

An amendment establishing regulations and requirements for Short Term Rentals with the City of Prescott, amending current Zoning Ordinance 14, dated October 12, 2010.

## **Ordinance 14, Section 17A-19**

**The City of Prescott does ordain as follows:**

### **Section 17A-19 Short Term Rentals (STRs)**

**1. Definitions.** The following definitions, words and phrases as used in this ordinance are defined as follows:

**Commercial Structure:** Structures where commerce, business, or private enterprise takes place with the intention of making profit.

**Short Term Rental (STR):** Any structure, or any portion of any structure, which is occupied or offered or designed for transient occupancy for less than 30 days for dwelling, lodging or sleeping purposes; and includes houses, cabins, or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy, provided such occupancy is less than a 30-day period. Examples include but are not limited to: AIRbnb, HomeToGo, FlipKey, HomeAway, VRBO.

**Short Term Rental (STR) Operator:** The property owner/short term rental host

### **2. Existing Establishment of Zoning Ordinances.**

The city of Prescott has already established regulations and requirements for zoning, planning, development and building. Prescott is zoned as a Residential District. Ordinance 14, Section 3-1 states that permitted uses for a residential district include single family dwellings, accessory buildings common to a residence and home gardens. Section 3-2 states that the Building Committee (mayor + at least 2 council members) shall approve any Conditional Use of a Residential District and shall decide whether or not a conditional use permit shall be granted.

### **3. Conditional Use Permitting for Short Term Rentals**

Conditional uses of property may be permitted for STRs, provided that such use would not be detrimental to neighbor relationships, adjoining and/or neighboring properties or to the intent of the comprehensive plan.

Conditional uses may be granted by the Building Committee (consists of the mayor + at least 2 city council members) only for the specific use requested and will attach conditions, rules and restrictions.

Those who want to use their home/property as an STR in Prescott must submit a variance/conditional use application to the Building Committee for review before any STR permit shall be granted.

Property owners must live in Prescott full time in order to be considered for an STR permit. There will be a limit of one STR per property address/owner.

No owner of property within the Prescott City limits may advertise, offer, operate, rent, or otherwise make available for occupancy or use a short term rental without an STR permit. Advertising or offering includes any media, whether written, electronic, web-based, digital, mobile or otherwise.

There will be an annual fee of \$500 required for each STR permit issued. \$500 payment must be submitted with the STR permit application and will be refunded if permit is not granted. (Note that the city will NOT assess Transient Room Taxes but the county and/or state might depending on the situation).

#### **4. Business License**

A city business license with an annual fee of \$100 will be required for all STR operators. \$100 payment must be submitted with business license application at the same time as the STR permit application and will be refunded if permit is not granted.

#### **5. 24-Hour Contact Representative**

STR operators must be available or designate a representative to be available by phone 24 hours a day, 7 days a week to ensure a response to emergencies and/or complaints regarding the condition, operation, or conduct of the occupants. Responses to complaints must be within 30 minutes with issues resolved in a timely manner. The owner or designated representative's name, email address, and phone number must be provided to the City upon STR permit application and annual renewal, and the information shall be kept current at all times. The City must be notified of changes in property contact information immediately.

STR operators must provide all surrounding neighbors with the name and phone number for the STR operator or the designated 24-hour contact representative.

#### **6. Good Neighbor Notification Form**

STR Operators must have written consent/approval from all surrounding neighbors (those with properties abutting, directly across and diagonally across the street). This completed form must be submitted at the time of STR permit application.

#### **7. Good Neighbor Guidelines**

STR operators must provide tenants with list of "Good Neighbor Guidelines":

- Quiet hours are to be strictly observed from 10 PM to 7 AM

- If pets are allowed, waste must be picked up from shared common areas and disposed of immediately
- Barking dogs will not be tolerated
- Respect for neighbors and neighboring properties is mandatory

## **8. Activities Specifically Prohibited**

Events are specifically prohibited in the context of operating an STR. Examples include but are not limited to, company retreats, weddings, rehearsal dinners, etc.

## **9. Water Use**

STR operators/business owners must pay for appropriate city water usage. Operators will be assessed accordingly.

## **10. Waste Management**

STR operators must have appropriate regular solid waste collection service in place.

## **11. Parking**

STR operators must provide their guests with appropriate off street parking only. (Emergency vehicles must be able to get through to all residences safely)

## **12. Signage**

To prevent degradation of neighborhood character, there will be no signage allowed.

## **13. Additional Rules and Regulations**

Approved STR operators are required to submit a signed statement along with their STR permit application packet acknowledging:

- Neighbors have been provided with 24-Hour Contact information in case of emergency or complaint
- Sufficient posting of 24-Hour Contact information and Good Neighbor Guidelines for tenants inside the STR
- An annual home safety and/or fire inspection has taken place
- All bedrooms have a working smoke detector
- Carbon monoxide detectors are in place per code
- Proper insurance is in place (Note: Homeowners insurance may help cover short-term rentals if operators are renting out their home on occasion. However, if operators rent for an extended period of time, they may need to purchase landlord insurance or business insurance to obtain coverage for their rental property.

#### **14. Consequences for Violations**

1. Municipal ordinances are the rules and regulations enacted into law by our local government. Therefore, municipal ordinance violations are any actions that violate one of the rules or regulations as set forth in this ordinance. Occurrences of violation within a 12-month period will have the following consequences:

- 1st violation: Warning to STR owner
- 2nd violation: \$50 fine
- 3rd violation: \$250 fine + permit and business license revocation
- Failure to provide current 24-hour contact information: \$100 fine

2. Fee and violation amounts may be subject to change.

The City Council passed and authorized the mayor to sign on August 13, 2019.