

## City Council Action Item Cover Sheet

DATE: October 3, 2018

### **Agenda Item:**

Ordinance 356 Business Licenses

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### **Question Before Council:**

1. Does the Council wish to hold a Public Hearing on the proposed Code changes?
  2. Does the Council wish to adopt the Planning Commission's proposed changes for the business licensing process to enable the City to either refrain from issuing a license or revoke a business license should a business fail to pass building inspections?
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### **Person/Group Initiating Request:**

Planning Commission

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### **Item Summary/Background:**

The Planning Commission is concerned that businesses within the City operate without having obtained building permits or passed building inspections.

The Commission responded to the City Attorney's feedback as follows:

1. The City Attorney noted the City can include stronger language to not issue or revoke a business license, although he expressed concern about creating legislation to remedy one aberrant business. The Commission felt strongly that this language was necessary and appropriate to ensure the safety of it's residents and visitors. The Commission also noted there has been more than one business that failed to get a permit.

2. The City Attorney favored only language to revoke a license, as he perceived the City was increasing its liability if it required a certificate of occupancy. His logic was that should the City require this measure and should the City fail to follow through on ensuring the measure was followed, it would be liable for harm that someone incurs on the property. The Commission felt strongly that the City is facing an even greater liability at present in having issued a business license to a business that is operating without having obtained building permits for substantial construction. The Commission also strongly believes it is easier to not issue a license than to revoke one. The Commission also noted there are only approximately 30 structures that would be subject to this requirement.

3. The City Attorney suggested the Commission verify the existence of certificate of occupancies for the buildings. The Commission learned from Lincoln County that building code was not implemented until 1974. Therefore no certificate of occupancies would exist prior to that date. Over half of the businesses in the City are located in buildings older than 1974. The Commission decided that instead of requiring a certificate of occupancy, the requirement could be that for buildings built in 1974 or later and for major construction after 1974, the City could only require evidence that building permits were obtained and inspections were passed. The Commission checked with the Lincoln County Building Inspector, Al Ames, who indicated the City could call the Building Department to verify permits and passed inspections.

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**CITY OF YACHATS  
ORDINANCE NO. 356**

**AN ORDINANCE AMENDMENT THE YACHATS MUNICIPAL CODE CHAPTER 4.04  
RELATED BUSINESS LICENSES**

**Whereas**, the City maintains a business license program with the intent to provide revenue to pay for expenses incurred in issuing licenses, to pay for municipal services to businesses, and to provide for the health, safety and welfare of the citizens of Yachats; and

**Whereas**, as an additional benefit to the health, safety and welfare of citizens, the City seeks to ensure that businesses located in the City are operating within structures that are properly permitted by Lincoln County, which provides building permit services within the City; and

**Whereas**, with these amendments to YMC Chapter 4.04, the City Council believes that safety will be increased for customers and employees of businesses located in the City; and

**Whereas**, the City Council held a public hearing on the Code amendment on October 3, 2018;

**NOW THEREFORE**, the City of Yachats ordains as follows:

**Section 1. Yachats Municipal Code Section 4.04.050 License Application.**

Yachats Municipal Code Section 4.04.050 is amended to add a new subparagraph within the existing subsection A, and renumbering subsequent subsections accordingly, as follows:

14. For businesses operating within the City limits, evidence that building inspections have been passed for any construction after 1974 requiring a building permit.

**Section 2. Yachats Municipal Code Section 4.04.100 Denial, revocation or suspension of license.**

Yachats Municipal Code Section 4.04.100 is amended to add a new subparagraph within the existing subsection A, as follows:

5. The licensed activity is conducted in a structure within the City that does not meet state building code standards as determined by the Lincoln County building official.

**Section 3. Effective date.**

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this 3rd day of October 2018.

		Aye	No	Abstain
City Council vote:	Mayor Gerald Stanley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Craig Berdie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Barbara E Frye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Max Glenn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Tooke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Gerald Stanley, Mayor

Attest: \_\_\_\_\_  
Shannon Beaucaire, City Manager