

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 day as full days, regardless of whether a permanent resident is also present during the period of occupancy.

2. Standards

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 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 cultural events, weddings, special or sales events, bachelor or bachelorette parties, other similar 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.

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- (i) 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 30 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 30 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 30 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 and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

- (j) 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 owner of record, in compliance with this ordinance. Any transfer of ownership interests in an entity shall constitute a change in ownership of a registered short-term vacation rental which shall terminate the current registration upon such transfer of ownership interests, and requires a new registration disclosing all ownership interests in the entity. 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).3.
- (k) Occupancy 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 10 a.m. and 9 p.m.
- (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.

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- (m) The number of short-term vacation rentals within a multi-unit dwelling structure 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, 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 distance separation as required in Section 19.5.3.G.2(n) as of November 17, 2020, shall be permitted to operate as a legal non-conforming short-term vacation rental subject to the following:
 - (1) A legal 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 legal 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.
 - (3) A legal non-conforming short-term vacation rental registration shall automatically terminate with a change in record ownership of the short-term vacation rental for any reason, upon recordation of the transfer or sale of the property. For a legal non-conforming short-term vacation rental owned by an entity, any transfer of ownership interests in the entity shall constitute a change in the ownership of the legal non-conforming short-term vacation rental which shall terminate the current registration upon such transfer of ownership interest.
- (p) Only one short-term vacation rental booking is allowed per registered property at any given time.
- (q) Exterior signs identifying the property as a short-term vacation rental are prohibited.
- (r) Short-term vacation rentals shall be booked for a minimum of two nights per booking.
- (s) 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 short-term vacation rental shall install a front, street-facing security camera that shall be installed and remain functioning as long as the property is registered as a short-term vacation rental. 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 short-term vacation rental shall comply with HMC Section 5.17 (Solid Waste Management). The property owner shall include usable trash and recycling containers,

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the trash services collection schedule and instructions for proper trash disposal in the rental rules provided to each occupant.

(v) Each short-term vacation rental 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) All short-term vacation rentals shall maintain a noise management plan.

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 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 thirty (30) minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants and/or their guests.

(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) Additional noise monitoring equipment shall be installed at the pool/spa areas for non multi-unit dwelling structures with a pool or spa.

(x) The City of Henderson shall have the right to request an inspection of all short-term vacation rentals. Upon consent of the property owner, an inspection shall be conducted at a reasonable time, and shall be limited in scope to inspection of areas needed to determine compliance with the registration requirements of this Code. If the property owner agrees to the inspection, the property owner or the registered local contact must meet the City at the property for any requested inspection.

(y) All platforms that display short-term vacation rental listings for advertisement shall:

(1) Require that all operators using the platform include the City issued registration number in any listing for a short-term vacation rental on the platform and;

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- (2) Ensure the deactivation of all short-term vacation rental listings that lack a registration numbers by doing one of the following:
 - (a) Check the operator-provided registration number against the City's registry described in Section 15.5.3.G.3 and deactivate any short-term vacation rental listing that lacks a registration number that appears on the City's registry or
 - (b) Deactivate any short-term vacation rental listing that lacks a registration number within 7 days of receiving notice from the City.

3. Registration Requirements

Operation of a short-term vacation rental requires 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 \$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 has installed or included the following: a smoke alarm in each bedroom, a carbon monoxide detector on each floor, 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 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;
 - (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.
 - (10) Certifying that the registrant intends to operate a short-term vacation rental on the property and is not obtaining a registration for any other purpose.

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- (f) Designation by the owner of a registered local contact who shall be available twenty-four hours per day, seven days per week to respond to and resolve any complaint as set forth in Section 19.5.3.G.2(i). The property owner shall provide the registered local contact person's proof of residency within Clark County, at the time of registration. 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 no later than 10 days 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 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 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) 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 booking. A copy of the pamphlet shall be on site at all times.
- (j) 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 for the limited purpose of determining that all registration requirements for the property have been met and the property meets all building code requirements prior to beginning operation as a short-term vacation rental. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection.
- (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 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.
- (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 it is determined that the application and other submittals meets all of the requirements, the Community Development and Services Director or designee will issue the registration.

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- (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, including proof of residency within Clark County; if new registered local contact, must also include required short-term vacation rental certification certificate;
 - (5) A completed self-inspection checklist;
 - (6) Any additional information staff may request upon review of the renewal application; and
 - (7) An inspection of the property by the City, if needed during the renewal period for the limited purpose of determining that all registration and/or renewal requirements for the property have been met and the short-term vacation rental meets all building code requirements. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection.

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

- (n) Registrants shall conform with all registration requirements contained in this section at all times. Should a registrant fail to conform or become unable to conform with these requirements, the registrant shall immediately discontinue the use of the property as a short-term vacation rental. Failure to immediately discontinue the use of the property as a short-term vacation rental may result in the immediate suspension of the registration upon written notice from the City.
- (o) If the property is served by a private on-site septic system, the property owner shall provide a letter of approval from the Southern Nevada Health District, that indicates the maximum number of people the septic system is able to handle.

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 to be a 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 all enforcement actions and remedies specifically applicable to short-term vacation rentals.

6. Off-Street Parking Requirement/Parking Limitations

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

7. Off-Street Loading Group

None.