

Ordinance Number 2021-1582

Summary

An ordinance repealing the existing text of Chapter 20.622 of the Douglas County Code relative to Vacation Home Rentals in the Tahoe Township and replacing it with the new text. The process for these changes began in 2018 and have culminated with the proposed revisions. The new additions include, but are not limited to, creating a tiered permit structure, limiting the total number of permits in the Tahoe Township to 600, limiting density and the types of units, requiring training for local contact persons, strengthening permit requirements, creating a VHR Advisory Board, and substantially increasing the penalties for violations of the code and revising the enforcement and appeals process.

Title

An ordinance repealing the existing text of Chapter 20.622 of the Douglas County Code related to Vacation Home Rentals within the Tahoe Township and adopting new text.

The Board of County Commissioners of County of Douglas in the State of Nevada does hereby ordain as follows:

SECTION I: the existing text of Chapter 20.622 of the Douglas County Code is hereby repealed and shall be replaced with the language that follows:

Douglas County Code

Title 20 Consolidated Development Code

20.622 Lake Tahoe Vacation Home Rentals

20.622.010. Introduction.

- A. Title
- B. Purpose of chapter

20.622.020. Definitions.

20.622.030. Permit Process.

20.622.040. Operational Requirements.

- A. Management of Units
- B. Permit Issuance
- C. Limitation on Density
- D. Permit Conditions

20.622.050. Violations and Enforcement.

20.622.060. VHR Advisory Board and Appeals.

- A. VHR Advisory Board.
- B. Appeals.
- C. Findings.

20.622.010 Introduction.

- A. Title. This chapter shall be referred to as the Lake Tahoe Vacation Home Rental ("VHR") Ordinance. All VHRs shall be limited to the Lake Tahoe Township.
- B. Purpose. The Douglas County Board of County Commissioners ("Board") finds and declares as follows:
 - 1. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assists owners of vacation home rentals by providing a source of revenue which may be used for maintenance upgrades and deferred costs.
 - 2. County staff has responded to numerous complaints at VHRs involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse, which require response from Sheriff, fire, paramedic and other public personnel.
 - 3. The transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult. The provisions of this chapter are necessary to prevent the continued burden on County services and impacts on residential neighborhoods and homeowners adjacent to a vacation rental home, who ultimately bear the burden of these vacation homes and need to file complaints against the vacation home.
 - 4. NRS 244.357 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 Lake Tahoe Township is the only appropriate and logical choice for the operation of short-term vacation home rentals and they will be permitted and regulated as set forth in this chapter.
 - 5. The entire Tahoe Basin is under the jurisdiction of the TRPA, includes portions of two (2) states and five (5) counties. TRPA implements its control with the use of the Lake Tahoe Regional Plan, the Community Plans and Area Plan 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.

6. The area of Douglas County within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA) dominates Douglas County's lodging and recreational use. This planning area, located on the western edge of Douglas County, is rich in recreational activities and is the primary center of the casino resort industry for the County.
7. 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 and maintenance of the natural area 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.
8. Obtaining a VHR permit is not a right. Thus, Douglas County reserves the right to determine which permit locations are appropriate and when the permit may be revoked or denied.
9. 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.

20.622.020 Definitions

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

- A. **"Local contact person" and/or "emergency contact"** means a Nevada 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, 24 hours a day. "Local" also means that the response time to the VHR from the local contact person's residence is not more than thirty (30) minutes from the time the complaint is received by them. Owner, local contact and property managers are required to attend VHR Compliance Education Certification Program for owners and managers.
- B. **"Overnight"** means between the hours of 9 p.m. and 8 a.m. for the purpose of this chapter only.
- C. **"Owner"** means the person or entity that holds legal or equitable title to the private property. Owner does not include a limited liability company, corporation, partnership or similar commercial arrangement with the exception of permits that have already been issued.

- D. **"Person"** means an individual or family, including a family trust, which owns or occupies the VHR property and utilizes the home as a residence. Person does not include a limited liability company, corporation, partnership or similar commercial legal arrangement with the exception of permits that have already been issued.
- E. **"Rent"** means the consideration received by a homeowner or other consideration valued in money for lodging subject to the tax authorized in Title 3 of the Douglas County Code.
- F. **"Bedroom"** means for the purposes of this chapter as a confined space having a floor area of not less than 70 square feet (no less than 7 feet in any horizontal direction) and which is heated and has glazing of 8% of the floor area and natural ventilation through windows at 4% of the room floor area and can provide emergency egress as determined by Douglas County, with a minimum ceiling height of 7 feet. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other primary purpose. Every bedroom shall have an emergency escape or rescue exit. This definition is derived from the Internal Residential Code Section R303, R304 and R310.
- G. **"True Host"** means that the owner of a vacation home rental is residing at the property throughout all periods when renters are present.
- H. **"Vacation Home Rental (VHR)" or "Short Term Rental (STR)"** means one dwelling unit, or a portion of a dwelling unit, including either a single-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 NRS Chapter 118A.

20.622.030 Permit Process.

- A. An owner of a vacation rental may not rent a dwelling unit or any bedroom for 28 consecutive calendar days or less without a valid Vacation Home Rental Permit issued by Douglas County. The issuance of any permit is discretionary and not a right.
- B. No more than 600 VHR permits may be issued within Tahoe Township.
- C. Property owners that have a valid Vacation Home Rental Permit from the County must demonstrate at the time of renewal that the dwelling unit was rented in the prior year. Failure to demonstrate use of the permit may result in the permit not being renewed. This is intended to prevent Vacation Home Rental Permits from being obtained with no intent to rent the property.
- D. Permits and fees required by this chapter are in addition to any license, permit or fee required under any other chapter of this code or Nevada law. 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.

E. The following are the permit requirements:

1. A separate permit is required for each vacation home rental unit and a permit may only be issued to the owners of the unit. Permits are limited to one permit per family. VHR permits are limited to allowable uses per the property's zoning designation and the County building code requirements.
2. Each VHR must be a permanent habitable dwelling unit.
3. Permits may be issued to family trusts and individuals only, and are not transferable with the sale of the property; limited liability companies, corporations, partnerships and other similar commercial arrangements may not apply for nor receive a new permit.
4. The Director of Community Development is authorized to specify the form and process for obtaining and issuing the VHR permit.
5. A permit must be issued before the property may be used as a vacation home rental. At a minimum, all permit applications must contain the following information:
 - a. The address and assessor's parcel number for the proposed vacation home rental.
 - b. The name, address, and telephone number of the owner of the vacation home rental.
 - c. The name, address, and telephone number of the local contact person for the owner of the vacation home rental. The local contact person must be available for contact regarding any complaint, 24 hours a day.
 - d. Acknowledgement that all designated bedrooms meet the definition specified in Section 20.622.020.
 - e. State the number of bedrooms that may be rented. The number of bedrooms and parking spaces will determine the maximum number of overnight occupants allowed by the permit.
 - f. Douglas County reserves the right to impose special parking conditions on guests of vacation home rentals in areas or under circumstances which justify it, such as narrow roads, or heavy traffic during special events, etc.
 - g. A diagram and photograph of the premises showing bedrooms, on-site assigned parking spaces in garages, driveways, or other parking areas and the interior spaces. Parking area with drive through driveways require a 10-foot wide, unobstructed lane for emergency access vehicles. The double parking of cars, or tandem parking for the purposes of permit parking stalls, is not allowed and will not be included when calculating capacity. Final determinations regarding parking will be made by the County consistent with county code and other applicable regulations.
 - h. 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.

- i. Acknowledgement that the owner, agent, and local contact person have each read the regulations pertaining to the operation of a vacation home rental and they will comply with all requirements in this chapter.
 - j. A statement signed by the owner confirming the unit is not deed restricted or located in an area governed by a home owner's association ("HoA") and is not subject to covenants, conditions and restrictions ("CC&Rs) or bylaws that prohibit or limit the existence of VHRs. Permits shall not be issued in these areas. Permittee is required to notify the HoA of intent to rent a home as a VHR. Douglas County may require the applicant to provide documents in support of the statement as a precondition to approval of the permit.
 - k. Acknowledgement that the owner, agent, or local contact person has or will post the vacation home rental with the notice required in this chapter.
 - l. Proof that a safety inspection has been completed annually by the Tahoe-Douglas Fire Protection District and/or other designee of Douglas County.
 - m. Owners are required to provide proof of insurance in a form acceptable to Douglas County showing at least five hundred thousand dollars (\$500,000) in general liability insurance on the property to cover anyone injured on the property due to homeowner's negligence. Douglas County shall be the sole determiner of whether or not the insurance coverage is adequate or not. In addition, Douglas County staff may require additional coverage if they believe the circumstances warrant it. Douglas County will not require more than the tier 3 insurance requirement of one million dollars (\$1,000,000) of liability coverage.
 - n. Permittee is required to have adequate trash removal service per any applicable Health District, waste management, Homeowner's Association or General Improvement District rules. Trash storage must be sufficient for the maximum number of occupants as determined by the County. A bear proof box or reasonable bear proof trash storage solution is required as determined by the County
 - o. Any other information the Community Development Director or a designee deems reasonably necessary to administer this chapter.
 - p. The permit application must be verified by the owner under penalty of perjury that the application is true and correct. Please note that the fine for falsifying any information contained in the application or provided to Douglas County in conjunction therewith shall subject the applicant to a ten thousand dollar (\$10,000) civil penalty and will ban the applicant from ever obtaining a permit for all tier 1 and tier 2 units. A civil penalty of twenty-thousand dollars (\$20,000) shall apply to units which would constitute a tier 3 unit and will also ban the applicant from ever obtaining a permit.
6. 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 for compliance or for safety can be required prior to or after the issuance of the vacation home rental permit. Fees shall be paid for the permit and any required inspections before any permit is issued.
 7. An application for a vacation home rental permit must be accompanied by an initial fee established by resolution of the board. A permit is valid for one calendar year

after it is issued and may be renewed by filling out a renewal application and 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 this chapter.

8. If there have been significant changes to the unit or property that would affect the conditions of the permit, the owner must submit a new permit application with the accompanying new permit fee. If the annual renewal fee is not paid when due, the permit will be cancelled.
 9. All renewals issued after Ordinance 2021-1582 has passed shall be required to file a new application to have the tier class assigned by Douglas County. The fee will be the same as a renewal fee for the tier class, and all permit conditions in this chapter shall apply.
 10. There are three tiers of permits authorized by Douglas County:
 - a. Tier 1 – owner occupied at all times when the unit is rented and having four or fewer occupants. Unit must be advertised as being occupied by the owner during the rental period. Tier 1 permits are excluded from the cap.
 - b. Tier 2 – units with up to 10 occupants.
 - c. Tier 3 – units above 10 occupants which requires a VHR special use permit development application. Following the enactment of this ordinance, if a tier 3 unit fails to obtain a VHR special use permit within 180 days, they shall only be authorized to operate at tier 2 (i.e., maximum of 10 occupants).
- F. A VHR special use permit for tier 3 units may be granted by the VHR Advisory Board under the following conditions:
1. The unit complies with all tier 1 and tier 2 conditions.
 2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance.
 3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.
 4. When there is sufficient proof that the quiet use and enjoyment of surrounding residents will not be unduly disturbed.
 5. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.
 6. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.
 7. For other reasons not specified herein which are unique to the location and circumstances related to the application.

8. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.
9. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours.

20.622.040 Operational Requirements.

A. Management of Units.

1. 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 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. A local licensed property manager is required for all tier 3 units, unless the property is managed by the homeowner that is a Douglas County resident.
2. 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. This contact person must live within 30 minutes from the unit and is responsible for resolving complaints within one hour after receipt. Receipt of complaints for the purposes of this section is when the message is sent by Douglas County or other persons to the phone number provided for such purposes. 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. They must be able to respond to the location, 24 hours a day, after being notified by the public, code enforcement or Douglas County Sheriff's Office of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement. The responsible party is required to provide written documentation of the steps taken to resolve the complaint/violation within one (1) hour of notification.
3. The owner or owner's agent must immediately notify the County in writing upon a change of the local contact or the local contact's telephone number. This notification will be on forms prescribed by the County. The name and contact information of the local contact person shall be made available to the public. The changes must be posted in the interior of the vacation home rental within ten days of any change of contact information. Failure to comply with this section is a violation of this chapter.
4. For all permits issued or renewed after May 1, 2021, the local contact shall have successfully completed a training course and achieved a qualifying score on a County administered certification test. Once certified, the local contact will not be required to become re-certified but may be required to take a refresher course

and must continue to comply with all provisions set forth in this section, including timely reporting of all complaints and their resolutions, in order to remain certified. There may be one or more local contacts for a given VHR, however, the phone number on record to be used to report initial complaints shall be valid to reach an available certified local contact, 24 hours a day. Operation of a vacation home rental without a valid certified local contact, or without a valid contact phone number, or the failure to report a complaint and resolution, shall be considered a violation of this section.

5. The owner or the owner's agent, representative, or local contact for the VHR is responsible for the following:
 - a. Ensuring that the VHR complies with all posting requirements, fire and life safety requirements, and other provisions of this chapter at all times when the home is used as a VHR.
 - b. Obtaining the name, address, and contact information for each renter who is 25 years or older.
 - c. Providing the renters a written copy of occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal and storage, trash pickup day and bear box instructions, and all other rules and regulations and, should any violation of this chapter occur, that fines may be imposed.
 - d. Obtaining formal, written acknowledgement from all renters over the age of 25 that he or she is legally responsible for compliance of all occupants of the VHR with all applicable laws, rules, and regulations pertaining to the use and occupancy of the VHR, and that should any violation of this chapter occur, that fines may be imposed.
 - e. This information shall be maintained by the local contact for a period of one year from date of occupancy and be made available upon request of any officer of the County responsible for the enforcement of any provision of this chapter or any other applicable law, rule, or regulation pertaining to the use and occupancy of the VHR.
 - f. Being available 24 hours a day, by phone in case of complaints / violation of permitted property and responding onsite, within 30 minutes, if necessary to resolve complaints and or violation, and provide written documentation of steps taken to resolve complaint/violation within one (1) hour of notification.

B. Permit Issuance.

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.

C. Limitations on Density of VHRs within the Tahoe Township.

The Douglas County Board of County Commissioners has determined that, in order to preserve the residential nature of communities within the Tahoe Township, no community shall have more than 15% vacation home rentals in single-family

communities and 20% in tourist / multi-family residential communities. A residential community for the purposes of this section shall be TRPA plan area statements (<https://gis.trpa.org/localplans/>) that were approved by the County and adjacent parcels which are consistent with the uses contained within an adjacent plan area statement. A community may include phases which has various densities such as multi-family and single-family.

D. 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 two (2) persons per bedroom or four (4) persons per on-site permitted parking space whichever is less. Occupancy may be further limited based on life safety concerns at the discretion of the Director of Community Development. On-site permitted parking space determination will be done by the Community Development Director or their designee.
2. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other primary purpose. Every bedroom shall have an emergency escape or rescue exit.
3. The owner must, by written agreement, limit all parking to on-site and assigned parking spaces. Except for loading and unloading, parking buses on-site or on the street is prohibited at all times. The owner shall issue parking passes on the form provided by the County to renters and require that they be displayed on the driver's side dashboard of each permitted vehicle. The parking pass shall have the VHR permit number, license plate number of the vehicle, address of the rental unit, and a phone number for the person responsible for the vehicle. Failure to have the specified information on the parking pass is a violation of this code. In addition, owners shall provide the license plates of all vehicles being utilized by the occupants upon request to Douglas County officials within 2 hours after a request for such information is made. Such information shall be provided in a form and medium acceptable to Douglas County.
4. All permissible uses must comply with the County or applicable general improvement district, HoA, 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 and tandem parking is not allowed.
5. All advertising for the vacation home rental must include the maximum number of allowed vehicles and maximum number of allowed occupants.
6. All advertising for the vacation home rental must include notification to renters that they will be issued a parking permit which they must display on the driver's

side dashboard of their vehicle. Failure to park in the designated parking spaces and/or display the parking permit may result in a citation and fine of \$500 to the owner of the vehicle.

7. The owner must use best efforts to ensure 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.
8. The owner must, upon notification that occupants or guests of the 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 achieve compliance by the occupants and prevent a recurrence of such conduct by those occupants or guests.
9. All advertising for the vacation home rental must include the:
 - a. Permit number;
 - b. Max occupancy;
 - c. Number of permitted parking stalls;
 - d. Notice that the renter will be issued a parking permit which must be on display on the driver's side dashboard of the vehicle; and
 - e. Quiet hours are designated between 9:00 pm and 8:00 am and will be strictly enforced.
10. 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. 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, including a diagram where renters must park 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 (if any);
 - e. Notification to renters that they will be issued a parking permit which they must display on the dashboard of their vehicle. "Failure to park in the designated parking spaces and/or display the parking permit may result in a citation and fine of \$500";
 - f. 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;
 - g. Bear habitat and do not feed the wildlife and operation of a bear box information;

- h. 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;
 - i. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance; and
 - j. The occupants of a vacation rental home must make the property available for inspection at all times 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. The notice shall be placed in the unit prior to the fire and life safety inspection or other inspection by the Community Development Department Director or designee.
11. All residential vacation home rentals shall comply with the following standards:
- a. The minimum age to rent a vacation home rental is twenty-five (25) years. Owners shall require a copy of the renter's driver's license as proof of eligibility to rent. Owners shall retain this information as part of the application for two years.
 - b. Compliance with the requirements set forth under this chapter shall be in addition to compliance with all other provisions of this code relating to nuisance, peace and safety.

20.622.050 Violations and Enforcement.

- A.** The Community Development Director or a designee is authorized and directed to establish rules and regulations from time-to-time as may be required to carry out the purpose and intent of this chapter. Changes to this ordinance can only be made by the Board of County Commissioners.
- B.** In addition to any other civil remedies set forth in this chapter, the owner, occupant or agent of any lot or premises within the County who permits or allows the existence of a public nuisance as defined in the Douglas County Code or Nevada law, upon any lot or premises owned, occupied or controlled by them, or who violates any provisions of this chapter is subject to the penalties designated in Douglas County Code 1.08.010 which may include criminal prosecution. Each day of any such violation constitutes a separate offense.
- C.** Operating a VHR without a Permit.
The owners of any property being advertised and/or operated as an unpermitted vacation home rental located anywhere within Douglas County in violation Douglas County Code and the Nevada Revised Statutes shall be subject to a \$20,000 civil penalty. The advertising or operation of an unpermitted vacation home is a deceptive trade practice subject to the penalties found in NRS Chapter 598. The County may also seek an injunction and/or any other legal cause of action for violation(s) of this code, including, but not limited to, collection of delinquent tax payments and criminal prosecution.

- D.** Enforcement actions may immediately be brought against occupants of a vacation home rental for violations of this chapter and/or any other provision(s) of this code notwithstanding that this chapter may also make the owner of the vacation home rental responsible for the conduct constituting the violation.
- E.** After two complaints for excessive noise that Douglas County finds are reasonable and credible, the owner may be required to install noise monitors and other security devices such as video recorders in numbers and locations designated by Douglas County.
- F.** Douglas County may institute a fine of \$1,000 per day per violation. In addition, each day that the owner of a vacation home rental fails to correct and/or abate any violation of this chapter after the date given in the violation notice may be subject to a civil penalty of \$1,000 per day per violation which may continue until the violation(s) are rectified to the satisfaction of Douglas County. The cumulative amount of the civil penalty shall not exceed the fair market value of the home as determined by the Douglas County Assessor in the most recent tax year's assessment. Fines shall begin to accrue automatically from the date specified in the first Notice of Violation and shall continue until the violation is corrected. The Director of Community Development may waive all or a portion of any fine upon a specific showing of good cause.
- G.** In addition to any other reasonable means for collecting civil penalty monies owed to the County, the civil penalties are a special assessment against the property upon which the violation exists and can be collected pursuant to Douglas County Code Chapter 20.691 if the following conditions exist:
1. The owner has been billed, served or otherwise notified that the civil penalties are due;
 2. The amount of the uncollected civil penalties is more than \$5,000; and
 3. At least three months have elapsed after the date specified in the order of the Director or the Board of Commissioners by which the owner must abate the violation/remit the fee(s), or at least twelve months have elapsed after the date specified in the original notice of violation to the owner to abate the violation/remit the fee(s).
- H.** Private actions to enforce. 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.
- I.** 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.

- J.** In addition to the penalties set forth in this chapter, any violation of this chapter may be punishable as a misdemeanor pursuant to chapter 1.08.010(A) of the Douglas County Code. 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).
- K.** The following conduct is a violation for which the permit shall be suspended or revoked:
 - 1. The owner has failed to comply with any requirement of this chapter, Douglas County Code or federal or state law;
 - 2. The owner has failed to comply with additional conditions imposed as by the Director of Community Development;
 - 3. The owner has failed to either collect or remit to the County the transient occupancy and lodging taxes and monthly rental reports as required by Title 3 of this code;
 - 4. Any false or misleading information supplied in the application process;
 - 5. The permit number and number of parking stalls was not included in all forms of advertisement;
 - 6. The maximum occupancy was not included in all forms of advertisement, or the occupancy was stated incorrectly;
 - 7. The placement and maximum number of vehicles permitted on-site is not identified;
 - 8. The required bear information flyer and bear box instructions are not provided; and
 - 9. For other grounds not specified herein which may warrant suspension or revocation of the permit such as unlawful conduct, lewd behavior or other such reasonable grounds.
- L.** Whenever the director or code enforcement officer has reasonable grounds to believe that a violation of any provision of this chapter or Title 20 of the Douglas County Code has occurred, a written notice of violation shall be served to the VHR owner(s) either via first class or registered mail, in person or posted on the property. Mailing to the address provided with the application shall be deemed proper delivery.

- M.** Failure to respond to the written notice within the time frame identified in the notice will result in an automatic suspension of the permit and require the owner to reapply. Therefore, it is incumbent on the owner of property to update their contact information and ensure that responses to queries and enforcement actions are prompt.
- N.** Failure to correct the violation within the time identified in the written notice, or failure to remit the penalties imposed by Douglas County within a ten (10) day period, will result in an automatic revocation of the permit unless the matter is appealed to the VHR Advisory Board within the mandatory ten (10) day period.
- O.** If there is an open building permit or when necessary to protect life, property or safety, the director may immediately suspend a permit for up to ninety (90) days or until such time that the unsafe condition(s) have been corrected, whichever is later. During a suspension period no rentals may occur and in the event this provision is violated, a ten thousand dollar (\$10,000) fine may be imposed in the same manner as if the owner was operating an unpermitted rental.
- P.** If any owner exceeds three (3) substantiated violations of this chapter in any given year (coinciding with the date of the issuance of the permit), this may give rise to revocation of the VHR permit. Furthermore, failing to correct a single health and safety concern within the time specified by Douglas County may also result in the revocation of a VHR permit.
- Q.** Information provided by members of the public including, but not limited to, signed declarations, photos, and video and noise monitoring recordings may constitute proof of a violation.

20.622.060 VHR Advisory Board and Appeals.

A. VHR Advisory Board:

1. The Board of County Commissioners has determined there is a need for a VHR Advisory Board whose function shall be to hear enforcement appeals filed by VHR owners, applications for VHR special use permits for Tier three (3) VHR rentals and to render advice to the Board of County Commissioners on proposed changes to this chapter when necessary.
2. The VHR Board shall consist of five (5) members who shall be residents of the Lake Tahoe Township, a majority of which shall not be current VHR permit holders.
3. The Board of County Commissioners shall appoint members to the VHR Advisory Board.
4. VHR Advisory Board members shall serve two (2) year staggered terms.

5. Initial terms may be longer than two (2) years to account for mid-year appointments and staggered terms. Initially, three members shall be chosen to serve four (4) year terms and two members shall be chosen to serve for two (2) year terms.
6. At the first meeting of the VHR Advisory Board, the members shall choose a Chair and Vice-Chair who shall serve in this capacity for a one-year term. Chair and Vice-Chairs shall be selected thereafter at the first meeting held after the beginning of the calendar year and shall only serve for a one (1) year term.
7. Members shall be paid sixty dollars (\$60) per meeting.
8. Staff to the VHR Advisory Board shall be assigned by the Douglas County Manager.
9. No meeting shall be held without a quorum and all meetings shall be subject to NRS Chapter 241 (Nevada's Open Meeting Law).
10. The VHR Advisory Board may adopt bylaws governing their meetings. In the absence of such bylaws, the meetings shall be governed by Roberts Rules of Order.
11. There shall be three (3) ex officio members of the VHR Advisory Board when the Board is not adjudicating appeals or hearing VHR special use permits. The members shall consist of:
 - a. A representative from public safety.
 - b. The Community Development Director.
 - c. A Community Development staff member, preferably from planning and having knowledge of TRPA matters.

B. Appeals:

1. Any VHR owner issued a notice of violation pursuant to this chapter shall have the right to appeal to the VHR Advisory Board.
2. A notice of appeal must be filed with the Community Development Department within ten (10) calendar days of the date the first notice of violation was mailed and/or served on the property owner or other responsible party and the appeal must:
 - a. Be submitted in writing;
 - b. Include a copy of the notice of violation and a statement that the person wishes to appeal;
 - c. Contain the person's full name, mailing address, email, and phone number, legibly printed or typed, and any notice or communication thereafter sent to them at such address shall be conclusively presumed to have been received unless the person has given the department written notice of any change;
 - d. Contain a statement setting forth in detail the reasons the person contends that condition of the property does not constitute a nuisance and/or violation of Douglas County Code, and/or why the imposition of civil penalties is not appropriate; and

- e. The party requesting a hearing shall be required to deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.
3. The VHR Advisory Board shall hold a public hearing on the appeal within sixty (60) days of filing the notice of appeal with the Community Development Department. The scope of such hearing shall be limited to any or all of the following as may be stated by the person requesting review in the notice of appeal:
 - a. There has been a failure of the County to follow the procedures prescribed in this title and/or chapter, and that such failure has prejudiced the person in respect of some substantial right;
 - b. No violation and/or nuisance exists on the premises that is subject of the notice of violation;
 - c. The time for or method of compliance required in the notice is impossible to comply with or, because of circumstances peculiar to the person or property, would work an unreasonable hardship; and/or
 - d. The imposition of civil penalties is inappropriate under the circumstances.
 4. The appellant shall be accorded the opportunity to provide evidence or a statement in opposition to the notice of violation; and shall be accorded the opportunity to cross-examine any witness presenting testimony.
 5. The County shall be accorded the opportunity to present any evidence, argument or statement in support of the notice of violation; and shall be accorded the opportunity to cross-examine any witness presenting such testimony.
 6. The filing of a notice of appeal shall stay all proceedings for correction of the violation and/or abatement of the nuisance until the final disposition of the appeal. This section does not apply to any possible new violations.
 7. Upon a final disposition ordering correction of the violation and/or abatement of a nuisance, and unless another period for compliance is provided in the decision, the person responsible for correction and/or abatement shall have a period equal to that specified in the original notice, commencing from the date of the final disposition, in which to correct the violation and/or abate the nuisance prior to further action by the County.
 8. The department shall provide a written final disposition of the appeal to the owner within three (3) working days of the appeal hearing by the Board.
- C. The advisory board shall adopt findings and conclusions supporting a decision which either:
1. Affirms the notice of violation as issued;
 2. Modifies the notice of violation; or
 3. Rescinds the notice of violation.

Proposed on the 3rd day of June, 2021.

Proposed by Commissioner Rice.

Adopted this 3rd day of June, 2021, by the following vote:

Vote-- Ayes: Commissioners

_____	Rice
_____	Gardner
_____	Engels
_____	Tarkanian

Nays: Commissioners

_____	Nowosad

Absent: Commissioners



 John Engels, Chairman
 Douglas County Board of Commissioners

Attest:



 Amy Burgans, Douglas County Clerk

This ordinance is effective on the 15th day of July, 2021.