

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: **Second and Final Reading of Ordinance No. 2022-08.** An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances, Section 10.5-2 Rules and Regulations for Parks and Recreation Areas to prohibit commercial activities at city owned boat ramps; and providing for conflicts, severability, applicability, codification and an effective date. **Public Hearing.**

Date: May 31, 2022

The City Council approved the first reading of Ordinance No. 2022-08 on May 10, 2022.

The City has one public boat ramp located at Riverfront Veterans Memorial Park for residential recreational use. Recently, staff became aware of our adjacent neighboring cities of Port Orange and Ponce Inlet receiving complaints about commercial activity monopolizing their boat ramps. If those cities continue to receive pressure from their residents about the commercial activity; they may consider banning all commercial activities at their public boat ramps. If this happens, those commercial entities will be looking for another boat ramp to possibly monopolize.

With this in mind, staff believes we need to conserve our boat ramp for residential recreational use only and consider regulations prohibiting commercial use within Section 10.5 of the City's Code of Ordinances.

The proposed ordinance continues our goal of promoting, protecting and maintaining the City's residential character and small-town atmosphere by prohibiting use of our city-owned boat ramp for any commercial activity, including chartering, picking up or dropping off commercial passengers, launching commercial vessels, performing regular vessel maintenance as part of a business activity, renting vessels or other similar activities.

Staff recommends that the City Council approve the Second and Final Reading of Ordinance No. 2022-08, Amending Rules and Regulations for Parks and Recreation Areas to prohibit commercial activities at city owned boat ramps.

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES, SECTION 10.5-2 RULES AND REGULATIONS FOR PARKS AND RECREATION AREAS TO PROHIBIT COMMERCIAL ACTIVITIES AT CITY OWNED BOAT RAMPS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

WHEREAS, the City currently owns and operates a public boat ramp for residential recreational use; and

WHEREAS, the City Council has recognized a need to adopt provisions to ensure the public boat ramps are for personal recreational use, not for profit or commercial use; and

WHEREAS, the Council has the goal of promoting, protecting and maintaining the City's residential character and small-town atmosphere; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ 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. Adoption. The City Council of the City of South Daytona hereby amends Article VIII of the *City of South Daytona Code of Ordinances*, Section 10.5-2 to read as follows:

Sec. 10.5-2. Rules and regulations for parks and recreation areas.

- (a) *Prohibited acts.* It is unlawful and prohibited for persons in or on the premises of any park and recreation area to perform the acts set forth herein below:

(12) Utilizing city boat ramps for commercial activities including, but not limited to, chartering, picking up or dropping off commercial passengers, launching commercial vessels, performing regular vessel maintenance as part of a business activity, renting vessels or other similar activities.

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, including its recitals, shall become and be made a part of the City of South Daytona 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 Sections 1, 3, 4, 5, 6, and 7 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 May 2022 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 June 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