

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.
2. 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 Transient Uses defined.

Multi-family transient use and single-family transient use are defined in Section 10.04.030 as the rental or lease of one or more dwelling units 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 Violation; nuisance.

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."

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 ____, 2019

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney