

# CITY COUNCIL REPORT



Meeting Date: *August 22, 2023*  
 Charter Provision: *Provide for the orderly government and administration of the affairs of the city*  
 Objective: *Enact Local Legislation*

## **ACTION**

**Vacation Rental Ordinance Amendment.** Adopt Ordinance No. 4609 amending Article IX, Section 18-175 of Chapter 18 of the Scottsdale Revised Code relating to Additional Health and Public Safety Regulations.

## **BACKGROUND, ANALYSIS AND ASSESSMENT**

This amendment fixes a cross-reference in S.R.C. 18-175(g) relating to pool barrier requirements. When the ordinance was adopted in October 2022, it referred to the correct reference in Chapter 31 of the Scottsdale Revised Code. However, a subsequent change in December 2022 to Chapter 31 renumbered the sections, making the reference in Chapter 18 outdated.

Ordinance No. 4609 corrects this outdated reference by referring to the "current barrier requirements applicable to residences in Scottsdale Revised Code Chapter 31." In addition, since the effective date for compliance with the barrier requirements passed as of May 2023, the language that stated that "owners of vacation rentals or short-term rentals shall have six months from the effective date of this article to come into compliance with this subsection." will be removed by this amendment.

The proposed amendment also is being worded so that future changes to Chapter 31 will not impact the Chapter 18 ordinance governing vacation/short term rental regulation. Staff has and will continue to seek compliance with the pool barrier requirements in City Code, not making this change could limit progressive enforcement efforts.

## **STAFF CONTACT**

Brent Stockwell, Assistant City Manager, [BStockwell@ScottsdaleAZ.Gov](mailto:BStockwell@ScottsdaleAZ.Gov)

## **APPROVED BY**

  
 \_\_\_\_\_  
 Jim Thompson, City Manager  
 (480) 312-7288, [BStockwell@ScottsdaleAZ.Gov](mailto:BStockwell@ScottsdaleAZ.Gov)

8-2-23  
 \_\_\_\_\_  
 Date

## **ATTACHMENTS**

1. Ordinance No.4609

Action Taken Approved on Consent

ORDINANCE NO. 4609

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE,  
AMENDING ARTICLE IX, SECTION 18-175 OF CHAPTER 18 OF THE  
SCOTTSDALE REVISED CODE RELATING TO ADDITIONAL HEALTH AND  
PUBLIC SAFETY REGULATIONS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Chapter 18, Article IX, Section 18-175 of the Scottsdale Revised Code is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough:

**Sec. 18-175. Additional Health and Public Safety Regulations.**

- (a) The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as vacation rentals and short-term rentals create unique public health and safety issues.
- (b) No person owning or operating a vacation rental or short-term rental shall:
- (1) leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in section 24-17.
- (2) collection containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curblineline on the day of collection.
- (c) Any person owning or operating a vacation rental or short-term rental shall ensure that every vacation rental or short-term rental has working smoke alarms, which may require the installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (NFPA) 72.
- (d) The owner or owner's designee of a vacation rental or short-term rental shall provide and prominently display a map of the floor plan of the property showing the following information: safe routes of egress in the event of a fire or other emergency; the location of fire detection and suppression equipment; and any additional information relevant to such emergency preparedness measures. Such maps shall include the full property address, emergency information (911), and owner/emergency contact information.
- (e) The owner or owner's designee of a vacation rental or short-term rental shall have the property cleaned between stays. It shall be a defense to any prosecution of this subsection that the owner or owner's designee followed the cleaning standards outlined in the Maricopa County Environmental Health Code, Chapter 10, Section 2 relating to Transient Dwelling Establishments.

(f) The owner or owner's designee of a vacation rental or short-term rental shall ensure that the property receives regular (at least bi-monthly) pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests where such infestation threatens the health, safety, or welfare of a person or persons.

(g) The owner of a vacation rental or short-term rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the ~~current~~ barrier requirements outlined ~~applicable to residences~~ in Scottsdale Revised Code Chapter 31. ~~§ 31-68, AG105, Barrier Requirements. Owners of vacation rentals or short-term rentals shall have six months from the effective date of this article to come into compliance with this subsection.~~

(h) The following notice must be completed in 14-point or larger bold font, on a laminated or otherwise similarly shielded paper, and prominently displayed on the inside of the front door and the primary door to the backyard or a conspicuous location near each such door. The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the City of Scottsdale nuisance waste disposal regulations.

**NOTICE**

**USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:**

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances or pornography; or
6. Operating any adult-oriented business including nude and topless dancing; or
7. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
8. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unruly gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by any minor, or where illegal drugs are in the possession of, or consumed by, any person.
9. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Appendix B, Sec. 3.100 of the Scottsdale Zoning Ordinance.
10. None of the following may occur where such acts may reasonably be viewed by the public whether at ground level or from a reasonable vantage point of a nearby property, such as a deck or balcony:
  - a. Urination or defecation;
  - b. Nudity; or
  - c. Sexual acts.

**UNLESS THE CITY EXPRESSLY PERMITS SUCH A USE IN WRITING, USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:**

Use for any nonresidential use, including:

1. For a special event that would otherwise require a permit or license pursuant to city ordinance, or a state law or rule; or
2. Operating a retail business, restaurant, event center, banquet space, or similar use.

Your local contact person's name is \_\_\_\_\_ and can be reached by phone 24 hours a day, seven days a week, at \_\_\_\_-\_\_\_\_-\_\_\_\_.  
City of Scottsdale Vacation Rental License # \_\_\_\_\_.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_ day of \_\_\_\_\_ 2023.

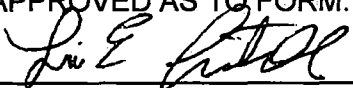
ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

\_\_\_\_\_  
Ben Lane  
City Clerk

\_\_\_\_\_  
David D. Ortega  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sherry R. Scott, City Attorney  
By: Luis E. Santaella  
Deputy City Attorney