

BILL NO. 2014-39

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 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 residential rental without first obtaining and thereafter maintaining a valid unexpired license pursuant to

1 this Chapter for each short-term residential rental unit. Where there are multiple units on the same
2 property, each unit must be licensed individually.

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

6 **6.75.030:** The operator of a short-term residential rental unit shall pay, in advance, an annual fee of
7 five hundred dollars for each short-term residential rental unit.

8 **6.75.040:** Each application for a short-term residential rental license shall contain or include the
9 following information and documentation:

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

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

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

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

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

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

26 **6.75.050:** In connection with the issuance of a license, the Director may impose on the license (or

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

8 **6.75.060:** The operator of a short-term residential rental shall comply with all provisions of LVMC
9 Chapter 6.46 and 4.20 that pertain to the collection of room taxes by the operator of an establishment
10 subject to those chapters, as well as the associated recordkeeping requirements. Without limiting the effect
11 of the preceding sentence, the operator of a residential short-term rental shall comply specifically with the
12 following sections:

13 6.46.040

14 6.46.060

15 6.46.070

16 6.46.080

17 6.46.100

18 6.46.130

19 6.46.150

20 4.20.030

21 4.20.035

22 4.20.037

23 4.20.040

24 4.20.060

25 4.20.070

26 4.20.110

1 4.20.140

2 4.20.150

3 4.20.160

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

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

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

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

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

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

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

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

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

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

1 **6.75.100:** (A) The operator shall post a copy of the license along with a copy of this Section
2 6.75.100 in a conspicuous place within the short-term residential rental unit.

3 (B) The maximum nighttime occupancy of a short-term residential rental unit shall be
4 limited to a base of two persons per rental unit, plus an amount not to exceed two persons per bedroom in
5 the unit. The total daytime occupancy of the unit shall be limited to a maximum of one and one-half times
6 the nighttime occupancy limit. In no case shall the total nighttime occupancy exceed twelve persons per
7 unit, regardless of the number of additional bedrooms that may be available in the unit. The following
8 table summarizes the maximum occupancy limits:

Number of Bedrooms	Maximum Number of 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

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

18 (D) Notwithstanding the provisions of LVMC Chapter 9.16, the use of any radio
19 receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or
20 amplifies sound shall take place only within an enclosed short-term residential rental unit. The property
21 owner or operator of a short-term residential rental unit shall use reasonably prudent business practices to
22 ensure that the occupants or guests of the rental unit do not create unreasonable noise or disturbances.

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

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

7 (G) Trash and refuse shall not be left or stored in public view, except in proper
8 containers for the purpose of collection in accordance with the requirements of Chapter 9.08. The owner of
9 the property or manager of the short-term residential rental unit shall be responsible for notifying occupants
10 of trash disposal procedures and for maintaining compliance with the 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 the
13 purpose of holding weddings, parties, receptions or similar events that typically are held at a banquet
14 facility or other facility that is made available for the holding of events on a commercial basis. Any use of
15 the short-term residential rental unit is limited to activities that are incidental to its use for dwelling,
16 lodging or sleeping purposes.

17 **6.75.110:** The operator must notify the Director of any change in property ownership or management
18 or any other material change in the information described in the license application and set forth in LVMC
19 6.75.040. The notification must be made within fifteen days after the change has occurred. The Director
20 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 may
22 suspend or revoke a license issued under this Chapter for the third or subsequent violation of this Chapter
23 within any 24-month period. Such action is appealable to the City Council or the Council's designee. In
24 addition, the renewal of a license or an application for a new license may be denied if the licensee or
25 applicant has been found guilty of any provision of this Chapter or has been determined to be in violation
26 of any provision of this Chapter in connection with a civil proceeding.

1 SECTION 2: Ordinance No. 6289 and the Unified Development Code adopted as Title
2 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
3 in Sections 3 to 6, inclusive, of this Ordinance. Each such amendment is deemed to be an amendment to
4 both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

5 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10,
6 is hereby amended by amending the entry for the use "Short-Term Residential Rental" so that the name of
7 the use as listed reads "Short-Term Residential Rental (4 or Fewer Bedrooms)."

8 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10,
9 is hereby amended by adding thereto, at the appropriate location, a new entry for the use "Short-Term
10 Residential Rental (5 or More Bedrooms)," indicating that the use is permitted by means of Special Use
11 Permit in the U, R-E, R-D, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH Zoning Districts. In order to reflect
12 the amendment, the letter "S" shall be added to the columns for the U, R-E, R-D, R-1, R-CL, R-TH, R-2,
13 R-3, R-4 and R-MH Zoning Districts.

14 SECTION 5: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry
15 for the use "Short-Term Residential Rental" to read as follows:

16 **Short-Term Residential Rental**

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

22 **Conditional Use Regulations:**

23 1. The use is limited to a residential dwelling unit that has no more than four bedrooms, with a maximum
24 occupancy not to exceed the limits set forth in LVMC 6.75.100. The dwelling unit is presumed to have the
25 number of bedrooms indicated in the records of the Clark County Assessor's Office that pertain to that unit,
26 but that presumption may be rebutted by inspection or other competent evidence.

1 [1.] 2. The operator must obtain a [permit from the Business Services Division] business license to
2 operate the use. [The use must be operated by either the property owner or a property manager who holds a
3 permit to engage in property management pursuant to NRS Chapter 645. For a use to be operated by the
4 property owner, a separate permit must be obtained for each rental. For a use to be operated by a property
5 manager, the permit shall be an annual permit, renewable annually at the discretion of the Division, subject
6 to the provisions of Condition Use Regulation 6. In each case the operator shall pay such fee as the
7 Division may establish for the permit. A copy of the permit, including all conditions established or
8 imposed pursuant to Conditional Use Regulation 4, shall be posted in a conspicuous place within the rented
9 premises.]

10 [2.] 3. The use must comply on an ongoing basis with all governmental licensing and regulatory
11 requirements, including the payment of applicable room taxes and licensing fees. [However, a permit
12 issued under Conditional Use Regulation 1 shall be deemed to take the place of a license otherwise required
13 by LVMC 6.46.020.]

14 [3.] 4. The use must comply with the City's noise regulations as they apply to residential uses.

15 [4. In connection with the issuance of a permit under Conditional Use Regulation 1, the Business Services
16 Division may establish additional conditions on the use, including without limitation a time limit on
17 outdoor activities and a limit on the number of occupants and guests that are on the premises at any one
18 time. In addition, at any time following issuance of the permit, the Division may impose additional
19 conditions on, or otherwise amend, the permit. The permit may be revoked or suspended immediately for
20 noncompliance with these regulations or with applicable permit conditions, at which time the use permitted
21 as a conditional use shall immediately cease.]

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

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

26 7. The operator must be available at all times to respond to law enforcement authorities and to concerns

1 from neighborhood residents, and to take remedial action in the event of noncompliance with law or with
2 permit conditions.] In addition to and independent of any enforcement authority or remedy described in this
3 Title, the failure to comply with a Conditional Use Regulation associated with this use may be enforced as
4 in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460,
5 inclusive.

6 **Minimum Special Use Permit Requirements:**

- 7 1. The use is limited to a maximum occupancy not to exceed the limits set forth in LVMC 6.75.100.
8 *2. The operator must obtain a business license to operate the use.
9 *3. The use must comply on an ongoing basis with all governmental licensing and regulatory
10 requirements, including the payment of applicable room taxes and licensing fees.
11 *4. The use must comply with the City's noise regulations as they apply to residential uses.
12 *5. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles
13 of guests and invitees shall not obstruct traffic or access to other properties in the area.
14 *6. In addition to and independent of any enforcement authority or remedy described in this Title, the
15 failure to comply with a Minimum Special Use Permit Requirement associated with this use may be
16 enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400
17 to 6.02.460, inclusive.

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

19 SECTION 6: Title 19, Chapter 18, Section 20, is hereby amended by amending the
20 definition of the term "Short-Term Residential Rental" to read as follows:

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

26 SECTION 7: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,

1 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

2 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
6 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
7 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
8 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

9 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to
10 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
11 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
12 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
13 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
14 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
15 of this ordinance shall constitute a separate offense.

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SECTION 10: 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 _____, 2014.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk