



## Local Ballot Measure: Q

### Impartial Analysis of Measure Q

#### **CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE Q AMENDMENT TO CITY OF PACIFIC GROVE MUNICIPAL CODE CHAPTER 23.45**

If adopted by the voters, Measure Q would amend Chapter 23.45 of the City of Pacific Grove Municipal Code to add a definition of timeshare project and prohibit advertising and sale of any prohibited timeshare project and prohibit assisting others in marketing, creation, use, sale or purchase of a timeshare project and make other related changes.

Section 23.45.015 would be added to include the following definition of a timeshare project:

“Timeshare Project” means any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of real property or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare project shall be deemed to exist whenever such recurring rights of exclusive use to real property are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in real property, and regardless of whether they are coupled with ownership of a real property interest such as freehold interest or an estate for years in the property.

Section 23.45.025 would be added to prohibit advertising of timeshare projects except for any lawful timeshare project established prior to the codification of Measure B in Chapter 23.45 of the City Municipal Code.

Section 23.45.035 would be added to prohibit assisting others in marketing, creation, use, sale or purchase of a timeshare project.

The changes would become effective pursuant to applicable law.

A “yes” vote on Measure Q would be a vote to adopt the various amendments to the City of Pacific Grove Municipal Code regarding timeshare project.

A “no” vote on Measure Q would be a vote against adopting the various amendments to the City of Pacific Grove Municipal Code which will remain the same.

This Measure will be effective if a majority (greater than fifty percent (50%)) of the voters voting on the Measure vote in its favor.

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/s/ Brian Pierik,  
City Attorney for the City of Pacific Grove

This measure was placed on the ballot by a resolution of the City Council and is hereby submitted to the Elections Officials in conformance with Section 9280 of the California Elections Code.