

DRAFT: January 22, 2021

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Adds a definition of short-term rental and identifies unpermitted short-term rentals as a public nuisance.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 50 (Public Peace, Safety and Morals) to include a definition of short-term rental and define unpermitted short-term rentals as a public nuisance. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals. The amendments also resolve discrepancies arising within existing WCC chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 50 as part of its efforts to establish standards and processes for short-term rentals; and,
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 50, on December 10, 2019; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney; and,

- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Washoe County Code Section 50.304, *Definitions*, is hereby amended to insert a definition of "Short-Term Rental" as follows under sub-section 21, re-numbering the subsequent definitions as appropriate:

- 21. **"Short-Term Rental." A Short-term rental (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms.**

SECTION 2. Section 50.308, *Public Nuisances*, sub-section 1, is hereby amended as follows:

50.308 Public nuisances. In the unincorporated area of the county, a public nuisance is anything described in the Code as such, and is further defined as:

- 1. The existence of any dangerous condition or structure, or any property in a condition adverse or detrimental to public health, safety, or general welfare. **A Short-Term Rental (STR) operated without the required permit shall be deemed a public nuisance due to the potential nuisance impacts related to parking, garbage, noise, and higher occupancy, and by the danger posed to surrounding properties created by an unpermitted use that has not passed required inspections for public health, safety, or general welfare standards applicable to STRs. In addition, per WCC 110.910.10(b), any property or structure that does not conform to the provisions of an applicable development regulation shall be and is hereby declared to be a public nuisance.**

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2021.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2021.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the
15 day of the month of April of the year 2021.