1    ORDINANCE NO.

2

3    AN ORDINANCE OF THE CITY COUNCIL OF THE

4    CITY OF LONG BEACH AMENDING THE LONG BEACH

5    MUNICIPAL CODE BY AMENDING AND RESTATING

6    CHAPTER 5.77, RELATED TO SHORT-TERM RENTALS

7

8    The City Council of the City of Long Beach ordains as follows:

9

10    Section 1.    Chapter 5.77 of the Long Beach Municipal Code is amended

11    and restated in its entirety to read as follows:

CHAPTER 5.77

SHORT-TERM RENTALS

15    5.77.010    Purpose.

16    The purpose of this Chapter is to establish regulations, standards,

17    and a registration process governing the renting or leasing of privately

18    owned visitor serving residential dwelling units on a short-term basis in

19    order to maintain the long-term rental housing stock in the City; ensure the

20    collection and payment of Transient Occupancy Taxes ("TOT"); safeguard

21    the residents of the City of Long Beach by ensuring that short-term rental

22    activities do not threaten the character of residential neighborhoods; and

23    ensuring that such short-term rental activities do not become a nuisance, or

24    threaten the public health, safety or welfare of neighboring properties.

25    The City of Long Beach acknowledges that all persons within its

26    jurisdiction are free and equal, and no matter what their sex, race, color,

27    religion, ancestry, national origin, disability, medical condition, genetic

28    information, marital status, sexual orientation, citizenship, primary language,

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or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, including short-term rentals.

5.77.020    Definitions.

A.    "Booking transaction" means any reservation and/or payment service provided by a person or entity who facilitates a short-term rental transaction between a prospective guest and a short-term rental operator.

B.    "City" means City of Long Beach.

C.    "Director" shall mean the Director of Development Services or a person designated by the Director to act in her/his stead.

D    "Guest" means any person or persons renting a short-term rental for transient occupancy.

E.    "Host" means the natural person or persons, at least one (1) of whom is an occupier of the property, who is/are the owner of record of the property or operates the property, including a personal or family trust consisting solely of natural persons and the trustees of such trust or a limited liability company and the members of such company, or who is/are an authorized tenant of the property.

F.    "Hosted stay" means a short-term rental activity whereby the host remains on-site and resides in a habitable dwelling unit or portion thereof throughout the guest's stay (except during daytime and/or work hours).

G.    "Hosting platform" means a person or entity that participates in the short-term 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.

H.    "Local contact person" means the person designated by the

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1    operator to respond to and take remedial action regarding STR complaints.

2    I.    "Non-primary residence STR" means a short-term rental that is

3    not a primary residence.

4    J.    "Platform agreement" means a signed agreement between a

5    hosting platform and the City, which, among other things, provides that the

6    hosting platform will collect and submit transient occupancy tax to the City

7    on behalf of short-term rental operators.

8    K.    "Primary residence" means a person's permanent residence or

9    usual place of return for housing as documented by at least two (2) of the

10   following: motor vehicle registration; driver's license; voter registration; tax

11   documents showing the residential unit as the person's residence; or a utility

12   bill.  A person may have only one (1) primary residence and must reside

13   there for a minimum of two hundred seventy-five (275) days during the

14   calendar year.  For properties with two (2)  or more existing legally permitted

15   dwelling units (e.g., a duplex), the term "primary residence" shall refer to the

16   parcel of land and all units on that parcel or within a building in a residential

17   development project.

18   L.    "Primary residence STR" means a primary residence being

19   operated as a short-term rental.

20   M.    "Prohibited buildings list" means a list identifying the

21   address(es) of all buildings whose owner(s), including any applicable

22   homeowners' association or board of directors, have notified the City,

23   pursuant to City procedures, that short-term rentals are not permitted to

24   operate anywhere in such building, including deed restricted affordable

25   housing units.  Prohibited buildings list shall also include a list of census

26   block groups where un-hosted STRs are prohibited per Section 5.77.080. In

27   the Coastal Zone, the provisions of the prohibited buildings list shall apply

28   only to buildings with restrictive covenants or homeowners' associations

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covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as defined in Government Code 12955) with explicit restrictions on short-term rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977). Restrictive covenants or CC&Rs proposed subsequent to the effective date of the Coastal Act (January 1, 1977) that restrict short-term rentals in the Coastal Zone shall require a Local Coastal Development Permit (LCDP) under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction for specific buildings. If such a LCDP is approved, the City shall comply with Section 5.77.050.O of these regulations.

N.      "Residential development project" means a multi-family development (four (4) or more units) with more than one (1) building on one (1) or more parcels of land.

O.      "Short-term rental ("STR")" means a residential dwelling unit, or portion thereof, that is offered or provided to a paying guest(s) by a short-term rental operator for thirty (30) or fewer consecutive nights.  The term "short-term rental" shall not include hotels, motels, inns, or bed and breakfast inns.

P.      "Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

Q.      "Short-term rental operator" or "operator" means any person who is the owner or tenant of a dwelling unit, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use.

R.      "Single room occupancy" is as defined in Section 21.15.2667.

S.      "Special group residence" is as defined in Section 21.15.2810 and 21.52.271.

T.      "Tenant" means a person who has a rental agreement for a dwelling unit in which the rental payments are paid on a monthly or other

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periodic basis in exchange for occupancy of the dwelling unit.

U. "Transient occupancy tax" ("TOT") means local transient occupancy tax as set forth in Chapter 3.64 of the Long Beach Municipal Code.

V. "Un-hosted stay" means a short-term rental activity whereby the host, as that term is defined herein, resides off-site during the guest's stay.

5.77.030    Registration required.

A. No person or entity shall advertise, rent, or operate a short-term rental in the City unless a short-term rental (STR) registration has been issued by the City pursuant to this Chapter. An operator of the STR shall register with the City and shall be responsible for all requirements of this Chapter. Application for a STR shall be in a form prescribed by the Director with all information determined by the Director to be necessary to evaluate the eligibility of the operator, consistent with this Chapter.

B. Eligibility requirements. The following requirements must be met at the time of submitting a STR registration application:

1. The dwelling unit shall not be an accessory dwelling unit (ADU), a junior accessory dwelling unit (JADU), a deed restricted affordable housing unit, in a special group residence, a single room occupancy, or included on the prohibited buildings list.

2. The STR operator shall not operate more than one (1) primary residence STR and more than one (1) non-primary residence STR in the City.

3. The number of non-primary residence STRs in multi-family development projects shall not exceed the number of dwelling units identified in the Table below:

| Number of dwelling units in a residential development project | Number of non-primary residence STRs allowed per residential development project |
|---|---|
| 2 to 10 | 1 |
| 11 to 50 | 10% |
| 51 to 100 | 12% |
| 101 or more | 15% |

4.     The total number of non-primary residence STR registrations allocated shall not exceed eight hundred (800) dwelling units, unless otherwise directed by the City Council by ordinance or resolution. In the coastal zone, the maximum number of non-primary dwelling units registered as STRs is three hundred fifty (350). The Citywide cap on STRs shall not be applied to prohibit additional STRs in the coastal zone until the three hundred fifty (350) STR units in the coastal zone are exhausted. The total number of non-primary residence STR registrations allocated shall be reviewed by the City Council on an annual basis.

5.     The STR operator shall identify, to the satisfaction of the City, a local contact person who shall be available twenty-four (24) hours per day, seven (7) days a week for: (1) responding within one (1) hour to complaints regarding the condition, operation, or conduct of the STR or its occupants; and (2) taking any remedial action necessary to resolve such complaints.

6.     A signed and notarized property owner consent form shall be provided if the STR operator is not the property owner.

7.     The dwelling unit or property shall not be the subject of any active or pending code enforcement actions or violations pursuant to the City's Municipal Code.

8.     No STR registration for the dwelling unit has been

1    revoked within the last twelve (12) months.

2             9.     If the dwelling unit is subject to the rules of a

3    homeowners' or condominium association or non-discriminatory restrictive

4    covenant recorded prior to the Coastal Act (January 1, 1977) that restricts

5    STRs or their equivalent, allowance to engage in short-term rental activity

6    through this Chapter shall not be inferred to grant any permission that

7    invalidates or supersedes any provisions in those documents.

8             10.    The operator shall sign an indemnification and hold

9    harmless agreement in a form approved by the City Attorney, agreeing to

10   indemnify, save, protect, hold harmless, and defend the City of Long Beach,

11   the City Council of the City of Long Beach, individually and collectively, and

12   the City of Long Beach representatives, officers, officials, employees,

13   agents, and volunteers from any and all claims, demands, damages, fines,

14   obligations, suits, judgments, penalties, causes of action, losses, liabilities,

15   or costs at any time received, incurred, or accrued as a result of, or arising

16   out of the operator's actions or inaction in the operation, occupancy, use,

17   and/or maintenance of the short-term rental.

18            11.    The unit shall be legally permitted as a dwelling unit.

19            12.    The STR operator shall state whether the STR has

20   Americans with Disabilities Act (ADA)-accessible features.

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22   5.77.040     Expiration and renewal.

23        A.     A STR registration is valid for one (1) year from the date of

24   issuance. It may not be transferred or assigned and does not run with the

25   land. A STR registration may be renewed annually if the operator: (1) pays

26   the renewal fee; (2) provides information concerning any changes to the

27   previous application for, or renewal of, the STR registration; (3) submits

28   records described in Section 3.64.080 for the last year to demonstrate

compliance with this Chapter.

B.    Failure to submit a renewal application to the City at least thirty (30) days prior to the expiration of the registration shall render the registration and permission to operate an STR null and void.

5.77.050    Short-term rental regulations.

A.    All marketing and advertising of a STR, including any listing on a hosting platform, shall clearly list the City-issued STR registration number and expiration date.

B.    Short-term rental is prohibited in any part of the property not approved and permitted for residential use including, but not limited to, a vehicle parked on the property, a storage shed, trailer, garage, boat or similar watercraft, tree house, or any temporary structure, including, but not limited to, a tent.

C.    Un-hosted stays in a primary residence STR shall be limited to a maximum of ninety (90) days per year.

D.    Un-hosted stays shall be prohibited in census block groups in the City where such stays are prohibited in accordance with Section 5.77.080 or any successor Section.

E.    Each STR shall have a notice posted within the unit in a location clearly marked and accessible to the guest (e.g., posted on the refrigerator, included within a binder with additional information on the unit, etc.), containing the following information:

1.    The maximum number of occupants permitted in the unit;

2.    Parking capacity, location of parking spaces, and parking rules, if any;

3.    Trash and recycling pickup information;

8

4. The name of the local contact and a telephone number at which that person may be reached on a twenty-four (24) hour basis;

5. Emergency contact information for summoning police, fire, or emergency medical services; and

6. Evacuation plan for the unit showing emergency exit routes, exits, and fire extinguisher locations.

F. The maximum number of persons who may occupy the STR at one (1) time shall be limited to two (2) persons per bedroom, plus two (2). This calculation shall be inclusive of children. Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation. In no event may the maximum occupancy exceed ten (10) persons in any STR. Large-scale events (i.e., exceeding maximum allowed occupancy) such as commercial parties, weddings, fundraisers, and conferences, are prohibited as part of the short-term rental use, unless a STR occasional event permit has been issued. The maximum number of occasional event permits that can be issued during the annual term of registration per STR is four (4), and any application for an occasional event permit thereafter and within the same registration term shall automatically be deemed null and void by the City.

G. Use of all outdoor pools, spas and hot tubs shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

H. All activities shall comply with all provisions of the Municipal Code, including, but not limited to Chapter 9.31 (Loud Parties on Private Property) and Chapter 8.60 (Solid Waste, Recycling and Litter Prevention).

I. No sign shall be posted on the exterior of the STR premises to advertise the availability of the STR rental unit to the public.

J. No person shall offer, advertise, book, facilitate, or engage in short-term rental activity in a manner that does not comply with this Chapter.

K.    Short-term rentals shall comply with all applicable laws and regulations of the City including those pertaining to health, safety, building, and fire protection.

L.    The STR operator shall pay all applicable fees and charges set by the City Council by resolution as may be necessary to effectuate the purpose of this Chapter.

M.    It is unlawful for any STR host, operator, occupant, renter, lessee, person present upon, or person having charge or possession of the STR premises, to make or continue to cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area, or which violates any provision of Chapter 8.80 ("Noise") of this Code.

N.    The appearance of the STR premises shall not conflict with the residential character of the neighborhood. All applicable development, design, and landscaping standards, including, but not limited to, those contained in Title 21 of this Code, are expressly made applicable to any premises used for STR purposes.

O.    In the coastal zone, upon City or Coastal Commission approval of the first Coastal Development Permit that restricts STRs in the coastal zone, which shall include the required findings in Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for LCDPs related to short-term rentals, the City shall prepare and submit to the Coastal Commission, within one (1) year of the final action on the LCDP, a report that evaluates the required findings for LCDPs that restrict STRs (Section 21.25.904 of the certified Zoning Code) and the cumulative impacts of such restrictions on coastal resources, including but not limited to public access and recreation. After the first report, new reports shall be submitted to the Commission every

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five (5) years from the date of the first submittal. If the City or the Commission's Executive Director identifies adverse impacts to coastal resources or inconsistencies with the City's certified LCP resulting from restrictions on STRs in the coastal zone, then the City shall submit within one (1) year a Local Coastal Program Amendment (LCPA) request to the California Coastal Commission that addresses any identified adverse impacts to coastal resources by amending the LCP to mitigate for any adverse impacts identified and modify the certified short-term rental regulations to avoid such impacts in the future.

5.77.060    Short-term rental operator requirements.

A.    The operator shall provide information on the maximum allowed number of occupants, parking capacity and location of parking spaces, noise regulations and quiet hours, and trash and recycling disposal requirements to prospective guests, prior to their occupancy of the unit.

B.    The operator shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with life, fire, and safety codes; and information related to emergency exit routes on the property, local contact, and emergency contact information.

C.    The operator shall maintain and provide proof of liability insurance appropriate to cover the short-term rental use in the aggregate of not less than One Million Dollars ($1,000,000); or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.

D.    Transient Occupancy Taxes shall be collected on all Short-Term Rentals.  If a Hosting Platform does not collect payment for the rental, operators are solely responsible for the collection of all applicable TOT and

11

remittance of the collected tax to the City in accordance with Chapter 3.64 (Transient Occupancy Tax). If a Hosting Platform does collect payment for the rentals, then it and the operator shall both have legal responsibility for the collection and remittance of the TOT.

E.      The operator and property owner shall be jointly responsible for any nuisance violations arising at a property during short-term rental activities.

F.      The operator shall authorize any hosting platform on which his or her STR(s) is listed to provide to the City the operator listing and other information to demonstrate compliance with all provisions of this Chapter.

G.      The operator must consent to receive all City notices and fines regarding STR registration by U.S. mail.


5.77.070      Hosting platform responsibilities.

A.      Hosting platforms shall not process or complete any booking transaction for any STR if notified by the City that a valid current STR registration number has not been issued by the City to the operator. Hosting platforms are required to list the STR registration number and expiration date. Hosting platforms shall not process or complete any booking transaction for any property located in the City that would exceed the limit of days as set forth in Section 5.77.050.C.

B.      Within forty-five (45) days of the effective date of this Ordinance, hosting platforms with listings located in the City shall provide to the City contact information for an employee or representative of the hosting platform that will be responsible for responding to requests for information from the City, including requests related to possible violations of this Chapter.

C.      Subject to applicable laws, a hosting platform with listings located in the City shall provide to the City on a monthly basis, in a format

12

specified by the City, the STR registration number of each listing, the name of the person responsible for each listing, the address of each such listing, and, for each booking that occurs within the reporting period, the number of days booked, and the total price paid for each rental.

D.     In the event a hosting platform has entered into a platform agreement, and an operator has assigned the responsibilities for the collection and remittance of transient occupancy tax to the hosting platform, then the hosting platform and the operator shall have the same duties and liabilities, including but not limited to the collection and remittance of transient occupancy tax to the City in compliance with this Chapter and Chapter 3.64 (Transient Occupancy Tax) of this Code.

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).

F.     Hosting platforms shall remove any listings for STRs, including those on the City's prohibited buildings list, from the platform upon notification by the City. The City Manager shall develop, by administrative regulation, processes and procedures for the removal of any listing.

G.     Hosting platforms shall inform all operators who use the platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes, unless the platform has a platform agreement.

H.     It is unlawful to be a hosting platform operating in the City unless the responsibilities in this Section are fully complied with.

5.77.080     Request to Petition to restrict un-hosted short-term rentals within a geographical census block group.

A.     The property owners of residential property in any census

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1  block group within the City may request the City to initiate a petition

2  process, using a form provided by the Director, to prohibit un-hosted STRs

3  within that census block group.

4       1.     In the Coastal Zone, the petition process shall follow

5  the procedures below and requires a Coastal Development Permit under the

6  certified provisions of Division IX of Section 21.25 (Specific Procedures) of

7  the Municipal Code to authorize the restriction. Refer to item C, below.

8       B.     The petition must include the signatures, printed names, and

9  addresses of a majority of the property owners of residential real property

10  located within the boundaries of the census block group and the petition

11  process shall in all cases be initiated within one hundred and eighty (180)

12  days after the effective date of this Chapter, and a new one hundred and

13  eighty (180) day petition process period shall be established annually

14  thereafter. The petitioning process will be completed by the City via U.S.

15  mail, and the requestor(s) shall be responsible for the cost of initiating and

16  completing the petition process, which cost will be established by the City

17  Council by resolution. All petition signatures shall be collected by the City,

18  and shall include the street address of each signer, and shall indicate and

19  set forth the positive desire of all those signing the petition to prohibit un-

20  hosted stays within the boundaries of the census block group. Each census

21  block group shall be limited to the submission of one (1) request to initiate a

22  petition process during any one hundred eighty (180)-day petition process

23  period, on a first come, first served basis. Any second or subsequent

24  petition request for the same census block group during the annual one

25  hundred eighty (180)-day petition process period shall automatically be

26  deemed null and void by the City without opportunity for an administrative

27  appeal.

28       C.     To the extent a petition seeks to prohibit un-hosted STRs

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within the Coastal Zone boundaries of the City, and the petition process is successful, it shall have no effect on properties within the Coastal Zone boundaries until the California Coastal Commission or City approves a Coastal Development Permit in conformance with the required findings of the Coastal Act. Any petition to restrict un-hosted short-term rentals shall adhere to the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for procedures for LCDPs related to short-term rentals. A LCDP approving a petition to prohibit un-hosted STRs in a census block group shall remain in effect subject to the expiration time limit established under the approved LCDP.

D.     For purposes of the petition, each residential property within the census block group shall be represented by one (1) vote and multiple signatures for the same property shall count as one (1) vote.

E.     Upon receipt of a petition, the Director shall verify that the petition contains the required number of signatures requesting that un-hosted stays be prohibited within the census block group.

F.     Following approval of an un-hosted restriction by the Director, the City shall provide notice of the restriction to all residential property owners within the boundaries of the affected census block group.

G.     Once approved, a restriction on un-hosted STRs shall remain in effect for a minimum of three (3) years following the effective date of such restriction.  After the initial three (3) year restriction period, the restriction shall remain in effect indefinitely unless and until such restriction(s) are prohibited by law; or a request to initiate a petition to eliminate the restriction is filed with the City and a majority of the property owners within the restricted census block group sign the petition reflecting the positive desire of all those signing the petition to remove the restriction on un-hosted stays.

H.     The City Clerk or the Department of Development Services

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

shall cause to be posted online a list or map of the current census block groups where un-hosted STRs are prohibited.

I.    Any fees associated with the filing of the petition, or the removal of a restriction once adopted, shall be established by the City Council by resolution.

5.77.090    Enforcement.

A.    It is unlawful to violate the provisions of this Chapter. Violations include, but are not limited to:

1.    Failure of the local contact to take action to respond to a complaint within one (1) hour after the complaint is received or a contact is attempted and the local contact cannot be reached;

2.    Failure to notify the City when the local contact information changes;

3.    Violation of the STR maximum occupancy, noise, or other requirements as set forth in this Chapter;

4.    Providing false or misleading information on a STR registration application or other documentation required by this Chapter;

5.    Any attempt to rent an unregistered STR by advertising the property for short-term rental purposes;

6.    Completing a booking transaction in the City without a valid City-issued registration number;

7.    Completing a booking transaction where the STR registration has been revoked or suspended by the City;

8.    Exceeding the maximum number of occasional events permitted in this Chapter;

9.    Violations of state, county, or City health, building, or fire regulations;

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1    10.    Conduct or activities that constitute a public nuisance or

2  which otherwise constitute a hazard to public peace, health, or safety.

3    B.    Unless otherwise described in this Section, enforcement of

4  this Chapter shall be subject to the processes and procedures in Chapter

5  1.32 of the Municipal Code.

6    C.    Notwithstanding anything to the contrary in Chapter 1.32, the

7  fine shall be one thousand dollars ($1,000) for each violation. Each separate

8  day in which a violation exists may be considered a separate violation.

9  However, a thirty (30) day warning period shall be provided prior to issuing

10  fines for advertising a STR without a valid registration number.

11    D.    If three (3) fines have been issued against a STR operator

12  within a twelve (12) month period, the STR registration may be revoked or

13  suspended or additional conditions may be imposed by the Director by

14  providing written notice to the operator setting forth the basis of the intended

15  action and giving the operator an opportunity, within fourteen (14) calendar

16  days, to present responding information to the Director.  After the fourteen

17  (14) day period, the Director shall determine whether to revoke the

18  registration, suspend the registration, or impose additional conditions upon

19  the registration and thereafter give written notice of the decision to the

20  operator.  If a STR registration is revoked, the STR may not be re-registered

21  with the City for a period of twelve (12) months from the date of revocation,

22  regardless of who is the STR operator.

23    E.    The City hereby finds and declares that repeated violations of

24  this Chapter constitute a public nuisance which may be enjoined under all

25  applicable laws including Code of Civil Procedure Section 731.

26    F.    Any person, hosting platform, or STR operator convicted of

27  violating any provision of this Chapter in a criminal case or found to be in

28  violation of this Chapter in a civil or administrative action brought by the City

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shall be ordered to reimburse the City its full investigative and enforcement costs, pay back all unpaid TOT if applicable, and remit all illegally obtained rental related revenue to the City.

G.    If any violation of this Chapter is found to exist, the City may issue an administrative citation to any operator pursuant to Chapter 9.65 of this Code.

H.    The City may take any other action permitted by law or equity to ensure compliance with this Chapter, including, but not limited to, general code enforcement procedures set forth in Titles 5, 9, 18 and 21 of this Code.

I.    The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding STR 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, to determine whether the STR listings comply with this Chapter.  Any subpoena issued pursuant to this Section shall not require the production of information sooner than thirty (30) days from the date of service.  A person, hosting platform, or STR operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.

J.    Any person, hosting platform, or STR operator aggrieved by a decision of the Director with respect to the provisions of this Chapter may appeal the decision to the Board of Examiners Appeals and Condemnation ("BEAC").  The decision of the BEAC shall be final, subject to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

K.    The remedies provided in this Section are cumulative and not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties, or procedures established by law.

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5.77.100      Fees.

The City Council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter.

5.77.110      Administration.

A.      The City Manager, or designee, shall have the authority to establish administrative rules and regulations consistent with the provisions of this Chapter for interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter.

B.      If any provision of this Chapter conflicts with any provision of Title 21 (Zoning), the terms of this Chapter shall control.

5.77.120      Operator registration period.

STR operators shall apply for registration pursuant to this Chapter within one hundred eighty (180) days after the effective date of this Chapter.

5.77.130      Severability clause.

If any provision or clause of this Chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions or clauses or applications, and to this end the provisions, sections and clauses of this ordinance are declared to be severable.

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1         Section 2.    The City Clerk shall certify to the passage of this ordinance by

2 the City Council and cause it to be posted in three (3) conspicuous places in the City of

3 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the

4 Mayor.

5         I hereby certify that the foregoing ordinance was adopted by the City

6 Council of the City of Long Beach at its meeting of _____, 20_____, by

7 the following vote:

8

9      Ayes:       Councilmembers:   _____

10                                    _____

11                                    _____

12                                    _____

13      Noes:       Councilmembers:   _____

14                                    _____

15      Absent:     Councilmembers:   _____

16                                    _____

17      Recusal(s):   Councilmembers:   _____

18                                    _____

19

20                                    _____

21                                          City Clerk

22 Approved:   _____

23              (Date)                            _____

24                                               Mayor

25

26

27

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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