

SHORT-TERM VACATION RENTALS ENFORCEMENT ORDINANCE



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Sedona City Code Title 5 Business Licenses and Regulations, Chapter 5.25: Enforcement of Restrictions on Residential Short-Term Vacation Rentals. This chapter shall be known as the City of Sedona Short-Term Vacation Rental Enforcement Chapter. [Ord. 2008-01, 1-22-08. Code 2006 § 8-4-1].

5.25.020 Findings and purpose.

A. The city of Sedona is committed to maintaining its small-town character, scenic beauty and natural resources that are the foundation of its economic strength and quality of life. (Sedona Community Plan, Section 9.2, Recommendations Goal 1.0.) The rental of private homes for temporary occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and density in single-family residential neighborhoods. The number of occupants occupying such temporary rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety problems, and as such may constitute threats to the health and safety of neighbors and nearby properties. The purpose of this chapter is to safeguard the peace, safety and general welfare of the residents of Sedona and their visitors and guests by eliminating noise, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, diminution of neighborhood character, and other secondary effects that have become associated with the illegal short-term rental of single-family dwellings. These regulations are necessary to protect the integrity and small-town character of the city's residential neighborhoods.

B. Since its adoption in 1995, the Sedona Land Development Code has prohibited the rental of any single-family dwelling in residential areas for less than 30 days. Since that time, the short-term vacation rental market nationwide has expanded with the use of professional brokers and Internet listing services. This proliferation requires an expansion of enforcement mechanisms to deter parties who facilitate and solicit this illegal activity. Because there are numerous homeowners, real estate offices, brokers, and other agencies that actively promote short-term rentals to potential Sedona visitors through the Internet and other forms of advertisement, it is necessary to prohibit the promotion and advertisement of short-term vacation rentals for periods of less than 30 consecutive days.

C. Therefore, in an attempt to further promote the aims and goals of the current ban on short-term residential rentals, the city does hereby adopt the following provisions in an attempt to enhance the ability to enforce current prohibitions against short-term rentals in residential neighborhoods. [Ord. 2008-01, 1-22-08. Code 2006 § 8-4-2].

5.25.030 Definitions.

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

"Advertise" or "advertisement" means any written or oral publication, dissemination, solicitation or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the rental of a single-family dwelling in violation of this chapter or the applicable provisions of the Sedona Land Development Code. This definition includes but is not limited to mailings, print advertisements, Internet listings, e-mail publications or other oral, printed or electronic means.

"Enterprise" means any corporation, association, firm, partnership, LLC, or other legal entity.

Facilitate. A person or enterprise "facilitates" if, acting with knowledge that an operator, managing agency or rental agent is committing or intends to commit the offense of renting a single-family dwelling in violation of this chapter, the person or enterprise knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.

"Managing agency" or "rental agent" means a person, enterprise or agency representing the owner of the short-term vacation rental, or a person, enterprise or agency owning more than one short-term vacation rental.

"Operator" means the person or enterprise who is owner or proprietor of a short-term vacation rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other capacity. Where the operator

performs his functions through a managing agency of any type or character, or where the operator performs his or her functions through a rental agent, the managing agency or the rental agent has the same duties as its principal.

“Person” means an individual or a group of individuals.

“Remuneration” means compensation, money, or other consideration given in return for occupancy, possession or use of real property.

“Rent” means the consideration or remuneration charged whether or not received, for the occupancy of space in a short-term vacation rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property or services of any kind. Rent may include consideration or remuneration received pursuant to an option to purchase whereby a person is given a right to possess the property for a term of less than 30 consecutive days.

“Rental” means an arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.

“Short-term vacation unit” means any structure or any portion of any structure that is rented to a transient for less than 30 consecutive days in a residential zoning district or a planned residential development district as contemplated in the Sedona Land Development Code, including detached single-family dwellings, condominiums, duplexes, townhomes and multiple-family dwellings.

Solicit. A person or enterprise “solicits” if, with the intent to promote or facilitate the short-term rental of a short-term vacation unit in violation of this chapter, such person or enterprise commands, encourages, requests or solicits another person to engage in conduct which would constitute a violation of this chapter.

“Transient” means any person who, at his own expense or at the expense of another, exercises occupancy or possession or is entitled to occupancy or possession by reason of any rental agreement, concession, permit, right of access, option to purchase, license, time-sharing arrangement, or any other type of agreement for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days. [Ord. 2008-01, 1-22-08. Code 2006 § 8-4-3].

5.25.040 Prohibited rental duration.

Rental of a short-term vacation unit or units by a person, operator, managing agency or rental agent for less than 30 consecutive days in duration to any transient within any residential zoning district or planned residential development district in violation of the Sedona Land Development Code is prohibited. [Ord. 2008-01, 1-22-08. Code 2006 § 8-4-4].

5.25.050 Advertisement of illegal short-term rentals prohibited.

It is class 1 misdemeanor for any person, enterprise, managing agency or rental agent to advertise, solicit or facilitate the rental for less than 30 consecutive days of a short-term vacation unit located within residential districts where such short-term rentals are prohibited by the Sedona Land Development Code. Such activity is prohibited, whether by mailings, print advertisements, Internet listings, or other means. [Ord. 2008-01, 1-22-08. Code 2006 § 8-4-5].

5.25.060 Violations and penalties.

Violations of this chapter shall constitute a class 1 misdemeanor, and upon conviction, shall be punished by a fine not to exceed \$2,500 plus applicable surcharges or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that any violation continues shall be a separate offense punishable as described herein. In the alternative, an action may be commenced as a civil violation. [Ord. 2008-01, 1-22-08. Code 2006 § 8-4-6].