

## **Chapter 20.622**

### **Lake Tahoe Vacation Home Rentals**

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#### **20.622.010 Introduction.**

A. Title. 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, in terms of occupancy, the number of vehicles, and the nature of living in a neighborhood.

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. (Ord. 1617, 2023; Ord. 1582, 2021)

#### **20.622.020 Definitions.**

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

A. "Bedroom" means for the purposes of this chapter 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 stated or significant purpose. Every bedroom must have an exterior access allowing emergency escape or rescue exit. This definition is derived from the International Residential Code Section R303, R304 and R310.

B. "Daytime" means between the hours of 8 a.m. and 9 p.m. for the purpose of this chapter only.

C. "Director" means the Director of Community Development or his designee.

D. "Local contact person" and/or "local contact" means an individual who has access and authority to assume control of the VHR and take remedial action regarding violations of this ordinance. A local contact must reside and work within 30 minutes of the VHR and must be available, 24 hours a day, to respond to the location of the VHR within 30 minutes of being notified of the existence of a violation of this chapter or any

other provision of this code, or any disturbance requiring immediate remedy or abatement.

E. "Local licensed property manager" means an individual who is engaged in the physical, administrative or financial maintenance and management of real property, or the supervision of such activities for a fee, commission or other compensation or valuable consideration, pursuant to a property management agreement. A local licensed property manager must hold a Nevada Real Estate License and Property Manager Permit issued by the State of Nevada, Department of Business and Industry, Real Estate Division. A local licensed property manager must reside and work within one hour of the VHR.

F. "Owner" means an individual or family, including a family trust, who holds legal or equitable title to private property. "Owner" also includes a closely held limited liability company, corporation, partnership or similar legal entity that holds legal or equitable title to private property, if the members of such entity reside together and each member of the legal entity agrees to be personally liable and responsible for the legal entity's compliance with the requirements found in Chapter 20.622.

G. "Nighttime" means between the hours of 9 p.m. and 8 a.m. for the purpose of this chapter only. Nighttime hours are designated as quiet hours.

H. "Rent" means the consideration received by an owner or other consideration valued in money for lodging subject to the tax authorized in Title 3 of the Douglas County Code.

I. "Studio apartment" means a single, habitable dwelling unit consisting of a single room that serves as a combined space for living, dining, and sleeping. For purposes of this chapter, a studio apartment is deemed to be a bedroom if it meets the requirements of 20.622.020(A), with the exception that it may be used for purposes other than as a sleeping room only.

J. "Vacation Home Rental (VHR)" means one dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 28 days other than an ongoing month-to-month tenancy granted to the same renter for the same unit pursuant to NRS Chapter 118A. The term VHR excludes time shares or similar commercial activities regulated pursuant to NRS Chapter 119A. (Ord. 1617, 2023; Ord. 1599, 2022; Ord. 1588, 2021; Ord. 1582, 2021)

### **20.622.030 Permit Process.**

A. It is unlawful to 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. In order to preserve the residential nature of communities within the Tahoe Township, the number of available VHR permits is restricted as follows:

1. No more than 600 VHR permits may be issued within the Tahoe Township.
2. Except as provided in subsections (3) and (4), the amount of VHR permits issued within any residential community of the Tahoe Township shall not exceed 15% of the total number of dwelling units located within that residential community,

excluding dwelling units that constitute time shares or similar commercial activities regulated pursuant to NRS Chapter 119A.

a. The boundaries of a residential community for the purposes of this section are based upon TRPA plan area statements (<https://gis.trpa.org/localplans/>) that were approved by the County and may be refined by the Director to include adjacent parcels which are consistent with the uses contained within an adjacent plan area, or to differentiate between distinctive neighborhoods or homeowners associations within a plan area.

b. A map showing the boundaries of the residential communities within the Tahoe Township shall be maintained by the Director and made available to the public.

3. Due to the high density of time shares and hotels in the Tahoe Village TRPA plan area, the amount of VHR permits issued within the Tahoe Village TRPA plan area shall not exceed 40% of the total number of dwelling units located within that community, excluding dwelling units that constitute time shares or similar commercial activities regulated pursuant to NRS Chapter 119A.

4. Due to their significant distance from the High Density Tourist (HDT) overlay zoning district in Stateline, which is the portion of the Tahoe Township that has been specifically designated and designed to accommodate high-intensity development, lodging, and recreational uses, VHR permits in residential communities north of Cave Rock State Park shall be limited as follows:

a. No VHR permits shall be issued in the following residential communities:

- i. Cave Rock Cove
- ii. Logan Creek
- iii. Shakespeare Point
- iv. Uppaway
- v. Non-affiliated Glenbrook parcels

b. The amount of VHR permits issued within the following residential communities shall not exceed 15% of the total number of dwelling units located within each residential community, excluding dwelling units that constitute time shares or similar commercial activities regulated pursuant to NRS Chapter 119A; and further, owners holding VHR permits within the following residential communities shall only rent their VHR to individuals who also own property within the same residential community:

- i. Glenbrook – South – Single Family
- ii. Glenbrook Inn
- iii. Glenbrook – Multi Family
- iv. Glenbrook – North
- v. Pray Meadow

5. The restrictions set forth in subsections (1) through (3) will only apply to new VHR permits and not to the renewal of an existing VHR permit. The restrictions set forth in subsection (4) shall take effect on December 31, 2024.

C. An application for a vacation home rental permit must be accompanied by a fee established by resolution of the Board of County Commissioners.

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 permit must be issued before the property may be advertised or rented as a vacation home rental. 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 not transferable. Permits shall be void if title to the rental unit is transferred, with the exception that an owner may transfer title to a family trust or closely held legal entity that the owner controls and that meets the requirements of section 20.622.020(F). Permits are limited to one permit per owner unless more than one VHR permit was lawfully held individually or through a legal entity such as a corporation or family trust prior to June 4, 2021. VHR permits are limited to allowable uses per the property's zoning designation and the County's building code requirements.

2. If more than one VHR permit was held by an owner prior to June 4, 2021, those VHR permits may be renewed annually through October 1, 2024, subject to the conditions and terms of renewal in effect when the VHR permit renewal application is submitted to the County for review and approval.

3. Each VHR must be a permanent habitable dwelling unit. A VHR may not be subdivided into smaller units. A VHR may not be rented out, advertised, or occupied in portions. All occupants must share common living, eating, and cooking spaces.

4. The Director is authorized to specify the form and process for obtaining and issuing the VHR permit.

5. 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 licensed property manager and local contact person.

d. Acknowledgement that all designated bedrooms meet the definition specified in Section 20.622.020(A), or that the unit constitutes a studio apartment as defined in Section 20.622.020(I).

e. The proposed number of bedrooms that may be rented and a floorplan and photographs of the premises showing the bedrooms and other interior spaces.

f. The proposed number of parking spaces that may be used and a diagram and photographs of the proposed parking spaces in garages, driveways, or other parking areas.

g. 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.

h. Acknowledgement signed by the owner, local licensed property manager, and local contact person that they have each read the regulations pertaining

to the operation of a vacation home rental and they will comply with all requirements in this chapter.

i. 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. The owner has ultimate responsibility for knowing the HOA and CC&R restrictions regarding VHRs. Permits shall not be issued in these areas if known to Douglas County. Owners are required to notify the HOA of their intent to rent a home as a VHR. Douglas County may require owners to provide documents in support of the statement as a precondition to approval of the permit.

j. Acknowledgement that the owner, local licensed property manager, or local contact person has or will post at the vacation home rental the notice required in Section 20.622.040(C)(11).

k. Proof that a safety inspection has been completed annually by the Tahoe-Douglas Fire Protection District and/or other designee of Douglas County. During such inspections, all areas within the unit must be made available for inspection.

l. Proof of homeowner's insurance for the VHR, issued by a company regulated by the Nevada Division of Insurance. The insurance coverage must be at least five hundred thousand dollars (\$500,000) in general liability insurance for Tier 1 and Tier 2 VHRs and one million dollars (\$1,000,000) in general liability insurance for Tier 3 VHRs. The insurance policy must cover anyone injured due to the property owner's negligence. The insurance policy must clearly cover and insure vacation home rental or short term rental activities at the VHR, either within the policy itself or through an appropriate rider or addendum. The insurance policy must include Douglas County as a named insured. Umbrella policies may not be used to achieve the coverage required by this section.

m. A signed declaration by the owner agreeing to be responsible for all trash removal and disposal, and confirming that all trash has been and/or will be disposed of in a proper and legal manner. The owner is required to contract with a waste management company for regular trash removal and 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 and refuse removal solution is required, as determined by the County.

n. Any other information the Director deems reasonably necessary to administer this chapter.

6. The permit application must be verified by the owner under penalty of perjury that the application is true and correct.

7. If an applicant for a new VHR permit or renewal unintentionally provides information that is found to be inaccurate, the applicant will be provided a reasonable opportunity to correct any errors. However, submission of any intentionally false information constitutes a violation of this chapter.

8. The VHR permit shall state the number of parking spaces that have been approved for use by renters and guests of the VHR. No renters or guests shall park outside of approved parking spaces during daytime or nighttime hours. Parking spaces must be located either on man-made coverings, improvements, or structures that prevent normal precipitation from directly reaching the surface of the underlying land, such as decks, patios, asphalt surfaces, concrete surfaces, and stone surfaces; or on compacted surface areas that have been approved for parking by TRPA. Parking areas with drive-through driveways require a minimum 10-foot wide, unobstructed lane for emergency access vehicles. All other driveways require a minimum 6-foot wide unobstructed lane for emergency ingress and egress.

9. Final determinations regarding suitable parking and the amount of permitted parking spaces will be made by the Director based upon the size of any parking area located on the owner's property, consistent with County code and other applicable regulations. The Director may also permit additional parking in any nearby common-area and/or public parking spaces, based upon the circumstances unique to the property and location, including but not limited to the following factors:

- a. the distance between the available spaces and the VHR;
- b. the number and type of other properties also making use of the available spaces;
- c. the number of available spaces, if any, that have been designated or reserved for the owner;
- d. the number of parking permits, if any, that have been issued to the owner, and the locations where such permits may be used;
- e. the likelihood that the available spaces will be impacted by seasonal conditions, including snow storage;
- f. any history of parking violations or complaints near the owner's property; and
- g. any additional factors the Director deems appropriate, including road width and traffic within the residential community.

10. If the information supplied by the property owner on the application for a vacation home rental permit is not consistent with County records, a compliance and safety inspection can be required prior to or after the issuance of the vacation home rental permit. If it appears the unit was improperly altered or improved without first obtaining a requisite building, site improvement, grading, or encroachment permit, the owner must obtain the requisite permit, pay all required fees for the permit, and submit to any required inspections before any VHR permit is issued.

11. 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.

F. Renewals. A VHR permit is valid for one calendar year after it is issued. Owners may seek to renew their VHR permits on an annual basis as follows:

1. All VHR renewal applications must be submitted and all renewal fees must be paid prior to the expiration of the current VHR permit. VHR renewal fees shall be established by resolution of the Board of County Commissioners.

2. Any owner who fails to timely file a renewal application or pay renewal fees must immediately cease operation of the VHR at the expiration of the current VHR permit. To reinstate the permit the owner may submit a renewal application and pay the applicable renewal fees, but the application will not be given preference over any other VHR permit application and will be subject to the limitations on VHRs set forth in section 20.622.030(B). Operation of a VHR prior to reinstatement is a violation of this chapter and will subject the owner to fines as set forth in section 20.622.050(C).

3. The renewal of a VHR permit is subject to the conditions and terms of renewal in effect when the VHR permit renewal application is submitted to the County for review and approval, except as otherwise specified in this chapter.

4. Owners 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.

5. In addition to the information required in section 20.622.030(E)(5), all VHR renewal applications must include a list of all websites, listing services, or publications on which the VHR is advertised; and any identifying information that will allow the County to find the advertisements, including hyperlinks and/or URLs for each listing, listing titles, and any assigned property or listing numbers.

G. There are three tiers of permits authorized by Douglas County:

1. Tier 1 – The owner must reside within the VHR unit and be present at all times when the unit is rented. The owner and renters must share a living, cooking, and eating space. The VHR unit may accommodate no more than four renters at a time. The VHR unit must be advertised as being occupied by the owner during the rental period.

2. Tier 2 – Units with up to 10 nighttime occupants. Daytime occupancy shall be no more than double the nighttime occupancy.

3. Tier 3 – Units with 11 nighttime occupants or more. Daytime occupancy shall be no more than double the nighttime occupancy. Tier 3 VHRs require a VHR special use permit granted by the VHR Advisory Board. A unit is eligible for a Tier 3 VHR special use permit only after it has been operated by the owner as a Tier 2 VHR unit, in good standing, for at least 12 months. An owner who has committed a substantiated violation of this chapter, failed to collect or remit to the County the transient occupancy and lodging taxes and monthly rental reports required by Title 3 of the Douglas County Code, or committed any other unremediated and substantiated violation of Title 20 of the Douglas County Code, shall not be deemed to have been operating the VHR unit in good standing.

H. The number of nighttime occupants may not to exceed two persons per bedroom. If the unit has four or fewer bedrooms, occupancy may be increased by two additional occupants if at least two occupants are 18 years of age or younger, and if there is at least one available parking space for every four occupants. Occupancy may be further limited based on health and safety concerns and/or the facts and circumstances unique to the site as determined by the Director consistent with this chapter.

I. The occupancy limitations set forth in sections 20.622.030(G) and (H) shall apply to all existing VHR permits at the time such permits are renewed, with the following exception:

a. If a renewed permit authorizes an occupancy that is less than what was authorized by the prior permit, the new occupancy applies to all new reservations, but the prior occupancy may apply until December 31, 2023, to any reservations made prior to the enactment of this ordinance.

b. If an owner utilizes the provisions of subsection (a) to exceed a renewed permit's occupancy limits, the owner must be able to provide proof to the County that the reservation was made prior to the enactment of this ordinance. Failure to provide such proof at the request of the County constitutes a violation of this chapter.

J. The process to apply for a Tier 3 special use permit is as follows:

1. Prior to the expiration of a Tier 2 permit, the owner must complete a Tier 3 special use permit application and pay the Tier 3 application fee.

2. Pending review by the VHR Advisory Board, the unit can continue to operate as a Tier 2 VHR. The review by the VHR Advisory Board must occur within 60 days after the unit has completed the 12-month waiting period described in DCC 20.030(G)(3).

3. If the VHR Advisory Board approves the Tier 3 special use permit, the unit can operate as a Tier 3 VHR. Occupancy limits and other conditions of the Tier 3 special use permit are determined by the VHR Advisory Board, consistent with this chapter. A Tier 3 special use permit is valid for twelve months after it is granted by the VHR Advisory Board. A Tier 3 special use permit may be renewed annually as set forth in Section 20.622.030(F) without VHR Advisory Board approval, unless the Tier 3 special use permit is conditioned otherwise.

4. If the VHR Advisory Board denies the Tier 3 special use permit, the unit may continue to operate as a Tier 2 VHR. The Tier 2 VHR permit is valid for twelve months after the Tier 3 special use permit is denied by the VHR Advisory Board. The Tier 2 VHR permit may be renewed as set forth in Section 20.622.030(F).

K. A Tier 3 special use permit may be granted by the VHR Advisory Board under the following conditions:

1. The unit complies with all applicable permit conditions, including those required by Section 20.622.030(E).

2. The unit is located sufficiently far away from all other residential dwelling units so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

3. The number of permitted parking spaces will accommodate more than 10 persons, as deemed adequate by the VHR Advisory Board and consistent with this chapter. At a minimum, there must be one available parking space for every four occupants.

4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.
5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.
6. The owner has homeowner's insurance that complies with the requirements of section 20.622.030(E)(5)(I).
7. The unit has been operated as a Tier 2 VHR unit for at least 12 months and the prior history of the residence, including the existence of any prior noise or parking problems, indicates that the unit has been operated in good standing as a VHR, as described in section 20.622.030(G)(3).
8. For other reasons not specified herein which are unique to the location and circumstances related to the application.
9. The owner has purchased and installed noise monitoring devices as described in 20.622.040(D). (Ord. 1627, 2023; Ord. 1617, 2023; Ord. 1599, 2022; Ord. 1588, 2021; Ord. 1582, 2021)

#### **20.622.040 Operational Requirements.**

##### **A. Management of Units.**

1. An owner may retain a local 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. A local licensed property manager is required for all Tier 2 units with a nighttime occupancy of 10 and for all Tier 3 units, unless the property is managed by the homeowner who resides within one hour of the VHR during the rental period.
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. The owner must provide the County with the local contact person's phone number. After being notified of the existence of a violation of this chapter or any other provision of this code, or any complaint or disturbance requiring immediate remedy or abatement, the local contact person must respond to the location within 30 minutes, and must resolve the situation within one (1) hour. The local contact person must report the violation, complaint, or disturbance and the steps taken to resolve the situation to the County within 72 hours of the initial notification. The failure to timely report the complaint, violation, or disturbance, or the resolution of the situation shall be considered a violation of this chapter.
3. The owner must immediately notify the County in writing upon a change of the local contact, the local licensed property manager, or the telephone numbers for such individuals. This notification will be on forms prescribed by the County. The name and contact information of the local contact person and local licensed property manager 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. The failure to timely provide or post valid names and phone numbers for the local contact person

and local licensed property manager (if applicable) shall be considered a violation of this chapter.

4. All local contacts, owners, and local licensed property managers shall have successfully completed a VHR training course and achieved a qualifying score on a County administered certification test. Once certified, local contacts, owners, and local licensed property managers 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 to remain certified. Operation of a vacation home rental without a certified local contact and a certified local licensed property manager (if applicable), shall be considered a violation of this chapter.

5. The owner 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 of age or older.

c. Providing the renters a written copy of occupancy limits for nighttime and daytime hours; quiet hours; any parking restrictions, including for snow removal and storage; trash pickup instructions; and all other rules and regulations applicable to the VHR. Owners must also provide written notice to renters that should any violation of this chapter occur, 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, fines may be imposed.

e. Maintaining the tenant registry information collected pursuant to subsection 5(b) above for a period of two years from date of occupancy. The Director may request copies or access to the guest registry at any time. If the owner believes the request for the tenant registry information is illegitimate, the owner may refuse to provide the information for a period of no more than ten days and may file an appeal to the VHR Advisory Board pursuant to 20.622.060(B). If the owner does not file a timely appeal, then the owner shall immediately provide the information to the requesting official.

B. Permit Issuance. The VHR permit must be issued only to the owner(s) 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 any agent to comply with this chapter is non-compliance by the owner.

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

1. The owner must, by written agreement, limit daytime and nighttime occupancy of the vacation home rental to the specific number of occupants designated in the permit.

2. The owner must, by written agreement, limit all parking of renters and their guests to designated parking areas. Except for temporary loading and unloading,

parking buses and recreational vehicles on-site or on the street is prohibited at all times.

3. Owners shall provide the license plate information of all vehicles being utilized by the renters and their guests upon request by a Douglas County Code Enforcement official 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 uses must comply with County or applicable general improvement district regulations; HOA rules; parking, driveway and loading standards; and seasonal snow removal or emergency vehicle access regulations.

5. Owners must issue parking placards on the form provided by the County which renters and their guests must display on the driver's side dashboard of each of their vehicles. The parking placards shall have the address of the VHR unit and the phone number for the person responsible for the vehicle. Owners must ensure that renters and their guests park only in designated parking spaces. The failure of any renter or guest to park in the designated parking spaces and/or display the parking placard may result in a citation and fine of \$500 to the owner of the vehicle. Nothing in this section shall be construed to prevent the County from also bringing enforcement action against the owner of the vacation home rental for any parking violations committed by the renters and their guests.

6. The owner must use best efforts to ensure that the renters 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 renters of the rules regarding vacation home rentals and responding when notified that renters or their guests are violating laws regarding their occupancy. It is not intended that the owner, local contact person, or local licensed property manager act as a peace officer or place him or herself in harm's way.

7. The owner must, upon notification that renters 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 renters and their guests and prevent a recurrence of such conduct by those renters or guests.

8. The owner shall be responsible for the lawful and proper removal and disposal of all trash at the vacation home rental. The owner, at a minimum, shall contract with a waste management company for regular trash removal, and shall ensure that trash removed from the vacation home rental by the owner, local contact, local licensed property manager, or any other person is not illegally deposited into any private trash receptacle or otherwise illegally dumped off site.

9. All advertising for the vacation home rental must include the:

- a. Permit number;
- b. Maximum daytime and nighttime occupancy;
- c. Notice that gatherings and events that exceed the maximum occupancy of the vacation home rental are prohibited;
- d. Maximum number of allowed vehicles;

e. Notice that renters will be issued parking placards which they and their guests must display on the driver's side dashboard of their vehicles, that renters and their guests will be required to park only in designated parking areas, and that failure to park in designated parking areas and/or display the parking placards may result in a citation and fine of \$500; and

f. Quiet hours are designated between 9:00 pm and 8:00 am and will be strictly enforced.

10. Advertisements for the vacation home rental must not misrepresent the occupancy of the VHR. Maximum nighttime occupancy must be included within the title of any advertisement or listing. The number of bedrooms and/or beds shall not be included within the title of any advertisement or listing but may be included within the body of the advertisement or listing.

11. 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 local contact person, local licensed property manager, and/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 in the unit during daytime and nighttime hours;

c. The maximum number of vehicles allowed;

d. The location of designated 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 parking placards which they and their guests must display on the dashboard of their vehicles, and that their failure to park in designated parking spaces and/or display parking placards 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;

g. Notification that the Lake Tahoe area is a bear habitat, notification that renters should not feed the wildlife, and instructions regarding the operation of any bear box;

h. Notification that renters and their guests, as persons responsible for any event, may be cited and fined for creating a disturbance or for violating other provisions of this ordinance;

i. Notification that the County may schedule safety inspections. The inspections will be scheduled at reasonable times and renters must make the unit available for such inspections upon 24 hours' advance notice.

12. Owners and renters must make the rental unit available for safety and compliance inspections by the Director or a Code Enforcement official upon request. Any inspection must be scheduled at least 24 hours in advance. However, a renter may voluntarily provide access to the VHR unit without 24 hours' advance notice by the

County. Permit compliance inspections will not be undertaken by members of the Douglas County Sheriff's Office.

13. All 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 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.

D. Noise Monitors.

1. All Tier 3 VHRs must be equipped with noise monitoring devices. Tier 1 and Tier 2 VHRs must be equipped with noise monitoring devices after one substantiated complaint for excessive noise.

2. Noise monitoring devices must be installed at locations and in amounts specified by the Director. At a minimum, such devices must be placed in outdoor areas where occupants are expected to congregate and must include the following features:

a. The ability to monitor both volume level and duration of noise;

b. A log or record of noise data that can be maintained for a period of at least 18 months;

c. A notification system that alerts the local contact when noise levels exceed 65 decibels continuously for 5 minutes and when noise levels exceed 85 decibels regardless of duration; and

d. The ability to share noise data with Douglas County.

3. Owners must make noise data available to Douglas County at the request of the County. (Ord. 1617, 2023; Ord. 1599, 2022; Ord. 1588, 2021; Ord. 1582, 2021)

#### **20.622.050 Violations and Enforcement.**

A. The Director 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 found in Title 20 of the Douglas County Code. Each day of any such violation constitutes a separate offense.

C. Fines.

1. Operating, Marketing or Advertising a VHR without a Permit. Any person who advertises, markets, or operates a vacation home rental located anywhere within Douglas County without a current, valid, and active VHR permit is in violation of Douglas County Code and the Nevada Revised Statutes and shall be subject to a civil penalty as follows:

a. A civil penalty of up to \$20,000 may be issued to any person who advertised, marketed, and/or operated a VHR and who never held a valid VHR permit for the property being used as a VHR.

b. A civil penalty of up to \$5,000 may be issued to any person who had a valid VHR permit or represented a permit holder but, through inadvertence or mistake, failed to submit a completed VHR renewal application by the required deadline but has filed a complete VHR permit renewal application within 60 days of the expiration of the VHR permit. The permit may be renewed if all other conditions are met by the renewal applicant, provided the number of VHR units does not exceed the limits on VHR permits described in Section 20.622.030(B).

c. A civil penalty of up to \$20,000 may be issued to any person who had a valid VHR permit but has not submitted a complete VHR renewal application after 60 days have elapsed since the VHR permit expired. The permit may be renewed if all other conditions are met by the renewal applicant, provided the number of VHR units does not exceed the limits on VHR permits described in Section 20.622.030(B).

d. A civil penalty of up to \$10,000 may be issued to any person who advertises, markets, or operates a vacation home rental at a time when the VHR permit for that property has been suspended.

2. Other Violations. A civil penalty of up to \$2,500 may be issued to any owner for any other violation of this chapter. Each day that the owner fails to correct and/or abate the violation of this chapter after the date given in the notice of violation shall constitute a separate violation and shall subject the owner to additional penalties of up to \$2,500 per day until the violation is corrected, to a maximum fine of \$20,000. Fines shall begin to accrue automatically from the date specified in the first notice of violation. The Director may waive all or a portion of any fine upon a specific showing of good cause.

3. Parking Violations by VHR Renters and Guests. VHR renters and guests must park only in designated parking spaces and must display a parking placard at all times in accordance with the requirements of this chapter. A civil penalty of up to \$500 may be issued to any renter or VHR guest who fails to park in the designated parking spaces and/or display the parking placard as required. Nothing in this section shall be construed to prevent the County from also bringing enforcement action against the owner of the vacation home rental for any parking violations committed by the renters.

D. The County may also seek an injunction and/or any other legal relief for violation(s) of this chapter, including, but not limited to, the collection of delinquent tax payments.

E. Enforcement actions may immediately be brought against renters and guests of a vacation home rental for violations of this chapter and/or any other provision(s) of this code for which the renters and/or guests are responsible or which occurred during the renters' and/or guests' use and occupancy of the vacation home rental. Nothing in this section shall be construed to prevent the County from also bringing enforcement action against the owner of the VHR for all such violations.

F. After one substantiated complaint for excessive noise, the owner must be required to install noise monitors in numbers and locations designated by Douglas County, consistent with this chapter.

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/remmit 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/remmit the fee(s).

H. 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.

I. The following conduct is a violation for which the VHR permit may 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 by the Director;
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 the Douglas County Code;
4. The owner has supplied false or misleading information during the application process;
5. The vacation home rental presents a health and safety concern; and
6. 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.

J. Whenever the Director or Code Enforcement official 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 the notice of violation to the address provided with the application shall be deemed proper service and delivery.

K. The filing of a notice of appeal will stay the correction of the violation, abatement of a nuisance, or the imposition of any fine or penalty until the final disposition of the appeal if the conditions required in section 20.622.060(B) are met.

L. Failure to respond to a written notice of violation within the time frame identified in the notice, or to timely submit a written appeal to the VHR Advisory Board,

will result in the revocation of the permit and require the owner to reapply for a permit. 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.

M. 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.

N. If there is an open building permit submitted by the property owner, or when necessary to protect life, property, health, 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.

O. If any owner commits two substantiated violations of this chapter within a twelve-month period, this shall result in the suspension or revocation of the owner's VHR permit.

P. An owner whose VHR permit is revoked may not reapply for a new VHR permit for twelve months following the revocation. If after twelve months the owner chooses to reapply for a new VHR permit, the Director may not consider the prior revocation as a basis for denying the new VHR permit application. If a new VHR permit is issued and the permit is revoked a second time, the owner is permanently prohibited from holding a VHR permit.

Q. The County may temporarily or permanently prohibit an individual or entity from acting in the capacity of a local contact and/or local licensed property manager if the County determines that such individual or entity failed to comply with the requirements of this chapter on two occasions within a twelve-month period.

R. Information provided by members of the public including, but not limited to, verbal statements, signed declarations, photos, videos, and noise monitoring recordings may constitute proof of a violation. (Ord. 1617, 2023; Ord. 1599, 2022; Ord. 1588, 2021; Ord. 1582, 2021)

#### **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 3 VHR rentals, and to render advice to the Board of County Commissioners on proposed changes to this chapter when necessary.

2. The VHR Advisory Board shall consist of five (5) members comprised of the following:

- a. Two residents of the Lake Tahoe Township that are current VHR permit holders;
- b. Two residents of the Lake Tahoe Township that are not VHR permit holders; and
- c. One resident of the East Fork Township.

d. If there are insufficient applications to the VHR Advisory Board to fill any class of members, then the Board of County Commissioners may appoint any registered voter in Douglas County to fill any vacant positions.

e. For the purpose of defining "resident," the member's principal resident is within the relevant Township and physically resides at the residence for at least six months during a calendar year.

3. The Board of County Commissioners shall appoint members to the VHR Advisory Board. No member may be appointed who has expressed opposition to the VHR program or otherwise appears to have a bias that may improperly influence their impartiality as a member of the VHR Advisory Board.

4. VHR Advisory Board members shall serve four (4) year staggered terms.

5. Initial terms may be 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 Director; and

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 or otherwise issued an adverse decision with respect to the owner's VHR permit or permit application pursuant to this chapter shall have the right to file an appeal with the VHR Advisory Board.

2. The filing of a notice of appeal shall stay all proceedings regarding the notice of violation or adverse decision, including efforts to correct the violation or abate a nuisance, the imposition of any fine, or the suspension or revocation of any permit until the final disposition of the appeal. This stay provision does not apply to any possible new violations.

3. A written notice of appeal must be filed with the Community Development Department within ten (10) working days of the date the first notice of violation was mailed via certified mail to the address on the VHR permit application or on the Douglas

County Assessor's website and/or served on the property owner or other responsible party and/or posted at the VHR property. Every appeal must:

- a. Be submitted in writing;
- b. Include a copy of the notice of violation or adverse decision and any subsequent notice or communication sent to them;
- c. Contain the person's full name, mailing address, email, and phone number, legibly printed or typed;
- d. Contain a statement setting forth in detail the reasons the person contests the notice of violation or adverse decision; and
- e. State the basis for appeal, as described in section 20.622.060(B)(5) below.

4. 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.

5. The VHR Advisory Board shall hold a public hearing on the appeal within 120 days of the filing of 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.

6. 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.

7. 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.

8. The VHR Advisory Board shall have the authority to modify, amend or reduce any fine or required abatement action based on the evidence presented and the facts and circumstances unique to each appeal.

9. 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.

10. The department shall provide a written final disposition of the appeal to the owner within ten (10) working days of the appeal hearing by the Advisory Board.

11. The advisory board shall adopt factual findings and conclusions supporting a decision which either:

- a. Affirms the notice of violation as issued;
- b. Modifies the notice of violation, including any fines or penalties; or
- c. Rescinds the notice of violation, including any fines or penalties.

12. If the appellant believes the VHR Advisory Board was biased or abused its discretion related to the consideration of an application for a special use permit, the appellant may submit an appeal of the Advisory Board's decision to the Board of County Commissioners pursuant to chapter 20.28.020. If the appellant wants to challenge the decision of the Board of County Commissioners, then they may file a petition for judicial review pursuant to NRS 278.310. (Ord. 1617, 2023; Ord. 1599, 2022; Ord. 1588, 2021; Ord. 1582, 2021)