

DRAFT: May 10, 2022

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

UNDERLINE TEXT: NEW LANGUAGE

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

Summary: AMENDS WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 319, SHORT TERM RENTALS (STRs).

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending Washoe County Code Chapter 110 (Development Code), Article 319, Short Term Rentals (STRs) by amending various sections in order to: (1) change the requirements for processing a tier 3 STR application from an administrative permit approved by the Board of Adjustment to a special use permit approved by the Planning Commission; (2) exclude overflow parking spaces in condominium or multi-family complexes in the calculation of required parking spaces; (3) require the STR property owner(s)' notarized certification to include an attestation that the subject STR property is covered by insurance that provides for a minimum of \$500,000 liability coverage per occurrence; (4) repeal the requirement to submit a certificate of insurance; (5) provide that a bear box is required in the Incline Village General Improvement District's service territory following two confirmed trash violations; (6) modify the maximum occupancy calculation from one occupant for every 200 square feet of habitable space to two (2) occupants for each legally permitted bedroom, with the remainder of the home (excluding bedrooms) calculated as one occupant for every 200 square feet of habitable space; and all matters necessarily connected therewith and pertaining thereto.

DRAFT: May 10, 2022

WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 110 (Development Code), Article 319, Short-Term Rentals, in order to change the requirements for a tier 3 STR from an administrative permit approved by the Board of Adjustment to a special use permit approved by the Planning Commission; exclude the use of overflow parking spaces in condominium or multi-family complexes in the calculation of required parking spaces; require the STR property owners' notarized certification to include an attestation that the subject STR property is covered by insurance that provides for a minimum of \$500,000 liability coverage per occurrence; repeal the requirement to submit a certificate of insurance; add the requirement for a bear box in the Incline Village General Improvement District's service territory following two confirmed trash violations; and change the calculation for determining maximum occupancy limits;
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code), Article 319, by Resolution Number 22-05 on March 1, 2022;
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA22-0001 on March 1, 2022, and adopted Resolution Number 22-05 recommending adoption of this ordinance;
- 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.

DRAFT: May 10, 2022

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

SECTION 1. The Washoe County Code Chapter 110 (Development Code, Article 319, Short-Term Rentals, is hereby amended as follows:

Article 319

SHORT-TERM RENTALS (STRs)

Sections:

110.319.00	Purpose
110.319.05	Applicability
110.319.10	Requirements for Application
110.319.15	Standards
110.319.20	Safety Standards
110.319.25	Permit Fees
110.319.30	Enforcement
110.319.35	Inspections and Self-Certifications
110.319.40	Permit Revocation
110.319.45	Duties of Hosting Platforms
110.319.50	Restrictions During a Declared Emergency

Section 110.319.00 Purpose. The purpose of Article 319, *Short-Term Rentals*, is to allow for the inclusion of short-term rentals (STRs) in legally permitted homes within unincorporated areas of Washoe County. The purpose is also to establish standards and a permitting process governing the operation of STRs in order to reduce their potential impacts on neighboring properties. At higher thresholds, such as with Tier 2 and Tier 3 STRs as defined in Section 110.304.15(d), STRs may require additional mitigation. At the highest thresholds, such as with Tier 3 STRs, their anticipated impacts cause them to only be appropriate in areas where hotels and motels are allowed. Enforcement and revocation policies are intended to ensure that mechanisms are in place to allow for streamlined revocation of an STR permit when standards are repeatedly violated, and/or to levy stringent fines when an STR operates without the appropriate permits.

Section 110.319.05 Applicability. The provisions of this article shall apply to uses classified as short-term rentals in Article 304, *Use Classification System*. Standards within this article are applicable to properties advertising for an STR, permitted for an STR, and/or proven to be engaging in STR activity, regardless of whether occupants at any given time have entered into an STR lease. If a property ceases to operate as an STR, removes any advertisement of the STR, and relinquishes the STR permit, then the property shall revert to the applicable residential use type.

- (a) Within the Boundaries of the Tahoe Area Plan. This sub-section becomes applicable upon adoption of an updated Tahoe Area Plan that replaces existing regulatory zones with alternative designations. Prior to adoption of alternative regulatory zones for the Tahoe planning area, the provisions of subsection (b) below will apply.

DRAFT: May 10, 2022

- (1) Tier 1. Tier 1 STRs are considered an allowed use, subject to the issuance of an STR Permit, in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)
 - (2) Tier 2. Tier 2 STRs are permitted subject to the issuance of an STR Permit with Administrative Review Permit in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)
 - (3) Tier 3. Tier 3 STRs are permitted subject to the issuance of an STR Permit with ~~Administrative Permit~~ **Special Use Permit approved by the Planning Commission** in all regulatory zones where Hotels, Motels and Other Transient Dwelling Units use types are permitted (allowed by right or otherwise.)
- (b) Outside the Boundaries of the Tahoe Area Plan. STRs are allowed or permitted in those regulatory zones as set forth in Article 302, *Allowed Uses*, with all STRs requiring an STR permit, and Tier 2 and Tier 3 STRs also requiring an additional discretionary permit as identified within Article 302. The provisions for STRs in Article 302 should not be construed to supersede the zoning or permitting requirements or restrictions by Washoe County or other agencies for the construction of a dwelling in any regulatory zone.

Section 110.319.10 Requirements for Application. All applications for STR permits shall include the following elements:

- (a) Application and supplemental materials as required by the Washoe County Planning and Building Division;
- (b) Accurately scaled and dimensioned site plan showing, at a minimum: location of property lines; dwelling unit(s) and all other structures on the property; dedicated locations and surface material of required parking spaces; all recorded easements; and, snow storage areas (for properties located within the boundaries of the Tahoe Area Plan);
- (c) Accurately scaled floor plan showing entirety of dwelling, including areas proposed to be available for STR use. Each room must be labeled, with dimensions and square footage also provided for areas/rooms proposed to be used for sleeping purposes. The floor plan must also show locations of fire extinguishers, smoke alarms, carbon monoxide (CO) alarms, hot tubs (if applicable), decks (if applicable), and ingress/egress (doors, stairs and windows) from the dwelling and each room;
- (d) For STRs within multi-unit developments, the application must include evidence of the number (and location, if applicable) of parking spaces allocated to the unit. **Where parking spaces are unassigned, overflow parking will not count toward the required number of parking spaces;**
- (e) Educational materials required by Section 110.319.15(a)(14), and the name, phone number (text-capable) and email address of the local responsible party designated to respond to issues/complaints on the property as required by Section 110.319.15(a)(3);
- (f) Proof of property tax payment for current quarter of current fiscal year;
- (g) Transient lodging tax license number issued by the Reno-Sparks Convention and Visitors Authority (RSCVA); and
- (h) A notarized certification from the property owner(s) that acknowledges or attests to the following:

DRAFT: May 10, 2022

- (1) An STR permit is deemed a privileged permit subject to revocation without action by the Board of County Commissioners (BCC) for non-payment of fees or noncompliance with required standards, including the revocation standards within Section 110.319.40.
 - (2) An STR permit must be renewed and issued annually in order to advertise or operate. Property owners should be aware that standards are subject to change over time and there is no guarantee that an STR permit will be re-issued.
 - (3) An STR permit does not relieve the property owner of complying with any applicable private restrictions on the property such as CC&Rs or homeowners association rules.
 - (4) Per Section 110.319.35, Physical inspections must be passed prior to issuance of the initial STR permit. Thereafter, a self-certification checklist may be provided for annual renewals provided the requirements of Section 110.319.35 are met. The cost of inspections and any necessary associated improvements will be borne by the property owner. It is the responsibility of the property owner to provide sufficient evidence that the applicable standards have been met.
 - (5) The property owner has reviewed this article and other codes referenced within this article, understands the requirements and agrees to abide by them.
 - (6) The property owner is responsible for each occupant's compliance with the Washoe County Code while they are on the property, including but not limited to the standards within this article.
 - (7) There are no delinquent transient lodging tax liabilities or liens against the property.
 - (8) No alterations will be made to the STR premises without the proper approvals and permits, nor alterations that violate Washoe County adopted codes and ordinances.
 - (9) **That insurance for the STR property has been obtained that provides a minimum of \$500,000 liability coverage per occurrence.**
- (i) Additional submittal information may be required in order to ensure complete review of the STR permit application.

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

DRAFT: May 10, 2022

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.
- (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.
- (6) Only one STR will be permitted per parcel, with the exception that a second STR may be allowed 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).
- (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) An appropriate Certificate of Insurance is required for the STR property that provides a minimum of \$500,000 liability coverage per occurrence.~~
- (13) 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).

DRAFT: May 10, 2022

- (14) All STRs must comply with all other federal, state, and other applicable laws/statutes.
 - (15) 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.
- (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.
 - (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.

DRAFT: May 10, 2022

- (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.**
- ~~(4) Waste carts shall only be placed street side during the timeframes stipulated by the local authority or waste service provider.~~
- (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:
 - ~~(1) The occupant load shall be calculated as one 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.~~
 - (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 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:

DRAFT: May 10, 2022

- (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.
 - (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.

DRAFT: May 10, 2022

- (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 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. 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.

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.

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

DRAFT: May 10, 2022

(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.

- (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).
- (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 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.

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

DRAFT: May 10, 2022

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 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 the same 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,
 - (3) Unauthorized/unpermitted alteration of required life safety elements.
- (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

DRAFT: May 10, 2022

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 110.319.45 Duties of Hosting Platforms. By adoption of this Article, Washoe County invokes all powers provided to it by NRS 244.1545 in its entirety. This includes, but is not limited to, a requirement for the provision of quarterly reports by STR hosting platforms to Washoe County, and authority for Washoe County to issue and enforce subpoenas as identified within the statute.

Section 110.319.50 Restrictions During a Declared Emergency. STRs are subject to all lawful orders of the Governor of Nevada during a declared emergency and to all powers granted by law to the local governmental entities. For example, and to the extent allowed by law, this may include but is not limited to additional operating restrictions or the requirement to cease operations until such time as the order is lifted.

SECTION 2. 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: May 10, 2022

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2022.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2022.

Vote:

Ayes:

Nays:

Absent:

Vaughn Hartung, Chair
Washoe County Commission

ATTEST:

Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the
20th day of the month of May of the year 2022.