

PROPOSED FIRST AMENDMENT

BILL NO. 2013-51

ORDINANCE NO. _____

AN ORDINANCE RELATING TO SHORT-TERM RESIDENTIAL RENTALS; ESTABLISHING LICENSING REQUIREMENTS AND REGULATIONS, AS WELL AS UPDATED ZONING REGULATIONS, PERTAINING THERETO; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lois Tarkanian

Summary: Establishes licensing requirements and regulations, as well as updated zoning regulations, pertaining to short-term residential rentals.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 75 and consisting of Sections 10 to 120, inclusive, reading as follows:

6.75.010: "Commercial vehicle" means a vehicle customarily used as part of a business for the transportation of goods or people.

"Daytime" means the period of time between 9:00 AM and 10:00 PM on a given day.

"Nighttime" means the period of time between 10:00 PM on one day and 9:00 AM on the next succeeding day.

"Operator" means any person who owns, leases, controls, manages or operates a short-term residential rental unit or property.

"Short-term residential rental" means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or ~~sleep~~ *sleeping* purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days. The term does not include a "community residence," "facility for transitional living for released offenders," or any other facility with dwelling units that is specifically defined in LVMC Chapter 19.18.

6.75.020: (A) No person shall engage in the business of offering or operating a short-term

Submitted At Meeting

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1 residential rental without first obtaining and thereafter maintaining a valid unexpired license pursuant
2 to this Chapter for each short-term residential rental unit. Where there are multiple units on the same
3 property, each unit must be licensed individually.

4 (B) If a short-term residential unit is managed by a person other than the licensee
5 or a principal of the licensee for that unit, that person must possess a valid license from the *State of*
6 *Nevada and the City* to manage property.

7 **6.75.030:** The operator of a short-term residential rental unit shall pay, in advance, an annual fee
8 of five hundred dollars for each short-term residential rental unit.

9 **6.75.040:** Each application for a short-term residential rental license shall contain or include the
10 following information and documentation:

11 (A) The name, signature, address and telephone number of the owner of the
12 residential dwelling to be associated with the license.

13 (B) The name, address and telephone number of any property manager or property
14 management firm that will be operating the short-term residential rental.

15 (C) The name, address and telephone number (including a telephone number that
16 provides for communication twenty-four hours a day) of the local contact person who will respond
17 to complaints regarding the condition, operation, or conduct of the occupants of the short-term
18 residential rental unit.

19 (D) The address of the residential dwelling proposed to be used as a short-term
20 residential rental.

21 (E) The number of bedrooms, per the documentation listed with the Clark County
22 Assessor, and the applicable ~~overnight~~ *nighttime* and daytime occupancy limit of the residential
23 dwelling.

24 (F) If the proposed short-term residential rental unit is located within a gated
25 subdivision or controlled-access building that is governed by an owners' association, a letter or other
26 documentation from the association acknowledging the proposed use and, if necessary, granting access
27 to occupants of the proposed rental unit.

28 **6.75.050:** In connection with the issuance of a license, the Director may impose on the license

(or upon the renewal thereof) reasonable conditions that are in addition to the requirements of this Chapter and that are designed to protect the public health, safety and welfare. *In the case of a short-term residential rental unit whose operator lives outside the State of Nevada, such conditions may include a requirement that the short-term residential rental be managed by a property manager or property management firm properly licensed for that activity by the State of Nevada and the City. In addition, at any time during a license period, the Director may impose such a requirement on a licensee whose short-term residential rental has been the subject of repeated complaints of violations of this Chapter.*

6.75.060: The operator of a *short-term* residential ~~short-term~~ rental shall comply with all provisions of LVMC Chapter 6.46 and 4.20 that pertain to the collection of room taxes by the operator of an establishment subject to those chapters, as well as the associated recordkeeping requirements. Without limiting the effect of the preceding sentence, the operator of a *short-term* residential ~~short-term~~ rental shall comply specifically with the following sections:

- 6.46.040
- 6.46.060
- 6.46.070
- 6.46.080
- 6.46.100
- 6.46.130
- 6.46.150
- 4.20.030
- 4.20.035
- 4.20.037
- 4.20.040
- 4.20.060
- 4.20.070
- 4.20.110
- 4.20.140

1 4.20.150

2 4.20.160

3 **6.75.070:** It is unlawful for an operator of an establishment governed by this Chapter to require
4 that any occupant of a short-term residential rental unit pay for a greater number of days than actually
5 occupied or requested by such occupant.

6 **6.75.080:** No person shall engage in the business of operating a short-term residential rental unit
7 without first obtaining and thereafter maintaining a valid unexpired public accommodations permit
8 from the Health District.

9 **6.75.090:** (A) An evacuation map and list of procedures shall be placed within each guest
10 room used for sleeping. Maps shall be of an engraved plastic material, with a minimum size of ten
11 inches by eight inches, and mounted in a horizontal position. The color of the text shall be contrasting
12 to the background. The maps shall have a "you are here" star with a directional arrow to the nearest
13 exit, and shall also indicate the location of all available fire extinguishers.

14 (B) At a minimum, there must be at least one fire extinguisher:

15 (1) In the kitchen area, located under the sink;

16 (2) In any garage, mounted on the wall no higher than 48" above the
17 finished floor; and

18 (3) Located on each floor level of the short-term residential rental unit, to
19 the extent not otherwise covered by Paragraphs (1) and (2) of this Subsection (B).

20 ➡ Each fire extinguisher shall have a current service tag from a State of Nevada Fire Marshal-certified
21 contractor.

22 (C) All sleeping rooms shall be equipped with smoke alarms and shall be installed
23 in accordance with applicable codes. A record of monthly testing and battery replacement shall be
24 available for verification by the Fire Prevention Division.

25 (D) Carbon monoxide alarms shall be installed in accordance with applicable codes.

26 **6.75.100:** (A) The operator shall post a copy of the license along with a copy of this Section
27 6.75.100 in a conspicuous place within the short-term residential rental unit.

28 (B) The maximum ~~overnight~~ nighttime occupancy of a short-term residential rental

unit shall be limited to a base of two persons per rental unit, plus an amount not to exceed two persons per bedroom in the unit. The total daytime occupancy of the unit shall be limited to a maximum of one and one-half times the ~~overnight~~ **nighttime** occupancy limit. In no case shall the total ~~overnight~~ **nighttime** occupancy exceed twelve persons per unit, regardless of the number of additional bedrooms that may be available in the unit. The following table summarizes the maximum occupancy limits:

Number of Bedrooms	Maximum Number of Overnight Nighttime Occupants	Number of Additional Daytime Occupants	Maximum Number of Daytime Occupants
0 (Studio)	2	1	3
1	4	2	6
2	6	3	9
3	8	4	12
4	10	5	15
5	12	6	18

(C) All occupant vehicles shall be parked on site, and shall not be parked in the adjacent public right-of-way. No commercial vehicles shall be permitted on the short-term residential rental unit property or parked in the adjacent public right-of-way, except where otherwise permitted in commercial zoning districts.

(D) Notwithstanding the provisions of LVMC Chapter 19.16, the use of any radio receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound shall take place only within an enclosed short-term residential rental unit. The property owner or operator of a short-term residential rental unit shall use reasonably prudent business practices to ensure that the occupants or guests of the rental unit do not create unreasonable noise or disturbances.

(E) The operator shall make available a local phone number that provides the capability of producing a response within one hour to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit. Failure of the operator to respond or provide for a response to the complainant within one hour shall constitute a violation of these regulations.

(F) A placard shall be displayed on the exterior of any short-term residential rental unit listing the 24-hour contact information for complaints regarding the operation or conduct of the

1 occupants of the unit. The placard shall be in plain view for the general public at all times the
2 short-term residential rental unit is occupied. The placard shall be a minimum of 8-1/2 inches by 11
3 inches in size, clearly depicting the 24-hour contact information. Contact information shall include
4 the full name and telephone number and must be in a minimum legible font of 72 point or a minimum
5 of 1-1/2 inches in height.

6 (G) Trash and refuse shall not be left or stored in public view, except in proper
7 containers for the purpose of collection in accordance with the requirements of Chapter 9.08. The
8 owner of the property or manager of the short-term residential rental unit shall be responsible for
9 notifying occupants of trash disposal procedures and for maintaining compliance with the
10 requirements of Chapter 9.08.

11 (H) *Consistent with and as a reflection of the definition of the term "short-term*
12 *residential rental" set forth in this Chapter, no short-term residential rental unit may be rented for*
13 *the purpose of holding weddings, parties, receptions or similar events that typically are held at a*
14 *banquet facility or other facility that is made available for the holding of events on a commercial*
15 *basis. Any use of the short-term residential rental unit is limited to activities that are incidental to*
16 *its use for dwelling, lodging or sleeping purposes.*

17 **6.75.110:** The operator must notify the Director of any change in property ownership or
18 management or any other material change in the information described in the license application and
19 set forth in LVMC 6.75.040. The notification must be made within fifteen days after the change has
20 occurred. The Director may require a new application if the changes warrant a new application.

21 **6.75.120:** In addition to any other remedy available for a violation of this Chapter, the Director
22 may suspend or revoke a license issued under this Chapter for the ~~fourth~~ *third* or subsequent violation
23 of this Chapter within any 24-month period. Such action is appealable to the City Council or the
24 Council's designee. *In addition, the renewal of a license or a new license may be denied if the*
25 *licensee or applicant has been found guilty of any provision of this Chapter or has been determined*
26 *to be in violation of any provision of this Chapter in connection with a civil proceeding.*

27 SECTION 2: Ordinance No. 6190 and the Unified Development Code adopted as Title
28 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set

1 forth in Sections 21 and 22 of this Ordinance. Each such amendment is deemed to be an amendment
2 to both Ordinance No. 6190 and the Unified Development Code adopted as Title 19.

3 SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the
4 entry for the use "Short-Term Residential Rental" to read as follows:

5 **Short-Term Residential Rental**

6 **Description:** The commercial use, or the making available for commercial use, of a residential
7 dwelling unit for dwelling, lodging or sleep purposes, wherein any individual guest rents or occupies
8 the unit for a period of less than 31 consecutive calendar days. This use does not include a
9 "Community Residence," "Facility for Transitional Living for Released Offenders," or any other
10 facility with dwelling units that is specifically defined in Chapter 19.18.

11 **Conditional Use Regulations:**

12 1. The operator must obtain a [permit from the Business Services Division] business license to
13 operate the use. [The use must be operated by either the property owner or a property manager who
14 holds a permit to engage in property management pursuant to NRS Chapter 645. For a use to be
15 operated by the property owner, a separate permit must be obtained for each rental. For a use to be
16 operated by a property manager, the permit shall be an annual permit, renewable annually at the
17 discretion of the Division, subject to the provisions of Condition Use Regulation 6. In each case the
18 operator shall pay such fee as the Division may establish for the permit. A copy of the permit,
19 including all conditions established or imposed pursuant to Conditional Use Regulation 4, shall be
20 posted in a conspicuous place within the rented premises.]

21 2. The use must comply on an ongoing basis with all governmental licensing and regulatory
22 requirements, including the payment of applicable room taxes and licensing fees. [However, a permit
23 issued under Conditional Use Regulation 1 shall be deemed to take the place of a license otherwise
24 required by LVMC 6.46.020.]

25 3. The use must comply with the City's noise regulations as they apply to residential uses.

26 4. [In connection with the issuance of a permit under Conditional Use Regulation 1, the Business
27 Services Division may establish additional conditions on the use, including without limitation a time
28 limit on outdoor activities and a limit on the number of occupants and guests that are on the premises

1 at any one time. In addition, at any time following issuance of the permit, the Division may impose
2 additional conditions on, or otherwise amend, the permit. The permit may be revoked or suspended
3 immediately for noncompliance with these regulations or with applicable permit conditions, at which
4 time the use permitted as a conditional use shall immediately cease.

5 5.] Vehicle parking associated with the use shall comply with applicable parking regulations, and
6 vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.

7 [6. The operator shall notify the Business Services Division of any change in the operator's telephone
8 number and other contact information. Any change in operator shall require the issuance of a new
9 permit.

10 7. The operator must be available at all times to respond to law enforcement authorities and to
11 concerns from neighborhood residents, and to take remedial action in the event of noncompliance with
12 law or with permit conditions.]

13 On-site Parking Requirement: No additional parking required.

14 SECTION 4: Title 19, Chapter 18, Section 20, is hereby amended by amending the
15 definition of the term "Short-Term Residential Rental" to read as follows:

16 **Short-Term Residential Rental.** The commercial use, or the making available for commercial use,
17 of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest
18 rents or occupies the unit for a period of less than thirty-one consecutive calendar days. The term does
19 not include a "Community Residence," "Facility for Transitional Living for Released Offenders," or
20 any other facility with dwelling units that is specifically defined in this Chapter.

21 SECTION 5: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.070
22 and 19.18.020 are deemed to be subchapters rather than sections.

23 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2013.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC

City Clerk

APPROVED AS TO FORM:

Date _____

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as ~~first introduced~~ *amended* and adopted by the following vote:
8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
11 _____
12
13 APPROVED:
14
15 By _____
16 CAROLYN G. GOODMAN, Mayor
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18 ATTEST:
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BEVERLY K. BRIDGES, MMC
City Clerk