

[Bracketed] and/or ~~strikethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 3-21-23-1

SUMMARY – An ordinance to amend provisions of Title 7, Chapter 7.100 to revise, redefine, clarify and delete certain provisions of a previously enacted ordinance for the issuance of licenses to eligible persons who rent certain residential properties for thirty (30) consecutive days or less; and providing for other matters properly related thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.090 TO REVISE SHORT-TERM RENTAL APPLICATION REQUIREMENTS; TO AMEND TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.100 TO REVISE NOTICE REQUIREMENTS AND PROCEDURES FOR INSPECTIONS OF SHORT-TERM RENTALS; AMEND TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.110 TO REVISE PROVISIONS RELATING TO THE ISSUANCE OR DENIAL OF A SHORT-TERM RENTAL LICENSE; TITLE 7, CHAPTER 7.100 SUBSECTION 7.100.140 TO REVISE THE STRUCTURE OF PARAGRAPHS; TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.160 TO REVISE TERMINOLOGY AND RESTRICTIONS RELATING TO THE BOOKING OF SHORT-TERM RENTALS; TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.170 TO REVISE NOTICE REQUIREMENTS AND PROCEDURES FOR INSPECTIONS OF SHORT-TERM RENTALS; TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.180 TO REVISE PROVISIONS RELATING TO PROHIBITED CONDUCT OF SHORT-TERM RENTALS; TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.200 TO REVISE NOTICE REQUIREMENTS AND PROCEDURES FOR INSPECTIONS OF SHORT-TERM RENTALS; TITLE 7, CHAPTER 7.100, SUBSECTION 7.100.230 TO REVISE TERMINOLOGY RELATING TO PROHIBITED CONDUCT AND UNLAWFUL ACTIVITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 7, Chapter 7.100, Sections 7.100.090, 7.100.100, 7.100.110, 7.100.140, 7.100.160, 7.100.170, 7.100.180, 7.100.200, 7.100.230 of the Clark County Code are hereby amended to read as follows:

TITLE 7 – CHAPTER 7.100 – SHORT-TERM RENTAL UNITS

7.100.090. Short-Term Rental License Application Requirements

- (a) All applications for a Short-Term Rental License pursuant to this Chapter shall be made in writing on forms provided by the Department. The Department shall be responsible for the administration of applications for Short-Term Rental Licenses. A separate application shall be required for each residential unit and no duplicate applications shall be permitted.
- (b) The application shall, at minimum, contain:
 - (1) the street address of the residential unit;
 - (2) the number of bedrooms within the residential unit as enumerated in the records of the County Assessor's Office;
 - (3) the name, date of birth, mailing address, telephone number and e-mail address of each owner of the residential unit, and if any owner is not a natural person, the name, date of birth, mailing address, telephone number and e-mail address of all shareholders, partners, members, managers, officers, principals, settlors, trustees, and beneficiaries, as applicable;
 - (4) the name(s) of all Accommodation Facilitators and rental sites that will be used to advertise the Short-Term Rental Unit;
 - (5) the name and contact information of the local representative;
 - (6) the name and contact information of any property manager or property management company, if used; and,
 - (7) the notarized signature of the property owner(s), as follows:
 - (I) in the case of a natural person, by that natural person;
 - (II) in the case of a business entity, by the officer, director, manager, partner or other natural person having the authority to bind the business entity to a contract;

(III) in the case of a trust, by each of the trustees.

(c) Each application must be accompanied by:

(1) a nonrefundable application fee of forty-five dollars (\$45.00);

(2) a declaration signed ~~under the penalty of perjury~~ by the property owner(s) stating that: the information provided in the application is true, accurate, and complete to the best of their knowledge and understanding.

~~(I) the licensee shall abide by all requirements set forth in this Chapter;~~

~~(II) the residential unit is not precluded from licensure by operation of any provision of this Chapter;~~

(3) evidence of general liability insurance in the amount of at least \$500,000 per occurrence that indicates the property is used for transient lodging;

(4) a copy of the applicant's most recent bill for sewer services;

(5) if the Short-Term Rental Unit is in a common-interest community, evidence that the governing documents expressly authorize the rental of a residential unit or a room within residential unit for the purposes of transient lodging; and,

(6) a copy of the applicant's state business license; ~~and,~~

~~(7) any other documentation or information as the director of the Department may require.~~

7.100.100. Application Procedures

(a) The Department shall commence an application period for the issuance of Short-Term Rental Licenses at least one (1) time annually unless the Department determines that no licenses are available for issuance.

(b) The application period shall remain open for not less than one (1) month but not more than three (3) months; except, however, that the application period to open in calendar year 2022 shall remain open for six (6) months.

(c) Not less than thirty (30) days before the commencement of the application period, the Department shall publish the dates of the application period on the County website and in at least one newspaper of general circulation in Clark County.

(d) All applications must be submitted through the Department's licensing system during the application period. The Department will not be responsible for the applicant's failure to apply in a timely manner for any reason, including technical issues.

- (e) Upon receipt of each application, the application will be assigned a unique identification number for internal tracking purposes.
- (f) After receipt, the Department may screen applications for completeness. The Department shall not be required to notify any applicant of an incomplete application.
- (g) After the application period has closed, the Department shall enter the unique identification numbers into a random number generator program that will list the timely-submitted applications in a random order to determine the order in which the applications will be considered for a Short-Term Rental License. The inclusion of an application on the list does not guarantee that an applicant will receive a Short-Term Rental License.
 - (1) The list shall thereafter be published on the County website.
 - (2) The Department shall review the applications in listed order to determine eligibility for a Short-Term Rental License until all licenses available are issued.
- (h) ~~At the discretion of the Department~~ Upon 48-hour notice of the department, the residential unit shall be subject to inspection or code compliance review by any county agency or department to ensure the residential unit's compliance with the provisions of this Chapter prior to the issuance of a Short-Term Rental License. For owner-occupied residential units, inspections under this Chapter shall be limited to the areas of the home that will be used by guests during operation of the Short-Term Rental Unit which may include, without limitation, bedrooms, bathrooms, kitchen, dining area, living room, garage and yards.

7.100.110. Issuance or Denial of Short-Term Rental License

Upon consideration of the information provided within the submitted application, including the accompanying documents, the Department shall ~~issue~~ approve or deny the application for a Short-Term Rental License as set forth in this Section. All applications will be considered in and subject to the sequence established under Section 7.100.100(g) of this Chapter.

- (a) In addition to the ~~conditions~~ reasons for denial of the application for business license set forth in Section 6.04.090 of this Code, the Department ~~shall~~ may deny an application for a Short-Term Rental License if:
 - (1) the application is incomplete or the applicant has failed to provide all required information;
 - (2) the applicant has not paid any fee required by this Chapter;

- (3) the applicant fails or refuses to cooperate fully with any inspection authorized by this Chapter;
 - (4) the applicant has made any false, misleading, or fraudulent statement in the application or accompanying documentation;
 - (5) the applicant is ineligible for licensure pursuant to the provisions of this Chapter or pursuant to any local, state or federal law or regulation pertaining to the operation of residential units for the purpose of transient lodging; or,
 - (6) the operation of the residential unit as a Short-Term Rental Unit is prohibited by this Chapter or by any local, state or federal law or regulation pertaining to the operation of residential units for the purpose of transient lodging.
- (b) Upon denial of an application for a Short-Term Rental License, the Department shall issue a written notice of the denial of the application to the applicant which clearly sets forth the reasons for the denial. Any applicant aggrieved by the denial of an application for a Short-Term Rental License may request an administrative hearing before a hearing officer in accordance with the provisions of Section 6.04.090(j) of this Code.
- (c) Before issuance of the Short-Term Rental License, the applicant shall: pay the annual fee required by this Chapter and a nonrefundable inspection fee of one hundred and fifty dollars (\$150.00).
- ~~(1) pay the annual fee required by this Chapter and a nonrefundable inspection fee of one hundred fifty dollars (\$150.00); and,~~
 - ~~(2) agree to all such terms and conditions that the Department deems necessary for the health and safety of the residents of the County including, without limitation, provisions stipulating that the licensee is subject to the oversight and enforcement authority of the county, the Southern Nevada Health District, the Las Vegas Metropolitan Police Department, and the Clark County Fire Department.~~

7.100.140. Transfer of Short-Term Rental License or Change of Location Prohibited

A Short-Term Rental License is conferred only to the licensee and is not transferable for any reason to any other person:

~~A~~ and Short-Term Rental License may only be used to operate the Short-Term Rental Unit at the location identified in the Short-Term Rental License.

7.100.160. Restrictions on Rentals

- (a) Maximum Occupancy. The maximum occupancy of the residential rental unit must be limited to the lesser of two (2) persons per bedroom or ten (10) persons per residential unit. The number of bedrooms in the Short-Term Rental Unit shall be fixed at the number of bedrooms enumerated in the records of the County Assessor's Office as of the date of application of the Short-Term Rental License.
- (b) Minimum Night Stay. The licensee must not accept bookings of fewer than two (2) nights per booking.
- (c) Multiple Bookings Prohibited. The licensee may not accept more than one booking for the residential unit for the same booking period.
 - ~~(1) The Short-Term Rental Unit may only be made available to persons within the same family or group during the same booking period.~~
 - ~~(2) The licensee may not accept more than one booking for the residential unit for the same booking period.~~
- (d) For purposes of this Section, accessory apartments, guest quarters, casitas, and temporary living quarters, as defined in Section 30.08.030 of this Code, which are appurtenant to the residential unit, shall be considered bedrooms of the residential unit.

7.100.170. Duties

Every licensee must comply with all duties, obligations, and requirements imposed by this Chapter. Such duties, obligations, and requirements include:

- (a) Duty to Update Information. Each licensee must provide the Department with any new or changed information as the Department may deem necessary within seven (7) days, including without limitation any changes to the contact information for the licensee and local representative, and the name(s) of all Accommodation Facilitators and rental sites that will be used to advertise the Short-Term Rental Unit.
- (b) Annual Fee. Each licensee must pay to the Department the annual license fee required by this Chapter.
- (c) Insurance. Each licensee must maintain general liability insurance coverage with limits of not less than \$500,000.00 per occurrence. An excess liability policy or umbrella liability policy may be used in addition to the general liability policy to meet the minimum liability requirements. The certificate of insurance must identify that the residential unit is used for transient lodging.

- (d) Local Representative. Each licensee must designate a local representative who is responsible for the rental and available to respond to the Short-Term Rental Unit within thirty (30) minutes during all times that the property is rented or used on a transient basis. The name and contact information of the local representative shall be provided to the Department and shall be provided to any interested person upon request.
- (e) Complaint Response. The licensee shall make available to the Department a local twenty-four (24) hour phone number that provides the capability of producing a response to complaints regarding the condition, operation, or conduct of the occupants of the Short-Term Rental Unit by the licensee or local representative within thirty (30) minutes.
- (f) Required Report. Unless the following information is collected and provided to the Department by an accommodations facilitator, each licensee must submit a monthly report in the format prescribed by the Department providing the following information about the Short-term Rental Unit:
 - (1) the number of bookings, listings, and lessees for the month;
 - (2) the average number of bookings per listing;
 - (3) current year-to-date booking value;
 - (4) current year-to-date revenue collected;
 - (5) the average length of a rental;
 - (6) booking value per rental;
 - (7) actual length of stay per address per rental transaction; and,
 - (8) the names of all platforms used to list the rental unit.
- (g) Educational Materials. Each licensee shall:
 - (1) furnish an educational pamphlet created by the Department to the occupant at the time of booking and upon checking into the short-term vacation rental;
 - (2) maintain a copy of the educational pamphlet within the Short-Term Rental Unit; and,
 - (3) conspicuously post a notice within the Short-Term Rental Unit that, at minimum, identifies the occupancy limitations for the residential unit, emergency telephone numbers, the twenty-four (24) hour telephone number required by this Chapter, safety information, trash requirements, parking rules and noise regulations.

(h) Visibility of Address. The licensee must ensure that the address of the residential unit is clearly visible from the roadway and illuminated at night.

(i) Duty to Maintain the Residential Unit in a Safe and Habitable Condition.

(1) Each licensee must maintain the Short-Term Rental Unit in a safe, habitable, and hazard-free condition, including, without limitation, all mechanical, electrical and plumbing systems within the residential unit.

(2) To ensure compliance with this ~~code~~ Code and to provide for the public peace, health, safety, order, and welfare, each licensee must permit the inspection of the residential unit by the Department, or by any department or agency required by the Department to conduct an inspection of the residential unit, upon 48-hour notice. ~~with or without notice to the licensee or local representative.~~ It shall be the duty of the licensee to provide access to and means for proper inspection of the residential unit. For owner-occupied residential units, inspections under this Section shall be limited to the areas of the home that will be used by guests during operation of the Short-Term Rental Unit which may include, without limitation, bedrooms, bathrooms, kitchen, dining area, living room, garage and yards.

(3) Nothing in this Section is to be construed as a restriction on the entry to the residential unit by law enforcement, firefighters, emergency responders, or Clark County Code Enforcement in response to exigent circumstances or pursuant to a valid warrant or court order.

(j) Fire Safety. Each licensee must:

(1) provide at least one working fire extinguisher (minimum acceptable size of 2A:10B:C) on each floor of the Short-term Rental Unit, including basements and habitable attics.

(2) install and maintain interconnected multiple-station smoke alarms at the following locations:

(I) in each bedroom and room used for sleeping purposes;

(II) immediately outside each bedroom and room used for sleeping purposes, and,

(III) in each story of the residential unit, including basements and habitable attics.

- (3) install and maintain a carbon monoxide detector, or a combination smoke and carbon monoxide detector, on each floor of the Short-Term Rental Unit, including basements and habitable attics.
 - (4) post an evacuation route plan which meets Nevada Fire Marshal's regulations and standards or the provisions of the Uniform Fire Code of Clark County, whichever is most stringent, in each bedroom of the residential unit.
 - (5) ensure that all methods of egress are not constrained by obstructions including, without limitation, window security bars.
- (k) Payment of Taxes. If the licensee collects payment directly from the guest, the appropriate transient lodging tax, as determined by Section 4.08.010 of the Code, shall be remitted to the County on a monthly basis, accompanied by any documentation or reports required by the Department.
- (l) State Business License. Each licensee must maintain a business license issued by State of Nevada. Both the state business license and the Short-Term Rental License shall be prominently displayed in the short-term rental residential unit. If the state business license is suspended, revoked, non-renewed or relinquished, the Short-Term Rental License will simultaneously and automatically be suspended, revoked, non-renewed or relinquished, as applicable, and the Short-Term Rental License must immediately be returned to the Department.
- (m) Required Payments. On or before the date and time set for payment, each licensee must pay all fees required by this Chapter, all transient lodging taxes required to be paid by Section 4.08.010 of this Code, the solid waste collection charges set forth in Chapter 9.04 of this Code, and all fines, fees and costs imposed for any violation of this Chapter.
- (n) Sanitation. Each licensee must supply the Short-Term Rental Unit with solid waste containers approved or provided by the solid waste franchisee of the County, which must be sufficient to accommodate the maximum occupancy of the Short-term Rental Unit. The licensee shall be responsible for notifying guests of trash disposal procedures.
- (o) Security Camera. Each licensee must install a functional street-facing security camera capable of recording video surveillance.
 - (1) The security camera must be in continuous operation while the property is rented.
 - (2) The video surveillance footage must be kept by the licensee for no less than sixty (60) days.
 - (3) Upon request of the County or any law enforcement agency, the licensee must provide a copy of the video surveillance footage within forty-eight (48) hours.

- (4) This requirement does not apply to Short-term Rental Units located within multifamily dwelling units that have common entrances to the residential units surveilled or monitored.
- (p) Record Keeping. Each licensee must maintain adequate and accurate books and records that provide a true accounting of all financial transactions for the three (3) preceding years, which must remain open to inspection by the Department during normal business hours or made available to the Department at a location within the County for the purpose of ascertaining compliance with this Code, including but not limited to the payment of licensing fees, transient lodging taxes, solid waste collection charges, and all fines, fees, or costs imposed for any violation of this Chapter.
- (q) Required Placard. Each licensee shall post a placard on the exterior of the Short-Term Rental Unit in plain view of the public. The placard must be a minimum of eight and one-half inches by eleven inches (8.5" x 11") in size and utilize lettering in a minimum legible font of seventy-two (72) point or one and one-half inches (1.5") in height.
- (1) The placard must display:
- (I) the twenty-four (24) hour complaint hotline number required by this Chapter;
 - (II) the maximum occupancy of the Short-term Rental Unit; and,
 - (III) the Short-Term Rental License number and State business license number.
- (2) On fully fenced and gated properties, the placard must be affixed to the gate and visible from the right-of-way.
- (r) Noise Monitoring Devices. Each licensee must install noise monitoring devices at each property line in both the front and rear yard of the Short-term Rental Unit, as well as in the vicinity of any outdoor pool or spa.
- (1) The noise monitoring devices must be in continuous operation while the property is rented and alert the licensee or the local representative when sustained noise levels exceed the noise standards set forth in this Chapter.
 - (2) Noise level data shall be maintained by the licensee for no less than sixty (60) days.
 - (3) Upon request of the County or any law enforcement agency, the licensee must provide the noise level data within forty-eight (48) hours.

- (4) This requirement does not apply to Short-term Rental Units located within multifamily dwelling units that have common entrances to the residential units surveilled or monitored.

(s) Advertising.

- (1) The licensee shall include the following information in any advertisement for the Short-term Rental Unit:

- (I) The Short-Term Rental License number and the State business license number.
- (II) The permitted maximum occupancy of the Short-Term Rental Unit.
- (III) The minimum number of nights that the Short-Term Rental Unit may be booked.
- (IV) An advisement that the Short-Term Rental Unit may not be used to hold a party.

- (2) The licensee shall not:

- (I) post any sign advertising the availability of the residential unit for transient lodging in or on any exterior area of the residential unit, any exterior area of any other structure on the same lot, or on the lot on which the residential unit is located;
- (II) use any advertising material that contains any assertion, representation or statement of fact which is untrue, deceptive, or misleading.

- (t) Subpoenas. Each licensee shall produce all books, papers, or documents subpoenaed within the time required by this Chapter.
- (u) Duty to Comply with all applicable Laws. Each licensee must comply with all provisions of this Code and state law, including state or County regulations, applicable to the residential unit and to the operation of the residential unit for the purpose of transient lodging.

7.100.180. Prohibited Conduct

- (a) No Short-Term Rental Unit may be used for any purpose other than for dwelling, lodging, or sleeping and for activities that are incidental to its use for dwelling, lodging or sleeping.
- (b) ~~Parties, weddings, and events are prohibited. Gatherings which exceed the maximum occupancy established by this Chapter are also prohibited. Any Party, as defined in Section 7.100.020(n), is prohibited in a Short-Term Rental Unit. The prohibition on~~

Parties in this Section, however, does not apply to private guests of the owner in owner-occupied residential units unrelated to any Short-Term Rental Unit booking.

~~(c) The emission of noise, light, smoke, particulate matter, odors, and hazardous materials from the short-term rental residential unit which unreasonably annoys or disturbs the quiet, comfort, or repose of any persons of ordinary sensibilities, is prohibited. For purposes of this Section, the following standards apply:~~

(c) Noise Standards. The noise standards established in Title 30.68.020 of this Code shall be applied to all Short-Term Rental Units and furthermore:

~~(1)~~

~~(#)~~ (1) the use of any radio receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound shall be permitted only within an enclosed Short-term Rental Unit;

~~(#)~~

(2) during the hours of 10 P.M. to 7 A.M., the use of outdoor amenities, such as pools, spas, barbecues, and firepits, is prohibited.

(d) Lighting Standards. The licensee shall ensure compliance with County lighting standards established in Title 30.68.030 of this code and shall prohibit the use of all rear and side yard outdoor lighting between the hours of 10:00 PM and 7:00 AM, with the exception of motion-sensitive outdoor security lighting.

(e) Air Quality Standards. The Licensee shall ensure compliance with air quality standards provided in Section 40 of the Clark County Air Quality Regulations (“Prohibition of Nuisance Conditions”) and Title 30 of this Code.

(f) Hazardous Materials Standards. The Licensee shall ensure compliance with County hazardous materials standards established in Title 30 of this Code.

~~(2)~~

(g) Parking. Vehicles must utilize all residential on-site parking before utilizing street parking. All vehicles shall be parked in accordance with all applicable laws and regulations.

~~(a)~~

(h) Trash. Trash and refuse shall not be left or stored in public view, except in proper solid waste containers provided in accordance with this Chapter on the day specified for solid waste collection.

~~(b)~~

7.100.200. Powers of the County

(a) Emergency Powers.

- (1) Any department, board or agency of the County may take immediate action when necessary to address emergencies or urgent complaints regarding public peace, health, safety, order or welfare, without first notifying the licensee, local representative, or property owner, and without first issuing a written notice of violation or citation.
- (2) Emergency Suspension or Limitation of License by the Department. In an emergency, the Department may issue a written order for immediate suspension or limitation of a Short-Term Rental License issued pursuant to this Chapter. The emergency order shall state the reason for suspension or limitation and shall afford the licensee a hearing before the hearing officer, who after a hearing, may suspend the license for specific time or until compliance with a specific requirement has been accomplished, or may condition, restrict or revoke the license.
- (3) Emergency Suspension of License by the Sheriff. The Sheriff or the authorized designee of the Sheriff, in an emergency, for cause, or upon code violation of specific acts which endanger the public welfare; and finding that such suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order or public welfare, may suspend any Short-Term Rental License for a period not to exceed eight consecutive hours. The emergency order shall state the reason for suspension or limitation and shall afford the licensee a hearing before the hearing officer, who after a hearing, may suspend the license for specific time or until compliance with a specific requirement has been accomplished, or may condition, restrict or revoke the license.

(b) Random Inspections. To ensure compliance with this code and to provide for the public peace, health, safety, order, and welfare, at any time after the issuance of a Short-Term Rental License, the Department shall have the power and authority to at any time require an inspection of a Short-Term Rental Unit in accordance with the procedures set forth Section 7.100.100(h). ~~by the comprehensive planning department, building department, fire department, health district, department of environment and sustainability, code enforcement, and/or other local department or agency. The inspecting department or agency shall forward the results of the inspection, along with any applicable evidence supporting the inspection results, to the Department within ten (10) days after the request for inspection is received from the department.~~

(c) Records and Audits of Records. For the purpose of ascertaining compliance with this Code, including but not limited to the payment of licensing fees, transient lodging taxes, solid waste collection charges, and all fines, fees, or costs imposed for any violation of this Chapter, the Department may:

(1) demand that the licensee produce or make available all records required by this Chapter during normal business hours or at a location within the County; and,

(2) conduct an audit of the financial statements and operations of the business.

The information received from the licensee under the provisions of this section shall be deemed confidential and available only to those county officials concerned in such matters.

(b) Subpoena Power. Any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance may issue subpoenas for the production of documents, records or materials relevant for determining whether a residential unit or a room within such a residential unit in Clark County has been rented in violation of any law of this State or of the Clark County Code.

(1) The subpoena may be issued only if:

(I) There is evidence sufficient to support a reasonable belief that a residential unit or a room within such a residential unit in Clark County has been rented or is being rented in violation of any law of this State or of the Clark County Code; and,

(II) The subpoena identifies the rental alleged to be in violation of any law of the State or of the Clark County Code, and the provision of law or code allegedly violated.

(2) A subpoena issued pursuant to this Chapter must be mailed by regular and certified mail to the licensee or person who was required to file a monthly report regarding the rental pursuant to the Clark County Code.

(3) Upon receipt of the subpoena, the recipient must produce any subpoenaed books, papers or documents not later than twenty-one (21) days, unless otherwise ordered by court.

(4) If a person to whom a subpoena has been issued pursuant to this Chapter refuses to produce any document, record or material that the subpoena requires, the District Attorney may apply to the district court for the enforcement of a subpoena in a civil action.

7.100.230. Enforcement Actions

- (a) It is prohibited ~~and unlawful~~ for any person to violate any provision of this Chapter.:
- ~~(1) operate a Short Term Rental Unit without holding a valid unexpired Short Term Rental License;~~
- ~~(2) violate any other provision of this Chapter.~~
- (b) Any person in violation of this Chapter shall be subject to the penalties and remedies set forth herein. The penalties and remedies shall be cumulative and may be exercised in any order or combination and at any time.
- (c) Notice of Violation. Any person in violation of this Chapter may be issued a written notice of violation by any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance.
- (1) The written notice shall clearly set forth the nature of the violation(s), the required action(s) to correct the violation(s), the date by which the violation(s) must be corrected, and that the failure to take corrective action in accordance with the written notice may result in the issuance of a citation and/or the suspension or revocation of the Short-Term Rental License, if applicable.
- (2) A written notice of violation alleging the operation of a residential rental unit or room within a residential unit for the purpose of transient lodging without holding a valid unexpired Short-Term Rental License must be issued to the property owner.
- (d) Administrative Citation. Any person in violation of this Chapter may be issued a civil administrative citation by any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance.
- (1) Each administrative citation shall contain the information required by Section 1.14.020 of this Code and assess a corresponding daily fine amount for each day the violation continues as follows:
- (I) where a person is alleged to be operating a residential unit or room within a residential unit for the purpose of transient lodging without possessing a valid unexpired Short-Term Rental License, a fine of not less than \$1,000 and not more than \$10,000. The amount of the fine shall be determined only after taking into account, without limitation, the severity of the violation, whether the person who committed the violation acted in good faith, and any history of previous violations of the provisions of this Chapter or any other Chapter related to transient lodging.

(II) for all other violations, a fine equivalent to the nightly rental value of the residential unit or room within the residential unit or in accordance with the following schedule, whichever is greater:

For the first violation.....	\$500.00
For each subsequent violation.....	\$1,000.00

(2) If the violation was corrected by the County or agent of the County, the citation may include any applicable fees and costs incurred by the County.

(e) For purposes of this Section:

(1) Each violation of this Chapter shall be subject to a separate fine, and fines may be assessed cumulatively in the same citation.

(2) Where the person violating this Chapter is not the owner of the property that is the subject of the violation, including without limitation a local representative, property manager, tenant or subtenant, the property owner shall also be subject to receipt of an administrative citation and the remedies and penalties set forth herein.

(3) It is presumed that a residential unit or room within a residential unit is being operated as a Short-Term Rental Unit for each day that the residential unit or room within the residential unit is listed, advertised, brokered, or offered for the purpose of transient lodging.

(f) Nothing in this Section shall be deemed to limit the County's right to exercise any other enforcement options and remedies authorized by law, including but not limited to:

(1) the issuance of a misdemeanor citation to any person for ~~any violation of the provisions of this Chapter~~ any conduct deemed unlawful by this Code or State law;

(2) the right to suspend, revoke, or not renew a Short-Term Rental License in accordance with Chapter 6.04 of this Code;

(3) pursuant to Chapter 4.08 of this Code, the right to audit the financial records and collect any unpaid combined transient lodging taxes, interest, administrative fees, and penalties;

(4) the right to commence proceedings for the abatement of any public nuisance or chronic nuisance in accordance with applicable provisions of this Code; and,

(5) the authority to petition a court of competent jurisdiction for injunctive relief or any other appropriate remedy to prevent the continued unapproved or noncompliant operation of the residential unit in violation of this Chapter.

SECTION TWO. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION THREE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FOUR. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2023.

PROPOSED BY: _____

PASSED on the ____ day of _____ 2023.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
JAMES B. GIBSON, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____ 2023.