

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE CHAPTER 5.25 (SHORT-TERM RENTAL REGULATION) CONCERNING REGULATING SHORT-TERM RENTALS; PROVIDING FOR PENALTIES, A SAVINGS CLAUSE, AND FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS local governments may regulate short term rentals except as limited by Arizona Revised Statutes (“A.R.S.”) § 9-500.39;

WHEREAS the City deems it necessary to adopt certain regulations regarding the use of property as a short-term rental to protect the health, safety, and welfare of the City residents and to preserve its housing stock, and maintain the quality and character of residential neighborhoods;

WHEREAS the City will require all vacation rentals to obtain and maintain a valid City Short-Term Rental Permit, pay permitting fees, provide an emergency point of contact to respond to compliance and emergencies in a timely manner, maintain insurance, provide neighbor notification, and disclose certain information about the vacation rental in each advertisement; and

WHEREAS the City deems it necessary to establish penalties and fines that apply to vacation rentals.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:

Section 1. Amendment of Chapter 5.25 (Short-Term Rental Regulation)

Chapter 5.25 (Short-Term Rental Regulation) of the City Code of the City of Sedona is hereby amended by incorporating by reference those changes set forth in that public record entitled “*2022 Amendments to Sedona City Code Chapter 5.25 (Short-Term Rental Regulation)*” and established as a public record by Resolution No. 2022-36 as though said provisions are fully set forth herein.

Section 2. Penalties

A. Causing, permitting, facilitating, aiding, or abetting any violation of any provision of this ordinance, or failure to comply with this ordinance, is punishable as a misdemeanor, and shall also constitute a civil offense as set forth in SCC 1.15.010. Any person who admits, or is found responsible, for a civil offense pursuant to this ordinance shall be subject to a penalty in the minimum amount of \$500.

B. Verified Violation Penalties. In addition to any other penalty imposed pursuant to the city code, and notwithstanding any other law, the city may impose a civil penalty of the following amounts against an owner if the owner or owner’s designee causes, allows, facilitates, aides, or abets a verified violation of any provision of this ordinance or fails to perform any act or duty required by this chapter, related to the same short-term rental property within the same twelve-month period:

1. Up to \$500 or up to an amount equal to one night’s rent for the short-term rental as

advertised, whichever is greater, for the first violation.

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

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

If multiple violations arise out of the same response to an incident at a short-term rental, those violations are considered one violation for the purpose of assessing civil penalties pursuant to this subsection.

C. In addition to any penalty imposed pursuant to this ordinance, the city may impose a civil penalty of up to \$1,000 per month against the owner or owner's designee if the owner or owner's designee fails to apply for a short-term rental permit within 30 days of receiving written notice of such requirement. Representations or advertisements including online listings that reference the short-term rental property, house or dwelling unit location within the city is prima facie evidence that a short-term rental is operating in the city.

D. In addition to any other penalty pursuant to the City Code, an owner or owner's designee shall be subject to civil penalties of up to \$1,000 for every 30 days the owner or owner's designee fails to provide emergency point of contact information to the city as required per Section 5.25.40 of this ordinance. Before imposing the initial civil penalty, the City shall provide 30 days' notice to the owner or owner's designee by emailing a notice of violation to the email address that was provided to the city.

E. A civil penalty assessed pursuant to this ordinance shall be due within thirty (30) days of the initial notice sent to the owner or owner's designee. For purposes of this ordinance, notice may be served on the owner or owner's designee per SCC Section 1.15.010.D.2.e. or by email. Service of the notice will be deemed complete upon posting of and mailing to the address of the short-term rental or emergency point of contact, email, or receipt of personal service on the owner or owner's designee.

F. Permit Denial. The city may deny issuance of a new short-term rental permit or renewal permit for any of the following reasons:

1. Failure to provide the information required under subsection B;

2. Failure to pay the permit fee required under subsection C;

3. The applicant provides false information;

4. The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; or (iii) has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; or

5. At the time of application, the owner has a suspended permit for the same short-term rental or any of the following applies: (a) one violation at the short-term rental that resulted in or constituted any of the offenses described in Sec. 5.25.110.A.2.; or (b) three violations of this ordinance at a short-term rental within a twelve (12) month period, not including an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

G. Permit suspensions. The Short-Term Rental Specialist shall suspend a short-term rental permit for up to twelve (12) months for any of the following reasons:

1. Three verified violations of this ordinance within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

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

(a) A felony offense committed at or in the vicinity of a short-term rental by the owner of the short-term rental or by the owner's designee;

(b) A serious physical injury or wrongful death at or related to a short-term rental resulting from the knowing, intentional or reckless conduct of the owner or the

owner's designee;

(c) The owner or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or

(d) The owner or the owner's designee knowingly or intentionally allowing the use of a short-term rental for a special event that would otherwise require a permit or license pursuant to the city code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

H. Any attempted or completed felony act, arising from the occupancy or use of a short-term rental that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a short-term rental for a period that shall not exceed twelve (12) months.

Section 3. Savings Clause

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, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

Section 5. Effective Date


The effective date of this Ordinance shall be January 15, 2023.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 22nd day of November, 2022.



Sandra J. Moriarty, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney