

STAFF REPORT
City of Lancaster

CC 4
12/08/15
MVB

Date: December 8, 2015

To: Mayor Parris and City Council Members

From: Britt Avrit, CMC, City Clerk

Subject: **Consideration of adoption of Ordinance No. 1010**

Recommendation:

Adopt **Ordinance No. 1010**, amending Title 5 of the Lancaster Municipal Code by repealing Articles I and V of Chapter 5.04 and adding a new Article I of Chapter 5.04, relating to business licenses.

Fiscal Impact:

While the City may incur some slight additional cost associated with the more in-depth application review process, it is expected to be minimal. After some history with the new process, staff will amend the pertinent departmental budget(s) if these costs are greater than anticipated.

Background:

Article I of Chapter 5.04 of the Lancaster Municipal Code sets forth the provisions regulating the application, issuance, denial, renewal and revocation of general business licenses. As currently written, the provisions concerning the City's review of an application and the grounds for denial or revocation of a license are vague and ambiguous and do not authorize an adequate level of review before a license is issued. Staff has discovered that some licenses are issued to persons who have previously conducted their business in a manner that violates local or state law or that otherwise poses a threat to public health and safety.

Ordinance No. 1010 contains several significant revisions to Article I of Chapter 5.04. It authorizes the City to obtain information from other governmental entities, such as the Sheriff's Department, Fire Department, Public Health, the Board of Equalization and the Department of Alcohol and Beverage Control, in order to confirm a business complies with applicable laws. The Ordinance establishes reasonable grounds for denial and/or revocation of a license; it also authorizes the City to impose conditions on a license if doing so will mitigate concerns about the business's impact on public health, safety and welfare that might otherwise provide cause for denial or revocation. The Ordinance provides that appeals of a denial, conditioning, suspension or revocation of a license will be heard by an independent Hearing Officer. A person may then appeal the Hearing Officer's decision to City Council. Currently, taxi, tow and massage operators must undergo an annual LiveScan background check. The Ordinance adds liquor stores, smoke shops, hookah lounges and internet cafes to this list. The Ordinance adds a requirement for owners of alcoholic beverage establishments to ensure that any employee who serves or sells alcoholic beverages undergoes and passes Responsible Alcoholic Beverage Server training at least once every three years, and to make available for City inspection documentation verifying compliance with the training requirement. The Ordinance also adds provisions to authorize the summary suspension of a business for a limited period of time if it is determined that an imminent hazard to public health, safety or welfare is at issue. Finally, the Ordinance generally cleans up various provisions that address the procedures for staff's processing new and renewal applications and issuing licenses. The previous Article V, which contained the violation and penalty provisions, has been incorporated into Article I.

At the November 10, 2015 meeting, the City Council approved the introduction of Ordinance No. 1009 by the following vote:

AYES: Council Members Malhi, Mann, Underwood-Jacobs, Vice Mayor Crist, Mayor Parris
NOES: None
RECUSED: None
ABSENT: None

Attachment:
Ordinance No. 1010