

CITY OF WILLIAMS CITY COUNCIL

**REGULAR MEETING
JANUARY 27, 2022
7:00 P.M.**

**CITY COUNCIL CHAMBERS
113 S. FIRST STREET
WILLIAMS, ARIZONA**

AGENDA

**PLEASE HELP THE CITY IN FOLLOWING THE CDC'S GUIDELINES BY LIMITING
YOUR EXPOSURE.**

PURSUANT TO A.R.S. #38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE CITY COUNCIL AND THE GENERAL PUBLIC THAT THE CITY COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC **THURSDAY, JANUARY 27, 2022, AT 7:00 P.M.** IN THE CITY COUNCIL CHAMBERS, 113 S. FIRST STREET, WILLIAMS, ARIZONA. THE COUNCIL MAY, BY MOTION, RECESS INTO EXECUTIVE SESSION FOR (A) LEGAL ADVICE IN ACCORDANCE WITH A.R.S. §38-431.03(A)(3), OR (B) DISCUSSION OR CONSIDERATION OF RECORDS EXEMPT BY LAW FROM PUBLIC INSPECTION IN ACCORDANCE WITH A.R.S. §38-431.03(A)(2), TO DISCUSS AND CONSIDER ANY ITEM CONTAINED IN THIS AGENDA. THE COUNCIL WILL DISCUSS AND MAY TAKE ACTION ON THE FOLLOWING MATTERS:

I. PROCEDURES

- A. Call to Order
- B. Pledge of Allegiance and Invocation
- C. Roll Call
 - _____ Mayor Moore
 - _____ Vice-Mayor Dent
 - _____ Councilmember Fritsinger
 - _____ Councilmember McNelly
 - _____ Councilmember Cowen
 - _____ Councilmember Hiemenz
 - _____ Councilmember Payne
- D. Approval of Minutes for January 13, 2022
- E. Adopt Agenda

II. PRESENTATIONS –

III. PUBLIC PARTICIPATION

The Council cannot act upon items presented during the public participation portion of the agenda. Individual Council members may ask the public questions or may respond to any criticisms. Still, the open meeting law prohibits the members from discussing or considering the items among themselves until the matter is officially placed on the agenda. However, the open meeting law allows the City Council to ask staff to review a case or place it on a future Council agenda. A person has a five-minute time period to speak. If a person has a written presentation that requires more than five minutes to present verbally, they should indicate the estimated time required on the sign-up sheet. The presiding officer may grant additional time if the agenda for the meeting is not too full. A registered spokesperson for a recognized community organization shall be afforded ten minutes provided other members of the same organization agree beforehand to withhold their comments on the same subject.

Certification of Posting

The undersigned hereby certifies that a copy of this notice was duly posted at Williams City Hall interior board and exterior board in accordance with the statement filed by the City Council with the City Clerk.

Date: _____ Time: _____ By: _____
City Clerk Pamela Galvan

CITY OF WILLIAMS CITY COUNCIL

**REGULAR MEETING
JANUARY 27, 2022
7:00 P.M.**

**CITY COUNCIL CHAMBERS
113 S. FIRST STREET
WILLIAMS, ARIZONA**

AGENDA

IV. *CONSENT AGENDA ITEMS –*

V. *NON-CONSENT AGENDA ITEMS*

- A. Consideration and action with the second reading of Ordinance No. 987 regarding the establishment of exterior lighting regulations.
- B. Consideration and action with the second reading of Ordinance No. 988 regarding the repealing of Ordinance No. 863 and adopting the current state of Arizona floodplain management model ordinance.
- C. Consideration and action with the second reading of Ordinance No. 989 regarding establishing short-term rental regulation and fees within the city limits.
- D. Consideration and action regarding an updated City of Williams Employee handbook.
- E. Consideration and action regarding the future of the Kawana's swap meet. *A. Parenteau*

VI. *REPORTS, CURRENT EVENTS, AND INFORMATION ITEMS*

Mayor and Council

Staff

VII. *ADJOURN*

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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JANUARY 13, 2022
COUNCIL ACTION

I. PROCEDURES

A. Call to Order 7:00 PM

Mayor Moore called the meeting to order.

B. Pledge of Allegiance and Invocation

The pledge of allegiance was recited, and George Glen provided the invocation.

C. Roll Call

Present: Mayor Moore, Vice Mayor Don Dent, Councilmember Mike Cowen, Councilmember Craig Fritsinger, and Councilmember Bernie Hiemenz.

Absent: Councilmember Lee Payne and Councilmember Frank McNelly

Present from City Staff, City Manager Tim Pettit, Police Chief Tad Wygal, Public Works Director Aaron Anderson, and City Clerk/HR Director Pamela Galvan.

D. Approval of Minutes for December 9, 2021.

Motion: *To approve the Minutes for December 9, 2021.*

Action: *Approved*

Moved by *Councilmember Fritsinger, Seconded by Councilmember Hiemenz.*

Motion passed unanimously.

E. Adopt Agenda

Motion: *To approve the agenda as presented.*

Action: *Adopted*

Moved by *Vice Mayor Dent., Seconded by Councilmember Cowen.*

Motion passed unanimously.

II. PRESENTATIONS –None

III. PUBLIC PARTICIPATION –

IV. CONSENT AGENDA ITEMS –

A. Approval of PO.

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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JANUARY 13, 2022
COUNCIL ACTION

B. Approval of check register for the month ending December 31, 2021.

Motion: *To approve the consent agenda items.*

Action: *Approved*

Moved by *Councilmember Hiemenz, Seconded by Councilmember Fritsinger.*

Motion passed unanimously

V. NON-CONSENT AGENDA ITEMS

C. Council will hear its third and final reading of Ordinance No 986 for the Williams Utility Service Boundary Refinement.

Motion: *To have a third and final reading by number and title only.*

Moved by *Vice Mayor Dent, Seconded by Councilmember Fritsinger.*

The City Clerk provided the third and final reading of Ordinance No 986 by number and title only.

Motion: *To approve Ordinance 986 for the Williams Utility Service Boundary Refinement.*

Action: *Approved*

Moved by *Councilmember Hiemenz, Seconded by Councilmember Fritsinger.*

Roll Call Vote:

Councilmember Hiemenz	Yes	Councilmember Fritsinger	Yes
Councilmember Cowen	Yes	Vice Mayor Dent	Yes

Motion passed unanimously

If Mayor were voting, his vote would be yes.

D. Consideration and action with the first reading of Ordinance No. 987 regarding the establishment of exterior lighting regulations.

Motion: *To read Ordinance No. 987 by number and title only.*

The City Clerk provided the first reading of Ordinance No 987 by number and title only.

E. Consideration and action with the first reading of Ordinance No. 988 regarding the repealing of Ordinance No. 863 and adopting the current state of Arizona floodplain management model ordinance.

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

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**JANUARY 13, 2022
COUNCIL ACTION**

Motion: *To read Ordinance No. 988 by number and title only.*
The City Clerk provided the first reading of Ordinance No 988 by number and title only.

F. Consideration and action with the first reading of Ordinance No. 989 regarding establishing short-term rental regulation and fees within the city limits.

Motion: *To read Ordinance No. 989 by number and title only.*

The City Clerk provided the first reading of Ordinance No 989 by number and title only.

G. Consideration and action regarding the summary of proposed new or modified fees for vacation/short-term rentals, roll-off rental, and business license fees.

Tim Pettit went through the list of fees that staff recommends increasing and adding.

H. Consideration and action with the Planning and Zoning Commission appointment.

Kerry-Lynn Moede and Marvin Mason are officially appointed to the Planning and Zoning Commission.

I. Consideration and action regarding the county rezoning of Cooper Ranch Property.

Mr. Bernie Corea from Auto Camp presented to the council and public their desired intentions to install the auto camp on the Cooper Ranch property.

Mr. Dennis Nelson expressed his and representing (Cataract Lake Homeowners Association) others within his neighborhood, their displeasure with their area's proposed auto camp development. He presented his history, and the others expressed their disagreement with the development.

Several others came forward with no less displeasure with the auto camp.

Motion: *A solid recommendation to the county against the rezoning of the Cooper Ranch Property.*

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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JANUARY 13, 2022
COUNCIL ACTION

Action: *Recommend against the rezone.*

Moved by: *Councilmember Cowen, Seconded by Vice Mayor Dent*

Roll Call Vote:

Councilmember Cowen	Yes	Vice Mayor Dent	Yes
Councilmember Fritsinger	Yes	Councilmember Hiemenz	Yes

Motion passed unanimously

J. Consideration and action regarding the determination of when to begin electric conversions.

This is for phases 2 and 3 on the northeast side of town. All of the materials are ordered, and by the time they arrive, Power Contractors will be ready to start. We are expecting to begin work in May/June of 2022. By doing the two phases together, it will save the city money.

Motion: *To do both conversions at the same time.*

Action: *Approved*

Moved by: *Councilmember Cowen, Seconded by Councilmember Fritsinger*

Motion passed unanimously

VI. REPORTS, CURRENT EVENTS, AND INFORMATION ITEMS

Mayor and Council

- Mayor Moore introduced our new police chief Mr. Tad Wygal
- Mayor Moore provided the state of the City of Williams, announcing it is all in good order; everything is running smooth and sound.

Staff - None

VII. ADJOURN – 8:01 PM

Mayor John W. Moore

ATTEST:

City Clerk Pamela Galvan

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

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**JANUARY 13, 2022
COUNCIL ACTION**

CERTIFICATION

State of Arizona,)
) ss.
Coconino County,)

I, PAMELA GALVAN, do hereby certify that I am the City Clerk of the City of Williams, County of Coconino, State of Arizona and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Williams held on January 13, 2022. I further certify that the Meeting was duly called and held and that a quorum was present.

Dated this 14th day of January 2022.

City Clerk Pamela Galvan

ORDINANCE NO. 987

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WILLIAMS ARIZONA, ESTABLISHING EXTERIOR LIGHTING REGULATIONS WITHIN THE GUIDELINES OF COCONINO COUNTY DARK SKY ORDINANCE, ADDING CHAPTER 150 SECTION 150.03 TO THE CITY CODE TITLE XV, LAND USAGE:

WHEREAS, The City of Williams has determined the need for lighting practices and systems, which will minimize light pollution, light trespass and conserve energy while maintaining nighttime safety.

WHEREAS, the City of Williams Exterior Lighting Regulations will improve lighting practices and fall within the guidelines of the Coconino County Dark Sky Ordinance.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council that the Exterior Lighting section will fall within guidelines of Coconino County Dark Sky Ordinance, this will be defined with the addition to Chapter 150 adding Section 150.03 to the City Code, under Title XV, Land Usage to read:

Chapter 150 Section 150.03 – Exterior Lighting

150.03 PURPOSE

The purpose of this Section is to define the City of Williams Exterior Lighting Regulations and to aid developers, designers, and the public in understanding the policies and procedures, which govern the operation of the City of Williams. To facilitate the citizens and business owners of the City of Williams to remain in compliance with codes regulating exterior lighting. The intent of this Ordinance is to encourage lighting practices and systems that will minimize Light Pollution, light trespass, impacts to nocturnal wildlife, and conserve energy while maintaining nighttime safety, utility, security, and productivity. The City of Williams falls in Zone III, established by Coconino County, allowing increased flexibility in the uses of outdoor lighting farther from the observatories. These Regulations shall be used in conjunction with other Codes, Ordinances, and Standards of the City of Williams and such other agencies as may have jurisdiction.

PASSED, APPROVED, and ADOPTED by the Mayor and Council of the City of Williams, Arizona this _____ day of February 2022 by a vote of ___ in favor and ___ opposed.

City of Williams, an
Arizona Municipal Corporation

John W. Moore, Mayor

ATTEST:

Pam Galvan, City Clerk

APPROVED AS TO FORM:

Mangum, Wall, Stoops and Warden, P.L.L.C.
City Attorney

Exterior Lights

Section 150.03

A. Purpose

- 1) The topography and atmospheric conditions of the City of Williams are uniquely suited for astronomical observation. Certain types of outdoor lights and certain outdoor lighting practices have an adverse impact on astronomical observation. Naturally dark landscapes and star-filled skies are valued by many, and poor lighting practices in outdoor lighting waste energy; hamper the reasonable use and enjoyment of property; can interfere with foraging, courtship, or other behaviors of nocturnal wildlife; and can endanger the public welfare by producing unnecessary glare.
- 2) The intent of this Ordinance is to encourage lighting practices and systems that will minimize Light Pollution, light trespass, impacts to nocturnal wildlife, and conserve energy while maintaining nighttime safety, utility, security, and productivity. The City of Williams falls in Zone III, established by Coconino County, allowing increased flexibility in the uses of outdoor lighting farther from the observatories.

B. Applicability

- 1) In the event of conflict between the regulations set forth in this Ordinance and any other regulations applicable to the same area, the more stringent limitation and requirement shall govern.
- 2) Airports: Airport navigation lighting systems are exempt from the provisions of this Ordinance. All other lighting at airports, including that used for loading areas, hangars, terminal aprons, Parking Areas, etc., shall conform to all applicable standards of this Ordinance.
- 3) Holiday Decorations: Low-wattage holiday decorations are exempt from the provisions of this Ordinance from October 25 through January 15.

C. Performance Standards

- 1) Approved Materials and Methods of Construction or Installation/Operation
 - a) The provisions of this Ordinance are not intended to prevent the use of any design, material, or method of installation or operation, not specifically prescribed by this code, provided any such alternate has been approved by the Community Development Director. The Community Development Director may approve any such proposed alternate provided he or she finds that it:
 - i. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
 - ii. Is otherwise satisfactory and complies with the intent of this Ordinance.
- 2) General Requirement
 - a) The requirements for lamp source and shielding of light emissions for Outdoor Light Fixtures are as follows:

Use Code:

- i) A = allowed
- ii) F = fully shielded, allowed
- iii) X = prohibited

TABLE 1-1: LAMP TYPE AND SHIELDING STANDARDS

Lighting Type	C.O.W.
Others above 2500 Lumens (1)	F
Others below 2500 Lumens (1)	A (1,2)
Residential Lighting	
All types over 1,000 Lumens (1)	F
All types below 1,000 Lumens (1)	A (1,3)

Note 1. Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties.

Note 2. Unshielded lighting is limited to a total of 3,000 Lumens per acre on non-residential and multi-family residential lands Uses; 2,000 Lumens per residence on single-family residential properties.

Note 3. For single-family residential Uses, unshielded fixtures up to 2,000 Lumens output per lamp and a total of 8,000 Lumens per residence are permitted if used in functioning motionsensing fixtures that remain on for short periods only.

- b) Total Outdoor Light Output, excluding streetlights used to illuminate public Rights-of-Way, shall not exceed the following limits averaged over the entire project (values listed in Table are total initial lamp Lumens per acre and per residence):

TABLE 1-2: MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS
(IN LUMENS PER ACRE AND LUMENS PER RESIDENCE)

Commercial, Industrial, & Multi-family (Lumens per Acre)	C.O.W.
Total (shielded + unshielded)	100,000
Unshielded only	3,000
Non-LED	100,000
Single Family Residential (Lumens per Residence)	
Total (shielded + unshielded)	30,000
Unshielded only	2,000

Note: Fixtures installed such that all parts of the fixture are located underneath and at least 5 feet from the nearest edge of a Building overhang, roof eave, or balcony are to be included in the Total Outdoor Light Output as though they produced only one-quarter of the lamp's rated Lumen output.

- c) Illumination Source Correlated Color Temperature of all exterior lights shall be no greater than 3,500 Kelvin (K).
- d) Effective Shielding: All light fixtures that are required to be shielded, shall be installed in such a manner in which the light source is not visible below the barrier of the shield.
- e) Direct Lighting on Site: All fixtures, except streetlamps, shall be aimed or shielded so that the Direct Illumination shall be confined to the property boundaries.
- f) Direct lighting off Roadways: All fixtures, except streetlamps, shall be installed in such a manner that the Direct Illumination does not fall onto any public or private Street or Road.

- g) **Curfews:** All exterior lighting must be extinguished by 11:00 p.m., or no later than 30 minutes after the business closes, whichever is later:
- h) **High-Intensity Lights:** Searchlights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.

4) Prohibitions

- a) **Architectural and Landscape Illumination:** A luminaire with the illumination directed greater than 45 degrees, measured from the center of the light beam perpendicular to the ground (greater than 45 degrees Nadir), or upwards onto a structure or plant is prohibited.
- b) **Outdoor Floodlight Luminaires:** Partially-shielded luminaires with the illumination aimed or projected at an angle greater than 45 degrees, measured from the center of the light beam perpendicular to the ground (greater than 45 degrees Nadir), are prohibited.
- c) **Search, Flood, Laser, or Any Similar High Intensity Discharge Luminaires:** The use of these luminaires is prohibited, except when used for meteorological data gathering, and for emergency purposes.
- d) **Fading, Flashing, Blinking, Rotating, or Strobe Luminaires:** The use of these luminaires located on the exterior of a building, or on the inside of a window that is visible beyond the property line of a development site, is prohibited.
- e) **Outdoor Unshielded Luminaires:** Unshielded luminaires are prohibited, except as allowed by table 1-1.
- f) **Parking Lot Lighting:** The use of building mounted or surface mounted lighting to light a parking lot is prohibited. All parking lot lighting must be on a light pole standard.
- g) **Exterior Lighting Color Temperature:** All exterior lighting with a correlated color temperature greater than 3,500 Kelvin (K) shall be prohibited.

5) Special Requirements, Outdoor Advertising Signs

- a) **Externally Illuminated Sign Standards:** External illumination for Signs shall conform to all provisions of this Ordinance. In particular, such lighting shall conform to the lamp source, shielding restrictions, and Lumen caps of Table 1-1. All upward-directed Sign lighting is prohibited.
- b) **Internally Illuminated Sign and Neon Sign Standards:** Illumination of Copy and Background; Colors: Outdoor internally illuminated advertising Signs must be constructed as follows:
 - i. The Sign face(s) must be either composed of illuminated text and symbols against an opaque background or with generally LIGHTER text and symbols against a colored (not white, off-white, light gray, cream, or yellow) background.
- c) **Non-Sign Lighting:** Other internally illuminated panels or decorations, not considered to be signage according to the Sign code of this jurisdiction (such as illuminated Canopy margins or Building faces), shall be considered decorative, and shall be subject to the

standards applicable for such lighting, including but not limited to the lamp source, shielding standards, and Lumens per acre caps of Table 1-1.

- d) **Curfews: Illumination** for all advertising Signs, both externally and internally illuminated, shall be turned off no later than the curfew of 11:00pm or when the business closes, whichever is later. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers.

6) **Special Requirements, Special Uses**

a) **Service Station Canopies:**

- i. **Shielding:** All Luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
- ii. **Total Under-Canopy Output:** The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in Lumens, shall not exceed 60 Lumens per square foot of Canopy, (note: these values are not foot candle illuminances). All lighting mounted under the Canopy, including but not limited to Luminaires mounted on the lower surface or recessed into the lower surface of the Canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial Lumen output.
- iii. **Inclusion Toward Total Outdoor Light Output:** The Lumen output of lamps mounted on or within the lower surface of a Canopy is also included toward the lumen caps as follows:
 - a. Fixtures installed such that any part of the fixture is 5 feet or less from the nearest edge of the Canopy are to be included in the Total Outdoor Light Output by simply adding the Lumen outputs of the lamps used;
 - b. Fixtures installed such that all parts of the fixture are located at least 5 feet but less than 10 feet from the nearest edge of the Canopy are to be included in the Total Outdoor Light Output as though they produced only one-quarter of the lamp's rated Lumen output;
 - c. Fixtures installed such that all parts of the fixture are located 10 or more feet from the nearest edge of a Canopy are to be included in the Total Outdoor Light Output as though they produced only one-tenth of the lamp's rated Lumen output.

b) **Outdoor Recreational Facilities:**

- i. **Lumen Cap Exemption:** Lighting for Outdoor Recreational Facilities areas only is not subject to the Lumens per acre limit.
- ii. **Shielding:** Fixtures used for field/track/Arena Facilities areas must be fully shielded.
- iii. **Curfew:** No such facility shall be illuminated after the curfew times listed here except to conclude a scheduled recreational or sporting event in progress prior to the curfew, and prevented from concluding before the curfew by unforeseeable circumstances.

Permits and Administration

1. Temporary Lighting Permits

- A. Findings: The Code Enforcement Officer may grant a permit for Temporary Lighting if he or she finds the following:
- i. The purpose for which the lighting is proposed is not intended to extend beyond 30 days; and
 - ii. The proposed lighting is designed in such a manner as to minimize Light Pollution as much as is feasible; and
 - iii. The proposed lighting will comply with the general intent of this Ordinance; and
 - iv. The permit will be in the public interest.
- B. Application Contents: The application for the Temporary Lighting Permit shall include the following information:
- i. Name and address of applicant and property owner;
 - ii. Location of proposed fixtures;
 - iii. Type, wattage, and Lumen output of lamp(s);
 - iv. Type, shielding, and use of proposed fixtures;
 - v. Intended Use of the lighting;
 - vi. Duration of time for requested exemption;
 - vii. The nature of the exemption;
 - viii. Such other information as the Code Enforcement Officer may request.
- C. The Code Enforcement Officer shall endeavor to rule on the application within 5 business days from the date of submission of the request and notify the applicant in writing of his or her decision. The Community Development Director may grant one renewal of the permit for an additional 30 days if he or she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Community Development Director is not authorized to grant more than one temporary permit and one renewal for the same property within 1 calendar year. A denial by the Director may be appealed to the Planning and Zoning Commission within 30 days.

2. Nonconforming Uses

- A. Pre-existing Nonconforming Lighting: No Outdoor Lighting Fixture that was lawfully installed prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this ordinance.

- B. Conformance after Abandonment/Damage: In the event that an Outdoor Lighting Fixture is abandoned or damaged, to the point of requiring repairs for safe operation, the repaired or replacement fixtures shall comply with the provisions of this Ordinance.

3. Lighting Permit Requirements

A. Non-Single Family Residential Lighting:

- i. Whenever new outdoor lighting is installed, a Lighting Permit must be applied for and granted. The applicant shall, as a part of said application, submit sufficient information to enable the Code Enforcement Officer to determine whether the proposed lighting will comply with this Ordinance.
- ii. The following information shall be submitted when applying for a Lighting Permit.
 - a. A description of each illuminating device, fixture, lamp, support, and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types, and Lumen outputs. For existing lighting, photographs of the fixtures will be accepted if original manufacturer's information is not available.
 - b. A separate Building Permit application shall be submitted for new lighting construction and electrical installation. Required Building Permits shall be obtained prior to the installation of lighting.

B. Single Family Residential Lighting:

When lighting on single family residential sites is a condition of approval, the above permit process is to be applied and compliance with the Zoning Ordinance verified before issuance of the Certificate of Occupancy.

Staff Report



To: City Council
From: Tim Pettit
Date: January 13, 2022
Subject: Floodplain Ord#988

Background: we are updating our floodplain Ord. to stay in line with the State of Arizona's model Floodplain Ord. (very little change, mainly formatting)
City of Williams Floodplain management is a delegation from the State of AZ., in which we are usually audited every five years, with no issues to date.

We input all the City's information, including flood panel maps, into the Model Ord. and sent the revisions to the State. They have reviewed and approved the revised Model Ord. with City of Williams information. We can now repeal our old ordinance and adopt the new one.

Recommendation: To approve our proposed Floodplain Management Ord. #988
To stay in compliance with state requirements.

ORDINANCE NO. 988

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WILLIAMS, ARIZONA, REPEALING ORDINANCE NO. 863 AND
ADOPTING THE STATE OF ARIZONA MODEL FLOODPLAIN
MANAGEMENT ORDINANCE AS THE CITY'S FLOODPLAIN
MANAGEMENT ORDINANCE.**

WHEREAS, the City Council of the City of Williams repeals Ordinance No. 863;

WHEREAS, the City Council of the City of Williams finds that the City of Williams should have in place an effective floodplain management plan to protect the health, safety, and general welfare of its citizens;

WHEREAS, the City Council of the City of Williams finds that the provisions of the Arizona Floodplain Management Model Ordinance are appropriate for the City of Williams in that it provides the desired floodplain management plan necessary to ensure the health, safety, and general welfare of the City of Williams' citizens;

WHEREAS, the City Council of the City of Williams has previously declared the Arizona Floodplain Management Model Ordinance a public record and filed at least three copies with the Clerk of the City of Williams, which are available for public inspection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLIAMS, ARIZONA, DOES ORDAIN AS FOLLOWS:

1. The Arizona Floodplain Management Model Ordinance is adopted by reference and incorporated into the Williams City Code as Title 15, Chapter 155.

PASSED, APPROVED, AND ADOPTED by the Mayor and Council of the City of Williams, Arizona, this ____ day of _____, 2022 by a vote of ____ in favor and ____ opposed.

City of Williams, an
Arizona Municipal
Corporation

John W. Moore, Mayor

ATTEST:

Pamela Galvan, City Clerk

APPROVED AS TO FORM:

Mangum, Wall, Stoops and Warden, P.L.L.C.
City Attorney

SECTION 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND METHODS

1.1 STATUTORY AUTHORIZATION

In A.R.S. § 48-3610, the Arizona State Legislature enabled the City of Williams to assume the powers and duties for floodplain management and adopt regulations in conformance with A.R.S. § 48-3609 designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Williams, Arizona, does ordain as follows:

1.2 FINDINGS OF FACT

- A. The Special Flood Hazard Areas of the City of Williams are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in Special Flood Hazard Areas which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this Ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water mains, gas mains, electric lines, telephone lines, sewer lines, streets, and bridges located in Special Flood Hazard Areas;
- F. Help maintain a stable tax base by providing for the sound use and development of Special Flood Hazard Areas so as to minimize blight areas caused by flooding;
- G. Participate in and maintain eligibility for flood insurance and disaster relief.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Ordinance includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards which result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and

- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 2.0

DEFINITIONS

Accessory structure: A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Appeal: A request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance or a request for a variance.

***Area of shallow flooding:** A designated Zone AO, AH, AR/AO, or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

***Base flood:** A flood which has a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The computed elevation to which floodwater is anticipated to rise during the base flood.

***Basement:** Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

***Building:** See "Structure."

***Community:** Any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

***Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that is used to provide elevation information necessary to ensure compliance with community floodplain management ordinance, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Encroachment: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Erosion: The process of the gradual wearing away of landmasses. This peril is not, per se, covered under the National Flood Insurance Program.

***Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of floodwaters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

***Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

***Flood Insurance Study (FIS):** The official report provided by the Federal Emergency Management Agency that includes flood profiles, Flood Insurance Rate Maps, and the water surface elevation of the base flood.

***Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source. See

"Flood or flooding."

Floodplain Administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Board: The Board of Directors of the Flood Control District of the City Council of the City of Williams, at such times as they are engaged in the enforcement of this Ordinance. (Floodplain Board as defined in A.R.S. §48-3601 for counties.)

***Floodplain management:** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

***Floodplain management regulations:** This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

***Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to nonresidential structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents by means other than elevation.

***Flood-related erosion:** The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

***Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

***Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Governing body: The local governing unit that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.

Hardship: As related to Section 6.0 of this Ordinance. The City of Williams requires that the hardship be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

***Highest Adjacent Grade (HAG):** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical

significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

***Lowest floor:** The lowest floor of the lowest enclosed area including the basement, see "Basement". An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

***Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

***Manufactured Home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value: Replacement cost of a structure less depreciation since construction.

***Mean sea level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

***New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Obstruction: Including, but not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

***One-hundred-year flood or 100-year flood:** A common name for the flood having a one percent chance of being equaled or exceeded in any given year. See "Base flood."

***Person:** An individual or the individual's agent, a firm, partnership, association, corporation, or an agent of the aforementioned groups, or this state, its agencies, or political subdivisions.

***Recreational Vehicle:** A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

***Regulatory Flood Elevation (RFE):** An elevation one foot above the Base Flood Elevation.

***Regulatory floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

***Special Flood Hazard Area:** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Insurance Rate Map as Zone A, AO, AE, AH, AR, or A99.

***Start of construction:** Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

***Structure:** A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

***Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

***Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

***Variance:** A grant of relief from the requirements of this Ordinance which permits construction or other uses of property in a manner that would otherwise be prohibited by this Ordinance.

***Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

***Water surface elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

***Watercourse:** A lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Zone A: No Base Flood Elevations determined.

Zone AE: Base Flood Elevations determined.

Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

Zone AR: Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

Zone A99: Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

Zone D: Areas in which flood hazards are undetermined, but possible.

Zone X (unshaded): Areas determined to be outside the 0.2% annual chance floodplain.

Zone X (shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

SECTION 3.0 **GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all Special Flood Hazard Areas within the corporate limits of the City of Williams.

3.2 BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled for "Flood Insurance Study for Coconino County, Arizona and Incorporated Areas" dated September 3, 2010, with accompanying Flood Insurance Rate Maps (FIRMs) dated September 3, 2010, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Ordinance. This FIS and attendant mapping are the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at Williams City Hall, 113 S. 1st Street., Williams, Az. 86046 in the office of the Building Inspector.

3.3 COMPLIANCE

All development of land, construction of residential, commercial, or industrial structures, or future development within delineated floodplains is subject to the terms of this Ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this Ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6 DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Williams, any officer or employee thereof,

the State of Arizona, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

3.7 STATUTORY EXCEPTIONS

- A. In accordance with A.R.S. § 48-3609(I), unless expressly provided, this and any regulation adopted pursuant to this article does not affect:

1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of 50 percent of its market value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the City of Williams;
 2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or on the date any regulations affecting such property takes effect, except that any alteration, addition, or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50 percent or more shall be either floodproofed or elevated to or above the Regulatory Flood Elevation;
 3. Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613;
 4. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2; and
- B.** Before the following types of construction authorized by A.R.S. § 48-3613(B) begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment pursuant to A.R.S. § 48-3613(C):
1. The construction of bridges, culverts, dikes, and other structures necessary for the construction of public highways, roads, and streets intersecting or crossing a watercourse;
 2. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard, or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6;
 3. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard, or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;
 4. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
 5. Any flood control district, county, city, town, or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;
 6. The construction of streams, waterways, lakes, and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.
- C** In accordance with A.R.S. § 48-3613(D), in addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation, or obstruction of a watercourse has the right to commence, maintain, and prosecute any appropriate action or pursue any remedy to enjoin, abate, or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to A.R.S. Title 48, Chapter 21, Article 1. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

3.8 VIOLATIONS

- A. It is unlawful for a person to engage in any development or to divert, retard, or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.
- B. A person who violates Section 3.8A is guilty of a class 2 misdemeanor.
- C. A person who violates this Ordinance may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor or, by agreement with the person in violation, a non-monetary penalty that serves the purposes of the community. Each day the violation continues constitutes a separate violation.
- D. A person who without written authorization damages or interferes with a facility that is owned, operated, or otherwise under the jurisdiction of the community is liable for both of the following:
 - 1. Any actual damages to persons or property that is caused by the damage or interference.
 - 2. Payment of costs to the community for remediating the damage or interference.

3.9 ABATEMENT OF VIOLATIONS

Within 30 days of discovery of a violation of this Ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

- A. Take any necessary action to effect the abatement of such violation; or
- B. Issue a variance to this Ordinance in accordance with the provisions of Section 6.0 herein; or
- C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 herein; or
- D. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

3.10 DECLARATION OF PUBLIC NUISANCE

All development located or maintained within any Special Flood Hazard Area since August 8, 1973, in violation of floodplain regulations established by the Board and without written authorization from the Board is a public nuisance per se and may be abated, prevented, or restrained by action of this state or any of its political subdivisions.

3.11 SEVERABILITY

This Ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof other than the Section so declared to be unconstitutional or invalid.

SECTION 4.0 **ADMINISTRATION**

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The **Building Inspector** is hereby designated to administer, implement, and enforce this Ordinance by granting or denying development permits in accordance with its provisions.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

4.2.1 PERMIT REVIEW

Review all development permits to determine that:

- A. The permit requirements of this Ordinance have been satisfied;
- B. All other required state and federal permits have been obtained;
- C. The site is reasonably safe from flooding;
- D. In areas where a floodway has not been designated, the proposed development does not adversely affect the carrying capacity of areas where Base Flood Elevations have been determined.

For the purposes of this Ordinance, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

4.2.2 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS

Review all development permits for improvements and/or damages to existing structures to determine if the application of the substantial improvement rules apply, including establishing a definition of market value determination and verifying that the estimated improvement and/or repair costs are less than 50% of the market value of the structure.

4.2.3 USE OF OTHER BASE FLOOD DATA

When Base Flood Elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Section 5.0. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources and may be submitted to the Floodplain Board for adoption.

4.2.4 OBTAIN AND MAINTAIN FOR PUBLIC INSPECTION

Obtain and maintain the following for public inspection and make available as needed:

- A. Certification required by Section 5.1.3.1 and Section 5.5 (lowest floor elevations, bottom of the structural frame, and utilities);
- B. Certification required by Section 5.1.3.2 (lowest floor elevations or floodproofing of nonresidential structures and utilities);
- C. Certification required by Section 5.1.3.5 (flood vents);
- D. Certification of elevation required by Section 5.4.A.2. (subdivisions and other proposed development standards);

- E. Certification required by Section 5.7.A (floodway encroachments);
- F. Records of all variance actions, including justification for their issuance.
- G. Obtain and maintain improvement and damage calculations required in Section 4.2.2

4.2.5 NOTIFICATION TO OTHER ENTITIES

- A. Whenever a watercourse is to be altered or relocated:
 - 1. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency through appropriate notification means; and
 - 2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.
- B. Base Flood Elevation and rate of flow due to physical alterations:
 - 1. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions risk premium rates and floodplain management requirements will be based upon current data.
 - 2. Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the base flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.
- C. Corporate Boundary Changes:
 - 1. Notify the Federal Emergency Management Agency of acquisition by means of annexation, incorporation, or otherwise of additional areas of jurisdiction.

4.2.6 MAP DETERMINATIONS

Make interpretations, where needed, as to the exact location of the boundaries of the Special Flood Hazard Area (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0.

4.2.7 REMEDIAL ACTIONS

Take actions on violations of this Ordinance as required in Section 3.9 herein.

4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any Special Flood Hazard Area established in Section 3.2. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the

area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.1.3.2;
- D. Base Flood Elevation data for subdivision proposals or other development greater than 50 lots or 5 acres, whichever is the lesser; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 STANDARDS OF CONSTRUCTION

In all Special Flood Hazard Areas, the following standards are required:

5.1.1 Anchoring

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy; and
- B. All manufactured homes shall meet the anchoring standards of Section 5.5.B.

5.1.2 Construction Materials and Methods

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- C. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

5.1.3 Elevation and Floodproofing

5.1.3.1 Residential Construction

Residential construction, new, or substantial improvement, shall have the lowest floor, including basement, elevated to or above the Regulatory Flood Elevation.

- A. In a Zone AO, the Base Flood Elevation is determined from the FIRM panel. If unspecified, the required elevation is at minimum two (2) feet above highest adjacent grade.
- B. In a Zone A where the Base Flood Elevation has not been determined, the Base Flood Elevation is determined locally by the criteria set out in Section 4.2.3.
- C. In Zones AE and AH, the Base Flood Elevation is determined from the FIS and/or FIRM.
- D. A garage attached to a residential structure, constructed with the garage floor slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters and must be used solely for parking, access and/or storage. See Section 5.1.3.5 (A) or (B).

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

5.1.3.2 Nonresidential Construction (Commercial Construction or Industrial Construction)

Nonresidential construction, new, or substantial improvement, shall have the lowest floor either elevated to conform with Section 5.1.3.1(A), (B), or (C) as appropriate,

Or, together with attendant utility and sanitary facilities,

- A. Be floodproofed below the elevation recommended under Section 5.1.3.1(A), (B), or (C) as appropriate so that the structure is watertight with walls substantially impermeable to the passage of water; and
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing standards of this section are satisfied shall be provided to the Floodplain Administrator for verification.

5.1.3.3 Manufactured Homes

Manufactured homes shall meet the standards in Section 5.5.

5.1.3.4 Accessory Structures (Detached Garages & Storage Structures)

Accessory structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Regulatory Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:

- A. Use of the accessory structure must be limited to parking of vehicles or storage;
- B. The portions of the accessory structure located below the Regulatory Flood Elevation must be built using flood resistant materials;
- C. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- D. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Regulatory Flood Elevation;
- E. The accessory structure must comply with floodway encroachment provisions in Section 5.7; and
- F. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 5.1.3.5 (A) or (B).

Detached garages, storage structures, and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.1.3.1(A), (B), or (C) as appropriate.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

5.1.3.5 Flood Openings

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access, or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

A. For non-engineered openings:

1. Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one-foot above grade;
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

B. For engineered openings:

1. Engineered openings (or covers and devices) that are specifically designed and certified by a registered engineer or architect as meeting the required performance and design requirements.
2. Engineered openings (or covers and devices) for which an Evaluation Report has been issued by the International Code Council (ICC) Evaluation Service, Inc. (ICC-ES), a subsidiary of the International Code Council, Inc.

5.1.3.6 Machinery and Service Equipment

All new construction, substantial improvement, and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.2 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

- A. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in Special Flood Hazard Areas.
- B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning

5.3 STANDARDS FOR WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

- A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- C. Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

5.4 ADDITIONAL DEVELOPMENT STANDARDS, INCLUDING SUBDIVISIONS

- A. All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
 1. Identify the Special Flood Hazard Area and the Base Flood Elevation; and
 2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the Base Flood Elevation, the lowest floor and finished grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

5.5 STANDARDS FOR MANUFACTURED HOMES

All manufactured homes that are placed on site or substantially improved shall:

- A. Be elevated to conform with Section 5.1.3.1(A), (B), or (C) as appropriate so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the Regulatory Flood Elevation; and
- B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

5.6 STANDARDS FOR RECREATIONAL VEHICLES

All Recreational Vehicles placed on site shall:

- A. Be on site for fewer than 180 consecutive days,
- B. Be fully licensed and ready for highway use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the permit requirements of Section 4.0 of this Ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.5.

5.7 FLOODWAYS

Located within the Special Flood Hazard Areas established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and can potentially cause erosion, the following provisions apply:

- A. Prohibit encroachments including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 5.7 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 5.0.

SECTION 6.0 **VARIANCE PROCEDURE**

6.1 NATURE OF VARIANCES

The variance criteria set forth in this section of this Ordinance is based on the general principle of zoning laws that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Williams to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Regulatory Flood Elevation are so serious that variances from the flood elevation or from other requirements in this Ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.2 BOARD OF REVIEW

- A. The Board of Review shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
- B. In considering such applications, the Board of Review shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger of life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system, streets, and bridges.
- C. Upon consideration of the factors of Section 6.2(B) and the purposes of this Ordinance, the Board of Review may attach such conditions to the granting of variances as it deems necessary to further the

purposes of this Ordinance.

- D. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - 1. The issuance of a variance to construct a structure below the Regulatory Flood Elevation will result in increased premium rates for flood insurance up the amounts as high as \$25 for \$100 of insurance coverage, and
 - 2. Such construction below the Regulatory Flood Elevation increases risks to life and property;
- E. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- F. A person aggrieved in any manner by an action of the Board of Review may within thirty days appeal to the Floodplain Board.

6.3 CONDITIONS FOR VARIANCES

- A. Variances shall only be issued:
 - 1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, victimization of the public, or conflict with existing local laws or ordinances;
 - 2. Variances may be issued for the repair, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures' continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - 3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 4. Upon a showing of good and sufficient cause;
 - 5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 of this Ordinance in the definition of "Functionally Dependent Use."
- B. Variances shall not be issued within any floodway if any increase in the Base Flood Elevation would result.
- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Regulatory Flood Elevation, provided the procedures of Sections 4.0 and 5.0 of this Ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

Staff Report



To: City Council

From: Tim Pettit

Date: January 13, 2022

Subject: Short-Term / Vacation Rental

Background: The City of Williams does not have any procedures, rules, regulations, or associated fees for Vacation Rentals. This Proposed Ordinance clearly establishes and defines the process an individual or business must follow to operate a Vacation Rental within the City of Williams.

Recommendation: To approve Short-Term, Vacation, Rentals Ord#989

ORDINANCE NO. 989

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WILLIAMS
ARIZONA, ESTABLISHING REGULATIONS AND FEES ASSOCIATED WITH
SHORT-TERM VACATION RENTALS, ADDING CHAPTER 117 TO THE CITY CODE
TITLE XI, BUSINESS REGULATIONS**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLIAMS:

WHEREAS, The City of Williams has determined the need for regulations regarding property use for Short-term Vacation Rentals concerning residential property within the City Limits.

WHEREAS, the City of Williams will require all Short-Term Vacation Rentals to register with the City, have a valid Business License and a valid TPT number.

WHEREAS, the City of Williams will require all Short-Term Vacation Rentals to have an initial and annual Fire Safety Inspection and follow all Fire codes and regulations.

WHEREAS, the City of Williams will establish fees to cover costs associated with processing and tracking registration and annual Fire/Safety inspections.

WHEREAS, the City of Williams retains the right to change fees annually after review and approval from City Council.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council that the Short-Term Vacation Rental section will fall within the existing City of Williams code, this will be defined with the addition to Title XI: Business Regulations, adding Chapter 117 to the City Code,

Chapter 117

PURPOSE

The purpose of this Section is to establish regulations for Short-Term Vacation Rental use of residential property, enabling the City to preserve the public health, safety, and welfare of the community. This section is not intended to further regulate hotels, motels, inns, time-share units, bed and breakfast, or non-Short-Term Vacation type rental arrangements.

PASSED, Approved and Adopted by the Mayor and Council of the City of Williams, Arizona this ____ day of _____, 2022 by a vote of ____ in favor and ____ opposed.

City of Williams, an
Arizona Municipal Corporation

John W. Moore, Mayor

ATTEST:

Pam Galvan, City Clerk

APPROVED AS TO FORM:

Mangum, Wall, Stoops and Warden, P.L.L.C.
City Attorney

Chapter 117: Short-Term, Vacation, Rentals

§ 117.01 Purpose

- 1) The purpose of this Section is to establish regulations for Short-Term Vacation Rental use of residential property, enabling the City to preserve the public health, safety and welfare of the community.
- 2) This section is not intended to further regulate hotels, motels, inns, time-share units, bed and breakfast, or non-Short-Term Vacation type rental arrangements.

§ 117.02 Definitions

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- 1) **APPLICANT.** The owner or, in the event the vacation rental is covered by an exclusive listing arrangement, the agent or representative of the owner.
- 2) **BEDROOM.** An area of a vacation rental normally occupied for sleeping and being heated or cooled by any equipment for human habitation, which is seventy (70) square feet and greater in size, with at least one (1) horizontal distance measuring at least seven (7) feet, having four (4) walls to the ceiling, at least one (1) of which is located along an exterior wall with an egress window, and containing a built-in closet.
- 3) **EXCLUSIVE LISTING ARRANGEMENT.** A written agreement between an owner and an agent or representative where the agent or representative has the sole and exclusive right to rent or lease a vacation rental unit to any person and the owner is prohibited from renting or leasing the vacation rental unit except through the owner's agent or representative.
- 4) **LOCAL CONTACT PERSON.** A local property manager, owner or owner's agent, who is available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding by phone within thirty (30) minutes and in person within sixty (60) minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation rental, or any owner's agent authorized by the owner to take remedial action and who responds to any violation of this code.
- 5) **OWNER.** The person(s) or entity(ies) that hold(s) legal or equitable title to a vacation rental.
- 6) **PROPERTY.** A residential legal lot of record on which a vacation rental is located.
- 7) **RENTAL TERM.** The period of time a responsible person rents or leases a vacation rental.

- 8) **RESPONSIBLE PERSON.** An occupant of a vacation rental who shall be legally responsible for compliance of all occupants of the unit and their guests with all provisions of this chapter and this code.
- 9) **SHORT-TERM VACATION RENTAL.** One (1) or more residential dwellings, including either a single-family detached or multiple-family attached unit, or any portion of such a dwelling, including associated yards, located in a single or multifamily residential zone pursuant to the City's Land Development Code and Zoning Map, advertised or offered for rent or occupancy, or in fact rented for occupancy, for dwelling, lodging, or sleeping purposes for a period of twenty-nine (29) consecutive days or less, other than ongoing month-to-month tenancy granted to the same renter for the same unit, occupancy on a time-share basis, or a condominium hotel.
- 10) **SHORT-TERM VACATION RENTAL REGISTRATION CERTIFICATE or REGISTRATION CERTIFICATE.** An annual registration submitted to the City pursuant to this chapter.
 - A. Registration Certificate and Advertisement Display Required:
 - 1) No owner of a short-term vacation rental shall rent a vacation rental for a period of twenty-nine (29) consecutive days or less without a valid registration certificate.
 - B. Agency:
 - 1) An owner may retain an agent or a representative to comply with the requirements of this chapter, including, without limitation, the filing of a complete vacation rental registration, the management of the vacation rental unit or units, and the compliance with the requirements of this chapter. Except as provided in subsection (B) of this section and notwithstanding any agency relationships between an owner and an agent or representative, the owner of the vacation rental unit or units shall remain responsible for compliance with the provisions of this chapter and the failure of an agent to comply with this chapter shall not relieve the owner of the owner's obligations under the provisions of this chapter.
 - 2) In the event an owner enters into an exclusive listing arrangement, the short-term vacation rental registration certificate may be secured, and the transient occupancy registration certificate requirements provided in this chapter may be performed, by the agent or representative and not by the owner.

§ 117.03 Short-term Vacation Rental Registration Requirements

- A) Prior to use of a property as a vacation rental, the applicant shall register the property as a vacation rental with the City annually on a registration form furnished by the

City and signed by the applicant under penalty of perjury. Each application shall contain the following information:

- 1) The address of the residential property proposed to be used as a short-term vacation rental.
- 2) The name, address, and telephone number of the owner of the unit for which the short-term vacation rental registration certificate is to be issued.
- 3) The name, address, and telephone number of the agent, if any, of the owner of the unit.
- 4) The name, address, and twenty-four (24) hour telephone number of the local contact person and verification that the local contact person can respond by telephone or in person to the site of the vacation rental within the timeframes provided in this chapter.
 - a. Evidence that the applicant has provided the name and twenty-four (24) hour telephone number of the local contact person to property owners in immediate proximity on all sides, as shown in the Coconino County Assessor's records.
 - b. The number of bedrooms in the vacation rental unit.
 - c. The applicable overnight occupancy limit of the unit consistent with the provisions of this chapter.
 - d. Valid business license issued by the City of Williams.
 - e. Evidence of a valid transaction privilege tax license by the City or the state of Arizona for the vacation rental unit.
- 5) A short-term vacation rental registration certificate may be denied if a registration certificate for the same unit and issued to the same owner was previously revoked pursuant to this chapter
- 6) A short-term vacation rental registration certificate may be denied for failing to provide required information or for failure to pay amounts owed to the City for penalties, interest, fees, charges, transaction privilege taxes, sewer connection fees, or any other amounts owed to the City for any other reason. Any applicant who has a current debt related to any open or closed account maintained or formerly maintained with the City shall be ineligible to receive any new or additional licenses until such debt has been resolved to the satisfaction of the City.

- 7) Like all properties in the City of Williams, the property must be maintained in full compliance with all City building codes, the Williams Municipal Code, and the Williams Land Development Code.
- 8) Upon change of property owner, owner's agent, or other material facts set forth in the annual registration, a new registration for a short-term vacation rental shall be required to continue operation of the vacation rental and within fourteen (14) days of said change the owner or owner's agent shall submit the required registration and fee.
- 9) The denial of a registration certificate for any reason may be appealed in writing to the City Manager.
- 10) A vacation rental registration certificate shall be in effect and valid for one (1) year, or any portion of a year, from the date of application and shall require renewal each year thereafter, which application shall be accompanied by a fee established by City Council resolution.

§ 117.04 Operational Requirements and Standard Conditions:

- 1) The owner shall be responsible to ensure that the vacation rental unit complies with all applicable codes regarding fire, building, health and safety, and all other relevant laws.
- 2) The overnight occupancy of the vacation rental unit shall be limited to not more than two (2) persons thirteen (13) years of age and older, plus an additional two (2) persons thirteen (13) years of age and older per bedroom within the vacation rental unit. The number of bedrooms in a vacation rental may be verified by staff using County Assessor or City building records or by inspection, prior to the issuance of a certificate. The following chart is provided as an example of how this section would be applied to specific situations:

NUMBER OF BEDROOMS	NUMBER OF OCCUPANTS
0	2
1	4
2	6
3	8
4	10
5	12
6	14

- 3) During the rental term each vacation rental unit is rented, the local contact person shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding by phone within thirty (30) minutes and in person within sixty

(60) minutes to any initial or successive complaints regarding the condition, operation, or conduct of occupants of the vacation rental.

- 4) The local contact person shall be responsible to ensure that the occupants and guests of the vacation rental unit do not create unreasonable noise disturbances, engage in disorderly conduct, or violate provisions of the code or any state law.
- 5) The local contact person shall be responsible to ensure that trash and refuse shall not be left stored within public view except as allowed.
- 6) The local contact person shall be responsible to ensure that noise levels shall not exceed those described in Chapter 130.
- 7) Prior to occupancy pursuant to each separate occasion of rental of a vacation rental, the owner or the owner's agent or representative shall enter into a written rental agreement with a responsible person where. (1) the responsible person will provide the responsible person's name, age, address, and a copy of a government-issued identification; (2) establishes and sets out the terms and conditions of the rental agreement, including without limitation occupancy limits, trash disposal, and noise prohibitions; (3) requires the responsible person to acknowledge and agree that he or she is legally responsible for compliance of all occupants of the vacation rental or their guests with all provisions of this chapter and the code; and (4) provides a copy of the "Good Neighbor Brochure" to the responsible person. Each rental agreement shall be maintained by the owner or the owner's agent for a minimum of two (2) years and shall be readily available for inspection upon request of the City. Notwithstanding a rental agreement between the responsible person and owner, the owner of the vacation rental unit or units shall remain responsible for compliance with the provisions of this chapter and the failure of the responsible person to comply with this chapter or the rental agreement shall not relieve the owner of the obligations under the provisions of this chapter.
- 8) The local contact person shall, upon notification that the responsible person, including any occupant or guest of the vacation rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the code or any state law, promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests.
 - A) For the purpose of this subsection and subsection (a) of this section, the phrase "in a timely and appropriate manner" shall mean each of the following components:
 - 1) Telephonic contact with the responsible person at the subject vacation rental unit within thirty (30) minutes of a call for each incident during a rental term
 - 2) In-person contact at the subject vacation rental unit within sixty (60) minutes of a call if contact with the responsible person is not made by telephone for each incident during a rental term

- a) Failure of the local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the short-term vacation rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this chapter. It is not intended that a local contact person act as a peace officer or place him/herself in an at-risk situation.
- b) The local contact person shall post a copy of the Short-term Vacation rental registration certificate and a copy of the conditions set forth in this section in a conspicuous place within the vacation rental unit.
- c) The local contact person shall provide the responsible person of a vacation rental with the following information prior to occupancy of the unit and post such information in a conspicuous place within the unit:
 - i. The name of the local contact person and a telephone number at which that party may be reached on a twenty-four (24) hour basis;
 - ii. The maximum number of overnight occupants permitted to stay in the unit;
 - iii. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
 - iv. Notification that noise levels shall not exceed those described Chapter 130;
 - v. Notification that the occupant may be cited or fined by the City and may be evicted by the local contact person pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of this chapter;
 - vi. Notification that failure to conform to the occupancy requirements of the vacation rental unit is a violation of this chapter;
 - vii. A copy of this chapter, as may be amended from time to time.
- d) The use of a short-term vacation rental unit shall not violate any applicable conditions, covenants, or other restrictions on real property.
- e) The owner shall comply with all provisions of the City Model Tax Code concerning transient occupancy taxes.

§ 117.05 Fees

- 1) The owner of the short-term vacation rental shall pay an initial registration fee of ninety-five (\$95.00), to be collected at the time of application.

- 2) The owner of the short-term vacation rental shall pay an annual registration fee of thirty-five (\$35.00), due January 1, each year.
- 3) The owner of the short-term vacation rental shall pay an initial Fire Safety Inspection fee of sixty-five (\$65.00) due at the time of application, as well as an additional sixty-five (\$65.00) annual Fire Safety Inspection fee, due January 1, each following year. No short-term vacation rental can be operational until this fee is paid and inspection has been completed.
- 4) Fees are subject to change on an annual basis, after review and approval from City Council.

A) Audit

- 1) Each owner, or owner's agent, shall provide access to each short-term vacation rental and any records related to the use and occupancy of the vacation rental to the City Manager or designee at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

B) Violations

- 1) Any person who uses, or allows the use of, residential property in violation of the provisions in this chapter is guilty of a misdemeanor for each day in which the residential property is used, or allowed to be used, in violation of this chapter. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99 of this code of ordinances.
- 2) Notwithstanding the provisions of subsection (A) of this section, any citation or courtesy notice issued for violations of the City Code to provide for a reasonable compliance date or time, a shorter compliance period may be required or a citation may be issued if, due to the nature of the violation, a shorter compliance period is necessary or appropriate, as determined in the reasonable judgment of the City official issuing the citation or notice.
- 3) Upon the third or any subsequent violation of this chapter or any other provision of the City Code in any twelve (12) month period, the City Manager or his designee may suspend or revoke the short-term vacation rental registration certificate for a vacation rental unit.
- 4) The remedies provided for in this section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this code or other public nuisance.
- 5) The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of this code. The issuance of any

permit pursuant to this chapter shall not relieve any person of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of vacation rental or the property on which it is located.

C) Requirements not Exclusive

- 1) The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of this code. The issuance of any permit pursuant to this chapter shall not relieve any person of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of short-term vacation rental or the property on which it is located.

Staff Report



To: City Council

From: Tim Pettit

Date: January 26, 2022

Subject: Kiwanis Club Swap Meet

Background: Over the years the Police Dept. has received more and more complaints and calls to the swap meet location dealing with violations and disturbances between customers and vendors, and the City dealing with City Code Violations on a weekly basis; issues being:

Trash, illegal dumping, illegal signage, camping, no Business Lic., illegal parking, property damage (Monument Park and City restrooms)

I am now hearing from new businesses and improved properties in this area complaining about blight that the swap meet brings.

I have also attached the Police Departments Memo to me.

Fiscal Impact: Kiwanis gives an estimated \$3000 a year toward scholarships for High School Seniors.

Recommendation: Staff not being able to coming up with another location suitable for the Swap Meet, I recommend not approving the operation of a swap meet.



Chief of Police
Herman Nixon

WILLIAMS POLICE DEPARTMENT

501 W. ROUTE 66 • WILLIAMS ARIZONA 86046

(928) 635-4461

FAX (928) 635-1415

November 8, 2021

Tim Pettit, City Manager;

I am writing this memo to you in reference to the Kiwanis swap meet which I have received numerous complaints about from citizens and local business owners on the East side of the city. The Kiwanis swap meet has been nothing but a source of complaints since its inception and things have just gotten worse. The police department responds to numerous calls for service at this location, calls include intoxicated subjects, parking issues, disturbances between vendors, arguments between customers and vendors, etc. This doesn't include the camping overnight that occurs on Friday and Saturday nights which leads into Thursday nights and Sunday nights. I have talked to Bud Parenteau several times from Kiwanis about the issues but he has his brother in law running the swap meet and he is part of the problems we respond too. I have received complaints from Union 76 station, Family Dollar, Safeway, Dairy Queen and Motel 6. Most of the complaints are about the vendors at the swap meet which include, using bathrooms and making a mess or destruction of bathroom, this includes the city bathrooms next to Footworks, intoxicated subjects or drinking on their property and shoplifting. We are continually responding to parking issues at the swap meet and traffic congestion which just gets worse on holiday weekends, we then have to deal with calls from Friday through Monday instead of Friday through Sunday.

My biggest concern is I have always been told that this is for the kids and all the monies go to scholarships for seniors. I was amazed when I checked and found the most money ever given out for scholarships was \$3,600.00, the last three years Kiwanis gave out \$2,400.00 in 2019, \$3,600.00 in 2020 and \$3,000.00 in 2021. When you take into consideration that the city puts down cinders and uses our man power to spread them out and flatten them, we provide sanitation which is always a problem and none of the vendors pay for city license or taxes it seems the city is putting out a lot of money for not much return. I am asking that you forward this to the city council in hopes they will reconsider approving the swap meet.

Respectfully submitted,


Herman Nixon
Chief of Police
Williams Police Department