

ORDINANCE NO. 3736

(ZOA-2020006269 – Development Code Update - Amend Henderson Municipal Code Sections 19.5.3.G – Short-Term Vacation Rental; 19.11 - Enforcement and 19.12 – Defined Terms)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE – HENDERSON DEVELOPMENT CODE - BY AMENDING SECTION 19.5.3.G – SHORT-TERM VACATION RENTAL, AND A PORTION OF SECTION 19.11 – ENFORCEMENT AND SECTION 19.12.4 – DEFINED TERMS, TO ENABLE MORE EFFICIENT AND EFFECTIVE REGULATION OF SHORT-TERM VACATION RENTALS.

WHEREAS, the City Council of the City of Henderson (the “City Council”) has statutory authority pursuant to NRS to 278.020 to regulate and restrict the improvement of land and to control the location and soundness of structures within its jurisdiction for the purpose of promoting health, safety, morals and the general welfare of the community; and

WHEREAS, pursuant to this authority, on January 19, 2010, the City Council adopted City of Henderson Municipal Code Title 19 – Henderson Development Code (as the same may be amended from time-to-time by the City Council, the “Development Code”); and

WHEREAS, the City Council considers the Development Code a “living document,” which will invariably need amending for corrections, revisions and necessary updates; and

WHEREAS, the City Council of the City of Henderson adopted the current short-term vacation rental ordinance on July 16, 2019, and;

WHEREAS, the City wishes to amend the current ordinance to add additional standards and requirements regarding the operations of a registered short-term vacation rental, clarify certain provisions regarding the enforcement of short-term vacation rentals, and, among other revisions, add a minimum distance separation requirement between short-term vacation rental properties, and add a definition of a “party” when pertaining to a short-term vacation rental; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Section 19.5.3.G – Short-Term Vacation Rental, 19.11 – Enforcement, and 19.12.4 – Defined Terms are hereby amended as represented in Exhibit A, consisting of 24 pages, hereto attached.

SECTION 2. All registered short-term vacation rentals are required to comply with the standards and regulations as set forth on Exhibit A to maintain their registrations. The standards and regulations on Exhibit A shall be applied to all current registered short-term vacation rentals, regardless of their registration dates, with the exception of the distance separation requirement. It is City Council’s intent that existing registered short-term vacation rental properties that do not meet the new distance separation requirement will be considered legal, non-conforming uses until such time as their registrations terminate. Once a registration is terminated for any reason, including a change in ownership of the property, a new registration shall be required, and the distance separation requirement will be enforced.

SECTION 3. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on November 20, 2020, in the Las Vegas Review-Journal, at which time it will become effective.

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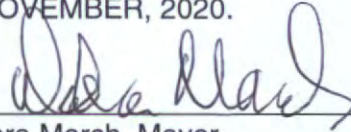
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PASSED, ADOPTED, AND APPROVED THIS 17TH DAY OF NOVEMBER, 2020.



Debra March, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on November 3, 2020, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on November 17, 2020, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held November 17, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor

Councilmembers:

John F. Marz

Michelle Romero

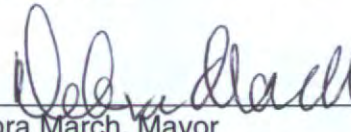
Dan K. Shaw

Dan H. Stewart

Those voting nay: None

Those abstaining: None

Those absent: None



Debra March, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

EXHIBIT A

(19.5.3.G – Short-Term Vacation Rental v10.21.20)
(Chapter 19.11: Enforcement)
(19.12.4 – Defined Terms)

G. SHORT-TERM VACATION RENTAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S			
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				S					S		S	

1. Definition

A permanent residential dwelling unit or any portion of such dwelling unit, rented for occupancy for a period of less than thirty (30) consecutive calendar days, or, in February, less than 28 consecutive calendar days, counting portions of day as full days, regardless of whether a permanent resident is also present during the period of occupancy ~~;~~ **excepting February**].

2. Standards

~~[The following]~~ Short-term vacation rental standards are not waivable. Failure to comply with any of these standards shall constitute a violation of this Section 19.5.3.G.

- (a) Unless mapped for individual ownership, multi-family dwelling units shall not be utilized as short-term vacation rentals.
- (b) Any property owner wishing to operate a short-term vacation rental must register its property with the City of Henderson.
- (c) Only the property owner of record as listed in the Clark County Assessor's records at the time of registration may register a short-term vacation rental. The property owner must be at least 18 years of age. The owner shall be deemed the "operator" for the purposes of HMC Chapter 4.48. The property owner may also be referred to in this Section as the "applicant" or "registrant". If the property owner of record is an entity, an officer or manager of the entity may register the short-term vacation rental upon providing proof of entity action authorizing the registration. If the property owner of record is a trust, only a trustee designated by the trust may register the short-term vacation rental.
- (d) Mobile homes, RVs, travel trailers, tents, vehicles and similar non-permanent structures may not serve as short-term vacation rentals.
- (e) Short-term vacation rentals are considered "transient lodging" for the purposes of HMC Section 4.48.
- (f) A short-term vacation rental shall not generate more traffic or different types of vehicle traffic than a typical home occupied by a permanent resident.
- (g) A short-term vacation rental may only be used for overnight accommodations and shall not be used for events such as [a] cultural events, weddings, special or sales events, bachelor or bachelorette [party] parties, other similar [activity] activities, or any gathering meeting the definition of "party" in Section 19.12.
- (h) A short-term vacation rental shall, at all times, comply with all residential property maintenance requirements of the Henderson Municipal Code, Chapter 15. ~~including but not limited to Chapter 5.17 (Solid Waste Management), Chapter 8.84 (Noise Control);~~

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~~and Section 19.7.8.G (Development and Design Standards, Noise). The property owner shall include trash/recycling containers, the trash services collection schedule and instructions for proper trash disposal within the rental rules provided to each renter.]~~

- (i) ~~[Complaints regarding short-term vacation rentals shall be directed to the City of Henderson complaint hotline. The registered local contact identified in the short-term vacation rental registration (see Section 19.5.3.G.3.f) shall be available by phone 24 hours a day during all times when the property is rented. Should a problem arise, and be reported to the City's complaint hotline, the hotline operator shall contact the registered local contact who shall be responsible for contacting the occupant to address the complaint within 45 minutes, including visiting the site if necessary, to ensure that the complaint has been resolved. Any complaint that has been reported shall be resolved within two hours from when the complaint was initiated. The registered local contact shall provide a detailed report of any such complaints and their resolution or attempted resolution(s) to the Community Development and Services Department within 48 hours of the occurrence. Failure to respond to complaint or report them to the Community Development and Services Department shall be considered a violation of this Section and shall be cause for the issuance of administrative fines and potential termination of registration pursuant to Section 19.11.6.E.]~~

Complaints regarding short-term vacation rentals shall be directed to the City of Henderson complaint hotline (see Section 19.5.3.G.3.f.). The registered local contact shall be available by phone 24 hours a day to answer calls from the complaint hotline, as well as complaints from any other sources. Upon receipt of a notification or attempted notification regarding a complaint, the registered local contact shall contact the occupant of the short-term vacation rental and resolve the issue giving rise to the complaint. The registered local contact shall have 30 minutes from the time of notification or attempted notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within 30 minutes shall constitute a violation of this code unless the registered local contact can demonstrate that they contacted the occupant of the short-term vacation rental within 30 minutes and attempted to resolve the problem but were unable to do so. In that event, the registered local contact shall visit the short-term vacation rental property to address the problem and resolve the complaint within 30 minutes thereafter.

The registered local contact shall provide a detailed report of all complaints received and their resolution or attempted resolution to the Community Development and Services Department within 48 hours of notification or attempted notification of a complaint. The report shall include any photographs, videos, audio recordings, and/or other documentation demonstrating the registered local contact's efforts to resolve the complaint or refuting the existence of the problem underlying the complaint.

Failure to resolve any complaint or to report complaints to the Community Development and Services Department as required in this Section 19.5.3.G.2.i, shall be a violation of this section and shall be cause for the issuance of administrative fines and potential termination of registration pursuant to Section 19.11.6.E. Violations of this Section 19.5.3.G.2.i shall be considered separate and independent from any violation of any other provision of Section 19.5.3.G. The City may take enforcement action against a short-term vacation rental for any violation of this Section 19.5.3.G.2.i separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

- (i) A change in record ownership of a registered short-term vacation rental for any reason shall terminate the current registration upon recordation of the transfer of property or sale of the property and requires a new registration in the name of the new property

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owner of record, in compliance with this ordinance. Any transfer of ownership interests in an entity shall constitute a change in ownership of a registered short-term vacation rental which shall terminate the current registration upon such transfer of ownership interests, and requires a new registration disclosing all ownership interests in the entity. ~~[, with an updated registered local contact as required by Section 19.5.3.G.3.f, within 30 days of the change in property ownership. A short-term vacation rental registration shall automatically terminate 30 days after a change in property ownership if the property has not been registered in the name of the new owner within 30 days.]~~ This subsection (j) does not apply to non-conforming short-term vacation rentals as defined in subsection (o), whose registration shall automatically terminate as set forth in subsection (o).3.

- (k) Occupancy ~~[(17 years old or older)]~~ of a short-term vacation rental is limited to four occupants for the first bedroom and two occupants per each additional bedroom as listed with the Clark County Assessor's Office as of the date of registration. The number of people on the premises may increase by 50 percent over the per bedroom occupancy maximum between the hours of ~~[7] 10~~ a.m. and ~~[10] 9~~ p.m. ~~[Children [16] 6 years of age and under do not count toward the bedroom occupancy maximum. All short-term vacation rentals must have a minimum of 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant, up to a maximum of 20 occupants.]~~
- (l) The registration permit number shall be listed within the property description on any advertisement for the short-term vacation rental and posted inside the property in a conspicuous location. The on-site posting shall include the maximum number of occupants permitted per the registration, the registered local contact name and phone number, and the issue date and expiration date of the registration.
- (m) The number of short-term vacation rentals within a multi-unit dwelling structure ~~[or mixed-use development]~~ is limited to 1 unit or 25 percent of the total number of units within a structure, whichever is greater. Each short-term vacation rental shall require a separate registration. Where more applications are submitted to operate a short-term vacation rental than are allowed within the same multi-unit dwelling structure ~~[or mixed-use development]~~, the first applicant(s) to complete the registration process, as measured by the date and time of final approval of registration, shall be entitled to operate a short-term vacation rental.
- (n) A short-term vacation rental shall not be located within 1,000 feet of another registered short-term vacation rental. The distance shall be measured as a radius from the property line of the registered short-term vacation rental to the nearest property line of the proposed short-term vacation rental. This distance requirement is not waivable. This distance separation does not apply to units mapped for individual ownership within a multi-unit dwelling structure, which units shall be limited as described in subsection (m).
- (o) A registered short-term vacation rental that does not meet the required distance separation as required in Section 19.5.3.G.2(n) as of November 17, 2020, [insert date of adoption of this ordinance] shall be permitted to operate as a legal non-conforming short-term vacation rental subject to the following:
 - 1. A legal non-conforming short-term vacation rental registration shall automatically terminate if not renewed by the annual registration date; and thereafter, the property may not be registered and may not operate as a short-term vacation rental.
 - 2. A legal non-conforming short-term vacation rental registration that is terminated for any other reason pursuant to the provisions of this Section

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19.5.3.G or Section 19.11 (Enforcement) may not be registered thereafter and may not operate as a short-term vacation rental.

3. A legal non-conforming short-term vacation rental registration shall automatically terminate with a change in record ownership of the short-term vacation rental for any reason, upon recordation of the transfer or sale of the property. For a legal non-conforming short-term vacation rental owned by an entity, any transfer of ownership interests in the entity shall constitute a change in the ownership of the legal non-conforming short-term vacation rental which shall terminate the current registration upon such transfer of ownership interest.

~~[(n)]~~(p) Only one short-term vacation rental booking is allowed per registered property at any given time.

~~[(o)]~~(q) Exterior signs identifying the property as a short-term vacation rental are prohibited.

~~[(p)]~~(r) Short-term vacation rentals shall be booked for a minimum of two nights per booking.

(s) Pool and/or spa areas shall not be used between the hours of 10 p.m. and 10 a.m. on weekends, and 10 p.m. and 7 a.m. on weekdays. Signage shall be posted at these outdoor areas to notify occupants of the prohibited hours.

(t) Each short-term vacation rental shall install a front, street-facing security camera that shall be installed and remain functioning as long as the property is registered as a short-term vacation rental. Security footage shall be maintained for a minimum of two months and be made available to the City of Henderson, if requested. This requirement does not apply to multi-unit dwelling structures which have monitored common entrances to the building.

(u) Each short-term vacation rental shall comply with HMC Section 5.17 (Solid Waste Management). The property owner shall include usable trash and recycling containers, the trash services collection schedule and instructions for proper trash disposal in the rental rules provided to each occupant.

(v) Each short-term vacation rental shall comply with noise standards listed below:

1. HMC Section 8.84 (Noise Control); and

2. Quiet Hours which shall be between the hours of 10 p.m. and 10 a.m. on weekends, and 10 p.m. and 7 a.m. on weekdays

a. No outdoor amplified sounds shall occur during quiet hours.

b. Yelling, shouting, hooting, whistling, or singing during quiet hours so as to unreasonably annoy or disturb the quiet, comfort, or repose of any persons of ordinary sensibilities is prohibited.

c. During non-quiet hours, outdoor amplified sound shall comply with noise regulations.

d. All rear and side yard outdoor lighting shall be turned off during quiet hours, with the exception of motion-sensitive outdoor security lighting.

~~[(w)] A non-owner-occupied short-term vacation rental shall be rented no more than 21 days per month. On a quarterly basis, or upon request by the City, the property owner shall provide the City official records of monthly documented stays for all hosting platform(s)~~

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~~upon which the short-term vacation rental is listed, along with documentation of the required transient lodging tax remittance.]~~

(w) All short-term vacation rentals shall maintain a noise management plan.

The Noise Management Plan must include:

(1) Continuous operation of noise monitoring device(s) while the registered property is rented;

(2) Conspicuous posting on-site of established quiet hours and penalties for violations of the Henderson Municipal Code;

(3) A commitment by the short-term vacation rental owner and registered local contact, upon notification that the short-term vacation rental occupants and/or their guests have created unreasonable noise or disturbances or violated provisions of the Henderson Municipal Code or state law pertaining to noise or disorderly conduct, that the short-term vacation rental owner or its registered local contact will promptly act within thirty (30) minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants and/or their guests.

(4) Noise level data records maintained by the property owner for a minimum of two months. Noise level data from the property shall be made available to the City upon request.

(5) Noise monitoring equipment located both indoors and outdoors, in common areas.

(6) ~~[For non-multi-unit dwelling structures with a pool or spa, additional noise monitoring equipment installed at the pool/spa areas.]~~ Additional noise monitoring equipment shall be installed at the pool/spa areas for non multi-unit dwelling structures with a pool or spa.

(x) The City of Henderson shall have the right to request an inspection of all [All] short-term vacation rentals.[-shall be made accessible to the City, upon advance request, and] Upon consent of the property owner, an inspection shall be conducted at a reasonable time, and shall be limited in scope [for] to inspection[s] of areas [as] needed to determine compliance with the registration requirements of [the] this Code. [The] If the property owner agrees to the inspection, the property owner or the registered local contact must meet the City at the property for any requested inspection.

(y) All platforms that display short-term vacation rental listings for advertisement shall:

1. Require that all operators using the platform include the City issued registration number in any listing for a short-term vacation rental on the platform and;

2. Ensure the deactivation of all short-term vacation rental listings that lack a registration numbers by doing one of the following:

(a) Check the operator-provided registration number against the City's registry described in Section 19.5.3.G.3 and deactivate any short-term vacation rental listing that lacks a registration number that appears on the City's registry or

(b) Deactivate any short-term vacation rental listing that lacks a registration number within 7 days of receiving notice from the City.

3. Registration Requirements

Operation of a short-term vacation rental requires [annual] registration with the City of Henderson, that must be renewed on an annual basis as set forth in 19.5.3.G.3. Registration requires the following:

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- (a) Advance payment of the then-current annual registration fee for the year following the date of registration, as set forth in HMC Section 18.01.030.
- (b) Evidence that the registrant is at least 18 years of age; or, if the property owner of record is an entity, proof of entity action authorizing the registration by a manager or officer of the entity; or, if the property owner of record is a trust, a copy of the certification of trust authorizing the registration by a trustee designated by the trust.
- (c) A listing of the number of bedrooms that are available for rent at the property as listed with the Clark County Assessor's Office.
- (d) A certificate of insurance indicating that the property is used as a short-term vacation rental and carries general liability coverage with limits of not less than ~~[five-hundred thousand-dollars]~~ \$500,000.00 per occurrence. Insurance shall be maintained for the duration of the short-term vacation rental registration.
- (e) A notarized statement from the registrant:
 - 1. Certifying that operation of the short-term vacation rental would not violate any homeowners' association agreement or bylaws, condominium agreement, covenants, conditions and restrictions, or any other private agreement governing and limiting the use of the property as a proposed short-term vacation rental;
 - 2. Acknowledging that registration with the City will not supersede any such private agreements;
 - 3. Acknowledging that the registrant has reviewed this Section 19.5.3.G and understands its requirements and consents to abide by the same;
 - 4. Certifying that the property is fully compliant with all applicable laws, and has installed or included ~~[including, but not limited to, providing]~~ the following: a smoke alarm in each bedroom, a carbon monoxide detector on each floor, an illuminated street address number visible from the street, one fire extinguisher per floor, and an evacuation map;
 - 5. Acknowledging that the registrant is responsible for each and every occupant's compliance with the Henderson Municipal Code while they are on the property;
 - 6. Certifying that there are no delinquent room tax liabilities or liens ~~[regarding]~~ on or associated with the property;
 - 7. Acknowledging that the registrant agrees to indemnify and defend the City against any third-party claims based upon the veracity of the foregoing statements; ~~[and]~~
 - 8. Certifying that a noise management plan as required in Section 19.5.3.G.3.i will be in place prior to the first rental after registration approval~~[:]; and~~
 - 9. Acknowledging that the property does not receive affordable housing incentives and is not located in any subsidized housing, public housing or other unit subject to income restrictions.
 - 10. Certifying that the registrant intends to operate a short-term vacation rental on the property and is not obtaining a registration for any other purpose.
- (f) Designation by the owner of a registered local contact who shall be available twenty-four hours per day, seven days per week ~~[with the ability]~~ to respond to and resolve any complaint as set forth in Section 19.5.3.G.2(i). The property owner shall provide the registered local contact person's proof of residency within Clark County, at the time of registration. ~~[within forty-five (45) minutes for the purpose of:~~
 - ~~i.—responding to complaints regarding the condition, operation, or conduct of~~
~~—occupants of the short-term vacation rental unit; and~~
 - ~~ii.—taking immediate action to resolve any such complaints.]~~A property owner may contract with a private security company that is licensed to conduct business within the City of Henderson to act as the registered local contact. The licensed security company shall provide monitoring and compliance enforcement 24 hours per day, 7 days per week, and is required to provide services complying with the requirements of 19.5.3.G.2(i).

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- (g) Dissemination of registered local contact information to all properties located within a 200-foot radius of the short-term vacation rental parcel ~~[within]~~ no later than 10 days ~~[of]~~ following registration approval. Information shall be mailed to each address and to each owner of property as listed with the Clark County Assessor's office and to any homeowner's association that is registered with the City of Henderson ~~[registered homeowner's association]~~ within the 200-foot radius. Proof of mailing and a copy of the information sent to residents and homeowners associations shall be provided to Community Development and Services Department within 14 days of mailing.
- (h) If the registered local contact ~~[changes]~~ is changed, the owner shall provide its updated registration information to the Community Development and Services Department and to all properties within a 200-foot radius of the short-term vacation rental parcel within five business days of the change, in accordance with Section 19.5.4.G.3(g).

~~[(i)]~~ A Noise Management Plan

~~In order to reduce the potential for adverse impacts of noise violations, all short-term vacation applicants shall submit a noise management plan as part of the short-term vacation rental registration.~~

~~The Noise Management Plan must include:~~

- ~~(1) Continuous operation of noise monitoring device(s) while the registered property is rented;~~
- ~~(2) Conspicuous posting on-site of established quiet hours and penalties for violations of the Henderson Municipal Code;~~
- ~~(3) A commitment by the short-term vacation rental owner and registered local contact, upon notification that the short-term vacation rental occupants and/or their guests have created unreasonable noise or disturbances or violated provisions of the Henderson Municipal Code or state law pertaining to noise or disorderly conduct, that the short-term vacation rental owner or its registered local contact will promptly act within 45 minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants or their guests. The short-term vacation rental owner or its registered local contact is not expected to act as a peace officer and shall not place himself, herself or others in harm's way in order to address such violations or disturbances.~~
- ~~(4) Noise level data records shall be maintained by the property owner for a minimum of two months. Noise level data from the property shall be made available to the City upon request.~~
- ~~(5) Noise monitoring equipment shall be located both indoors and outdoors, in common areas.]~~

~~[(+)]~~ i The registrant shall provide a copy of the City's "Good Neighbor" pamphlet and its registered local contact information to the future occupant at the time of reservation ~~[with]~~ booking. A copy of the pamphlet shall be on site at all times.

~~[(+)]~~ i The registrant shall conduct a self-inspection utilizing the City of Henderson short-term vacation rental checklist and shall provide the City a signed copy of the completed checklist as part of the registration process. The City reserves the right to inspect the property during the registration period for the limited purpose of determining that all registration requirements for the property have been met and the property meets all building code requirements prior to beginning operation as a short-term vacation rental.

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Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection.

~~(k)~~ The property owner and registered local contact shall complete and provide proof of completion of a short-term vacation rental certification program for short-term rental best practices provided by a college or university or offered through a professional organization, prior to issuance of registration. The course must be approved by Community Development and Services. If the registered local contact changes after issuance of registration, the new registered local contact must complete and submit proof of completion of the program within 10 days of ~~[notice to the City of]~~ the change. Completion of a certification program is not required for a property manager licensed under NRS 645. A copy of such State license shall be provided at the time of registration or the certification program shall be required.

~~(m)~~ (l) Once the applicant has submitted a complete application and all required materials and registration fees, the Community Development and Services Department will review the application and materials and determine whether the short-term vacation rental property meets all of the City's requirements for registration. If ~~[deemed]~~ it is determined that the application and other submittals meets ~~[to-meet]~~ all of the requirements, the Community Development and Services Director or designee will issue the registration.

(m) Registrations must be renewed by the annual registration renewal date. Renewal will require submittal of the following:

(1) The annual registration fee;

(2) An updated general liability insurance certificate;

(3) Updated property owner contact information;

(4) Updated registered local contact information, including proof of residency within Clark County; if new registered local contact, must also include required short-term vacation rental certification certificate;

(5) A completed self-inspection checklist;

(6) Any additional information staff may request upon review of the renewal application; and

(7) An inspection ~~[inspections]~~ of the property by the City, ~~[as]~~ if needed during the renewal period for the limited purpose of determining that all registration and/or renewal requirements for the property have been met and the short-term vacation rental meets all building code requirements. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection.

Failure to complete the renewal process by the annual deadline will require completion of a new registration in compliance with all current Code requirements.

(n) Registrants shall conform with all registration requirements contained in this section at all times. Should a registrant fail to conform or become unable to conform with these requirements, the registrant shall immediately discontinue the use of the property as a short-term vacation rental. Failure to immediately discontinue the use of the property as a short-term vacation rental may result in the immediate suspension of the registration upon written notice from the City.

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(o) If the property is served by a private on-site septic system, the property owner shall provide a letter of approval from the Southern Nevada Health District, that indicates the maximum number of people the septic system is able to handle.

4. **Transient Lodging Tax**

(a) The registrant shall comply with HMC Chapter 4.48 – Transient Lodging and Gaming Taxes regulations.

(b) The registrant shall maintain rental records in accordance with HMC Chapter 4.48.070.

5. **Enforcement Process**

Section 19.11.6.E shall govern the enforcement of this Section. All violations of this Section 19.5.3.G are deemed ~~(a) to be a~~ nuisance and are therefore subject to all enforcement actions and remedies available to the City for prevention and correction of nuisances generally, in addition to all enforcement actions and remedies specifically applicable to short-term vacation rentals.

6. **Off-Street Parking Requirement/Parking Limitations**

~~[As]~~ Parking shall be provided as required by the use classification of ~~[Chapter]~~ Section 19.5. Vehicles must utilize all residential on-site parking before utilizing street parking.

7. **Off-Street Loading Group**

None.

CHAPTER 19.11: ENFORCEMENT

19.11.1. PURPOSE

This chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Code.

19.11.2. VIOLATIONS

Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.

A. ESTABLISH USE, STRUCTURE, OR SIGN WITHOUT APPROVAL

To establish or place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.

B. DEVELOPMENT OR SUBDIVISION WITHOUT APPROVAL

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.

C. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH APPROVAL

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any approval required in order to engage in such activity.

D. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH CONDITIONS OF APPROVAL

To violate, by act or omission, any term, condition or qualification placed by a City decision-making body upon any approval.

E. DEVELOPMENT, SUBDIVISION, OR SIGN INCONSISTENT WITH DEVELOPMENT CODE

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this Code.

F. MAKING LOTS OR SETBACKS NONCONFORMING

To reduce or diminish any lot area so that the lot size, setbacks, or common open spaces shall be smaller than prescribed by this Code.

G. INCREASING INTENSITY OR DENSITY OF USE

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.

H. REMOVING OR DEFACING REQUIRED NOTICE

To remove, deface, obscure, or otherwise interfere with any notice required by this Code.

I. FAILURE TO REMOVE SIGNS

To fail to remove any sign installed, created, erected, or maintained in violation of this Code or for which the sign permit has lapsed.

J. OTHER VIOLATIONS OF CODE

Any other action or inaction contrary to the requirements of this Code.

19.11.3. CONTINUING VIOLATIONS

After receiving notice of the violation from the City, each day that a violation remains uncorrected after any applicable cure period may constitute a separate violation of this Code.

19.11.4. RESPONSIBLE PERSONS

Any person who violates this Code shall be subject to the remedies and penalties set forth in this Chapter. In addition, where the person violating this Code is not the owner of the property that is the subject of the violation, the property owner and the subject property shall also be subject to the remedies and penalties set forth in this Chapter.

19.11.5. RESPONSIBILITY FOR ENFORCEMENT

A. BUILDING OFFICIAL

The Building Official or his or her designee shall have primary responsibility for enforcing provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any building or structure.

B. PUBLIC WORKS DIRECTOR

The Public Works Director or his or her designee shall have primary responsibility for enforcing provisions of this Code related to subdivision, including all standards in Chapter 19.9: *Subdivision Design and Improvements*.

C. COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR

The Community Development and Services Director or his or her designee shall have primary responsibility for enforcing all other provisions of this Code not listed in subsections A or B above. Other officers of the City as authorized by the Community Development and Services Director shall share responsibility for enforcing provisions of this Code.

19.11.6. ENFORCEMENT PROCEDURES

A. NON-EMERGENCY MATTERS

In the case of a violation of this Code that does not constitute an emergency, does not require immediate attention, or is not subject to a different enforcement procedure or penalty set forth in this chapter or other applicable chapter of Title 19, the official responsible for enforcement shall give written notice of the nature of the violation to the property owner, tenant, occupant, any other person who is a party to the relevant agreement, or to any applicant for any relevant approval in the manner hereafter stated, after which the persons receiving notice shall have ten days to correct the violation, unless another time period is prescribed in the notice, before further enforcement action shall be taken. Subsequent violations within a 12-month period at the same property address may constitute a failure to correct the violation for purposes of further enforcement action. Notice shall be given by personal

service, by United States certified mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. EMERGENCY MATTERS AND OTHER MATTERS REQUIRING IMMEDIATE ATTENTION

In the case of violations of this Code that constitute an emergency as a result of safety or public health concerns, or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Chapter without prior notice, but the official responsible for enforcement shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, tenant, occupant, any other person who is party to the relevant agreement, or to applicants for any relevant approval.

C. COMPLAINTS REGARDING APPROVED CONDITIONAL USE PERMITS, TEMPORARY USE PERMITS, VARIANCES, AND HOME OCCUPATION

Conditional use permits, temporary use permits, variances, and home occupations shall be subject to immediate review upon complaint from any member of the public, whether received from a nearby property owner or other members of the general public, or city enforcement personnel. The review process may be implemented as follows:

1. The Community Development and Services Director or his or her designee shall notify the property owner and the holder of any relevant approval of each complaint.
2. The property owner shall:
 - (a) Propose and initiate a remedy, or
 - (b) Dispute the validity of the complaint.
3. If the Community Development and Services Director or his or her designee determines the complaint is not valid, the complaint shall be dismissed. A notice of dismissal shall be sent to the complainant, the property owner, and the holder of any relevant approval.
4. If the Community Development and Services Director or his or her designee determines the complaint is valid, the Community Development and Services Director or his or her designee shall monitor the effectiveness of the initiated remedy, if any is proposed and initiated by the property owner or approval holder. If the proposed and initiated remedy resolves the complaint, no further action shall be required.
5. If the Community Development and Services Director or his or her designee determines the complaint is valid but the remedy is ineffective, if the property owner or approval holder fails to propose and initiate a remedy, or if the property owner or approval holder further disputes the validity of the complaint, the Community Development and Services Director or his or her designee shall initiate revocation proceedings in accordance with Section 19.11.6.D.
6. The permits, approvals, and variances listed in this subsection (C) are subject to all other enforcement and compliance procedures described in this Chapter and other remedies prescribed by applicable law, in addition to revocation under Subsection D below.

D. REVOCATION

1. Applicability

This section shall apply to the process of revocation for any approval granted under this Code other than an approved short-term vacation rental registration, which shall be governed by Section 19.11.6.E.

2. Duties of Enforcement Official

The revocation process shall be initiated by the official responsible for enforcement of the subject provision pursuant to Section 19.11.5 or his or her designee upon a determination by that official or his or her designee that revocation is appropriate pursuant to Section 19.11.6.C.4 or that there are other reasonable grounds for revocation of the subject approval.

3. Authority to Revoke

The decision-making body or person that granted the approval shall be authorized to revoke the approval.

4. Notices and Hearing

(a) Notice

Notice of a revocation hearing shall be given in the same manner as required for the hearing at which the approval was granted, if any. If no public notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be mailed to the property owner and approval holder at least ten days prior to the hearing.

(b) Hearing

If no hearing was required by the provisions of this Code or by NRS for a given approval, none shall be required for revocation. At the hearing, the decision-making body or person shall hear testimony of City staff, the party to which the approval was granted, the property owner, if present, and any other interested person.

(c) Appeals

Any revocation decision is subject to the appeal procedures set forth in Section 19.6.9.E, *Appeals*.

5. Required Findings

The decision-making body or person shall revoke the approval upon making one or more of the following findings:

(d) The approval was issued on the basis of false, erroneous or misleading information or misrepresentation.

(e) The terms or conditions of approval have been violated, the required plans, conditions or specifications have not been followed, or other laws or regulations, including the provisions of this Code, have been violated.

(f) There has been a discontinuance of the exercise of the approval for 180 consecutive days.

6. Decision and Notice

(a) Matters Subject to Hearing

Within ten working days of the conclusion of the hearing, the decision-making body or person shall render a decision and shall mail notice of the decision to the party holding the approval, to the property owner, and to any other person who has filed a written request for such notice.

(b) Matters Not Subject to Hearing

Within three working days of a decision on a revocation matter that is not the subject of a hearing, the decision-making body or person shall mail notice of the decision to the owner of the use or structure for which the approval was revoked and to any other person who has filed a written request for such notice.

7. Effective Date

A decision to revoke an approval shall become final ten days after the date of the decision unless an appeal is filed in accordance with the procedures set forth in Section 19.6.9.E, *Appeals*. In such cases, the decision shall become final ten days after the date of the appellate body's decision. No property that is the location of any approval revoked pursuant to the procedures of this Chapter can be the subject of an application for the same approval within two years following revocation.

E. ENFORCEMENT PROCESS FOR SHORT-TERM VACATION RENTALS

This Section shall apply only to properties being operated as short-term vacation rentals as defined in Section 19.5.3.G. The City officials responsible for enforcement of this section shall be referred to herein as "enforcement official(s)".

1. Unregistered Properties

- (a) Where a property is being operated as a short-term vacation rental without the required registration of Section 19.5.3.G, the enforcement official shall issue a written notice and order to cease operation to the property owner, via personal service or certified mail sent to the owner's mailing address as listed in the records of the Clark County Assessor's Office. If the owner's mailing address is different from the property address, the notice shall also be delivered to the subject property address via personal service, certified mail, or posting on the premises.
- (b) The notice shall order the property to immediately cease operating as a short-term vacation rental. If the property is in a zoning district where short-term vacation rentals are permitted pursuant to Section 19.5.3.G, the notice and order shall inform the property owner that operation of the short term vacation rental may not resume until registration with the City is completed and approved. If the property is in a zoning district where short-term vacation rentals are not permitted by this Code or in a PC-zoned district where short-term vacation rentals are not permitted, the notice and order shall include a statement of that prohibition.
- ~~(c)~~ Concurrently with the notice and order, the enforcement official shall issue an administrative citation to the property owner ~~[via personal service or certified mail sent to the owner's mailing address as listed in the records of the Clark County Assessor's Office, and to the subject property address, via personal service, certified mail or posting on the premises, if the owner's address is different from the property address]~~. The citation shall assess a corresponding daily fine for each day the property continues to operate in violation of Section 19.5.3.G, according to the fine and fee schedule set forth in Section 19.11.6.E.3.
- ~~(e)~~(d) The City Attorney may also petition a court of competent jurisdiction for injunctive relief or any other appropriate remedy to prevent the continued unapproved operation of the short-term vacation rental.
- ~~(d)~~(e) Administrative citations and accompanying fines issued to unregistered properties may be appealed pursuant to the provisions of Section 19.11.6.E.2(b) herein.

2. Other Violations

All notices and administrative citations to be issued under Sections 19.11.6.E.2 shall be in writing and delivered to both the property owner and the subject property address, if the subject property address is different from the owner's mailing address as provided by the owner on its registration application or most recent annual renewal. Delivery shall be made via personal service or certified mail to the address provided by the owner in the owner's registration application or most recent annual renewal, or, if the owner has consented in writing to receive notifications under these Sections by email, to the email address provided by the owner in its registration application or most recent annual renewal. If applicable, delivery to the subject property address shall be made via personal service, certified mail or by posting on the premises. The date of delivery of the notice shall be the date of mailing, emailing or posting, as applicable.

(a) Violation Notices and Citations

- (1) Where a property is in violation of any of the provisions of Section 19.5.3.G other than the failure to complete registration, the enforcement official ~~[shall]~~ may issue a written notice of violation. The notice shall clearly state the nature of the violation, the required action to correct the violation, and the time period in which the violation must be corrected.
- (2) Pursuant to Section 19.11.6.B, the City may take immediate action when necessary to address emergencies or other urgent complaints regarding a property operating as short-term vacation rental, without first issuing a notice under this section.
- (3) In the following instances, the enforcement official may issue an administrative citation in addition to, or, where applicable, in lieu of a notice of violation: ~~[If the]~~
 - i. A violation has not been cured by the deadline stated in [the] a notice of violation; ~~[, or if the]~~
 - ii. The City is required to take immediate action to address [any] complaints regarding [the] a short-term vacation rental and incurs costs as a result; ~~or [; the enforcement official shall issue an administrative citation. If the violation is ongoing,]~~
 - iii. A registered short-term vacation rental violates any provision of Section 19.5.3.G.2.

~~[the]~~ The citation shall assess a corresponding daily fine for each day the violation continues according to the fine and fee schedule set forth in Section 19.11.6.E.3. If the violation was corrected by the City, the citation may include any applicable fees and costs incurred by the City. The citation shall enclose a copy of the initial violation notice, if applicable, or shall ~~[re-]~~state the nature of the violation and the required action to correct the violation.

(b) Appeals

- (1) Property owners or other persons issued an administrative citation pursuant to Section 19.11.6.E.2(a) may appeal the citation, fine and/or fee by submitting a written request for an administrative hearing to the Community Development and Services Director.
- (2) The request for hearing must 1) identify the enforcement action that the person is contesting, 2) set forth the facts supporting the appeal, 3) identify the requested relief, and 4) be delivered to and received by the Community

Development and Services Director, (i) personally, or (ii) by first-class mail and email with confirmed receipt no later than the ~~[14]~~10th day following the date of the administrative citation. A timely request for hearing shall toll the deadline for compliance, accrual of fines, and payment of fines and fees. An untimely request for hearing ~~[appeal]~~ shall not be considered and instead shall be dismissed.

- (3) The Community Development and Services Director or his or her designee shall set a hearing and shall issue notice of the hearing date no later than 15 days prior to the date set for the hearing, unless a shorter time period is agreed to in writing by the appellant. The notice shall state the date, time and location of the hearing, and shall include a short explanation of the hearing process.
- (4) The Community Development and Services Director or his or her designee shall conduct and preside over the hearing. At the hearing, that person, referred to herein as the “presiding officer”, shall direct the order of the proceedings and shall hear all evidence presented relevant to the subject violation(s), fines and/or fees. This may include the presentation of written evidence as well as testimony by City employees, the property owner or other cited person, and any witnesses called by the City, the property owner, or other cited person. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if they are provided to the other party no later than five days prior to the hearing date.

The hearing shall be conducted informally and shall not be constrained by evidentiary or procedural rules applicable to public hearings or judicial proceedings. The hearing shall provide a fair opportunity for the City and the property owner or other cited person to present evidence regarding the subject violation and the issuance of the subject citation, fines and/or fees. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, to limit the time of the hearing to a reasonable length, ~~[and]~~ to limit the presentation of immaterial or unduly repetitious evidence, and to record the hearing.

- (5) After the conclusion of the hearing, the presiding officer shall consider all evidence presented and shall issue a decision to uphold, ~~[or]~~ reverse, or modify the disputed enforcement action. ~~[Notice]~~ Written notice of the decision shall be issued no later than 30 days following the conclusion of the hearing. The decision shall clearly state one of the following:
 - i. That the administrative citation(s), fine(s) and/or fee(s) are upheld, including a short statement of findings explaining the basis for the decision, and providing a deadline for curing the subject violation(s) and payment of any fines and fees, with a notification that fines will resume accruing daily until the subject violation(s) is corrected;
 - ii. That the administrative citation(s), fine(s), and/or fee(s) are reversed, including a short statement of findings explaining the basis for the decision; or
 - iii. That the administrative citation(s), fine(s), and/or fee(s) are modified, including a short statement of findings explaining the basis for the decision, and providing a deadline for any modified compliance obligations and payment of fines and/or fees, with a notification that fines will resume accruing daily until the subject violation(s) is corrected, if applicable.

(6) The presiding officer's decision shall be the final administrative action on the appeal.

(c) **Delinquent Transient Lodging Tax**

Where any approved short-term vacation rental is deemed significantly delinquent on the payment of transient lodging tax more than two times in any 12-month period pursuant to HMC 4.48.062 and the property owner fails to remit the funds as required by that Section, the short-term vacation rental registration shall be automatically suspended upon written notice from the Community Development and Services Director or his or her designee, and operation of the short-term vacation rental must cease until such time as all outstanding transient lodging taxes and penalties are paid and the other requirements of HMC 4.48.062 have been satisfied. If the property owner fails to comply with a notice issued pursuant to this section 19.11.6.E.2.c, the enforcement official shall issue an administrative citation and fine in compliance with the procedures set forth in Section 19.11.6.E.2.a.3 and 19.11.6.E.2.b.

(d) **Termination of Registration**

(1) Where any of the following has occurred, the enforcement official shall initiate the process to terminate the registration of the short-term vacation rental:

- i. The approved short-term vacation rental has been the subject of ~~three~~ two or more distinct Level I violations ~~of~~ as provided in Section 19.5.3.G.2.g 19.11.6.E.3 ~~19.5.3.G~~ in any consecutive 12-month period, or three or more distinct Level II violations as provided in Section 19.11.6.E.3 in any consecutive 12-month period.
- ii. The approved short-term vacation rental has been the subject of three or more distinct violations of HMC Chapter 15.12 or other applicable laws or regulations related to the prevention of nuisance in any consecutive 12-month period.
- iii. The short-term vacation rental registration application or supporting information supplied by the owner contains false, misleading or erroneous statements concerning issues material to the approval of the application.
- iv. The City has assessed \$5,000 or more in fines against the approved short-term vacation rental.

For the purposes of this subsection 19.11.6.E.2.d(1), "distinct" violation shall mean a violation of a distinct provision of Section 19.5.3.G or a repeated violation of the same provision separated in time rather than continuing daily. ~~[that is not continuous with respect to time but is rather a separate violation committed after a prior violation is no longer occurring.]~~

- (2) The termination process shall be initiated by service of a written notice stating that the registration will automatically terminate if the property owner does not request an administrative hearing to contest the termination within ~~20~~ 10 days of the date of the notice. Only the property owner shall have standing to request a hearing to contest a termination of registration.
- (3) The property owner's request for an administrative hearing to contest a termination of registration shall be made in writing and shall set forth in detail the facts supporting the request. The request for hearing must be delivered (i) personally, or (ii) by first-class mail and email with confirmed receipt to the

Community Development and Services Director and must be received no later than the ~~[20]~~10th day following the date of the notice of initiation of the termination process. A timely request for an administrative hearing shall stay the termination date pending the outcome of the administrative hearing.

- (4) If a timely request for administrative hearing is not received, the registration shall terminate, and the Community Development and Services Director shall issue a written notice of termination and order to cease operation of the short-term vacation rental. The notice and order shall indicate any further action the City may take to enforce the termination if necessary.
- (5) If a administrative hearing request is timely made, the Community Development and Services Director or his or her designee shall set an administrative hearing for a date no later than 30 days following receipt of the request for hearing. The notice shall state the date, time and location of the hearing, shall include a short explanation of the hearing process, and shall be served no later than ~~[15]~~10 days prior to the date set for the administrative hearing unless a shorter time period is agreed to in writing by the property owner.
- (6) Where a property owner timely requests a hearing to dispute both ~~[a]~~ the termination of registration and the issuance of an third administrative citation, the hearings may ~~[shall]~~ be consolidated, and the decision may be issued as a single consolidated decision.

(7) Administrative Hearing: Termination of Registration

- i. The Community Development and Services Director or his or her designee shall conduct and preside over the hearing.
- ii. At the hearing, the Community Development and Services Director or his or her designee, referred to herein as the "presiding officer", shall direct the order of the proceedings and shall hear all evidence presented relevant to the basis for the termination of registration. This may include the presentation of written evidence as well as testimony by City employees, the property owner and any witnesses called by the City or the property owner. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if they are provided to the other party no later than five days prior to the hearing date.

The hearing shall be conducted informally, shall not be constrained by evidentiary or procedural rules applicable to public hearings or judicial proceedings and shall provide a fair opportunity for the City and the property owner to present evidence regarding the basis for terminating the short-term vacation rental. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, to limit the time of the hearing to a reasonable length, ~~[and]~~ to limit the presentation of immaterial or unduly repetitious evidence, and to record the hearing.

- iii. After the conclusion of the hearing, the presiding officer shall consider all evidence presented and shall issue a decision to 1) ~~[affirm the termination]~~ terminate of the registration, 2) ~~[reverse the termination of]~~ allow the registration to continue, or 3) reverse the termination of the registration upon the completion of certain conditions ~~[to be~~

~~imposed upon the continuance of the registration~~]. The decision shall be made in writing, shall clearly state the basis for the decision and any applicable deadlines for compliance with the decision, and shall be served no later than 30 days following the conclusion of the hearing. If the decision results in the termination of registration, it shall provide an effective date of termination and include an order to cease operation of the short-term vacation rental as of the effective date.

- iv. The decision of the presiding officer shall be the final administrative action on the termination of registration of the subject short-term vacation rental.
- v. If a short-term vacation rental registration is terminated, the subject property may not be used for a short-term vacation rental for a period of two years following the date of termination. This two-year prohibition shall not apply to a property whose registration is automatically terminated following a change in ownership pursuant to Section 19.5.3.G.2.j. At the time of new registration for short-term vacation rental use, registration will require compliance with all rules, regulations, and laws then in effect.

3. Fine and Fee Schedule

(a) Fines

- (1) Operation of a short-term vacation rental without registration, or operation after registration is suspended or terminated: \$500 per day for each day the violation continues.
- (2) Level I Violation – [Use of short-term vacation rental for events listed] Violation of any provision in Section 19.5.3.G.2.g, 19.5.3.G.2.i, 19.5.3.G.2.s, and 19.5.3.G.2.v[, and 19.5.3.G.2.w]: \$500 per day for each day the violation continues.

~~[(3) — Operation of short-term vacation rental after registration is suspended or terminated: \$500 per day]~~

~~[(4)](3) Level II Violation-~~ All other violations of Section 19.5.3.G: ~~[\$100] \$200~~ per day for the first violation, ~~[\$300] 400~~ per day for the second violation and \$500 per day for the third violation.

Each provision of Section 19.5.3.G that is not complied with shall constitute a separate violation subject to a separate fine, and fines may be assessed cumulatively in the same citation.

(b) Fees

~~[City code enforcement or other official inspection hourly rate: \$50]~~

- (1) Re-inspection fee: ~~[\$122] \$150~~

(c) Collection

- (1) If administrative fines, fees or actual expenses incurred by the City in addressing a violation are not paid by the deadlines stated in any decision of the Community Development and Services Director or his or her designee, or, if not appealed, by the deadline stated in the applicable notice, the unpaid

amounts are deemed to be immediately due and owed to the City by the property owner.

- (2) The City may take any lawful collection action deemed necessary and appropriate to recover the amounts owed, including but not limited to the City Attorney filing a petition in a court of competent jurisdiction for the entry of a civil judgment against the property owner in an amount equal to the unpaid fine and/or fee amounts owed, or referral of the unpaid amounts to a collection agency for recovery. In addition to the fines assessed pursuant to this chapter, the ~~[person responsible for any violation]~~ property owner shall be liable for an additional collection fee where the collection of the fines provided for herein is referred for collection. The amount of such fee shall be 25 percent of the outstanding indebtedness or \$250, whichever is less. The amount of any such collection fee shall accrue and become due and payable at the time the indebtedness is referred for collection to the collection agency, and that amount may be added by the collection agency to the amount sought to be collected. Any judgment or amended judgment entered under this chapter may include the amount of the collection fee authorized herein.
- (3) Pursuant to Section 19.5.3.G.5, violations of Section 19.5.3.G ~~[have-been]~~ are deemed to be [a] nuisance violations, and the City may therefore elect to make unpaid fines, fees and costs a special assessment against the subject property in accordance with the requirements and limitations of NRS 268.4122. Pursuant to the provisions of NRS 5.050, the City Attorney may file an action in Henderson Municipal Court for the collection of unpaid fines, fees, costs and assessment amounts and/or to foreclose liens in the name of the City for the nonpayment of those assessments.

4. Other Remedies

Nothing in this Section 19.11.6.E shall be deemed to limit the City's right to exercise any other enforcement options and remedies authorized by NRS, HMC Title 15 or the general remedies and enforcement powers under any section of Title 19 ~~[Section 19.11.7]~~, including but not limited to the imposition of criminal penalties. Pursuant to NRS 5.050, the City may file an action in Henderson Municipal Court for the prevention or abatement of any nuisance caused by a short-term vacation rental.

19.11.7. REMEDIES AND ENFORCEMENT POWERS

The City shall have the following remedies and enforcement powers:

A. WITHHOLD APPROVALS/BUILDING PERMITS

1. The City may deny or withhold any approval, building permit, or any other right granted under the City's building code on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Code or of a condition or qualification of an approval previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
2. The City may deny or withhold any approval, building permit, or any other right granted under the City's building code on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Code or of an approval previously granted by the City. This provision shall apply regardless of whether the property for which the approval is sought is the property in violation.

B. GRANT APPROVALS WITH CONDITIONS

Instead of withholding or denying an approval pursuant to Section 19.11.7.A, the City may grant such authorization subject to the condition that the violation be corrected.

C. REVOKE PERMITS

Any development permit or other form of authorization approval required under this Development Code may be revoked pursuant to the provisions of Section 19.11.6.D. Stop Work

With or without revoking an approval or building permit, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of an approval issued hereunder or a building permit, in accordance with its power to stop work under the City's building code.

D. INJUNCTIVE RELIEF

The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of an approval granted hereunder.

E. ABATEMENT

The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

F. PENALTIES

Any violation of the provisions of this Code constitutes a misdemeanor pursuant to NRS 278.818 and is subject to the punishment provided by law in such cases, as amended from time to time. The City may also seek such civil penalties as are provided by applicable law.

G. OTHER REMEDIES

The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Code provisions.

H. OTHER POWERS

In addition to the enforcement powers specified in this chapter, the City may exercise any and all enforcement powers granted by applicable law.

I. CONTINUATION

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid, applicable ordinances and laws.

19.11.8. REMEDIES CUMULATIVE

The remedies and enforcement powers established in this chapter shall be cumulative, and the City may exercise them in any order or combination, at any time in addition to any remedies and enforcement powers prescribed by applicable law.

19.12.4 – Defined Terms

19.12.4 – DEFINED TERMS

* Note: These defined terms will be published in Section 19.12.4 alphabetically upon approval of this zoning ordinance amendment.

NOISE MONITORING DEVICE

A device capable of all of the following (i) monitoring noise levels (ii) detecting exposure to noise levels that exceed an acceptable level for more than a continuous five-minute period (iii) sending real-time alerts to the subject property owners, property managers or registered local contact, and (iv) being programmed to receive real-time alerts if noise levels continuously exceed the acceptable level under this code for the five-minute period. The noise monitoring device must comply with all laws, rules and regulations regarding privacy.

SHORT TERM VACATION RENTAL - ADVERTISEMENT

Any and all means, whether verbal or written, through any media whatsoever, whether in use prior to, at the time of, or after the enactment of this ordinance, used for conveying to any member or members of the public the ability or availability to rent a short-term vacation rental unit as defined in Section 19.5.3.G, or used for conveying to any member or members of the public a notice of an intention to rent a short-term vacation rental unit as defined in Section 19.5.3.G. For purposes of this definition, the following media are listed as examples, which are not and shall not be construed as exhaustive: Verbal or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed or poster display, billboard display, e-mail or other electronic/digital messaging platform, electronic commerce/commercial internet web sites, and any and all other electronic media, television, radio, satellite-based, or internet web site.

SHORT TERM VACATION RENTAL - GOOD NEIGHBOR PAMPHLET

A document prepared by the City that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions of this Code and other applicable laws, rules, or regulations, pertaining to the use and occupancy of short-term vacation rental units. Short-term vacation rental operators may supplement this pamphlet, but the pamphlet must contain the minimum City of Henderson information.

SHORT-TERM VACATION RENTAL – PARTY

A party, for the purpose of a short-term vacation rental, is defined as a gathering of persons that exceeds the maximum occupancy permitted under Section 19.5.3.G.2(k).

SHORT TERM VACATION RENTAL - REGISTERED LOCAL CONTACT

A person or persons designated by the short-term vacation rental property owner in its City registration to respond to all complaints regarding a short-term vacation rental.

SHORT TERM VACATION RENTAL - NOISE MANAGEMENT PLAN

A plan that incorporates noise monitoring devices or alternate means of monitoring and responding to noise levels that exceed acceptable levels at and/or around the short-term vacation rental property.

SHORT TERM VACATION RENTAL - OCCUPANCY

The use or possession of, or the right to use or possess, any residential dwelling unit, or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

SHORT TERM VACATION RENTAL - OCCUPANT

Any person who, for rent, uses, possesses or has the right to possess any residential dwelling unit, or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

19.12.4 – Defined Terms

SHORT TERM VACATION RENTAL - PERMANENT RESIDENT

Any person who has or shall have the right to use or possession of the same residential dwelling unit, or portion thereof, for dwelling, lodging, or sleeping purposes for 31 consecutive days or more.

SHORT TERM VACATION RENTAL - RENT

The amount charged for occupancy at a short-term vacation rental, valued in money, barter or trade, but does not include the amount charged for any food or beverage service or for personal services rendered to the occupant, such as but not limited to concierge services, clothes cleaning services, massage, or physician services.