

**CITY OF LITCHFIELD PARK  
ORDINANCE NO. 21-254**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF LITCHFIELD PARK, ARIZONA, DECLARING THE DOCUMENT ENTITLED "CITY OF LITCHFIELD PARK SHORT-TERM VACATION RENTAL ORDINANCE" DATED JANUARY 19, 2022 A PUBLIC RECORD; AMENDING THE CITY CODE OF THE CITY OF LITCHFIELD PARK, ARIZONA, CHAPTER 8 BUSINESS REGULATIONS, BY ADOPTING THE "CITY OF LITCHFIELD PARK, ARIZONA, SHORT-TERM VACATION RENTAL ORDINANCE" DATED JANUARY 19, 2022 BY REFERENCE AS THE SHORT TERM VACATION RENTAL ORDINANCE OF THE CITY, INCLUDING NEW ARTICLE 8-8 SHORT-TERM VACATION RENTALS, SECTIONS 8-8-1 DEFINITIONS, 8-8-2 VACATION RENTAL REGISTRATION REQUIRED, 8-8-3 VACATION RENTAL; VIOLATIONS, 8-8-4 ENHANCED PENALTIES, 8-8-5 VERIFIED VIOLATION NOTIFICATION TO THE ARIZONA DEPARTMENT OF REVENUE - ALL RELATED TO THE REGULATION OF SHORT-TERM VACATION RENTALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.**

**WHEREAS**, the City of Litchfield Park (the "City") is authorized to enact and enforce regulations and requirements for short-term vacation rentals that are not otherwise prohibited by law; and

**WHEREAS**, the City is authorized to regulate short-term vacation rentals pursuant to applicable law, including Arizona Revised Statutes A.R.S. § 9-500.39; and

**WHEREAS**, the City Council recognizes that short-term vacation rentals create opportunities for economic development and can provide a variety of vacation rental properties that can increase tourism; and

**WHEREAS**, the City Council seeks to protect public health, safety and welfare, including, but not limited to ordinances related to noise, property maintenance, fire and building codes, transportation and other nuisance issues; and

**WHEREAS**, it is in the best interest of the City and its citizens to adopt the amendment to the Business Regulations Code, adding a new Article 8-8, Short-Term Vacation Rentals as set forth in that certain public record entitled "City of Litchfield Park, Arizona, Short-Term Vacation Rental Ordinance," dated January 19, 2022.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Litchfield Park, Arizona, as follows:

Section 1. That document entitled “City of Litchfield Park, Arizona, Short-Term Vacation Rental Ordinance,” dated January 19, 2022, three (3) copies of which are on file in the office of the City Clerk of the City of Litchfield Park, Arizona, is hereby declared to be a public record.

Section 2. The City Code of the City of Litchfield Park, Arizona, Chapter 8 – Business Regulations, is hereby amended to include a new Article 8-8 – Short-Term Vacation Rentals, as set forth in that certain document entitled “City of Litchfield Park, Arizona, Short-Term Vacation Rental Ordinance,” dated January 19, 2022, which document is a public record and incorporated herein by reference.

Section 3. Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the City Code adopted herein by reference are hereby repealed.

Section 4. Providing for Severability. 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, such decision shall not affect the validity of remaining sections.

Section 5. Providing for Penalties.

A. The remedies herein are cumulative, and the City may proceed under one or more such remedies.

B. Any vacation rental owner agent, renter, who causes, permits, facilitates, aides, or abets any violation of any provision of this Article or who fails to perform any act or duty required by the Article is subject to a civil sanction as follows:

- 1) First offense, \$500.
- 2) Second offense on the property within twelve-month period, \$1,000 per offense.
- 3) Third and subsequent offense within twelve-month period, \$1,500 per offense.

C. Notwithstanding any other provisions of the Code, the vacation rental owner, agent, renter, who causes, permits, facilitates, aides or abets the use of the vacation rental in violation of any provision of the Code is subject to a civil sanction as set forth in Subsection B of this Section.

D. After having been found responsible for committing three (3) or more civil violations of this Article within any twenty-four (24) month period, a person is deemed a habitual offender and any habitual offender who causes, permits, facilitates, aides, or abets any violation of any provision of this Article or who fails to perform any act or duty required by this Article is guilty of a Class 1 misdemeanor and shall be punished by a fine of not less than \$500 nor more than \$2,500, exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six (6) months.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Litchfield Park, Arizona, this 19<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Thomas L. Schoaf, Mayor

**ATTEST:**

\_\_\_\_\_  
Terri Roth, MMC, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gust Rosenfeld PLC, City Attorney  
By: Joseph D. Estes

I, TERRI ROTH, MMC, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 21-253 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LITCHFIELD PARK ON THE 19<sup>th</sup> DAY OF JANUARY, 2022, WAS POSTED IN THREE PLACES ON THE 20<sup>th</sup> DAY OF JANUARY, 2022.

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Terri Roth, MMC, City Clerk

**CITY OF LITCHFIELD PARK  
SHORT-TERM VACATION RENTAL ORDINANCE  
DATED JANUARY 19, 2022**

**ARTICLE 8-8 SHORT-TERM VACATION RENTALS**

- 8-8-1** Definitions
- 8-8-2** Vacation Rental Registration Required
- 8-8-3** Vacation Rental; Violations
- 8-8-4** Enhanced Penalties
- 8-8-5** Verified Violation Notification to the Arizona Department of Revenue

**Section 8-8-1 Definitions**

In this Article, unless the context otherwise requires:

- A. "Online lodging marketplace" means "online lodging marketplace" as defined in A.R.S. § 42-5076.
- B. "Online lodging operator" means "online lodging operator" as defined in A.R.S. § 42-5076.
- C. "Nonresidential use" means any use that is prohibited in a residentially zoned district.
- D. "Short-term rental" means "vacation rental" as defined in A.R.S. § 9-500.39. Vacation rental does not include residential leases with a lease term of 31 days or longer.
- E. "Vacation rental" means short-term rental.
- F. "Verified violation" means a finally adjudicated finding of guilt or civil responsibility for violating any State law or local ordinance relating to use of the property for short-term rental purpose.

**Section 8-8-2 Vacation Rental Registration Required**

- A. The owner of vacation rental must register with the City of Litchfield Park on a form or platform specified by the City of Litchfield Park.
- B. Vacation rental registration must include the following information about the vacation rental:
  - 1) Name of the property owner. If the property owner is a business entity, the name of the statutory agent.
  - 2) Address of the vacation rental.

- 3) Phone number, address and email address of the property owner or property owner's agent who has the authority and responsibility to respond to complaints in person, over the phone, or by email at any time of the day.
- C. The City will provide a vacation rental registration number for each vacation rental registered by the property owner.
  - D. If there is a change in the information required in Subsection B, the owner of vacation rental must complete a new vacation rental registration within 10 days.
  - E. The owner of vacation rental must display the phone number and email address of the property owner or property owner's agent who has authority and responsibility to respond to complaints in person, over the phone, by email, or text any time of the day. The information required under this paragraph must be displayed in a conspicuous place within 10 feet of the primary entrance inside of the vacation rental.

**Section 8-8-3 Vacation Rental; Violations**

- A. Renting, or offering for rent, a vacation rental for uses contained in Subsection C of this Section is prohibited.
- B. An online lodging operator shall provide the following statement in its offer to rent a vacation rental on any chosen online lodging marketplace: "This property cannot be used for purposes identified in the City of Litchfield Park Code Section 8-8-3. The City of Litchfield Park short-term rental registration number for this property is \_\_\_\_\_."
- C. Failure to post the following notice in a conspicuous place in the vacation rental:  
NOTICE: Using this property for the following purposes are prohibited:
  - 1) Any nonresidential use;
  - 2) Holding a special event that requires a permit or license pursuant to a city ordinance, state law or rule;
  - 3) Operating a retail business, restaurant, event center, banquet hall, or similar use;
  - 4) Housing sex offenders;
  - 5) Operating or maintaining a sober living home;
  - 6) Selling liquor, illegal drugs or pornography;
  - 7) Operating a nude or topless dancing business;
  - 8) Obscenity;
  - 9) Adult-oriented business; or
  - 10) Other uses prohibited by A.R.S. § 9-500.39
- D. Renting or offering for rent, a vacation rental without complying with the registration requirement in Section 8-8-2 is prohibited.

- E. When requested by a police officer, the owner or owner's agent whose name appears on the vacation rental registration must be on the vacation rental premise, or be available over the phone or text, within 60 minutes after receiving the request. Failure for the owner or owner's agent to be on the vacation rental premise, or be available on the phone or text, within 60 minutes after receiving this request by the police officer is a violation of this Article.
- F. For purposes of this section, the online lodging marketplace is not responsible for any violation committed by an online lodging operator that advertises on the online lodging marketplace's platform.

**Section 8-8-4 Enhanced Penalties**

- A. The remedies herein are cumulative, and the City may proceed under one or more such remedies.
- B. Any vacation rental owner agent, renter, who causes, permits, facilitates, aides, or abets any violation of any provision of this Article or who fails to perform any act or duty required by the Article is subject to a civil sanction as follows:
  - 1) First offense, \$500.
  - 2) Second offense on the property within twenty-four-month period, \$1,000 per offense.
  - 3) Third and subsequent offense within twenty-four-month period, \$1,500 per offense.
- C. Notwithstanding any other provisions of the Code, the vacation rental owner, agent, renter, who causes, permits, facilitates, aides or abets the use of the vacation rental in violation of any provision of the Code is subject to a civil sanction as set forth in Subsection B of this Section.
- D. After having been found responsible for committing three (3) or more civil violations of this Article within any twenty-four (24) month period, a person is deemed a habitual offender and any habitual offender who causes, permits, facilitates, aides, or abets any violation of any provision of this Article or who fails to perform any act or duty required by this Article is guilty of a Class 1 misdemeanor and shall be punished by a fine of not less than \$500 nor more than \$2,500, exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six (6) months..
- E. Notwithstanding any provision in the Article, a vacation rental owner is not liable for any violation of this Article if the vacation rental owner: 1) identified on the vacation rental registry an online lodging operator who will be responsible for complying with all applicable requirements of the City Code; and 2) submitted to the City a signed agreement with an online lodging operator

who will be responsible for complying with all applicable requirements of the Ordinance. The online lodging operator who signs the agreement will be liable for any violation relating to any violation of this Article.

**Section 8-8-5 Verified Violation Notification to the Arizona Department of Revenue**

- A. Within thirty (30) days after a verified violation, and if required by law, the City will notify the Arizona Department of Revenue and the owner of the vacation rental of the verified violation.
- B. The notification provided pursuant to Section A will include the amount of civil penalty assessed against the owner of the vacation rental and any other information required by law.