

Chapter 6.24 - SHORT-TERM VACATION RENTALS

Sections:

6.24.010 - Purpose.

- A. The purpose of this chapter is to establish regulations for the use of privately owned residential dwelling units as short-term vacation rentals to minimize secondary impacts of such uses on surrounding residential neighborhoods and to ensure the collection and payment of transient occupancy taxes.
- B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.020 - Definitions.

The definitions set forth in this section shall govern the meaning and construction of the words and phrases used in this chapter, except where the context of such words and phrases clearly indicates a different meaning or construction.

"Event" means the Charlie Saikley 6-Man Beach Volleyball Tournament.

"Good Neighbor Brochure" means a document prepared by the City that summarizes the general rules of conduct, consideration, and respect, including without limitation provisions of the Manhattan Beach Municipal Code and other applicable laws, rules or regulations pertaining to the use and occupancy of a short-term vacation rental unit.

"Local contact person" means the person designated by the owner of a short-term vacation rental who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (i) responding to complaints regarding the condition, operation, or conduct of occupants of the vacation rental unit, and (ii) taking remedial action to resolve such complaints. For the purposes of this definition, "person" shall not include any entity or corporation.

"Owner" shall mean the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term vacation rental.

"Short-term vacation rental" shall mean a dwelling unit that is rented by the owner to another party for a period of not more than thirty (30) consecutive days in exchange for any form of monetary or non-monetary consideration such as, but not limited to, trade, fee, swap, or any other consideration in lieu of cash payments.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.030 - Administration.

The provisions of this chapter shall be administered by the Finance Director or such other City employee as may be designated by the City Manager, hereinafter referred to as the "permit administrator." The permit administrator may interpret this chapter and establish guidelines as needed to facilitate the orderly administration of this chapter.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.040 - Permit requirement.

- A. No person shall rent, offer to rent, or advertise for rent a dwelling unit as a short-term vacation rental to another person without a permit issued by the City in the manner provided for by this chapter. This subdivision shall apply only to dwelling units within the area of the City bounded by 1st Street on the south, Ardmore Avenue and North Blanche Road on the east, Marine Avenue on the north, and the beach on the west. In addition, the permit requirement shall apply only to those dwelling units that are rented as a short-term vacation rental at any time between 12:00 a.m. PST on the Thursday before and 12:00 p.m. PST on the Monday after the event.
- B. Such permit shall be valid only for the period specified in subsection A of this section in the single calendar year specified in the application.
- C. No person shall rent, offer to rent, or advertise for rent a balcony, patio, or other outdoor area of a residence ("outdoor area") if such rental does not occur in connection with the rental of the remaining residence or dwelling unit to which the outdoor area is attached.
- D. No person shall rent, offer to rent, or advertise for rent a dwelling unit, or any portion thereof, as a short-term vacation rental to any partnership, corporation, limited liability company, commercial enterprise, or similar entity.
- E. No person who has rented a short-term vacation rental shall sublease any dwelling unit, or any portion thereof, to any other person or entity.
- F. No person shall charge a fee or request or require a donation for entrance into any short-term vacation rental.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.050 - Authorized agent or representative.

- A. An owner may authorize an agent or a representative to comply with the requirements of this chapter on his or her behalf.
- B. Notwithstanding subsection A, the owner shall not be relieved from any personal responsibility and personal liability for non-compliance with any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit, regardless of whether such non-compliance was committed by the owner's authorized agent or representative, the local contact person, the occupants of the owner's vacation rental unit, or their guests.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.060 - Advertising shall include permit number.

No person shall offer to rent or advertise for rent a short-term vacation rental without including in the offer or advertisement (whether on television, radio, or the internet, or in any magazine, newspaper, brochure, or trade paper) the City permit number applicable to the property in the following form: "Manhattan Beach Permit No. _____." If the offer to rent or advertisement contains different sizes of type or fonts, the permit number shall be printed in the same size type as the largest type used in the main body of the offer or advertisement. For audio-only advertising, the City permit number shall be read as part of the advertisement.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.070 - Permit applications.

- A. The owner shall submit an application for a permit required by this chapter in a form required by the City and shall contain the following information and/or documents:
1. The name, address, and telephone number of the owner of the subject short-term vacation rental unit.
 2. The name, address, and telephone number of the owner's authorized agent or representative, if any.
 3. The name, address, and twenty-four (24) hour telephone number of the local contact person, including both a mobile phone and land line.
 4. The address and phone number of the proposed short-term vacation rental unit.
 5. The number of off-street parking spaces on the property.
 6. Acknowledgement of receipt and inspection of a copy of the Good Neighbor Brochure.
 7. A copy of the owner's hotel/motel occupancy registration certificate and City business license.
 8. The permit application fee in the amount established by resolution of the City Council.
 9. Acknowledgement of the following obligation to indemnify:
"Owner understands and acknowledges that Owner shall defend, indemnify, and hold the City, its officials, officers, employees, volunteers and agents serving as independent contractors in the role of city officials (collectively "Indemnitees") free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any acts or omissions of Owner, its lessees, tenants, invitees, tenant and lessee invitees, guests, or its agents in connection with the rental or leasing of Owner's property as a short-term rental, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses, except for such loss or damage arising from the sole negligence or willful misconduct of the City. With respect to any and all such aforesaid suits, actions, or other legal proceedings of every kind that may be brought or instituted against Indemnitees, Owner shall defend Indemnitees, at Owner's own cost, expense, and risk, and shall pay and satisfy any judgment, award, or decree that may be rendered against Indemnitees. Owner shall reimburse City and its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Owner's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Owner, the City, its directors, officials, officers, employees, agents or volunteers."
 10. Such other information as the permit administrator deems reasonably necessary to administer this chapter.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.080 - Permit approval and denial.

- A. Upon receipt of an application for a permit required by this chapter, the permit administrator will review the application and supporting documents, and will approve and issue a permit to the owner of the property or properties that are the subject of the application that authorizes the use and occupancy of such property as a short-term vacation rental if the permit administrator finds that the required application fee has been paid and the requirements of this chapter have been met.

- B. An application shall be denied if the applicant has had a prior short-term vacation rental application for the same unit revoked.
- C. An application shall be denied if the proposed site does not contain the number of off-street parking spaces required by Section 10.64.030

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.090 - Operational requirements and performance standards established.

- A. Each owner, and each tenant or occupant of a short-term vacation rental, shall at all times comply with or cause compliance with the operational and performance standards applicable to short-term vacation rentals they own, lease, or occupy, as established by this section.
- B. The owner shall ensure that the short-term vacation rental complies with all applicable codes regarding fire, building, and safety, and all other relevant laws and ordinances.
- C. While a short-term vacation rental unit is being rented, the owner and/or the owner's designated local contact person shall be available twenty-four (24) hours per day to respond to complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term vacation rental unit.
- D. The owner shall require the primary overnight and daytime occupant of the short-term vacation rental ("primary adult occupant") to be an adult twenty-one (21) years of age or older. This adult shall provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.
- E. Prior to occupancy of a short-term vacation rental unit, the owner shall: (i) obtain the name, address, and a copy of a valid government identification of the primary adult occupant of the short-term vacation rental; (ii) provide a copy of the Good Neighbor Brochure to the primary adult occupant; and (iii) require the primary adult occupant to execute a formal acknowledgement that he or she is legally responsible for compliance of all occupants of the short-term vacation rental or their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term vacation rental. This information shall be maintained by the owner for a period of one (1) year and shall be readily available upon request of any police officer or employee of the City authorized to enforce this chapter or any applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental.
- F. The owner and/or the owner's designated local contact person shall report to the City Manager, or his designee, the name, violation, date, and time of disturbance of each person involved in three (3) or more disorderly conduct activities, disturbances or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit.
- G. The owner and/or the owner's designated local contact person shall post a copy of the permit issued under this chapter and a copy of the Good Neighbor Brochure in a conspicuous place adjacent to the front door within the short-term vacation rental unit, and provide a copy of the Good Neighbor Brochure to each occupant of the subject short-term vacation rental unit.
- H. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner of the short-term vacation rental shall provide sufficient trash collection containers and service to meet the demand of the occupants.
- I. Each lease or rental agreement for a short-term vacation rental shall include the following terms, notifications and disclosures, which shall also be posted in a conspicuous location inside the unit:
 - 1. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.

2. Notification that the occupant may be cited or fined by the City and/or immediately evicted by the owner pursuant to state law, in addition to any other remedies available at law, for violating any provisions of this chapter.
 3. Notification that amplified sound, including radios, televisions and other electronic devices, are subject to the City's noise regulations as set forth in Manhattan Beach Municipal Code Chapter 5.48
 4. Notification of the City's right to recover the costs of special law enforcement needed to address loud parties under the circumstances described in Manhattan Beach Municipal Code Chapter 3.64
 5. A recommendation that the occupant participate voluntarily in neighborhood quiet hours by avoiding parties and loud social events between the hours of 10:00 p.m. and 7:00 a.m.
 6. The name of the managing agency, agent, rental manager, local contact person, or owner of the unit, and a telephone number at which that party may be reached at all times.
 7. Notification that the property is part of the City's short-term vacation rental program.
 8. A copy of this chapter of the Manhattan Beach Municipal Code, as it may be amended from time to time.
- J. Upon receipt of a complaint or upon notification that any occupant and/or guest of the short-term vacation rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the Manhattan Beach Municipal Code or any state law, the owner and/or owner's designated local contact person shall take the following actions within thirty (30) minutes of receiving such notification: (1) take corrective action to immediately prevent a recurrence of the conduct or condition constituting the violation; and (2) contact the Manhattan Beach Police Department at the number identified on the permit to inform the City of the corrective action taken. Failure of the owner, the owner's representative and/or the owner's designated local contact person to take such actions as required herein shall be a violation of this chapter. An owner and/or the owner's designated local contact person is not required or authorized to act as a peace officer or to intervene in situations that pose a risk to personal safety. The owner, or owner's designated local contact person, shall maintain records of the name, violation, date, and time of each complaint, disturbance, and response and corrective action by owner.
- K. The owner shall keep written records documenting compliance with all elements of the operational requirements and performance standards as set forth herein.
- L. The owner and/or the owner's authorized agent or representative shall comply with all provisions of Chapter 8.20 of the Municipal Code concerning the Uniform Hotel/Motel Occupancy Tax, including, but not limited to, submission of a return in accordance with Section 8.20.060 of the Municipal Code, which shall be filed even if the unit was not rented during the filing period, and Section 8.20.100, which requires the owner to maintain for a period of three (3) years records in such a form as the Tax Administrator may require to determine the amount of hotel/motel occupancy tax owed to the City.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.100 - Permit suspension, modification or revocation.

- A. In addition to any other remedy provided by this chapter, the City Manager may suspend, modify, or revoke a permit issued pursuant to this chapter for violations of this chapter, for violation of any other law on the premises of the short-term vacation rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety, or if the applicant made any false, misleading or fraudulent statement of a material fact in the application for permit or in any report or record required to be filed pursuant to this chapter. The permittee shall be notified in writing of the grounds for suspension, modification, or revocation.

- B. The permittee may appeal the City Manager's decision to suspend, modify, or revoke a permit by requesting a hearing before a hearing officer. The permittee shall request such hearing in writing within ten (10) days of receiving notification of the suspension, modification, or revocation. A hearing shall be heard before a hearing officer within thirty (30) days of the City's receipt of an appeal, unless both the permittee and the City consent to a later date. The hearing officer's decision shall be made in writing, and shall set forth the findings and reasons for the decision. The decision of the hearing officer shall be final.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.110 - Violations.

Any violation of this chapter is unlawful and constitutes a misdemeanor punishable as set forth in Section 1.04.010 of the Manhattan Beach Municipal Code.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.120 - Violation—Nuisance.

It is unlawful and a violation of this chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control, or possession of any real or improved property within the City of Manhattan Beach, to cause, permit, maintain, or allow any violation of this chapter to exist thereon.

(§ 3 Ord. 2160, eff. July 3, 2012)

6.24.130 - Requirements not exclusive.

The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of the City's municipal code. The issuance of any permit under this chapter shall not relieve any person or entity of any obligation to comply with any and all other provisions of the City's Municipal Code.

(§ 3 Ord. 2160, eff. July 3, 2012)