

ORDINANCE NO. 3127

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS (ZOA-02-2022), RELATING TO PERMITTED USES TO ALLOW SHORT-TERM RENTALS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the amendment is consistent with the Comprehensive Plan; and

WHEREAS, the Council determines that the amendment will not adversely affect the health and general welfare; and,

WHEREAS, during the 2021 Nevada legislative session, the Nevada Legislature enacted Assembly Bill 363, an act relating to transient lodging, that provides regulations and provisions for cities regarding transient lodging (short-term rentals); and

WHEREAS, AB 363 was approved by the Nevada Governor on June 4, 2021; and

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: Chapter 20, Section 030, Subsection F, Paragraph 16, of Title 17 of the North Las Vegas Municipal Code is hereby deleted and replaced in its entirety with the following:

16. Short-term Rentals: (Violations of any of these requirements, may result in a revocation of the Conditional Use Permit.)
 - a. Only the property owner may apply for the Conditional Use Permit.
 - b. With the exception of owner-occupied units where multiple individual room rentals are permitted, only one reservation for the whole residential dwelling unit at a time is allowed.
 - c. The proposed short-term rental must comply with the 660-foot separation requirement between all other existing or proposed short-term rentals and the 2500-foot separation from resort hotels.
 - d. A notarized letter on letterhead from the homeowner's association is required authorizing the short-term rental at the time of the Conditional Use Permit application.
 - e. Noise monitoring equipment with a minimum 30-day recording capability must be installed outdoors in the common areas (e.g. pool/spa; backyard; porch; patio) of the short-term rental.
 - f. Noise levels shall not exceed sixty-five (65) decibels as measured at the property line of the short-term rental unit. In addition, the short-term rental must comply with the City's noise regulations as they apply to residential uses.
 - g. Owners must ensure that renters are aware of the solid waste receptacle rules in the NLVMC 8.20.120 through NLVMC 8.20.150. The owner is responsible for ensuring that garbage at the short-term rental is disposed of appropriately.
 - h. As part of the Conditional Use Permit application, the owner shall provide to the City a security plan for the use of the short-term rental. The owner

is responsible for equipping the property with appropriate security measures to reasonably ensure the safety of short-term renters.

- i. Guest parking is only allowed in the garage, driveway, or on a public street. Vehicles of guests shall not obstruct traffic or access to other properties in the area.
- j. Short-term rentals are only allowed within multi-family zoning classifications if the units are individually mapped. Short-term rentals are prohibited in apartment buildings.
- k. Mobile homes, RVs, travel trailers, tents, vehicles and similar non-permanent structures may not be used as a short-term rental.
- l. Individual room rentals are only permitted if the residential dwelling unit is owner-occupied and the owner is renting rooms within the residence. For short-term rentals where rooms are being rented within the residence, the applicant must submit a floor plan of the residential dwelling unit with the application.
- m. Short-term rentals are to be used for overnight accommodations only and shall not be used for weddings, parties, sales events, or other similar events.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas. Publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2022.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

JOHN J. LEE, MAYOR

ATTEST:

JACKIE RODGERS, CITY CLERK

ORDINANCE NO. 3123

AN ORDINANCE AMENDING TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS RELATING TO BUSINESS LICENSES GENERALLY; BY AMENDING SECTION 5.02.001 (DEFINITIONS); BY DELETING AND REPLACING SECTION 5.02.270 (S-LICENSE FEES) FOR SHORT-TERM RENTALS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: The definition of "Transient Lodging" in Title 5, Chapter 02, Section 001 of the North Las Vegas Municipal Code is hereby deleted and replaced with the following:

"Transient lodging" means any facility, structure, or portion of any structure which is occupied or intended or designed for occupancy by a guest or guests who pay rent for dwelling, lodging, or sleeping purposes for a period of thirty or fewer days, and includes any resort hotel, hotel, motel, apartment motel, residential dwelling unit operating as a short-term rental, and any other similar structure, facility, or portion thereof pursuant to NRS 268.0195.

SECTION 2: Title 5, Chapter 02, Section 001 of the North Las Vegas Municipal Code is hereby amended to include the following definitions:

"Accommodations facilitator" has the meaning subscribed to that term in NRS 268.

"Party" means a gathering of persons that exceed the maximum occupancy limit in a short-term rental of two (2) persons per bedroom.

SECTION 3: The "Short-term rental" section only of Title 5, Chapter 02, Section 270 of the North Las Vegas Municipal Code is hereby deleted and replaced with the following:

5.02.270 S-License fees.

Short-term rental. For each short-term rental, nine hundred dollars (\$900.00) annually.

- A. Short-term rentals are considered "transient lodging" for the purposes of the North Las Vegas Municipal Code Section 5.22.010(F).
- B. Short-term rental has the meaning found in NLVMC 17.32. Applicants must meet zoning requirements of NLVMC 17.20.030(F)(16) and secure a Conditional Use Permit prior to applying for a business license.
- C. Business license applications and business license renewals for a short-term rental shall include the following:
 - 1. Conditional Use Permit from the City's Planning and Zoning Division.
 - 2. State business license. Only one City business license shall be issued per State business license.
 - 3. Notarized self-inspection checklist.

4. Notarized affidavit containing affirmation that the licensee:
 - a. Installed required outdoor noise monitoring equipment; and
 - b. Sent a copy of the City's "Good Neighbor Brochure" to all property owners within 200-feet of the short-term rental and any associated homeowners association (HOA) or community management company.
5. Certificate of Insurance with general liability coverage of not less than five hundred thousand dollars (\$500,000).
6. Short-Term Rental Hold Harmless Acknowledgement Agreement.

*The "Good Neighbor Brochure" and a notarized affidavit demonstrating compliance with the notification requirement must be submitted as part of the initial business license application and annual business license renewal.

- D. Short-Term Rentals are subject to the following conditions, which must be met in order to secure and maintain a business license.
 1. A State business license, City business license, and the "Good Neighbor Brochure" are required to be posted in residence.
 2. The occupancy limit for a short-term rental is no more than two (2) persons per bedroom and no more than ten (10) persons per residential unit.
 3. The minimum stay in a short-term rental is two (2) nights for non-owner occupied and one (1) night for an owner-occupied.
- E. After securing a business license, the licensee must provide a notarized affidavit to the City verifying that the City business license number has been provided to all online platforms where the short-term rental is listed.
- F. The director may summarily revoke a short-term rental business license if the licensee is in violation of any condition of approval, requirement of this code or other local and state regulations not covered by the provisions of NLVMC 5.02.440. Any person who makes available a short-term rental without a license to do so under this Title shall be subject to the civil penalties outlined in Title 8.
- G. Any person who has been lawfully issued a short-term rental business license from the City prior to the enactment of Ordinance Number 3123, may continue to operate under his or her original authorization despite any provisions of the code that have changed and that may conflict with new regulations. The provisions of this subsection only apply to the original holder of the business license and do not transfer to subsequent owners or occupants of a residential unit or room within a residential unit. Further, the provisions of this subsection only apply as long as the licensee maintains a current business license, renews the license on time, and continues to adhere to the rules and procedures governing the licensee's business license. If the licensee's business license expires, is terminated or revoked, the licensee must apply for a new license in accordance with the updated rules of this Title, Title 8, and Title 17.

SECTION 4: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 5: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of RS, as amended from time to time.

SECTION 7: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2022.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

JOHN J. LEE, MAYOR

ATTEST:

JACKIE RODGERS, CITY CLERK

ORDINANCE NO. 3128

AN ORDINANCE AMENDING TITLE 8 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO THE ISSUANCE OF CIVIL PENALTIES FOR SHORT-TERM RENTAL VIOLATIONS; AND THE ADDITION OF A NINETY DAY LATE FEE; BY AMENDING SECTION 8.70.020 (FEE SCHEDULE FOR CIVIL CITATIONS AND CIVIL PENALTIES); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO:

SECTION 1: Pursuant to provisions of Chapter 244 of the Nevada Revised Statutes, Chapter 70 of Title 8 of the North Las Vegas Municipal Code is hereby deleted and replaced with the following:

8.70.020 – Fee schedule for civil citations and civil penalties.

CIVIL CITATIONS FINES, PENALTIES AND FEES	
Appeal (Administrative)	\$50.00
Appeal (Hearing Officer)	\$75.00
Administrative Billing Fee	10% of associated costs ²
Civil Administrative Assessment Fee	\$20.00 ¹
Civil Citation (First Offense)	\$250.00 ^{1,8}
Civil Citation (Second and subsequent violations of the same code section within two years of the date of the first offense)	\$500.00 ^{1,8}
Civil Penalty (Commercial Properties)	As much as \$1,000.00 per day ¹
Civil Penalty (Residential Properties)	As much as \$500.00 per day ¹
Civil Penalty (Short-Term Rental)	1 st violation - \$1,000.00, 2 nd violation - \$2,500, 3 rd violation - \$5,000, 4 th violation - \$10,000 ⁹
Civil Penalty (Violation of Short-Term Rental Permit)	\$1,000.00 or the nightly rental value of the unit, whichever is greater ¹⁰
Interest Fee	Ten Percent (10%)
Late Fees	\$150 ³
Document Recording Fee	\$200.00

Payment Scheduling Fee	\$25.00
Collection Fee	The lesser of twenty-five percent (25%) of the outstanding balance or two hundred fifty dollars (\$250.00), whichever is greater
ADMINISTRATIVE ENFORCEMENT FEES	
Reinspection Fee	\$150.00 - \$200.00 ⁴
Repeat/Recurring Violator Fee	\$200.00 ⁵
Abatement Fee	\$500.00
Civil Infraction Enforcement Fee	\$30.00 ⁶
PROPERTY REGISTRATION FEES	
Initial or Annual Registration Fee	\$500.00 ⁷
Registration Modification Fee	\$500.00 ⁷
Deregistration Fee	\$50.00

Notes to fees:

1. Refundable if charges are dismissed.
2. Added to all billing.
3. Late fee is applied if invoice is not paid within thirty (30) days, 2nd late fee will be applied if invoice is not paid within sixty (60) days, 3rd late fee will be applied if invoice is not paid within ninety (90) days.
4. \$150.00 re-inspection fee for any violation(s) that continue to exist on or after the compliance date marked on the "notice of violation" or "notice to abate"; \$200.00 re-inspection fee for each subsequent inspection.
5. Fee applied if the same violation recurs on the same property owned by the same person, or the same violation recurs by the same responsible person at various locations in the city within 24 months.
6. Civil Infraction Enforcement Fees shall be assessed for lesser violations that are easily corrected.
7. Late fee is applied if property registration is not paid within twenty-five (25) days and late fee will double if registration is not paid in sixty (60) days.
8. All fines from citations are due within fifteen (15) days of issuance, and fees, fines and penalties not paid within thirty (30) calendar days as listed on the due date on the invoice will be late.

9. Fee applies to person(s) who make a short-term rental available without a permit.
10. Fee applies to person(s) who are found in violation of a short-term rental permit.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

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PASSED AND ADOPTED THIS _____ day of _____, 2022.

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NAYS:

ABSENT:

APPROVED:

JOHN J. LEE, MAYOR

ATTEST:

JACKIE ROGERS
CITY CLERK