

1 **BILL NO. 2012-22**

2 **ORDINANCE NO. 6196**

3 AN ORDINANCE TO UPDATE THE LICENSING REGULATIONS AND FEES APPLICABLE
4 TO APARTMENT HOUSES, CLARIFY ZONING REQUIREMENTS PERTAINING TO THE
5 CONVERSION OF MULTI-FAMILY/APARTMENT DEVELOPMENTS TO CO-OP STATUS,
6 AND PROVIDE FOR OTHER RELATED MATTERS.

7 Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the licensing regulations and fees applicable to apartment houses, and clarifies zoning requirements pertaining to the conversion of multi-family/apartment developments to co-op status.

8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 6, Chapter 9, Section 10, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.09.010:** For purposes of this Chapter:

14 (A) "Apartment house" means a structure which contains [three] five or more
15 apartment dwelling units and which does not qualify as a [condominium, townhouse dwelling or
16 residence hotel.] townhouse dwelling, residence hotel, condominium, or multiple-unit structure that
17 is owned cooperatively or in common.

18 (B) "Landlord training program" means a landlord training program offered by the
19 Las Vegas Metropolitan Police Department in connection with its Las Vegas Crime Free
20 Multi-Housing Program.

21 (C) "Licensee" means a person who is licensed [to manage, operate or conduct an
22 apartment house.] under the provisions of this Chapter.

23 (D) "Operator of an apartment house" means a person who operates or manages an
24 apartment house. For purposes of ensuring that the provisions of this Chapter are met for each
25 apartment house, the term also includes a person who owns the apartment house or the land on which
26 the apartment house is located if that person also is engaged in the operation or management of the
27 apartment house.

28 SECTION 2: Title 6, Chapter 9, Section 15, of the Municipal Code of the City of Las

Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.09.015: [Every person in the business of operating] Each operator of an apartment house shall pay [a semiannual] an annual licensing fee based upon the schedule set [for] forth in this Section. However, [if the same person owns] in the case of a group of apartment houses which are contiguous to each other, the contiguous group shall be treated as one apartment house for the purpose of this Section[:]. No more than one fee is required to be paid under this Section for each apartment house.

Number of Apartment House Rooms	Fee
[1 to 4]	[None]
5 to 10	[\$25.00] <u>\$75.00</u>
Over 10	[\$25.00 plus \$2.50] <u>\$75.00 plus \$5.00</u> for each additional apartment in excess of 10

SECTION 3: Title 6, Chapter 9, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 4: Title 6, Chapter 9, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 20, reading as follows:

6.09.020: (A) The operator of an apartment house must obtain and maintain a business license to operate any apartment house. In addition, but subject to the remaining provisions of this Section, the operator must complete a landlord training program.

(B) The landlord training requirement of Subsection (A) of this Section does not apply to any operator of an apartment house that is or will be managed by a licensee who is in compliance with the requirements of Subsection (C) of this Section.

(C) Independent of the requirement set forth in Subsection (A), any person who is in the business of managing one or more apartment houses on behalf of others must:

- (1) Obtain and maintain a business license to manage apartment houses;
- (2) Complete a landlord training program; and
- (3) Obtain and maintain a valid work card pursuant to LVMC Chapter 6.86.

(D) Any employee or agent of a licensee under this Section who acts as the on-site

1 manager of an apartment house must have completed a landlord training program and must have a
2 valid work card issued under LVMC Chapter 6.86.

3 (E) At any given time with respect to each apartment house:

4 (1) The licensed manager, if any, must have completed a landlord training
5 program and possess a valid work card.

6 (2) Any on-site manager who is the employee of a licensee must have
7 completed a landlord training program and possess a valid work card.

8 (3) In the case of an apartment house which does not have a manager, at
9 least one person who qualifies as the operator of the apartment house must have completed a landlord
10 training program.

11 (F) Although not otherwise obligated under this Chapter, a person who owns an
12 apartment house or the land on which the apartment house is located but who is not engaged in the
13 operation or management of the apartment house is responsible to ensure that at least one person
14 qualifying as an operator of the apartment is available for purposes of complying with the licensing,
15 fee payment, and training requirements of this Chapter.

16 (G) A business license under this Chapter may be withheld pending an applicant's
17 completion of the landlord training program or may be conditioned upon such completion.

18 SECTION 5: Title 6, Chapter 9, Section 40, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.09.040:** A person licensed [to conduct or operate] as the operator of an apartment house shall
21 notify the Department a change in the management of the apartment house within ten days after the
22 change takes place. A new manager who has not completed the landlord training program shall have
23 [forty-five] sixty days to complete the program and thirty days following program completion to obtain
24 a work card.

25 SECTION 6: Title 19, Chapter 16, Section 100, Subsection (B), Paragraph (3), of the
26 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
27 follows:

28 3. Certain Conversions. The conversion of any development from multi-family or apartment

1 development to condominium or co-op status shall require a Site Development Plan Review.

2 SECTION 7: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
4 the following term, together with its corresponding definition:

5 Co-op. A multi-unit structure that is held in common ownership, where the entire structure and
6 underlying real property are owned in common, rather than where individual units are under separate
7 ownership. For informational purposes, such structures may be referred to as co-ops, cooperative
8 housing, tenants in common, and similar terms.

9 SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.16.100
10 and 19.18.020 are deemed to be subchapters rather than sections.

11 SECTION 9: The Department of Planning is authorized and directed to incorporate
12 into the Unified Development Code the amendments described in Sections 6 and 7 of this Ordinance.

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

21 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared
22 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
23 required or the failure to do any act is made or declared to be unlawful or an offense or a
24 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
25 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
26 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
27 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

28 ...

1 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 16TH day of May, 2012.

5 APPROVED:

6
7 By Carolyn G. Goodman
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 Beverly K. Bridges
10 BEVERLY K. BRIDGES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 4-3-12
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of April, 2012, and referred to a committee for recommendation; thereafter
3 the committee reported favorably on said ordinance on the 16th day of May, 2012, which
4 as a regular meeting of said Council; that at said regular meeting, the proposed ordinance
5 was read by title to the City Council as first introduced and adopted by the following vote:

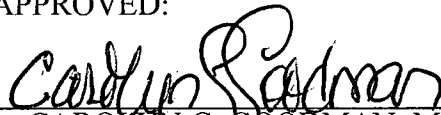
6 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Ross, Barlow and
7 Beers

8 VOTING "NAY": Councilmembers Tarkanian and Coffin

9 EXCUSED : None

10 ABSTAINED: None

11
12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 BEVERLY K. BRIDGES, MMC City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2012-22
(Updates the licensing regulations and fees applicable to apartment houses,
and clarifies zoning requirements pertaining to the conversion of
multi-family/apartment developments to coop status)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2012-22, that will update the licensing regulations and fees applicable to apartment houses, and clarify zoning requirements pertaining to the conversion of multi-family/apartment developments to coop status.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Notice regarding the proposed ordinance was sent to approximately 1100 holders of apartment house business licenses within the City. One written response was received. A summary of that response, which is available to interested persons as part of this business impact statement, is that, with the current state of the economy and the respondent's vacancy rate over 50%, a semiannual fee increase from \$25 to \$75 would "impose a direct and significant economic burden on a business."

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Increased license fees

Beneficial effects:

More reasonable time periods for completion of landlord training and work card requirements

Direct effects:

See adverse effects and beneficial effects above

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

The draft ordinance has been changed to make the fee an annual fee rather than a semiannual fee,

thus reducing the increase by approximately 50%

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Approximately \$15,000

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Help offset the costs of license administration, inspections, and enforcement of compliance with the landlord training program requirements

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: April 3, 2012

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

7886093

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/03/2012 to 05/03/2012, on the following days:

05/03/2012

BILL NO. 2012-22

AN ORDINANCE TO UPDATE THE LICENSING REGULATIONS AND FEES APPLICABLE TO APARTMENT HOUSES, CLARIFY ZONING REQUIREMENTS PERTAINING TO THE CONVERSION OF MULTI-FAMILY/APARTMENT DEVELOPMENTS TO CO-OP STATUS, AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg,
Director of Planning
Summary: Updates the licensing regulations and fees applicable to apartment houses and clarifies zoning requirements pertaining to the conversion of multi-family/apartment developments to co-op status.

At the City Council meeting of April 18, 2012
BILL NO. 2012-22 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA.

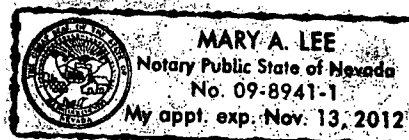
PUB: May 3, 2012
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

4th day of May 2012.

Mary A. Lee
Notary Public



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

7914207

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/19/2012 to 05/19/2012, on the following days:

05/19/2012

**BILL NO. 2012-22
ORDINANCE NO. 6196**

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of April 2012 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of May 2012, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Ross, Barlow and Beers
VOTING "NAY": Councilmembers Tarkanian and Coffin
NOT VOTING: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA.

PUB: May 19, 2012
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

21st day of May, 2012.

Mary Lee
Notary Public

