



# DOUGLAS COUNTY VHR Certification Program Part Six (Violations and Penalties)

[www.douglascountynv.gov/vacationhomerentals](http://www.douglascountynv.gov/vacationhomerentals)







# Violations and Penalties

Vacation Home Rentals in  
Douglas County





# PURPOSE

This course material was prepared to help owners, property managers and their responsible designees to become Certified Local Contacts for the Vacation Home Rentals they own and operate. This course will provide information on the following:

- Part One- History of VHRs in Douglas County, General Requirements
- Part Two- Permitting Requirements
- Part Three- Operating Requirements
- Part Four- Best Practice Recommendations
- Part Five- Responding to Complaints
- **Part Six- Violations and Penalties.**



# Violations and Penalties

## An Overview

Included in this part of the VHR Certification course is an overview of violations and penalties associated with VHRs. This section of the training covers:

- Violations, an overview
- Fines for violations
- Reasons a permit may be revoked or suspended
- Appeals





# **LOCAL CONTACT RESPONSIBILITIES**

## **IMPORTANT REMINDER**

Use your best efforts to ensure that the occupants or guest of the VHR do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of County Code, or State Law pertaining to noise and disorderly conduct by notifying the occupant of the rules and responding when notified of a complaint.

**DO NOT** put yourself in danger. It is not intended for you to act as a Peace Officer or place yourself in harms way. Call the VHR hotline (775) 783-6027 if you need assistance. Call the Dispatch Non Emergency line (775) 782-5126 to request assistance from the Sheriff's Office. In an emergency call 911.

**Please note a call for safe intervention will not count as a call-out for the purposes of permit suspension or revocation if justified.**





Being a local contact means you are a required part of the solution. You should use your best efforts to respond to complaints, but be safe.

The success of the Douglas County VHR Program is heavily reliant on informed, responsible certified local contacts.

# VIOLATIONS

## An Overview

- The Director of Community Development or his designee (Douglas County Code Enforcement) is responsible for enforcing Douglas County Code as it pertains to VHRs.
- Anyone who violates any provision of the VHR ordinance, Nevada Law or any other portion of Douglas County Code may subject the owner to fines and penalties.
- Enforcement actions may be brought against owners of a vacation home rental for violations of the VHR ordinance, County Code or Nevada Law as a result of actions by the owner, the owner's agents or those occupying the VHR.



# VIOLATIONS

## An Overview (continued)

- Failure to respond to a written notice of violation within the time frame identified or to timely submit a written appeal to the VHR Advisory Board, will result in the automatic suspension of the permit and require the owner to reapply for a permit. Therefore, it is incumbent on the owner of property to update their contact information and ensure that responses to queries and enforcement actions are prompt.
- Failure to correct the violation within the time identified in the written notice, or failure to remit the penalties imposed by Douglas County within a ten (10) day period, will result in an automatic revocation of the permit unless the matter is appealed to the VHR Advisory Board within the required ten (10) day period.
- If there is an open building permit submitted by the property owner, or when necessary to protect life, property or safety, the Director may immediately suspend a permit for up to ninety (90) days or until such time that the unsafe condition(s) have been corrected, whichever is later. During a suspension period no rentals may occur and in the event this provision is violated, a fine of up to ten thousand dollar (\$10,000) fine may be imposed in the same manner as if the owner was operating an unpermitted rental.



## **OPERATING WITHOUT A PERMIT**

### **IMPORTANT REMINDER**

The owners of any property being advertised and/or operated as an unpermitted vacation home rental located anywhere within Douglas County in violation Douglas County Code and the Nevada Revised Statutes may be subject to a civil penalty of **up to \$20,000**. The County may also seek an injunction and/or any other legal relief for violation(s) of this Chapter code, including, but not limited to, the collection of delinquent tax payments and criminal penalties.







The owner may be guilty of a separate civil and criminal offense for each and every day during any portion of which any violation is committed, continued or permitted under DCC Code Chapters 20.622 and 1.08.

## FINES FOR VIOLATIONS (after permit is issued)

DCC 20.622.050 (F) Douglas County may institute a fine of up to \$1,000 per day per violation.

- In addition, each day that the owner of a vacation home rental fails to correct a violation after the date given in the violation notice may be subject to a civil penalty of up to \$1,000 per day per violation which may continue until the violation(s) are corrected.
- The cumulative amount of the civil penalty shall not exceed the fair market value of the home as determined by the Douglas County Assessor in the most recent tax year's assessment.
- Fines shall begin to accrue automatically from the date specified in the first Notice of Violation and shall continue until the violation is corrected.
- The Director of Community Development may waive all or a portion of any fine upon a specific showing of good cause.

# REASONS A PERMIT MAY BE REVOKED OR SUSPENDED

DCC 20.622.050 (I) The following conduct is a violation for which the permit shall be revoked:

- The owner has failed to comply with any requirement of Douglas County Code or federal or state law;
- The owner has failed to comply with additional conditions imposed as by the Director of Community Development;
- The owner has failed to either collect or remit to the County the transient occupancy and lodging taxes and monthly rental reports;
- Any false or misleading information supplied in the application process;
- The permit number and number of parking stalls was not included in all forms of advertisement;
- The maximum occupancy was not included in all forms of advertisement, or the occupancy was stated incorrectly;
- The placement and maximum number of vehicles permitted on-site is not identified;
- The required bear information flyer and bear box instructions are not provided; and
- For other grounds not specified in code which may warrant suspension or revocation of the permit such as unlawful conduct, lewd behavior or other such reasonable grounds.





## REASONS A PERMIT MAY BE REVOKED OR SUSPENDED

### IMPORTANT NOTICE

If any owner exceeds **three (3) substantiated violations** of this chapter in any given year (coinciding with the date of the issuance of the permit), this **may result in the possible revocation of the VHR permit.**

Furthermore, failing to correct any health and safety concern within the time specified by Douglas County may also result in the revocation of a VHR permit.

Information provided by members of the public including, but not limited to, signed declarations, photos, and video and noise monitoring recordings may constitute proof of a violation.



# Excessive Noise

After two complaints for excessive noise that Douglas County finds are reasonable and credible, the owner may be required to install noise monitors and other security devices such as video recorders in numbers and locations designated by Douglas County.





# RIGHT TO APPEAL

Any VHR owner issued a notice of violation shall have the right to appeal to the VHR Advisory Board.



The filing of a notice of appeal shall stay all proceedings for the correction of the violation, abatement of a nuisance, or the imposition of any fine until the final disposition of the appeal. This stay provision does not apply to any possible new violations nor does it stay the imposition of any fine or penalty for the operation of a VHR without a valid permit or the failure to pay required taxes.

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



# APPEAL PROCESS

A notice of appeal must be filed with the Community Development Department within ten (10) calendar days of the date the first notice of violation was mailed and/or served on the property owner or other responsible party and the appeal must:

- Be submitted in writing;
- Include a copy of the notice of violation and a statement that the person wishes to appeal;
- Contain the person's full name, mailing address, email, and phone number, legibly printed or typed, and any notice or communication thereafter sent to them at such address shall be conclusively presumed to have been received unless the person has given the department written notice of any change;
- Contain a statement setting forth in detail the reasons the person contends that condition of the property does not constitute a nuisance and/or violation of Douglas County Code, and/or why the imposition of civil penalties is not appropriate; and
- The party requesting a hearing shall be required to deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.





# APPEAL PROCESS (continued)

The **appellant** shall be accorded the opportunity to provide evidence or a statement in opposition to the notice of violation; and shall be provided an opportunity to cross-examine any witness presenting testimony.

The **County** shall be accorded the opportunity to present any evidence, argument or statement in support of the Notice of Violation; and shall be provided the opportunity to cross-examine any witness presenting such testimony.



# APPEAL DECISION

Upon a final disposition ordering correction of the violation and/or abatement of a nuisance, and unless another period for compliance is provided in the decision, the person responsible for correction and/or abatement shall have a period equal to that specified in the original notice, commencing from the date of the final disposition, in which to correct the violation and/or abate the nuisance prior to further action by the County.

The department shall provide a written final disposition of the appeal to the owner within three (3) working days of the appeal hearing by the Board.

The advisory board shall adopt “factual findings and conclusions” supporting a decision which either:

1. Affirms the notice of violation as issued;
2. Modifies the notice of violation, including any fines or penalties; or
3. Rescinds the notice of violation, including any fines or penalties.






# You are ready for **THE EXAM!** **THANK YOU** for learning the code.

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 **CODE ENFORCEMENT**

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