

City of South Daytona

Office of the City Manager

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



MEMORANDUM

To: James L. Gillis Jr., City Manager

From: Becky Witte, Deputy City Clerk

Re: Consideration of the Second and Final Reading of Ordinance 2023-18, to allow for local business tax receipt and annual fire inspection fees, cost and fees for animal retrieval, intake and impounds, as well as cost and fees under Chapter 767, Florida Statutes be applied to the City's Utility Bills, as applicable.

Date: October 25, 2023

The City Council approved the first reading of Ordinance 2023-18 on October 10, 2023.

The City imposes certain fees to our businesses and residents. In February, Ordinance 2023-01 modified the City Code to allow for abatement costs to be included on the Utility Bill in lieu of filing a lien. This process has been successful and beneficial for residents and business owners as it makes it easier to make payments as well as provides the ability to set up payment plans as requested (if available and applicable).

Staff requests the Council consider including local business tax receipt and annual fire inspection fees, cost and fees for animal retrieval, intake and impounds, as well as cost and fees under Chapter 767, Florida Statute to be applied to the City's Utility Bills, as applicable, to assist with payment options and limit liens and penalties placed on properties.

Business owners including residents with home-based businesses have continually requested their annual fees (business and fire fees, as applicable) be added to their utility bill to prevent missing the annual renewal and incurring late charges and penalties.

Halifax Humane Society has ceased collecting retrieval fees when animals are reunited with their owners. These charges are passed to the City to recoup from the owner. In order to ease the process of paying for these charges, along with the owner's ability to set up a payment plan as requested (if available and applicable), staff requests the cost be applied to the City's Utility Bills, as applicable.

In order to recover costs and fees under Chapter 767, Florida Statutes ("Damage by Dogs; Dangerous Dogs"), staff requests those cost and fees be applied to the City's Utility Bills, as applicable.

Staff recommends approval of the second and final reading of Ordinance No. 2023-18 to allow for local business tax receipt and annual fire inspection fees, cost and fees for animal retrieval, intake and impounds, as well as cost and fees under Chapter 767, Florida Statutes be applied to the City's Utility Bills, as applicable.

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES, AMENDING CHAPTER 20, WATER AND SEWER SERVICE, ARTICLE V, WATER AND SEWER BILLING, SECTION 20-70, TO INCLUDE LOCAL BUSINESS TAX RECEIPTS AND ANNUAL FIRE INSPECTION FEES, COSTS AND FEES FOR ANIMAL RETRIEVAL, INTAKE AND IMPOUNDS, AND COSTS AND FEES UNDER CHAPTER 767, FLORIDA STATUTES, ON THE CITY UTILITY BILL; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of South Daytona, Florida (the “City”) adopts certain rules and regulations in order to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City; and

WHEREAS, it is incumbent upon the City to impose certain fees, fines, and penalties in order to offset or cover expenses and costs incurred by the City; and

WHEREAS, adding costs and fees, as applicable, to the City Utility Bill will assist residents and business owners pay said costs and fees in an efficient and easy manner while providing for payment options (if available and applicable); and

WHEREAS, in order to assist business owners with the ease of paying annual Business Tax Receipt Fees and annual Fire Inspection Fees, the City Council finds it appropriate that such costs and fees be applied to the City’s Utility Bills, as applicable, to assist with payment options and limit late penalties; and

WHEREAS, in order to recover costs and fees for animal retrieval, intake and impounds by the city, the county, the humane society, or any other agency for care or treatment of said owner’s animal, the City Council finds it appropriate that such costs and fees be applied to the City’s Utility Bills, as applicable, to assist with payment options and limit liens placed on properties; and

WHEREAS, in order to recover costs and fees under Chapter 767, Florida Statutes (“Damage by Dogs; Dangerous Dogs”), the City Council finds it appropriate that such costs and fees be applied to the City’s Utility Bills, as applicable, to assist with payment options and limit liens placed on properties; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Section 20-70 of the City of South Daytona Code of Ordinances is amended to read as follows:

Article V. Water and Sewer Billing

Sec. 20-70. Bills for water and sewer services; delinquency; discontinuing service for nonpayment; service continuation charge; reconnect service charge; disconnect fee, and other public services.

- (a) Utility and Public Services bills shall be rendered monthly, and no discount shall be allowed for prompt payment thereof. Payments will be applied first to public service tax and then to stormwater drainage fees, penalties, miscellaneous fees, nuisance abatement costs and expenses (including but not limited to related administrative fees), local business tax receipt and annual fire inspection fees, costs and fees for animal retrieval, intake and impounds, costs and fees under Chapter 767, Florida Statutes, and garbage collection fees if such charges apply, then to sewer charges and lastly, to charges for water service. If payment on any bill is not received within twenty (20) days following the date of the bill, a late charge as outlined in chapter 21 of the city code shall be added thereto. If payment on any bill is not received within twenty-nine (29) days of the bill date, service on the account shall be disconnected.

SECTION 3. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

SECTION 4. Codification. The provisions of this Ordinance shall become and be made a part of the City of South Daytona, Florida Code of Ordinances, and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that portions other than Sections 2 and 3 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 5. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

APPROVED upon first reading on the 10th day of October 2023 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the 14th day of November 2023 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

William C. Hall, Mayor

James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney

City of South Daytona
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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 2023-18. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances, amending Chapter 20, Water and Sewer Services, Article V, Water and Sewer Billing, Section 20-70, to include local business tax receipts and annual fire inspection fees, cost and fees for animal retrieval, intake and impounds, and cost and fees under Chapter 767, Florida Statutes, on the City Utility Bill; 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):**

Amending Chapter 20, Water and Sewer Services, Article V, Water and Sewer Billing, Section 20-70, to include local business tax receipts and annual fire inspection fees, cost and fees for animal retrieval, intake and impounds, and cost and fees under Chapter 767, Florida Statutes, on the City Utility Bill.

This Ordinance provides another opportunity to pay already existing fees.

- 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:**

No additional costs will be incurred.

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

None.

- (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:**

None.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:

None.

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

This process will be beneficial for residents and business owners as it allows them to make payments as well as providing the ability to set up payment plans as requested (if available and applicable).

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.*