

FIRST AMENDMENT

BILL NO. 2017-35

ORDINANCE NO. 6600

AN ORDINANCE RELATING TO SHORT-TERM RESIDENTIAL RENTALS AND ASSOCIATED HOSTING PLATFORMS; AMENDING LVMC CHAPTER 6.75 TO ADOPT PROVISIONS TO IMPLEMENT ENABLING LANGUAGE OF CHAPTER 347, STATUTES OF NEVADA 2017, TO REQUIRE THE SUBMISSION OF QUARTERLY REPORTS FROM HOSTING PLATFORMS AND OPERATORS AND TO ESTABLISH SUBPOENA REQUIREMENTS WITH RESPECT THERETO; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lois Tarkanian

Summary: Amends LVMC Chapter 6.75 to implement enabling provisions of State law to 1) require the submission of quarterly reports from hosting platforms and operators of short-term residential rentals, and 2) enact subpoena provisions relating thereto.

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

SECTION 1: Ordinance No. 6585 and Title 6, Chapter 75, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.75.010 reads as follows:

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

"Hosting platform" means [any electronic or other operating system, functioning in the nature of a marketplace, by which an operator markets, advertises, offers, solicits customers for, or makes available for commercial use a short-term residential rental.] a person who, for a fee or other charge, provides on an internet website an online platform that facilitates the rental of a short-term residential rental residential unit on behalf of an operator, including, without limitation, through advertising, matchmaking or other means.

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

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

7 SECTION 2: Title 6, Chapter 75, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto three new sections, designated respectively as
9 Sections 130 to 150, inclusive, reading as follows:

10 **6.75.130:** (A) Each hosting platform that facilitates the rental of a short-term residential rental
11 within the City must submit to the Department a quarterly report that includes the information set forth in
12 Subsection (C) of this Section.

13 (B) Each operator must submit to the Department a quarterly report that includes the
14 information set forth in Subsection (C) of this Section, but only to the extent that such information is not
15 collected by a hosting platform.

16 (C) Each report required by Subsections (A) and (B) of this Section must state, for the
17 quarter being reported and with respect to short-term residential rentals within the City:

- 18 (1) The number of bookings, listings, and operators;
19 (2) The average number of bookings per listing;
20 (3) Current year-to-date booking value;
21 (4) Current year-to-date revenue collected from all short-term residential
22 rentals through the hosting platform, disaggregated by operator; and
23 (5) The average length of a short-term residential rental.

24 **6.75.140:** (A) In accordance with State law, the Department is authorized to issue a subpoena for
25 the production of documents, records, or materials relevant for determining whether a short-term residential
26 rental in the City has been rented in violation of any law of this State or a City ordinance. Any such

subpoena may only be issued if:

(1) There is sufficient evidence to support a reasonable belief that a short-term residential rental in the City has been rented or is being rented in violation of any law of this State or a City ordinance; and

(2) The subpoena identifies the short-term residential rental alleged to be in violation of any law of this State or City ordinance and the provision of law or ordinance allegedly violated.

(B) Any subpoena issued pursuant to Subsection (A) must be mailed by regular and certified mail to the hosting platform or, if applicable, the operator who was required to file a quarterly report regarding the short-term residential rental pursuant to LVMC 6.75.130. In the case of a subpoena issued to a hosting platform that is a business entity with a registered agent, the subpoena must be mailed to the registered agent, in addition to the hosting platform at any address the Department may have on file for the hosting platform.

(C) A hosting platform to whom a subpoena has been issued pursuant to this Section must:

(1) Provide notice of the subpoena to the operator of the short-term residential rental identified in the subpoena who engaged the services of the hosting platform and provided the short-term residential rental identified in the subpoena; and

(2) Produce any subpoenaed books, papers, or documents not later than twenty-one days after providing notice to the operator, unless otherwise ordered by a court.

(D) An operator to whom a subpoena has been issued pursuant to this Section must produce any subpoenaed books, papers, or documents not later than twenty-one days after issuance of the subpoena, unless otherwise ordered by a court.

(E) If a person to whom a subpoena has been issued pursuant to this Section refuses to produce any document, record, or material that the subpoena requires, the Department may apply to the district court for the enforcement of the subpoena.

6.75.150: The provisions of LVMC 6.75.130 and 6.75.140 do not apply to the rental of a timeshare

1 or other property subject to NRS Chapter 119A.

2 SECTION 3: 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 4: 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.

16 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
18 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 1st day of November, 2017.

20 APPROVED:

21 By 
CAROLYN S. GOODMAN, Mayor

22 ATTEST:

23 
LUANN D. HOLMES, MMC
City Clerk

24 APPROVED AS TO FORM:

25 
Val Steed,
Deputy City Attorney

26 10-16-17
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 4th day of October, 2017, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 1st day of
4 November, 2017, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Barlow,
Anthony, Coffin, Seroka and Fiore

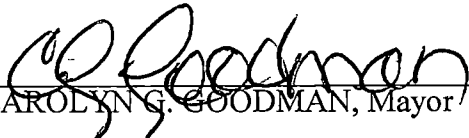
8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS.

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000944221

RECEIVED
CITY CLERK

2017 OCT 25 P 12:10

Leslie McCormick, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/19/2017 to 10/19/2017, on the following days:

10 / 19 / 17

**FIRST AMENDMENT
BILL NO. 2017-35**

AN ORDINANCE RELATING TO SHORT-TERM RESIDENTIAL RENTALS AND ASSOCIATED HOSTING PLATFORMS; AMENDING LVMC CHAPTER 6.75 TO ADOPT PROVISIONS TO IMPLEMENT ENABLING LANGUAGE OF CHAPTER 347, STATUTES OF NEVADA 2017, TO REQUIRE THE SUBMISSION OF QUARTERLY REPORTS FROM HOSTING PLATFORMS AND OPERATORS AND TO ESTABLISH SUBPOENA REQUIREMENTS WITH RESPECT THERETO; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Lols Tarkanian

Summary: Amends LVMC Chapter 6.75 to implement enabling provisions of State law

to 1) require the submission of quarterly reports from hosting platforms and operators of short-term residential rentals, and 2) enact subpoena provisions relating thereto.

At the City Council meeting of
October 4, 2017

BILL NO. 2017-35 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: October 19, 2017
LV Review-Journal

IS/

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of October, 2017

Notary



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000947680

RECEIVED
CITY CLERK

2017 NOV 13 A 11:41

Leslie McCormick, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/04/2017 to 11/04/2017, on the following days:

11/04/17


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 6th day of November, 2017


Notary



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BILL NO. 2017-35
ORDINANCE NO. 6600

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 4th day of October, 2017, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 1st day of November, 2017, 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 amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Barlow, Anthony, Coffin, Seroka and Fiore

VOTING "NAY": NONE
EXCUSED: NONE

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PUB: November 4, 2017
LV Review-Journal