

ORDINANCE NO. 3717
(Moratorium on Applications for Short-Term Vacation Rentals)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO IMPOSE A MORATORIUM ON APPLICATIONS FOR SHORT-TERM VACATION RENTALS IN THE CITY OF HENDERSON PURSUANT TO HENDERSON MUNICIPAL CODE SECTION 19.5.3.G TO ALLOW FOR IMPLEMENTATION OF REVISIONS TO THE APPLICATION AND ENFORCEMENT PROCESSES FOR SHORT-TERM VACATION RENTALS.

- WHEREAS, pursuant to Section 2.130 of the Henderson City Charter, the Nevada Legislature has conferred upon the City Council the express power to regulate all businesses, trades and professions located within the City; and
- WHEREAS, pursuant to Section 2.190 of the Henderson City Charter, the Nevada Legislature has conferred upon the City Council the express power to adopt Ordinances and regulations relating to zoning and planning pursuant to NRS Chapter 278; and
- WHEREAS, the Nevada Legislature's express grant of authority, through the adoption of the Henderson City Charter, to regulate businesses, trades, and professions, and to adopt zoning and planning regulations necessarily and fairly implies that the City may adopt provisions for zoning relating to short-term vacation rentals; and
- WHEREAS, the City Council of the City of Henderson has adopted Title 19 of the Henderson Municipal Code in order to protect the public health, safety, morals and welfare of the inhabitants of the City of Henderson, including through the regulation and control of short-term vacation rentals, and to provide regulations concerning zoning and land use; and
- WHEREAS, the City of Henderson adopted an ordinance on July 16, 2019, to allow and regulate the operation of short-term vacation rentals within the City of Henderson; and
- WHEREAS, the City of Henderson opened registration for short-term vacation rentals on October 14, 2019; and
- WHEREAS, the City of Henderson has approved over 225 short-term vacation rental registrations since the inception of the program; and
- WHEREAS, during the initial year of the short-term vacation rental registration program, City of Henderson staff have encountered certain issues that make enforcement of the program more difficult, and recommend that revisions be made to enable more efficient and effective regulation of short-term vacation rentals; and

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in *blue italics and underlined*.

WHEREAS, the City Council desires to take a reasonable amount of time for an orderly and thorough review of new regulations concerning the regulation and operation of short-term vacation rentals use through the Henderson Municipal Code; and

WHEREAS, the City Council desires to allow renewals of current short-term vacation rental properties that are currently properly registered and that do not have any defaults or violations of the Henderson Municipal Code, during the moratorium, subject to any changes in the regulations that may be implemented as a result of the moratorium; and

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

SECTION 1. For the purposes of this Ordinance the term "short-term vacation rental" applies to all uses regulated pursuant to Title 19.5.3.G of the Henderson Municipal Code and enforced pursuant to Title 19.6.11.E of the Henderson Municipal Code.

SECTION 2. A moratorium is hereby imposed on the application of all individuals, businesses, or facilities seeking any new registration for the purpose of a short-term vacation rental in the City of Henderson, prohibiting City acceptance, processing, or consideration of any and all short-term vacation rental registration submittals requesting to operate for such purposes, for a period of ninety (90) days following the effective date of this Ordinance.

SECTION 3. Notwithstanding Section 2, current short-term vacation rental properties that are properly registered and that have no defaults or violations of the Henderson Municipal Code as of the date of this Ordinance shall be permitted to renew their registrations during the moratorium, subject to each such renewal becoming subject to any new regulations adopted by the City Council.

SECTION 4. This moratorium shall commence upon the adoption of this Ordinance by the City Council, and shall terminate at the close of business ninety (90) calendar days from date of commencement of the moratorium, unless:

- (a) earlier terminated by the City Council; or
- (b) an extension of this moratorium is approved by the City Council at a public meeting. One extension of a period of no greater than ninety (90) days is contemplated by this Ordinance and approval of such extension may be considered by a simple majority vote, without the need for adopting a new Ordinance.

SECTION 5. Notwithstanding Section 4, this moratorium may be lifted at such time new regulations for short-term vacation rentals are adopted by the City Council. Staff is directed to submit to the City Council revised ordinances regulating short-term vacation rentals no later than 60 calendar days from the adoption of this moratorium.

SECTION 6. The City Council of the City of Henderson declares this moratorium for the following reasons:

- (a) the City Council of the City of Henderson has adopted Title 19 of the Henderson Municipal Code and declared that the public health, safety, morals, and welfare of the inhabitants of the City of Henderson require the regulation and registration of a short-term vacation rental; and
- (b) the City Council desires to conduct a thorough review and update of the Henderson Municipal Code and to thoughtfully consider the policy and legal implications relating to the application and regulation of short-term vacation rentals within the City of Henderson.

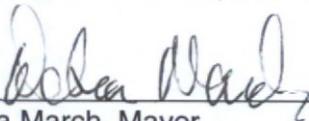
SECTION 7. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 8. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses, or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

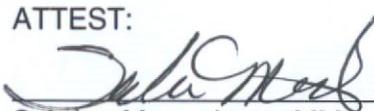
SECTION 9. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on September 4, 2020, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 1ST DAY OF SEPTEMBER, 2020.



Debra March, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on August 18, 2020, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

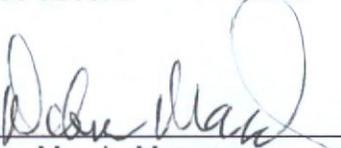
“COUNCIL AS A WHOLE”

Thereafter on September 1, 2020, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held September 1, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Michelle Romero
Dan K. Shaw
Dan H. Stewart

Those voting nay: None
Those abstaining: None
Those absent: None



Debra March, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk