

MARANA ORDINANCE NO. 2023.009

RELATING TO BUSINESS REGULATIONS; ADOPTING REVISIONS TO TITLE 9 "BUSINESS REGULATIONS" OF THE MARANA TOWN CODE, INCLUDING DELETING SECTION 9-2-4 (VACATION RENTAL OR SHORT-TERM RENTAL CONTACT INFORMATION) AND ADDING NEW CHAPTER 9-14 "SHORT-TERM AND VACATION RENTALS"; AND OTHER VARIOUS REVISIONS TO TITLE 9 OF THE MARANA TOWN CODE; AND DESIGNATING AN EFFECTIVE DATE

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

WHEREAS a central and significant goal for the Town of Marana is to protect the health, safety, and welfare of the Town's residents, while preserving its housing stock, and maintaining the quality and character of residential neighborhoods; and

WHEREAS the Marana Town Council deems it necessary to adopt certain regulations regarding the use of property as short-term and vacation rentals to protect the health, safety, and welfare of the Town's residents.

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

SECTION 1. The revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals", and other various revisions to Title 9, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, which were made a public record by and attached as Exhibit A to Resolution No. 2023-029 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

SECTION 2. The following penalty clauses are included in Marana Town Code chapter 9-14 "Short-Term and Vacation Rentals" as adopted pursuant to this ordinance:

9-14-18 Civil violations and penalties

- A. The remedies in this chapter are cumulative and the town may proceed under one or more remedies.

- B. No person shall operate, offer for rent, rent, occupy, or use a short-term rental in violation of any provision of this chapter or other applicable law, rule, or regulation.
- C. The owner shall be subject to the suspensions, civil violations, and penalties set forth in this chapter for the owner's designee's violation of any provision of this chapter or failure to perform any act or duty required by this chapter.
- D. Any person who violates a provision of this chapter will be subject to a civil code violation case in accordance with chapter 5-7 of this code.
- E. In addition to any other penalty pursuant to the town code, and notwithstanding any other law, the town may impose civil penalties of the following amounts against an owner if the owner causes, allows, facilitates, aides, or abets in the commission of a verified violation or fails to perform any act or duty required by this chapter, related to the same vacation rental property within the same 12-month period. If multiple violations arise out of the same response to an incident at a vacation rental, those violations are considered one violation for the purpose of assessing civil penalties.
1. Up to \$500 or up to an amount equal to one night's rent for the vacation 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 vacation 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 vacation rental as advertised, whichever is greater, for a third and any subsequent violation.
- F. In addition to any other penalty, any property that operates as a vacation rental and fails to apply for a vacation rental license in accordance with this chapter within 30 days of the application process being made available by the town, must cease operations immediately. In addition to any fines imposed pursuant paragraph E above, the town may impose a civil penalty of up to \$1,000 per month against the owner if the owner or owner's designee fails to apply for a license within 30 days of receiving written notice from the town of the failure to comply.
- G. In addition to any other penalty, the town may impose a civil penalty of up to \$1,000 for every 30 days the owner fails to provide contact information for an emergency point of contact to the town as required by this chapter. Before imposing the initial civil penalty, the town shall provide 30 days' notice to the owner by emailing a notice of violation to the owner's email address that was provided to the town. Notwithstanding the date of the notice of violation, the date for calculating the penalties shall be the first day the vacation rental is occupied following the owner's failure to provide the information to the town.

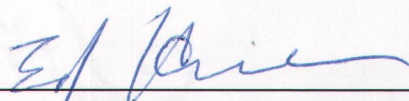
SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

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 4th day of April, 2023.



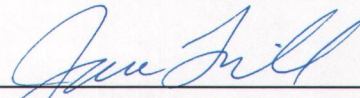
Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

