

ORDINANCE NO. 19-0007

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ADDING CHAPTER 4.88 TO TITLE 4 OF THE MANHATTAN
BEACH MUNICIPAL CODE REGARDING SHORT-TERM
RENTALS AND OTHER TRANSIENT USES

RECITALS

1. Transient uses are not permitted uses in any residential zone in the City.

Numerous residential properties have been rented, illegally, for periods of less than 30 days.

3. In an effort to achieve compliance with the Municipal Code, the City Council desires to strengthen the prohibition against the rental of residential property for periods less than 30 days.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS FOLLOWS:

Section 1. A new Chapter 4.88 is hereby added to Title 4 (Public Welfare, Morals and Conduct) of the Manhattan Beach Municipal Code to read as follows:

“CHAPTER 4.88

TRANSIENT USES INCLUDING SHORT-TERM RENTALS

4.88.010 Definitions.

Hosting platform: A person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

Transient use: The rental or lease of a single-family dwelling unit or multi-family dwelling unit for a period of less than 30 days.

4.88.020 Transient Uses prohibited in residential zones.

It shall be unlawful for any person or entity to: offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days; occupy a residential dwelling, a dwelling unit, or a room in a dwelling for less than 30 consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration; or maintain any advertisement of a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days.

4.88.030 Hosting platform responsibilities.

(a) Subject to applicable laws, hosting platforms shall disclose to the City on a regular basis each residential property listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

(b) Hosting platforms shall not complete any booking transaction for any residential property at the time the hosting platform receives a fee for the booking transaction.

(c) Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a residential property rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

(d) Safe Harbor. A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (a), (b), and (c) above, shall be presumed to be in compliance with this Chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

(e) The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

4.88.040 Violation; nuisance.

(a) Any violation of this Chapter is unlawful, is hereby declared a public nuisance, and constitutes a misdemeanor punishable as set forth in Manhattan Beach Municipal Code Section 1.04.010. At the discretion of the City Prosecutor, a violation of this Chapter may be prosecuted as an infraction or misdemeanor. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Pursuant to Municipal Code Chapter 1.06, the City may issue an administrative citation for any violation of this Chapter. Such administrative remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law. The amount of the fine associated with the administrative citation will be assessed according to a schedule of fines adopted by the City Council.

(b) The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding residential rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay. Any subpoena issued pursuant to this section shall not require the production of information sooner than thirty days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that thirty-day period."

Section 2. CEQA FINDING. The City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and the establishment of the regulations hereby will have a significant effect on the environment. By reinforcing the prohibition of rental of residentially zoned property for less than 30

days, this Ordinance will serve to reduce potential significant adverse environmental effects. The Ordinance is therefore exempt from review under the California Environmental Quality Act, pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 3. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 4. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 5. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 7. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED April 16, 2019.

AYES: Stern, Hadley, Montgomery, Hersman and Mayor Napolitano.
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.

 STEVEN A. NAPOLITANO
 Mayor

ATTEST:

 LIZA TAMURA
 City Clerk

RESOLUTION NO. 19-0011

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL
AMENDING THE FINES AND PENALTIES FOR
ADMINISTRATIVE CITATIONS ASSESSED IN CONNECTION
WITH ILLEGAL TRANSIENT USES PURSUANT TO CALIFORNIA
GOVERNMENT CODE SECTION 53069.4

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY DECLARE, FIND,
DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Government Code Section 53069.4(a)(1), the City Council may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. On September 6, 2016, the City Council adopted Ordinance No. 16-0018, which makes any violation of the Municipal Code or any ordinance enacted by the City subject to an administrative fine or penalty.

SECTION 2. Ordinance No. 16-0018 provides that the amount of the fine associated with the administrative citation will be assessed according to a schedule of fines adopted by the City Council.

SECTION 3. On January 15, 2019, the City Council held a duly notice public hearing to consider regulations, fees and penalties for the renting of residential property for less than 30 days.

SECTION 4. Based upon the foregoing, the City Council hereby adopts a fine of \$1,000 for any violation of Municipal Code Chapter 4.88.

SECTION 5. The adoption of this Resolution approves and sets forth a procedure for establishing fines and penalties for administrative citations and is, therefore, exempt from the California Environmental Quality Act (Public Resources Code Sections 21080 et seq.) pursuant to Public Resources Code Section 21080(b)(8)(A).

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on March 19, 2019.

AYES: Howorth, Lesser, Montgomery, Hersman and Mayor Napolitano.
NOES: None.
ABSENT: None.
ABSTAIN: None.


STEVEN A. NAPOLITANO
Mayor

ATTEST:


LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS.
)
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing resolution, being Resolution No. 19-0011 duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 19th day of March, 2019 and that the same was so passed and adopted by the following vote, to wit:

Ayes: Howorth, Lesser, Montgomery, Hersman and Mayor Napolitano.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 20th day of March, 2019.



City Clerk of the City of
Manhattan Beach, California

(SEAL)