IMPORTANT: This draft document contains proposed changes (in purple) related to the enforcement of short-term rental standards only. To review proposed changes to Chapters 110 and 125, please visit www.washoecounty.us/str.

CHAPTER 50

PUBLIC PEACE, SAFETY AND MORALS

Nuisance Code

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Nuisance Code

50.300 Short Title. Sections 50.300 to 50.310, inclusive, shall be known and may be referred to as the "Nuisance Code." The Washoe County Code shall be known and may be referred to as the "Code."
['3, Ord. No. 1426]

50.302 Purpose and Scope. The board of county commissioners determines and declares that an important public purpose and need exist for its neighborhoods and community, including property, buildings and environment, to be kept in a safe and clean condition for the enhancement and maintenance of quality neighborhoods and positive social and economic conditions in the community. This Nuisance Code is intended to protect the health, safety and welfare of the citizens of unincorporated Washoe County, and, except as otherwise provided in this Nuisance Code, it shall apply to all property, buildings and premises within unincorporated Washoe County, as well as within the cities of Reno and Sparks as it pertains to animal control pursuant to the related interlocal agreement, without regard to use, the date of construction or alteration. All property owners and occupants thereof are required to maintain such property in accordance with state law, the Code and this Nuisance Code.
['4, Ord. No. 1426]

50.304 Definitions. As used in sections 50.300 to 50.310, inclusive, the following words and phrases shall be construed to have the following meanings:
1. "Animal." Every living creature not a member of the human race.

2. "Attractive nuisance." Any property, structure, premises, instrument, equipment or vehicle that is in such an unsafe and unprotected state as to constitute an attraction to children or vagrants, criminals or other unauthorized persons to their risk of injury or unlawful conduct.

3. "Blight." Conditions that substantially impair the livability of or community appearance of, or the safe, social or economic conditions of, the surrounding neighborhood or county community as stated in NRS 279.388, as amended. Such conditions include, without limitation, the accumulation of debris-refuse- rubbish; broken, rotting, crumbling, cracking or rusting fencing; broken windows; landscaping that is dead or dying, or exhibits uncontrolled growth; and any other similar conditions of disrepair and deterioration.

4. "Criminal gang." As defined at NRS 193.168, as amended and includes any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

(a) Has a common name or identifying symbol;

(b) Has particular conduct, status and customs indicative of it; and

(c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.

5. "Dangerous condition or structure." A condition or structure that may injure or endanger the health, life, property or safety of the general public or the occupants of the property on which the condition or structure is located.

This phrase includes, without limitation, a condition or structure that violates any rule, regulation, ordinance or code regulating health and safety enacted, adopted or passed by the board of county commissioners, including without limitation any rule, regulation, ordinance, or code adopted pursuant to NRS 244.3675, as amended concerning minimum levels of health or safety, the violation of which is designated as a nuisance in the rule, regulation, ordinance, or code.

6. "Debris-refuse-rubbish." Material that is discarded, worn out or cast off without regard to value; and is of a non- decaying nature, or is capable of decomposition to a putrid state, or is of solid or semi-solid wastes. Examples are: animal carcasses; accumulation of excrement; leaves; trimmings from brush, lawns, trees, gardens or shrubbery; weeds; dead trees and branches; piles of earth mixed with any of the matter set forth in this definition; manure; paper; trash; cardboard; metal; wood; glass; crockery; bedding; scrap; appliances; furniture; equipment; parts;

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junk vehicles; construction waste.

7. "Enforcement official." The sheriff, fire chief(s) and district health officer or their authorized designees, as well as inspectors or other code enforcement officers in the county departments of community development, building and safety, regional parks and open space, public works, and water resources, as well as animal control officers and any Washoe County employee possessing citation powers pursuant to NRS 171.17751, as amended.

8. "Garbage." Putrescible animal and vegetable waste resulting from the handling, storage, preparation, cooking, and sale and serving of food and beverage.

Examples are: offal; swill; kitchen and table waste; organic animal and vegetable waste; bottles, cans, cups, plates, utensils, or containers that have been in intimate contact with food, confection, or beverage; and, any component used in the preparation or manufacture of matter intended for animal or human consumption.

9. "Graffiti." Any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on public or private property, real or personal, which defaces such property.

10. "Hazardous waste." As defined at NRS 459.430, as amended, means any waste or combination of wastes, including, without limitation, solids, semisolids, liquids or contained gases, except household waste, which:

(a) Because of its quantity or concentration or its physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or

(2) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.

(b) Is identified as hazardous by the Washoe County Department of District Health as a result of studies undertaken for the purpose of identifying hazardous wastes.

The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

11. "Junk vehicle." A street-legal or non-highway vehicle, including component parts, which is ruined, dismantled or inoperable for any reason, or otherwise unused for its original purpose; or, a street-legal vehicle that does not possess a current, valid vehicle registration.

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12. "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" or "moped" as defined in NRS Chapter 482, as amended.

13. "Obstruction." The prevention of travel across or along the pathway of any public road by, among other things, constructing gates, closing gates, signage or any other impediment limiting the public use of the public road.

14. "Off-road vehicle." Any motorized vehicle, including a motorcycle, designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

15. "Pollutant." As defined at NRS 445A.400, as amended and includes:

(a) Dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(b) Pollutant does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either for facilitating production or for disposal purposes and if the Washoe County Department of District Health determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(c) Further, pollutant does not mean water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources if the Washoe County Department of District Health determines that the injection or stimulation will not result in the degradation of ground or surface water resources.

16. "Public road." A road adjudicated public by any court of competent jurisdiction within the State of Nevada, or a road established public pursuant to NRS 405.195, as amended, or a road dedicated to and accepted by a governmental agency, or a road defined as set forth at NRS 405.191, as amended.

17. "Public view." Plainly visible from the public right-of- way, or from any regularly used location on public or private property. Items enclosed and visually obscured within a structure, or within a lawful screen are not considered to be in public view.

18. "Residential foreclosure". The sale of a single family residence pursuant to NRS 40.430, as amended.

19. "Solid waste." All putrescible and nonputrescible

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refuse in solid or semisolid form. The term does not include hazardous waste.

20. "Screen." To provide physical separation and visual obscuration of one area from another on all sides and in all seasons. Such separation must be at least 6 feet high and includes, but is not limited to, the combination or individual use of a fence, decorative wall, structure, earth berm or dense landscaping.

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

~~20.~~22. "Structure."That which is built or constructed, or an edifice or building of any kind or any piece of work that is man-made or composed of parts joined together in some definite manner.

~~21.~~23. "Vehicle."Any self-propelled instrument of conveyance designed primarily for the transportation of persons or goods.

(a) "Street-legal Vehicle". Any instrument of conveyance which can be lawfully licensed or registered for use on public highways, streets, roads, or other public ways.

Examples include, but are not limited to, automobiles, trucks, vans, trailers, motor homes or recreational vehicles, campers, motorcycles, and mopeds.

(b) "Non-highway Vehicle". Any instrument of conveyance or off-road vehicle which cannot be lawfully licensed or registered for use on public highways, streets, roads, or other public ways. Examples include, but are not limited to, dune buggies, all terrain vehicles, snowmobiles, boats, and personal water craft.

~~22.~~24. "Welfare."The public's well-being in any respect including matters of health, peace, safety, order, and morals.

['5, Ord. No. 1426]

50.306 Unlawful Acts And Enforcement. It shall be unlawful to maintain, or permit to be maintained, the nuisances described in this Nuisance Code, as well those matters described in the Washoe County Code as a "public nuisance", within the unincorporated area of Washoe County. It shall also be unlawful to maintain, or permit to be maintained, on any

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property within the cities of Reno and Sparks, pursuant to the related interlocal agreement, the animal nuisances described in this Nuisance Code and in the Washoe County Code. Any violation cited by an enforcement official pursuant to this Nuisance Code or Washoe County Code Chapter 125, as amended, shall be subject to the remedies and enforcement provisions of the Codes. The enforcement official must not issue notices of violation or citations in a field of enforcement in which the official is not employed, but in the event this occurs it alone shall not serve to invalidate the notice or citation.
['6, Ord. No. 1426]

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

1. The existence of any dangerous condition or structure, or any property in a condition adverse or detrimental to public health, safety, or general welfare. A Short-Term Rental (STR) operated without the required permit shall be deemed a public nuisance due to the potential nuisance impacts related to parking, garbage, noise, and higher occupancy, and by the danger posed to surrounding properties created by an unpermitted use that has not passed required inspections for public health, safety, or general welfare standards applicable to STRs. In addition, per WCC 110.910.10(b), any property or structure that does not conform to the provisions of an applicable development regulation shall be and is hereby declared to be a public nuisance.
2. Maintenance of property, or any structure, in such a state of disrepair or deterioration that could:
   (a) cause harm to persons, or
   (b) cause damage to property or improvements in the immediate vicinity, or
   (c) cause or contribute to blight and cause a substantial reduction of economic value of neighboring properties.
3. Structures that have been partially constructed and have not made substantial progress towards completion for a period of six months or longer, or structures that have been partially destroyed or demolished by fire or other causes and remain in such a state for a period of six months or longer.
4. Property having adjacent sidewalks, parkways, and/or alleys that are not maintained in a safe and sanitary condition, including, but not limited to, trash, weeds, oil, or similar conditions that interfere with their use.

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5. Any vegetation, equipment or structure that may endanger in any manner the security or safe use of, or any access to, any street, utility line, sewer or public improved place.

6. The existence of debris-refuse-rubbish or garbage that could cause harm to persons, or be materially detrimental to property or improvements in the immediate vicinity, or could cause appreciable diminution of property values in the immediate vicinity, or contribute to blight and appreciable diminution of the use, enjoyment, or aesthetic value of property or improvements in the immediate vicinity, or could become a harborage for rodents or other vermin, an attractive nuisance, a fire hazard, or in any other way detrimental to public health, safety, or welfare. Large, remote lands in their natural state, and difficult to service with large machinery due to terrain and governmental regulations, are exempt unless an actual and probable danger exists.

7. The existence of any of the following on the exterior of the property of a residential foreclosure:

(a) Excessive foliage growth which diminishes the value of the property or of surrounding properties;

(b) Trespassers remaining on the property;

(c) Mosquito larvae growing in standing water; and,

(d) Any other condition that creates a nuisance as provided in this Nuisance Code.

Any enforcement of this section must be consistent with the provisions concerning residential foreclosures within NRS Chapter 40, as amended.

8. Outdoor storage of any building materials, appliances, debris-refuse-rubbish, junk vehicles, or garbage in public view except as otherwise permitted by this Nuisance Code or as otherwise authorized pursuant to Code Chapter 110, Article 306,as amended.

(a) Junk vehicles used in a properly licensed business of, and located on that business's private property owned by, vehicle storage, licensed vehicle dealers, manufacturers, distributors, repair shops, rebuilders of vehicles, or automobile wreckers as set forth in NRS Chapter 487, as amended are exempt from this section.

(b) Junk vehicles authorized for display by county permit are exempt from this section.

9. Structures used for the unlawful manufacture or distribution of controlled substances as defined in and regulated pursuant to NRS Chapter 453, as amended.

10. A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang.

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Any enforcement of this section must be consistent with the provisions concerning criminal gangs within NRS Chapter 244, as amended.

11. Attractive nuisances, except as otherwise provided in NRS 40.140, as amended, concerning agricultural activity and shooting ranges.

12. Land that has been altered so as to cause or contribute to erosion, subsidence, or surface water drainage impacting public or private property.

13. The grading of land in any manner except as authorized pursuant to Code Chapter 110, Article 438, as amended. The grading of land incidental to the use of land for existing farming activities is exempt from this section.

14. The discharge of pollutants into receiving waters or into the county's stormwater management system.

15. The existence of hazardous waste in a manner not consistent with applicable county, state or federal regulations.

16. Obstruction of a public road or recorded public trails.

17. The operation of a motorcycle or an off-road vehicle on public or private land within 1,000 feet of any residence owned or occupied by another unless for:

(a) purposes of ingress onto or egress from the operator's property, or

(b) traditional use for property maintenance or on property actively used primarily for farming, or

(c) operation of a lawful vehicle on public streets and highways, or

(d) the official business of the military, fire, emergency or law enforcement.

18. With the exception of pre-existing agricultural activities pursuant to NRS 40.140, as amended, the keeping, harboring or owning any animal that by making loud and frequent sounds causes annoyance to, or disturbance of the peace or comfort of, the neighborhood or a reasonable person of normal sensitivities in the vicinity, applicable as well to all property located within the cities of Reno and Sparks pursuant to the related interlocal agreement.

19. Any animal, except domestic cats, found off the real property of or not under the control of its owner or other person responsible for it within the congested areas as established in Code Chapter 55, as amended. This nuisance shall also apply to all property located within the cities of Reno and Sparks pursuant to the related interlocal agreement.

20. Parking in or obstructing an officially designated fire lane or fire hydrant.

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21. Marking, etching, scratching, drawing, or painting graffiti, the abatement of which may also be conducted pursuant to Code 50.270, as amended.

['7, Ord. No. 1426]

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