

ORDINANCE NO. 19-0011

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING THE PROVISIONS OF MANHATTAN BEACH  
MUNICIPAL CODE SECTION 8.20.020 TO INCREASE THE  
RATE OF THE CITY'S EXISTING UNIFORM HOTEL/MOTEL  
OCCUPANCY TAX (TOT) FROM 10% TO UP TO 14%

THE PEOPLE OF THE CITY OF MANHATTAN BEACH HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.20.020 of Chapter 8.20 of Title 8 of the Manhattan Beach Municipal Code is hereby amended by increasing the TOT rate to read as follows:

“For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of 10% of the rent charged by the operator. Commencing May 1, 2020, each transient shall be subject to and shall pay a tax in the amount of 12% of the rent charged by the operator. Said tax shall constitute a debt owed by the transient to the City which debt shall be extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.”

SECTION 2. Notwithstanding California Elections Code Section 9217, without a vote of the people, the City Council may do any and all of the following: (i) repeal this Ordinance; (ii) maintain or reduce the rate of the uniform hotel/motel occupancy tax below the percentages set forth in Section 1 of this Ordinance; or (iii) increase the rate of the uniform hotel/motel occupancy tax back to a rate not to exceed such percentages if it has been previously reduced below such rate; (iv) increase the percentage of 12% set forth in Section 1 of this Ordinance to a percentage not to exceed 14% at any time after April 30, 2022; and (v) amend any other provision of Manhattan Beach Municipal Code Chapter 8.20 that does not increase the rate of the tax above such percentages. In no event shall the City Council increase the rate of the uniform hotel/motel occupancy tax in excess of 14% without approval by a majority of the voters voting in an election on the increase.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Manhattan Beach hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance,

irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 4. If adopted, this Ordinance will increase the rate of the City's existing uniform hotel/motel occupancy tax, which is a general tax of the City collected by hotel operators from guests up to 14%. This Ordinance was proposed by the Manhattan Beach City Council through the approval of this Ordinance and the adoption of Resolution No. 18-0521.

SECTION 5. The Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below. This Ordinance shall take effect ten days following certification of the vote by the City Council.

ADOPTED BY THE PEOPLE, March 5, 2019.

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STEVEN A. NAPOLITANO  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk