

PROPOSED 1ST AMENDMENT (marked-up--bold italics shows new matter, double strikethrough shows deletions)

BILL NO. 2022-16

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF LVMC CHAPTER 6.75, PERTAINING TO SHORT-TERM RESIDENTIAL RENTALS, TO CONFORM TO AND INCORPORATE VARIOUS RECENTLY-ADOPTED PROVISIONS OF STATE LAW; AMEND OTHER PROVISIONS OF LVMC TITLES 4, 6 AND 19 TO MAKE CORRESPONDING CHANGES; AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Seth T. Floyd, Director of
Community Development

Summary: Amends various sections of LVMC Chapter 6.75, pertaining to short-term residential rentals, to conform to and incorporate various recently-adopted provisions of State law, and amends other provisions of LVMC Titles 4, 6 and 19 to make corresponding changes.

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

SECTION 1: Title 6, Chapter 75, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.75.010: “Accommodations facilitator” means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.

“Commercial vehicle” means a vehicle customarily used as part of a business for the transportation of goods or people.

“Hosting platform” means 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. The term also includes any person who brokers, coordinates, makes available or otherwise arranges for the rental of such a unit or property to the extent that person does not

CITY COUNCIL
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Date: 7/18/2022 Item 3
By Staff

1 qualify as an accommodations facilitator.

2 "Party" means a gathering of people that exceeds the maximum occupancy of a residential
3 unit, as set forth in LVMC 6.75.090.

4 "Residential unit" means a single-family residence or an individual residential unit within a
5 larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily
6 dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A
7 of NRS.

8 "Short-term residential rental" means the commercial use, or the making available for
9 commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any
10 individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days. The
11 term also includes the renting or occupancy of a residential unit or a room within a residential unit for
12 purposes of transient lodging, as described in Assembly Bill 363 of the 2021 Session of the Nevada
13 Legislature. A short-term residential rental qualifies as transient lodging and is included in the definition
14 thereof. The term does not include a "community residence," "facility for transitional living for released
15 offenders," or any other facility with dwelling units that is specifically defined in LVMC Chapter 19.18.

16 "Transient lodging" is as defined in LVMC 4.20.020.

17 SECTION 2: Title 6, Chapter 75, Section 20, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.75.020:** (A) No person shall engage in the business of offering or operating a short-term
20 residential rental without first obtaining and thereafter maintaining a valid unexpired license pursuant to this
21 Chapter for each short-term residential rental unit. Where there are multiple dwelling units on the same
22 property, each unit must be licensed individually.

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

26 (C) [The holder of a license under this Chapter is the person primarily responsible for

1 compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person
2 owns the real property on which the short-term residential rental is located. In the case of a short-term
3 residential rental whose affiliated licensee is not the property owner, the property owner is secondarily
4 responsible for compliance.

5 (D) Commencing on July 1, 2017, no person is eligible for a new license for a short-term
6 residential rental under this Chapter unless the person qualifies as an owner of the parcel on which the short-
7 term residential unit is located. For purposes of the preceding sentence, "owner" includes any person who is
8 listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit
9 that is owned by a trust or other corporate or legal entity, a trustee or principal of that trust or entity. Short-
10 term residential rentals that are licensed as of July 1, 2017, shall have two years from that date within which
11 to terminate operations or achieve licensing by an owner.] Except as otherwise permitted by City ordinance
12 and State law for existing licensees, no person is eligible for a license for a short-term residential rental under
13 this Chapter unless the person qualifies as an owner of the parcel on which the short-term residential unit is
14 located and is a resident occupying that unit as his or her primary residence. In addition, the unit must qualify
15 as owner-occupied during each period the unit is rented. For purposes of this Subsection (C), including the
16 determination of who qualifies as an owner, whether a particular unit is being occupied by an owner, and
17 whether a particular is being used as a short-term residential rental under this Chapter:

18 (1) "Owner" includes any person who is listed as an owner of record of the unit
19 in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate
20 or legal entity, a trustee or principal of that trust or entity.

21 (2) A dwelling unit qualifies as "owner-occupied during each period the unit is
22 rented" only if the owner continues to reside at the unit throughout the rental period, the dwelling unit is the
23 owner's primary residence, and the owner's occupancy includes occupancy and use of a bedroom or other
24 room intended for sleeping purposes. In determining occupancy by the owner during any rental period, the
25 owner's absence, if any, from the unit during the rental period must be attributable only to employment or to
26 the running of typical personal or household errands.

1 (3) A person who purports to hold a fractional ownership interest (or any other
2 shared, joint, common, partial, cooperative or community ownership interest) in property that he or she
3 occupies shall be deemed to be a guest and not an owner of that property unless the person's ownership
4 interest in the property at the time of occupancy:

5 (a) Is at least twenty-five percent; and

6 (b) Has been established in that person's name by means of a document
7 duly recorded in the property records of Clark County.

8 (4) A person who purports to hold an ownership interest of any kind in property
9 that he or she occupies shall be deemed to be a guest and not an owner of that property if it appears that the
10 documents or other indices of ownership demonstrate an intent to circumvent or otherwise avoid the
11 application of LVMC Chapter 6.75 or applicable Conditional Use Regulations under LVMC 19.12.070, or
12 any requirement or limitation thereof.

13 (D) No person is eligible for a license under this Section if:

14 (1) The person has five or more licenses under this Section that are associated
15 with the same Nevada business license issued pursuant to NRS Chapter 76;

16 (2) The number of licenses under this Section within the same residential unit
17 would exceed one;

18 (3) Issuance of the license would result in more than ten percent of the
19 residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes
20 of transient lodging;

21 (4) Issuance of the license would violate a prohibition against such rentals or a
22 stricter limitation established by the owner of a multifamily dwelling; or

23 (5) The short-term residential rental is located in a common-interest
24 community, unless the governing documents of the community expressly authorize the rental of a residential
25 unit or a room within a residential unit for the purposes of transient lodging.

26 (E) Except as otherwise permitted by City ordinance and State law for existing licensees.

1 it is unlawful to rent for transient lodging purposes a residential unit or a room within a residential unit that
2 is located in an apartment building. For purposes of this Subsection, "apartment building" means an
3 "apartment house," as defined in LVMC 19.18.020.

4 SECTION 3: Title 6, Chapter 75, Section 40, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.75.040:** Each application for a short-term residential rental license shall contain or include the
7 following information and documentation:

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

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

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

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

16 (E) The number of bedrooms, as determined by the City pursuant to the conditional use
17 verification process described in LVMC 19.12.040(C).

18 (F) If the proposed short-term residential rental unit is located [within a gated subdivision or
19 controlled-access building that is governed by an owners' association,] in a common-interest community, a
20 letter or other documentation from the governing association acknowledging the proposed use, documenting
21 that the rental of the unit is expressly authorized by the governing documents of the community and, if
22 necessary, granting access to occupants of the proposed rental unit. The burden of demonstrating that the
23 rental of a unit is expressly authorized by the community is on the applicant.

24 (G) A list of all [hosting platforms] accommodations facilitators that the applicant proposes to
25 use to market, advertise, offer, solicit customers for, or make available for commercial use the short-term
26 residential rental applied for.

1 (H) Proof of, or a commitment to provide, current, valid liability insurance coverage in a
2 minimum amount of \$500,000.00.

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

5 SECTION 4: Title 6, Chapter 75, Section 60, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.75.060:** The operator of a short-term residential rental, as well as an accommodations facilitator as
8 required by LVMC 6.75.128, shall comply with all provisions of LVMC Chapters 6.46 and 4.20 that pertain
9 to the collection of room taxes by the operator of an establishment subject to those chapters, as well as the
10 associated recordkeeping requirements. Without limiting the effect of the preceding sentence, the [operator
11 of a residential short-term rental shall comply specifically] required compliance includes specific compliance
12 with the following [sections:] Sections:

13 6.46.040;

14 6.46.050;

15 6.46.060;

16 6.46.070;

17 6.46.080;

18 6.46.100;

19 6.46.130;

20 6.46.140;

21 6.46.150;

22 4.20.030;

23 4.20.035;

24 [4.20.037;]

25 4.20.040;

26 4.20.060;

1 4.20.070;

2 4.20.110;

3 4.20.140;

4 4.20.150;

5 4.20.160.

6 SECTION 5: Title 6, Chapter 75, Section 90, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.75.090:** (A) The operator shall post a copy of the license along with a copy of this Section
9 6.75.090 in a conspicuous place within the short-term residential rental unit.

10 (B) The maximum occupancy of a short-term residential rental unit shall not exceed
11 [either] any of the following limits:

12 (1) Two persons per bedroom (but excluding children under the age of twelve);

13 [or]

14 (2) The maximum occupancy limits for residential dwellings established by the
15 Uniform Housing Code, as adopted in LVMC Chapter 16.20[.]; or

16 (3) Sixteen persons within that unit at any given time.

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

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

26 (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 to the complainant within two hours shall constitute a violation of this Chapter.
4 In the case of a short-term residential rental unit with more than five bedrooms, compliance with this
5 Subsection (E) requires the operator to engage as its agent for the purpose of responding to complaints a
6 company licensed to provide security pursuant to NRS Chapter 648. For purposes of the preceding sentence,
7 a dwelling unit is presumed to have the number of bedrooms indicated in the records of the Clark County
8 Assessor's Office that pertain to that unit, but that presumption may be rebutted by inspection or other
9 competent evidence.

10 (F) A placard shall be displayed on the exterior of each short-term residential rental unit
11 listing the information set forth below in this Subsection (F). The placard shall be in plain view of the general
12 public at all times the short-term residential rental unit is occupied and shall be a minimum of eight and one-
13 half inches by eleven inches in size. The placard must specify the maximum occupancy allowed pursuant to
14 this Section, as well as the twenty-four-hour contact information required by Subsection (E) of this Section.
15 The information required by the preceding sentence must be in a minimum legible font of seventy-two-point
16 or a minimum of one and one-half inches in height. The required contact information shall include a full
17 name and telephone number of the contact.

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

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

1 purposes.

2 (I) All written or visual advertising for the short-term residential rental must include the
3 business license number assigned to the rental unit. *If the short-term residential rental is owner-occupied,*
4 *the advertising must include a notice or representation that the rental is owner-occupied and that less than*
5 *the entire dwelling is available for rent.*

6 (J) The operator of a short-term residential rental must obtain, and continuously
7 thereafter maintain, valid liability insurance coverage in the minimum amount specified by Subsection (H)
8 of LVMC 6.75.040. Before commencement of operation, the operator shall file with the Department a
9 certificate of insurance documenting compliance with the insurance requirement, as well as upon future
10 request by the Department.

11 (K) The rental of a residential unit or a room within a residential unit for less than the
12 minimum period for the residential unit is prohibited. If the residential unit:

13 (1) Is owner-occupied, the minimum period for the rental is one night.

14 (2) Is not owner-occupied, the minimum period for the rental is two nights.

15 SECTION 6: Title 6, Chapter 75, of the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, is hereby amended by adding thereto four new sections, designated respectively as Sections
17 122, 124, 126 and 128, reading as follows:

18 **6.75.122:** (A) No person shall engage in the business of offering a short-term residential rental as
19 an accommodations facilitator without first obtaining and thereafter maintaining a valid unexpired license as
20 an accommodations facilitator pursuant to this Chapter.

21 (B) An accommodations facilitator who brokers, coordinates, makes available or
22 otherwise arranges for the rental of a short-term residential rental within the City is deemed to be engaged in
23 the business of providing transient lodging within the City and to be the person providing the transient
24 lodging. However, the “deemed to be” provisions of the preceding sentence:

25 (1) Are solely for the purposes of imposing, collecting and remitting all taxes
26 on the gross receipts from the rental of transient lodging; and

(2) By themselves do not, create, expand or alter any other liability, duty, obligation or responsibility of the accommodations facilitator for, or relating to, the short-term residential rental.

6.75.124: The holder of a license under LVMC 6.75.122 shall pay, in advance, an annual fee of three thousand dollars.

6.75.126: Each application for a license under LVMC 6.75.122 shall contain the information described in LVMC 6.02.080, as well such other information and documentation as the Director may require.

6.75.128: With respect to transactions it brokers, coordinates, makes available or otherwise arranges for regarding the rental of short-term residential rentals within the City, each accommodations facilitator licensed under this Chapter shall:

(A) Collect and remit to the City, on a monthly basis, all transient lodging taxes imposed on the gross receipts from the rental of those short-term residential rentals. This requirement includes compliance with the requirements placed upon an operator pursuant to LVMC Chapter 4.20 and LVMC 6.75.060.

(B) ~~In advance of any activity to broker, coordinate, make available or otherwise arrange for any short-term residential rental for a fee, verify that the short-term residential rental has been issued a City business license under LVMC 6.75.030.~~

~~(C)~~ Include within the listing of any short-term residential rental located within the City:

(1) The number of the City business license issued under LVMC 6.75.030 for that rental;
and

(2) If the short-term residential rental is owner-occupied and the operator has notified the accommodations facilitator of that fact, a notice or representation that the rental is owner-occupied and that less than the entire dwelling is available for rent.

~~(D)~~ (C) Upon request by the Director and from time to time, ~~report~~ comply with either Paragraph (1) or (2) below:

(1) Report to the Director all current listings of such short-term residential rentals that the accommodations facilitator is brokering, coordinating, making available or otherwise arranging for as

transient lodging, and, if so requested by the Director, a report of such listings for a specified period in the past. Any such report shall include the following information:

(a) City business license number;

(b) Name of business; and

(c) Physical address for listing.

(2) Provide the Director with access to the accommodations facilitator's platform database to the extent necessary for the Director to access the information listed in Paragraph (1).

(D) Upon notification from the Department that any particular property listed by the accommodations facilitator is not properly licensed by the City, remove the listing of that property within five business days after such notification.

SECTION 7: Title 6, Chapter 75, Section 130, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

(C) Each report required by Subsections (A) and (B) of this Section must be in a accessible and readable format acceptable to the Department and must state, for the quarter being reported and with respect to short-term residential rentals within the City:

(1) The number of bookings, listings, and operators;

(2) The average number of bookings per listing;

(3) Current year-to-date booking value;

(4) Current year-to-date revenue collected from all short-term residential rentals through the [hosting platform,] accommodations facilitator, disaggregated by operator; and

1 (5) The average length of a short-term residential rental.

2 (D) From time to time the Director may add to the list of items required to be reported
3 pursuant to Subsection (C) of this Section. After the Department provides appropriate notice to
4 accommodations facilitators of each such addition, subsequent quarterly reports under this Section must
5 include those additions.

6 (E) An accommodations facilitator shall be deemed to be in compliance with the
7 reporting requirements of this Section by providing the Director with access to the accommodations
8 facilitator's platform database to the extent necessary for the Director to access the information required
9 by this Section.

10 SECTION 8: Title 6, Chapter 75, Section 140, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.75.140:** (A) In accordance with State law, the Department is authorized to issue a subpoena for
13 the production of documents, records, or materials relevant for determining whether a short-term residential
14 rental in the City has been rented in violation of any law of this State or a City ordinance. Any such subpoena
15 may only be issued if:

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

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

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

1 accommodations facilitator.

2 (C) A [hosting platform] accommodations facilitator to whom a subpoena has been
3 issued pursuant to this Section must:

4 (1) Provide notice of the subpoena to the operator of the short-term residential
5 rental identified in the subpoena who engaged the services of the [hosting platform] accommodations
6 facilitator and provided the short-term residential rental identified in the subpoena; and

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

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

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

15 SECTION 9: Title 6, Chapter 2, Section 460, of the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.02.460:** (A) Except as otherwise provided in [Subsection (B),] this Section, the civil fines for
18 violations that are processed under the provisions of LVMC 6.02.390 to 6.02.460, inclusive, are as follows:

19 (1) For a first offense, two hundred fifty dollars.

20 (2) For a subsequent offense, five hundred dollars.

21 (B) The civil fine [for violations processed under the provisions of
22 LVMC 6.02.390 to 6.02.460, inclusive,] for violations of any provision of LVMC Chapter 6.50 is five
23 hundred dollars for each offense.

24 (C) For violations of LVMC Chapter 6.75 by the holder of a license under that Chapter,
25 whether a license to operate a short-term residential rental or to act as an accommodations facilitator, the
26 civil fine is one thousand dollars for each single violation or the nightly rental value of the short-term

1 residential rental, whichever is greater.

2 (D) For a violation of LVMC Chapter 6.75 by a person who makes available a short-
3 term residential rental without holding a license under that Chapter, the civil fine shall be not less than one
4 thousand dollars nor more than ten thousand dollars for each violation. The amount of the fine shall take into
5 account and be based upon:

6 (1) The severity of the violation;
7 (2) Whether the person who committed the violation acted in good faith; and
8 (3) Any history of previous violations of the provisions of LVMC Chapter 6.75
9 or any other ordinance related to transient lodging, as defined in LVMC 4.20.020.

10 [(C)] (E) In connection with any violation sustained or confirmed by judgment of a Hearing
11 Officer, a separate fine may be assessed for each day the violation occurred or continued to the extent the
12 violation on that day was alleged in the Notice of Violation.

13 SECTION 10: Title 4, Chapter 20, Section 10, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **4.20.010:** (A) The taxes imposed by Sections 4.20.030 and 4.20.080 are for the purpose of
16 constructing and supporting convention halls and related facilities by the Las Vegas Convention and Visitors
17 Authority for the benefit of the City and its residents and for the fulfillment of statutory requirements of NRS
18 244A.645 and any agreements of the City with the Las Vegas Convention and Visitors Authority and other
19 government entities in Clark County, Nevada, in pursuance thereof concerning the pledge or commitment of
20 these taxes.

21 (B) The taxes imposed by Section 4.20.035 are for the purposes of supporting the State
22 fund for the promotion of tourism; advertising the resources of the City which are related to tourism,
23 including available accommodations, transportation, entertainment, natural resources and climate, and to
24 promote special events which are related thereto; and supporting capital projects of the Clark County School
25 District.

26 [(C) The taxes imposed by Section 4.20.037 are for the purposes of providing funds for:

1 (1) Constructing, acquiring, improving, operating or maintaining urban
2 projects, or any combination thereof, including, without limitation, recreational facilities and other projects
3 designed to encourage tourism or to improve the aesthetic environment of the central business area located
4 within the boundaries of the district described in Appendix A of this Chapter;

5 (2) Paying the principal and interest on notes, bonds or other obligations issued
6 by the City to fund such projects; or

7 (3) Any combination of those uses.]

8 SECTION 11: Title 4, Chapter 20, Section 20, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **4.20.020:** "Director" means the Director of Finance or a designee.

11 "Operator" means any person who owns, leases, controls, manages, brokers, coordinates,
12 makes available or otherwise arranges for, or operates an establishment that [rents or holds out for rent
13 guestrooms on a daily or less than weekly basis] qualifies as transient lodging.

14 "Transient lodging" or "transient lodging establishment" means any establishment, facility,
15 structure, or portion of any structure which is located within the City and is occupied or intended or designed
16 for occupancy primarily by transient guests who pay rent for dwelling, lodging, or sleeping purposes.

17 SECTION 12: Title 4, Chapter 20, Section 37, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

19 SECTION 13: Title 4, Chapter 20, Section 40, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **4.20.040:** Occupants renting rooms in such establishments as are contemplated in Sections 4.20.030[,]
22 and 4.20.035 [and 4.20.037] shall pay the tax for the first thirty days of continuous occupancy regardless of
23 the period upon which the rental is based. After thirty days' continuous occupancy of a [particular] room in
24 an establishment covered by Sections 4.20.030 and 4.20.035, [and 4.20.037,] the occupant shall be
25 considered a resident guest and not subject to the payment of room tax.

26 SECTION 14: Title 4, Chapter 20, Section 50, of the Municipal Code of the City of Las

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

4.20.050: The taxes fixed by Sections 4.20.030[,] and 4.20.035 [and 4.20.037] are in addition to those imposed by Chapter 6.46.

SECTION 15: Title 4, Chapter 20, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4.20.060: A collection fee is allowed for operators of establishments referred to in Sections 4.20.030[,] and 4.20.035, [and 4.20.037,] in an amount equal to two percent of the amount of the tax [collected, providing] due, provided that all the taxes due [the City] are paid to the [Department] City on or before the fifteenth day of the month following the month for which the tax is due. No collection fee is allowed for payments made after that date.

SECTION 16: Title 4, Chapter 20, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4.20.070: The room tax imposed by Sections 4.20.030[,] and 4.20.035 [and 4.20.037,] shall be [collected by the operator from the paying guests and] shown as an add-on to the charge for occupancy of the rooms[.] and collected by the operator (or an accommodations facilitator, if applicable, and if not covered by the definition of "operator"). The operator [is] (and an accommodations facilitator, if applicable, and if not covered by the definition of "operator") are liable to the City for such taxes whether or not they are actually collected. [from the paying guest.] Such taxes shall be [paid to the Department by the licensee] remitted to the City by the operator or accommodations facilitator on or before the fifteenth day of the month following the month in which the taxes accrued and shall be deemed delinquent if not paid on or before such date. Remittance of taxes must be accompanied by supporting documentation, including reports that may have been required or are required by the City. Such documentation and reports must be submitted for each month regardless of whether or not the corresponding rooms or property have been rented during the month being reported. **Monthly reports must include at a minimum, and particularized for each room or property:**

(A) Gross revenue collected;

(B) City license number;

1 **(C) Amount of room taxes collected, if any; and**

2 **(D) Amount of allowable deductions, if any.**

3 SECTION 17: Title 4, Chapter 20, Section 100, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **4.20.100:** Any licensee or operator (or accommodations facilitator, if applicable, and if not covered by
6 the definition of “operator”) failing to pay the taxes imposed by Sections 4.20.030, 4.20.035[, 4.20.037] and
7 4.20.080 by the due dates provided by this Chapter shall pay in addition to such tax, a penalty of ten percent
8 of the amount thereof, plus interest on the amount of such delinquency at the rate of one and one-half percent
9 per month, or fraction thereof, from the date when such tax became due and payable until the date of payment.

10 SECTION 18: Title 4, Chapter 20, Section 140, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **4.20.140:** It shall be unlawful for any licensee or operator (or an accommodations facilitator, if
13 applicable, and if not covered by the definition of “operator”) required to collect the room tax imposed by
14 Section 4.20.030[,], or Section 4.20.035 [or 4.20.037] to fail to maintain adequate room records or to fail to
15 make adequate records available, within seventy-two hours of written notice, to the Director or to any other
16 person designated by him for the purpose of conducting an audit. These records must be made available
17 [within the City of Las Vegas] to the City during normal business hours. Adequate room records shall mean
18 the following: Journal, daily cash summary, registration cards, and folio for the three-year period preceding
19 the date of audit[.], as well as any other records deemed necessary by the Director to determine room tax.

20 SECTION 19: Title 4, Chapter 20, Section 150, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **4.20.150:** No person shall advertise that the room tax imposed by Section 4.20.030[,], or Section
23 4.20.035 [or 4.20.037] will be absorbed by the establishment. It is unlawful for [any licensee or any person
24 acting for the operator to fail to collect the room tax from paying occupants, and it is unlawful for any operator
25 to fail to remit the tax to the City.] an operator (or an accommodations facilitator, if applicable, and if not
26 covered by the definition of “operator” or person acting for the operator) to fail to:

- 1 (A) Collect the room tax from paying occupants;
2 (B) Remit the tax to the City; or
3 (C) Provide to the City the documentation necessary to support the determination, collection and
4 remittance of room tax, as well as any reports that may have been required or are required by the City pursuant
5 to this Chapter.

6 SECTION 20: Title 4, Chapter 20, Section 160, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **4.20.160:** The Director of the Department of Finance [and Business Services] of the City shall, within
9 twenty days from the close of the preceding calendar month, transmit:

10 (A) The total amount received pursuant to Sections 4.20.030 and 4.20.080 to the Las
11 Vegas Convention and Visitors Authority to be used for the purposes set forth in subsection (A) of
12 Section 4.20.010;

13 (B) Three-eighths of the first one percent received pursuant to Section 4.20.035 to the
14 Nevada Department of Taxation for deposit with the State Treasurer for credit to the fund for the promotion
15 of tourism;

16 (C) Five-eighths of the first one percent received pursuant to Section 4.20.035 to the Las
17 Vegas Convention and Visitors Authority to be used for the purposes set forth in subsection (B) of Section
18 4.20.010; and

19 (D) The remaining proceeds received pursuant to Section 4.20.035 to the Clark County
20 Treasurer for deposit in the Clark County School District's fund for capital projects, [; and

21 (E) The total amount received pursuant to Section 4.20.037 to the treasury of the City to
22 be used as provided in Section 4.20.010(C), as directed by the City Council.]

23 SECTION 21: Title 4, Chapter 20, of the Municipal Code of the City of Las Vegas, Nevada,
24 1983 Edition, is hereby amended by repealing in their entirety Appendix A and Appendix B that appear at
25 the end of that Chapter.

26 SECTION 22: Ordinance No. 6289 and the Unified Development Code adopted as Title 19

of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Section 23 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 23: Title 19, Chapter 12, Section 70, is 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:
 - a. 660 feet to any other Short-Term Residential Rental use[.]; or
 - b. 2,500 feet to a resort hotel, as defined in NRS 463.01865.
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

1 case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460,
2 inclusive.

3 7. On any particular parcel, the use is limited to a single residential dwelling unit that is owner-
4 occupied during each period the unit is rented and that has no more than three bedrooms, with a maximum
5 occupancy not to exceed the limits set forth in LVMC 6.75.090. The dwelling unit is presumed to have the
6 number of bedrooms indicated in the records of the Clark County Assessor's Office that pertain to that unit,
7 but that presumption may be rebutted by inspection or other competent evidence. For purposes of this
8 Regulation 7.1:

9 a. "Owner" includes any person who is listed as an owner of record of the unit in the records
10 of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal
11 entity, a trustee or principal of that trust or entity.

12 b. A dwelling unit qualifies as "owner-occupied during each period the unit is rented" only if
13 the dwelling unit is the owner's primary residence, the owner continues to reside at the unit throughout the
14 rental period, and the owner's absence, if any, from the unit during the rental period is attributable only to
15 employment or to the running of typical personal or household errands.] ownership shall be determined in
16 accordance with Subsection (D) of LVMC 6.75.020.

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

20 9. This use is unavailable and prohibited within a residential unit or a room within a residential unit that
21 is located in an apartment building. For purposes of this Regulation, "apartment building" means an
22 "apartment house," as defined in LVMC 19.18.020.

23 [9.] 10. The Special Use Permit provisions of LVMC 19.12.040(B) do not apply to this use.

24 **On-site Parking Requirement:** For any short-term residential rental that has no more than 5 bedrooms, no
25 additional parking is required beyond that which is required for the principal use on the site. For units with
26 more than 5 bedrooms, 1 additional space shall be required for every 2 additional bedrooms or fractional

1 portion thereof.

2 SECTION 24: For purposes of Section 2.100(3) of the City Charter, Section 19.12.070 is
3 deemed to be a subchapter rather than a section.

4 SECTION 25: The Department of Planning is authorized and directed to incorporate into
5 the Unified Development Code the amendment set forth in Section 23 of this Ordinance.

6 SECTION 26: Notwithstanding any other provision of this Ordinance, any person who has
7 been lawfully issued a City license before July 1, 2022, to make available for rent a residential unit or a room
8 within a residential unit for the purposes of transient lodging may continue to operate under his or her original
9 authorization despite any provisions of City ordinances that may conflict with the location or type of
10 residential unit, including, without limitation, any requirements adopted by the ordinance for the minimum
11 distance between residential units. However, the provisions of this Section apply only to the original holder
12 of the license and do not transfer to subsequent owners or occupants of a residential unit or room within a
13 residential unit. A City license issued before July 1, 2022, shall be deemed an authorization issued pursuant
14 to Section 22 of Assembly Bill 363 of the 2021 Session of the Nevada Legislature. Such a license may be
15 suspended, terminated or revoked on or after July 1, 2022, in accordance with the provisions of this Ordinance
16 and the Municipal Code that pertain to short-term residential rentals, for violations of those provisions that
17 pertain to matters other than the location or type of residential unit.

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

25 SECTION 28: Whenever in this ordinance any act is prohibited or is made or declared to
26 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

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

6 SECTION 29: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
8 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2022.

10 APPROVED:

11 By

CAROLYN G. GOODMAN, Mayor

13 ATTEST:

14 _____
15 LUANN D. HOLMES, MMC
City Clerk

16 APPROVED AS TO FORM:

17 _____
18 Val Steed, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2022, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2022, 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 ~~introduced~~ **amended** and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12 By

CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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JULY 18, 2022 STR/RNP PRESENTATION

Recommending Committee

Item #3 Bill No. 2022-16

Thank you Madam Mayor,

Lex Anderson. I'm the Historian for NARA. I'll be very brief and specific. Everyone on the dais recieved a copy of our June 6th content , and July 14th the Recommending Committee received a more inclusive revision. So this should be familiar.

Bill #2022-16 has made a provision that Short Term Rental licensure within HOA's will be left up to their governing body and bylaws. This makes perfect sense.— All HOA's are in fact "communities of a common interest", but they can vary considerably within their market and culture. Leave it up to the neighborhood and the residents. Again, this makes perfect sense.

Rural Preservation communities are defined by Title #19 as one of the many residential lifestyle choices within the City of Las Vegas jurisdiction defined by ordinance. With that they are also designated as Overlay Districts with "special" considerations, and the word "special" used 3X within the ordinance. Just as HOA's are defined as "communities of

a common special interest", RNP's are by ordinance "communities with a common special interest".

In 2018 a Bonanza Village Short Term Rental agenda was unanimously denied at both the Planning Commission and City Council as inappropriate, incompatible and inconsistent with their Rural Preservation community, and even qualifying it as a "closed community" in regard to STR licensure. By any definition this was a RNP/STR precedent decision.

Like HOA's, RNP's can differ considerably within their residential market and culture. With that, we have submitted a more inclusive and compelling option to the Recommending Committee, for RNP/STR licensure to be given a similar status as HOA licensure. This is just common sense. Leave it up to the specific RNP community and their bylaws, just like with the HOA.

By history, our Ward #5 Councilman Crear has more experience with Rural Preservation matters than anyone else at the dais. With that, we have asked Councilman Crear to support our request as presented to the Recommending Committee, and advocate for acceptance of this addition to Bill 2022-16

Madam Mayor, one last comment please. We have 7 transitionally zoned buffer HOAs within our 1.06 square mile Rural Preservation boundary. If anyone has any doubts that HOA's and RNP's are both communities of a common interest, over our past 27 year history we have had residents from our HOA neighbors participate in NARA agenda committees, hold office in our Executive Board, and one HOA resident was even our volunteer neighborhood association president. Our present Executive Board parliamentarian lives in one of our HOAs. We are indeed communities with a common interest by history. As one resident commented, "We are family". Recall also that Rancho Circle claims both HOA and RNP status. And at one time Bonanza Village was also an HOA.

Thank you,

A handwritten signature in cursive script, appearing to read "Lex Anderson".

Lex Anderson/NARA Historian