



CITY OF
BIG BEAR LAKE *California*

RESOLUTION NO. 2022-69

RESOLUTION SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BIG BEAR LAKE ON THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION BALLOT AN INITIATIVE MEASURE AMENDING THE CITY'S MUNICIPAL CODE TO LIMIT THE NUMBER OF VACATION RENTAL LICENSES AND RENTAL CONTRACTS IN THE CITY AND TO ENACT ADDITIONAL LIMITATIONS AND REGULATIONS ON VACATION RENTALS; REQUESTING THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION OF EVEN DATE; AND SETTING RULES AND DEADLINES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE MEASURE

WHEREAS, pursuant to Chapter 4.01 of Title 4 of the Big Bear Lake Municipal Code (B.B.L.M.C. §§4.01.010 through 4.01.110), the City currently licenses owners of certain residential dwelling units within the City to lease all or some of their property as vacation rentals, for a term of 28 or fewer consecutive days, subject to those conditions and regulations as provided in Chapter 4.01; and

WHEREAS, pursuant to authority provided by the California Elections Code, a petition has been filed with the City Council of the City of Big Bear Lake, seeking to enact an initiative measure/ordinance which would amend Chapter 4.01 to limit the number of vacation rental licenses and rental contracts in the City and to enact additional limitations and regulations on vacation rentals (the "Measure" or "Ordinance"); and

WHEREAS, pursuant to California Elections Code section 9215, an initiative petition must be in filed with the City in valid form and signed by not less than ten percent (10%) of the registered voters of the City in order to qualify the Measure for the ballot; and

WHEREAS, according to San Bernardino County voter records, the minimum signature requirement in order to qualify the Measure for the ballot is 295 registered City voters; and

WHEREAS, the City Clerk, through the San Bernardino County Registrar of Voters, has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, has ascertained that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the Elections Code; and

WHEREAS, the City Council has not voted in favor of adoption of the Measure without alteration; and

WHEREAS, the City Council is therefore authorized and required by California Elections Code Sections 1405 and 9215 to submit the proposed Measure to the voters at its "next regularly scheduled election occurring not less than 88 days after the date of the order of election"; and

WHEREAS, the next "regularly scheduled election" is the City's General Municipal Election to be held on Tuesday, November 8, 2022; and

WHEREAS, the specific terms of the Measure are attached hereto as Exhibit “A” and by this reference made an operative part hereof, and in accordance with all applicable laws; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date, that within the City the precincts, polling places, voting centers and election officers of the two elections be the same, that the San Bernardino County election department canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election; and

WHEREAS, it is also desirable to establish deadlines and rules for the submission of written arguments and rebuttals for and against the Measure in accordance with applicable California Elections Code procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, and are incorporated herein and by this reference are made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code Sections 1405 and 9215, hereby orders the Measure attached hereto as Exhibit “A” to be submitted to the qualified voters of the City at a General Municipal Election to be held on **Tuesday, November 8, 2022**. The proposed Measure shall be in the form attached hereto as Exhibit “A” to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Measure. The City Council, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 8, 2022, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

"Shall a measure be adopted to amend the Big Bear Lake Municipal Code to limit the number of vacation rental licenses the City may issue to a maximum of 1,500 and limit the number of vacation rental contracts to 30 per year per property, excluding home-sharing arrangements, limiting duplexes, triplexes and four-plexes to one vacation rental per property, and enacting additional further limitations and regulations for vacation rentals?"	YES	
	NO	

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in the form and content as required by law.
- B. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of submitting to the voters the questions relating to the City's Measure.
- C. The election services which the City of Big Bear Lake requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots; the establishment or appointment of precincts, polling places, voting centers and election officers; the preparation, printing, mailing and furnishing of vote-by-mail ballots; making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths, and other necessary supplies or materials for polling places or voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Big Bear Lake; and the performance of such other election services as may be requested by the City Clerk.
- D. The City Clerk is authorized, instructed and directed to procure and furnish, or cause to be procured and furnished through the County of San Bernardino, any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- E. The polls, voting centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of San Bernardino, except as otherwise provided in the Elections Code of the State of California.
- F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- G. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- H. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- I. The San Bernardino County Registrar of Voters is hereby authorized to canvass the returns of said election.

- J. The City Clerk of the City of Big Bear Lake shall receive the canvass from the County as it pertains to the election on the Measures, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Impartial Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, which arguments may be changed until and including **Monday July 25, 2022**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of primary arguments as set forth in Subsection 5(A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the Ordinance or Measure, please call the election official’s office at (909) 866-5831 and a copy will be mailed at no cost to you.”**
- D. The provisions of this Section 5 shall apply only to the election to be held on November 8, 2022, and shall then be repealed.

SECTION 6. Rebuttals.

- A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk shall send copies of the

argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **Friday July 29, 2022**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

- B. The provisions of this Section 6 shall apply only to the election to be held on November 8, 2022, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Measure shall be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of the Measure at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Measure attached hereto as Exhibit “A”, to the Clerk of the Board of Supervisors of San Bernardino County and to the Registrar of Voters of San Bernardino County.

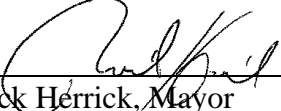
SECTION 9. Public Examination. Pursuant to California Elections Code section 9295, the Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 10. CEQA. The City Council hereby finds and determines that placement of the Measure on the ballot is not a discretionary action of the City Council within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines and is, therefore, not subject to CEQA review. *See, Tuolumne Jobs and Small Business Alliance v. Superior Court*, (2014) 59 Cal. 4th 1029.

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 6th day of June, 2022.


Rick Herrick, Mayor

ATTEST:

Erica Stephenson
Erica Stephenson, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing resolution, being Resolution No. 2022-69 was duly passed and adopted by the said City Council and attested by the City Clerk of said City, all at a regular meeting of the said City held on the 6th day of June, 2022 and that the same was so passed and adopted by the following vote:

AYES: Mote, Putz, Melnick, Herrick
NOES: None
ABSTAIN: None
EXCUSED: Lee

Erica Stephenson
Erica Stephenson, City Clerk

EXHIBIT "A"

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, AMENDING CHAPTER 4.01 OF TITLE 4 OF THE BIG BEAR LAKE MUNICIPAL CODE TO LIMIT THE NUMBER OF VACATION RENTAL LICENSES AND RENTAL CONTRACTS IN THE CITY AND TO ENACT ADDITIONAL LIMITATIONS AND REGULATIONS ON VACATION RENTALS.

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 1. AMENDMENT TO MUNICIPAL CODE. Subject to the approval of a majority of the voters of the City of Big Bear Lake at the General Municipal Election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, Chapter 4.01 of Title 4 of the Big Bear Lake Municipal Code is hereby amended to read as follows:

(Note: ~~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 rewarding 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.

~~E.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 gathering gatherings exceeding occupancy limits is **are 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 a **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 **D, E 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 that the email address provided on the license application is active and monitored regularly.
- K. The city shall maintain a web-based database of issued vacation-rental property licenses and enforcement actions or violations assessed against each license holder. The website shall list vacation rentals by address and include at a minimum, the following information for each unit: owner, license number, and expiration date; name of any owner's agent or management company (if applicable); maximum permitted number of occupants; maximum permitted number of cars; each and every complaint that has been received, including duplicate complaints; a detailed description of each complaint and final resolution to each complaint; any fines that were levied, and whether the fines were paid or are outstanding.**

Section 4.01.105. Authority to Make Rules and Regulations

The city shall have the authority to establish administrative rules and regulations, which may include, but are not limited to, registration conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, consistent with the provisions of this Chapter, for the purpose of implementing, interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter. No such rules may have the effect of undermining any of the provisions of this Chapter.

Section 4.01.110.

**VACATION RENTAL ELIGIBILITY
 TABLE**

Zoning District	Improvements on Property	Vacation Rental Eligibility
R-L & R-1 Zones	1 Single-Family Unit	Eligible
	I 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
R-3 Zone	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.
	I Single Family Unit & ADU**	Not eligible
	I+ Detached Single-Family Units	Only I unit is eligible
	2-4 Attached Single-Family Units	All are Only 1 unit is eligible
	>4 Attached Single-Family Units Under Single Ownership (Apartments)	None are eligible
	>4 Attached Single-Family Units Under Multiple Ownership (Condominiums)	All are eligible
Commercial Zones (including Village Commercial)	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 2. 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 1 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 1 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

SECTION 3. 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 4. 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 5. 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 6. 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.

SECTION 7. ATTESTATION OF ORDINANCE.

The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 8, 2022, by signing where indicated below.

I hereby certify that the foregoing Ordinance was **PASSED, APPROVED AND ADOPTED** by the People of the City of Big Bear Lake on the 8th day of November, 2022.

Dated: _____

RICK HERRICK
MAYOR

ATTEST:

APPROVED AS TO FORM:

ERICA STEPHENSON
CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY