



**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE GILA COUNTY BOARD OF SUPERVISORS  
PERMITTING, REGULATING, AND ENFORCING VACATION RENTAL  
AND SHORT-TERM RENTAL USES IN THE UNINCORPORATED  
AREAS OF GILA COUNTY.**

WHEREAS, the Arizona Legislature has enacted A.R.S. § 11-269.17, which limits the authority of counties to regulate vacation rentals and short-term rentals, but allows counties to regulate such rentals for certain purposes; and

WHEREAS, the Gila County Board of Supervisors finds that it is necessary and appropriate to regulate vacation rentals and short-term rentals within the unincorporated areas of the county in order to protect the public’s health, safety, and welfare, and preserve the residential character of neighborhoods, prevent nuisances, and ensure compliance with applicable laws and ordinances.

NOW THEREFORE, the Gila County Board of Supervisors hereby enacts the regulation of vacation rentals and short-term rentals as follows:

PASSED AND ADOPTED this 5<sup>th</sup> day of December 2023, at Globe, Gila County, Arizona.

Attest:

GILA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
James Menlove, Clerk of the Board

\_\_\_\_\_  
Stephen Christensen, Chairman

Approved as to form:

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The Gila County Attorney’s Office

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## CHAPTER 1: INTENT AND PURPOSE

### 1.1: Title

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This Ordinance shall be known and cited as the “Gila County Vacation Rental and Short-Term Rental Ordinance.”

### 1.2: Purpose

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The purpose of this Ordinance is to protect the public health, safety, and welfare of the general public and of owners and users of vacation rental and short-term rental properties in the unincorporated area of Gila County. It is unlawful to rent, or to offer to rent, a vacation rental or short-term rental property without first complying with the provisions of this Ordinance.

### 1.3: Authority

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- 1.3.1. This Ordinance is adopted pursuant to [Arizona Revised Statutes § 11-269.17](#) and shall govern the permitting and regulation of vacation rental and short-term rental uses within the unincorporated areas of Gila County.
- 1.3.2. Vacation rentals and short-term rentals must be licensed by the State of Arizona, including registration with the Arizona Department of Revenue for tax purposes, and must comply with all applicable state, local and federal, ordinances or laws.
- 1.3.3. It is the responsibility of the owner of the vacation rental and short-term rental to obtain all necessary federal, state, county, or local permits or licenses that may be required. The issuance of a vacation rental and short-term rental permit does not relieve the owner of the liability for failing to obtain other required permits or licenses.

### 1.4: Applicability

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- 1.4.1. The provisions of this Ordinance shall apply to all vacation rental and short-term rental use in Gila County’s area of jurisdiction that exist prior, on, and after the effective date of this Ordinance.
- 1.4.2. All applicable provisions of the Gila County Zoning Ordinance, adopted Building Ordinance and Codes, the Gila County Health and Emergency Management Codes and Regulations, Fire Codes, Gila County Grading and Drainage Ordinance and Gila County Wastewater Ordinance shall apply to the use of the residential property for vacation rental and short-term rental activities.

## **1.5: Limitation on Use**

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- 1.5.1** Notwithstanding any other regulations herein, the use of the property for vacation rental and short-term rental activities shall conform in all respects to the purposes of the underlying land use district where the property is located.
- 1.5.2** Vacation rental or short-term rental property shall not be used for non-residential purposes, including but not limited to special events, multi-family transient stays, or any land use or group gathering that would otherwise require a county permit or temporary use permit, a county health code license, or any other regulatory license or permit required pursuant to a county ordinance or state law or rule.

## **CHAPTER 2: VACATION RENTAL AND SHORT-TERM RENTAL PERMIT REQUIRED; INVALID PERMIT; PENALTIES**

### **2.1: General Requirements**

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- 2.1.1.** Effective May 31, 2024, no person shall operate a vacation rental or short-term rental in the unincorporated area of Gila County without first having obtained a current vacation rental or short-term rental permit from Gila County and paying the applicable fees. A separate current vacation rental or short-term rental permit is required for each unit where a vacation rental or short-term rental is operated.
- 2.1.2.** No person shall operate a vacation rental or short-term rental in the unincorporated area of Gila County without a vacation rental or short-term rental permit or with an expired, suspended, or revoked vacation rental or short-term rental permit.
- 2.1.3.** Representations or advertisements including online listings that reference the property, house, or dwelling unit location within the unincorporated areas of Gila County is prima facie evidence that a vacation rental or short-term rental is operating in the unincorporated areas of Gila County.
- 2.1.4.** A violation of this section is a civil offense and shall be punished by a fine of not less than one thousand dollars (\$1,000.00) per violation.

### **2.2: Permit fees**

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- 2.2.1.** Every application, including any renewal application, for a vacation rental or short-term rental permit under this Ordinance shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) permit fee and penalties incurred pursuant to this section.
- 2.2.2.** Upon adoption of this Ordinance, if the applicant failed to apply for a vacation rental or short-term rental permit upon receiving written notice from Gila County of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000.00) penalty for every thirty (30) day period the applicant failed to apply after

the required date. Any penalty shall be non-refundable. For purposes of this Ordinance, written notice includes, but is not limited to, a notice sent by electronic means, United States mail or hand delivered to someone residing in, or affixed to the front door of, the physical location of the vacation rental or short-term rental or the address on file with the Gila County Assessor for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or affixed to the front door, or if mailed, on the date it is deposited in the United States mail.

- 2.2.3.** The amount of any permit fee and any penalty imposed by the provisions of this Ordinance shall be deemed a debt to Gila County. An action may be commenced in the name of Gila County in any court of competent jurisdiction for the amount of any delinquent permit fee and penalties.

## **2.3: Term of permit; transfer**

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- 2.3.1.** A vacation rental or short-term rental permit issued under this Ordinance shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.
- 2.3.2.** No permit shall be transferable either as to location or as to person.

## **2.4: Application for permit**

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- 2.4.1.** An applicant for a vacation rental or short-term rental permit, including a renewal application, shall file an application on a form prescribed by the Director of Gila County Community Development or designee. The term “designee” used herein must be a human being. The application shall contain the following information:
- A. The physical address of the house unit or dwelling unit to be used as a vacation rental or short-term rental.
  - B. The name, address, email address, and telephone number of the owner or owners of the vacation rental or short-term rental. If any owner is a legal entity, the name, address, email address, and phone number of the owner’s statutory agent.
  - C. The name, address, email address, and telephone number of any designee of any owner. The owner shall certify that the owner’s designee is authorized to act on the owner’s behalf.
  - D. The name, address, email address, and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the vacation rental or short-term rental. An individual named pursuant to this subsection must be a human being and cannot be a legal entity.
  - E. Agreement by each owner and each designee to comply with all applicable laws, regulations, and ordinances.

F. Each owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five (5) years.

G. Proof of compliance with [ARS § 42-5005](#), Transaction Privilege Tax.

## **2.5: Permit issuance; denial**

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**2.5.1.** The Director of Gila County Community Development or designee shall issue a vacation rental or short-term rental permit within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows: The seven-day time period does not commence until the application is deemed complete by the Director.

A. Failure to provide the information required by this Ordinance;

B. Failure to pay the required permit fee(s) including any penalties;

C. At the time of application, an owner has a revoked or suspended permit for the same vacation rental or short-term rental;

D. The applicant has provided false information;

E. An owner or designee of the owner:

1. Is a registered sex offender;

2. Has been convicted of any felony act that resulted in death or serious physical injury; or

3. Has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and

F. Any grounds for revocation or suspension of a vacation rental or short-term rental permit exist for the specific permit application.

**2.5.2.** The Director of Gila County Community Development or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this Ordinance.

## **2.6: Permit revocation**

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The Director of Gila County Community Development or designee shall initiate revocation proceedings if any grounds for denial exist for a vacation rental or short-term rental permit that already has been issued.

## **2.7: Reapplication after denial or revocation**

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No person who has had a vacation rental or short-term rental permit denied or revoked pursuant to this Ordinance may apply for another vacation rental or short-term rental permit for one (1) year for that same property after the decision affecting the applicant's permit has become final. At the time of sustaining a denial, the hearing officer may reduce in whole or in part the one (1) year period described above in this section, if the denial was based on a good faith failure to provide complete information or failure to pay the required permit fee(s) and any penalties provided that the applicant has paid all required fees and penalties by the time of the denial hearing.

## **2.8: Permit suspension; term of suspension**

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- 2.8.1.** The Director of Gila County Community Development or designee shall initiate suspension proceedings against a vacation rental or short-term rental permit for any of the following:
- A. Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.
  - B. One verified violation that results in or constitutes any of the following:
    1. A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the owner of the vacation rental or short-term rental or by the owner's designee;
    2. A serious physical injury or wrongful death at or related to a vacation rental or short-term rental resulting from the knowing, intentional, or reckless conduct of the owner of the vacation rental or short-term rental or the owner's designee;
    3. An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or
    4. An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental or short-term rental for a special event that would otherwise require a permit or license pursuant to a county or a state law or rule, for a retail, restaurant, banquet space, or other similar use.

- C. The Director of Gila County Community Development or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this Ordinance.
- D. Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the vacation rental or short-term rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

## **2.9: Judicial relief for certain grounds of suspension**

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- 2.9.1.** Notwithstanding section 2.8, any attempted or completed felony act, arising from the occupancy or use of a vacation rental or short-term rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental or short-term rental for a period that shall not exceed twelve (12) months.
- 2.9.2.** The Gila County Attorney may initiate proceedings in the Gila County court or other court of competent jurisdiction to enforce this section.

## **2.10: Information updates**

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All applicants and persons holding permits issued pursuant to this Ordinance shall give written notice to the Director of Gila County Community Development or designee of any material changes in information submitted in connection with an application or application for renewal of a permit. Any information required for an application is deemed to be material for purposes of this section. This information shall be provided to the Director of Gila County Community Development or designee by the permittee or the effected person, as applicable, within ten (10) business days of any such change.

## **2.11: Appeals**

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- 2.11.1.** Any person aggrieved by any decision with respect to the denial of or a refusal to issue a vacation rental or short-term rental permit, the revocation of a vacation rental or short-term rental permit, the suspension of a vacation rental or short-term rental permit or a verified violation penalty imposed pursuant to section 3.8, shall be entitled to the review and appeal procedures provided in the Gila County Hearing Officer [Ordinance No. 05-01](#), last amended on July 24, 2018 with a fee of one hundred and fifty dollars (\$150.00).
- 2.11.2.** This section is not applicable for judicial actions brought pursuant to section 2.9 or penalties including fines imposed by a court.



## **2.12: Gila County use of permit information**

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Unless otherwise provided for by law, Gila County may use any information obtained from permit or licensing applications including contact information pursuant to this Ordinance or any lawful purpose including, but not limited to, communicating, or providing information regarding compliance with laws, public health and safety regulations, general Gila County updates and reminders to keep required information updated with Gila County.

## **CHAPTER 3: PROHIBITIONS AND OPERATIONAL REQUIREMENTS**

### **3.1: Legal Compliance**

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- 3.1.1.** A vacation rental or short-term rental must at all times comply with all federal, state, and local laws, rules, ordinances, and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.
- 3.1.2.** No person including the owner or operator shall operate a vacation rental or short-term rental in violation of this section.

### **3.2: Non-residential usage by vacation rentals or short-term rentals prohibited**

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- 3.2.1.** No vacation rental or short-term rental may be used for any non-residential use or purpose including but not limited to any of the following:
  - A. Any commercial, industrial, manufacturing, or other non-residential purpose; or
  - B. Operating a retail business, restaurant, event center, banquet center or similar use; or
  - C. Housing sex offenders; or
  - D. Operating or maintaining a structured sober living home; or
  - E. Selling liquor, controlled substances, or pornography; or
  - F. Operating any adult-oriented business including nude and topless dancing.
- 3.2.2.** An owner of a vacation rental or short-term rental or an owner's designee shall not knowingly or intentionally allow the use of a vacation rental or short-term rental for a special event that would otherwise require a permit pursuant to any county ordinance or a state law or rule.

- 3.2.3. No person including, but not limited to, an owner, an owner’s designee, tenant, guest, business, vendor, or operator, or any person assisting with an owner’s business, shall operate a vacation rental or short-term rental in violation of this section.
- 3.2.4. Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a vacation rental or short-term rental property, house, or dwelling unit location within the unincorporated areas of Gila County is prima facie evidence that a vacation rental or short-term rental is operating in violation of this section.

### **3.3: Failure to respond to an emergency; penalties**

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- 3.3.1. In the event of an emergency, any person designated as an emergency contact upon the request of public safety personnel shall respond in-person within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact.
- 3.3.2. For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a vacation rental or short-term rental for a call for service including responding to a nuisance party or unlawful gathering.
- 3.3.3. It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to section 3.3.1 of this section to either fail to respond to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred dollars (\$500.00) and failure to arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty dollars (\$250.00).
- 3.3.4. It shall be a civil offense for the owner of a vacation rental or short-term rental to intentionally, knowingly, or recklessly have the owner's emergency contact fail to comply with the requirements of section 3.3.1. A violation of this subsection shall be punished by a minimum fine of five hundred dollars (\$500.00). Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly, or recklessly.

### **3.4: Insurance required; failure to maintain insurance; penalty**

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- 3.4.1. Unless provided by an online lodging marketplace that provides primary liability insurance coverage of at least five hundred thousand dollars (\$500,000) for the vacation rental or short-term rental, every owner of a vacation rental or short-term rental shall maintain liability insurance to cover each vacation rental or short-term rental in the aggregate of a least five hundred thousand dollars (\$500,000).
- 3.4.2. Within thirty (30) days of obtaining a vacation rental or short-term rental permit issued pursuant to this Ordinance, the owner or owner’s designee shall provide

evidence to Gila County of liability insurance to cover the vacation rental or short-term rental in the aggregate of at least five hundred thousand dollars (\$500,000) or evidence that each vacation rental or short-term rental transaction will be provided through an online lodging market place that provides equal or greater primary liability insurance coverage for the vacation rental or short-term rental. The vacation rental or short-term rental cannot operate without evidence provided to Gila County of liability insurance.

- 3.4.3.** The owner or owner's designee of a vacation rental or short-term rental shall provide proof of compliance with section 3.4.1 above upon demand by Gila County.
- 3.4.4.** It shall be unlawful for the owner or operator of a vacation rental or short-term rental to fail to comply with the requirements of this section.
- 3.4.5.** A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner or operator has obtained the required insurance, the hearing officer may reduce the fine pursuant to this section to two hundred and fifty dollars (\$250.00).

### **3.5: Advertising permit number required; penalty**

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- 3.5.1.** It shall be unlawful for the owner, operator, or owner's designee of a vacation rental or short-term rental to fail to display or list a Gila County vacation rental permit number on each advertisement for a vacation rental or short-term rental located within the unincorporated areas of Gila County.
- 3.5.2.** A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner, operator, or owner's designee has come into compliance with this section, the hearing officer may reduce the fine pursuant to this section to two hundred and fifty dollars (\$250.00).

### **3.6: Additional health and public safety regulations**

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- 3.6.1.** The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as vacation rentals and short-term rentals create unique public health and safety issues.
- 3.6.2.** No person owning or operating a vacation rental or short-term rental shall:
  - A. Leave trash or garbage within public view, except in proper collection containers for the purpose of collection.
  - B. Collection containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curb line within twelve (12) hours.
- 3.6.3.** Any person owning or operating a vacation rental or short-term rental shall ensure that every vacation rental or short-term rental has working smoke alarms and carbon monoxide detectors, which may require the installation and maintenance of several

detection units and maintained annually as required under [National Fire Protection Association \(NFPA\) 72](#) and adopted International Residential Code.

- 3.6.4.** No recreational vehicle (RV) or unpermitted structure under the adopted codes of Gila County may be used as a vacation rental or short-term rental.
- 3.6.5.** The owner or owner's designee of a vacation rental or short-term rental shall provide and prominently display a map of the floor plan of the property showing the following information: safe routes of egress in the event of a fire or other emergency; the location of fire detection and suppression equipment; and any additional information relevant to such emergency preparedness measures. Such maps shall include the full property address, emergency information (911), and owner and emergency contact information.
- 3.6.6.** The owner or owner's designee of a vacation rental or short-term rental shall maintain the property in accordance with [ARS § 36-136](#).
- 3.6.7.** The owner or owner's designee of a vacation rental or short-term rental shall ensure that the property receives regular pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests in accordance with [ARS § 36-136](#).
- 3.6.8.** The owner of a vacation rental or short-term rental that includes a swimming pool, spa, or hot tub, shall comply with the barrier requirements outlined in [ARS § 36-1681](#), AG105, Barrier Requirements. Owners of vacation rentals or short-term rentals shall have six months from the effective date of this Ordinance to come into compliance with this subsection.
- 3.6.9.** In accordance with [Ordinance No. 2023-03](#) adopted 02-07-2023, feeding or attracting wildlife is prohibited. It is unlawful for any person to intentionally feed wildlife, or to attract wildlife by intentionally, negligently, or recklessly placing edible material in a place that is physically accessible to wildlife.
- 3.6.10.** No owner or guest shall exceed the maximum occupancy limit for the vacation rental or short-term rental. The occupancy is limited to two (2) people per legal bedroom as defined and regulated by Gila County Wastewater review of the septic system.
- 3.6.11.** No owner or guest shall exceed the maximum parking restrictions for the vacation rental or short-term rental as specified in the Gila County Zoning Ordinance [Section 103.4](#). Parking for the guests shall be provided on the property of the vacation rental or short-term rental.
- 3.6.12.** The following notice must be completed in 14-point or larger bold standard font, on a laminated or otherwise similarly shielded paper, and prominently displayed on the inside of the front door and the primary door to the backyard or a conspicuous location near each such door. The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the Gila County nuisance waste disposal regulations.

## NOTICE

**USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:**

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances, or pornography; or
6. Operating any adult-oriented business including nude and topless dancing; or
7. Any uses prohibited under [A.R.S. § 11-269.17](#) or federal, state, or local law; or
8. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unruly gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by any minor, or where illegal drugs are in the possession of, or consumed by, any person.
9. None of the following may occur where such acts may reasonably be viewed by the public whether at ground level or from a reasonable vantage point of a nearby property, such as a deck or balcony:
  - (a) Urination or defecation;
  - (b) Nudity; or
  - (c) Sexual acts.
10. In accordance with [Ordinance No. 2023-03](#) adopted 02-07-2023, feeding or attracting wildlife is prohibited. It is unlawful for any person to intentionally feed wildlife, or to attract wildlife by intentionally, negligently, or recklessly placing edible material in a place that is physically accessible to wildlife.
11. The occupancy of these premises is limited to two (2) people per legal bedroom as defined and regulated by Gila County Wastewater review of the septic system.

**UNLESS GILA COUNTY EXPRESSLY PERMITS SUCH A USE IN WRITING, USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:**

Use for any nonresidential use, including:

1. For a special event that would otherwise require a license or permit within the unincorporated areas of Gila County by reason of this Ordinance or any other county law, or a state law or rule; or
2. Operating a retail business, restaurant, event center, banquet space, or similar use.

Your local contact person's name is \_\_\_\_\_ and can be reached by phone  
24 hours a day, seven days a week, at \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Gila County Vacation Rental Permit # \_\_\_\_\_

### **3.7: Sex offender background checks**

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- 3.7.1.** No later than twenty-four (24) hours before every stay the owner or owner's designee shall perform a background check on the person booking a vacation rental or short-term rental through the online national sex offender public website operated by the United States Department of Justice to ensure that there are no sex offenders at the vacation rental or short-term rental.
- 3.7.2.** An owner or owner's designee shall retain a printout (either in hard copy or electronic form) of the background check on the person booking the property for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by Gila County upon demand during normal business hours.
- 3.7.3.** It shall be a civil offense for owners or owner's designees to fail to comply with the requirements of subsections 3.7.1 and 3.7.2 above and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The hearing officer shall not suspend any part of any fine required by this section.
- 3.7.4.** The requirements of subsections 3.7.1 and 3.7.2 above are satisfied or waived if the online lodging marketplace on which the vacation rental or short-term rental is advertised performs the background check.
- 3.7.5.** For the purposes of this section, booking means the act of securing a reservation for the use of a vacation rental or short-term rental.

### **3.8: Verified violation penalties**

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- 3.8.1.** In addition to any other penalty pursuant to this Ordinance, and notwithstanding any other law, the following civil penalties shall be imposed by Gila County upon the owner of a vacation rental or short-term rental related to the same vacation rental or short-term rental property within the same twelve-month (12) period:
  - A. Up to \$500.00 or up to an amount equal to one night's rent for the vacation rental or short-term rental as advertised, whichever is greater, for a first verified violation.
  - B. Up to \$1000.00 or up to an amount equal to two nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for the second verified violation.
  - C. Up to \$3,500.00 or up to an amount equal to three nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.
- 3.8.2.** If multiple violations arise out of the same response to an incident at a vacation rental or short-term rental, those violations are considered one violation for the purpose of assessing the civil penalties provided in this section.

- 3.8.3.** A civil penalty assessed pursuant to this section shall be due within thirty (30) days of the initial notice sent to an owner by Gila County. For purposes of this section, written notice includes, but is not limited to, a notice sent by electronic means, United States mail or hand delivered to someone residing in the physical location, or notice affixed to the front door thereof. Notice is complete upon sending the notice by electronic means, placing the notice in the mail, or affixing the notice to the front door.

## CHAPTER 4: NEIGHBOR NOTIFICATION

### 4.1: Neighbor Notification

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- 4.1.1.** Prior to offering a vacation rental or short-term rental for rent for the first time or the first time under this new ordinance, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building, to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest to compliance on a form prescribed by the Director of Gila County Community Development or designee and the notice must contain the following information:
- A. The vacation rental or short-term rental permit number required by this Ordinance;
  - B. The address of each property notified;
  - C. How the notification was provided; and
  - D. The name and contact information of the person attesting to compliance.
- 4.1.2.** The notification required by subsection 4.1.1 above is also required anytime the contact information for the vacation rental or short-term rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.
- 4.1.3.** The notice required by this section shall be in writing and include the following information: the vacation rental permit number issued pursuant to this Ordinance, the physical address of the vacation rental or short-term rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes of this section, written notice includes notice sent by electronic means, United States mail or hand delivered to someone residing in the physical location, or notice affixed to the front door thereof. Notice is complete upon sending the notice by electronic means, placing the notice in the mail, or affixing the notice to the front door.



- 4.1.4. Vacation rentals or short-term rentals that are lawfully operating prior to the effective date of this section must comply with this section within thirty (30) days of obtaining a vacation rental permit required by this Ordinance.
- 4.1.5. It shall be unlawful to operate a vacation rental or short-term rental without complying with the notification requirements in this section.
- 4.1.6. A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner or owner's designee has come into compliance with this section, the hearing officer may reduce the fine pursuant to this section to two hundred and fifty dollars (\$250.00).
- 4.1.7. For purposes of this section, adjacent shall mean the condition of being near to or close to but not necessarily having a common dividing line, e.g., two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.

## CHAPTER 5: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Gila County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

## CHAPTER 6: DEFINITIONS

**Director:** The Director of the Gila County Community Development Department, or his/her authorized designee.

**Dwelling Unit:** A structure with one or more rooms and a single kitchen or cooking accommodation and a bathroom for living and sleeping purposes. For purposes of this Ordinance, a dwelling structure means a code-compliant building constructed or erected for dwelling purposes, inclusive of mobile homes, but excluding motor vehicles and recreational vehicles.

**Owner's designee:** A person authorized to act on behalf of the owner of a vacation rental or short-term rental.

**Permit:** A written permit or license of approval issued by Gila County Community Development.

**Prima Facie:** As used herein to establish a Verified Violation, means evidence that is credible and sufficient on its face to establish a fact, or facts, that when taken together, lead to a reasonable inference of breach and civil responsibility. Prima facie evidence is good and sufficient on its face unless rebutted or contradicted by evidence to the contrary. Prima Facie evidence can include, but is not limited to, listings on Transient Online Marketplaces; cellphone



photo, audio and video provided by investigators or witnesses; 911 calls; body-worn camera audio or video; written reports of law enforcement; written complaints or other documentation; and information from any credible source.

**Transient:** Any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive days.

**Vacation Rental or Short-Term Rental:**

- A. Any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under [A.R.S. § 42-12001](#).
- B. Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or another similar use.
- C. Does not include a recreational vehicle (RV) or unpermitted structure under the adopted codes of Gila County.
- D. Vacation rentals or short-term rentals are typically booked through third party internet hosting platforms such as Airbnb and VRBO. Guests may also book vacation rentals or short-term rentals through travel sites such as Expedia, or directly with a homeowner or tenant.

**Verified violation:** A finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in [A.R.S. Sections 11-269.17\(B\) or 11-269.17\(K\)](#) that has been finally adjudicated.