

**LEGAL NOTICE
TOWN OF JEROME, ARIZONA**

NOTICE IS HEREBY GIVEN that the following ordinance was finally adopted by the Town Council of the Town of Jerome, Arizona.

Candace B. Gallagher
Town Manager/Clerk

ORDINANCE NO. 405 – ADOPTED OCTOBER 15, 2013

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTIONS 201, 504, 505, 506, 507, 508 AND 512 OF THE JEROME ZONING ORDINANCE TO ADD DEFINITIONS FOR “VACATION RENTAL” AND “TRANSIENT,” ADD “VACATION RENTAL” AS A CONDITIONAL USE IN THE AR, R1-10, R1-5, R-2, C-1 AND I-1 ZONES; ADD VACATION RENTALS TO THE SCHEDULE OF REQUIRED OFF-STREET PARKING; ADD TO THE JEROME ZONING ORDINANCE A NEW SECTION 513, “VACATION RENTALS,” AND ADD A NEW ARTICLE 8-6 TO THE JEROME TOWN CODE REGARDING NONCONFORMING VACATION RENTALS.

WHEREAS, the Mayor and Common Council of the Town of Jerome find it in the best interest of the health, safety, and habitability of the Town to amend the Zoning Ordinance of the Town of Jerome to adopt definitions and regulations related to the use of Vacation Rentals within the Town of Jerome, and

WHEREAS, the Zoning Administrator has presented to the Town Council and the Planning and Zoning Commission, and has filed with the Town Clerk, a document detailing the factual justification for these amendments, which document is attached hereto as “Exhibit A”; and

WHEREAS, the Mayor and Council desire to amend the Town of Jerome Zoning Ordinance by defining “Transient” and “Vacation Rentals,” adding Vacation Rentals as a conditional use in the AR, R1-10, R1-5, R-2, C-1 and I-1 zones, adding a new section 513 to establish certain restrictions and conditions for their operation, amending Section 512 (D) to add Vacation Rentals to the Schedule of Required Off-Street Parking Spaces, and adding new Article 8-6 to the Jerome Town Code regarding Nonconforming Vacation Rentals; and

WHEREAS, the Town of Jerome acknowledges that Vacation Rentals that are legally established as nonconforming uses in the Town of Jerome pursuant to Section 501 of the Jerome Zoning Ordinance prior to the adoption of this ordinance may continue to be used, subject to Section 501.C of the Jerome Zoning Ordinance and subject to the provisions of a new Article 8-6 of the Jerome Town Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, as follows:

Section 1. Section 201, "General," of Article II, "Definitions," of the Jerome Zoning Ordinance is hereby amended to ADD definitions of "Transient" and "Vacation Rental," as follows:

Transient – any person who, either at the person’s own expense or at the expense of another, resides in or occupies a dwelling unit for a period of less than twenty eight (28) consecutive days.

Vacation Rental - one or more single-family, detached, mixed-use or multiple-family dwelling units, or any part thereof, being utilized for the purpose of residing in or occupying such unit for transient use by any person other than the owner in exchange for any financial value.

Section 2. Paragraph C, "Conditional Uses," of Section 504, "AR Zone, Agricultural," of the Jerome Zoning Ordinance is hereby amended by the addition of new item number 12 (previously blank), "Vacation Rentals."

Section 3. Paragraph C, "Conditional Uses," of Section 505, "R1-10 Zone - Single Family Residential," of the Jerome Zoning Ordinance is hereby amended by the addition of new item number 10, "Vacation Rentals."

Section 4. Paragraph C, "Conditional Uses," of Section 506, "R1-5 Zone - Single Family Residential," of the Jerome Zoning Ordinance is hereby amended by the addition of new item number 10, "Vacation Rentals."

Section 5. Paragraph C, "Conditional Uses," of Section 507, "R-2 Zone - Multiple Family Residential," of the Jerome Zoning Ordinance is hereby amended by the addition of new item number 13, "Vacation Rentals."

Section 6. Paragraph C, "Conditional Uses," of Section 508, "C-1 Zone - General Commercial," of the Jerome Zoning Ordinance is hereby amended by the addition of new item number 14, "Vacation Rentals."

Section 7. Items "u," "v" and "w" are added to item number 1 of Paragraph D, "Schedule of Required Off-Street Parking Spaces," of Section 512, "Parking and Loading Requirements," of the Jerome Zoning Ordinance to read as follows:

- u. Vacation Rental in one-family dwelling unit – One (1) space per bedroom, but not less than two (2) spaces in total.
- v. Vacation Rental within two-family, three-family or multi-family dwelling unit – A minimum of one (1) space per bedroom unit.
- w. Vacation Rental within mixed-use building – A minimum of one (1) space per bedroom unit.

Section 8. The Jerome Zoning Ordinance is hereby amended to add NEW Section 513, "Vacation Rentals," of the Jerome Zoning Ordinance, as follows:

SECTION 513. VACATION RENTALS

A. PURPOSE

1. The purpose of this Section is to establish minimum regulations for the use of privately owned residential dwellings utilized as Vacation Rentals. It is intended to:
 - a) Minimize negative secondary impacts from the operation of Vacation Rentals, including impacts on the Town's aging and fragile water and sewer systems;
 - b) Ensure the collection and payment of transaction privilege taxes;
 - c) Ensure that Vacation Rentals meet applicable building and fire code standards in relation to health and safety;
 - d) Ensure the sustainability of available housing for residential use by the Jerome workforce;
 - e) Provide sufficient housing to serve as a primary residence for persons living in the Town in order to provide for a sufficient number of volunteers to serve on Town and community boards, commissions, councils and public service organizations; and
 - f) Protect the safety of our residents and visitors by minimizing the dangers posed to others by drivers who are unfamiliar with the Town's narrow, unpaved and inclined roadways.
2. This section is not intended to provide any owner or occupier of any property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's property for vacation rental purposes.

B. APPLICABILITY

The provisions of this section apply within the incorporated boundaries of the Town of Jerome. In addition to any other applicable requirements, regulations and standards imposed elsewhere in this Zoning Ordinance and the Town Code, all requirements, regulations and standards imposed by this section are intended to apply to Vacation Rentals located in all zones within the Town of Jerome with a conditional use permit.

C. DEFINITIONS

For purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Applicable laws, rules and regulations: Any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a Vacation Rental.

Applicant: The owner or operator of the Vacation Rental or the owner's authorized agent or representative.

Bedroom: For purposes of this section, a bedroom is a room of at least seventy (70) square feet with a primary use of sleeping.

Town Manager: That person acting in the capacity of the Town Manager of the Town of Jerome or the Town Manager's designee.

Local contact person: A local property manager, owner, or agent representing the owner or operator of a Vacation Rental who is available twenty-four (24) hours per day, seven (7) days a week for the purpose of (i) responding within thirty minutes to complaints regarding the condition or operation of the Vacation Rental, or conduct of occupants of the Vacation Rental, or non-life threatening emergencies and (ii) taking remedial action to resolve any such complaints.

Owner: The person or entity that holds legal or equitable title to the property.

Property: A legal lot of record on which a Vacation Rental is located.

Responsible Person: An occupant of a Vacation Rental who is at least twenty one (21) years of age and who is legally responsible for ensuring that all occupants of the Vacation Rental and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject Vacation Rental.

Transient: any person who, either at the person's own expense or at the expense of another, resides in or occupies a dwelling unit for a period of less than twenty eight (28) consecutive days.

Vacation Rental: one or more single-family, detached, mixed-use or multiple-family dwelling units, or any part thereof, being utilized for the purpose of residing in or occupying such unit for transient use by any person other than the owner in exchange for any financial value.

D. VACATION RENTAL PERMIT REQUIREMENTS

Except for owners of Vacation Rentals subject to Section 513.E, no owner or operator of a Vacation Rental may rent that unit without a valid Vacation Rental Conditional Use Permit (CUP) issued by the Town of Jerome Planning and Zoning Commission pursuant to Section 513. A separate CUP issued pursuant to Section 513 is required for each Vacation Rental. The Vacation Rental CUP permit requirements of this section apply to Vacation Rentals in all zones and are in addition to the requirements of Section 302 of this Zoning Code and any business registration, tax, other permit, licensing agreements, or other applicable law.

E. NONCONFORMING VACATION RENTALS

Vacation Rentals in use as of the effective date of Ordinance No. 405 of the Town of Jerome (including Vacation Rentals in a commercial or industrial district operating under a Conditional Use Permit issued prior to the effective date of said ordinance) and satisfying the requirements of Section 501.A are acknowledged to be nonconforming

uses subject to the provisions of Section 501.C and subject to Article 8-6 of the Town Code.

F. AUTHORIZED AGENT OR REPRESENTATIVE

1. An owner may retain an agent, representative, or local contact person to comply with the requirements of this Section, including, without limitation, the filing of the Conditional Use Permit application for a permit, the management of the Vacation Rental, and the compliance with the conditions of the permit. The permit shall be issued only to the owner or operator of the Vacation Rental.
2. The owner or operator of the Vacation Rental is responsible for compliance with the provisions of this Section and the failure of an agent, managing agency, local contact person, responsible person, transient or occupant to comply with this Section is non-compliance by the owner or operator.

G. APPLICATION FOR VACATION RENTAL PERMIT

No Vacation Rental Conditional Use Permit shall be issued unless the application confirms unqualified compliance with this Section. The permit shall be applied for, and the property posted, in accordance with Section 302, "Conditional Use Permits," of the Jerome Zoning Ordinance.

An application for a Vacation Rental Conditional Use Permit must be filed and approved by the Planning and Zoning Commission pursuant to Section 302 of the Zoning Code before use of the property as a Vacation Rental, and must include the following information:

1. The name, address, assessor's parcel number, email address (if available) and telephone number of the owner or operator of the Vacation Rental for which the permit will be issued.
2. The name, address, email address (if available) and telephone number of the local contact person for the Vacation Rental. Applicant shall designate both the local contact person and an alternate local contact person. This information shall be furnished by the Zoning Administrator to the Town Manager and to the Jerome Police and Fire Departments. The owner or operator shall ensure that this contact information is kept current.
3. Consent by the owner or operator to an inspection of the property by the Fire Chief, Building Official and Zoning Administrator to ensure that the property meets all requirements of the current Town of Jerome Zoning Ordinance, International Building Code and International Fire Code as adopted by the Town of Jerome.
4. The number of bedrooms, the approximate total heated square footage in the Vacation Rental, and the maximum number of overnight occupants.
5. A Site Plan showing the relation of the building and parking to lot lines, location of parking, and a floor plan showing building square footage, exits, location of bedrooms and number of beds per room. The diagram or site plan shall indicate the

number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.

6. Evidence of a valid Arizona Transaction Privilege (Sales) Tax License.
7. Acknowledgment that the owner, operator, agent, or local contact has read all regulations pertaining to the operation of a Vacation Rental.
8. Acknowledgement that the owner, operator agent, or local contact has or will post at the Transient Dwelling Unit(s) the Vacation Rental standard permit conditions and additional conditions.
9. A copy of the proposed written rental agreement that will be utilized to rent the Vacation Rental.
10. Other information the Town Manager or his or her designee deems reasonably necessary to administer this Section.

H. APPLICATION AND RENEWAL FEES AND REQUIREMENTS

Vacation Rental Conditional Use Permits will require an initial application fee of \$300.00 as well as an annual fee of \$250.00, and shall be subject to an annual review by the Zoning Administrator for compliance with Section 302, Conditional Use Permits, and this Section of the Jerome Zoning Ordinance.

An application for a Vacation Rental Conditional Use Permit shall also be accompanied by preliminary inspection reports filed with the Planning and Zoning Department by the Building and Fire Departments. Subsequent to Commission approval, no Conditional Use Permit shall be issued or renewed until the following final inspections have been conducted and reports have been filed with the Planning and Zoning Department:

1. A Fire Department inspection report stating that the Vacation Rental premises comply with the applicable fire codes.
2. A Building Department inspection report stating that the Vacation Rental premises comply with the applicable building codes, electrical codes and plumbing codes.

In the event the Vacation Rental fails to comply with any of the terms of the Conditional Use Permit or any other applicable laws or regulations, the permit may be revoked in accordance with the provisions of Section 302 G, "Revocation," of the Jerome Zoning Ordinance.

I. STANDARD PERMIT CONDITIONS AND ADDITIONAL CONDITIONS

1. All permits issued pursuant to this section are subject to the following standard conditions:
 - a) No motor home, travel trailer, shed, garage, or other similar structure shall be used as a Vacation Rental.

- b) The number of overnight occupants shall not exceed two per bedroom plus two additional persons per residence.
- c) A bedroom for purposes of this Section is a room containing a minimum of 70 square feet that is designed to be used as a sleeping room and for no other primary purpose. The structure must have at least one other habitable room containing a minimum of 120 square feet. Every bedroom shall meet the requirements of all Building and Fire Codes as adopted by the Town of Jerome.
- d) The number of vehicles parked by persons occupying a Vacation Rental shall be limited to the number specified in the permit, with the number of vehicles not to exceed the number of designated on-site parking spaces. Parking of buses, boats, recreational vehicles, or commercial vehicles on the street shall be prohibited.
- e) The owner must use best efforts to assure that the occupants of the Vacation Rental or their guests do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Zoning Code or any state law pertaining to noise or disorderly conduct, by notifying the occupants and their guests of the rules regarding Vacation Rentals and responding when notified that occupants or their guests are violating laws regarding their occupancy.
- f) The owner of the Vacation Rental must post a copy of the permit and a copy of the conditions set forth in this Section in a conspicuous place within the Vacation Rental.
- g) Trash must be placed for collection in the appropriate container at the appropriate location for pick up on the day when garbage is to be collected, in accordance with Chapter 9, "Health and Sanitation," of the Jerome Town Code.
- h) Each Vacation Rental must have (a) clearly visible and legible notice(s) posted within the unit, on or adjacent to the front door, containing the following information:
- i. The name of the local contact person and a telephone number at which that person may be reached on a 24-hour basis;
 - ii. The maximum number of occupants permitted to stay in the unit;
 - iii. The maximum number of vehicles allowed to be parked on the property;
 - iv. The number and location of on-site parking spaces and the parking rules for emergency vehicle access;
 - v. The trash pick-up day and notification that trash and refuse must be placed in the appropriate container and at the appropriate time;

- vi. The recommended route to navigate safely to and from the Vacation Rental, with details regarding one-way streets, sight mirrors and roads to avoid.
 - vii. Notification that an occupant of the Vacation Rental, as a person responsible for the persons occupying the Vacation Rental, may be criminally or civilly cited for creating a disturbance, violating leash laws, disposing improperly of animal waste, or violating other provisions of the Town Code or this Zoning Code; and
 - viii. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance.
 - ix. Notice that feminine products and/or paper towels should not be flushed down the toilet.
 - x. Notice that fireworks are prohibited within the Town of Jerome.
 - xi. Notice of any county fire restrictions currently in effect.
 - xii. Notice of any town, county or statewide water restrictions currently in effect.
- i) The occupants of a Vacation Rental must make the notice required by this paragraph available for inspection by the Town Manager, the police department, the fire department or a code enforcement officer, upon a request made therefor.
 - j) All vacation rentals must comply with Section 512, "Parking and Loading Requirements," of this ordinance, and the owner must provide sufficient parking to meet the requirements of that Section. All overnight parking must be on-site.
 - k) A written rental agreement must be entered into which contains, at a minimum, the requirements and provisions contained within Section 513 H.
 - l) The owner must comply with all applicable Federal, State, and local tax laws.
 - m) Except within the Commercial and Industrial zones, and except as otherwise permitted within the Jerome Zoning Ordinance, no signs of any manner advertising or identifying the property as a Vacation Rental shall be placed on the Vacation Rental property.
 - n) All Vacation Rentals located in multi-family dwelling units or mixed-use buildings may not have more than 50% of the rental units designated as Vacation Rentals.
 - o) With the exception of the C-1 ("General Commercial") and I-1 ("Light Industrial") Zones, the Town shall be divided into the following Vacation Rental Zones: Clark/Giroux; Center/Verde; Company Hill; Upper Hogback/Holly; Lower Hogback/Dundee; Gulch; and Juarez/Mexican Town. No more than one (1) Conditional Use Permit shall be issued within each

Vacation Rental zone. Each Vacation Rental Zone is comprised of the parcel numbers depicted on the most current comprehensive listing of parcel numbers by Vacation Rental zone (the "Vacation Rental Zone Parcel Listing"). For convenience, but subject to the Vacation Rental Zone Parcel Listing, Vacation Rental Zones are generally depicted on the most current map labeled "Vacation Rental Zones Map." Both the Vacation Rental Parcel Listing and the Vacation Rental Zones Map are incorporated herein by reference, and three copies of each are on file at the office of the Town Clerk pursuant to A.R.S. § 9-802, as amended.

- p) For the purposes of this Section, the C-1 ("General Commercial") and LI ("Light Industrial") Zones shall be considered as comprising one Vacation Rental Zone and shall be referred to herein as the "Commercial-Industrial Vacation Rental Zone." Within the Commercial-Industrial Vacation Rental Zone, a maximum of twelve (12) Vacation Rental CUP's shall be issued.
- q) Persons desiring to apply for an initial Vacation Rental CUP must complete an application therefore within sixty (60) days following the adoption of Ordinance No. 405 of the Town of Jerome. For the initial issuance of Vacation Rental CUP's in the Residential and Agricultural Zones, if there is more than one qualified applicant per Vacation Rental Zone who has satisfied the requirements of this Section, then the applicant to receive the Vacation Rental CUP for the Vacation Rental Zone shall be selected by a random process established by the Town Council. For the initial issuance of Vacation Rental CUP's within the Commercial-Industrial Vacation Rental Zone, if there are more than twelve (12) qualified applicants who have satisfied the requirements of this Section, then the applicants to receive the Vacation Rental CUP's for that Zone shall be selected by a random process established by the Town Council. Qualifications of applicants will be based on the applicant's ability to demonstrate to the Town Council that the Transient Dwelling unit rental will not detrimentally affect persons or property in the vicinity, in the best interests of public health, safety and welfare for the Town of Jerome as required by this Section.
- r) For the initial issuance of Vacation Rental CUP's, the maximum number of applicants to receive a Vacation Rental CUP shall be one (1) per Residential or Agricultural Vacation Rental Zone and twelve (12) within the Commercial-Industrial Vacation Rental Zone, and for the issuance of available Vacation Rental CUP's thereafter, one qualified applicant shall be selected for each available Residential or Agricultural Vacation Rental CUP and no more than twelve qualified applicants within the Commercial-Industrial Vacation Rental Zone. The qualified applicant(s) not receiving a Vacation Rental Conditional Use Permit shall be notified by the Zoning Administrator and shall have the right to apply for another Vacation Rental CUP when one becomes available in the Vacation Rental Zone in which the applicant seeks to obtain a Vacation Rental CUP.
- s) Legal nonconforming uses satisfying the requirements of Section 8-6 of the Jerome Town Code shall take precedence when determining whether a Vacation Rental CUP is available in any Vacation Rental Zone. No Vacation

Rental CUP shall be issued in any Vacation Rental Zone, other than the Commercial-Industrial Vacation Rental Zone, where there is any Vacation Rental operating as a legal nonconforming use. In the Commercial-Industrial Vacation Rental Zone, no Vacation Rental CUP shall be issued which would result in the operation of more than twelve (12) Vacation Rentals within that Zone.

- t) Legal nonconforming uses established in accordance with Section 8-6 of the Jerome Town Code shall be permitted to convert their use from a nonconforming use to a Conditional Use pursuant to this Section upon meeting the requirements set forth in this Section and in Section 802 of the Jerome Zoning Ordinance. The opportunity to convert a legal nonconforming use to a Conditional Use pursuant to this Ordinance shall expire 120 days after the effective date of Ordinance No. 405 of the Town of Jerome.
 - u) There shall be no limitation on the number of legal nonconforming uses that may convert to Conditional Uses pursuant to this Section within any Vacation Rental zone.
 - v) In the event the owner of the subject property files a claim under A.R.S. § 12-1134 regarding a Vacation Rental Conditional Use Permit, that Permit shall be null and void.
2. The Town Council has the authority to impose additional conditions applicable to Vacation Rentals as necessary to achieve the objectives of this Section.
 3. In approving any Vacation Rental Permit, the Planning and Zoning Commission has the authority to impose additional specific conditions as necessary to achieve the objectives of this Section.

J. VIOLATION AND ADMINISTRATIVE PENALTIES

1. Permit Modification, Suspension and Revocation: A violation of any provision of this Section by any of the occupants, responsible party, owner(s) or the owner's authorized agent or representative shall constitute grounds for modification, suspension, and/or revocation of the Conditional Use Permit for the Vacation Rental.
2. Notice of Violation: The Town may issue a notice of violation to the owner and any combination of the following: any occupant, responsible person, owner's authorized agent or owner's representative, pursuant to Section 109, "Violation and Penalty," of the Jerome Zoning Ordinance if there is any violation of this section committed, caused or maintained by any of the above parties.
3. Penalties and Enforcement: Any penalty for violation of this Section by any occupant, responsible party, owner(s) or the owner's authorized agent or representative, shall be pursuant to Section 109, "Violation and Penalty," of the Jerome Zoning Ordinance.

Section 9. Chapter 8 of the Town Code "Business" is hereby amended by the addition of a new Article 8-6, "Nonconforming Vacation Rentals," to read as follows:

8-6 Nonconforming Vacation Rentals

8-6-1 Vacation Rentals (as defined in the Jerome Zoning Ordinance) in use as of the effective date of Ordinance No. 405 of the Town of Jerome, and meeting the requirements of Section 501.A of the Jerome Zoning Ordinance, shall be subject to the requirements of Section 501.C of the Jerome Zoning Ordinance.

8-6-2 In addition to the requirements of Section 8-6-1, all nonconforming Vacation Rentals shall also satisfy the requirements below:

- A. Within sixty (60) days of the adoption of Ordinance No. 405 of the Town of Jerome, all nonconforming Vacation Rentals must file a document with the Zoning Administrator proving use as a Vacation Rental at the time of the adoption of said Ordinance, establishing the parameters of the existing use, providing proof of compliance with any and all business registration, tax, permitting, licensing, or other applicable laws, including a Fire Department inspection report stating that the Vacation Rental premises comply with the applicable fire codes and a Building Department inspection report stating that the Vacation Rental premises comply with the applicable building codes, electrical codes and plumbing codes.
- B. In addition, to establish existing vacation rentals as nonconforming vacation rentals, the owner or operator must provide the name, address and phone number of each person or entity with an ownership interest in the property and evidence of the use of the property as a vacation Rental prior to the adoption of Ordinance No. 405 of the Town of Jerome. Such evidence may include:
 - 1) Credit/debit card receipts for payment of vacation rental lodging;
 - 2) Copies of deposited checks for payment of vacation rental lodging;
 - 3) Copies of executed transient lodging agreement(s) with transients or guests;
 - 4) Copies of executed vacation rental contracts with transients or guests.

A website domain registration or website address is not evidence of prior nonconforming use.

Section 10. Following its adoption, this ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 11. All ordinances or parts of ordinances that are in conflict with the provisions of this ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 12. Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Town Code as a whole or any part thereof other than the part so declared invalid.

Section 13. This ordinance shall take effect 30 days after final adoption, as provided by law.

DEFEATED BY REFERENDUM