

## Changes for the Record – Item 78

### 7.100.200 Powers of the County

#### (a) Emergency Powers.

- (1) Any department, board or agency of the County may take immediate action when necessary to address emergencies or urgent complaints regarding public peace, health, safety, order or welfare, without first notifying the licensee, local representative, or property owner, and without first issuing a written notice of violation or citation.
  - (2) Emergency Suspension or Limitation of License by the Department. In an emergency, the Department may issue a written order for immediate suspension or limitation of a Short-Term Rental License issued pursuant to this Chapter. The emergency order shall state the reason for suspension or limitation and shall afford the licensee a hearing before the hearing officer, who after a hearing, may suspend the license for specific time or until compliance with a specific requirement has been accomplished, or may condition, restrict or revoke the license.
  - (3) Emergency Suspension of License by the Sheriff. The Sheriff or the authorized designee of the Sheriff, in an emergency, for cause, or upon code violation of specific acts which endanger the public welfare; and finding that such suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order or public welfare, may suspend any Short-Term Rental License for a period not to exceed eight consecutive hours. The emergency order shall state the reason for suspension or limitation and shall afford the licensee a hearing before the hearing officer, who after a hearing, may suspend the license for specific time or until compliance with a specific requirement has been accomplished, or may condition, restrict or revoke the license.
- (b) Random Inspections. To ensure compliance with this code and to provide for the public peace, health, safety, order, and welfare, the Department shall have the power and authority to at any time require an inspection of a Short-Term Rental Unit by the comprehensive planning department, building department, fire department, health district, department of environment and sustainability, code enforcement, and/or other local department or agency. The inspecting department or agency shall forward the results of the inspection, along with any applicable evidence supporting the inspection results, to the Department within ten (10) days after the request for inspection is received from the department.
- (c) Records and Audits of Records. For the purpose of ascertaining compliance with this Code, including but not limited to the payment of licensing fees, transient lodging

taxes, solid waste collection charges, and all fines, fees, or costs imposed for any violation of this Chapter, the Department may:

- (1) demand that the licensee produce or make available all records required by this Chapter during normal business hours or at a location within the County; and,
- (2) conduct an audit of the financial statements and operations of the business.

The information received from the licensee under the provisions of this section shall be deemed confidential and available only to those county officials concerned in such matters.

(d) Subpoena Power. Any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance may issue subpoenas for the production of documents, records or materials relevant for determining whether a residential unit or a room within such a residential unit in Clark County has been rented in violation of any law of this State or of the Clark County Code.

(1) The subpoena may be issued only if:

(I) There is evidence sufficient to support a reasonable belief that a residential unit or a room within such a residential unit in Clark County has been rented or is being rented in violation of any law of this State or of the Clark County Code; and,

(II) The subpoena identifies the rental alleged to be in violation of any law of the State or of the Clark County Code, and the provision of law or code allegedly violated.

(2) A subpoena issued pursuant to this Chapter must be mailed by regular and certified mail to the licensee or person who was required to file a monthly report regarding the rental pursuant to the Clark County Code.

(3) Upon receipt of the subpoena, the recipient must:

~~(I) provide notice of the subpoena to the user of the licensee who provided the rental identified in the subpoena within seven (7) days of the date of mailing;~~

~~(II) produce any subpoenaed books, papers or documents not later than twenty-one (21) days after providing the notice to the user required by this Section, unless otherwise ordered by a court.~~

(4) If a person to whom a subpoena has been issued pursuant to this Chapter refuses to produce any document, record or material that the subpoena requires, the District Attorney may apply to the district court for the enforcement of a subpoena in a civil action.