

To the Honorable Mayor, City Council, City Clerk, and People of the City of Big Bear Lake:

We, the undersigned, registered, qualified voters and residents of the City of Big Bear Lake, San Bernardino County, hereby propose an initiative ordinance to the City and People of Big Bear Lake, and request that the City Council adopt the ordinance or submit the same immediately to the voters of the City of Big Bear Lake for their adoption at an election as provided by law. The full text of the measure is as follows:

**THE BIG BEAR LAKE UNITED TO LIMIT SHORT-TERM RENTALS INITIATIVE**

***Section 1. Purpose, Effect, and Findings***

**WHEREAS**, the rental of private homes to visitors on a short-term basis presents the potential for disruption of the tranquility of the city’s residential communities if such rentals are too great in number or are insufficiently regulated;

**WHEREAS**, the preservation of the residential character of Big Bear Lake’s neighborhoods enhances the quality of life for residents;

**WHEREAS**, the current regulations applicable to private home rentals on a short-term basis have resulted in disturbances to residents and visitors in the city’s residential neighborhoods;

**WHEREAS**, the People of the City of Big Bear Lake propose this Initiative ordinance, which may be referred to as the “Big Bear Lake United to Limit Short-Term Rentals Initiative,” to comprehensively regulate the rental of private homes to visitors on a short-term basis within the residential neighborhoods of the City of Big Bear Lake;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, DO ORDAIN AS FOLLOWS:**

***Section 2. Amendment of City of Big Bear Lake Municipal Code***

Municipal Code Title 4, Chapter 4.01, is amended to read as follows (~~strikeout~~ is deleted text and **bold underlined** is new text):

**Title 4 Visitor-serving uses and tourism**

**Chapter 4.01 Vacation Rentals**

**Section 4.01.010. Purpose**

This chapter is intended to provide a procedure to allow the rental of private homes to visitors on a short-term basis as vacation rentals. The city seeks to ~~promote~~**regulate and limit** vacation rentals, promote responsible visitor behavior, and protect the residential character of its neighborhoods. **The city seeks to balance the needs of visitors and residents in a way that**

**makes visitors the priority in the city's commercial districts, including the city's commercial visitor zone, and makes residents the priority in the city's residential zones.**

**Section 4.01.020. Definitions**

For purposes of this chapter, the following words and phrases are defined as follows:

- A. "Agent" means a person or entity, who does not hold any interest in the property and who has authority to act on behalf of the owner.
- B. "Bedroom" means a room designed primarily for sleeping that meets the definition of the California Building Codes currently adopted by the city.
- C. **"Business entity" means a corporation, partnership, or other legal entity that is not a natural person or a personal or family trust.**
- ~~C.~~ D. "Check in" means the arrival of a guest at a vacation-rental property or agent's office.
- E. **"Contract" means an agreement or evidence of any tenancy that allows or provides for occupancy of a vacation-rental property. A contract is any occupancy of a property other than occupancy that includes the owner or that includes a person on the Friends and Family list, regardless of whether compensation is paid for such occupancy or whether occupancy is evidenced in an agreement or document. A contract is not required for home-sharing, as defined herein.**
- F. **"Cut-off date" means either the date that City Council adopts the Initiative as law or, if it is placed on the ballot, the date of the election.**
- G. **"Dwelling unit" shall mean one or more rooms in a building or portion thereof, designed, intended to be used or used for occupancy by one family or household for living and sleeping quarters, and containing only one kitchen, not including hotels or motels.**
- H. **"Effective date" means either the date the City Council adopts this Initiative as law upon its qualification or, if it is placed on the ballot, the date that the elections official certifies the vote on the Initiative by the voters of the City of Big Bear Lake.**
- I. **"Friends and Family list" means a list of up to five (5) persons designated by the Owner and filed with the city, who must occupy the unit at no cost and who may occupy the unit without requiring the presence of the Owner on the premises.**
- J. **"Good Neighbor Policy" means a document prepared by the city that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions of this code and other applicable**

**laws, rules or regulations pertaining to the use and occupancy of vacation rentals.**

- D-K.** “Home-sharing” or ~~“home-sharing property”~~ means the rental of no more than two bedrooms in a detached single-family unit, **for compensation**, for a term of 28 or fewer consecutive days while the owner of the unit ~~is present~~ **lives on-site and living in the unit, home, throughout the visitor’s stay.**
- E-L.** “Hosting platform” or **“hosting sites”** means a person or entity who participates in home-sharing or vacation rentals by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation. Examples include, but are not limited to, VRBO.com, Airbnb.com, homestay.com and other internet and non-internet based services that facilitate bookings for a fee.
- F-M.** “Owner” means a person(s) or entity, who holds record fee title to the property, except that “owner” does not include the holder of a leasehold interest in the property. **“Owner” also includes a personal or family trust consisting solely of natural persons. An “owner” can be a business entity only if holding a license issued prior to the Cut-off date; any “owner” who holds a license on the Cut-off date is deemed an “owner” for purposes of this ordinance until the license is terminated or is not renewed.**
- G-N.** “Responsible party” means the lessee of a vacation-rental property.
- H-O.** “Vacation rental” or “vacation-rental property” means ~~either (1)~~ **a residential dwelling unit, or any portion thereof, that is leased for a term of 28 or fewer consecutive days. “Vacation rental” or “vacation-rental property” includes properties where home-sharing property takes place unless expressly indicated otherwise.**

**Section 4.01.030. License Required**

- A.** A current, valid annual license issued by the city to the owner is required for each property prior to advertising, offering to lease, or leasing the property as a vacation-rental property. ~~The license shall be posted inside of the~~ **Each dwelling unit used as a vacation-rental property requires a license.**
- B.** **The license number shall be conspicuously posted inside of the vacation-rental property and on all advertisements or solicitations for the property, including but not limited to Hosting sites, websites, social media postings, emails, and print ads.**
- C.** **A license shall not be issued to any business entity. A natural person or personal or family trust shall not maintain any financial interest in more than one vacation rental. For this purpose, financial interest includes both legal and beneficial ownership as well as any arrangement that provides for receipt of any portion of the revenues generated by the vacation rental. An**

owner shall only be issued, and can only maintain one license for any vacation rental within the City of Big Bear Lake at any time.

D. Paragraph C shall apply only to licenses issued after the Cut-off date. The purpose of this exception is to afford current owners of vacation rental property a reasonable opportunity to recoup costs reasonably invested for vacation rental use.

E. Upon sale or change of property ownership, the license shall automatically expire and the property shall not be used as a vacation rental until the new or successor owner obtains a license for the vacation rental. A change in ownership of a business entity that owns a vacation rental property such that the property is subject to reassessment constitutes a change of ownership for the purposes of this provision and results in the termination of the license. A change of ownership between or among spouses, including as a result of death or divorce, is not considered a change of ownership that terminates a license. Within seven days of a sale or change of property ownership, the owner holding a license must cancel the license through a procedure to be developed by the city.

#### Section 4.01.040. Licensing Procedure and Maximum Number of Licenses

A. An owner shall apply to the city for a license annually for each vacation-rental property and pay a fee established by resolution of the city council. The fee shall be sufficient to allow for comprehensive and complete enforcement of the regulations in this section. The city shall provide an application form and list of application and insurance requirements.

1. At the time of renewal of any license, all business entities, limited liability companies, and person or family trusts must provide the names, contact information, and any other information deemed necessary by the city, of each natural person holding a legal, equitable, or beneficial interest in any business entity, limited liability company, or personal or family trust, and the address of each vacation rental owners by each such entity.

2. When reviewing applications for new licenses, the city shall utilize the information provided under Paragraph A.1. to ensure that no natural person has any legal, equitable, or beneficial interest in any existing licenses prior to issuing a new license, as limited in Paragraph B.

3. The owner at the time an application or renewal is submitted can designate and file with the city the names of up to five (5) persons who may occupy the vacation-rental property at no cost and without requiring the presence of the owner on the premises of the vacation-rental property. Each such occupancy shall fully comply with all other provisions of this Chapter.

- B. An owner may not hold more than two licenses, except that an owner holding **one license for a vacation-rental property.**
- C. The city shall not issue more than two licenses as of September 16, 2021, may renew ~~these~~**one license to any owner. In addition, the city shall not issue more than one license per parcel.**
- D. ~~The city shall not issue more than 1,500 licenses unless they have been revoked or not.~~ **However, licenses applied for or held in good standing on the Cut-off date and renewed within 30 days of ~~after~~ expiration may be renewed in accordance with this chapter even if the total number of licenses exceeds 1,500. This cap on licenses does not apply to properties that are used exclusively for home-sharing.**
- E. **Licenses issued after the Cut-off date and before the Effective date shall be valid for a period of one (1) year and cannot be renewed if, at the time of renewal, the total number of active licenses exceeds 1,500.**
- F. **For 24 months after the Effective date, license holders that held a license on or before the Cut-off date may choose to remove their property from the program to provide a long-term lease of at least 12 months. In such cases, property owners are eligible to apply for a license after the long-term lease expires, but only within three years of removing the property from the program. A license may be issued in this instance exceeding the limit of 1,500.**
- G. **An application for a vacation-rental property license that was not submitted and paid for prior to or on the Cut-off date shall not be processed by the city until the number of vacation rental licenses is below 1,500. When the number of active licenses is less than 1,500, the city can once again issue licenses, but the total number may not exceed 1,500. If there are more applicants than available licenses, the city will establish a fair and equitable system to determine which applications will be processed.**
- H. **The city shall not renew any licenses for units with outstanding fines if all administrative appeals have been exhausted.**

**Section 4.01.050. Transient Occupancy Tax**

- A. Except as provided in Paragraph B below, the owner is responsible for collecting and remitting transient occupancy tax and tourism business improvement district assessments to the city and shall comply with all provisions of Chapter 3.20 of this code concerning transient occupancy taxes.
- B. ~~Beginning January 1, 2022, hosting~~**Hosting** platforms shall be responsible for collecting all applicable transient occupancy taxes and tourism business improvement district assessments and remitting the same to the city. The hosting platform shall be considered an agent of the host for purposes of transient occupancy tax collections and remittance pursuant to Chapter 3.20.

- C. Owners shall be responsible for submitting transient occupancy tax forms reporting nightly stays and gross receipts even if a hosting platform is remitting the taxes due on their behalf.
- D. Licensees making two or more late submittals in a 12-month period shall not have their license renewed upon expiration.

**Section 4.01.060. Operational Requirements**

- A. ~~The owner and owner's agent shall ensure that the vacation rental~~ **Prior to check-in or guest arrival, the owner or the owner's agent shall provide a contract summary to the city on a form to be developed by the city. The contract summary shall contain, at a minimum, the license number, the dates of the stay, and the contract number for the year, and any other information as deemed appropriate by the city. This requirement does not apply to home-sharing.**
- B. **Prior to or at check in, the owner or the owner's agent shall obtain from the Responsible Person the individual's name, email address, and a copy of a government-issued identification.**
- C. **No more than 30 contracts for occupancy of a vacation-rental property shall be allowed in any calendar year. A contract is any occupancy of a property other than occupancy that includes the owner or that includes a person on the Friends and Family list, regardless of whether compensation is paid for such occupancy or whether occupancy is evidenced in an agreement or document. In order to allow for any existing reservations and allow the city time to establish a system to monitor and track contracts, this limitation commences at the start of the first day of the calendar year 2024.**
  - 1. **The city shall track and enforce the 30 contract per year rental limitation, except the 30 contract per year limit shall not apply to occupancies that meet the definition of home-sharing. No contract is required for home-sharing.**
  - 2. **If it is determined by the city that a vacation-rental property has been rented without providing the contract summary, the owner shall be deemed in violation of this Ordinance, regardless of the number of contracts in the city's records for the current calendar year.**
  - 3. **The owner or the owner's agent shall maintain a record of all contracts for a period of at least three years, subject to audit by the city.**
- D. **The owner and owner's agent shall ensure that the vacation-rental property complies with all applicable codes regarding fire, building and safety, health and safety, zoning, lighting, and all other laws and regulations.**
- E. **The rules and regulations regarding usage, quiet hours, parking, and occupancy applicable to visitors renting the vacation-rental properties are**

**also applicable to owners occupying their own vacation rental properties and to occupancies by persons designated on the owner's Friends and Family list.**

**B. F.** All guest check-ins must be performed in person by the owner or the owner's agent. The responsible party must be present in person at the check-in. The responsible party must sign a copy of the City's ~~city's~~ Good Neighbor Policy prior to or during check-in. A copy of the signed policy shall be provided to the city by the owner or owner's agent upon request. An owner or agent may provide an electronic process for guests to sign and acknowledge the City's ~~city's~~ Good Neighbor Policy at check-in.

**C. G.** Occupancy of the vacation-rental property shall always be limited to the limit stated on the license. Such occupancy shall not exceed two adults per bedroom, plus two additional adults, not including persons under 18 years of age; but the total number of persons, including persons under 18 years of age, may not exceed one person per 200 square feet of living space or 16 persons, whichever is less. Properties without all the parking spaces that are required by Section 17.25.070 are limited to two adults per parking space provided.

**D. H.** ~~No party, wedding, Events or other gatheringgatherings~~ exceeding occupancy limits ~~isare not permitted without prior written approval by, unless~~ the city manager or the city manager's designee ~~at least 30 days in advance. City approval is discretionary and may be subject to reasonable conditions.~~ **has given prior written approval on or before the Cut-off date.**

**E. I.** Off-street parking spaces shall be provided on the vacation-rental property sufficient for all vehicles and trailers associated with the vacation-rental property or its occupants in accordance with Section 17.25.070. Parking is allowed only in designated driveways and garages and is not allowed in the yard or street at any time. ~~The maximum number of vehicles at a vacation rental property at any time is also the minimum number of parking spaces required.~~ Gravel parking spaces approved for vacation-rental properties licensed before January 11, 2021, and originally constructed after January 1, 2004, shall continue to be allowed until January 1, 2026. Properties licensed before January 11, 2021, that do not contain off-street parking spaces shall continue to be allowed until January 1, 2026. **The maximum number of vehicles that may be parked at a vacation rental is the number of existing conforming spaces or the number listed below based upon lot size, whichever is fewer:**

- 1. For a lot less than 5,000 square feet, two cars maximum;**
- 2. For a lot between 5,000 to 10,000 square feet, three cars maximum; and**
- 3. For a lot greater than 10,000 square feet, four cars maximum.**
- 4. Cars parked in a fully enclosed garage are not included in these maximum limitations.**

- ~~F.~~ J. Upon the request of the city, the owner or the owner's agent shall respond in person at the vacation-rental property within 30 minutes of dispatch of notice by the city to correct ~~any~~ violation of this chapter or any other provision of this code, **prevent a recurrence of such conduct by those occupants or guests, and evict one or more of the guests when requested by the City's agent.**
- ~~G.~~ K. No radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or other any machine or device for the producing or reproducing of any sound may be operated on the vacation-rental property unless it is within a fully enclosed structure and is not audible at the property line of the vacation-rental property.
- ~~H.~~ L. Outdoor activity that disturbs the peace and the use of an outdoor spa are prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- ~~I.~~ M. Each vacation-rental property shall be equipped with ~~no more than one~~ informational sign as described in the registration materials. **The sign shall be clearly visible from the street, include the code enforcement hotline number, identify the maximum number of occupants and the maximum number of cars permitted plus additional information required by the city.**
- ~~J.~~ N. ~~Trash may not be stored at a vacant vacation-rental property at any time.~~ **Trash shall be properly handled and disposed of as required by city regulations.**
- ~~K.~~ O. Incessant barking from dogs heard beyond the property line is prohibited.
- ~~L.~~ P. The owner shall include notice to lessee **Responsible person** of the requirements of this section in all leases and post a visible notice at the entrance to the vacation-rental property.

#### **Section 4.01.070. Agency and Certification**

An owner may grant authority to an agent to act on behalf of the owner for purposes of fulfilling some or all the requirements of this chapter. The owner shall give prior written notice to the city of any grant of authority to a notice, including the identity and contact information for the agent. The owner shall promptly give the city written notice of any change to any such grant of authority of making such change. The use of an agent shall not excuse the owner from the owner's obligations of this chapter. Agents and owners fulfilling any of the requirements of this chapter shall be annually certified by the city.

#### **Section 4.01.080. Inspection and Audit.**

- A. Each owner and owner's agent shall provide the city with access to the vacation-rental property and to such related records, documents, tax returns, and bank accounts at any time during normal business hours as the city may determine are necessary for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.



- B. Every applicant applying for a license shall provide the city access to any premises, property or dwelling which is the subject of the application, and the city shall be permitted to make any inspections as the city may determine is necessary from time to time throughout the application process. If a license is issued, the city shall be permitted access to the subject premises, property or dwelling in order to determine continued compliance with this chapter and/or any conditions of approvals set forth in the respective license.**
- C. The owner shall pay to the city the actual costs of any inspections not to exceed the cost of one hour for every inspection conducted pursuant to this chapter.**

**Section 4.01.090. Hosting Platform Responsibilities.**

- A. Subject to applicable laws, hosting platforms shall, upon written request by the city, promptly disclose to the city each vacation-rental property listing located in the city, the host ID, listing ID, and 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. A hosting platform shall promptly remove any listing upon receipt of a take-down notice from the city indicating that a listing violates applicable legal requirements.
- C. A hosting platform is responsible for collecting and remitting transient occupancy taxes and tourism business improvement district assessments on behalf of their hosts beginning January 1, 2022, in accordance with Section 1.01.050 above.
- D. A hosting platform shall require all hosts to include a valid license number in a designated field dedicated to the license number no later than January 1, 2022.

**Section 4.01.100. Violations and Penalties**

- A. The city ~~may~~**shall** issue an administrative citation to any person who operates a vacation-rental property without a license. The administrative fine for the first citation shall be in the amount of \$5,000.00. Any person operating an unlicensed vacation-rental property shall be permanently ineligible to operate a vacation-rental property in the city, and any property that is operated as a vacation-~~rental~~ property without the required license shall be ineligible for a vacation-rental property license for a period of one year from the most recent citation issued for operating without a license. If the person continues to operate a vacation-rental property without a license, the city ~~may~~**shall** issue an additional administrative citation, with an administrative fine in the amount of \$10,000.00. Any additional violation shall be subject to additional citations with escalating fines provided in a schedule established by the city council by resolution. A person operating an unlicensed vacation-rental property is liable to the city for the payment of transient occupancy tax in accordance with the provisions of Chapter 3.20 of this code, including without limitation penalties and interest.

- B.** For any violation of the requirement in Section 4.01.060(A) to provide contract summaries to the city, an immediate fine of \$2,500 shall be assessed against the owner, and the license for that property shall be suspended for a six-month period. A second violation at the same vacation-rental property shall terminate the license for that property.
- ~~B.~~ **C.** For any violation of this chapter that is not subject to subsections A or B above or ~~DE~~ **or F** below, the city ~~may~~**shall** impose an administrative fine for the first violation in the amount of \$500.00. The fine for each subsequent violation shall be \$1,000.00. **Upon the third violation in any twelve-month period of any provision of this chapter that is not subject to subsection A or B above or E or F below, the license for that property shall be revoked.**
- ~~C.~~ **D.** ~~Each~~**Except as stated otherwise, each** administrative citation for a violation of any provision of this chapter may be levied or assessed against one or more of: the owner, the owner's agent, a hosting platform, and the responsible party. The city may initiate revocation of a license after one violation. Each day that a violation occurs is a separate violation, for which the city ~~may~~**shall** issue a separate administrative citation and fine.
- ~~D.~~ **E.** Any person who advertises a vacation-rental property with false occupancy information, offering self-check-in, or without including a valid license number for the property in the advertisement shall pay a fine in the amount of \$2,500.00, and the ~~owner's~~ license **for that property** may be revoked. The ~~owner's~~ license **for that property** shall be revoked for a second offense, if not revoked already.
- F.** **If a guest violates this ordinance and it is determined that a responsible party has not signed a copy of the city's Good Neighbor Policy as required by Section 4.01.060, the owner or their agent shall pay a fine in the amount of \$500.00, in addition to any fine levied against the guest.**
- ~~E.~~ **G.** The failure of an owner or the owner's agent to comply with an order of any police officer shall result in the revocation of the license.
- ~~F.~~ **H.** The appeal and hearing provisions of Section 1.17.070 of this code apply to any revocation or suspension of a license. ~~In lieu of revocation or suspension of a license, the City Manager, at his or her discretion, may place additional operating conditions on a vacation-rental property.~~
- ~~G.~~ **I.** In addition to, and not in lieu of, any other remedy allowed by law, all remedies prescribed under this chapter are cumulative, and the election of one or more remedies does not bar the city from pursuing any other remedy, whether criminal, civil, or administrative, through which the city may enforce this chapter or address any violation of this code or to remedy any other public nuisance.
- ~~H.~~ **J.** Owners and agents must accept all city vacation-rental-related correspondence, including, but not limited to, notices of violation, administrative citations, registration materials, notices of regulatory changes, and transient occupancy tax notices via email delivery. It is the responsibility of the owner and agent to ensure



Section 4.01.110.

VACATION RENTAL ELIGIBILITY  
TABLE

Zoning District	Improvements on Property	Vacation Rental Eligibility
<b>R-L &amp; R-1 Zones</b>	1 Single-Family Unit	Eligible
	1 Single-Family Unit & Detached Guest House (no kitchen)	Eligible, as one unit combined. Must rent the entire property to same party. No kitchen allowed in Guest House.
	1 Single-Family Unit & ADU**	Not eligible
	1+ Detached Single-Family Units	Only 1 unit is eligible
	1+ Attached Single-Family Units	Only 1 unit is eligible
<b>R-3 Zone</b>	1 Single-Family Unit	Eligible
	1 Single-Family Unit & Detached Guest House (no kitchen)	Eligible, as one unit combined. Must rent the entire property to same party. No kitchen allowed in Guest House.
	1 Single Family Unit & ADU**	Not eligible
	1+ Detached Single-Family Units	Only 1 unit is eligible
	2-4 Attached Single-Family Units	All are <u>Only 1 unit is eligible</u>
	>4 Attached Single-Family Units Under Single Ownership (Apartments)	None are eligible
	>4 Attached Single-Family Units Under Multiple Ownership (Condominiums)	All are eligible
<b>Commercial Zones (including Village Commercial)</b>	1 Single-Family Unit	Village Commercial = Eligible. Commercial Zones = Not eligible.
	Mixed-use building 1+ Detached Single-Family Units 1+ Attached Single-Family Units	None are eligible.

\*Owners of licensed properties as of January 11, 2021 that are not in compliance with the above table can continue to renew license unless it has been revoked or expired more than 30 days.

\*\* No property is eligible for a vacation rental license if the property has an ADU on it, regardless of zone.

***Section 3. Implementation***

- A. This Initiative is considered adopted and effective upon the earliest date legally possible after either the City Council adopts the Initiative as law upon its qualification or, if it is placed on the ballot, the elections official certifies the vote on the Initiative by the voters of the City of Big Bear Lake. Upon the effective date of this Initiative, the city is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all city maps, figures, and any other documents maintained by the city so they conform to the legislative policies set forth in this Initiative.
  
- B. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Big Bear Lake Municipal Code. The city may reorganize, renumber, and/or reformat the provisions of Section 2 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

***Section 4. Effect of Other Measures on the Same Ballot***

It is the voters' intent to comprehensively regulate the rental of private homes to visitors on a short-term basis. To ensure that this intent is not frustrated, and in the event this Initiative is not adopted by the City Council as law, this Initiative shall be presented to the voters as an alternative to, and with the express intent that it will compete with, any and all voter initiatives or city-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the rental of private homes to visitors on a short-term basis (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only that measure that receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters but superseded by law in whole or in part by any other Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

***Section 5. Interpretation, Severability, Enforcement***

- A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person

or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

- B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Big Bear Lake indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.
- C. The Proponents of this Initiative, and any committee formed to support this Initiative, shall have standing to enforce and defend the provisions of this Initiative in any judicial forum, as necessary.
- D. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the city and others in a manner that facilitates the purpose set forth in this Initiative.

***Section 6. Amendment***

The provisions of this Initiative can be amended or repealed only by a majority of voters of the City of Big Bear Lake voting in an election held in accordance with state law.

***Section 7. Inconsistent Provisions Repealed***

Any provisions of the City of Big Bear Lake Municipal Code, or any other ordinances of the city inconsistent with this Initiative, to the extent of such inconsistencies and no further, are hereby repealed.