

ORDINANCE NO. 23-0007

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING SECTION 8.20.020 OF THE MANHATTAN BEACH MUNICIPAL CODE TO INCREASE THE RATE OF THE CITY'S TRANSIENT OCCUPANCY TAX TO 14% IN ACCORDANCE WITH MEASURE A, ADOPTED BY THE MANHATTAN BEACH ELECTORATE IN 2019

RECITALS

A. On March 5, 2019, the Manhattan Beach voters approved Measure A at the City's 2019 General Municipal Election. Measure A authorized the City Council to increase the City's Transient Occupancy Tax (TOT) rate by up to 4% to fund essential City services including police patrols and crime prevention; fire and paramedic emergency response; and other general City services.

B. Prior to Measure A, the TOT was 10%. In accordance with Measure A, the City Council authorized a 2% TOT increase to 12%, which took effect in 2020.

C. Pursuant to Measure A, City Council may increase the TOT rate by an additional 2%, to increase the TOT rate to 14%.

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

SECTION 1. The City Council hereby amends Section 8.20.020 to Chapter 8.20 (Uniform Hotel/Motel Occupancy Tax) to Title 8 (Finance, Revenue and Taxation) of the Manhattan Beach Municipal Code to read as follows:

"Section 8.20.020 – Tax Imposed.

For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of ten percent (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 twelve percent (12%) of the rent charged by the operator. Commencing July 1, 2023, each transient shall be subject to and shall pay a tax in the amount of fourteen percent (14%) 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. 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 3. 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 4. 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 Section 36933 of the Government Code.

ADOPTED on April 4, 2023.

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



RICHARD MONTGOMERY
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 Ordinance, being Ordinance No. 23-0007 was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 4th day of April, 2023, and that the same was so passed and adopted by the following vote, to wit:

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of April, 2023.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

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 Ordinance No. 23-0007 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit April 13th, 2023 and in witness whereof, I have hereunto subscribed my name this 14th day of April, 2023.



City Clerk of the City of
Manhattan Beach, California