



COMMUNITY DEVELOPMENT

P.O. BOX 218, Minden, NV 89423

(775) 782-6218

FAX: 775-782-9007

www.douglascountynv.gov

For Staff use only: Permit Number _____

VACATION HOME RENTAL PERMIT APPLICATION

Instructions to the Applicant; The following application is provided for persons who propose to submit for a **Vacation Home Rental Permit** with Douglas County pursuant to Chapter 5.40 of the Douglas County Development Code (attached). As an applicant, you must complete this form and provide all the requested information and documentation. If you have any questions regarding the completion of this application, please contact Lucille Rao (775) 782-6218.

(Application must be filled out completely, including photos, or it will be rejected)

1. Vacation Home Rental Location:

Address	
City/State/Zip	
Phone/Fax	
APN parcel #	

2. Owner of Record:

Name	
Address	
City/State/Zip	
Phone	
E-mail Address	

3. Licensed Property Manager/Management Contact (required if different than owner):

Name	
Address	
City/State/Zip	
Phone/Fax	
License #	

4. 24-Hour Emergency Local Contact (Responsible person living within 1 hour of the property)

Name	
Address	
Phone/Fax	

VACATION HOME RENTAL PERMIT APPLICATION -- CONTINUED

5. Is the property located within and serviced by a General Improvement District (GID)?

Yes ___ No ___ If yes, which GID? _____

6. Do you belong to a Homeowners Association (HOA)? Yes _____ No _____

If yes, HOA name _____

7. What is the approximate size of your residential unit (in square feet)? _____

LEGAL BEDROOM, INTERNATIONAL RESIDENTIAL CODE (2012 IRC) INFORMATION

Bedrooms within your residential dwelling unit must contain a minimum of 70 square feet (i.e. 10' by 7' or greater) to be considered a legal bedroom, along with a 7' minimum ceiling height. 2012 IRC 304.2.

An emergency escape window with a minimum opening area of 5.7 sq. ft.: Minimum opening height shall be 24 inches, and minimum opening width shall be 20 inches. IRC 310. The opening shall be no higher than 44 inches above the floor.

2012 IRC SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

8. Bedrooms: SEE LEGAL BEDROOM INFO ABOVE

a. Does each legal bedroom contain a minimum of 70 square feet? Yes ___ No ___

b. Does each legal bedroom have an emergency exit? Yes _____ No _____

c. Is the ceiling height of each legal bedroom a minimum of 7 feet? Yes ___ No ___

9. How many legal bedrooms does your residential unit have? _____

VACATION HOME RENTAL PERMIT APPLICATION -- CONTINUED

10. Maximum overnight occupancy for your residence is two persons per legal bedroom, plus 4 additional persons per residence. The maximum overnight occupancy requested is _____ persons.

11. Provide a diagram or photograph of the premises showing on site assigned parking spaces in garages, driveways or other parking areas. **Overnight parking on the street is not allowed.** Number of parking spaces on your property _____
Number of spaces allotted to your unit in the common parking area (if applicable)

12. Garbage Service: Yes ____ No ____ Name of Provider _____
If no, how is service provided? _____

13. Do you use a bear proof container? Yes ____ No ____

14. Provide evidence of a valid Transient Occupancy Tax (TOT) remittance form from Douglas County if you have been collecting tax. This can include a copy of the form. The TOT remittance form can be filed concurrently with this application. Form or evidence included? Yes ____ No ____

LETTER OF AUTHORIZATION

_____ is/are the applicant(s) ("applicant")

(print name(s) here) _____
for a vacation home rental permit. By signing this application form, the applicant is confirming the following:

1. Applicant is the legal owner of the property being considered under this application.
2. All of the information submitted in support of this application is true and correct. If any information submitted in support of this application is false and misleading, the application may be denied or any permit issued based on false or misleading information may be suspended or revoked.
3. Before signing this application, the applicant has read Douglas County's Lake Tahoe vacation home rental ordinance (DCC 5.40) and by signing this application form, the applicant acknowledges they have read the code and agrees to comply with the terms of the ordinance.
4. Applicant also acknowledges that the owner or agent will post the vacation rental unit with the notice required in DCC 5.40.090

All Owners of Record: (include additional sheets if necessary)

Printed Name

Signature/Date

Printed Name

Signature/Date

VACATION HOME RENTAL PERMIT APPLICATION -- CONTINUED

AGENCY AUTHORIZATION

_____ is/are the agent(s) ("agent") for a

(print name(s) here) _____
vacation home rental permit which is being considered under this application. By signing this application form, the agent is confirming the following:

1. All permits must be issued only to the owner of vacation home rental property.
2. The owner of the vacation home rental property is responsible for compliance with the provisions of Douglas County's Lake Tahoe vacation home rental ordinance (DCC 5.40).
3. The agent's or the occupant's failure to comply with the provisions of the Lake Tahoe vacation home rental ordinance may expose the agent or the occupant or both to criminal penalties or private civil actions seeking enforcement of the ordinance. The agent's or the occupant's failure to comply with the provisions of the Lake Tahoe vacation home rental ordinance may expose the property owner to criminal penalties, administrative discipline of the owner's permit to operate a vacation home rental property, or private civil actions seeking enforcement of the ordinance.
4. Before signing this application, the agent has read Douglas County's Lake Tahoe vacation home rental ordinance (DCC 5.40) and by signing this application form, the agent acknowledges they have read the code and agrees to comply with the terms of the ordinance.

Agents: (include additional sheets if necessary)

Printed Name

Signature/Date

Items that must accompany this application include:

- **Owner's original signed copy of this application**
- **Application Fee of \$100.00. Checks made out to "Douglas County"**
- **Diagram or photo of onsite parking spaces**

To expedite your application, please complete the application with all of the required information. The anticipated time frame for completion of the application and issuance of the permit is two weeks after application submittal. For your convenience, you may mail in the completed application with the required fee. Please send the application to the following address:

Douglas County Community Development Department
Attention: Lucille Rao
P O Box 218
Minden Nevada 89423

Douglas County Code Excerpt
5.40 Vacation Rentals in the Tahoe Township

5.40.010 Title

This chapter shall be referred to as the Lake Tahoe vacation home rental ordinance. (Ord. 1117, 2005)

5.40.020 Purpose of chapter

The board finds and declares as follows:

A. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs.

B. County staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse at vacation home rentals, which require response from police, fire, paramedic and other public personnel.

C. The transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult.

D. The provisions of this chapter are necessary to prevent the continued burden on county services and impacts on residential neighborhoods posed by vacation rental homes.

E. The area of Douglas County within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA) dominates Douglas County's lodging and recreational use. According to the county's Master Plan, about 71 percent of the lodging and recreational uses are located in the Tahoe Planning Area. This planning area, located on the western edge of Douglas County, is the primary center of the casino resort industry for the county, accounting for 87 percent of all casino resort land uses and approximately 31 percent of all commercial and office land uses in the county.

The entire Tahoe Basin is under the jurisdiction of the TRPA. TRPA's jurisdiction includes portions of two states and five counties. TRPA implements its control with the use of the Lake Tahoe Regional Plan, the Community Plans and the Plan Area statements under the Tahoe Regional Planning Compact. TRPA has asked Douglas County to adopt the Lake Tahoe Vacation Home Rental Ordinance and administer the provisions of this chapter.

The area of Douglas County within the boundaries of TRPA has limited opportunities for growth due, in part, to the restrictions imposed by TRPA. Lake Tahoe's scenic beauty is a significant part of its attraction; maintenance of the natural areas and existing residential neighborhoods is essential to the continued economic strength of the various land uses in this area of the county. It is the intent of the Lake Tahoe Vacation Home Rental ordinance to make the transitory lodging activity permitted by this chapter resemble the existing residential uses made by resident owners and lessees.

Douglas County has previously adopted the Tahoe Basin Regulations, consisting of chapters 20.700 through 20.702 of the Douglas County Development Code recognizing the unique circumstances existing in this portion of the county and found in this subsection.

Confining the application of the Lake Tahoe Vacation Home Rental Ordinance to just the region administered by TRPA will produce a lack of uniform regulation for vacation home rental properties in the balance of the Tahoe Township. The balance of Tahoe Township has significant economic relationships with the region administered by TRPA making uniform regulation of vacation home rental properties throughout Tahoe Township appropriate.

Section 244.357 of NRS permits the enactment and enforcement of police power ordinances and regulations to govern only a limited area in the county where the subject matter makes it appropriate and reasonable. The ordinance or regulation must specify the limited area within the county to which the ordinance or regulation applies.

The board finds that the Lake Tahoe vacation home rental ordinance, with the limited applicability prescribed in section 5.40.030 of this chapter, is necessary because a general police power ordinance cannot be made applicable. (Ord. 1117, 2005)

5.40.030 Applicability

The provisions of this chapter apply within the unincorporated portions of the county located within the boundaries of the Tahoe Township. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in this code. (Ord. 1117, 2005)

5.40.040 Definitions

The words and phrases used in this chapter have the following meanings:

A. "Local contact person": A local licensed property manager, owner, or local individual, who resides or has a primary place of business located within Douglas County or the jurisdictional boundaries of the Tahoe Regional Planning Agency, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance.

B. "Overnight". Between the hours of 11 p.m. and 5 a.m.

C. "Owner": The person or entity that holds legal or equitable title to the private property.

D. "Person": An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private as defined in NRS 0.039.

E. "Rent": The consideration received by a vendor in money, credits, property, or other consideration valued in money for lodgings subject to the tax authorized in Title 3 of the Douglas County Code.

F. "Vacation home rental": One or more dwelling units, including either a single-family, detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than 1 day and not more than 28 days other than ongoing month-to-month tenancy granted to the same renter for the same unit pursuant to chapter 118A of NRS.(Ord. 1355, 2012; Ord. 1117, 2005)

5.40.050 Vacation home rental permit requirements

No owner of a vacation rental may rent that unit for 28 consecutive calendar days or less without a valid vacation home rental permit for that unit issued pursuant to this chapter. A separate permit is required for each vacation home rental. The permit requirements of this chapter are in addition to any business license, hotel or motel tax registration, or any other permit or licensing requirements. However, at the discretion of the community development director or a designee, the processing of permits required under this chapter may be combined with the processing of business licenses, hotel or motel tax registration, or any other permit or license process administered by the county community development director or a designee. The county community development director or a designee is authorized to prescribe forms and procedures for the processing of permits under this chapter. (Ord. 1117, 2005)

5.40.060 Agency

An owner may retain a licensed property manager to comply with the requirements of this chapter, including, without limitation, the filing of an application for a permit, the management of the vacation home rental, and the compliance with the conditions of the permit. Any property manager must be licensed through the State of Nevada Division of Real Estate, and comply with state law. The permit must be issued only to the owner of the vacation home rental. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of their agent to comply with this chapter is non-compliance by the owner. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.070 Application for vacation home rental permit

An application for a permit must be filed with the community development department before use of the property as a vacation home rental. Permit applications for properties presently used as vacation home rental must be filed within 90 days of the effective date of this ordinance upon forms provided by the county and must contain the following information:

A. The name, address, and telephone number of the owner of the vacation home rental for which the permit is issued.

B. The name, address, and telephone number of the local contact person for the owner of the vacation home rental.

C. Acknowledgment that all designated bedrooms contain a minimum of 70 square feet and meet all requirements of the current international residential code.

D. The number of bedrooms (each containing a minimum of 70 square feet), approximate total heated square footage in the vacation home rental, and the maximum number of overnight occupants.

E. A diagram or photograph of the premises showing on-site assigned parking spaces in garages, driveways, or other parking areas.

F. Evidence of a valid transient occupancy tax remittance form issued by the county for the vacation home rental. This registration may be filed concurrently with the application for a permit under this chapter.

G. Acknowledgment that the owner, agent, and local contact person have read all regulations pertaining to the operation of a vacation home rental.

H. Acknowledgment that the owner, agent, or local contact person has or will post the vacation home rental with the notice required in section 5.40.090.

I. Other information the community development director or a designee deems reasonably necessary to administer this chapter.

If the information supplied by the property owner on the application for a vacation home rental permit is not consistent with county records, an inspection can be required prior to or after the issuance of the vacation home rental permit. An inspection fee established by resolution of the board must be charged for any inspection. The County must provide a copy of the application to the general improvement district and homeowners' association in which the proposed vacation home rental property is located having responsibility for streets, parking, trash and refuse pick-up or any combination of these responsibilities. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.080 Application, renewal, fees and cancellation

An application for a vacation home rental permit must be accompanied by an initial fee established by resolution of the board. An issued permit is valid for one calendar year and may be renewed, by the payment of an annual renewal fee, established by resolution of the board only if there have been no changes which would affect the conditions of the permit as required in 5.40.090. If there have been changes that would affect the conditions of the permit, the owner must remit a new application with their renewal fee. If the annual renewal fee is not paid when due, the permit will be cancelled. An owner may reinstate the permit upon paying the reinstatement fee established by resolution of the board. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.090 Standard permit conditions and additional conditions

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. The owner must by written agreement, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit, with the number of overnight occupants not to exceed 2 persons per bedroom plus 4 additional persons per residence.

A bedroom is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose. The

structure must have at least one other habitable room containing a minimum of 120 square feet. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height in accord with the current international residential code.

2. The owner must by written agreement, limit all overnight parking to on-site and assigned parking areas. Except for loading and unloading, parking buses on-site or on the street is prohibited at all times. Daytime on-street parking will be in accordance with local posted parking regulations.

3. The owner must use best efforts to assure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, agent, or local contact person act as a peace officer or place him or herself in harm's way.

4. The owner must, upon notification that occupants or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or state law pertaining to noise, or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

5. The owner of the vacation home rental must comply with and use his or her best efforts to achieve compliance by the occupants with all the provisions of chapters 6.32, 8.12 and 8.14 of this code.

6. The owner of the vacation home rental must post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the vacation home rental.

7. All advertising for the vacation home rental must include the permit number.

8. All advertising for the vacation home rental must include the maximum number of occupancy approved for the permit.

9. Each vacation home rental must have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

a. The name of the agent, local contact person, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;

b. The maximum number of occupants permitted to stay in the unit;

c. The maximum number of vehicles allowed to be parked on the property;

d. The location of on-site and assigned parking spaces and special information related to seasonal snow removal and emergency vehicle access (in any);

e. The trash pick-up day and notification that trash and refuse must not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pick-up to 6:00 p.m. on the day designated for trash pick-up unless

a bear proof container exists for use by the occupants;

f. Notification that an occupant as a person responsible for an event, may be cited and fined for creating a disturbance or for violating other provisions of this ordinance; and

g. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance.

h. The occupants of a vacation rental home must make the notice required by this paragraph available for inspection by the community development director or a designee, the sheriff's office or the code enforcement officer on a request made by any of these officials.

10. All permissible uses must comply with the county or applicable general improvement district parking, driveway and loading standards, and seasonal snow removal or emergency vehicle access regulations. The owner must provide sufficient parking to meet county on-site parking requirements, including the garage when necessary. All overnight occupant parking must be on site.

11. All residential vacation home rentals shall comply with the following standard:

It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, threatening, traducing, quarreling, challenging to fight, or fighting. Compliance with this standard shall be in addition to compliance with all other provisions of this code relating to nuisance, peace and safety.

B. The board of county commissioners, at a duly noticed meeting, has the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter.

C. The community development director or a designee has the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter subject to compliance with the procedures set forth in section 5.40.120 of this code. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.100 Local contact person

Each owner of a vacation home rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner may designate himself as the local contact person. The local contact person is required to reside or have their primary place of business within Douglas county or within the jurisdictional boundaries of the Tahoe Regional Planning Agency and respond to the location after being notified by the sheriff of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.110 Violation and administrative penalties

A. The following conduct is a violation for which the permit suspended or revoked;

1. The owner has failed to comply with the standard conditions specified in section 5.40.090(A) of this code; or
2. The owner has failed to comply with additional conditions imposed pursuant to the provisions of section 5.40.090(B) and (C) of this code; or
3. The owner has violated the provisions of this chapter; or
4. The owner has failed to collect or remit to the county the transient occupancy and lodging taxes and monthly rental reports as required by Title 3 of this code: or
5. Any false or misleading information supplied in the application process; or
6. The permit number was not included in all forms of advertisement; or
7. The occupancy was not included in all forms of advertisement, or the occupancy was not advertised correctly.

B. The penalties for violations specified in subsection (A) are as follows:

1. For the first violation within any 12 month period, the penalty is a warning notice of violation;
2. For the second violation within any 12 month period, the penalty is a second warning notice of violation or an administrative fine not to exceed \$500 or both the notice and fine;
3. For a third violation within any 12 month period, the penalty is a suspension of the permit for a period not to exceed 90 days; and
4. For a fourth violation within any 12 month period, the permit may be revoked. An owner may petition the board for reinstatement of a revoked permit no sooner than 12 months after revocation. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.120 Procedure for imposition of penalties, suspension and revocation

Penalties, including a notice of violation, must be imposed, and permits must be revoked, in the manner provided in this section.

A. The code enforcement officer must conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this chapter. The investigation may include an inspection of the premises. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the code enforcement officer must issue written notice of the violation and intention to impose a penalty or revoke the permit. The written notice must be served on the owner, operator, agent managing agency, or local contact person and must specify the facts which constitute substantial evidence to establish grounds for imposition of the penalties or revocation, and specify that the penalties will be imposed or that the permit will

be revoked within 15 days from the date the notice is given unless the owner files with the community development director or a designee the fine amount and a request for a hearing before the community development director or a designee.

B. If the owner requests a hearing within the time specified in subsection A, the community development director or a designee must serve written notice on the owner by mail, of the date, time and place for the hearing which must be scheduled not less than 15 days, nor more than 45 days after receipt of the request for a hearing. The community development director or a designee may preside over the hearing or may designate a hearing officer to take evidence and submit proposed findings and recommendations to the community development director or a designee. The community development director or a designee must impose the penalties or revoke the permit upon a finding that a violation has been proved by substantial evidence, and that the penalty or revocation is consistent with the provision of section 5.40.110 (B) of this code. The hearing must be conducted according to the rules normally applicable to administrative hearings. The community development director or a designee must render a decision within 30 days of the hearing and the decision is appealable to the board. The owner may request and the board may grant a stay of any revocation made pursuant to the provisions of subsection 5.40.110(B) (4) during the pendency of an administrative appeal to the board.

C. The code enforcement officer may refer violations of this chapter to the Douglas County District Attorney's Office for prosecution pursuant to section 1.08 as misdemeanors. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.130 Permits and fees not exclusive

Permits and fees required by this chapter are in addition to any license, permit or fee required under any other chapter of this code. The issuance of any permit pursuant to this chapter does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the vacation home rental or the property on which it is located. (Ord. 1117, 2005)

5.40.140 Penalty

Any person violating the provisions of this chapter, or by operating or advertising a vacation home rental without a valid permit is guilty of a misdemeanor. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.150 Enforcement of chapter

The community development director or a designee is authorized and directed to establish rules and regulations as may from time-to-time be required to carry out the purpose and intent of this chapter. Substantive changes to this ordinance can only be made by the board. (Ord. 1117, 2005)

5.40.160 Private actions to enforce

A. Any person who has suffered, or alleges to have suffered, damage to person or property for a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the owner, agent, local contact person or occupant alleged to have violated this chapter. The prevailing party in this litigation is entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

B. Nothing in this chapter creates any right of action against the county or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of vacation home rental within the county. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.170 Violations by occupants of vacation rental homes

A. In addition to the penalties set forth in 5.04.110, any violation of the provisions of this chapter is punishable as a misdemeanor pursuant to chapter 1.08.010(A) of this code.

B. The owner may be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punished accordingly pursuant to 1.08.010(C).

C. Enforcement actions may be brought against occupants of a vacation rental home for violations of this chapter and any other provision of this code notwithstanding that this chapter may also make the owner of the vacation rental home responsible for the conduct constituting the violation. (Ord. 1355, 2012; Ord. 117, 2005)