

ORDINANCE NO. 1797

AN ORDINANCE OF THE CITY OF BOULDER CITY, NEVADA TO AMEND TITLE 11 OF THE CITY CODE, CHAPTER 1 (PURPOSE; DEFINITIONS), CHAPTER 29 (HOME OCCUPATIONS) AND CHAPTER 36 (ENFORCEMENT) TO CLARIFY THE PROHIBITION OF SHORT-TERM RENTALS AND GENERAL ENFORCEMENT DECLARING VIOLATIONS OF TITLE 11 INCLUDING OPERATION OF A SHORT-TERM RENTAL AND OTHER PROHIBITED HOME OCCUPATIONS AS PUBLIC NUISANCES SUBJECT TO CIVIL CITATION AND FINES AS SET FORTH IN TITLE 8, CHAPTER 1 (AM-23-371)

The City Council of Boulder City do ordain:

Section 1. That Boulder City, Nevada ("City") does by this Ordinance hereby add the following definition to Title 11, Chapter 1 (Purpose; Definitions), Section 11-1-3.B, in alphabetical order among existing definitions:

**SHORT-TERM RENTAL: A dwelling unit or any portion of such dwelling unit, rented in exchange for remuneration for occupancy for a period of less than 30 consecutive calendar days, or, in February, less than 28 consecutive calendar days, counting portions of a day as full days.**

Section 2. That the City does by this Ordinance hereby amend Title 11, Chapter 29 (Home Occupations) as provided for in **Exhibit A**.

Section 3. That the City does by this Ordinance hereby amend Title 11, Chapter 36 (Enforcement) as provided for in **Exhibit B**.

Section 4. FINDING. That the City Council finds and declares that:

1. The primary function of residential development in the City of Boulder City is to provide permanent, affordable housing for the residents of the City.
2. The commercial use of residential development for transient lodging is inconsistent with this purpose and constricts the availability of affordable housing.
3. Short-term rental units divert transient lodging away from traditional transient lodging establishments and negatively impact the revenue derived from such rentals to local governments and other agencies and beneficiaries of transient lodging taxes.
4. 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.
5. AB 363 allows cities with populations of less than 25,000, such as the City of Boulder City, to maintain or enact ordinances prohibiting short-term rentals.
6. 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 City Council of Boulder City finds that it is necessary to continue to prohibit the use of residential units for the commercial purpose of transient lodging as is necessary to provide for the health, safety, and welfare of the public.

7. The proposed amendment is in general conformance with the adopted Master Plan and promotes the health, safety, morals or general welfare of the City.

Section 5. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 6. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on Friday, the 29th day of March 2024, in the *Las Vegas Review-Journal*, a daily newspaper, published in Las Vegas, Nevada.

Section 7 EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the 18th day of April 2024.

APPROVED:

  
Joe Hardy, Mayor

ATTEST:

  
Tami McKay, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 12th day of March, 2024, which was a regular meeting; thereafter, on the 26th day of March, 2024, a public hearing and regular meeting were held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: Hardy, Booth, Jorgensen, Walton

VOTING NAY: Fox

ABSENT: None

APPROVED:

  
Joe Hardy, Mayor

ATTEST:

  
Tami McKay, City Clerk

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## BILL 2013 EXHIBIT A

AMEND CHAPTER 11-29-3 (HOME OCCUPATIONS) AS FOLLOWS:

### 11-29-3. USES THAT ARE PROHIBITED.

The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations, or create disturbances to neighboring properties, and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations:

- A. Auto repair, minor or major;
- B. Barber or beauty shops;
- C. Carpentry work;
- D. Dental offices or medical offices, excluding the office of a licensed massage technician where no customers or clients come to the premises (see also title 4, "Business Regulations", of this code);
- E. Lawyer's offices, excluding the business office of a legal professional where no customers or clients come to the premises;
- F. Painting of vehicles, trailers or boats;
- G. Photo developing involving chemicals;
- H. Radio repair or television repair;
- I. Upholstering;
- J. Adult uses and businesses;
- K. Businesses utilizing explosives, gunpowder, ammunition or weapons, except businesses for the training in the use of weapons at an approved off site facility;
- L. Commercial food preparation, excluding a cottage food operation as permitted per Nevada Revised Statutes chapter 446;
- M. Live broadcasting via internet;
- N. Short Term Rentals;**

~~(N)~~**O.** Other businesses dissimilar to and inconsistent with the stated purpose of this chapter.

( Ord. 1511 , 8-27-2013, eff. 9-19-2013; amd. Ord. 1522 , 8-26-2014, eff. 9-18-2014)

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## BILL 2013 EXHIBIT B

### AMEND CHAPTER 11-36 (ENFORCEMENT) AS FOLLOWS:

#### 11-36-1. ENFORCEMENT.

The Community Development Director shall administer the regulations of this Title and amendments thereto, and all departments, officials and public employees of the City vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this Title; and any such permits, certificate or license issued in conflict with the provisions hereof shall be null and void. It shall be the duty of the Building Official to enforce all the provisions of this Title.

( Ord. 841 , 2-23-1988, eff. 3-23-1988; amd. Ord. 1001 , 3-25-1997, eff. 4-16-1997)

#### 11-36-2. ABATEMENT.

Any building or structure hereafter set up, erected, built, moved or maintained or any use of property hereafter contrary to the provisions of this Title shall be, and the same is declared to be, unlawful and a public nuisance, and the City may immediately commence action or actions, proceeding or proceedings, for the abatement thereof in a manner provided by Title 8, Chapter 1 of this Code [law] and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting, building, moving and maintaining any such building or structure, or using any property contrary to the provisions of this Title.

( Ord. 841 , 2-23-1988, eff. 3-23-1988; amd. Ord. 1001 , 3-25-1997, eff. 4-16-1997)

#### 11-36-3. APPLICATION OF REMEDIES.

- A. All remedies provided herein shall be cumulative and not exclusive.
- B. The issuance or granting of a building permit, or approval of plans or specifications under the authority of the building code, shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Title or any amendment thereto, or of any other law.

( Ord. 841 , 2-23-1988, eff. 3-23-1988; amd. Ord. 1001 , 3-25-1997, eff. 4-16-1997)

#### 11-36-4. PENALTY FOR VIOLATIONS.

Any [person violating] violation of any of the provisions of Title 11 of this Code shall be deemed a public nuisance as set forth in Title 8, Chapter 1 of this Code. [guilty of] Each day the violation persists is a separate offense [for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than the maximum amount authorized by the applicable provisions of the Nevada Revised Statutes for criminal misdemeanor fines, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.]

( Ord. 841 , 2-23-1988, eff. 3-23-1988; amd. Ord. 1001 , 3-25-1997, eff. 4-16-1997)

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### **11-36-5. INTERPRETATION.**

In interpreting and applying the provisions of this Title, the minimum requirements shall be held to. Where this Title imposes a greater restriction than is imposed or required by other rules or regulations or by other ordinances, the provisions of this Title shall control.

( Ord. 841 , 2-23-1988, eff. 3-23-1988; amd. Ord. 1001 , 3-25-1997, eff. 4-16-1997)

### **11-36-6. APPLICABILITY.**

The provisions of this Title are applicable not only to private persons and organizations but also to all public agencies and organizations to the full extent that they may be, now or hereafter, enforceable in connection with the activities of any such public agency or organization. Also see Nevada Revised Statutes 278.580(3) for applicability of this Title to the State of Nevada and all other political subdivisions.

( Ord. 841 , 2-23-1988, eff. 3-23-1988; amd. Ord. 1001 , 3-25-1997, eff. 4-16-1997)