

Adoption of one ordinance, discussion of another in Crescent City

September 20, 2023



The Ordinance season is upon us.

Crescent City adopted Ordinance No. 837, adding Chapter 17.35, Accessory Dwelling units to Title 17 of the city Municipal Code.

Short term rentals of less than 31 days will be prohibited on all Accessory Dwelling units (ADUs) and that a deed restriction be required reflecting that restriction. The prohibition exempts Junior Accessory Dwelling units (JADUs). The Council directed separate utility (water/ sewer) be allowed but not required.

Proportional connections fees be charged to all ADUs, except for those that are created from existing space in either the primary dwelling or an accessory structure.

The accessory unit can range from a minimum of 150 square feet to a maximum of 800 sq. ft.

There is no owner-occupancy requirement for ADU or primary dwelling units.

ADUs built prior to January 1, 2028 must obtain a permit and are subject to city inspection. ADUs built after 2020 must apply for a use permit and adhere to Building Codes, health and safety regulations. Non-compliant ADUs which fail to obtain a permit are subject to nuisance abatement proceedings.

Any property issued a notice to correct a violation, prior to 2020 may request a five year delay on enforcement.

The Ordinance excludes the Coastal Zone.

The vote to pass the new ordinance was unanimous. The ADU Ordinance takes effect 30 days from the Sept. 5 adoption.

The Council also introduced another ordinance, regulating tobacco retailers. Initial reading of city ordinance No. 835 was waived.

If adopted, the Ordinance will require all tobacco retailers to apply for a valid Tobacco Retailer License. The proposed ordinance mirrors state and federal regulations. Here are the details of the duplicative ordinance:

Only Tobacco Retailers in business as of September 5 are eligible to apply for a Tobacco Retail License, until such time as there are less two active tobacco retailers for every 2,500 residents. Census counts are conducted every ten years.

A Tobacco Retail License is not transferable between locations or businesses but may be transferred to new owners only at the same location.

Pharmacies may not vend tobacco products.

No billboard display of tobacco products within 500 feet of primary or secondary school.

A tobacco retailer must maintain a valid city business license and a valid CDTEA tobacco license.

Consequences of violating the ordinance may be educational, limited revocation of up to 60 days or complete revocation

Councilor Jason Greenough expressed his disapproval of the proposed ordinance. Stating his position on this subject has not changed, “ It’s another level of a new enforcement structure duplicating state and federal law. This is a slippery slope we’re discussing. Another council in the future can add more restrictions to this proposed ordinance. “ Councilor Ray Altman who’s voiced. opposition to this Tobacco Ordinance, offered no comment on Tuesday’s discussion, joined Greenough in voting NO. Councilors Blake Inscore, Kelly Schellong and Isaiah Wright voted YES guaranteeing the discussion will elevate to the next level.

The Council approved and adopted the ABC Alcohol in Policing Partnership grant for \$25,531. The funds will be used to educate local alcohol retailers and conduct sting operations for retailers and adults providing alcohol to minors.

Chief Richard Griffin broke the terms of the grant down. Actual grant, \$23,531, \$2500 for equipment, \$2500 for operating expenses and \$15,574 for overtime costs.

The Council meets again, Monday, Sept. 18 at 6:00pm at the Flynn Center.