

COUNCIL MINUTES

September 29, 2022

The City Council of the City of Mesa met in a Study Session in the lower-level meeting room of the Council Chambers, 57 East 1st Street, on September 29, 2022, at 7:30 a.m.

COUNCIL PRESENT

John Giles
Jennifer Duff
Mark Freeman
Francisco Heredia
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

David Luna

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Luna from the entire meeting.

1. Review and discuss items on the agenda for the October 3, 2022 regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items removed from the consent agenda: None

In response to a question by Councilmember Freeman regarding Item 4-h (**One-Year Term Contract for Virtual Police Officer Recruit Testing Services for the Mesa Police Department (Sole Source) (Citywide)**), on the Regular Council meeting agenda, Police Commander Dominique Sterlin reported Mesa Police Department (MPD) would be implementing the National Testing Network program currently used by the Mesa Fire & Medical Department (MFMD) and seven other agencies in Arizona. He noted this program allows for a more extensive applicant base, and testing can be completed virtually or in person at a testing center.

In response to a question from City Manager Christopher Brady, Commander Sterlin stated that the goal is to expand the applicant base. He emphasized the challenge of getting applicants to appear for physical testing. He remarked the program provides convenience and flexibility for applicant testing.

Responding to additional questions from Councilmember Freeman, Commander Sterlin explained that applications have been consistently low, and only half of the applicants appear for testing.

He reported applicants surveyed noted convenience as a factor for testing; therefore, he hopes the virtual testing will increase the numbers.

Police Lieutenant David Stiers stated internal applicants would be required to take a physical test, and a written test is not applicable. He noted the other benefit of this program is that applicants can use testing for up to three departments nationwide.

In response to a question from Vice Mayor Duff regarding Item 5-c, **(Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima Maricopa Indian Community for the receipt and distribution of \$895,000 in Proposition 202 Funds. (Citywide))**, on the Regular Council meeting agenda, Water Resources Advisor Brian Draper stated that \$10,000 would fund the placement of hydration stations at two Mesa Public Schools (MPS). He indicated the City is working with MPS to identify which schools would benefit most from hydration stations and heavy-duty City of Mesa water bottles.

In response to an inquiry from Councilmember Thompson, Mr. Draper explained the hydration stations would replace broken fountains and students would receive a water bottle to ensure hydration throughout the day.

Mr. Brady clarified the hydration stations are intended for students, not the general public.

Responding to additional questions from Councilmember Thompson, Mr. Draper explained the intent is to utilize the school's Facilities Maintenance Department to locate the fountains. He recalled previous lead and copper testing at the schools found old lead soldering. He highlighted the dual benefit in installing new copper fixtures and ensuring students access to quality water and hydration.

2-a. Hear a presentation, discuss, and provide direction on a proposed amendment to Title 5 of the Mesa City Code (Business Regulations) adding a new Chapter 15, entitled "Short-Term Rentals", requiring licenses for, and enacting reasonable regulations on all short-term rentals and vacation rentals operating in Mesa.

Business Licensing and Revenue Collections Administrator Tim Meyer introduced Sarah Steadman Assistant City Attorney II and displayed a PowerPoint presentation on the Short-Term Rental (STR) Ordinance. **(See Attachment 1)**

Mr. Meyer defined STRs per A.R.S. § 9-500.39. He added that transient use means renting for less than 30 consecutive days and is commonly called a vacation rental. (See Page 2 of Attachment 1)

Mr. Meyer noted that Senate Bill 1168, signed by the Governor on July 6, 2022, went into effect on September 24, 2022. He explained this law limits how cities could regulate STRs and outlined the changes. (See Page 3 of Attachment 1)

Ms. Steadman clarified that state statute extended the allowed parameters for cities.

Mr. Meyer summarized the goals for the STR ordinance, including licensing, compliance, emergency contact, notification, insurance, prohibited use, the process for denial and suspension, and civil penalties against the owner. (See Pages 4 and 5 of Attachment 1)

Mr. Meyer estimated there are between 2,000 to 3,000 STRs in Mesa. He outlined the information required for the application and summarized reasons for denial. He explained the emergency contact disclosure requirement and the process for license suspensions. (See Pages 6 through 8 of Attachment 1)

Responding to a question posed by Councilmember Thompson, Ms. Steadman clarified that statute specifically sets parameters for the suspension of licenses. She added suspensions are on a rolling 12-month period, not a calendar year.

Mr. Meyer summarized the proposed civil penalties for owner violations and noted additional penalties for not being licensed or failing to provide emergency contact information. She explained the statute sets the maximum number of civil penalties cities can impose on the owner. She pointed out that although the statute has slightly higher penalties, Mesa is choosing to be more business-friendly and do more of a graduated approach to fines. (See Page 9 of Attachment 1)

Responding to a question by Councilmember Freeman, Ms. Steadman discussed penalties adopted by surrounding municipalities. She commented that Mesa's penalty amounts are in the middle, noting some cities do not have penalties yet and have not adopted new ordinances. She remarked the goal is to have clear penalties for violators to understand easily. She stated that staff could look at increasing the penalty amounts as long as it falls within the statute parameters.

City Attorney Jim Smith explained that a definitive penalty allows violators to pay the fine and move on rather than going through a hearing to determine the fine. He stated that having a specific fine amount also helps deter violators.

In response to additional questions from Councilmember Freeman, Mr. Meyer reiterated that the license for STRs could be suspended after three violations within 10 months.

Responding to a question by Councilmember Spilsbury, Councilmember Heredia stated complaints regarding STRs indicate ongoing parties and parking issues along with problems contacting property owners.

In response to an inquiry by Councilmember Heredia, Mr. Meyer explained the extensive outreach campaign through the City's website, social media, and various news outlets.

Ms. Steadman noted the proposed effective date of this ordinance is February 1, 2023. She added that if Council adopts the ordinance, there will be multiple months for outreach to occur.

In response to additional questions from Councilmember Heredia, Mr. Meyers stated Mesa would provide notification to the 200 licensed STRs as well as the larger operating companies regarding the new guidelines. He added that customers have recently become aware of the state legislation and are already reaching out to the City to sign up for a license.

Business Services Department Director Ed Quedens indicated that upon notice, Airbnb and VRBO would relay the information to its customers regarding the Mesa licensing requirements.

Responding to additional questions from Councilmember Heredia, Mr. Meyer explained that obtaining a license for STRs is similar to other licenses; customers apply and pay online, and the license is emailed.

In response to multiple questions from Councilmember Spilsbury, Ms. Steadman stated that emergency contact information is essential, and a local contact is required on all applications. She indicated that the rules for each Homeowner Association (HOA) might vary, and this statute will not affect HOA rules if stricter restrictions exist.

Government Relations Director Miranda DeWitt pointed out ongoing efforts to retain authority and pursue legislation to combat party houses. She commented that this new legislation is significant in helping address issues related to STRs.

Responding to additional questions from Councilmember Spilsbury, Ms. Steadman remarked this ordinance is mainly directed toward the owners of the STRs. She added noise ordinance violations could be enforced against the guests of the STRs.

In response to a question from Mayor Giles, Ms. Steadman explained that if the MPD or other emergency personnel respond to a complaint, the STR point of contact must also respond in person.

In response to additional questions from Mayor Giles, Mr. Meyer stated there are 200 Transaction Privilege Tax (TPT) registered tax licenses and the remaining STRs are going through the larger companies.

Mr. Quedens clarified that the TPT customers filed for a specific tax code that identifies them as STRs. He added that the number of STRs in each large corporation is unknown as most work through a booking agent and tax dollars come through the companies.

Mr. Meyer reported future related tasks, including providing public notice, assessing staffing needs, and integrating systems and processes to modify the tax and licensing system. (See Page 10 of Attachment 1)

Ms. Steadman clarified that the license fee is \$250 and renewable yearly.

In response to a question from Vice Mayor Duff, Ms. Steadman discussed various types of violations. She discussed license requirements, including providing notification to the neighbors and ensuring the emergency contact is updated and posted inside the residence. She added that the Business Licensing and Collections Department would oversee violations.

Mr. Meyer outlined key dates, including ordinance introduction on October 3, and noted the proposed effective date would be February 1, 2023. (See Page 11 of Attachment 1)

Responding to a question from Councilmember Spilsbury, Ms. Steadman stated the statute does not prohibit using several properties that are located together as STRs; however, each rental property would require a license.

In response to an inquiry from Councilmember Freeman, Ms. Steadman explained the statute requires STRs to notify adjacent properties, including those directly or diagonally across the street. She added the City also requires notification within 200 feet of the property. She noted that STRs in multiple residence units must provide notice to all the units on the same floor of the building.

In response to an additional question from Councilmember Freeman, Mr. Meyer confirmed that the department will need to bring on additional staff to meet demand.

Councilmember Thompson discussed complaints with party houses in District 6 and encouraged more significant penalties for violations related to STRs.

In response to an inquiry by Councilmember Heredia, Ms. Steadman explained that notification regarding STRs to neighbors must be in writing.

Mr. Meyer clarified the City could demand proof upon request that adjacent properties have been noticed. He remarked STRs must have a license and license number posted on all communications.

Ms. Steadman explained the statute set forth specific reasons for the denial or issuance of a license and gave examples of reasons an application may be denied.

Responding to a question from Vice Mayor Duff, Ms. Steadman stated the statute does not allow the City to regulate how many guests could be in the STR. She noted potential building and safety code violations if the house is subdivided to such an extent that it is out of compliance.

In response to a question from Mayor Giles, Ms. Steadman reported STRs would have to comply with Mesa fire, building and safety codes.

Mr. Meyer discussed improvements to the City's licensing software, noting that the City has received positive feedback from businesses using the system.

Mayor Giles thanked staff for the presentation.

2-b. Hear a presentation, discuss, and provide direction on proposed amendments to Title 6 (Police Regulations), Chapter 12, of the Mesa City Code, entitled "Offensive, Excessive and Prohibited Noises".

Assistant Police Chief Ed Wessing introduced Police Legal Advisor Geoff Balon and displayed a PowerPoint presentation on amendments to Title 6 (Police Regulations), Chapter 12, of the Mesa City Code. **(See Attachment 2)**

Assistant Chief Wessing reported discussions regarding STRs resulted in revisions to the ordinance, ensuring enforcement is easily understood by the community, MPD, Code Compliance, and Animal Control.

Assistant Chief Wessing outlined revisions to the code, including clarifying definitions, prohibitions, and temporary exemption procedures. He discussed fines for repeat offenders. (See Page 2 of Attachment 2)

Mr. Balon pointed out that changes to the ordinance include similarities to Gilbert and Tempe and noted officers consider various factors to determine reasonability. He explained a significant change was to ensure the ordinance would be upheld in court. He commented Mesa previously had some of the lowest penalties in the state at \$75. He stated the revised penalties would start at \$250 up to \$1500 for a first offense, \$500 up to \$2500 for a second offense, and \$750 up to \$2500 for the third offense. He stated this allows the court to apply some discretion when determining culpability. He indicated stiffer penalties for the habitual offender, including misdemeanor offenses and jail time.

Responding to multiple questions from Councilmember Spilsbury, Assistant Chief Wessing explained that officers consider several factors, including time of day, noise, and what is reasonable for that neighborhood. He remarked there is a slight disparity in what some feel is reasonable or not. He added that utilizing these factors versus just a standard of 10:00 p.m. to 6:00 a.m. makes it easier for the citizen to comply and for the officers if it goes to a citation.

Responding to a question from Vice Mayor Duff, Assistant Chief Wessing clarified that there is no specific time frame for noise in the revision.

Additional discussion ensued on the proposed code revisions.

Mr. Brady noted based on the concerns expressed by Council, the agenda item would be removed from the agenda, and staff would return with a more detailed explanation.

Mayor Giles thanked staff for the presentation.

2-c. Hear a presentation, discuss, and provide direction on proposed amendments to Title 6 (Police Regulations), Chapter 21, of the Mesa City Code, entitled "Fireworks".

Fire Battalion Chief Shawn Alexander displayed a PowerPoint presentation on Title 6 (Police Regulations), Chapter 21, of the Mesa City Code. **(See Attachment 3)**

Battalion Chief Alexander reported the ordinance changes comply with new state requirements and add enforcement measures and fines for fireworks violations. He reported Senate Bill 1275 adjusted the hours of permissible firework use. He explained that fireworks are usually prohibited from 11:00 p.m. and 8:00 a.m., and this change allows fireworks on New Year's Eve and July 4th to be used until 1:00 a.m. He stated House Bill 2255 added two days of permissible firework use to celebrate the Hindu holiday of Diwali. He discussed new criminal penalties for the illegal use and sale of fireworks and updated fines for violations. (See Pages 2 and 3 of Attachment 3)

Mr. Balon reported that the State gives cities the authority to create penalties for using, possessing, and selling illegal fireworks. He noted Mesa has added misdemeanors for using and possessing illegal fireworks and has updated fines for the civil penalties. (See Page 4 of Attachment 3)

Responding to a question from Mayor Giles, Battalion Chief Alexander explained that MPD made strong enforcement efforts to issue citations to violators. Assistant Chief Wessing stated MPD officers focused on the sale of illegal fireworks, serving search warrants on several companies which resulted in the large seizure of illegal fireworks.

Mr. Brady stated the penalties are getting more serious and fines are increasing. He recognized the discomfort that illegal fireworks cause many residents and ensured the City would continue these efforts.

Battalion Chief Alexander provided examples of legal and illegal fireworks, noting aerial fireworks are prohibited. He outlined the dates and times when consumer fireworks are permissible, including Cinco De Mayo, 4th of July, New Year's Eve, and Diwali. (See Pages 5 and 6 of Attachment 3)

In response to a question from Councilmember Spilsbury, Mr. Balon explained the State preempts local jurisdictions from prohibiting on certain times.

Mr. Balon reported the City increased fines to be consistent with other cities on the civil side of violations. He reported fines for using and selling fireworks start at \$1,000 to \$2,500 per misdemeanor penalty. (See Page 7 of Attachment 3)

Responding to an additional question from Councilmember Spilsbury, Chief Wessing emphasized the difficulty in responding to each firework call. He explained MPD is looking at targeting specific areas that are known for illegal fireworks. He noted another challenge is most citizens that report this crime are anonymous. He stated education is a significant component, and over 160 people were contacted on the 4th of July. He expanded on the importance of enforcement when evidence supports the crime.

In response to comments by Vice Mayor Duff, Chief Wessing indicated plans to work with the City's Public Information Officer and MFMD to create a public service announcement regarding enhanced efforts and revisions to permissible use of fireworks. He added that Crime Prevention would conduct outreach to community contacts, including multi-housing units and HOAs.

Mayor Giles thanked staff for the presentation.

2-d. Hear a presentation, discuss, and provide direction on an update of the City's electric vehicle initiatives.

Assistant to the City Manager Ian Linssen displayed a PowerPoint presentation and provided an update on initiatives to accelerate electric vehicle (EV) adoption in Mesa. **(See Attachment 4)**

Mr. Linssen stated EVs are a critical component of the Mesa Climate Action Plan (MCAP) by helping with the carbon offset components. He reported Arizona ranks in the top 20% nationally as the highest per capita registered electric vehicles and continues to increase yearly. He explained Mesa's two concurrent paths: internal city fleet electrification and Broader Community Adoption. (See Page 2 of Attachment 4)

Mr. Linssen reported that Mesa is one of the first municipalities to receive Ford F-150 Lightning vehicles, and initial charging infrastructure is on schedule. He stated the City is working with a consultant to review potential charging infrastructure sites for future electrified fleets. (See Page 3 of Attachment 4)

In response to a question by Councilmember Freeman, Mr. Brady stated the Ford F-150 Lightning vehicles would be distributed across City departments.

Responding to additional questions by Councilmember Freeman, Deputy City Manager Marc Heirshberg stated there are 76 vehicles on order, and 26 would arrive toward the end of 2022.

Mr. Linssen emphasized the challenge of finding vehicles due to the high competition to purchase nationally.

Mr. Brady discussed the time frame for the initial batch of charging stations and the emphasis on ensuring infrastructure is in place to support the incoming vehicles.

In response to multiple questions from Mayor Giles, Mr. Heirshberg stated as part of the site evaluation, electric capacity is considered as well as the resources available to support the first set of vehicles. He commented that there are long lead times on electric service panels. He stated the timing of the fleet rollout should line up with the infrastructure installation. He noted the

vehicles would need to be outfitted and uplifted upon arrival, and fleet services staff would need an opportunity to test and work with new technology.

Mr. Linssen outlined the three initial focus areas and the internal process. He explained the responsibilities of the consultant and commented that partnerships would help reduce redundancy and increase grant competitiveness. He stated staff would return to Council later with recommendations. (See Pages 4 through 7 of Attachment 4)

Mayor Giles thanked staff for the presentation

3. Acknowledge receipt of minutes of various boards and committees.

3-a. Museum & Cultural Advisory Board meeting held on July 28, 2022.

It was moved by Vice Mayor Duff, seconded by Councilmember Freeman, that receipt of the above-listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Spilsbury–Thompson

NAYS – None

ABSENT– Luna

Mayor Giles declared the motion passed unanimously by those present.

4. Current events summary including meetings and conferences attended.

Mayor Giles –	The Plaza at Mesa City Center – grand opening event
Vice Mayor Duff –	National League of Cities Large Cities Council Energy and Environment and Natural Resources Committee
Councilmember Heredia –	AT&T Underground Fiber groundbreaking Mexican Baseball League – Sloan Park
Councilmember Spilsbury –	Night at the Phoenix Art Museum Coalition on Human Dignity and Religious Freedom Drive-thru text amendment community meeting

5. Scheduling of meetings.

City Manager Christopher Brady stated that the schedule of meetings is as follows:

Monday, October 3, 2022, at 5:15 p.m. – Study Session

Monday, October 3, 2022, at 5:45 p.m. – Regular Meeting

6. Adjournment.

Without objection, the Study Session adjourned at 9:21 a.m.

JOHN GILES, MAYOR

ATTEST:

HOLLY MOSELEY, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 29th day of September 2022. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

td
(Attachments – 4)



Short Term Rental (STR) Ordinance

Tim Meyer

Business Licensing and Revenue Collections Administrator

Sarah Steadman

Assistant City Attorney II

What is a Short-Term Rental?

2

- Short-term rental is defined by A.R.S. § 9-500.39.
- Any dwelling unit (single- or multiple- residence) or any group of units in a condo, cooperative, or timeshare that is a transient public lodging establishment or owner-occupied residential home offered for transient use and not classified for property taxation under A.R.S. § 42-12001.
- Transient use means rented for less than 30 consecutive days.
- Also commonly called a vacation rental.

Short-Term Rental Legislation

3

- Senate Bill 1168 was signed by the Governor on July 6, 2022 and went into effect September 24, 2022.
- The law (A.R.S. § 9-500.39) limits how cities can regulate short-term rentals:
 - Enforce existing codes (zoning, nuisance, property maintenance)
 - Prohibit use for certain harmful purposes
 - Require license; emergency point of contact; neighbor notification; insurance
 - Grounds for suspension
 - Civil penalties

STR Ordinance Goals

4

1. Licensing of short-term rentals;
2. Compliance with City Codes and applicable laws (zoning, noise, nuisance, health and safety, solid waste, tax, traffic control, property maintenance);
3. Emergency contact information of person responsible for responding to complaints and emergencies;
4. Notification to neighboring properties that a property will be used as a short-term rental;

STR Ordinance Goals

5

5. Minimum liability insurance requirements;
6. Prohibited uses per statute (housing sex offenders, sober living home, selling liquor or illegal drugs, obscenity, pornography, adult-oriented business, special events, retail);
7. Grounds and process for denial and suspension of license; and
8. Civil penalties against owner and others.

STR License

6

- Estimated 2,000 - 3,000 STR units in Mesa
- Application information required:
 - Name, address, phone, email of owner and emergency contact
 - Address of the STR
 - TPT number
 - Agreement to comply with laws
- Grounds for denial:
 - Failure to provide application information or fee
 - Owner has a suspended license for that property
 - False or misleading information provided
 - Owner or designee was convicted sex offender or convicted of felony involving death, serious injury, or a deadly weapon in prior 5 years

Emergency Contact Disclosure

- Owner must disclose the emergency point of contact and must keep the information updated
- Included as part of notification to neighbors
- Must be posted in the STR
- Emergency contact must respond to all complaints and emergencies associated with the STR:
 - For emergencies (public safety personnel dispatched): within one hour and in person if requested by public safety personnel
 - For all other complaints: within 24 hours and can be in person, by phone or email

STR Suspension

8

- Up to 12-month suspension of license
- One “serious” violation committed by owner:
 - Felony offense at or in the vicinity of the STR
 - Serious physical injury or wrongful death at or related to the STR
 - Knowingly renting the STR in violation of the prohibited uses
- Or, any three violations of the STR Ordinance in a 12-month period
- Licensing Administrator will implement administrative process (citation, opportunity for hearing)
- Limited scenario for suspension of use as STR (up to 12 months) through the Courts for felony act that results in death or serious physical injury

Proposed Civil Penalties

- Against owner who violates:
 - \$500 first violation within 12-month period
 - \$1000 second violation within 12-month period
 - \$2000 for third violation within 12-month period
- Additional penalty against owner for not being licensed and/or not providing emergency contact information:
 - \$250 for first month
 - \$500 for second month
 - \$750 for third month
 - \$900 for fourth month and each additional month

Tasks

- Fee Public Notice
- Assess Staffing Need
- Integration of Systems/Processes

Key Dates

- Introduction: October 3, 2022
- Consideration: October 17, 2022
- Consideration of Fees: December 5, 2022
- Proposed effective date: February 1, 2023

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City of Mesa

City Code Update

Title 6, Chapter 12

Offensive, Excessive, and Prohibited Noises

September 29, 2022

Assistant Police Chief Ed Wessing
Geoff Balon, Police Legal Advisor





Changes

Title 6, Chapter 12 Revisions:

- Clarify definitions, prohibitions, and temporary exemption procedures
- Create factors to consider for violations
 - Making the code more similar to Tempe and Gilbert
- Update fines (minimum fine with flexibility for hearing officer/judge to increase) and penalties for repeat offenders



Questions ?



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City of Mesa

City Code Update

Title 6, Chapter 21

Fireworks and Permissible Consumer Fireworks

September 29, 2022

Deputy Chief/Fire Marshall Shawn Alexander
Assistant Police Chief Ed Wessing
Geoff Balon, Police Legal Advisor





Overview

- Municipalities may regulate fireworks and permissible consumer fireworks except as limited by Arizona Revised Statutes § 36-1606, which preempts municipal laws relating to the sale and use of permissible consumer fireworks during specified days and times of the year.
- On May 18th, Governor Ducey signed SB1275 permitting municipalities to restrict the use of permissible consumer fireworks between 11 p.m. and 8 a.m. each day except that on New Years and July 4th, they are allowed between 11:00 p.m. and 1:00 a.m.
- On July 6th, Governor Ducey signed HB2255 preempting municipalities from prohibiting the sale of permissible consumer fireworks two days before the first day of Diwali through the third day of Diwali, and the use of permissible consumer fireworks on the second and third days of Diwali.



Changes

City Code Revisions Include:

- Clarifying terms and definitions
- Revising dates and times of use and sale of permissible consumer fireworks
- Creating criminal penalties for sale and use of fireworks
- Updating fines



Terms and Definitions

“Legal Fireworks”

1) “Permissible Consumer Fireworks (legal on authorized days)”: Ground/handheld sparklers, cylindrical fountains, ground “spinners”, toy smoke type devices. Does not include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground.

2) “Novelty Items” (always legal): Snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.

“Illegal Fireworks”

Firecrackers, bottle rockets, skyrockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

“Supervised Public Display”

A monitored performance of display fireworks open to the public authorized by permit by the Mesa Fire and Medical Chief or their designee.

September 29, 2022 Attachment 3 Page 5 of 8					
Illegal Fireworks		Legal Fireworks Permissible Consumer		Legal Fireworks Novelty	
				Morning Glory Sparklers	
				Wire Stick Sparklers	



Dates and Times of Use

Permissible Consumer Fireworks may be used during specific days and times of the year:

- 1) May 4th through May 6th between the hours of 8:00 A.M. and 11:00 P.M.**
- 2) June 24th through July 6th between the hours of 8:00 A.M. and 11:00 P.M., and between the hours of 11:00 P.M. on July 4th and 1:00 A.M. on July 5th.**
- 3) December 24th through January 3rd between the hours of 8:00 A.M. and 11:00 P.M., and between the hours of 11:00 P.M. on December 31st and 1:00 A.M. on January 1st.**
- 4) Second and third days of Diwali.**

- Use, Possession, or Sale
- Permissible Consumer Fireworks Sale to:
 - Under 16; or
 - Conflicting with State Law; or
 - On Prohibited Days
- Use of Permissible Consumer Fireworks During Stage One or Higher Fire Restriction near protected areas
- Failure to Obtain a Permit for a Supervised Public Display of Fireworks
- Failure to Comply with Permit and Safety Requirements of A.R.S. § 36-1603
- Habitual Offender within 36 months

Civil Violation; \$500 Fine

- Permissible Consumer Fireworks Use Outside Allowed Days or Times
- Permissible Consumer Fireworks Use on City Property (excluding right of way)
- Failure to Display Required Permissible Consumer Fireworks Signage at Sale

All class 1 misdemeanors are subject to a maximum penalty of up to 6 months in jail and/or a fine not to exceed \$2,500.

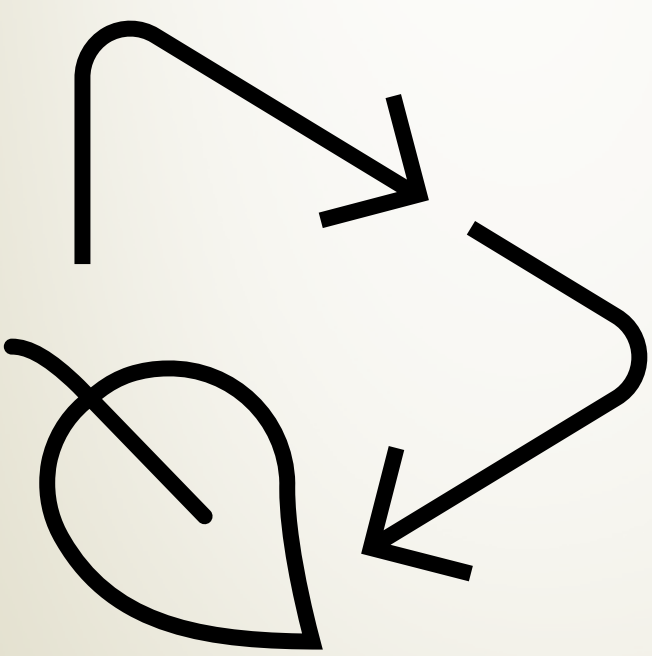


Questions ?

Accelerating EV

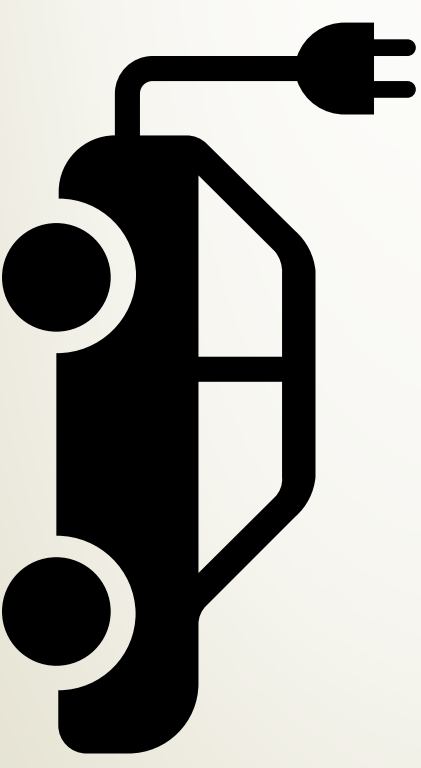
hy EV

- A key component of Mesa’s Climate Action Plan
- Two concurrent paths:
 - Internal City Fleet Electrification
 - Broader Community Adoption



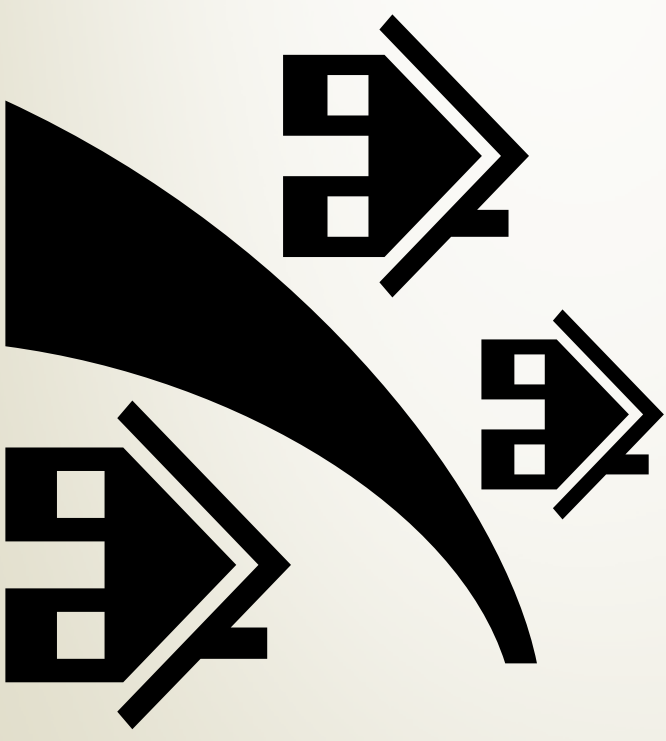
leet Update

- F-150 lightnings and initial charging infrastructure on track
- Consultant review of 66 sites across the city to prepare for continued future fleet electrification



Community EV

- Three initial focus areas:
 - Review of internal processes and regulations relating to charging infrastructure
 - Community Consultant
 - Partnerships



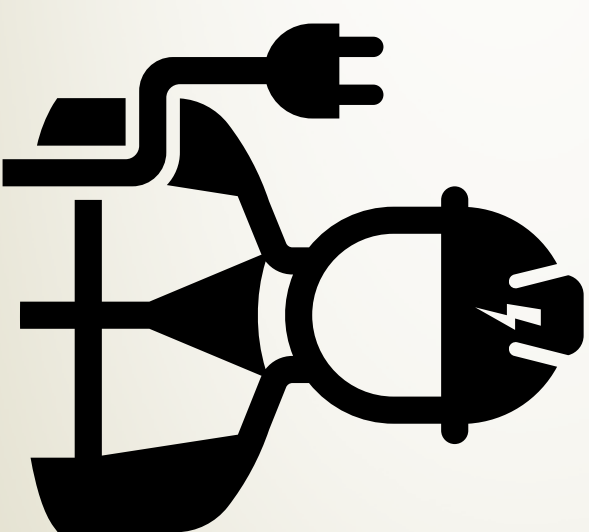
Internal Process Review

- Document existing charging infrastructure processes/regulations
 - Retrofits
 - New Builds
- Identify potential areas for improvement



Community Consultant

- Review existing community EV landscape
- Talk with local and regional stakeholders
- Help prepare for federal grant opportunities
- Make policy recommendations



Partnerships

- Continue to build local, regional, and public/private partnerships:
 - Salt River Project
 - Maricopa Association of Governments
 - Neighboring cities
 - Local businesses
- Reduce redundancy
- Increase grant competitiveness



Questions?



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 - Grounds for suspension
 - Civil penalties

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- Included as part of notification to neighbors
- Must be posted in the STR
- Emergency contact must respond to all complaints and emergencies associated with the STR:
 - For emergencies (public safety personnel dispatched): within one hour and in person if requested by public safety personnel
 - For all other complaints: within 24 hours and can be in person, by phone or email

STR Suspension

8

- Up to 12-month suspension of license
- One “serious” violation committed by owner:
 - Felony offense at or in the vicinity of the STR
 - Serious physical injury or wrongful death at or related to the STR
 - Knowingly renting the STR in violation of the prohibited uses
- Or, any three violations of the STR Ordinance in a 12-month period
- Licensing Administrator will implement administrative process (citation, opportunity for hearing)
- Limited scenario for suspension of use as STR (up to 12 months) through the Courts for felony act that results in death or serious physical injury

Proposed Civil Penalties

- Against owner who violates:
 - \$500 first violation within 12-month period
 - \$1000 second violation within 12-month period
 - \$2000 for third violation within 12-month period
- Additional penalty against owner for not being licensed and/or not providing emergency contact information:
 - \$250 for first month
 - \$500 for second month
 - \$750 for third month
 - \$900 for fourth month and each additional month

Tasks

- Fee Public Notice
- Assess Staffing Need
- Integration of Systems/Processes

Key Dates

- Introduction: October 3, 2022
- Consideration: October 17, 2022
- Consideration of Fees: December 5, 2022
- Proposed effective date: February 1, 2023

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City of Mesa

City Code Update

Title 6, Chapter 12

Offensive, Excessive, and Prohibited Noises

September 29, 2022

Assistant Police Chief Ed Wessing
Geoff Balon, Police Legal Advisor





Changes

Title 6, Chapter 12 Revisions:

- Clarify definitions, prohibitions, and temporary exemption procedures
- Create factors to consider for violations
 - Making the code more similar to Tempe and Gilbert
- Update fines (minimum fine with flexibility for hearing officer/judge to increase) and penalties for repeat offenders



Questions ?



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City of Mesa

City Code Update

Title 6, Chapter 21

Fireworks and Permissible Consumer Fireworks

September 29, 2022

Deputy Chief/Fire Marshall Shawn Alexander
Assistant Police Chief Ed Wessing
Geoff Balon, Police Legal Advisor





Overview

- Municipalities may regulate fireworks and permissible consumer fireworks except as limited by Arizona Revised Statutes § 36-1606, which preempts municipal laws relating to the sale and use of permissible consumer fireworks during specified days and times of the year.
- On May 18th, Governor Ducey signed SB1275 permitting municipalities to restrict the use of permissible consumer fireworks between 11 p.m. and 8 a.m. each day except that on New Years and July 4th, they are allowed between 11:00 p.m. and 1:00 a.m.
- On July 6th, Governor Ducey signed HB2255 preempting municipalities from prohibiting the sale of permissible consumer fireworks two days before the first day of Diwali through the third day of Diwali, and the use of permissible consumer fireworks on the second and third days of Diwali.



Changes

City Code Revisions Include:

- Clarifying terms and definitions
- Revising dates and times of use and sale of permissible consumer fireworks
- Creating criminal penalties for sale and use of fireworks
- Updating fines



Terms and Definitions

“Legal Fireworks”

1) “Permissible Consumer Fireworks (legal on authorized days)”: Ground/handheld sparklers, cylindrical fountains, ground “spinners”, toy smoke type devices. Does not include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground.

2) “Novelty Items” (always legal): Snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.

“Illegal Fireworks”

Firecrackers, bottle rockets, skyrockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

“Supervised Public Display”

A monitored performance of display fireworks open to the public authorized by permit by the Mesa Fire and Medical Chief or their designee.

<div> <div>September 29, 2022</div> <div>Attachment 3</div> <div>Page 5 of 8</div> </div>		<div> <div>Illegal Fireworks</div> <div>Legal Fireworks Permissible Consumer</div> <div>Legal Fireworks Novelty</div> </div>		<div> <div>Morning Glory Sparklers</div> <div>Wire Stick Sparklers</div> </div>	
<div> <div>Sparklers</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH HOT WOOD. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER.</div> </div>		<div> <div>Smoke Balls</div> <div>Cylindrical Smoke</div> <div>Smoke Cone</div> <div>Smoke Candle</div> </div>		<div> <div>Smoker Devices</div> <div>Snakes</div> <div>Party Poppers (Bottle)</div> <div>Party Popper (Pistol)</div> <div>Snappers/Drop Pops</div> </div>	
<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH HOT WOOD. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER.</div> </div>		<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH GLOWING WIRE. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WIRE IN WATER.</div> </div>		<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. LAY ON GROUND. LIGHT PELLET.</div> </div>	
<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR PERSON. HOLD IN HAND - JERK STRING.</div> </div>		<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</div> </div>		<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. THROW ON GROUND OR AGAINST HARD SURFACE. NOT RECOMMENDED FOR CHILDREN UNDER 8 YEARS.</div> </div>	
<div> <div>Ground Spinners</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE ON HARD, FLAT SURFACE. DO NOT HOLD IN HAND. LIGHT FUSE & GET AWAY.</div> </div>		<div> <div>Ground Spinners</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE ON HARD, FLAT SURFACE. DO NOT HOLD IN HAND. LIGHT FUSE & GET AWAY.</div> </div>		<div> <div>Sparkling Wheel Devices</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE ON HARD, FLAT SURFACE. DO NOT HOLD IN HAND. LIGHT FUSE & GET AWAY.</div> </div>	
<div> <div>Cylindrical Fountain</div> <div>Square Fountain</div> <div>Cone Fountain</div> <div>California Rocket Shaped Fountain</div> </div>		<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. INAL TO POST OR STAKE SO THAT THE WHEEL WILL TURN FREELY. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY.</div> </div>		<div> <div>CAUTION: FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. STICK FIRMLY IN GROUND IN AN UPRIGHT POSITION. REMOVE CAP FOR LIGHTING. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY.</div> </div>	
<div> <div>Sky Rockets/ Bottle Rockets</div> <div>Firecrackers</div> <div>Reloadable Shell Device/ Roman Candles</div> <div>Arials</div> <div>Single Tube Device w/ Report</div> </div>		<div> <div>WARNING!!!</div> <div>FLAMMABLE ROCKET</div> <div>WARNING!!!</div> <div>EXPLOSIVE</div> <div>WARNING!!!</div> <div>SHOOTS FLAMING BALLS</div> <div>WARNING!!!</div> <div>SHOOTS FLAMING BALLS w/ REPORTS</div> <div>WARNING!!!</div> <div>SHOOTS FLAMING BALLS w/ REPORTS</div> </div>		<div> <div>WARNING!!!</div> <div>FLAMMABLE</div> <div>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. STICK FIRMLY IN GROUND IN AN UPRIGHT POSITION. REMOVE CAP FOR LIGHTING. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY.</div> </div>	



Dates and Times of Use

Permissible Consumer Fireworks may be used during specific days and times of the year:

- 1) May 4th through May 6th between the hours of 8:00 A.M. and 11:00 P.M.**
- 2) June 24th through July 6th between the hours of 8:00 A.M. and 11:00 P.M., and between the hours of 11:00 P.M. on July 4th and 1:00 A.M. on July 5th.**
- 3) December 24th through January 3rd between the hours of 8:00 A.M. and 11:00 P.M., and between the hours of 11:00 P.M. on December 31st and 1:00 A.M. on January 1st.**
- 4) Second and third days of Diwali.**

- Use, Possession, or Sale
- Permissible Consumer Fireworks Sale to:
 - Under 16; or
 - Conflicting with State Law; or
 - On Prohibited Days
- Use of Permissible Consumer Fireworks During Stage One or Higher Fire Restriction near protected areas
- Failure to Obtain a Permit for a Supervised Public Display of Fireworks
- Failure to Comply with Permit and Safety Requirements of A.R.S. § 36-1603
- Habitual Offender within 36 months

Civil Violation; \$500 Fine

- Permissible Consumer Fireworks Use Outside Allowed Days or Times
- Permissible Consumer Fireworks Use on City Property (excluding right of way)
- Failure to Display Required Permissible Consumer Fireworks Signage at Sale

All class 1 misdemeanors are subject to a maximum penalty of up to 6 months in jail and/or a fine not to exceed \$2,500.

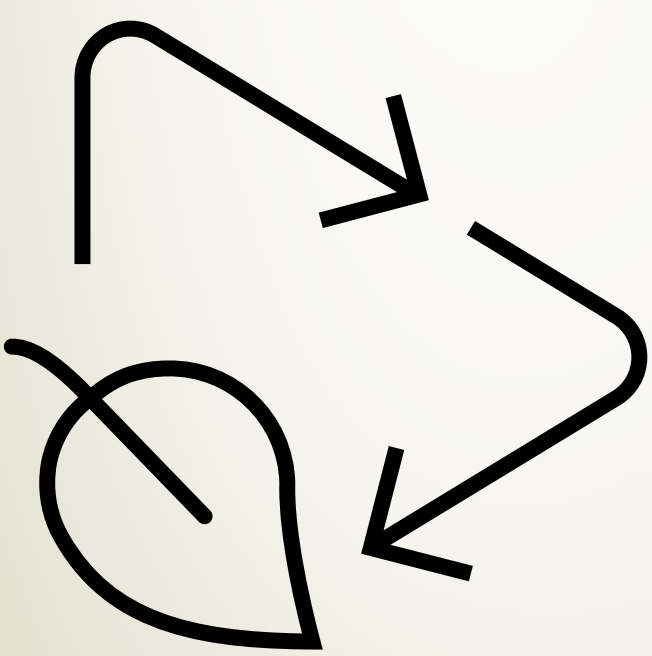


Questions ?

Accelerating EV

hy EV

- A key component of Mesa’s Climate Action Plan
- Two concurrent paths:
 - Internal City Fleet Electrification
 - Broader Community Adoption



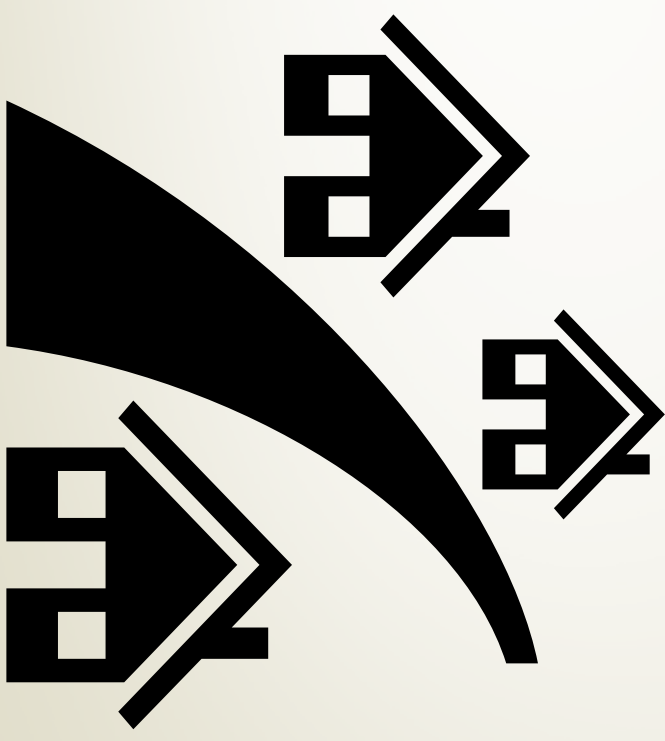
leet Update

- F-150 lightnings and initial charging infrastructure on track
- Consultant review of 66 sites across the city to prepare for continued future fleet electrification



Community EV

- Three initial focus areas:
 - Review of internal processes and regulations relating to charging infrastructure
 - Community Consultant
 - Partnerships



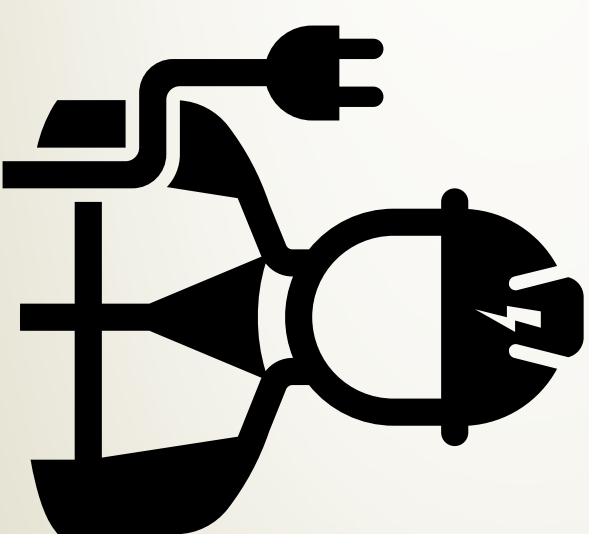
Internal Process Review

- Document existing charging infrastructure processes/regulations
 - Retrofits
 - New Builds
- Identify potential areas for improvement



Community Consultant

- Review existing community EV landscape
- Talk with local and regional stakeholders
- Help prepare for federal grant opportunities
- Make policy recommendations



Partnerships

- Continue to build local, regional, and public/private partnerships:
 - Salt River Project
 - Maricopa Association of Governments
 - Neighboring cities
 - Local businesses
- Reduce redundancy
- Increase grant competitiveness



Questions?



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