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

BILL NO. _____

SUMMARY – Provides for the issuance of licenses to eligible persons who rent certain residential properties for thirty (30) consecutive days or less; for the issuance of licenses to persons who, for a fee or other charge, broker, coordinate, make available or otherwise arrange for the rental of residential properties for thirty (30) consecutive days or less; and for the collection of combined transient lodging tax for the rental of certain residential properties for thirty (30) consecutive days or less.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 4, CHAPTER 4.08 OF THE CLARK COUNTY CODE TO SUBJECT SHORT-TERM RENTALS TO THE COMBINED TRANSIENT LODGING TAX; TO AMEND TITLE 6, CHAPTER 6.12, TO EXCLUDE SHORT-TERM RENTALS FROM THE DEFINITION OF "VACATION HOMES"; TO AMEND TITLE 7 BY ADDING NEW CHAPTER 7.100 ("SHORT-TERM RENTAL UNITS") AND A NEW CHAPTER 7.110 ("ACCOMMODATIONS FACILITATORS") TO ESTABLISH REGULATIONS PERTAINING TO THE LICENSING AND OPERATION OF SHORT-TERM RENTAL UNITS AND ACCOMMODATION FACILITATORS, INCLUDING LICENSE ELIGIBILITY, OPERATIONAL REQUIREMENTS, FEES, PENALTIES, AND ENFORCEMENT; AND TO AMEND TITLE 30, CHAPTER 30.44 TO ALLOW LICENSED SHORT-TERM RENTAL UNITS IN RESIDENTIAL ZONING DISTRICTS; 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 4, Chapter 4.08, Section 4.08.005, Subsection 4.08.005(35) of the Clark County Code is hereby amended to read as follows:

(35) “Transient lodging establishment” means any facility, structure, or portion of any structure which is occupied or intended or designed for occupancy by a person or persons who pay rent for dwelling, lodging, or sleeping purposes. ~~, and includes any~~

(a) The term includes any:

(i) hotel,

(ii) resort hotel,

(iii) motel,

(iv) bed and breakfast,

(v) lodging house,

(vi) time-share project,

(vii) vacation home,

(viii) apartment house,

(ix) recreational vehicle park/campground,

(x) Short-Term Rental Unit as defined in Chapter 7.100 of this Code, or,

(xi) other similar structure or facility, or portion thereof.

(b) The term "transient lodging establishment" does not include any: ~~of the following:~~

(i) hospital,

(ii) sanitarium,

(iii) medical clinic,

(iv) convalescent home,

(v) nursing home,

(vi) home for the aged people,

(vii) foster home, or other similar facility operated for the care or treatment of individuals;

(viii) ~~any~~ asylum,

(ix) jail,

(x) prison,

(xi) orphanage, ~~or~~

(xii) ~~other~~ facility in which individuals are detained and housed under legal restraint;

(xiii) ~~and~~ housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees,

(xiv) ~~and any~~ fraternity or sorority house or similar facility occupied exclusively by students and employees of such education institution, and officially recognized by it;

(xv) ~~any~~ housing operated or used exclusively for religious, charitable or education purposes by any organization having qualifications for exemption from property taxes and under the laws of the state;

(xvi) ~~any~~ housing owned by a governmental agency and used to house its employees or for governmental purposes;

(xvii) ~~any~~ room within a private dwelling house or other single-family dwelling unit that is rented to a person for thirty-one consecutive days or more and ~~if~~ the permanent or principal owner also resides in and occupies the dwelling;

(xviii) ~~any~~ unit within a time-share project occupied by an owner, or the nonpaying guests of an owner, of a time-share in a time-share project, or in the time-share plan of which the time-share project is a part, who has the right to use or occupy a unit, pursuant to~~: (a)~~ time-share instrument; or ~~(b)~~ a time-share exchange program.

The burden of establishing that the housing or facility is not a transient lodging establishment as defined herein shall be on the owner thereof, who shall file with the director such information as the director may require to establish and maintain such status.

SECTION TWO. Title 6, Chapter 6.12, Section 6.12.982 of the Clark County Code is hereby amended to read as follows:

6.12.982 Vacation homes.

Defined as any residential dwelling in a condominium hotel or resort condominium, as defined in Title 30 of this Code, that is utilized for transient lodging. Each vacation home shall be separately licensed and the license fee shall be three hundred dollars ($300.00) annually. In addition to the above annual license fees, if a vacation home is rented to transient guests as that term is defined in Chapter 4.08 of this code, then taxes must also be charged according to the rates set forth in Chapter~~s~~ 4.08~~, 4.09 and 4.10~~ of this code. The term "vacation home" does not include a "Short-Term Rental Unit" as defined in Chapter 7.100 of the Code.

SECTION THREE. Title 7 of the Clark County Code is hereby amended to add a new chapter to read as follows:

TITLE 7 – CHAPTER 7.100 – SHORT-TERM RENTAL UNITS

7.100.010. Findings

The Clark County Board of Commissioners finds and declares that:

(a) The primary function of residential development in Clark County is to provide permanent, affordable housing for the residents of the County. The commercial use of residential development for transient lodging is inconsistent with this purpose and constricts the availability of affordable housing.

(b) The use of short-term rental properties to host large, disruptive parties in residential neighborhoods and for purposes other than those incidental to dwelling, lodging, and sleeping, causes harm to the quality of life for the permanent residents of Clark County and constitutes a public nuisance.

(c) The increasing number of short-term rental units in Clark County has diverted a noticeable portion of transient lodging away from traditional transient lodging establishments and has negatively impacted the revenue derived from such rentals to local governments and other agencies and beneficiaries of transient lodging taxes.

(d) On June 4, 2021, Assembly Bill 363 (AB 363) from the 2021 Nevada State Legislative Session was signed into law by the Governor of the State of Nevada. AB 363 requires Clark County to repeal its longstanding prohibition on the use of short-term rental

properties in residential neighborhoods and instead adopt and enforce an ordinance allowing for the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.

(e) The operation of a residential unit as a short-term rental is a commercial use which necessitates the payment of the combined transient lodging tax and which renders the short-term rental property ineligible for the primary residential tax cap permitted in NRS 361.

(f) Pursuant to its powers to address matters of local concern; to adopt such ordinances and regulations necessary and proper to develop affordable housing; and to repair, clear, correct, rectify, safeguard or eliminate any public nuisance, the Clark County Board of Commissioners finds that it is necessary to license those persons who operate residential units for the commercial purpose of transient lodging and to impose restrictions on the operation of those businesses as is necessary to provide for the health, safety, and welfare of the public, as set forth in this Chapter.

7.100.020. Definitions

The words and terms contained in this chapter shall have the meaning ascribed in this section unless a different meaning clearly appears in the context.

(a) "Accommodations facilitator" means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of a Short-Term Rental Unit. The term includes, without limitation, a hosting platform.

(b) "Accommodations Facilitator License" means a license issued by the Clark County Department of Business License pursuant to Chapter 7.110 of this Code to a person who operates as an accommodations facilitator.

(c) "Advertisement" means any form of communication, promotion, or solicitation, including but not limited to electronic media, direct mail, newspapers, magazines, flyers, handbills, television commercials, radio commercials, signage, e-mail, internet websites, text messages, verbal communications, or similar displays, intended to be used to induce, encourage or persuade the public to enter into a contract for the use of occupancy of a Short-Term Rental Unit. The term includes, without limitation, the listing of a Short-Term Rental Unit by an Accommodations Facilitator.

(d) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.

(e) "Authorization" means a permit, license, registration or any other type of approval or authorization issued by the governing body of a political subdivision of any State, including the governing body of any county, city, or town, or the designee of such a governing body, to a person who, independently or using an accommodations facilitator, makes available for rent a Short-Term Rental Unit. The term includes a Short-Term Rental License issued by the Department of Business License of Clark County pursuant to this Chapter.

(f) "Common-interest community" means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance or improvement of, or services or other expenses related to, common elements, other units or other real estate described in that declaration. This term does not include a time-share project, as defined in Subsection 4.08.005(32) of this Code, or a vacation home as described in Section 6.12.982 of this Code.

(g) "Complaint hotline" means a telephone line established by the County or the County's designee to provide a person the ability to report violations of the provisions of this Chapter.

(h) "County" means, unless otherwise indicated, the unincorporated areas of Clark County, Nevada.

(i) "Department" means, unless otherwise indicated, the Department of Business License of Clark County.

(j) "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of a residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(k) "Local representative" means the person that is responsible for responding to complaints or other issues concerning a Short-Term Rental Unit on a twenty-four (24) hour, seven (7) days a week basis.

(l) "Nonrestricted license" shall have the same meaning as "unrestricted live game license" as defined in Section 8.04.040(B)(2) of this Code.

(m) "Operate a Short-Term Rental Unit" means to make a residential unit or room within a residential unit available for rent for thirty (30) consecutive days or less.

(n) "Party" means a gathering of people with that exceeds the maximum occupancy of the residential unit established by this Chapter and listed on the Short-Term Rental License.

(o) "Property owner" or "owner" means any person who is listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal entity, each trustee or principal of that trust or entity.

(p) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of Chapter 119A of NRS nor a vacation home as defined in Section 6.12.982 of the code.

(q) "Short-Term Rental License" means a license issued by the Clark County Department of Business License to an eligible property owner who, independently or using an accommodations facilitator, makes available for rent a Short-Term Rental Unit.

(r) "Short-Term Rental Unit" means a residential unit or room within a residential unit that is made available for rent for thirty (30) consecutive days or less.

(s) "Transient lodging" has the meaning ascribed in Section 4.08.005 of this Code.

7.100.030. Short-Term Rental License Required

No person shall engage in the business of operating a Short-Term Rental Unit without first obtaining and thereafter maintaining a valid unexpired business license pursuant to this Chapter.

7.100.040. Applicability of this Chapter

The provisions of this chapter do not apply to a residential unit located within a building that is:

(a) Located on land not zoned exclusively for residential use and owned or operated by a person who holds a nonrestricted license for gaming issued pursuant to Chapter 8.04 of the Clark County Code or an affiliate of a person who holds a nonrestricted license for gaming;

(b) A timeshare or other property subject to the provisions of chapter 119A of the Nevada Revised Statutes; or,

(c) A vacation home as defined in Section 6.12.982 of the Clark County Code.

7.100.050. Limitation on the number of Short-Term Rental Licenses

Except as otherwise provided in this Chapter, there shall be a minimum of one (1) Short-Term Rental License available for each established unincorporated area within Clark County, Nevada. The maximum number of Short-Term Rental Licenses that may be issued

in any unincorporated area shall not exceed one percent (1%) of the total number of housing units located in the unincorporated area, rounded down to the nearest whole number.

For purposes of this section, the maximum number of Short-Term Rental Licenses within each unincorporated area in the county shall be calculated by the Department on an annual basis. The Department must base its calculation upon the most recent estimate of the total number of housing units in the unincorporated area as determined by the County.

7.100.060. Short-Term Rental License to be Issued Only to Eligible Property Owner

A Short-Term Rental License shall only be issued to eligible property owners.

For purposes of this Section, an "eligible property owner" shall include only those natural persons, business entities, or personal or family trusts identified as the owner(s) of the residential unit as determined by the records of the Clark County Assessor as of the date of the application for a Short-Term Rental License, subject to the following restrictions:

(a) Each natural person must be at least eighteen (18) years of age;

(b) No business entity or personal or family trust may be issued a Short-Term Rental License unless:

(1) the shareholders, partners, members, managers, officers, principals, settlors, trustees, and beneficiaries, as applicable, are all natural persons and aged 18 years or older; and,

(2) the identities of all shareholders, partners, members, managers, officers, principals, settlors, trustees, and beneficiaries, as applicable, are disclosed to the Department at the time of the application.

7.100.070. Ineligible Property Owners

The Department shall not issue a Short-Term Rental License to a natural person, business entity, or personal or family trust otherwise eligible for licensure pursuant to this Chapter if:

(a) issuance of the license will cause any property owner to obtain more than one (1) Short-Term Rental License to operate a Short-Term Rental Unit in the unincorporated areas of Clark County;

(b) issuance of the license will cause any property owner to obtain legal or beneficial ownership of, or a financial interest in, more than one (1) Short-term Rental Unit in the unincorporated areas of Clark County;

(c) in the seven (7) years preceding the application for a Short-Term Rental License, any natural person or shareholder, partner, member, manager, officer, principal, settlor,

trustee, or beneficiary of a business entity or trust, as applicable, who owns the Short-Term Rental Unit, either individually or jointly with others:

(1) possessed a Short-Term Rental License or other authorization which was revoked, suspended, or not renewed;

(2) voluntarily relinquished a Short-Term Rental License or other authorization while any proceeding to revoke, suspend, or impose conditions on the Short-Term Rental License or other authorization was pending;

(3) used the residential unit for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog; or,

(4) regularly and continuously used the residential unit to engage in, or facilitate the commission of, criminal activity; or,

(d) the natural person, business entity, or personal or family trust is otherwise prohibited by state or federal law or any provision of this Chapter or Code from obtaining or possessing a Short-Term Rental License.

Any Short-Term Rental License issued by the Department in contravention of the foregoing prohibitions is void and shall be revoked.

7.100.080. Ineligible Residential Units

The Department shall not issue a Short-Term Rental License permitting the operation of a residential unit as a Short-Term Rental Unit if:

(a) the residential unit is not intended to be used for permanent lodging, including but not limited to recreational vehicles, travel trailers, tents, and motor vehicles;

(b) the residential unit is a mobile or manufactured home;

(c) the residential unit is located in an unincorporated area within:

(1) the Town of Mt. Charleston;

(2) Moapa Township;

(3) Moapa Valley Township;

(4) Mesquite Township; or,

(5) Bunkerville Township.

(d) the residential unit is not lawfully connected to a municipal wastewater system;

(e) the residential unit is located within:

(1) an apartment building;

(2) a multifamily dwelling wherein the issuance of the Short-Term Rental License would result in more than ten percent (10%) of the residential units in the multifamily dwelling being rented for the purposes of transient lodging or which would violate a prohibition against such rentals or a stricter limitation established by the owner of the multifamily dwelling;

(3) a common-interest community, unless the governing documents of the community expressly authorize the rental of a residential unit for the purposes of transient lodging;

(f) the residential unit is situated:

(1) within 2,500 feet of a resort hotel as defined in NRS 463.01865 or in Section 8.04.010.145 of this Code, or from a property approved for a resort hotel pursuant to a valid Special Use Permit and where construction has commenced, measured from the nearest property line of the residential unit to the nearest property line of the resort hotel; or,

(2) within 1,000 feet of any Short-term Rental Unit, as measured from the nearest property line of the residential unit to the nearest property line of any licensed Short-term Rental Unit, except that any residential unit located wholly within a multifamily dwelling shall not be excluded from licensure for the reason that it is located within 1,000 feet of a licensed Short-term Rental Unit;

(g) the residential rental unit is not in a safe, habitable, and hazard-free condition, including, without limitation, any residential unit:

(1) which is imminently dangerous pursuant to Chapter 11.08 of this Code;

(2) which violates the provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the residential unit; or

(3) which was constructed, or to which any addition, alteration, or repair was made, without first obtaining any permit or other approval required by Section 22.02.165 of this Code, unless the construction, addition, alteration or repair was subsequently remediated to the satisfaction of the permitting department or authority;

(h) a review of Clark County Code Enforcement's case management system reveals multiple substantiated violations of Clark County Code within the preceding thirty-six (36) months that were not subsequently remediated to the satisfaction of Code Enforcement;

(i) the residential unit has been designated as below market rate or income-restricted, is subject to affordability covenants, or is otherwise subject to housing or rental assistance under local, state, or federal law; or,

(j) operation of the residential unit as a Short-Term Rental Unit is prohibited by state or federal law or any provision of this Chapter or Code.

Any Short-Term Rental License issued by the Department in contravention of the foregoing prohibitions is void and shall be revoked.

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:

(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;

(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, the residential unit shall be subject to inspection or code compliance review by any county agency or department.

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 or deny the application for a Short-Term Rental License as set forth in this Section.

(a) In addition to the conditions for denial of the application for business license set forth in Section 6.04.090 of this Code, the Department shall 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:

(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.

7.100.120. Annual Fee.

Annual license fees shall be paid to the Department in advance. The fees shall be based upon the number of bedrooms in the Short-term Rental Unit as enumerated in the records of the County Assessor's Office:

3 or fewer bedrooms……..…… $750.00
More than 3 bedrooms..…….. $1,500.00

7.100.130. Annual Renewal of Short-Term Rental License

Each Short-Term Rental License shall be renewed annually upon:

(a) the receipt of a renewal application on a form provided by the Department and any accompanying documentation as requested by the Department, including without limitation an updated general liability insurance certificate, property owner contact information, and local representative contact information;

(b) payment of all fines, fees and costs stemming from violations of this Code;

(c) inspection of the residential unit and payment of an inspection fee of one hundred fifty dollars ($150.00), if deemed necessary by the Department; and,

(d) timely payment of the annual fee required by this Chapter, subject to the provisions in Section 6.04.060 of the Clark County Code.

If the Department determines that a Short-Term Rental License should not be renewed, the Department shall issue a written notice to the licensee which clearly sets forth the reasons the Short-Term Rental License was not renewed.

Any licensee aggrieved by the nonrenewal of 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.

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 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.

7.100.150. Change in Ownership Prohibited

(a) Except as provided by this Section, a change in ownership of a licensed Short-term Rental Unit, including any transfer of interest in the residential unit by a natural person, shareholder, partner, principal, member, settlor, trustee, or beneficiary, is prohibited.

(b) For purposes of this Section, a change of ownership shall not result from:

(1) a marriage, whereby a spouse owned a licensed Short-Term Rental Unit prior to the marriage, the residential unit was recorded as the separate property of the spouse in accordance with NRS 123.140, and the income from the residential unit is maintained as the spouse's separate property;

(2) the transfer of interest in the residential unit between spouses or domestic partners resulting from the disposition of property during a divorce or termination of a domestic partnership; or,

(3) the acquisition of an interest in the residential unit by a devisee, heir, beneficiary of a personal or family trust, or beneficiary of a deed upon death, resulting from the death of the transferor, except that the Department shall revoke a Short-Term Rental License for any short-term rental residential unit if:

(I) the devisee, heir, or beneficiary fails to disclose the transfer of interest to the Department within sixty (60) days on a form provided by the Department; or,

(II) the devisee, heir, or beneficiary would be ineligible to obtain a Short-Term Rental License under this Chapter or Code and the devisee, heir, or beneficiary does not divest the interest in the Short-Term Rental Unit within two (2) years of acquisition.

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.

(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 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, 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.

(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.

(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:

(1) 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:

(I) 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;

(II) 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.

(2) 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.

(d) 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.

(e) 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.

7.100.190. Complaints

(a) Complaints regarding Short-term Rental Units shall be directed to a twenty-four (24) hour complaint hotline.

(b) The local representative shall be available by phone twenty-four (24) hours per day, seven (7) days a week to respond to and resolve complaints made via the complaint hotline or from any other source.

(c) Upon notification of a complaint, the local representative shall respond to the Short-Term Rental Unit within thirty (30) minutes. The local representative shall thereafter have sixty (60) minutes to resolve the problem giving rise to the complaint.

(d) If any County employee or agent of the County must report to the Short-Term Rental Unit to assist with the resolution of the complaint, a fee of two-hundred fifty dollars ($250.00) shall be assessed against the licensee.

(e) The local representative shall provide a detailed report of all complaints received and their resolution or attempted resolution to the County within forty-eight (48) hours of notification of the complaint on a form approved by the Department.

(f) Any violation of this Section shall be considered separate and independent from any violation of any other provision of this Chapter. The County may take enforcement action against a licensee for any violation of this Section separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

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, the Department shall have the power and authority to at any time require an inspection of a Short-Term Rental Unit 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.

(d) 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:

(I) provide notice of the subpoena to the user of the licensee who provided the rental identified in the subpoena within seven (7) days of the date of mailing;

(II) produce any subpoenaed books, papers or documents not later than twenty-one (21) days after providing the notice to the user required by this Section, 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.

7.100.210. Suspension or Revocation of Short-Term Rental License

In addition to the conditions for suspension or revocation of a Short-Term Rental License set forth in Section 6.04.090 of this Code, a Short-Term Rental License may be suspended or revoked for any violation of this Chapter. The hearing process described in Section 6.04.100 of this Code shall govern any action taken by the Department to suspend or revoke any Short-Term Rental License issued pursuant to this Chapter.

7.100.220. Declaration of Nuisance

(a) Any residential unit or room within a residential unit which is operated as a Short-Term Rental Unit without a valid unexpired Short-Term Rental License issued pursuant to this Chapter constitutes a public nuisance.

(b) Any residential unit or room within a residential unit which is operated as a Short-Term Rental Unit and which does not comply with the provisions of this Chapter constitutes a public nuisance.

7.100.230. Enforcement Actions

(a) It is prohibited and unlawful for any person to:

(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;

(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.

7.100.240. Initial Reviews and Administrative Hearings

Any person who contests the receipt of an administrative citation may request an initial review and/or an administrative hearing before a hearing officer in accordance with the provisions of this Section.

(a) Initial Review. Any recipient of an administrative citation may request an initial review of the citation in accordance with Section 1.14.060 of this Code.

(b) Administrative Hearing. A request for an administrative hearing must be made in accordance with Section 1.14.070 of this Code.

(1) The hearing shall be conducted accordance with Section 1.14.100 of this Code.

(2) After the hearing, the hearing officer shall issue a decision in accordance with Section 1.14.110 of this Code.

(3) Any person aggrieved by a decision of the hearing officer may file or cause to be filed a petition for judicial review of the hearing officer's decision in the district court as provided in Section 1.14.130 of this Code.

7.100.250. Payment of Fines, Fees and Costs

All fines, fees, and costs assessed shall be subject to the provisions of Section 1.14.120 of this Code.

7.100.260. Delivery of Notices of Violation and Administrative Citations

Written notices of violation and administrative citations issued pursuant to this Chapter shall be delivered as follows:

(a) Notices and citations issued to a licensee shall be sent to the licensee and the local representative by:

(1) personal service;

(2) first class mail and certified mail, return receipt requested, to the most recent address(es) provided to the Department, unless the licensee consents, in writing, to delivery by e-mail; or,

(3) posting on the property.

(b) Notices and citations issued to a property owner shall be delivered to the property owner by:

(1) personal service;

(2) first class mail and certified mail, return receipt requested, to the property owner’s address contained in the records of the Clark County Assessor; or,

(3) posting on the property.

(c) Notices and citations issued to any other person shall be delivered by:

(1) personal service;

(2) first class mail and certified mail, return receipt requested, to any known address; or,

(3) posting on the property.

(d) Notices and citations sent in accordance with this Section shall constitute actual notice of the violations contained therein. Notice of the violation shall not be deemed insufficient due to a person's failure to maintain a current address in the records of the Department or the Clark County Assessor.

(e) The date of delivery of the notice of violation or administrative citation shall be the date the written notice or administrative citation is personally served, mailed, posted or e-mailed, as applicable.

SECTION FOUR. Title 7 of the Clark County Code is hereby amended to add a new chapter to read as follows:

TITLE 7 – CHAPTER 7.110 – ACCOMMODATIONS FACILITATORS

7.110.010. Findings

The Clark County Board of Commissioners finds and declares that:

(a) On June 4, 2021, Assembly Bill 363 (AB 363) from the 2021 Nevada State Legislative Session was signed into law by the Governor of the State of Nevada. AB 363 requires Clark County to repeal its longstanding prohibition on the use of short-term rental properties in residential neighborhoods and adopt and enforce an ordinance allowing for the rental of a residential unit or a room within a residential unit for the purposes of transient lodging and for the regulation of Accommodations Facilitators.

(b) The unregulated proliferation of short-term rentals in Clark County constricts the availability of affordable housing and, to the extent that short-term rental properties are used to host large, disruptive parties and for purposes other than those incidental to dwelling, lodging, and sleeping, harms the quality of life for the residents of Clark County.

(c) The increasing number of short-term rental units in Clark County has diverted a noticeable portion of transient lodging away from traditional transient lodging establishments and has negatively impacted the revenue derived from such rentals to local governments and other agencies and beneficiaries of transient lodging taxes.

(d) As Accommodations Facilitators advertise most of the short-term rentals available for rent, the Clark County Board of Commissioners finds that it is necessary to license those persons who operate as Accommodations Facilitators to facilitate the collection

of transient lodging taxes from all persons licensed to operate Short-Term Rental Units in Clark County.

(e) Additionally, pursuant to its powers to address matters of local concern; to adopt such ordinances and regulations necessary and proper to develop affordable housing; and to repair, clear, correct, rectify, safeguard or eliminate any public nuisance, the Clark County Board of Commissioners also finds that it is necessary to impose restrictions on the operation of Accommodations Facilitators as set forth in this Chapter to curtail the loss of housing units available to residents as permanent housing, to abate those short-term rentals operating as public nuisances, and to provide for the health, safety, and welfare of the public.

7.110.020. Definitions

Except as provided herein, the words and terms contained in this Chapter shall have the meaning ascribed in Section 7.100.030 of this Code, unless a different meaning clearly appears in the context.

"Deactivate" means to remove the capability of the Accommodations Facilitator to accept or facilitate the payment of consideration in exchange for the use of a short-term rental.

7.110.030. License Required

No person shall engage in the business of operating as an Accommodations Facilitator without first obtaining and thereafter maintaining a valid unexpired business license pursuant to this Chapter.

7.110.040. Application Requirements

All applications for an Accommodations Facilitator 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 the applications.

Each application must be accompanied by a nonrefundable application fee of forty-five dollars ($45.00) and any documentation or information as the Department may additionally require.

7.110.050. Issuance or Denial of License

Upon consideration of the information provided within the submitted application, including the accompanying documents, the Department shall issue or deny the application for an Accommodations Facilitator License as set forth in Section 6.04.090 of this Code.

Additionally, no license shall be issued to an applicant unless the applicant agrees to abide by the duties and requirements set forth in this Chapter.

Any applicant aggrieved by the denial of an application for a Accommodations Facilitator License may request an administrative hearing before a hearing officer in accordance with the provisions of Section 6.04.090(j) of this Code.

7.110.060. Annual Fee

Annual license fees shall be paid to the Department in advance. The fees shall be based upon the number of Short-Term Rental Units within Clark County that are listed or advertised by the licensee on a hosting platform, as follows:

Not more than 100……..	$1,000.00
101-500……..……..	$5,000.00
501-1,000……..……	$10,000.00
1,001-2,500……..…….	$25,000.00
2,501-5,000……..…….	$50,000.00
5,001-7,000……..…….	$70,000.00
More than 7,000……..……..	$75,000.00

7.110.070. Annual Renewal of License

Each Accommodations Facilitator License shall be renewed annually upon:

(a) the receipt of a renewal application on a form provided by the Department and any accompanying documentation as requested by the Department;

(b) payment of all fines, fees and costs stemming from violations of this Chapter; and,

(c) timely payment of the annual fee required by this Chapter. For purposes of this section, payment of the annual fee is subject to the provisions in Section 6.04.060 of the Clark County Code.

If the Department determines that an Accommodations Facilitator License should not be renewed, the Department shall issue a written notice to the licensee which clearly sets forth the reasons the Accommodations Facilitator License was not renewed.

Any licensee aggrieved by the nonrenewal of a Accommodations Facilitator License may request an administrative hearing before a hearing officer in accordance with the provisions of Section 6.04.090(j) of this Code.

7.110.080. Duties of Licensee

All licensees shall:

(a) before listing or advertising a Short Term Rental Unit, verify that the Short Term Rental Unit has been issued a valid unexpired Short-Term Rental License;

(b) require that all listings and advertisements include the Short-Term Rental License number and State business license number and the maximum occupancy limitations for the residential unit;

(c) deactivate all listings which lack a valid State or County business license number, or any listing which the Department requests the licensee remove, within forty-eight (48) hours of receipt of the request;

(d) collect the appropriate combined transient lodging tax from the rental of any residential unit listed and remit the collected tax to the County on a monthly basis, accompanied by any documentation or reports required by the Department.

(e) submit a report of all the licensee's listings in the County to the Department on a monthly basis and upon request of the Department, which report shall include:

(1) the listing number;

(2) the property address;

(3) the listing owner's name and address;

(4) the actual length of stay per address per rental transaction;

(5) the booking value per rental; and,

(6) any other information as the Department may deem necessary.

(f) submit a monthly report in the format prescribed by the Department providing the following information:

(1) the number of bookings, listings, owners and lessees for the County;

(2) the average number of bookings per listing for the County;

(3) current year-to-date booking value for the County;

(4) current year-to-date revenue collected through the licensee from all rentals in the County, disaggregated by owner or lessee;

(5) the average length of a rental in the County; and,

(6) any other information as the Department may deem necessary.

(g) produce all books, papers, or documents subpoenaed within the time required by this Chapter; and,

(h) pay to the Department the annual license fee required by this Chapter.

7.110.090. Prohibited Conduct

No person may accept or facilitate the payment of consideration in exchange for the use or listing of a short-term rental if the residential unit or room within the residential unit has not been issued a Short-Term Rental License pursuant to Chapter 7.100 of this Code.

7.110.100. Subpoenas

(a) 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 in the County or a room within such a residential unit has been rented in violation of any law of this State, any provision of the Clark County Code, or any ordinance adopted by the Board of County Commissioners.

(b) Such a subpoena may be issued only if:

(1) there is evidence sufficient to support a reasonable belief that a residential unit in the County or a room within such a residential unit has been rented or is being rented in violation of any law of this State, any provision of the Clark County Code, or any ordinance adopted by the Board of County Commissioners; and,

(2) the subpoena identifies:

(I) the rental alleged to be in violation of any law of this State, any provision of the Clark County Code, or any ordinance adopted by the Board of County Commissioners; and,

(II) the law, provision, or ordinance allegedly violated.

(c) A subpoena issued pursuant to this Section shall be mailed by regular and certified mail to the licensee or, if applicable, to the person who was required to file a monthly report regarding the rental pursuant to this Chapter.

(d) Upon receipt of the subpoena, the recipient must:

(1) provide notice of the subpoena to the user of the licensee who provided the rental identified in the subpoena within seven (7) days of the date of mailing;

(2) produce any subpoenaed books, papers or documents not later than twenty-one (21) days after providing the notice to the user required by this Section, unless otherwise ordered by court.

(e) 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.

7.110.110. Suspension or Revocation of Accommodations Facilitator License

In addition to the conditions for suspension or revocation of an Accommodations Facilitator License set forth in Section 6.04.090 of this Code, an Accommodations Facilitator License may be suspended or revoked for a violation of any of the provisions of this Chapter or failure to comply with any of the requirements of this Chapter. The hearing process described in Section 6.04.100 of this Code shall govern any action taken by the Department to suspend or revoke any Accommodations Facilitator License issued pursuant to this Chapter.

7.110.120. Enforcement Actions

(a) It is prohibited for any person to:

(1) operate as an accommodations facilitator without holding a valid unexpired Accommodations Facilitator License; or,

(2) violate any other provision of this Chapter.

Any person in violation of this Chapter shall be subject to the penalties and remedies set forth below. The penalties and remedies shall be cumulative and may be exercised in any order or combination and at any time.

(b) 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.

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 Accommodations Facilitator License, if applicable.

(c) 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) The 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 in accordance with the following schedule:

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.

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

(d) 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 right to suspend, revoke, or not renew an Accommodations Facilitator License in accordance with Chapter 6.04 of this Code;

(2) the authority to petition a court of competent jurisdiction for injunctive relief or any other appropriate remedy.

7.110.130. Initial Reviews and Administrative Hearings

Any person who contests the receipt of an administrative citation may request an initial review and/or an administrative hearing before a hearing officer in accordance with the provisions of this Section.

(a) Initial Review. Any recipient of an administrative citation may request an initial review of the citation in accordance with Section 1.14.060 of this Code.

(b) Administrative Hearing. A request for an administrative hearing must be made in accordance with Section 1.14.070 of this Code.

(1) The hearing shall be conducted accordance with Section 1.14.100 of this Code.

(2) After the hearing, the hearing officer shall issue a decision in accordance with Section 1.14.110 of this Code.

(3) Any person aggrieved by a decision of the hearing officer may file or cause to be filed a petition for judicial review of the hearing officer's decision in the district court as provided in Section 1.14.130 of this Code.

7.110.140. Payment of Fines, Fees and Costs

All fines, fees, and costs assessed shall be subject to the provisions of Section 1.14.120 of this Code.

7.110.150. Delivery of Notices of Violation and Administrative Citations

Written notices of violation and administrative citations issued pursuant to this Chapter shall be delivered as follows:

(a) Notices and citations issued to a licensee shall be sent to the licensee by:

(1) personal service, or

(2) first class mail and certified mail, return receipt requested, to the most recent address(es) provided to the Department, unless the licensee consents, in writing, to delivery by e-mail.

(b) Notices and citations issued to any other person shall be delivered by:

(1) personal service; or,

(2) first class mail and certified mail, return receipt requested, to any known address.

(c) Notices and citations sent in accordance with this Section shall constitute actual notice of the violations contained therein. Notice of the violation shall not be deemed insufficient due to a person's failure to maintain a current address in the records of the Department or the Clark County Assessor.

(d) The date of delivery of the notice of violation or administrative citation shall be the date the written notice or administrative citation is personally served, mailed or e-mailed, as applicable.

SECTION FIVE. Title 30, Chapter 30.44, Section 30.44.010 of the Clark County Code is hereby amended to read as follows:

30.44.010 - Uses Allowed in Zoning Districts.

a. The uses listed in Table 30.44-1 are subject to the development standards listed in Chapters 30.52 (Off-Site Development Requirements), 30.56 (Site Development Standards), 30.60 (Parking and Loading Regulations), 30.64 (Site Landscape and Screening Standards), and 30.68 (Site Environmental Standards) unless modified by the restrictions of any of the overlay districts in Chapter 30.48 (Zoning Overlay Districts) or by the table.

b. The following categories of uses, conditions and exceptions are identified and listed in Table 30.44-1:

1. **Permitted Uses "P".** The use is permitted as a principal use in that zoning district.

2. **Accessory Uses "A".** The use is permitted only as an accessory use to the principal use, indicated in Table 30.44-1, within the specified district, but this does not exclude other land uses which are also considered accessory to the principal use, but not listed in Global Use Table. Within the Co-operative Management Agreement Area (See Map in Appendix G), accessory structures and uses shall be permitted on a lot deed restricted by Clark County for nonresidential uses only; where the principal use is established on the adjacent lot and both properties are under the same ownership. The Zoning Administrator shall determine when uses are accessory.

3. **Conditional Uses "C".** The use is permitted in the specified districts subject to meeting stated conditions (this may be reviewed with a building permit, business license or design review; a separate land use application is not required). If stated conditions do not apply, the use is a permitted use in that district. All conditional uses require performance measures to mitigate possible negative impacts of the use. These measures are numbered where each conditional use is listed in the Table 30.44-1.

4. **Temporary Uses "T".** Temporary uses are permitted in each zoning district subject to the performance conditions listed with an administrative temporary use (T), as provided in Table 30.16-5.

5. **Special Uses "S".** The use is permitted as a special use in the listed districts with a special use permit subject to a public hearing process per Table 30.16-4. Some special uses require performance measures to mitigate possible negative impacts of the use when each special use is listed in Table 30.44-1.

6. **Conditions related to various uses.** Most uses require performance conditions to mitigate possible negative impacts of the use. Whenever the applicant cannot or does not desire to comply with a performance condition, relief may only be sought as follows:

    A. **Accessory Uses, Conditional uses, Temporary Uses.** A special use permit may be requested in order to waive a condition associated with these uses, unless the condition cannot be waived or varied.

    B. **Special Uses.** A waiver of development standards may be requested in addition to the special use permit, in order to waive a condition associated with a special use, unless the condition cannot be waived or varied. Certain conditions, as listed in Table 30.44-1, may be considered to be waived during the public hearing process of the special use permit, without the separate waiver of development standards application.

7. **Prohibited Uses.**

    A. Uses not permitted are expressly prohibited; however, nothing in this Title shall be construed to prohibit constitutionally protected activities including the use of a

home for noncommercial gatherings of family and friends, discussion groups, religious or political gatherings, or neighborhood meetings.

B. If 1 of the above letters indicating the category of use is not shown in the zoning district columns in Table 30.44-1 for a corresponding use, then the use is not permitted.

C. Transient commercial use of residential development for remuneration is prohibited in all residential zoning districts, or in any miscellaneous zoning district of this Title, except as otherwise expressly permitted in this Title or as licensed pursuant to Chapter 7.100 of the Clark County Code.

~~i. The provisions of this Section do not supersede private covenants, deed restrictions, declarations of restrictions and equitable servitudes which impose conditions more restrictive than those imposed by this Section, or which impose restrictions not covered or addressed by this Section.~~

~~ii. The right to maintain a legal nonconforming transient commercial use of residential development for remuneration (profit) shall terminate within 3 years from August 19, 1998, after the use became legally nonconforming, subject to the following provisions:~~

~~a. Such a use shall not be classified as a legal nonconforming use, and shall thereafter conform to the regulations specified in this Section, if the use is maintained, or has been maintained, in violation of, or contrary to, private covenants, deed restrictions, declarations of restrictions, equitable servitudes, or the express terms of a deed of trust, loan or other purchase agreement or security instrument applicable to the residential developed property upon which the use is maintained.~~

~~b. If any such legal nonconforming use ceases for any reason for a period of 30 days or more, any subsequent use shall no longer be classified as a legal nonconforming use and shall thereafter conform to the regulations specified in this Section.~~

~~c. Nonconforming uses and structures established pursuant to this Section are subject to the regulations concerning nonconforming uses and structures set forth in Chapter 30.76 (Nonconformities) of this Title for the period specified in subsection (7)(C) (ii) above.~~

D. Storage of commercial vehicle or vehicles constitutes a commercial use of land and is prohibited in residential districts except as otherwise expressly permitted; (See Outside Storage 30-44-1) however, this provision shall not be interpreted to prohibit the parking of a single automobile used for commercial purposes (see regulations for "Home Occupation").

E. Storage of more than 3 recreational vehicles or travel trailers is prohibited, except as otherwise expressly permitted.

i. The provisions of this Section do not supersede private covenants, deed restrictions, declarations of restrictions and equitable servitudes which impose conditions more restrictive than those imposed by this Section, or which impose restrictions not covered or addressed by this Section.

ii. The right to maintain a legal nonconforming use of storing of more than 3 recreational vehicles or travel trailers shall terminate within 1 year from February 16, 2016, after the use became legally nonconforming, subject to the following provisions:

a. If any such legal nonconforming use ceases for any reason for a period of 30 days or more, any subsequent use shall no longer be classified as a legal nonconforming use and shall thereafter conform to the regulations specified in this Section.

b. Nonconforming uses and structures established pursuant to this Section are subject to the regulations concerning nonconforming uses and structures set forth in Chapter 30.76 (Nonconformities) of this Title for the period specified in subsection (7)(E)(ii) above.

F. It is an unlawful prohibited use for any person owning or occupying a developed or otherwise improved parcel of land within unincorporated Clark County to fail to clear such land, within ten days after notice is given to such person by the County, of weeds, grass over 4 inches in height, or any vegetation that is overgrown, dead, dry, diseased, or noxious.

SECTION SIX. 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 SEVEN. 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 EIGHT. 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 _____, 2022.

PROPOSED BY: _____

PASSED on the _____ day of _____ 2022.

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 _____ 2022.