

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 19-24 AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 2, "ADMINISTRATION," ARTICLE V, "BOARDS AND COMMISSIONS," DIVISION 3, "CODE ENFORCEMENT," SECTION 2-85, "ENFORCEMENT PROCEDURE," PERTAINING TO THE SERVICE OF NOTICE; AND CHAPTER 9, "HEALTH AND SANITATION," ARTICLE II, "LITTER," DIVISION 1, "GENERALLY," SECTION 9-16, "PROHIBITED CONDITIONS ON PRIVATE REAL PROPERTY," PERTAINING TO PENALTIES AND ENFORCEMENT FOR VIOLATIONS OF SECTION 9-16; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR RIGHTS OF VIOLATORS, PAYMENT OF CIVIL FINE, RIGHT TO APPEAR, FAILURE TO PAY CIVIL FINE OR TO APPEAL, AND APPEALS FROM DECISIONS OF THE SPECIAL MAGISTRATE.;

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, the City of Cape Coral hereby publishes the following information:

1. Summary of the proposed ordinance: Ordinance is in the best interest of the public health, safety, and welfare.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:

The proposed change amends the procedures and fines for certain health and sanitation violations. The impact of the proposed change would only be applicable to a for-profit business if they fail to maintain their property. The current fee structure for a first violation is not to exceed \$1,000 per day. The proposed change has an incremental fee structure of \$150 for a first violation.

If there is a repeat violation within the preceding 12 months, the fines would progress higher for each subsequent violation. The current fee structure for a repeat violation is not to exceed \$5,000 per day. Under the proposed amendment, a second violation would be a fine of \$500, third violation a fine of \$1,000, and a fourth violation would have a fine set at \$2000.

The proposed change amends the procedures for service of notice. The amended change would allow city staff to provide notice by certified mail instead of certified mail with return receipt requested. This change would be a cost savings to the city for the service provided by the United States Postal Service and more convenient for the public.

(a) An estimate of direct compliance costs that businesses may reasonably incur; No change from the current fines for health and sanitation violation.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: No change from the current fines for health and sanitation violation.

(c) An estimate of the City of Cape Coral regulatory costs, including estimated revenues from any new charges or fees to cover such costs. No change anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: None. See answer #4.

4. Additional information the governing body deems useful (if any): Over the last two years, the City of Cape Coral Code Compliance Division has had no cases for violations of Ordinance 9-16(A-E) involving any business or commercial property. All violations over that time those violations were confined to residential properties and vacant lots.