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Summary: An ordinance amending Washoe County Code Chapter 125 (Enforcement; Remedies; Penalties) to add additional enforcement remedies; clarify existing code language; add additional posting of service locations; modify and clarify enforcement procedures; eliminate fine discounts after a 3rd penalty, and delete incorrect language and references.

BILL NO. _____

ORDINANCE NO. _____

Title:

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 125 (ENFORCEMENT; REMEDIES; PENALTIES) TO: ENHANCE THE ENFORCEMENT CAPABILITY OF WASHOE COUNTY CODE ENFORCEMENT OFFICIALS BY ELIMINATING THE 50% DISCOUNT FOR PAYMENT OF FINES AFTER THE THIRD PENALTY NOTICE; CHARGE A RE-INSPECTION FEE FOR REPETITIVE UNFOUNDED COMPLAINTS AFTER THE THIRD SUCH COMPLAINT; AUTHORIZE AUTOMATIC AND CONTINUING FINES FOR FAILING TO OBEY AN ADMINISTRATIVE HEARING OFFICE ORDER AFTER ALL REQUIRED DUE PROCESS HAS BEEN PROVIDED; CLARIFY COLLECTION PROCEDURES; ALLOW NOTICE TO BE POSTED ON A PROPERTY IN A CONSPICUOUS LOCATION IN ADDITION TO THE FRONT DOOR OF A RESIDENCE; CLARIFY THAT DISCRETIONARY APPROVALS MAY BE WITHHELD ON PROPERTIES WITH UNRESOLVED CODE VIOLATIONS; AND TO REMOVE INCORRECT CITATIONS AND LANGUAGE INCONSISTENT WITH STATE LAW, AND UNCLEAR HEARING DECISION LANGUAGE. THE AMENDMENTS ALSO RESOLVE DISCREPANCIES ARISING WITHIN EXISTING WASHOE COUNTY CODE CHAPTERS AS A RESULT OF THE NEW CODE LANGUAGE; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 125 (Enforcement; Remedies; Penalties) as part of its efforts to strengthen code enforcement remedies and improve enforcement outcomes; and
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 125 on October 13, 2026; and
- C. The amendments and this ordinance were drafted in concert with the District Attorney's Office; 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 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. Section 125.235 of the Washoe County Code relating to the failure to obey a subpoena is hereby repealed in its entirety.

SECTION 2. Section 125.010 of the Washoe County Code is hereby amended to read as follows:

125.010 – Findings of county commissioners.

In view of the numerous uniform codes and rules and regulations incorporated therein that have been adopted by the board of county commissioners, the board of county commissioners finds that it is desirable to authorize the district attorney, in accordance with the powers conferred on the board by NRS, to bring any necessary civil actions in courts of law **and to authorize county code enforcement officials to issue administrative and civil penalties**, to enforce such uniform codes, rules and regulations.

SECTION 3. Section 125.020 of the Washoe County Code is hereby amended to read as follows:

125.020 – District attorney authorized to bring civil actions to enjoin, abate or restrain continued violations designated as or constituting nuisances.

Pursuant to the authority granted the board of county commissioners in subsection 6 of NRS 244.360, the district attorney is authorized, in his discretion, to bring all necessary civil actions in any court of competent jurisdiction on behalf of the county to enjoin, abate or restrain the continued violation of any duly

enacted or adopted ordinance, rule or regulation of the county having the force and effect of law, including any rule or regulation contained within any specialized or uniform code and changes thereto adopted by ordinance, such as, but not limited to, the various volumes and editions of the **International Residential Code, International Building Code**, Uniform Building Code, the Uniform Plumbing Code, the National Electrical Code, the Uniform Fire Code, the Uniform Mechanical Code and the Uniform Sign Code, **as may be amended**, if the violation is designated as or otherwise constitutes a nuisance.

SECTION 4. Section 125.157 of the Washoe County Code is hereby amended to read as follows:

125.157 - Stop activity order and remediation order.

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 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
 - (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 **both a misdemeanor and an administrative offence subject to fines**, and each day or part of a day that the person continues to perform the work, activity, or 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, **or in the case of a violation of the Short-Term Rental (STR) ordinance, within 14 calendar days from the date 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 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 5. Section 125.160 of the Washoe County Code is hereby amended to read as follows:

125.160 - Complaints, warning, and administrative penalty notice, procedures.

1. Any person who observes a possible violation of the Code may notify the appropriate agency or department in person or by written communication, telephone contact, ~~fax~~, or e-mail. Such a complaint is considered a public record under the law. After receipt of a complaint, the enforcement official will investigate the complaint if it is warranted. **If upon investigation the enforcement official finds no basis for a possible violation of code, and the same complaint is repeatedly made by the same individual, after three (3) such investigations of finding no basis for the violation, any additional investigations responding to the same complaint shall only be conducted after an administrative action fee for reinspection is paid by the complainant pursuant to the master administrative enforcement penalty and fee schedule adopted by resolution of the board.**
2. Warnings. Whenever it is determined by the enforcement official that a violation of the Code exists, that is not a serious risk to public health, safety or welfare, the enforcement official shall start the formal enforcement process by providing to the respondent either an oral or a written warning seeking correction, mitigation, or remedy within a time frame specified by the enforcement official, but no more than 30 calendar days from the date the warning was served. The enforcement official may extend this time frame at the official's discretion to provide additional time to complete acts required for compliance with the Code. The enforcement official may also grant a request by the respondent for additional time to complete acts required for compliance with the Code. Extensions of time by the enforcement official are allowed if reasonable progress in the repair, correction, or abatement of violations is underway or there are extenuating circumstances that prohibit compliance within the established timeline, and a plan of action with accompanying time frames is made between the enforcement official and the respondent. If the enforcement official determines that a violation of the Short-Term Rental (STR) ordinance has occurred, then no warning shall be issued due to the potential for serious risk to public health, safety or welfare created by the operation of a STR in violation of required standards, unless the enforcement official determines that the violation may be corrected through issuance of a warning without endangering the public health, safety or welfare.
 - (a) The warning shall state:
 - (1) That respondent is in violation of the Code and the nature of the alleged violation, to include the Code citation of the violation;
 - (2) The action(s) needed to correct the alleged violation;
 - (3) The time given to correct the alleged violation, and that an extension of this time period may be requested of the enforcement official either orally or in writing;

- (i) If reasonable progress in the repair, correction or abatement of violations is underway, or there are extenuating circumstances that prohibit compliance within the established timeline; and
 - (ii) A plan of action with accompanying time frames is made between the enforcement official and the respondent;
 - (4) That an administrative penalty notice will be issued at the end of that period if the violation is not corrected;
 - (5) That an administrative penalty will be assessed at the time of issuance of an administrative penalty notice in the amount set forth in the master administrative enforcement penalty and fee schedule adopted by the board; and
 - (6) That the collections office may charge and collect any subsequent fees, penalties, and costs, to include interest, or follow any administrative actions authorized by state law and/or Washoe County Code, necessary to collect unpaid fees, penalties and costs. The amount of any unpaid fee(s), penalty(ies), and/or costs may be sent to the county collections office for further action, and may result in a lien being placed on the property to recover unpaid fee(s), penalty(ies) and/or costs.
 - (b) If no action is taken to correct the alleged violation within the time allocated by the enforcement official under the warning, the enforcement official shall issue an administrative penalty notice in conformance with this section or, upon consultation with the district attorney's office, seek civil or criminal remedies.
 - (c) The enforcement official shall determine if the alleged violation has been corrected within the time stated in the warning.
3. If, in the opinion of the enforcement official, a more urgent action is needed to safeguard public health, safety, or welfare, the official may, in lieu of a warning, issue an administrative penalty notice, issue a stop activity order and/or remediation order, or proceed with summary abatement in accordance with this chapter.
4. Administrative penalty notice. If the Code violation is not resolved as set forth in subsection 2 above, or if the enforcement official did not issue an administrative warning pursuant to WCC 125.160.2 regarding the Short-Term Rental (STR) ordinance, then the enforcement official shall issue an administrative penalty notice to the respondent except when a summary abatement, stop activity order, and/or remediation order is required in accordance with this chapter. Service of this administrative penalty notice shall be made pursuant to this chapter.
5. The administrative penalty notice shall include the following information:
- (a) The name and address of the respondent in violation. The notice shall contain the address, and may contain the assessor's parcel number of the real property, when applicable.
 - (b) If not contained in the warning, or if a warning was not required pursuant to WCC 125.160.2 regarding the Short-Term Rental (STR) ordinance, a statement from the enforcement official identifying the conditions or conduct that violate the Code and the specific Code citation of the Code which the respondent violated, to include reference to the STR ordinance, as applicable.
 - (c) If applicable, and not contained in the warning, a list of recommended corrections to bring the property or violation into compliance.
 - (d) A statement that the respondent who has received an administrative penalty notice may request an administrative hearing regarding the administrative penalty notice by contacting the administrative hearing office within 30 calendar days from the date the administrative penalty notice was served, or in the case of a violation of the Short-Term Rental (STR) ordinance, within 14 calendar days from the date the administrative penalty notice was served. The administrative penalty notice shall also inform the person served that failure to respond to the administrative penalty notice within 30 calendar days, or within 14 calendar days if the penalty notice was issued

for a violation of the STR ordinance, of the date the administrative penalty notice was served shall be deemed an admission of liability and a waiver of any right to an administrative hearing.

- (e) A statement of the penalty amount and a statement that Washoe County will accept as payment in full for the administrative penalty, one-half of the authorized penalty indicated on the administrative penalty notice if payment is received within 30 calendar days of service, or in the case of a violation of the Short-Term Rental (STR) ordinance, within 14 calendar days from the date the administrative penalty notice was served. A respondent filing an appeal of an administrative penalty notice or paying the penalty after 30 calendar days of service, or in the case of a violation of the STR ordinance, within 14 calendar days from the date the administrative penalty notice was served, shall not be entitled to reduction of the administrative penalty provided for in this subsection. **Additionally, if a violation remains unresolved after the issuance of three (3) penalty notices, Washoe County will no longer accept as payment in full for subsequent administrative penalties for the same violation, one-half of the authorized penalty indicated on the administrative penalty notice, and the full penalty amount will be due regardless of when it is paid.** A request for an administrative hearing shall stay the required payment of the administrative penalty until the hearing is completed. Any unpaid penalties shall be turned over to the county collections office, **at the discretion and/or timeframe recommended by the enforcement official**, and a collections fee, payable to the collections office for cost recovery of the unpaid penalties, shall apply. The amount of the administrative penalty and collections fee is set forth in the master administrative enforcement penalty and fee schedule adopted by resolution of the board. The penalties and any fees assessed are cumulative.
 - (f) The name, address, phone number, email address, and signature of the enforcement official, and any person who may be contacted to discuss or resolve the administrative penalty notice.
 - (g) A statement that the administrative penalty notice is not a criminal proceeding.
 - (h) A statement that each and every instance the act or omission exists after the deadline together with any granted extensions, constitutes a separate and distinct offense.
- 6. The administrative penalty notice and/or an electronic facsimile thereof, must be filed with and retained by the issuing department and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein.
 - 7. A peace officer or enforcement official may issue an administrative penalty notice to the same respondent for a second or subsequent violation of the same ordinance within a two-year period without being required to issue a warning.
 - 8. A peace officer or enforcement official may issue a criminal citation for a second or subsequent violation by the respondent of the same ordinance within a two-year period.
 - 9. The administrative penalty notice may be issued by a peace officer or enforcement official based upon a written and signed statement of a complaining party, **but only if the peace officer or enforcement official has good reason, based on the preponderance of the evidence, to believe a violation exists.** Any photographic, audio, or video evidence submitted by the complaining party as part of the written and signed statement shall be time and date stamped, and the location from which the evidence was collected shall be attested to by the complaining party. In such a case, the complaining party must appear at any hearing subsequently scheduled pursuant to this chapter to testify. If the complaining party does not appear at the hearing in the case, the administrative penalty notice will be dismissed and the respondent released from liability.
 - 10. An appeal to an administrative hearing may be requested during an administrative proceeding only after the enforcement official issues an administrative penalty notice.

SECTION 6. Section 125.163 of the Washoe County Code is hereby amended to read as follows:

125.163 - Service.

Documents requiring service shall be made to the respondent by personal service; by affixing the notice to the place of residence, **or property**, in a conspicuous place; regular U.S. Postal Service mail to the last known address of the respondent as contained on the records of the county assessor; or, if required by law, certified mail, return receipt requested, to the last known address of the respondent as contained on the records of the county assessor. Service by mail or affixation has the same force and effect and is subject to the same penalties for the disregard thereof as if the documents were personally served on the respondent. The failure of the respondent to receive any documents served in accordance with this section shall not affect the validity of any proceedings taken under this administrative enforcement code.

SECTION 7. Section 125.170 of the Washoe County Code is hereby amended to read as follows:

125.170 - Administrative fees, penalties and costs.

1. Administrative penalties will be assessed for a first, second, third, or subsequent violation of the same ordinance, as contained in the master administrative enforcement penalty and fee schedule adopted by resolution of the board.
2. 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.
3. If any administrative fees, penalties, or costs remain unpaid after the date stated on the notice, the amount shall be sent, **at the discretion and/or timeframe recommended by the enforcement official**, to the collections office. A collections fee for cost recovery of the unpaid fees, penalties or costs shall be added to the fee, penalty and cost amount. The amount of the collections fee is contained in the master administrative enforcement penalty and fee schedule adopted by resolution of the board.
4. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the county.

SECTION 8. Section 125.180 of the Washoe County Code is hereby amended to read as follows:

125.180 - Procedures for recording notices of violation.

1. Once an enforcement official has issued a notice of violation to an eligible party, and the acts or omissions cited remain in violation after the deadline established in the notice of violation and of any extension or appeal, the enforcement official may, if listed in the notice of violation, record the notice of violation in the official records of the Washoe County Recorder.
2. Before recording, an enforcement official shall serve upon the interested and responsible parties, pursuant to this enforcement code, a notice of intent to record stating that a notice of violation will be recorded if the violation is not corrected ~~or a plan of action to correct is not provided~~ within 14 calendar days from receipt of the notice of intent to record.
3. Any costs associated with recording the notice of violation will be assessed against the property as provided in this enforcement code.
4. A copy of the recorded notice of intent to record shall be served in the manner provided in this enforcement code.

SECTION 9. Section 125.185 of the Washoe County Code is hereby amended to read as follows:

125.185 - Notice of compliance; removal procedures.

1. When the violation(s) listed on the notice of violation has been corrected, ~~then in the event that the notice was recorded,~~ the responsible party may file with the enforcement official a written request for re-inspection and for a notice of compliance on a form provided by the county.
2. Once the enforcement official receives a request for a notice of compliance, the enforcement official shall confirm whether the violation(s) has been corrected or abated, which confirmation may include the re-inspection of the property. The enforcement official shall provide, within ~~seven calendar~~ **ten business** days of the county's receipt of the request, a notice of compliance to the interested and responsible parties if the enforcement official determines that:
 - (a) All violations listed in the ~~recorded~~ notice of violation have been corrected;
 - (b) All necessary permits have been issued, **inspected**, and finalized; and
 - (c) All administrative fees and any penalties have been satisfied.
3. If the notice of compliance is provided **and a notice of violation has been recorded**, then it shall also be recorded by the enforcement official within the same ~~seven calendar~~ **ten business** days set forth in subsection 2 above and a conformed copy served upon the interested and responsible parties pursuant to this enforcement code. The recording of the notice of compliance shall have the effect of canceling the recorded notice of violation.
4. If the enforcement official denies a request to issue a notice of compliance, the enforcement official shall serve the interested and responsible parties with a written explanation setting forth the reasons for the denial within the same ~~seven calendar~~ **ten business** days set forth in subsection 2 above. The written explanation shall be served pursuant to this enforcement code.

SECTION 10. Section 125.190 of the Washoe County Code is hereby amended to read as follows:

125.190 - Withholding approvals of permits and licenses.

The board finds that to protect the public's health and safety, and to ensure the violation will be corrected, there is a need to withhold approval of county permits, **discretionary approvals**, and licenses related to the affected property. Once the enforcement official has issued a notice of violation to eligible parties and the acts or omissions cited **therein** remain uncorrected after the deadline established in the notice of violation and of any extension or appeal, the enforcement official may, if listed in the notice of violation, withhold approvals for applications and renewals of business licenses, any land or structure use permits, **to include the processing of discretionary approvals such as Special Use Permits**, and building and grading permits, except those necessary to achieve compliance with the notice of violation and with the provisions of this enforcement code, on the affected property until a notice of compliance has been issued by the enforcement official in the same manner as provided in this enforcement code for recorded notices of violation. The enforcement official shall serve the eligible party with notice of the withholding of ~~the permit and/or license~~ **approvals**. This notice shall be served pursuant to this enforcement code.

SECTION 11. Section 125.225 of the Washoe County Code is hereby amended to read as follows:

125.225 - Appointment and powers of hearing officer.

1. The board will approve a list of and all contracts for persons to serve as hearing officers. A hearing officer shall:
 - (a) Be licensed to practice law in the State of Nevada or be a graduate of an accredited four-year college and have at least two years' consecutive experience in administrative hearings in the State of Nevada, or
 - (b) Have a quality, level and length of experience deemed acceptable to the board and two years of administrative hearing experience.
 - (c) Not have been an employee of Washoe County within the last two years.
2. Compensation of hearing officers will be set at an hourly rate by resolution of the board.
3. The administrative hearing office has the authority to and will assign a hearing officer to each case. Assignment of hearing officers will be on a rotation basis. The hearing officer will be chosen from the list of hearing officers approved by the board. The hearing office may establish a specialized list of hearing officers to hear specific cases based on education, experience, and/or the type of case. The assigned hearing officer has discretion to determine if he/she should be disqualified for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law, and the next hearing officer on the list shall be assigned. The hearing officer shall not have, at the time of hearing assignment, any personal interest, or expectation in any matter with the county except general county tax and business license matters and service as a hearing officer.
4. The hearing officer shall have the power to render a proper disposition of the matter, including without limitation, dismissal (with or without prejudice), remand to the enforcement official for further information or action, modification, assessment of administrative penalties, or ~~any other action deemed appropriate, including the application of any other~~ administrative enforcement remedy authorized pursuant to this chapter. The hearing officer shall have the power to administer oaths to all witnesses and impose such rules of decorum upon the proceeding as will promote the decent, fair, and efficient consideration of matters before the hearing officer.
5. The hearing officer may continue a hearing as provided in section 125.240.
6. The hearing officer does not have the power to render monetary judgments or award damages against the county.
7. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

SECTION 12. Section 125.230 of the Washoe County Code is hereby amended to read as follows:

125.230 – Powers of hearing officer.

1. The hearing officer shall preside over administrative hearings unless the board chair elects to have the board act, prior to commencement of any administrative hearing, as its own hearing officer in any particular case. Should the board act as its own hearing officer, its proceedings will substantially comply with this enforcement code and it will have the powers granted in this section.
- ~~2. The hearing officer shall have the power to refer the parties to mediation under short time constraints. The mediator shall proceed pursuant to section 125.160(6), but within those short time constraints.~~
32. The hearing officer shall have the power to and must at hearings administer oaths to all witnesses and impose such rules of decorum upon the proceeding as will promote the decent, fair and efficient consideration of matters before the hearing officer.

43. The hearing officer may continue a hearing as provided in section 125.240.

~~5. The hearing officer, upon receipt of a written request which is submitted no later than seven calendar days before the hearing, may issue a subpoena for witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.~~

64. The hearing officer shall have the power to render a proper disposition of the matter **based on the preponderance of the evidence**, including without limitation, dismissal, **affirmation of the violation**, referral to staff for further action, modification, ~~no further action being taken~~, affirmance of prior action, assessment of administrative penalties, or any other ~~action deemed appropriate, including the application of any~~ administrative enforcement remedy authorized pursuant to this enforcement code.

75. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

SECTION 13. Section 125.265 of the Washoe County Code is hereby amended to read as follows:

125.265 - Administrative order; compliance with administrative order.

1. The decision of the hearing officer shall be deemed to be an administrative order and shall be entitled "administrative order."
2. Upon completion of the hearing, the hearing officer shall issue an administrative order that affirms, modifies or dismisses the enforcement official's action, including any penalties assessed or to be assessed, ~~or that requires any other action deemed reasonable under all of the circumstances by the hearing officer or any other administrative enforcement remedy authorized pursuant to this chapter.~~ The administrative order may also refer the matter back to the enforcement official for further specified action.
3. The hearing officer may require the respondent to cease violating or cause the cessation of any violation of the code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to be in compliance with the code. The hearing officer shall include a specific time frame to complete the requested act.
4. The hearing officer may establish specific deadlines for the payment of penalties, fees, and costs, and may condition the total or partial assessment of administrative penalties on the respondent's ability to complete compliance by specific deadlines.
5. The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.
6. The administrative order shall become final on the date of service of the order upon all parties as provided in this chapter.

SECTION 14. Section 125.270 of the Washoe County Code is hereby amended to read as follows:

125.270 - Failure to comply with the administrative order; misdemeanor, continuing fines.

A person who fails to comply with an administrative order is guilty of a misdemeanor and upon conviction shall be punished as provided for misdemeanors in NRS 193.150. This ~~penalty~~

conviction, however, shall not excuse the failure to comply with the order and to correct the violations, nor shall it bar further enforcement action by the county, **including the issuance of additional fines. Fines may continue to be assessed for each day, or time frame specified by the enforcement official, that the violation remains unresolved and until the responsible person complies with the hearing officer's decision and corrects the violation. Fines issued for non-compliance with an administrative order are not subject to further appeal as all due process regarding the subject violation has already been provided.**

SECTION 15. Section 125.295 of the Washoe County Code is hereby amended to read as follows:

125.295 - Service of notices.

1. Whenever any kind of notice or service is required to be given by this enforcement code, unless specifically provided otherwise, it shall be made by personal service. If any of the parties to be served is believed to be absent from the County of Washoe, or if personal service is otherwise unsuccessful after the use of due diligence, the enforcement officer shall prepare and sign an affidavit concerning the absence or concerning the attempts and diligence, and then shall serve by certified mail, postage prepaid, return receipt requested, as well as by regular postal mail, to the address of each of the eligible parties according to the information listed with the county assessor. The enforcement officer shall also in all cases ensure that the same notice is posted in a conspicuous place near or at the front door **or at the primary access** of the property in question.
2. Service of a notice by the above methods shall be effective on the date of personal service or five calendar days after posting of any mail. The failure of an eligible party to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this enforcement code.

SECTION 16. 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.

DRAFT

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2026.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2026.

Vote:

Ayes:

Nays:

Absent:

Clara Andriola, Chair
County Commission

ATTEST:

Jan Galassini, County Clerk

This ordinance shall be in force and effect from and after the
27th day of the month of November of the year 2026.