
22 relief in the form of a suspension of the property's use as a vacation
23 rental or short-term rental for a period of time that shall not exceed
24 twelve months.

25 E. A county that requires sex offender background checks on a
26 vacation rental or short-term rental guest shall waive the requirement if
27 an online lodging marketplace performs a sex offender background check of
28 the booking guest.

29 F. Notwithstanding any other law, a county may impose a civil
30 penalty of the following amounts against an owner of a vacation rental or
31 short-term rental if the owner receives one or more verified violations
32 related to the same vacation rental or short-term rental property within
33 the same twelve-month period:

34 1. Up to \$500 or up to an amount equal to one night's rent for the
35 vacation rental or short-term rental as advertised, whichever is greater,
36 for the first verified violation.

37 2. Up to \$1,000 or up to an amount equal to two nights' rent for
38 the vacation rental or short-term rental as advertised, whichever is
39 greater, for the second verified violation.

40 3. Up to \$3,500 or up to an amount equal to three nights' rent for
41 the vacation rental or short-term rental as advertised, whichever is
42 greater, for a third and any subsequent verified violation.

43 G. A vacation rental or short-term rental that fails to apply for a
44 local regulatory permit or license in accordance with subsection B,
45 paragraph 5 of this section, within thirty days of the local regulatory

1 permit or license application process being made available by the county
2 issuing such permits or licenses, must cease operations. In addition to
3 any ~~finer~~ CIVIL PENALTIES imposed pursuant to subsection F of this
4 section, a county may impose a civil penalty of up to \$1,000 per month
5 against the owner if the owner or owner's designee fails to apply for a
6 regulatory permit or license within thirty days after receiving written
7 notice of the failure to comply with subsection B, paragraph 5 of this
8 section.

9 H. If multiple verified violations arise out of the same response
10 to an incident at a vacation rental or short-term rental, those verified
11 violations are considered one verified violation for the purpose of
12 assessing civil penalties or suspending the regulatory permit or license
13 of the owner ~~or owner's designee~~ pursuant to this section.

14 I. If the owner of a vacation rental or short-term rental has
15 provided contact information to a county pursuant to subsection B,
16 paragraph 4 of this section and if the county issues a citation for a
17 violation of the county's applicable laws, regulations or ordinances or a
18 state law that occurred on the owner's vacation rental or short-term
19 rental property, the county shall make a reasonable attempt to notify the
20 owner or the owner's designee of the citation within seven business days
21 after the citation is issued using the contact information provided
22 pursuant to subsection B, paragraph 4 of this section. If the owner of a
23 vacation rental or short-term rental has not provided contact information
24 pursuant to subsection B, paragraph 4 of this section, the county is not
25 required to provide such notice.

26 J. This section does not exempt an owner of a residential rental
27 property, as defined in section 33-1901, from maintaining with the
28 assessor of the county in which the property is located information
29 required under title 33, chapter 17, article 1.

30 K. A vacation rental or short-term rental may not be used for
31 nonresidential uses, including for a special event that would otherwise
32 require a permit or license pursuant to a county ordinance or a state law
33 or rule or for a retail, restaurant, banquet space or other similar use.

34 L. For the purposes of this section:

35 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
36 SECTION 11-810.01.

37 ~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed
38 in section 42-5076.

39 ~~2.~~ 3. "Transient" has the same meaning prescribed in section
40 42-5070.

41 ~~3.~~ 4. "Vacation rental" or "short-term rental":

42 (a) Means any individually or collectively owned single-family or
43 one-to-four-family house or dwelling unit or any unit or group of units in
44 a condominium or cooperative that is also a transient public lodging
45 establishment or owner-occupied residential home offered for transient use

1 if the accommodations are not classified for property taxation under
2 section 42-12001.

3 (b) Does not include a unit that is used for any nonresidential
4 use, including retail, restaurant, banquet space, event center or another
5 similar use.

6 ~~4.~~ 5. "Verified violation" means a finding of guilt or civil
7 responsibility for violating any state law or local ordinance relating to
8 a purpose prescribed in subsection B, D, F or K of this section that has
9 been finally adjudicated.

10 Sec. 5. Title 11, chapter 6, article 1, Arizona Revised Statutes,
11 is amended by adding section 11-810.01, to read:

12 11-810.01. Accessory dwelling units; regulation;
13 applicability; definitions

14 A. A COUNTY SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL
15 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED BOTH OF THE FOLLOWING:

16 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT
17 AS A PERMITTED USE.

18 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS
19 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE. THE
20 COUNTY MAY REQUIRE AT LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR
21 PARCEL TO BE A RESTRICTED-AFFORDABLE DWELLING UNIT.

22 B. A COUNTY SHALL ALLOW EACH ACCESSORY DWELLING UNIT DEVELOPED
23 PURSUANT TO THIS SECTION TO BE AT LEAST SEVENTY-FIVE PERCENT OF THE GROSS
24 FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL OR ONE
25 THOUSAND SQUARE FEET, WHICHEVER IS LESS. THIS SUBSECTION DOES NOT
26 PROHIBIT A COUNTY FROM ALLOWING AN ACCESSORY DWELLING UNIT THAT IS LARGER
27 THAN THE SIZE OF AN ACCESSORY DWELLING UNIT THAT IS ALLOWED PURSUANT TO
28 THIS SUBSECTION.

29 C. A COUNTY MAY NOT DO ANY OF THE FOLLOWING:

30 1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY
31 DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL
32 AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

33 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING
34 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND
35 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR
36 PARCEL.

37 3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
38 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
39 OF ADDITIONAL PARKING.

40 4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR
41 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING
42 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

43 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
44 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING

1 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
2 FRONTAGE.

3 6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE
4 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

5 7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF
6 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR
7 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION
8 OF THE ACCESSORY DWELLING UNIT.

9 8. EXCEPT AS PROVIDED IN SUBSECTION A, PARAGRAPH 2 OF THIS SECTION,
10 REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING UNIT ON A
11 LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY DWELLING.

12 D. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS OR SHARED
13 WELL AGREEMENTS AS PROVIDED BY STATE LAW CONCERNING ACCESSORY DWELLING
14 UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE COUNTY MAY NOT CONDITION
15 A PERMIT OR LICENSE OR THE USE OF AN ACCESSORY DWELLING UNIT ON ADOPTING
16 OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN PRIVATE PARTIES.

17 E. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
18 CODES, SENSITIVE ENVIRONMENTAL AREA REGULATIONS, WILDFIRE PREVENTION
19 REGULATIONS, EMERGENCY VEHICLE ACCESS REGULATIONS, DRAINAGE AND FLOOD
20 CONTROL REGULATIONS OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A
21 COUNTY MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A
22 COMMERCIAL BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

23 F. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
24 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
25 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC
26 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE
27 FUTURE.

28 G. IF A COUNTY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS REQUIRED
29 BY THIS SECTION ON OR BEFORE JANUARY 1, 2026, ACCESSORY DWELLING UNITS
30 SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN THE
31 COUNTY WITHOUT LIMITS.

32 H. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
33 ON:

34 1. TRIBAL LAND.

35 2. LAND THAT IS IN THE TERRITORY IN THE VICINITY OF A MILITARY
36 AIRPORT OR ANCILLARY MILITARY FACILITY OR PROPERTY THAT IS IN A HIGH NOISE
37 OR ACCIDENT POTENTIAL ZONE AS DEFINED IN SECTION 28-8461.

38 3. LAND THAT IS IN THE TERRITORY IN THE VICINITY OF A FEDERAL
39 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT OR A GENERAL
40 AVIATION AIRPORT OR LAND THAT IS IN THE TERRITORY IN THE VICINITY OF A
41 PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486 AND THAT HAS A NOISE LEVEL OF
42 GREATER THAN SIXTY-FIVE DECIBELS.

43 I. IF A NEW ACCESSORY DWELLING UNIT WILL NOT BE CONNECTED TO A
44 SEWER SYSTEM OR IF THE SEWER SYSTEM LACKS CAPACITY TO SERVE THE NEW
45 ACCESSORY DWELLING UNIT, A COUNTY MAY REQUIRE THAT ANY SEPTIC SYSTEM THAT

1 WILL BE USED TO SERVE THE ACCESSORY DWELLING UNIT BE ADEQUATELY SIZED
2 BEFORE THE CONSTRUCTION OF THE ACCESSORY DWELLING UNIT.

3 J. FOR THE PURPOSES OF THIS SECTION:

4 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
5 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
6 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
7 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
8 FACILITIES.

9 2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A
10 SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

11 3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A
12 LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

13 4. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
14 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
15 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
16 ZONING ACTION TO DETERMINE THAT A SITE PLAN CONFORMS WITH APPLICABLE
17 ZONING REGULATIONS.

18 5. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT
19 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH
20 THE COUNTY, IS RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY PERCENT OF THE
21 AREA MEDIAN INCOME.

22 Sec. 6. Effective Date

23 Section 9-500.49, Arizona Revised Statutes, as amended by Laws 2025,
24 chapter 31, section 1 and this act, is effective from and after December
25 31, 2025.

APPROVED BY THE GOVERNOR MAY 23, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2025.



Accessory Dwelling Units Marana Town Code Text Amendment

Jane Fairall, Town Attorney

3/17/2026

Background

- In 2024, the Marana Town Council adopted Ordinance No. 2024.028, adopting development regulations for accessory dwelling units (ADUs) as required by state law
 - Allows one attached and one detached ADU as a permitted use on any single-family lot or parcel that contains a primary dwelling
 - Allows one additional ADU on lots one acre or larger as long as one of the ADUs on the lot is “restricted-affordable” (that is, rented to households earning up to 80% of area median income)
 - Subject to development standards re: size, setbacks, heights & lot coverage
- Provisions of Ordinance No. 2024.028 become effective when the population of the Town reaches 75,000 persons

Background

- In 2025, the Arizona Legislature adopted HB 2928 making amendments to the ADU bill from the previous year, necessitating corresponding changes to Town Code

Amendments to 17-6-14

- Revise definition of "restricted-affordable dwelling unit"

"Restricted-affordable dwelling unit" means a dwelling unit that, either through a deed restriction or a development agreement with the town, ~~shall be~~ is rented to households earning up to 80% of area median income.

- Update the exception for land in the vicinity of a public airport

Exceptions. The provisions of this section do not apply to any single-family lot or parcel located on any of the following:

5. Land in the vicinity of a public airport as defined in A.R.S. § 28-8486 that has a noise level of greater than 65 decibels.

Amendments to 17-6-14

- Clarify the effective date for mandating owner-occupancy for ADUs used as short-term rentals

Short-term rental. An accessory dwelling unit that was issued a certificate of occupancy, certificate of completion, or similar final approval by the town on or after September 14, 2024 may be used for short-term rental only if and while the owner resides on the property that contains the accessory dwelling unit.

Amendment to Chapter 9-14

- Corresponding change to Town Code Chapter 9-14 which addresses business licenses for Short-Term and Vacation Rentals
 - An accessory dwelling unit constructed that was issued a certificate of occupancy, certificate of completion, or similar final approval by the town on or after September 14, 2024 may be used as a short-term rental only if and while an owner resides on the property that contains the accessory dwelling unit. For purposes of this paragraph “accessory dwelling unit” has the same meaning as prescribed in A.R.S. § 9-461.18.

Staff Recommendation

Staff recommends approval of the Ordinance.