

ORDINANCE NO. 77**AN ORDINANCE GRANTING REGULATORY RELIEF TO SMALL BUSINESSES BASED UPON ECONOMIC ANALYSIS SUPPORTING SUCH RELIEF.**

The City of Coos Bay ordains as follows:

Section 1. Short Title. This ordinance shall be referred to as the "Regulatory Relief Ordinance."

Section 2. Purpose. To remove impediments to the expansion or establishing of small businesses within the city where the costs of compliance with certain ordinances outweigh the benefits to the public and where the financial impact of compliance is disproportionate for such small businesses.

Section 3. General Requirements. In enacting new ordinances and reviewing existing ordinances, the following rules shall apply:

- (1) All decisions shall be based on adequate information concerning the need for and consequences of city action;
- (2) Regulatory action shall not be instituted unless the potential benefit to the city outweighs the potential cost to the entities being regulated;
- (3) Regulatory objectives shall be chosen to maximize the net benefit to the city; and
- (4) Among the alternative methods of achieving any given regulatory objective, the alternative involving the least net cost to small businesses shall be chosen.

Section 4. Definitions. "Small businesses" are those employing less than 25 full-time employees.

Section 5. Review. Each committee, commission, and department of the city dealing with economic development, planning, and public works shall review all ordinances which it administers or which the department it advises administers. In that review, the committee, commission or department shall identify all provisions which directly impact the establishment or expansion of small businesses and shall develop an economic analysis of each such provision. This review shall be completed within six months of the effective date hereof.

Section 6. Economic Analysis. The analysis of each provision shall be in writing and shall set forth the following:

- (1) The justification for enactment of the original provision;
- (2) The objectives of the provision's enactment;
- (3) How the provision impacts small businesses;
- (4) Whether such impact is economically disproportionate for small businesses;
- (5) Alternatives, if any, to the provisions which accomplish the objectives but minimize any

significant economic impact.

Section 7. Report. As completed, the departmental economic analysis will be given to the appropriate council, committee or commission. Prior to any final action by the committee or commission on its own analysis or on an analysis presented to it by a department, public notice shall be given at least 15 days in advance, Interested persons shall be given direct notice. The public shall be heard at any meeting where an analysis is presented for action and public testimony shall be considered and included. Final action shall be taken within 30 days of the scheduled presentation of the analysis at the committee or commission meeting. The final action of a committee or a commission shall be a report and recommendation to the Council.

Section 8. New Regulations. Before any new ordinances are proposed, an economic analysis shall be done of all provisions which impact small businesses, unless the ordinance is being recommended as a result of an economic analysis.

Section 9. Action. Council shall take such action to amend, repeal, or enact ordinances as determined to be in the best interest of the city through the economic analysis developed for such provisions of the city ordinances. The council shall take such action no later than 30 days after the Council meeting at which the economic analysis report is received.

Section 10. Contested Proceedings. After the six month economic analysis review period, any small business owner may challenge a particular provision or provisions of a city ordinance and require an economic analysis of said provision or provisions, Such challenge may be initiated on a form for that purpose obtained from the City Manager, and upon the payment of a fee to be established by the City Council by resolution, The City Manager shall refer the request to the appropriate department, The department may prepare the economic analysis and present the same to the City Council at their next regularly scheduled meeting occurring not less than thirty days from the date of initiation, or the department may request a committee or commission to complete the analysis and report directly to the City Council at their next regularly scheduled meeting occurring not less than thirty days from the committee/commission review date, Compliance with the contested provision or provisions will not be required of the initiating small business during the analysis period, unless such noncompliance would compromise public safety or health. If the analysis is not completed and reported to the City Council as provided for above, the challenged provision may be submitted to the City Council for repeal action, The time for action may be extended by mutual agreement and for cause, and shall be confirmed in writing.

Passed by the Council and approved by the Mayor May 27, 1986.