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Summary: Amends Washoe County Code Chapter 110 (Development Code) in Article 319, Short Term Rentals (STRs) and Washoe County Code Chapter 125, Administrative Enforcement Code.

BILL NO. _____

ORDINANCE NO. _____

Title:

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) IN ARTICLE 319 (SHORT TERM RENTALS (STRs)) BY MODIFYING VARIOUS SECTIONS IN ORDER TO: CLARIFY MAXIMUM OCCUPANCY LIMITATIONS ASSOCIATED WITH AN STR PERMIT; LIMIT STRS TO ONE PER PARCEL IN THE TAHOE PLANNING AREA; PROHIBIT NEW STRS IN ACCESSORY DWELLINGS IN THE TAHOE PLANNING AREA; CLARIFY WHEN AN STR PERMIT MUST BE RELINQUISHED; REMOVE REQUIREMENT FOR AN OUTDOOR FIREPLACE PERMIT FROM THE TRUCKEE MEADOWS FIRE PROTECTION DISTRICT; ALLOW FOR AN UPDATED STR PERMIT RENEWAL DATE VIA PAYMENT OF A PRO-RATED RENEWAL FEE; REMOVE THE REQUIREMENT FOR A SIGNED NOTARY FOR STR RENEWAL APPLICATIONS; CLARIFY THAT A NEW STR PERMIT IS REQUIRED WITH EACH CHANGE OF PARCEL OWNERSHIP; GRANT A 30 DAY AUTOMATIC GRACE PERIOD FOR RENEWALS WITH A POSSIBLE ADDITIONAL 30 DAY DISCRETIONARY GRACE PERIOD THAT MAY BE GRANTED BY THE DIRECTOR OF PLANNING AND BUILDING; AND CLARIFY VIOLATION AND REVOCATION REGULATIONS; AND BY AMENDING WASHOE COUNTY CODE CHAPTER 125 (ADMINISTRATIVE ENFORCEMENT CODE) TO REDUCE THE APPEAL PERIOD FOR STR STOP ACTIVITY ORDERS FROM 30 DAYS TO 14 DAYS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

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WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 110 (Development Code) in Article 319, Short-Term Rentals (STRs) and Chapter 125, Administrative Enforcement Code, in order to update regulations related to short-term rentals in unincorporated Washoe County; and
- B. On August 22, 2023, the Washoe County Board of County Commissioners (Board) initiated amendments to Washoe county Code Chapter 110 (Development Code) and Chapter 125 (Administrative Enforcement Code) to streamline and clarify current STR permitting requirements and enforcement processes, and
- C. The Board also provided direction to staff to prepare draft language for circulation in the community, collect public comment and report back to the Board; and
- D. On December 19, 2023, staff presented the draft language to the Board and received direction to proceed with the proposed amendments to Washoe County Code Chapters 110 and 125 related to short term rentals; and
- E. On May 7, 2024, the Washoe County Planning Commission held a duly noticed public hearing for WDCA24-0003, and initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) in Article 319 as specified in Paragraph A, above, by Resolution Number 24-11; and
- F. 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
- G. 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.

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

Section 1. Section 110.319.15 of Chapter 110 of the Washoe County Code is hereby amended to read as follows:

Section 110.319.15 Standards. All STRs shall comply with the standards within this article. No application for a variance, minor deviation, director's modification or other mechanism shall be approved to waive or modify these standards to make them less restrictive, unless explicitly allowed for within this article.

(a) General standards. The following general standards are applicable:

- (1) A valid STR permit shall be obtained from Washoe County prior to advertising and operation.
- (2) STR permits must be renewed and issued annually in order to advertise or operate. Previous issuance of an STR permit does not guarantee that a subsequent permit will be issued.
- (3) Every STR is required to have a designated agent or property manager functioning as a local responsible party who is available 24 hours a day, seven days a week to respond via text message or phone to complaints related to the STR within 30 minutes of contact by Washoe County staff or its designated representatives. The local responsible party must also be based in a location where they can physically arrive at the STR within one hour (not including reasonable delays due to traffic or weather) of the initial response. This requirement is intended to address complaints based on violations of this section or Section 110.319.20 and should not be interpreted for any other purpose. The STR property owner shall provide a single phone number (text-capable) and email address with which the local responsible party can be reached 24/7.
- (4) No events, parties, or weddings (regardless of payment or ~~familial association~~), are allowed or may be advertised. A party is defined as any gathering in excess of the approved on-site maximum occupancy associated with the STR permit. **The maximum occupancy associated with an active STR permit applies to the owner(s) of the STR and their invitees regardless of whether the STR is being rented or used for other purposes.**
- (5) Applications for an STR permit may be initiated by the property owner or authorized agent of the property owner. However, the permittee must be the property owner(s) of the STR property. **A non-owner that has executed a long-term rental lease may not be an STR permittee.**
- (6) Only one STR will be permitted per parcel, with the exception that a second STR may be allowed **on properties located outside of the Tahoe planning area**, if established within a legally permitted attached or detached accessory dwelling. The STR must be a legally permitted, permanent, habitable dwelling unit (for example, no RVs, boats, detached garages, etc. to be used as an STR). **Effective August 1, 2024, it is prohibited for newly permitted STRs to be established in accessory dwelling units (ADUs) within the Tahoe planning area. Those STRs established in ADUs in the Tahoe Planning Area which were permitted prior to August 1, 2024, shall remain valid provided the ownership of the parcel remains the same.**

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- (7) An STR permit will only be issued for dwelling units that have already received a certificate of occupancy. STR permits do not supersede, waive or reduce any other code standards or requirements for building permits, planning permits/applications or other requirements necessary to construct a dwelling unit.
 - (8) An STR shall only be rented to one group or person at a time (ex. renting out multiple individual rooms to multiple separate groups is not permitted).
 - (9) Advertising for an STR is prohibited unless a valid STR permit has been issued and is in effect at the time of advertisement.
 - (10) All advertisements must include the Washoe County permit number, transient lodging tax license number, maximum occupancy as allowed by the permit, number of bedrooms, number of beds (not to exceed maximum occupancy), number of parking spaces, and a note that no off-site street-parking is permitted. This information must be displayed at the top of the STR advertisement.
 - (11) No signage advertising the STR is permitted on the property.
 - (12) Educational material must be made available to all renters in the unit's kitchen or other common area and must contain the following: occupancy limits associated with the permit; exit locations; emergency phone numbers (ex. 911); phone number for the STR's local responsible party; fire/life safety information (ex. proper cigarette and ash disposal, community fire danger, proper BBQ operation, hot tub safety [if applicable], etc.); bear awareness brochure (for properties located in bear-prone areas); and Washoe County noise (quiet hours), trash and parking standards. Within the boundaries of the Tahoe Area Plan, the following must also be provided: a copy of the North Lake Tahoe Fire Protection District Vacation Rental Safety Information Sheet and Emergency Preparedness Guide; community evacuation routes; and avalanche warning methods (for properties located in designated avalanche danger zones).
 - (13) All STRs must comply with all other federal, state, and other applicable laws/statutes.
 - (14) Per WCC Chapter 25, applicable room tax must be paid to the Reno-Sparks Convention and Visitors Authority, disclosed to the renter and included in any rental agreement.
 - (15) **A property with an active STR permit is subject to all STR regulations of this Article, such as parking and occupancy maximums, regardless of the short term rental status (for example, whether the STR is being rented at any given time. If a property owner does not want to be bound by all STR regulations, then the STR permit for that property must be relinquished.**
- (b) Parking Standards. In areas *outside* the jurisdiction of the Tahoe Regional Planning Agency (TRPA), parking standards applicable to all residential uses, or the parking standard adopted at the time of original building permit approval of the residence, shall apply. *Within* the jurisdictional boundaries of the TRPA, the following parking standards shall be adhered to:
- (1) No STR parking is allowed within access easements or the public rights-of-way.
 - (2) All parking spaces must be: improved to Tahoe Regional Planning Agency (TRPA) standards; developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

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- (3) One parking space is required for every four occupants.
 - (4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.
 - i. In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the property owner has provided sufficient evidence that the request is warranted and will not unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.
- (c) Noise Standards. The following noise standards shall be adhered to:
- (1) Within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA), short-term rental quiet hours are in effect daily from 10 p.m. – 7 a.m. Guests shall be instructed to be respectful of the surrounding neighborhood and reduce outdoor activities during this timeframe and shall be informed that proven violations of the quiet hours will result in fines/penalties being levied against the property owner, who may choose to pass on such fines to the renters.
 - (2) Owners of properties that have received two confirmed STR noise violations within a 12-month timeframe shall provide the Planning and Building Division with a comprehensive noise management plan, including the installation of commercially available decibel-monitoring devices with reporting capability. Records from the decibel-monitoring devices must be retained for a minimum of 60-days and made available for Washoe County staff to review upon request.
- (d) Trash Standards. The following waste removal standards shall be adhered to:
- (1) Trash and other waste must be managed as prescribed by Washoe County Health District, Waste Management and, if applicable, the Incline Village General Improvement District (IVGID). Waste cart size must be sufficient to store waste for the maximum number of occupants each week.
 - (2) STRs in IVGID's service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-unit developments where HOAs require and enforce regular trash disposal. Bear Boxes shall be required for STR operators following two confirmed violations of the trash standards. Wildlife-resistant carts and bear boxes must be placed outside in compliance with the local service provider.
 - (3) Failure to use a wildlife-resistant cart or bear box as directed by the manufacturer and applicable trash authority may result in a confirmed trash violation.
- (e) Occupancy Limits. An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:

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- (1) The occupant load shall be calculated as two (2) occupants for every legally permitted bedroom in accordance with Section 110.319.20(a)(1). The remainder of the home (excluding bedrooms) shall be calculated as one (1) occupant for every 200 square feet of habitable space in accordance with Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition.
- (2) No distinction is made based on the age of the occupant.
- (3) In order to qualify as a sleeping area, the area shall also have safety features as determined by the Planning and Building Division Director or her/his designee(s), including, but not limited to, the requirements listed in Section 110.319.20.
- (4) Occupancy may be further limited by the following: available number of on-site parking spaces; voluntary reduced limits as proposed by the property owner; and any other factors that the Planning and Building Division Director or her/his designee(s) determines may affect life safety.
- (5) Daytime occupancy and nighttime occupancy limits are the same.

SECTION 2. Section 110.319.20 of Chapter 110 of the Washoe County Code is hereby amended to read as follows:

Section 110.319.20 Safety Standards. The safety standards within this section are applicable to all short-term rentals and must be in place in order to operate. Inspections will be required by the Washoe County Building Program and/or applicable fire protection district in order to verify compliance.

- (a) Sleeping Areas. Only habitable space will be considered for sleeping purposes. Areas such as garages, storage areas, bathrooms, laundry rooms, hallways, closets, or similar shall not be used for sleeping purposes. Additionally, areas such as basements, under-floors, attics, lofts, garage conversions, or additions that were created without permits shall also not be utilized for sleeping purposes, unless a permit is submitted, approved and final inspections are completed. In addition to the square footage requirements listed in Section 110.319.15(e), the following standards are required of all sleeping areas proposed for short-term rental use and that contribute to the maximum occupancy of the STR:
 - (1) Bedrooms. To qualify for STR use, bedrooms must be listed on the Washoe County Assessor's web site and contain all the following items:
 - (i) A minimum ceiling height of seven feet as determined by Section 305 of the 2018 International Residential Code (IRC) or the currently adopted edition.
 - (ii) An emergency escape and rescue opening complying with Section 310.1 of the 2018 IRC or the currently adopted edition, or the applicable code in effect at the time of permit of the original structure.
 - (iii) When egress windows or openings are located more than 16-feet above exterior finished grade as measured to the finished sill of the window, or if the lot has extenuating features as determined by the code officials, a safe landing area shall be provided and an emergency ladder shall be permanently fastened to the inside of the wall per the manufacturer's recommendations. The ladder shall extend a maximum of 12 inches above grade. This requirement shall not apply in condos or multi-family structures where other fire-protection existing measures are in place and as deemed unnecessary by the fire and building code officials.

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- (iv) Safety glass is required for windows located in a hazardous location in compliance with Section 308.4 of the 2018 IRC or the currently adopted edition.
 - (v) A smoke alarm(s) and carbon monoxide alarm(s) installed in accordance with Sections 314 and 315 of the 2018 IRC, or National Fire Protection Association (NFPA) 72, or the currently adopted editions.
 - (vi) All required smoke alarms and carbon monoxide alarms shall be interconnected in accordance with Sections 314.4 and 315.5 of the 2018 IRC or the currently adopted edition.
- (2) Other Habitable Rooms Intended for Sleeping Purposes. Other rooms intended to be utilized for sleeping purposes will be evaluated utilizing Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition. Rooms shall contain all the same safety features as required for bedrooms in sub-section (1).
- (b) Fire Alarms and Suppression Systems. Structures containing fire protection systems shall have those systems serviced and tagged annually by a licensed State of Nevada fire protection contractor.
- (c) Additional Safety Standards. The following additional safety standards are applicable to all STRs:
- (1) The property address shall be posted on-site in a location clearly visible from the roadway, and address numbers shall be at least six inches in height.
 - (2) The structure shall be maintained in a safe, hazard-free condition. This includes all mechanical, electrical, and plumbing systems, which shall be maintained in operating condition in accordance with the original permit approval, unless otherwise specified in this Article.
 - (3) Structures with a calculated occupant load greater than 10 occupants shall be equipped with a monitored fire alarm system designed and installed in accordance with NFPA 72 and approved by the local fire protection district.
 - (4) Every dwelling shall be equipped with fire extinguishers sized and located per the requirements of the currently adopted fire code and current edition of NFPA 10.
 - (5) Smoke alarms and carbon monoxide alarms shall be installed in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.
 - (6) All stairways, steps, landings, handrails, and guardrails shall be installed and maintained in accordance with the 2018 IRC, or the applicable code in effect at the time of the original permit of the structure.
 - (7) Hot tubs, saunas, whirlpool tubs, and similar devices shall be installed in accordance with the current electrical code and shall have a disconnect installed in accordance with the 2017 National Electrical Code (NEC) or the currently adopted edition.
 - (8) Temporary wiring shall not be used for permanent fixtures, outlets, or receptacles.
 - (9) Solid fuel burning appliances installed in bedrooms or other sleeping areas shall be equipped with oxygen depletion sensors installed in accordance with the 2018 Uniform Mechanical Code (UMC) or the currently adopted edition. All such rooms shall contain

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smoke and carbon monoxide alarms in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

- (10) All required exits and egress windows shall remain unobstructed and an emergency exit plan shall be permanently displayed in a clearly visible and central location.
- (11) Portable heaters shall not be used as a primary source of heat for any space.
- (12) A Knox box is required when a fire alarm system or fire sprinkler system is installed.
- (13) Defensible space shall be maintained in accordance with the standards required by the applicable fire protection district.
- (14) Any exterior recreational fire or fire pit fueled by natural gas or propane shall not operate unless permitted by the local fire district.
- (15) Outdoor wood-burning solid-fuel fireplaces or solid-fuel burning fire pits are prohibited within the boundaries of the Tahoe ~~Area Plan~~ **planning area**. ~~Within the rest of unincorporated Washoe County, these require a permit from the Truckee Meadows Fire Protection District.~~
- (16) Emergency lighting shall be installed to sufficiently illuminate the exit pathways/hallways from sleeping rooms to the exterior of the building. A permanently installed system and/or a plug-in system of lights that turn on in the event of a power outage are both acceptable.
- (17) The STR shall remain accessible to emergency service vehicles and personnel per the applicable fire district and emergency responder's requirements. **In the Tahoe planning area, it is understood that properties may become temporarily inaccessible due to excessive snowfall and delays in snow plowing availability.**

SECTION 3. Section 110.319.25 of Chapter 110 of the Washoe County Code is hereby amended to read as follows:

Section 110.319.25 Permit Fees. Fees associated with STR permits shall be paid in the amounts identified in the master fee schedule and permit application. Non-payment of fees is cause for cancellation of an in-process STR application or revocation or non-renewal of an existing STR permit. **An STR permit holder may request or be assigned an updated STR permit renewal date upon invoicing or payment of a pro-rated permit fee.**

SECTION 4. Section 110.319.30 of Chapter 110 of the Washoe County Code is hereby amended to read as follows:

Section 110.319.30 Enforcement. The STR standards within this Article shall be enforced through the following procedures and requirements. A combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 (*Nuisance Code*), 110.910 (*Enforcement*), and 125 (*Administrative Enforcement*) shall be utilized, as applicable. The intent of this section is to ensure that STR activity does not alter the character of existing residential neighborhoods nor result in detrimental impacts to the public health, safety and welfare.

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- (a) Permit Required. Any property owner engaging in or intending to engage in the operation of an STR, as defined in WCC 110.304.15 (d), shall obtain an STR permit issued by the Planning and Building Division. Said permit shall be renewed annually.
- (1) Permit Considered "Privileged." The Board of County Commissioners hereby declares the operation of an STR within residential areas as a "privileged" activity subject to additional operational standards above and beyond those of other residential uses and subject to specific enforcement and revocation procedures.
- (2) Inspections. An STR that fails any required inspection shall be issued a stop activity order per the procedures of WCC Chapters 100 and 125. An STR that fails a required inspection, or does not provide a required self-certification checklist meeting applicable standards, shall not be reissued a permit until all required inspections are passed, and/or the required self-certification is provided (if applicable).
- (3) Transfer of Property. If a property is transferred to a new owner, all listing advertisements and short term rental activity must cease immediately. If the new property owner wishes to continue the STR use on the property, a new application must be submitted to Washoe County and a new STR permit must be obtained by the new property owner prior to short term renting or advertising.
- (4) Grace Period for Renewals. An automatic grace period of 30 days from the expiration of the annual permit shall be granted as an accommodation to allow permittees to successfully renew their STR permit(s). An additional grace period of no more than 30 days may be granted for good cause and provided the applicant is working in good faith to finalize the renewal at the discretion of the Director of Planning and Building.
- (b) Operating an STR without the Required Permit. It is unlawful and hereby declared a public nuisance, as defined in WCC 50.308.1, to operate an STR without the required permit. Any property owner found to be operating an STR without the required permit shall be guilty of a misdemeanor, issued a stop activity order, and fined per the procedures outlined in WCC Chapter 125.
- (c) Noncompliance with Standards. Any violation of required STR standards shall be enforced through a combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 (*Nuisance Code*), 110.910 (*Enforcement*), and 125 (*Administrative Enforcement*), as applicable. The **Director of Planning and Building**—~~Division Director~~, or her/his designee, shall determine compliance with these standards. A violation is considered confirmed when all required due process has been provided, appeals exhausted, and the violation has been found to exist. **Additionally, code enforcement may use evidence gathered by the Incline Village General Improvement District (IVGID) resulting from investigation of trash violations, or evidence reported by the Washoe County Sheriff's Office when responding to disturbing the peace calls (for example, noise after quiet hours) or to parties exceeding approved maximum STR occupancy, as the basis for opening an investigation into a violation of STR standards and the potential issuance of a penalty notice.**

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SECTION 5. Section 110.319.35 of Chapter 110 of the Washoe County Code is hereby amended to read as follows:

Section 110.319.35 Inspections and Self-Certification. Prior to issuance of an STR permit, the property must pass inspections for life-safety of the structure and defensible space, with the cost of those inspections and any associated necessary improvements borne by the property owner.

- (a) Timing and Self Certifications. These inspections will be conducted by the Planning and Building Division and the applicable fire agency and are required prior to initial issuance of the permit. Thereafter, a self-certification checklist may be provided for annual renewals in lieu of a physical inspection, for a period not to exceed three years/renewals, if all of the following conditions are met:
 - (1) No confirmed STR violations have occurred on the property within the last 12 months;
 - (2) The STR permit has remained active since the last required physical inspection; and,
 - (3) The property owner provides a signed ~~and notarized~~ self-certification checklist attesting that the property meets the safety standards identified in this article.
- (b) Defensible Space Inspections. Defensible space inspections only apply to STR properties located in *Extreme* or *High* Fire Risk Ratings as determined by the applicable Fire District's currently adopted International Wildland Urban Interface (IWUI) code and relative amendments. If a property is obscured by snow to such a degree that a defensible space inspection cannot be completed, the relevant fire district may choose to recommend a conditional approval of the STR permit, subject to the inspection being completed and passed no later than October 1 of the same year (or following year, if the initial inspection attempt occurred between October 2 and December 31).

SECTION 6. Section 110.319.40 of Chapter 110 of the Washoe County Code is hereby amended to read as follows:

Section 110.319.40 Permit Revocation. Revocation of an STR permit shall be subject to the requirements of this section. In the event an STR permit is revoked through any of the below procedures, a new STR permit shall not be issued ~~for~~ to the same property **owner(s) of the subject property** for a period of one (1) year immediately following the date of revocation.

- (a) Initiation of Action. An enforcement official or the Board of County Commissioners may initiate an action to revoke an STR permit, unless the permit is revoked automatically pursuant to the provisions of this section.
- (b) Grounds for Revocation. An STR permit may be revoked by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
 - (1) That the STR permit was issued based on fraudulent or erroneous information, or was issued in contravention to the requirements of this Article; or,
 - (2) That one (1) or more of the characteristics or conditions upon which the STR permit was issued have changed or been violated; or,

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- (3) Unauthorized/unpermitted alteration of required life safety elements.
 - (4) **Unauthorized/unpermitted alterations to the STR structure occurs, or upon discovery of previous unauthorized/unpermitted structure alterations, without required building permits.**
- (c) Grounds for Automatic Revocation. An STR permit may be automatically revoked without action by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds. A revocation initiated under this section may be appealed to the Board of County Commissioners, which shall make the final administrative decision on the matter.
- (1) If, after all administrative remedies have been exhausted, a property owner has been found guilty of violating the standards of this Article through three (3) separate instances/investigations during a one (1) year timeframe. The issuance date of the respective penalty notices shall be used as the basis for determining if three (3) separate, but consecutive, violations have occurred during a one (1) year time frame. If multiple violations are discovered during a single investigation, said violations shall count as one (1) instance for the purposes of this section; or,
 - (2) Upon application for any improvement(s) to an existing STR that would change the approved occupancy, or upon discovery that unpermitted work has occurred that altered a standard upon which the permit was issued. In such instances a new or modified permit will be required, at the discretion of the Director of the Planning and Building Division; or,
 - (3) If a felony or violent crime has occurred at the property and is substantially connected with the use of the property as an STR; or,
 - (4) If an emergency event occurred that endangered life safety or resulted in injuries or loss of life due to alteration of or noncompliance with required standards.
- (d) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of an STR permit initiated under Section 110.319.40(b), or upon the appeal of an STR permit automatically revoked pursuant to Section 110.319.40(c). The hearing shall be conducted pursuant to the provisions of Article 910 and in accordance with the Rules of the Board of County Commissioners. After the public hearing, and upon considering the evidence provided, the Board of County Commissioners may take action to revoke the STR permit.

SECTION 7. Section 125.157 of Chapter 125 of the Washoe County Code is hereby amended to read as follows:

1. If an enforcement official observes construction, grading, burning, loose animals, operating a business without a business license, operating a short-term rental (STR) without the required permit (to include the act of advertising said STR), or other activity in progress that is or is likely to be a violation of the Code, or the work or activity must be stopped to prevent unsafe conditions, or irreparable harm or damages, or is being conducted without first obtaining the required permits

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or approvals, the enforcement official may issue and serve a stop activity order. Upon issuance of a stop activity order all activity described in the order must cease.

2. The stop activity order shall:

- (a) Name the respondent as well as any person who is ordered to stop the work or activity;
- (b) Describe the location and nature of the illegal activity observed, or advertised, and why it appears to be a violation of the Code, with specific citation to the Code;
- (c) Describe which activities must stop and the duration of the stop activity order;
- (d) State what must be done, and a specific date by which to correct the situation;
- (e) State the possible consequences of a failure to obey the order, including, as applicable;
 - (1) Penalties and fees (specify what those penalties and fees will be);
 - (2) A misdemeanor criminal citation;
 - (3) A court complaint for injunctive relief or damages;
 - (4) Abatement, including summary abatement, by the county; and/or
 - (5) Any other relief authorized by law.
- (f) Provide the name, address, phone number, and the email address of the enforcement official and any person who should be contacted to discuss or resolve the stop activity order; and,
- (g) Describe the right to ask for a hearing before an administrative hearing officer.

3. Remediation order. If a violation of the Code threatens health, safety or welfare of the general public and immediate action is necessary to remove an unsafe condition, an enforcement official may issue a remediation order directing a person to:

- (a) Repair, safeguard, or eliminate a dangerous structure or condition;
- (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles, or junk appliances which are not subject to the provisions of Chapter 459 of NRS
- (c) Clear weeds and noxious plant growth; or

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- (d) Repair, clear, correct, safeguard or eliminate any other public nuisance as defined in the Code.
4. The remediation order shall
- (a) Name the respondent and any/or other person who is ordered to remediate the illegal activity;
 - (b) Describe the location and nature of the violation of the Code (with specific citation to the Code), and explain that the condition is an unsafe condition requiring immediate remediation;
 - (c) List and describe the corrective actions that need to be taken to remedy the unsafe condition;
 - (d) Specify a date by which the respondent must abate the public nuisance;
 - (e) Specify the possible consequences of a failure to obey the order to include, as applicable:
 - (1) Abatement, including summary abatement, by the county;
 - (2) Penalties and fees (specify what those penalties and fees will be);
 - (3) A misdemeanor criminal citation;
 - (4) A court complaint for injunctive relief or damages;
 - (5) Any other relief authorized by law.
 - (f) Describe the right to ask for a hearing before an administrative hearing officer, that such a hearing request must be prior to the deadline established to abate the public nuisance as stated in subsection (d) above, and to contact the administrative hearing office to request and schedule a hearing; and
 - (g) Provide name, address, phone number, and email address of enforcement official and any person who should be contacted to discuss or resolve the remediation order.
5. Stop activity orders and remediation orders should be personally served on the person ordered to stop or remedy the violation. In addition, all stop activity and remediation orders shall be sent to the respondent by certified mail, return receipt requested, to the address indicated on the assessor's records for the property. The order is effective on the earlier date of personal service or service by certified mail. Each person who serves a stop activity order or remediation order shall prepare a sworn affidavit specifying the date, time, and nature of service.
6. Any person who has been named and served with a stop activity order and continues to do any work in violation of the order, except work that is directed or approved by the enforcement official, is guilty of a misdemeanor, and each day or part of a day that the person continues to perform the work, activity, or

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allows the condition to continue is a separate offense. Any person who has been named in and served with a remediation order who unreasonably fails to perform the required remediation work by the deadline indicated shall be guilty of a misdemeanor, and each day or part of a day that the person continues to fail to perform the work shall be a separate offense.

7. The stop activity order or remediation order may provide for the imposition and collection of civil penalties and for the possibility of abatement, including summary abatement, as specified in this chapter. Administrative action fees may be assessed as contained in the master administrative enforcement penalty and fee schedule adopted by resolution of the board as part of any administrative enforcement process as set forth in this chapter.
8. Hearing required; appeals. The respondent who has received a stop activity order or remediation order may request an administrative hearing regarding the stop activity order or remediation order by contacting the administrative hearing office within 30 calendar days from the date the stop activity order or remediation order was served, **unless the stop activity order was issued for a violation of the Short-Term Rental (STR) ordinance in which case an appeal must be requested within 14 calendar days from the date notice of the Stop Activity Order was served.** Because of their injunctive nature, if the person who is served with a stop activity order or remediation order asks for a hearing, an administrative hearing officer will expeditiously be appointed and a hearing will be conducted within 30 calendar days of the receipt of the appeal by the administrative hearing office. A stop activity order remains in effect pending the hearing. The deadline for a remediation order is suspended pending the hearing. The hearing will be conducted in accordance with the provisions for hearings, and the issuance, enforcement, and appeal of administrative orders as set out in this chapter. The decision of the administrative hearing officer may be taken directly to judicial review in accordance with this chapter at the option of the appellant. If appeal is made to the board of adjustment for violation of WCC chapters 100 and 110, the decision of the board of adjustment is subject to judicial review in accordance with this chapter. Appeals of a decision of the administrative hearing officer regarding all other chapters of WCC shall proceed directly to petition for judicial review.
9. A stop activity order or remediation order may be rescinded by the enforcement official that issued it, by the director of the community services department, by the county engineer, by the county building official, by an administrative hearing officer, and/or by the board of adjustment, with the exception that a stop activity order issued for operating a short-term rental (STR) without the required permit may only be rescinded by the enforcement official that issued it, by an administrative

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hearing officer as part of an appeal proceeding, or by court order resulting from judicial review.

10. Enforcement. If a hearing is held before an administrative hearing officer or the board of adjustment as provided in this chapter, then the decision or order shall be enforced as provided for in this chapter. If a hearing is not held, the enforcement official may proceed to enforce the stop activity order or remediation order through any of the administrative, civil, or criminal remedies provided in this chapter.

SECTION 8. 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 Chair 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), 2024.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2024.

Vote:

Ayes:

Nays:

Absent:

Alexis Hill, Chair
Washoe County Commission

ATTEST:

Jan Galassini, County Clerk

This ordinance shall be in force and effect from and after the
30th day of the month of August of the year 2024.