

**City of South Daytona**  
**Office of the City Manager**

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



## Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

**Proposed ordinance’s title/reference:**

Ordinance No. 2024-02. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances, amending Chapter 13, Police, Article V, Chronic Nuisance Premises, Sections 13-60, 13-61 and 13-62, to include Fire Rescue nuisance activity calls within the monthly allowance of services; and providing for conflicts, severability, applicability, codification and an effective date.

**Applicable Exemptions:**

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

- ☐ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
- ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

To discourage nuisance activities by setting a monthly allowance of services with excessive calls would result in a fine and shall be a separate violation per occurrence.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

Costs will only be incurred if nuisance activities serviced by the Fire Rescue Department over the monthly allowance persist.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

New fees will only be incurred if nuisance activities serviced by the Fire Rescue Department over the monthly allowance persist.

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

Unknown as fees would be recognized if nuisance activities serviced by the Fire Rescue Department over the monthly allowance persist.

- 3. A good faith estimate of the number of businesses likely to be impacted by**

**the ordinance:**

A minimal amount of businesses will be impacted, if any.

**4. Additional information the governing body determines may be useful (if any):**

In 2008, the City Council adopted Ordinance No. 2008-19 creating an article regarding Chronic Nuisance Premises establishing a monthly allowance for Police and Code Enforcement services. The Code established the amount of police use and code enforcement use that each parcel of real property is entitled as a taxpayer of the City. Properties that use more than their allotment cause an unnecessary burden on all taxpayers of the City. Property owners should be responsible for the conduct and actions that occur on the property and therefore fiscally responsible for those actions.

Nuisance activity is defined in the Code as “any activity, behavior or conduct whenever engaged in by premises owners, operators, occupants or persons associated with a premises that could be enforced by means of a proceeding before the city's special master, through citation as set forth in this Code, through nuisance abatement, or relating to any actions or offenses relating to the following subject matter:

- (1) Firearms and weapons;
- (2) Harassment of a neighbor, disorderly conduct, or disturbing the peace;
- (3) Battery, substantial battery or aggravated battery;
- (4) Indecent exposure;
- (5) Keeping a place of prostitution, or otherwise using the premises for the purpose of prostitution;
- (6) Littering, solid waste or public health;
- (7) Arson;
- (8) Possession, manufacture or delivery of a controlled or illegal substance or related offenses;
- (9) Gambling;
- (10) Trespass to land or criminal trespass to a dwelling;
- (11) Production or creation of excessive noise or vibration;
- (12) Loitering;
- (13) Public drinking and other matters relating to alcoholic beverages;
- (14) Intoxicating beverages;
- (15) Unpermitted or illegal business;
- (16) Selling or giving away tobacco products to underage persons;
- (17) Illegal sale, discharge and use of fireworks;
- (18) Junk vehicles;
- (19) Action deemed a nuisance under state law;
- (20) Any action that is a violation of this Code which could be enforced by the through the city's code enforcement procedure;
- (21) Act of aiding and abetting of the activities, behaviors or conduct enumerated in this article;

or

(22) Conspiracy to commit or attempt to commit any of the activities, behaviors or conduct enumerated in this article.

Many of these nuisance activities are serviced by Fire Rescue and are a burden to the department and the City. Fire Chief John Brant suggested including Fire Rescue into the Code under this section to deter the overuse of Fire Rescue personnel for the outlined Nuisance Activities.

**Note:** *The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*