

PURSUANT TO A.R.S. §38-431.01, THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD A MEETING AT THE GILA COUNTY COURTHOUSE, BOARD OF SUPERVISORS' HEARING ROOM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). THE MEETING IS ALSO TELEVIEWED TO THE GILA COUNTY TOMMIE CLINE MARTIN COMPLEX, BOARD OF SUPERVISORS' CONFERENCE ROOM, 707 S. COLCORD ROAD, PAYSON, ARIZONA. THE MEETING ROOMS WILL BE OPEN TO THE PUBLIC AT 9:00 A.M.

Citizens may watch the Board meeting live-streamed at:

<https://www.youtube.com/channel/UckCHWVqrI5AmJKbvYbO-k2A/live>

Citizens may submit written comments related to the April 30th Work Session agenda by no later than 5 p.m. on Monday, April 29th, by emailing to the Chief Deputy Clerk of the Board at strimble@gilacountyaz.gov or calling 928-402-8757. Citizens may also submit written comments during the meeting through YouTube. Please include the meeting date, agenda item number, your name, and your residence address in the email.

SPECIAL MEETING - TUESDAY, APRIL 30, 2024 - 10:00 A.M.

REVISED

1. **CALL TO ORDER - PLEDGE OF ALLEGIANCE**
2. **REGULAR AGENDA ITEMS:**
 - A. Information/Discussion/Action to adopt Proclamation No. 2024-02 proclaiming May 1st - 7th as Youth Week in Gila County. **(Stephen Christensen)**
 - B. Information/Discussion/Action to adopt Proclamation No. 2024-03 proclaiming April 2024 as Fair Housing Month in Gila County. **(Josh Beck)**
 - C. Information/Discussion regarding the Intergovernmental Agreement (No. 01072022) that is between Gila County and the Gila County Provisional Community College District. **(Jan Brocker)**
 - D. Information/Discussion regarding Ordinance No. 2023-08 - *Vacation Rental and Short-Term Rental Uses*, which was adopted by the Gila County Board of Supervisors on December 5, 2023. **(Michael O'Driscoll)**

3. **CALL TO THE PUBLIC:** A call to the public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute § 38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.
4. At any time during this meeting pursuant to A.R.S. § 38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on the information presented.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. §38-431.03(A)(3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ARF-8746

2. A.

Special Meeting

Meeting Date: 04/30/2024

Submitted For: Stephen Christensen, Board of Supervisors-District 1

Submitted By: Samantha Trimble, Deputy Clerk of the Board

Department: Board of Supervisors-District 1

Information

Request/Subject

Proclamation No. 2024 -02 Proclaiming May 1st - 7th, 2024, as Youth Week in Gila County.

Background Information

The Benevolent and Protective Order of Elks has designated May 1st - 7th as Youth Week to honor America's junior citizens for their accomplishments and to recognize their services.

Evaluation

N/A

Conclusion

It is appropriate to place this issue before the Board of Supervisors at this time to adopt Proclamation No. 2024-02, proclaiming May 1st - 7th as Youth Week in Gila County.

Recommendation

It is recommended that the Board of Supervisors adopt Proclamation No. 2024-02 to proclaim May 1st - 7th as Youth Week in Gila County.

Suggested Motion

Information/Discussion/Action to adopt Proclamation No. 2024-02 proclaiming May 1st - 7th as Youth Week in Gila County.

(Stephen Christensen)

Attachments

Proclamation No. 2024-02



PROCLAMATION NO. 2024-02

A PROCLAMATION OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, PROCLAIMING MAY 1ST THROUGH 7TH, 2024, AS YOUTH WEEK IN GILA COUNTY.

WHEREAS, The Benevolent and Protective Order of Elks has designated May 1-7 as Youth Week to honor America's junior citizens for their accomplishments and to give fitting recognition of their services to community, state, and nation; and

WHEREAS, Payson Elks Lodge #2154 will sponsor an observance during that week in tribute to the junior citizens of this community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource and who, in the years ahead, will assume the responsibility for the advancement of our free society; and

WHEREAS, our youth need the guidance, inspiration, and encouragement that we alone can give in order to help develop those qualities of character essential for future leadership and go forth to serve America; and

WHEREAS, to achieve this worthy objective, we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations, and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship; and

NOW, THEREFORE, BE IT RESOLVED that we, the Gila County Board of Supervisors, hereby proclaim May 1st through 7th, 2024, as Youth Week.

PASSED and ADOPTED this 30th day of April 2024.

ATTEST:

GILA COUNTY BOARD OF SUPERVISORS

James Menlove, Clerk of the Board

Stephen Christensen, Chairman

ARF-8742

2. B.

Special Meeting

Meeting Date: 04/30/2024

Submitted For: Stella Gore, Community Services Manager

Submitted By: Paula Horn, Deputy Director of Pub. Hlth. & Comm. Serv.

Department: Public Health and Community Services

Division: Community Services

Information

Request/Subject

Adoption of Proclamation No. 2024-03 proclaiming April as Fair Housing Month in Gila County.

Background Information

Each April, the U.S. Department of Housing and Urban Development (HUD) uses Fair Housing Month to mark the passage of the 1968 Fair Housing Act. The landmark law, passed shortly after the assassination of Dr. Martin Luther King, Jr., prohibits housing discrimination based on race, color, national origin, religion, sex, disability, and family status.

Evaluation

In an effort to raise awareness regarding the Fair Housing Act, the Gila County Community Services Division, Housing Services, would like to join the nation in proclaiming April as Fair Housing Month.

Conclusion

By the Board of Supervisors adopting Proclamation No. 2024-03, Gila County will join in a national effort proclaiming April as Fair Housing Month. On April 18th, an email was received from the Administrative & Special Projects Coordinator notifying our department that the grant requires we proclaim April as National Fair Housing Month.

Recommendation

It is the recommendation of the Gila County Public Health and Community Services Department Director that the Board of Supervisors ratify the adoption of Proclamation No. 2024-03 proclaiming April as Fair Housing Month in Gila County.

Suggested Motion

Information/Discussion/Action to adopt Proclamation No. 2024-03
proclaiming April 2024 as Fair Housing Month in Gila County. **(Josh
Beck)**

Attachments

Proclamation No. 2024-03



PROCLAMATION NO. 2024-03

**A PROCLAMATION OF THE GILA COUNTY BOARD OF
SUPERVISORS PROCLAIMING APRIL AS FAIR HOUSING MONTH IN
GILA COUNTY.**

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 prohibit discrimination in the sale, rental, leasing, and financing of housing or land to be used for the construction of housing or in the provision of brokerage services on the basis of race, color, religion, sex, disability, family status or nation origin; and

WHEREAS, the 1968 and 1988 Federal Fair Housing Acts declare that it is a national policy to ensure equal opportunities in housing; and

WHEREAS, April has traditionally been designated as Fair Housing Month in the United States.

NOW, THEREFORE BE IT RESOLVED that we, the members of the Gila County Board of Supervisors, do hereby proclaim April as Fair Housing Month in Gila County and do hereby urge all citizens of this County to comply with the letter and spirit of the Fair Housing Law.

PASSED AND ADOPTED this 30th day of April 2024.

ATTEST:

GILA COUNTY BOARD OF SUPERVISORS

James Menlove, Clerk of the Board

Steven Christensen, Chairman

ARF-8605

2. C.

Special Meeting

Meeting Date: 04/30/2024

Submitted For: Michael O'Driscoll, Deputy County Manager

Submitted By: Michael O'Driscoll, Deputy County Manager

Department: Deputy County Manager

Information

Request/Subject

Discussion with the Gila County Provisional Community College District (GCPCCD) regarding the current Intergovernmental Agreement (IGA) between Gila County and GCPCCD.

Background Information

There have been numerous Intergovernmental Agreements (IGAs) between Gila County and GCPCCD dating back to 2005. The most recent IGA (No. 01072022) between the two parties was approved by the Board of Supervisors on May 17, 2022. The term of the agreement is from July 1, 2022, through June 30, 2027. The agreement may be renewed for up to five additional one-year periods. The County has agreed to financially assist the GCPCCD with funding in the amount of \$250,000 per year and support services to establish the GCPCCD as a fully-organized and regionally-accredited community college district.

The Board of Supervisors and County Manager James Menlove requested that Deputy County Manager Michael O'Driscoll establish a date to meet with GCPCCD personnel during a Board Work Session to discuss the deliverables of the IGA.

Evaluation

Mr. O'Driscoll contacted Jan Bocker, Ph.D., who is the President of the GCPCCD governing board. Dr. Bocker agreed to meet with the Board.

Conclusion

This Work Session will be held to discuss the IGA deliverables and how the County's funding of \$250,000 has been spent during the past year.

Recommendation

N/A

Suggested Motion

Information/Discussion regarding the Intergovernmental Agreement (No. 01072022) that is between Gila County and the Gila County Provisional Community College District. **(Jan Bocker)**

Attachments

Gila County and Community College IGA

INTERGOVERNMENTAL AGREEMENT 01072022

BETWEEN

THE GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT

AND GILA COUNTY

**PERTAINING TO THE CREATION OF A COLLABORATION FOR THE PURPOSE OF
ACHIEVING ACCREDITATION, ECONOMIC AND WORKFORCE TRAINING,
EDUCATION AND DEVELOPMENT**

AND

This Intergovernmental Agreement is made and entered into by and between **GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT** ("College"), a political subdivision of the State of Arizona, and **GILA COUNTY** ("County"), a political subdivision of the State of Arizona, hereinafter collectively referred to as "the Parties."

RECITALS

WHEREAS, this Intergovernmental Agreement (IGA) is authorized pursuant to A.R.S. §§ 11-951, et seq., A.R.S. § 11-254.04 and A.R.S. § 15-1444; and,

WHEREAS, the Parties have a mutual interest in economic development, educational opportunities and workforce development in Gila County; and,

WHEREAS, Gila County residents have been affected by the negative economic impacts of the COVID-19 pandemic on workforce and are in need of vocational and skills training, and educational opportunities that support vibrant communities within Gila County; and,

WHEREAS, A.R.S. § 15-1402.01, allows College to seek fully organized and accredited status after satisfying the conditions outlined therein; and,

WHEREAS, the College is engaged in the provision of secondary education services and additionally provides vocational training, retraining and small business development opportunities for Gila County residents; and,

WHEREAS, the Parties have a mutual interest in working toward full accreditation of the Gila County Provisional Community College District to support economic and workforce development for Gila County residents; and,

WHEREAS, in order to move forward with the eligibility process as required for regional accreditation, the Higher Learning Commission (HLC) allows a contractual relationship with the accrediting District/educational collaborator until candidacy status is achieved. HLC also recommends that personnel on Gila County campuses become GPCCD employees at the time the eligibility process commences; and,

WHEREAS, the Gila County Board of Supervisors has determined that supporting the College in becoming a fully-organized and regionally accredited community college will assist in the creation and retention of jobs in Gila County and will otherwise improve or enhance the economic welfare of the inhabitants of the County.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the Parties agree as follows:

- I. County agrees to financially assist College with funding in the amount of \$250,000 per year and support services to establish the College as a fully-organized and regionally-accredited community college district. County shall provide the funding outlined in this section in the form of a total lump sum to College within Thirty (30) calendar days of July 1st of each year for which this Agreement is in effect.
- II. County and College will establish a joint Advisory Committee consisting of no more than five members (one member shall be a Gila County Supervisor and one member shall be a College Governing Board member) to identify goals, objectives and actions to ensure the pursuit of full accreditation for the College is achieved. County and College will work collaboratively to develop operating policies for said Advisory Committee to include, but not limited to, that all decisions of the Advisory Committee shall be made by a vote of the majority of its members and decisions affecting the obligations, commitments, and rights of the parties are subject to ratification of the affected party's governing body.
- III. The newly established Committee will work cooperatively with GCPCCD staff, the College Governing Board and the Gila County Board of Supervisors to achieve regional and program-specific accreditation for The College, and to ensure workforce training and educational curriculums are developed that support the needs of businesses and residents of Gila County.
- IV. The term of this agreement shall be from 7/1/2022 through 6/30/2027. Upon mutual written consent by both parties this agreement may be renewed for up to five (5) additional one (1) year periods.
- V. College agrees to provide education and training that addresses the needs of the current and future labor market within Gila County.
- VI. College facilities include but are not limited to:

Globe/Gila Pueblo Campus
8274 S. Six Shooter Canyon Road
Globe, Arizona 85501

Payson/Rim Country Campus
201 Mud Springs Road
Payson, AZ 85541

VII. Representatives of the Parties:

The Gila County Manager and the College Governing Board President, or their designee, shall serve as their entity's respective representative.

VIII. General Provisions:

- a. Should a dispute arise regarding the interpretation of this IGA, the Representatives of the Parties shall attempt to resolve the same within five (5) days. If unable to do so, the Chairman of the County Board of Supervisors and the President of the College Governing Board shall make such efforts, as necessary, to resolve any such dispute. The terms of a resolution to any dispute arising out of this IGA shall be substantiated in writing.
- b. Neither Party may file a claim against the other without first participating in good faith in mediation with a trained and neutral mediator. The Parties shall share the expenses of mediation, except that shared expenses shall not include the cost incurred by a Party for presentation before the mediator or representation by an attorney at the mediations, if such representation is desired.
- c. This IGA may be terminated in accordance with the provisions of A.R.S. §38-511. This Agreement may be terminated by either Party upon written notice to the other Party given no later than thirty (30) calendar days before the end of the then current fiscal year; provided, however, that termination shall not become effective until the end of the then current fiscal year in which notice is given. Unless otherwise agreed in writing by the Parties, all property purchased by a Party shall remain the property of the purchasing Party and shall be returned to the purchasing party when no longer in use or upon termination, whichever is sooner.
- d. All notices or demands upon the Parties shall be in writing and delivered to:

Gila County Provisional Community College District	Gila County
8274 Six Shooter Canyon Road	1400 E. Ash Street
Globe, Arizona 85501	Globe, AZ 85501
- e. Attached hereto and incorporated herein by reference is the determination of each Party's legal counsel of their respective authority to enter into this IGA and, further, that the IGA is in proper form.
- f. **Workers' Compensation.** An employee of either Party shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement solely for the purposes of A.R.S. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any worker' compensation benefits which may accrue. Each Party shall post a notice pursuant to the provisions of A.R.S. § 23-1022 in substantially the following form:

"All employees are hereby further notified that they may be required to work under jurisdiction or control of or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona, to be employees of both public agencies for the purposes of workers' compensation."

- g. This Agreement terminates and supersedes all prior understandings and agreements, whether written or oral, between the Parties on the subject matter hereof.
- h. If either Party fails to comply with the terms of this Agreement, such failure shall be deemed a default, and the non-defaulting Party shall have all rights and remedies available in law or in equity.
- i. Neither Party may assign any right or delegate a duty or responsibility under this Agreement without the prior written consent of the other Party.
- j. The terms of this Agreement are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third Party beneficiary or other person, agency or organization.
- k. This Agreement, and its attachments as noted herein, constitutes the entire agreement between the Parties, and, except as previously noted, all prior or contemporaneous oral or written agreements are superseded by this Agreement. There are no representations or other provisions other than those expressly contained herein, and any amendment or modification of this Agreement shall be made in a writing signed by both Parties to this Agreement.
- l. All books, accounts, reports, files and other records relating to this Agreement shall be subject at all reasonable times to inspection or audit by the College, the County, or their agents during the term of this Agreement and for five (5) years after termination of this Agreement. Such records shall be produced at the offices of the Party requesting them or such other reasonable location as is designated by the requesting Party.
- m. All student records shall be kept confidential in accordance with the Family Rights and Privacy Act (20 USC 1232(g)) ("FERPA") and regulations adopted pursuant to FERPA, the Individuals with Disabilities Education Act ("IDEA") and regulations adopted thereunder, and applicable State laws and School Board policies controlling the disclosure of personally identifiable information from a student's education records.

- n. The continuation of this Agreement beyond the initial fiscal year is dependent on and subject to the appropriation and availability of funding for each Party in each subsequent fiscal year. If sufficient funding is not made available to allow a Party to continue meeting its contractual obligations under this Agreement, that Party shall so notify the other Party and either Party may cancel this Agreement and have no further obligation to the other Party. In the alternative, the Parties may, by mutual written agreement, modify this Agreement to reduce the level of compensation, services or other consideration provided.
- o. If any part of this Agreement is held to be illegal, invalid or void by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect with those offending portions omitted.
- p. No failure to enforce any condition or covenant of this Agreement shall imply or constitute a waiver of the right to insist upon performance of such condition or covenant, or of any other provision hereof, nor shall any waiver by either Party of any breach of any one or more conditions or covenants of this Agreement constitute a waiver of any succeeding or other breach hereunder.
- q. Each Party, to the greatest extent legally permissible, shall indemnify, defend, and hold harmless the other Party from any liability resulting from the negligence, intentionally tortious, or willful misconduct of the indemnifying Party's employees, officers, and agents. Notwithstanding any other provision of this Agreement to the contrary, any agreement by one Party to defend, hold harmless or indemnify the other Party shall be limited to, and payable only from, the indemnifying Party's available insurance or self-insurance coverage for liability assumed by contract, if any, available as a part of its general liability insurance program.
- r. The Parties shall comply with Executive Order 2009-09 and all other applicable State and Federal employment laws, rules, and regulations, mandating that all persons shall have equal access to employment opportunities, and that no person shall be discriminated against due to race, age, creed, color, religion, sex, national origin or disability.
- s. This Agreement shall be governed and interpreted by the State of Arizona. The venue for any judicial actions regarding the terms of this Agreement shall be the Superior Court of Gila County, Arizona.
- t. Except as provided in this Agreement, employees of one Party shall not be deemed employees of the other Party, and the employing Party shall be responsible for all wages, withholding and payment of employment taxes, and the provision of all employee benefits, if any offered by the employer to the employee.

- u. This Agreement may be signed in counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.
- v. Legal Arizona Workers Act Compliance: As required by A.R.S. §41-4401 (Government procurement; E-verify requirement; definitions), each Party warrants that it complies with all Federal immigration laws and regulations, that it shall verify, through the U.S. Department of Homeland Security's E-Verify program, the employment eligibility of each employee who provides services or labor in Arizona for wages or other remuneration, and that it shall require its subcontractors and sub-subcontractors to provide the same warranties to the other Party. Each Party acknowledges that a breach of this warranty by the Party or by any subcontractor or sub-subcontractor under this Agreement shall be deemed a material breach of this Agreement, and is grounds for penalties, including termination of this Agreement, by the non-breaching Party. Each Party retains the legal right to inspect the papers of any Party, subcontractor and sub-subcontractor employee who performs work under this Agreement, and to conduct random verification of the employment records of the Party and each subcontractor and sub-subcontractor who works on this Agreement, to ensure that the Party and each subcontractor and sub-subcontractor is complying with the warranties set forth above. Each Party shall defend, indemnify and hold harmless the other Party, its Governing Board members, officers, employees and agents from and against any and all claims and demands of any nature, including fines, penalties and expenses of litigation, for which the Party is found, or is alleged to be, liable arising out of the breach of any warranties of the breaching Party or any subcontractor or sub-contractor as specified in this paragraph.

IN WITNESS WHEREOF, the Parties have executed this IGA this 17th day of May, 2022.

**GILA COUNTY PROVISIONAL
COMMUNITY COLLEGE DISTRICT**

By: Janet Bro
Title: Janet Bocker, President
of Governing Board

Date: 5/11/2022

ATTEST:

NAME-TITLE

GILA COUNTY

By: Wade Cho
Title: Chairman, Board of Supervisors

Date: 5/17/2022

ATTEST:

Marian Sheppard
Marian Sheppard, Clerk of the Board

**INTERGOVERNMENTAL AGREEMENT
DETERMINATION**

Pursuant to A.R.S. §11-952, the foregoing Intergovernmental Agreement (IGA) with **GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT** has been submitted to the undersigned as attorney for **GILA COUNTY**. The undersigned County Attorney has determined that said IGA is in proper form and is within the powers and authority granted under the laws of the State of Arizona to **GILA COUNTY**.

DATED this 17th day of May, 2022.

By: _____

Gila County Attorney's Office

**INTERGOVERNMENTAL AGREEMENT
DETERMINATION**

Pursuant to A.R.S. §11-952, the foregoing Intergovernmental Agreement (IGA) with **GILA COUNTY** has been submitted to the undersigned as attorney for **GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT**. The undersigned County Attorney has determined that said IGA is in proper form and is within the powers and authority granted under the laws of the State of Arizona to **GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT**.

DATED this _____ day of _____ 2022.

By: _____

5-10-22

Anthony W. Contente-Cuomo

ARF-8623

2. D.

Special Meeting

Meeting Date: 04/30/2024

Submitted For: Michael O'Driscoll, Assistant County Manager

Submitted By: Michael O'Driscoll, Deputy County Manager

Department: Administration Services

Information

Request/Subject

Discussion regarding Ordinance No. 2023-08 - *Vacation Rental and Short-Term Rental Uses*.

Background Information

On December 5, 2023, the Gila County Board of Supervisors adopted Ordinance No. 2023-08 - *Vacation Rental and Short-Term Rental Uses*.

Evaluation

Members of County management have received requests from some members of the public to revisit Ordinance No. 2023-08. It would be advantageous to provide the Board of Supervisors with an update regarding the concerns of some Gila County residents and to clear up any misunderstandings that some people have regarding this ordinance.

Conclusion

Deputy County Manager Michael O'Driscoll has requested that the Board of Supervisors revisit Ordinance No. 2023-08 to hopefully clarify the intent of the ordinance and clear up misconceptions that some members of the public have regarding this ordinance.

Recommendation

It is recommended that the Board of Supervisors revisit Ordinance No. 2023-08 to hopefully clarify the intent of the ordinance and clear up any misconceptions regarding it.

Suggested Motion

Information/Discussion regarding Ordinance No. 2023-08 - *Vacation Rental and Short-Term Rental Uses*, which was adopted by the Gila County Board of Supervisors on December 5, 2023. **(Michael O'Driscoll)**

Attachments

Short Term Rental Ordinance

Short-Term Rental FAQs

ARS 11-269.17



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 5th day of December 2023, at Globe, Gila County, Arizona.

Attest:

for 
James Menlove, Clerk of the Board

Approved as to form:


The Gila County Attorney's Office

GILA COUNTY BOARD OF SUPERVISORS


Stephen Christensen, Chairman



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CHAPTER 1: INTENT AND PURPOSE

1.1: Title

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

1.2: Purpose

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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

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

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

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

- 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

- 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

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

- 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

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

- 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

- 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

- 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

- 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 at 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

- 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

- 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 withing 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

- 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

- 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

- 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.

Vacation Rental and Short-Term Rental Information

FAQs

What is the new Vacation Rental and Short-Term Rental Ordinance?

The Vacation Rental and Short-Term Rental Ordinance No. 2023-08 was adopted and approved by the Gila County Board of Supervisors on December 05, 2023. The purpose of this Ordinance is to protect the public health, safety, and welfare of the general public and the owners and uses of vacation rental and short-term rental properties in the unincorporated area of Gila County. This Ordinance requires owners of Vacation Rentals and Short-Term Rentals within unincorporated Gila County to obtain an annual permit for their rental property through the Gila County Community Development Department. It is unlawful to operate a vacation rental and short-term rental without a County issued permit effective May 31, 2024.

What is the fee for the vacation rental and short-term rental permit?

A new permit is \$250.00. The renewal fee is \$250.00 annually. If you are registering more than one vacation rental or short-term rental property or unit, a separate application and all fees must be submitted for each vacation rental or short-term rental property or unit.

How often do I need to renew my permit?

Permits must be renewed every year. Your permit expires one year from the date it is approved.

What is a vacation rental or short-term rental?

A short-term rental refers to the rental of any dwelling or portion of any dwelling for a period of less than thirty (30) consecutive days.

What can be used as a vacation rental and short-term rental?

- Single-family houses
- 1 to 4 unit houses (duplexes, etc.)
- Condominiums, townhouses, cooperatives
- Individual rooms within any of the above
- Guest houses, casitas, mother-in-law quarters

What cannot be used as a vacation rental and short-term rental?

- The use of structures not approved as a dwelling unit; unsafe structures (garage, shed, etc.) that do not meet Uniform Residential or Building Code standards as adopted by the County.
- Apartment complexes of 5 or more unit
- Recreational Vehicles (RVs), Travel Trailers or Motorhomes
- Temporary structures such as tents, inflatable dome tents, or similar types of construction.

Can a home be used as a vacation rental or short-term rental if there is a homeowner's association (HOA) or Deed Restrictions?

If a homeowner's association (HOA) exists, check the HOA rules to determine if short-term rentals are permitted. Deed restrictions or CC&Rs may limit or prohibit vacation or short-term rentals on your property. The County does not enforce or keep copies of HOA rules. It is the property owner's responsibility to be aware of any rules or regulations and obtain approval if necessary.

Can I have a vacation rental on my property?

Yes, obtaining a permit allows you to rent your dwelling located on the property if it is in a residential zone. Please check that there are no deed restrictions or CC&Rs that may limit or prohibit vacation or short-term rentals on your property. Special events and public functions such as concerts, conferences, weddings, or banquets that would require a temporary Use Permit are prohibited.

Do I still need a permit if I only rent my home out a few days or weeks a year?

Yes.

Do I still need a permit if I only rent a room in my house?

Yes.

Which neighbors do I need to notify, and how should I notify them?

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. The owner's mailing address information can be found on the Gila County GIS webpage. This is the same source the county uses to collect property owners' mailing information. 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. Written notice should include the following:

- Permit number.
- Address of vacation rental or short-term rental.
- Name, address, and phone number of 24-hour emergency point of contact.

My application is asking for a TPT License. What is a TPT License?

Per the Arizona Department of Revenue, "an Arizona Transaction Privilege Tax (TPT), commonly referred to as a sales tax, is a tax on vendors for the privilege of doing business in the state." For more information, please visit <https://azdor.gov/business/transaction-privilege-tax/tpt-license> or contact the Arizona Department of Revenue at (602) 255-3381,

When do I have to run a sex offender background check?

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. The national sex offender public website in the US is www.NSOPW.gov. This requirement is waived if the online lodging marketplace on which the vacation rental or short-term rental is advertised performs the background check.

Neighbor's questions

What should I do if I have complaints or concerns about short-term rentals in my neighborhood?

- Please contact the Gila County Community Development Department with any general questions at 928-402-4224 (Globe Office) or 928-474-7110 (Payson Office).

- Please contact the Code Enforcement office for any code infractions. 928-402-8513 (Globe Office) or 928-474-7112 (Payson Office)
- Please contact the Sheriff Department Non-Emergency Line at 928-402-4449

What if my neighbor's guests are parking in front of my house?

If vehicles are obstructing traffic, contact the Gila County Sheriff Non-Emergency Line at 928-402-4449. It is a parking violation for guests to block a homeowner's driveway, park on a neighboring property, or block the thoroughway of a public street. It is *not* a parking violation to park in front of a neighbor's house if none of the above occur.

11-269.17. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A county may not prohibit vacation rentals or short-term rentals.

B. A county may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A county may regulate vacation rentals or short-term rentals within the unincorporated areas of the county as follows:

1. To protect the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control and solid or hazardous waste and pollution control, if the county demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. To adopt and enforce use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. To limit or prohibit the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. To require the owner of a vacation rental or short-term rental to provide the county with contact information for the owner or the owner's designee who is responsible for responding to complaints or emergencies in a timely manner in person if required by public safety personnel, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. In addition to any other penalty pursuant to this section, the county may impose a civil penalty of up to \$1,000 against the owner for every thirty days the owner fails to provide contact information as prescribed by this paragraph. The county shall provide thirty days' notice to the owner before imposing the initial civil penalty.

5. To require an owner of a vacation rental or short-term rental to obtain and maintain a local regulatory permit or license. As a condition of issuance of a permit or license, the application for the permit or license may require an applicant to provide only the following:

(a) Name, address, phone number and email address for the owner or owner's agent.

(b) Address of the vacation rental or short-term rental.

(c) Proof of compliance with section 42-5005.

(d) Contact information required pursuant to paragraph 4 of this subsection.

(e) Acknowledgment of an agreement to comply with all applicable laws, regulations and ordinances.

(f) A fee not to exceed the actual cost of issuing the permit or license or \$250, whichever is less.

6. To require, before offering a vacation rental or short-term rental for rent for the first time, the owner or the owner's designee of a vacation rental or short-term rental to notify all single-family residential properties

adjacent to, directly and diagonally across the street from the vacation rental or short-term rental. Notice shall be deemed sufficient in a multifamily residential building if given to residents on the same building floor. A county may require additional notification pursuant to this paragraph if the contact information previously provided changes. Notification provided in compliance with this paragraph shall include the permit or license number if required by the county, the address, and the information required pursuant to paragraph 4 of this subsection. The owner or the owner's designee shall demonstrate compliance with this paragraph by providing the county with an attestation of notification compliance that consists of the following information:

- (a) The permit or license number of the vacation rental or short-term rental, if required by the county.
- (b) The address of each property notified.
- (c) A description of the manner in which the owner or owner's designee chose to provide notification to each property subject to notification.
- (d) The name and contact information of the person attesting to compliance with this paragraph.

7. To require the owner or owner's designee of a vacation rental or short-term rental to display the local regulatory permit number or license number, if any, on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains. A county that does not require a local regulatory permit or license may require the owner or owner's designee of a vacation rental or short-term rental to display the transaction privilege tax license required by section 42-5042 on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains.

8. To require the vacation rental or short-term rental to maintain liability insurance appropriate to cover the vacation rental or short-term rental in the aggregate of at least \$500,000 or to advertise and offer each vacation rental or short-term rental through an online lodging marketplace that provides equal or greater coverage.

C. A county that requires a local regulatory permit or license pursuant to this section shall issue or deny the permit or license within seven business days of receipt of the information required by subsection B, paragraph 5 of this section and otherwise in accordance with section 11-1602, except that a county may deny issuance of a permit or license only for any of the following:

- 1. Failure to provide the information required by subsection B, paragraph 5, subdivisions (a) through (e) of this section.
- 2. Failure to pay the required permit or license fee.
- 3. At the time of application the owner has a suspended permit or license for the same vacation rental or short-term rental.
- 4. The applicant provides false information.
- 5. The owner or owner's designee of a vacation rental or short-term rental is a registered sex offender or has been convicted of any felony act that results in death or serious physical injury or any felony use of a deadly weapon within the past five years.

D. A county that requires a local regulatory permit or license pursuant to this section shall adopt an ordinance to allow the county to initiate an administrative process to suspend a local regulatory permit or license for a period of up to twelve months for the following verified violations associated with a property:

1. Three verified violations within a twelve-month period, not including any verified violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health or safety.

2. One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the vacation rental or short-term rental owner or owner's designee.

(b) 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 vacation rental or short-term rental owner or owner's designee.

(c) An owner or 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, in violation of regulation or ordinance adopted pursuant to subsection B, paragraph 3 of this section.

(d) An owner or 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 or for a retail, restaurant, banquet space or other similar use.

3. Notwithstanding paragraphs 1 and 2 of this subsection, 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 of time that shall not exceed twelve months.

E. A county that requires sex offender background checks on a vacation rental or short-term rental guest shall waive the requirement if an online lodging marketplace performs a sex offender background check of the booking guest.

F. Notwithstanding any other law, a county may impose a civil penalty of the following amounts against an owner of a vacation rental or short-term rental if the owner receives one or more verified violations related to the same vacation rental or short-term rental property within the same twelve-month period:

1. Up to \$500 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 the first verified violation.

2. Up to \$1,000 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.

3. Up to \$3,500 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 and any subsequent verified violation.

G. A vacation rental or short-term rental that fails to apply for a local regulatory permit or license in

accordance with subsection B, paragraph 5 of this section, within thirty days of the local regulatory permit or license application process being made available by the county issuing such permits or licenses, must cease operations. In addition to any fines imposed pursuant to subsection F of this section, a county may impose a civil penalty of up to \$1,000 per month against the owner if the owner or owner's designee fails to apply for a regulatory permit or license within thirty days after receiving written notice of the failure to comply with subsection B, paragraph 5 of this section.

H. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties or suspending the regulatory permit or license of the owner or owner's designee pursuant to this section.

I. If the owner of a vacation rental or short-term rental has provided contact information to a county pursuant to subsection B, paragraph 4 of this section and if the county issues a citation for a violation of the county's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the county shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the county is not required to provide such notice.

J. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a county ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

L. For the purposes of this section:

1. "Online lodging marketplace" has the same meaning prescribed in section 42-5076.

2. "Transient" has the same meaning prescribed in section 42-5070.

3. "Vacation rental" or "short-term rental":

(a) Means 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 section 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.

4. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or K of this section that has been finally adjudicated.

