

THE CITY OF COCOA

BUSINESS IMPACT ESTIMATE **PURSUANT TO F.S. 166.041(4)**

This form should be included in the agenda packet with the proposed ordinance to be considered. It must be posted on the City's website by the time notice of the proposed ordinance is published pursuant to Section 166.041(3)(a), Florida Statutes.

City Council Meeting Dates: April 23, 2024

Ordinance Number: XX-2024

Posted To Webpage: March 18, 2024

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

[An Ordinance of the City Council of the City of Cocoa, Brevard County, Florida, amending Chapter 20, Article III, Division 2, of the City Code regarding vehicle impoundment; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.]

Parts I-IV below are not required to be completed if the ordinance involves any one of the following types of exemptions. Please check if applicable:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- 4. Ordinances 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 a municipal government;
- 5. Emergency ordinances;
- 6. Ordinances relating to procurement; or
- 7. Ordinances enacted to implement the following:
 - a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046;

- c. Section 553.73, relating to the Florida Building Code; or
- d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I.

Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Cocoa.)

[The proposed revisions to the City Code include:

1. Adding several circumstances when law enforcement can tow and impound vehicles on public streets and property:

a. When any vehicle remains parked on a public street when such parking is prohibited by law or in violation of an official sign or an official traffic control device authorized to be installed or posted on the public street by the traffic engineer.

b. When any vehicle remains parked on public property during times when such parking is prohibited by an official sign or official traffic control device authorized to be installed or posted on the public property by the traffic engineer.

c. When any law enforcement officer reasonably believes that an unoccupied vehicle parked on a public street or public property is subject to five (5) or more unpaid recorded parking citations.

d. When any law enforcement officer determines a vehicle is abandoned as that term is defined by F.S., chapter 705, and located on public property may be impounded by a law enforcement officer in accordance with the procedures established by F.S., chapter 705.

e. When any vehicle parked on a public street or public property does not display a current valid license tag required by law for the particular vehicle.

2. Establishing a definition of vehicle consistent with Florida Statutes related to towing and impounding vehicles and vessels on private property:

a. "Vehicle" means any mobile item which normally uses wheels, whether motorized or not.

b. "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02.

3. Establishing requirements for towing signs on public property based substantially on the statutory requirements for towing vehicles on private property. As such, the sign required by the City Code must be prominently placed at each driveway access or curb cut allowing vehicular access to the property. If there are no curb cuts or access barriers, the signs must be posted not fewer than one sign for each 25 feet of lot frontage. The notice must

clearly indicate the applicable parking restriction, and in not fewer than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not fewer than 4-inch-high letters. The sign must also provide the name and current telephone number of the person or firm towing or removing the vehicle or provide a statement that the vehicle impoundment location can be obtained by contacting the Cocoa Police Department at a current telephone number stated on the sign.

4. Clarifying that the charge for towing or impoundment and removal of any such vehicle from public property and storage charges shall be fixed by contractual arrangements between the City and private business firms for the towing and storage of impounded vehicles. The contracts and fees charged by such firms for the towing and storage of impounded vehicles shall be approved by the city manager.

5. Clarifying the notice requirements by law enforcement.]

Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cocoa: (*fill out subsections a-c as applicable, if not applicable write "not applicable"*)

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

There are no direct compliance costs that businesses may reasonably incur as a result of this Ordinance.

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

There are no new charges or fees on businesses as a result of this Ordinance.

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

There are no revenues that will be assumed as a result of this Ordinance. The only costs incurred as a result of this Ordinance is the expense of signage informing the public of the new Ordinance.

Part III.

Good faith estimate of the number of businesses likely to be impacted by the ordinance:

There are no businesses likely to be impacted by this Ordinance.

Part IV. Additional Information the City Council may find useful (if any):

N/A

This Business Impact Estimate may be revised following its initial posting.