

**Section 2401. Definitions.**

- A. ~~“Single Family Nightly Rental”~~ **“Short-Term Vacation Rental”** is defined as a dwelling unit or portion thereof, including an attached or detached guest quarter, which is used ~~in a Residential Zone or in a Greer Commercial (GC) Zone,~~ by any person or group of persons who occupies or is entitled to occupy a dwelling unit for Remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days.
- B. “Remuneration” is defined as compensation, money, rent or other bargained for consideration given in return for occupancy, possession, or use of real property.
- ~~C. “Residential Zone” is defined as any residential zone in Apache County, as described in the Apache County Zoning Ordinance.~~
- D. “Person” for the purpose of establishing occupancy, is defined as an individual at least two (2) years of age.

**Section 2402. Purpose.**

Short-Term Vacation Rental Permit required. No person shall occupy, use, operate or manage, nor offer or negotiate to use or rent a Single-Family Nightly Rental in Apache County unless they have a county issues Short-Term Vacation Rental Permit

- ~~A. The purpose of this Section 2400 is to protect the character of Residential Zones by regulating Single-Family Nightly Rentals.~~
- ~~B. Single-Family Nightly Rentals in a Residential Zone have the potential to be incompatible with surrounding residential uses. Therefore, special regulation of Single-Family Nightly Rentals is necessary to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.~~

**Section 2403. Application Procedures Local Representative**

- A. The owner of the property may designate a “Local Representative.” The representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors 24 hours a day, and must be physical located within one hour of the short-term rental. The representative must serve as the initial contact person for any issues or complaints relating to the short-term rental. The representative must reply to this complaints or issues within a timely manner.
- B. If the owner changes the new owner must resubmit a new application to the county within 30 days of the change in ownership.
- C. If the owner changes the local representative, the owner has 30 days to notify Apache County Community Development of the change.

#### **Section 2404. ~~Single-Family Nightly~~ Short-Term Vacation Rental Requirements.**

- ~~A. Single-Family Nightly Rental Permit required. No person shall occupy, use, operate or manage, nor offer or negotiate to use or rent a Single-Family Nightly Rental in a Residential Zone or in a Greer Commercial (GC) Zone, except:
  - ~~1. A dwelling unit for which a Single-Family Nightly Rental Permit has been issued to the Owner of that dwelling unit.~~~~
  
- ~~B. Greer Commercial Resort (“GCR”) Zone. In a Greer Commercial Resort Zone, the rental of a dwelling unit or portion thereof, by any person or group of persons who occupies or is entitled to occupy a dwelling for Remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days, shall be considered one of the allowable uses of a resort, and; the use is allowed without a Single-Family Nightly Rental Permit, and; a Single-Family Nightly Rental Permit is not required, and; no Permit Fee shall be required, and said use is not subject to the requirements of this Section 2400.~~
  
- ~~C. Permit Limits. In the Greer area as defined by the zoning ordinance, the number of permits issued shall be limited to a number fifteen percent (15%) greater than the actual number of permits issued with the first 12 months of the adoption of this Article.~~

Every Short-Term Vacation rental owner will submit a Short-Term Vacation Rental application with Apache County Community Development. Each permit will have the following information:

- A. Contact information for the owner of the rental and the local representative, if one is assigned by the owner. Contact information shall include a phone number for the owner or owner’s representative where they can be reach 24 hours a day. Email address, and mailing address for owner or owner’s representative.
- B. Physical address of the rental property, along with the Apache County Parcel Number (APN)
- C. State TPT License: Each permit will have attached a copy of a State Transaction Privilege License.
- D. Acknowledgement to agree all state laws and county ordinances.
- E. Professionally drawn site plan of the property, including all parking areas with total number of spaces for parking, Any ancillary building, and outside firepits or recreation areas on the property.
- F. Proof of liability insurance for the Short-Term Vacation Rental appropriate to cover the rental in the aggregate of at least \$500,000 or proof that they are advertising and offering the rental through an online lodging marketplace that provides equal or greater coverage.

- G. Occupancy. The maximum occupancy for a ~~Single-Family Nightly~~ Short-Term Vacation Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited by off-street parking requirements ~~as defined in this Section 2400. The maximum occupancy of a dwelling unit may not exceed twenty (20) persons. The Building Official may approve exceeding the occupancy based on size of home using standards provided by the current adopted version of the International Building Code.~~
- H. Parking. One (1) off-street parking space shall be provided for each three (3) persons of occupancy in a ~~Single-Family Nightly~~ Short-Term Vacation Rental. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan ~~shall~~ will be submitted with ~~the~~ an application for a ~~Single-Family Nightly~~ Short-Term Vacation Rental Permit which identifies the location of the required off-street parking.
- I. Solid Waste Disposal. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Single-Family Nightly Rental is available for rent.
- J. Permit Posting. The ~~Single-Family Nightly~~ Short-Term Vacation Rental Permit shall be posted within 5 feet of the front door of each dwelling unit, both on the inside and on the outside of the dwelling unit ~~and contain the following information:~~
- ~~a. The name and telephone number of the Local Representative.~~
  - ~~b. The name and address of the Owner. Contact information of the property owner.~~
  - ~~c. The contact information for the Community Development Department and the Sheriff's office in Apache County.~~
  - ~~d. The maximum occupancy permitted.~~
  - ~~e. The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.~~
  - ~~f. The solid waste disposal collection day if provided by a solid waste company.~~
- K. ~~Building Inspection. Each Single-Family Nightly Rental dwelling unit must be inspected annually by the Building Official to determine whether it meets adequate safety requirements of the applicable building codes. Prior to the issuance of a Single-Family Nightly Rental Permit, the Owner shall make all necessary alterations to the dwelling unit as required by the Building Official pursuant to the applicable building codes.~~
- L. Ownership. A ~~Single-Family Nightly~~ Short-Term Vacation Rental Permit is issued to a specific "Owner" of a property ~~in a Residential Zone or in a Greer Commercial (GC) Zone.~~ If the property holding a ~~Single-Family Nightly~~ Short-Term Vacation Rental Permit is sold to an unrelated third-party owner, the ~~Single-Family Nightly~~ Short-Term Vacation Rental Permit shall immediately expire, and the new owner shall make application for a new Single-Family Nightly Rental Permit.

## Section 2405. Violation, Penalties and Fee's

Apache County Community Development will issue a Short-Term Vacation Rental Permit once all the information desired in this ordinance is received for the permit. Failure to provide all the information described in this ordinance will cause Apache County Community Development reason to deny a Short-Term Vacation Rental Permit to the applicant. Additionally, failure to pay the fee for the Short-Term Vacation Rental at the same time of the application or the property has a suspended permit already associated with the property or the applicant provides false information can constitute a denial by Apache County Community Development of the Short-Term Vacation Rental.

Apache County may suspend a local regulatory permit or license for a period of up to twelve months for the following verified violations associated with a property:

- A. 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 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 vacation rental or short-term rental owner or 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 vacation rental or short-term rental owner or owner's designee.
  3. 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 a regulation or ordinance adopted pursuant to subsection B, paragraph 3 of this section.
  4. 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 ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.
- C 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 months.
- D. The 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.

- E. The fee associated with the permit for a Short-Term Vacation Rental is \$250 due at the time the permit application is turned into the County Community Development Office. Community Development has Seven (7) business days to either grant or deny the Short-Term Vacation Rental Permit.