

BILL NO. 2017-16

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY'S LICENSING AND ZONING REGULATIONS TO DELETE CATEGORIES FOR "BED AND BREAKFAST INN" AND "BOARDING OR ROOMING HOUSE," REVISE REGULATIONS AND REQUIREMENTS PERTAINING TO SHORT-TERM RESIDENTIAL RENTALS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lois Tarkanian

Summary: Amends the City's licensing and zoning regulations to delete categories for "bed and breakfast inn" and "boarding or rooming house," and to revise regulations and requirements pertaining to short-term residential rentals.

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

SECTION 1: Title 6, Chapter 46, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.46.020: No person shall engage in the business of operating a hotel, motel, [roominghouse, bed and breakfast establishment] or other establishment that rents or holds out for rent rooms or other temporary accommodations on a daily basis or for a period of thirty days or less, with or without meals included in the rental rate, without first obtaining and thereafter maintaining a valid unexpired license pursuant to this Chapter.

SECTION 2: Title 6, Chapter 46, Section 140, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.46.140: Persons operating a hotel, motel, [roominghouse] or other establishment wherein rooms or other temporary accommodations are rented on a daily basis or for a period of thirty days or less, with or without meals included in the rental rate, shall [provided,] provide, keep and maintain a public register and shall require every person who rents or occupies a room or other temporary accommodation in such hotel, motel, roominghouse or establishment to write in such register his or her name and place of residence. Such registration shall be made on a page of the register properly dated with reference to the day of the year,

1 month and week and the time of day the person rents or arranges to occupy a room or temporary
2 accommodation shall also be therein entered. Such register shall be permanently and firmly bound and shall
3 not be of a loose-leaf nature.

4 SECTION 3: Title 6, Chapter 75, Section 10, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.75.010:** “Commercial vehicle” means a vehicle customarily used as part of a business for the
7 transportation of goods or people.

8 [“Daytime” means the period of time between 9:00 a.m. and 10:00 p.m. on a given day.

9 “Nighttime” means the period of time between 10:00 p.m. on one day and 9:00 a.m. on the
10 next succeeding day.]

11 “Hosting platform” means any electronic or other operating system, functioning in the
12 nature of a marketplace, by which an operator markets, advertises, offers, solicits customers for, or makes
13 available for commercial use a short-term residential rental.

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

16 “Short-term residential rental” means the commercial use, or the making available for
17 commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any
18 individual guest rents or occupies the entire dwelling unit or one or more individual rooms within the unit
19 for a period of less than thirty-one consecutive calendar days. The term does not include a “community
20 residence,” “facility for transitional living for released offenders,” or any other facility with dwelling units
21 that is specifically defined in LVMC Chapter 19.18.

22 SECTION 4: Title 6, Chapter 75, Section 20, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.75.020:** (A) No person shall engage in the business of offering or operating a short-term
25 residential rental without first obtaining and thereafter maintaining a valid unexpired license pursuant to
26 this Chapter for each short-term residential rental unit. Where there are multiple dwelling units on the

1 same property, each unit must be licensed individually.

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

5 (C) The holder of a license under this Chapter is the person primarily responsible for
6 compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person
7 owns the real property on which the short-term residential rental is located. In the case of a short-term
8 residential rental whose affiliated licensee is not the property owner, the property owner is secondarily
9 responsible for compliance.

10 SECTION 5: Title 6, Chapter 75, Section 40, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.75.040:** Each application for a short-term residential rental license shall contain or include the
13 following information and documentation:

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

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

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

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

24 (E) The number of bedrooms, [per the documentation listed with the Clark County
25 Assessor, and the applicable nighttime and daytime occupancy limit of the residential dwelling.] as
26 determined by the City pursuant to the conditional use verification process described in LVMC

1 19.12.040(C).

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

6 (G) A list of all hosting platforms that the applicant proposes to use to market,
7 advertise, offer, solicit customers for, or make available for commercial use the short-term residential rental
8 applied for.

9 (H) Proof of current, valid liability insurance coverage in a minimum amount of
10 \$500,000.

11 (I) An affidavit attesting that there are no delinquent room tax liabilities or liens
12 regarding the property to be used as a short-term residential rental.

13 SECTION 6: Title 6, Chapter 75, Section 80, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.75.080:** (A) An evacuation map and list of procedures shall be placed within each guest room
16 used for sleeping. Maps and lists of procedures shall be mounted on a wall or door in a horizontal position,
17 either made of a durable material or encased within a durable frame or enclosure. Each map and list shall
18 have a minimum size of ten inches by eight inches, with the color of text contrasting to the background.
19 Maps shall have a "you are here" star with a directional arrow to the nearest exit, and shall also indicate the
20 location of all available fire extinguishers.

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

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

23 (2) In any garage, mounted on the wall no higher than forty-eight inches
24 above the finished floor; and

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

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

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

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

(E) Each short-term residential rental shall be maintained in accordance with all applicable provisions of City building-related and technical codes adopted pursuant to LVMC Title 16.

SECTION 7: Title 6, Chapter 75, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.75.090: (A) The operator shall post a copy of the license along with a copy of this Section 6.75.090 in a conspicuous place within the short-term residential rental unit.

(B) The maximum [nighttime] occupancy of a short-term residential rental unit shall [comply with the maximum occupancy limits for residential dwellings established by the Uniform Housing Code, as adopted in LVMC Chapter 16.20. The total daytime occupancy of the unit shall be limited to a maximum of one and one-half times the nighttime occupancy limit.] be two persons per bedroom.

(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 9.16, 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 twenty-four-hour phone number that

1 provides the capability of producing a response within two hours to complaints regarding the condition,
2 operation, or conduct of the occupants of the short-term residential rental unit. Failure of the operator or an
3 employee or agent to respond [or provide for a response] to the complainant within two hours shall
4 constitute a violation of these regulations.

5 (F) [With respect to any short-term residential rental unit with more than four
6 bedrooms, a placard shall be displayed on the exterior of the unit listing the twenty-four-hour contact
7 information for complaints regarding the operation or conduct of the occupants of the unit. The placard
8 shall be in plain view for the general public at all times the short-term residential rental unit is occupied.
9 The placard shall be a minimum of eight and one-half inches by eleven inches in size, clearly depicting the
10 twenty-four-hour contact information. Contact information shall include the full name and telephone
11 number and must be in a minimum legible font of seventy-two-point or a minimum of one and one-half
12 inches in height.] A placard shall be displayed on the exterior of each short-term residential rental unit
13 listing the information set forth below in this Subsection (F). The placard shall be in plain view of the
14 general public at all times the short-term residential rental unit is occupied and shall be a minimum of eight
15 and one-half inches by eleven inches in size. The placard must specify the maximum occupancy allowed
16 pursuant to this Section, as well as the twenty-four-hour contact information required by Subsection (E) of
17 this Section. The information required by the preceding sentence must be in a minimum legible font of
18 seventy-two-point or a minimum of one and one-half inches in height. The required contact information
19 shall include a full name and telephone number of the contact.

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

24 (H) Consistent with and as a reflection of the definition of the term “short-term
25 residential rental” set forth in this Chapter, no short-term residential rental unit may be rented for the
26 purpose of holding weddings, parties, receptions or similar events that typically are held at a banquet

1 facility or other facility that is made available for the holding of events on a commercial basis. Any use of
2 the short-term residential rental unit is limited to activities that are incidental to its use for dwelling,
3 lodging or sleeping purposes.

4 (I) All written or visual advertising for the short-term residential rental must include
5 the business license number assigned to the rental unit.

6 (J) A short-term residential rental unit with more than five bedrooms must have a
7 resident manager located on-site at all times for the duration of any rental occupancy. A dwelling unit is
8 presumed to have the number of bedrooms indicated in the records of the Clark County Assessor's Office
9 that pertain to that unit, but that presumption may be rebutted by inspection or other competent evidence.

10 SECTION 8: Ordinance No. 6289 and the Unified Development Code adopted as Title
11 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
12 in Sections 9 to 14, inclusive, of this Ordinance. The amendments are deemed to be amendments to both
13 Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

14 SECTION 9: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
15 10, is hereby amended by deleting the entries for the uses "Bed & Breakfast Inn" and "Boarding or
16 Rooming House."

17 SECTION 10: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
18 10, is hereby amended by amending the entry for the use "Short-Term Residential Rental" to indicate that
19 the use is not allowed in the R-MH District and to add the P-O, O, C-1, C-2 and C-PB Zoning Districts to
20 the list of districts in which the use is allowed as a conditional use. In order to reflect the amendments:

21 (A) The letter "C" shall be removed from the box that represents the intersection of the
22 row for the use "Short-Term Residential Rental" and the column for the R-MH Zoning District.

23 (B) The letter "C" shall be inserted in the box that represents the intersection of the
24 row for the use "Short-Term Residential Rental" and the column for each of the P-O, O, C-1, C-2 and C-PB
25 Zoning Districts.

26 SECTION 11: Title 19, Chapter 12, Section 70, is hereby amended by deleting in their

entirety the entries for the uses “Bed & Breakfast Inn” and “Boarding or Rooming House.”

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

Short-Term Residential Rental

Description: 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 entire dwelling unit or one or more individual rooms within the unit for a period of less than 31 consecutive calendar days. This use 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 Chapter 19.18. For purposes of this Title, this use does not include the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit. In the case of a single parcel containing more than one dwelling unit, each dwelling unit constitutes a separate short-term residential rental use.

Conditional Use Regulations:

1. The operator must obtain a business license to operate the use.
2. The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees.
3. The use must comply with the City’s noise regulations as they apply to residential uses.
4. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured from property line to property line).
5. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.
6. In addition to and independent of any enforcement authority or remedy described in this Title, the failure to comply with a Conditional Use Regulation associated with this use may be enforced as 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, inclusive.
7. On any particular parcel, the use is limited to a single residential dwelling unit that is occupied by its owner during each period the unit is rented and that has no more than [four] two bedrooms, with a

1 maximum occupancy not to exceed the limits set forth in LVMC 6.75.090. For purposes of the preceding
2 sentence, “owner” includes any person who is listed as an owner of record of the unit in the records of the
3 Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal entity, a
4 trustee or principal of that trust or entity. The dwelling unit is presumed to have the number of bedrooms
5 indicated in the records of the Clark County Assessor’s Office that pertain to that unit, but that presumption
6 may be rebutted by inspection or other competent evidence.

7 8. The use is allowed in the P-O, O, C-1, C-2 and C-PB Zoning Districts only in connection with the
8 residential component of a mixed-use development or in a dwelling unit permitted as a legal
9 nonconforming use.

10 **Minimum Special Use Permit Requirements:**

11 *1. The operator must obtain a business license to operate the use.

12 *2. The use must comply on an ongoing basis with all governmental licensing and regulatory
13 requirements, including the payment of applicable room taxes and licensing fees.

14 *3. The use must comply with the City’s noise regulations as they apply to residential uses[.], as well as
15 any applicable provisions of the Municipal Code that may pertain to odor nuisances,

16 *4. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles
17 of guests and invitees shall not obstruct traffic or access to other properties in the area

18 *5. In addition to and independent of any enforcement authority or remedy described in this Title, the
19 failure to comply with a Minimum Special Use Permit Requirement or other condition of approval
20 associated with this use may be enforced as in the case of a violation of Title 6 by means of a civil
21 proceeding pursuant to LVMC 6.02.400 to 6.02.460, inclusive.

22 *6. [The use may not be located closer than 660 feet to any other Short-Term Residential Rental use
23 (measured from property line to property line).] The use is allowed in the P-O, O, C-1, C-2 and C-PB
24 Zoning Districts only in connection with the residential component of a mixed-use development or in a
25 dwelling unit permitted as a legal nonconforming use.

26 *7. The maximum occupancy of the residential dwelling unit shall not exceed the limits provided for in

1 LVMC 6.75.090.

2 8. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use
3 (measured from property line to property line).

4 **On-site Parking Requirement:** [No] For any short-term residential rental that has no more than 5
5 bedrooms, no additional parking is required beyond that which is required for the principal use on the site.
6 For units with more than 5 bedrooms, 1 additional space shall be required for every 2 additional bedrooms
7 or fractional portion thereof.

8 SECTION 13: Title 19, Chapter 18, Section 20, is hereby amended by deleting in their
9 entirety the definitions for the uses “Bed & Breakfast Inn” and “Boarding or Rooming House.”

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

12 **Short-Term Residential Rental:** The commercial use, or the making available for commercial use, of a
13 residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or
14 occupies the entire dwelling unit or one or more individual rooms within the unit for a period of less than
15 31 consecutive calendar days. The term does not include a “Community Residence,” “Facility for
16 Transitional Living for Released Offenders,” or any other facility with dwelling units that is specifically
17 defined in Chapter 19.18. For purposes of this Title, the term does not include the rental or occupancy of
18 an accessory structure (Class I or II), a tent, a trailer or a mobile unit. In the case of a single parcel
19 containing more than one dwelling unit, each dwelling unit constitutes a separate short-term residential
20 rental use.

21 SECTION 15: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
22 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

23 SECTION 16: The Department of Planning is authorized and directed to incorporate into
24 the Unified Development Code the amendments set forth in Sections 9 to 14, inclusive, of this Ordinance.

25 SECTION 17: Short-term residential rental uses that are existing on the effective date of
26 this Ordinance, that would require a special use permit under this Ordinance in order to be established as a

1 new use, and that were not approved by means of special use permit shall have one year from the effective
2 date of this Ordinance within which to apply for and obtain a special use permit. If by that date special use
3 permit approval has not been obtained, the use must terminate as of that date.

4 SECTION 18: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
8 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
9 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
10 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

11 SECTION 19: Whenever in this ordinance any act is prohibited or is made or declared to
12 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
13 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
14 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
15 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
16 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
17 of this ordinance shall constitute a separate offense.

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SECTION 20: 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 _____, 2017.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, 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 _____, 2017, 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 _____, 2017, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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