

Douglas County Code

Title 20 Consolidated Development Code

20.622 Vacation Rentals in the Tahoe Township

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20.622.010 Title

This chapter shall be referred to as the Lake Tahoe vacation home rental ordinance. (Ord. 1520, 2018)

20.622.020 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 20.622.030 of this chapter, is necessary because a general police power ordinance cannot be made applicable. (Ord. 1520, 2018)

20.622.030 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. 1520, 2018)

20.622.040 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. 1520, 2018)

20.622.050 Vacation home rental permit requirements; Penalty for unpermitted vacation home rental

A. 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.

B. Owners of property being operated as an unpermitted vacation home rental located anywhere within Douglas County in violation of this section 20.622.050 shall be subject to civil penalties in the amount of five thousand dollars (\$5,000). The County may also seek an injunction and/or any other cause of action for violation(s) of this code, including, but not limited to, collection of delinquent tax payments. (Ord. 1520, 2018)

20.622.060 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. 1520, 2018)

20.622.070 Application for vacation home rental permit

An application for a permit must be filed with the community development department and a permit issued before the property may be used as a vacation home rental. At a minimum, all permit applications shall 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 20.622.090.

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. 1520, 2018)

20.622.080 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 20.622.090. 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. 1520, 2018)

20.622.090 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 20.622.120 of this code. (Ord. 1520, 2018)

20.622.100 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. 1520, 2018)

20.622.110 Violation and administrative penalties

A. The following conduct is a violation for which the permit shall be suspended or revoked:

1. The owner has failed to comply with the standard conditions specified in section 20.622.090(A) of this code;

2. The owner has failed to comply with additional conditions imposed pursuant to the provisions of section 20.622.090(B) and (C) of this code;

3. The owner has violated the provisions of this chapter;
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:
 5. Any false or misleading information supplied in the application process;
 6. The permit number was not included in all forms of advertisement;
 7. The maximum occupancy was not included in all forms of advertisement, or the occupancy was stated incorrectly; or
8. The placement and maximum number of vehicles permitted on-site is not identified. (Ord. 1520, 2018)

20.622.120 Procedure for imposition of penalties, suspension and revocation

A. Whenever the director or code enforcement officer has reasonable grounds to believe that a violation of section 20.662.110(A), or 20.691.230 has occurred, a written notice of violation shall be served to the owner(s) in accordance with chapters 20.691.250, and 20.691.260.

1. Failure to respond to the written notice within the time frame identified in the notice, or the filing of an Appeal under 20.662.125, will result in a suspension of the permit for a minimum of ninety (90) days by the director.

2. Failure to correct the violation within the time identified in the written notice, or failure to remit the penalties imposed by such notice for a period exceeding 10 days, will result in a revocation of the permit.

B. When necessary to protect life, property or safety, the director may suspend a permit for up to ninety (90) days or until such time that the unsafe condition(s) have been alleviated, whichever is later. (Ord. 1520, 2018)

20.622.125 Appeal

Any person affected by a notice of violation pursuant to this chapter shall have the right to appeal to the board of commissioners subject to the following:

A. A notice of appeal must:

1. Be filed with the community development department within 25 calendar days of the date the first notice of violation was mailed and/or served on the property owner or other responsible party;
2. Be submitted in writing;
3. Include a copy of the notice of violation and a statement that the person wishes to appeal;

4. Contain the person's full name and mailing address, legibly printed or typed, and any notice or communication thereafter sent to him at such address shall be conclusively presumed to have been received unless the person has given the department written notice of any change; and

5. Contain a statement setting forth 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.

B. The board shall hold a hearing on the appeal within 60 days of filing the notice of appeal with the community development department.

1. 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 the 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.

2. 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.

3. 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.

C. The 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.

D. The filing of a notice of appeal shall stay all proceedings for correction of the violation and/or abatement of the nuisance until final disposition of the appeal.

E. 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.

F. The department shall provide a written final disposition to the owner within 3 working days of the appeal hearing by the Board. (Ord. 1520, 2018)

20.622.130 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. 1520, 2018)

20.622.140 Penalty for violations

A. 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 this Title 20, 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.

B. Enforcement actions may 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.

C. 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 a notice may be subject to a civil penalty of \$500.00 per day, with a maximum total civil penalty of \$10,000.00.

D. 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 20.691.280 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). (Ord. 1520, 2018)

20.622.150 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. 1520, 2018)

20.622.160 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. 1520, 2018)

20.622.170 Violations by occupants of vacation rental homes

A. In addition to the penalties set forth in 20.622.110, 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. 1520, 2018)