

## 19.5.3.G – Short Term Vacation Rental

### G. SHORT-TERM VACATION RENTAL

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

#### 1. Definition

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

#### 2. Standards

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

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

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

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

Complaints regarding short-term vacation rentals shall be directed to the City of Henderson complaint hotline (see Section 19.5.3.G.3.f.). The registered local contact shall be available by phone 24 hours a day to answer calls from the complaint hotline, as well as complaints from any other sources. Upon receipt of a notification or attempted notification regarding a complaint, the registered local contact shall contact the occupant of the short-term vacation rental and resolve the issue giving rise to the complaint. The registered local contact shall have 15 minutes from the time of notification or attempted notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within 15 minutes shall constitute a violation of this code unless the registered local contact can demonstrate that they contacted the occupant of the short-term vacation rental within 15 minutes and attempted to resolve the problem but were unable to do so. In that event, the registered local contact shall visit the short-term vacation rental property to address the problem and resolve the complaint within 30 minutes thereafter.

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

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

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

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

- (k) Occupancy ~~[(17 years old or older)]~~ of a short-term vacation rental is limited to ~~[four occupants for the first bedroom and]~~ two occupants per ~~[each additional]~~ bedroom as listed with the Clark County Assessor's Office as of the date of registration. The number of people on the premises may increase by 50 percent over the per bedroom occupancy maximum between the hours of ~~[7]~~ 10 a.m. and ~~[10]~~ 9 p.m. Children ~~[16]~~ 6 years of age and under do not count toward the bedroom occupancy maximum. ~~[All short-term vacation rentals must have a minimum of 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant, up to a maximum of 20 occupants.]~~
- (l) The registration permit number shall be listed within the property description on any advertisement for the short-term vacation rental and posted inside the property in a conspicuous location. The on-site posting shall include the maximum number of occupants permitted per the registration, the registered local contact name and phone number, and the issue date and expiration date of the registration.
- (m) The number of short-term vacation rentals within a multi-unit dwelling structure ~~[or mixed-use development]~~ is limited to 1 unit or 25 percent of the total number of units within a structure, whichever is greater. Each short-term vacation rental shall require a separate registration. Where more applications are submitted to operate a short-term vacation rental than are allowed within the same multi-unit dwelling structure ~~[or mixed-use development]~~, the first applicant(s) to complete the registration process, as measured by the date and time of final approval of registration, shall be entitled to operate a short-term vacation rental.
- (n) A short-term vacation rental shall not be located within 1,000 feet of another registered short-term vacation rental. The distance shall be measured as a radius from the property line of the registered short-term vacation rental to the nearest property line of the proposed short-term vacation rental. This distance requirement is not waivable. This distance separation does not apply to units mapped for individual ownership within a multi-unit dwelling structure, which units shall be limited as described in subsection (m).
- (o) A registered short-term vacation rental that does not meet the required 1,000-foot separation as of the insert date of adoption of this ordinance shall be permitted to operate as a non-conforming short-term vacation rental subject to the following:
1. A non-conforming short-term vacation rental registration shall automatically terminate if not renewed by the annual registration date, and thereafter, the property may not be registered and may not operate as a short-term vacation rental.
  2. A non-conforming short-term vacation rental registration that is terminated for any other reason pursuant to the provisions of this Section 19.5.3.G or Section 19.11 (Enforcement) may not be registered thereafter and may not operate as a short-term vacation rental.

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3. A non-conforming short-term vacation rental registration shall automatically terminate with a change in record ownership of short-term vacation rental for any reason, upon recordation of the transfer of sale of the property.

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

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

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

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

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

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

(v) Each property shall comply with noise standards listed below:

1. HMC Section 8.84 (Noise Control); and

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

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

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

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

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

(w) A non-owner-occupied short-term vacation rental shall be rented no more than 20 days per month. On a quarterly basis, or upon request by the City, the property owner shall provide the City official records of monthly documented stays for all hosting platform(s) upon which the short-term vacation rental is listed, along with documentation of the required transient lodging tax remittance.

(x) All short-term vacation applicants shall maintain a noise management plan as part of the short-term vacation rental registration.

The Noise Management Plan must include:

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

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- (2) Conspicuous posting on-site of established quiet hours and penalties for violations of the Henderson Municipal Code;
- (3) A commitment by the short-term vacation rental owner and registered local contact, upon notification that the short-term vacation rental occupants and/or their guests have created unreasonable noise or disturbances or violated provisions of the Henderson Municipal Code or state law pertaining to noise or disorderly conduct, that the short-term vacation rental owner or its registered local contact will promptly act within fifteen (15) minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants and/or their guests. The short-term vacation rental owner or its registered local contact is not expected to act as a peace officer and shall not place themselves or others in harm's way in order to address such violations or disturbances.
- (4) Noise level data records maintained by the property owner for a minimum of two months. Noise level data from the property shall be made available to the City upon request.
- (5) Noise monitoring equipment located both indoors and outdoors, in common areas.
- (6) For non multi-unit dwelling structures with a pool or spa additional noise monitoring equipment installed at the pool/spa areas.
- (y) All short-term vacation rentals shall be made accessible to the City, upon advance request, and at a reasonable time, for inspections as needed to determine compliance with the registration requirements of the Code.

#### 3. Registration Requirements

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

- (a) Advance payment of the then-current annual registration fee for the year following the date of registration, as set forth in HMC Section 18.01.030.
- (b) Evidence that the registrant is at least 18 years of age; or, if the property owner of record is an entity, proof of entity action authorizing the registration by a manager or officer of the entity; or, if the property owner of record is a trust, a copy of the certification of trust authorizing the registration by a trustee designated by the trust.
- (c) A listing of the number of bedrooms that are available for rent at the property as listed with the Clark County Assessor's Office.
- (d) A certificate of insurance indicating that the property is used as a short-term vacation rental and carries general liability coverage with limits of not less than ~~[five hundred thousand dollars]~~ \$500,000.00 per occurrence. Insurance shall be maintained for the duration of the short-term vacation rental registration.
- (e) A notarized statement from the registrant:
  - 1. Certifying that operation of the short-term vacation rental would not violate any homeowners' association agreement or bylaws, condominium agreement, covenants, conditions and restrictions, or any other private agreement governing and limiting the use of the property as a proposed short-term vacation rental;
  - 2. Acknowledging that registration with the City will not supersede any such private agreements;
  - 3. Acknowledging that the registrant has reviewed this Section 19.5.3.G and understands its requirements and consents to abide by the same;
  - 4. Certifying that the property is fully compliant with all applicable laws, and shall also include [including], but not limited to, providing the following: a smoke alarm in each bedroom, a carbon monoxide detector on each floor of the registered

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- property, an illuminated street address number visible from the street, one fire extinguisher per floor, and an evacuation map;
5. Acknowledging that the registrant is responsible for each and every occupant's compliance with the Henderson Municipal Code while they are on the property;
  6. Certifying that there are no delinquent room tax liabilities or liens ~~[regarding]~~ on or associated with the property;
  7. Acknowledging that the registrant agrees to indemnify and defend the City against any third-party claims based upon the veracity of the foregoing statements; ~~[and]~~
  8. Certifying that a noise management plan as required in Section 19.5.3.G.3.i will be in place prior to the first rental after registration approval~~[-]; and~~
  9. Acknowledging that the property does not receive affordable housing incentives and is not located in any subsidized housing, public housing or other unit subject to income restrictions.
- (f) Designation by the owner of a registered local contact who shall be available twenty-four hours per day, seven days per week ~~[with the ability]~~ to respond and resolve to any complaint as set forth in Section 19.5.3.G.2(i). ~~[within forty-five (45) minutes for the purpose of:~~  
i. ~~responding to complaints regarding the condition, operation, or conduct of occupants of the short-term vacation rental unit; and~~  
ii. ~~taking immediate action to resolve any such complaints.]~~  
A property owner may contract with a private security company that is licensed to conduct business within the City of Henderson to act as the registered local contact. The licensed security company shall provide monitoring and compliance enforcement 24 hours per day, 7 days per week, and is required to provide services complying with the requirements of 19.5.3.G.2(i).
- (g) Dissemination of registered local contact information to all properties located within a 200-foot radius of the short-term vacation rental parcel ~~[within]~~ no later than 10 days ~~[of]~~ following registration approval. Information shall be mailed to each address and to each owner of property as listed with the Clark County Assessor's office and to any homeowner's association that is registered with the City of Henderson ~~[registered homeowner's association]~~ within the 200-foot radius. Proof of mailing and a copy of the information sent to residents and homeowners associations shall be provided to Community Development and Services Department within 14 days of mailing.
- (h) If the registered local contact ~~[changes]~~ is changed, the owner shall provide its updated registration information to the Community Development and Services Department and to all properties within a 200-foot radius of the short-term vacation rental parcel within five business days of the change, in accordance with Section 19.5.4.G.3(g).

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

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

~~The Noise Management Plan must include:~~

- ~~(1) Continuous operation of noise monitoring device(s) while the registered property is rented;~~
- ~~(2) Conspicuous posting on-site of established quiet hours and penalties for violations of the Henderson Municipal Code;~~
- ~~(3) A commitment by the short-term vacation rental owner and registered local contact, upon notification that the short-term vacation rental occupants and/or their guests~~

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~~have created unreasonable noise or disturbances or violated provisions of the Henderson Municipal Code or state law pertaining to noise or disorderly conduct, that the short-term vacation rental owner or its registered local contact will promptly act within 45 minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants or their guests. The short-term vacation rental owner or its registered local contact is not expected to act as a peace officer and shall not place himself, herself or others in harm's way in order to address such violations or disturbances.~~

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

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

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

~~(h)~~i The registrant shall conduct a self-inspection utilizing the City of Henderson short-term vacation rental checklist and shall provide the City a signed copy of the completed checklist as part of the registration process. The City reserves the right to inspect the property during the registration period upon prior notification to the property owner.

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

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

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

(1) The annual registration fee;

(2) An updated general liability insurance certificate;

(3) Updated property owner contact information;

(4) Updated registered local contact information; if new registered local contact, must also include required short-term vacation rental certification certificate;

(5) A completed self-inspection checklist;

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

(7) Inspections of the property by the City as needed during the renewal period upon prior notification to the property owner.

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

#### 4. **Transient Lodging Tax**

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

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

#### 5. **Enforcement Process**

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

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

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

#### 7. **Off-Street Loading Group**

None.