

# Regular Council

## STAFF MEMO



**Meeting:** Regular Council - Sep 10 2026

**Staff Contact:** Jay Hubsch

**Department:** Community Development

### TITLE

ORDINANCE NO. 13-26, FIRST READING, AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION; ARTICLE IV. – CODE ENFORCEMENT; CREATING DIVISION 4. – CHRONIC NUISANCE PROPERTY CODE; ADOPTING A CHRONIC NUISANCE PROGRAM FOR PROPERTIES ENGAGING IN PATTERNS OF NUISANCE ACTIVITIES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### SUMMARY:

#### INTRODUCTION

At its meeting adopting Ordinance No. 05-26 relating to Reasonable Accommodations under the Fair Housing Act and Americans with Disabilities Act, the Village Council discussed the importance of ensuring that the Village maintains effective enforcement tools to address any properties that generate repeated criminal activity, nuisance conditions, or excessive public safety responses.

The proposed Chronic Nuisance Property Code has been prepared in response to those discussions.

The ordinance is not directed toward recovery residences or any particular land use. Instead, it establishes a uniform enforcement process applicable to all properties within the Village that repeatedly generate specified nuisance activities or excessive demands upon Village police or fire rescue services.

The proposed ordinance does not create any new criminal offenses or regulate lawful uses of property. Instead, it establishes a structured administrative process for addressing documented patterns of recurring nuisance activity while providing property owners with notice, an opportunity to voluntarily correct the problem, and due process before enforcement measures are imposed.

The purpose of the ordinance is to improve neighborhood safety, preserve property values, reduce excessive public service demands, and encourage property owners to proactively address recurring nuisance conditions before formal enforcement action becomes necessary.

#### STAFF ANALYSIS

The proposed ordinance establishes standards for identifying chronic nuisance properties based upon repeated nuisance activities occurring within specified time periods. A property may be declared a chronic nuisance property only after documented patterns of nuisance activity occur, including repeated criminal offenses, specified code-related nuisance activities, or repeated overdose-related emergency responses as defined within the ordinance.

The ordinance specifically excludes incidents where:

- The property owner or occupant is the victim of a crime;
- The Village determines that no violation occurred; and
- Domestic violence calls for service.

These exclusions are intended to ensure that properties are not penalized for circumstances beyond the owner's control or for requesting emergency assistance.

Once the Village Manager determines that a qualifying pattern of nuisance activity has been established, the Village will provide written notice to the property owner identifying the nuisance activities and proposing a Nuisance Abatement Agreement. Rather than immediately imposing penalties, the ordinance emphasizes voluntary compliance by providing property owners an opportunity to work cooperatively with the Village to develop and implement a corrective action plan.

Potential corrective measures may include:

- Crime Prevention Through Environmental Design (CPTED) improvements;
- Enhanced property management;
- Increased site monitoring and inspections;
- Installation of security cameras or lighting;
- Posting of no-trespassing signage;
- Hiring private security where appropriate;
- Improved tenant management practices; and
- Other reasonable measures designed to eliminate recurring nuisance activity.

If a property owner declines to enter into an abatement agreement or subsequently fails to comply with its terms, the matter may be brought before the Village's Code Enforcement Special Magistrate. The Special Magistrate is authorized to determine whether the Village has established the existence of a chronic nuisance property and may require implementation of corrective measures and authorize recovery of Village costs associated with chronic nuisance services.

The ordinance provides multiple levels of due process, including written notice, an opportunity to voluntarily resolve the matter through a Nuisance Abatement Agreement, a hearing before the Village's Code Enforcement Special Magistrate, and the ability to appeal the Special Magistrate's decision to the Circuit Court.

## **RELATIONSHIP TO THE REASONABLE ACCOMMODATION ORDINANCE**

The proposed ordinance complements the recently adopted Reasonable Accommodation Ordinance by providing the Village with a neutral enforcement mechanism that addresses property-related impacts rather than regulating any specific type of housing or protected class of individuals.

The ordinance applies equally to all properties within the Village, including owner-occupied homes, rental properties, vacation rentals, multifamily developments, commercial properties, hotels, and any other property where qualifying nuisance activities repeatedly occur.

By focusing exclusively on documented nuisance behavior and objective enforcement thresholds, the ordinance provides the Village with an additional tool to address legitimate public safety concerns while remaining consistent with federal and state fair housing requirements.

## **PLANNING AND ZONING BOARD RECOMMENDATION**

At its August 20, 2026, meeting, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 13-26 to the Village Council by a vote of 5-0.

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#### **ADDITIONAL REQUIREMENTS:**

**BUDGET AMOUNT NA**

**AMOUNT AVAILABLE NA**

**EXPENDITURE AMOUNT: NA**

**FUNDING SOURCES: NA**

**IS THIS A PIGGYBACK:**

☐ Yes ☐ N/A

**DID YOU OBTAIN 3 QUOTES?**

☐ Yes ☐ N/A

**COMMENTS/EXPLANATION ON SELECTION NA**

**ORDINANCE: IF THIS IS AN ORDINANCE, DOES IT REQUIRE A BUSINESS IMPACT ESTIMATE PER FS 166.041(4a)? IF SO, PLEASE INCLUDE IT AS BACKUP.**

☐ Yes ☐ No

#### **ATTACHMENTS:**

[Ordinance 13-26](#)

[Business Impact Statement Ordinance 13-26](#)

## **ORDINANCE NO. 13-26**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION; ARTICLE IV. – CODE ENFORCEMENT; CREATING DIVISION 4. – CHRONIC NUISANCE PROPERTY CODE; ADOPTING A CHRONIC NUISANCE PROGRAM FOR PROPERTIES ENGAGING IN PATTERNS OF NUISANCE ACTIVITIES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village Council finds that certain properties generate repeated calls for service to the police and fire rescue departments due to ongoing nuisance activities and conditions, creating a significant adverse impact on the quality of life, safety, and welfare of surrounding residents and neighborhoods; and

**WHEREAS**, such properties negatively affect the value of adjacent properties, impose a substantial financial and operational burden on the Village through excessive use of public safety resources; and

**WHEREAS**, the Village Council determines that it is necessary and in the public interest to identify such properties and establish clear procedures to ameliorate the nuisance conditions through chronic nuisance agreements and abatement services; and

**WHEREAS**, the Village Council of the Village of Tequesta, Florida finds that adoption of this ordinance will promote public health, safety, and welfare by establishing a process for notice, corrective action and enforcement against chronic nuisance properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:**

**Section 1:** Chapter 2 – Administration of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IV. – Code Enforcement; To create a new Division 4. – Chronic Nuisance Property Code which shall hereafter read as follows:

**DIVISION 4. – CHRONIC NUISANCE PROPERTY CODE**

## **Sec. 2-210. Purpose and intent.**

- (a) *Purpose.* The purpose of this article is to identify properties that have a significant adverse impact on the quality of life and safety of the surrounding area, negatively affect the value of adjacent properties, and are a financial and operational burden to the Village by generating repeated calls for service.
- (b) *Intent.* The intent of this article is to:
  - (1) Identify chronic nuisance activities and chronic nuisance conditions;
  - (2) Hold accountable those persons responsible for such nuisance activities and/or conditions on the property;
  - (3) Penalize those who commit crimes or those who permit conditions to exist that give rise to crime or excessive calls for service to the police and fire rescue departments;
  - (4) Establish rules, procedures and penalties to address property owners that have chronic nuisance issues and fail to take corrective measures;
  - (5) Work in partnership with the owners to address the negative results caused by chronic nuisance activities and/or conditions, and to improve the vitality of neighborhoods by addressing excessive calls for service to the police and fire rescue departments; and
  - (6) Establish the cost of Village response and enforcement services to the property owners identified as owning chronic nuisance properties.

## **Sec. 2-211. Definitions.**

When used in this article, the following terms shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

*Action plan* or *corrective action plan* means a plan prepared by the Village, incorporated into a nuisance abatement agreement and agreed to by the owner, to address and eliminate nuisance activity on the owner's property by the implementation of proactive steps by the property owner.

*Chronic nuisance property* means a property on which one (1) or more continuing nuisance activities occurs or reoccurs in accordance with the terms of this article.

*Chronic nuisance services* mean remedial actions taken by the Village to eliminate or mitigate a nuisance condition that threatens the public health, safety or welfare.

*Nuisance activity* means any activity relating to the following violations, whenever engaged in by the property owner, operator, agent, tenant, or invitee of the property owner, operator, agent or tenant (all references to Florida Statutes are to Florida Statutes 2026 or as amended thereafter):

- (1) Chapter 6—Alcoholic beverages.
- (2) Chapter 30, Article X—Noise control.

- (3) Chapter 54, article II—Sexual offenders and sexual predators.
- (4) F.S. § 767.12—Dangerous dogs.
- (5) F.S. § 784.03—Battery; felony battery.
- (6) F.S. § 784.041—Felony battery.
- (7) F.S. § 784.045—Aggravated battery.
- (8) F.S. § 790.10—Improper exhibition of dangerous weapons or firearms.
- (9) F.S. § 790.15(1)—Discharging firearm in public.
- (10) F.S. § 796.06—Renting space to be used for prostitution.
- (11) F.S. § 796.07—Prostitution.
- (12) F.S. § 800.03—Exposure of sexual organs.
- (13) F.S. § 806.1—Criminal mischief.
- (14) F.S. § 810.08—Trespass in structure or conveyance.
- (15) F.S. § 810.09—Trespass on other than structure or conveyance.
- (16) F.S. § 812.014—Theft.
- (17) F.S. § 812.019—Dealing in stolen property.
- (18) F.S. § 812.173—Convenience business security.
- (19) F.S. § 823.—Nuisance.
- (20) F.S. § 828.12—Cruelty to animals.
- (21) F.S. § 843.01—Resisting officer with violence.
- (22) F.S. § 843.02—Resisting officer without violence.
- (23) F.S. § 856.011—Disorderly intoxication.
- (24) F.S. § 856.015—Open house parties.
- (25) F.S. § 856.021—Loitering or prowling.
- (26) F.S. § 856.022—Loitering or prowling in close proximity to children.
- (27) F.S. ch. 874—Criminal gang enforcement and prevention.
- (28) F.S. § 877.03—Breach of the peace; disorderly conduct.
- (29) F.S. ch. 893—Any offense under the Florida Comprehensive Drug Abuse Prevention and Control Act, including, but not limited to, public nuisances as defined by § 893.138.
- (30) Any other offense under state or federal law that is punishable by a term of imprisonment exceeding one (1) year.
- (31) A call for service to property for police or fire rescue personnel to assist an individual who displays the symptoms of an overdose of a controlled substance.

*Nuisance abatement agreement* means an agreement entered into between the Village and the property owner that contains an action plan to be implemented by the property owner to address and abate the nuisance activity.

*Nuisance condition* means any temporary or permanent condition on the property which arises from nuisance activity.

*Operator* means any agent, employee, property manager, tenant, sub-tenant, contractor, subcontractor, licensee, invitee, or other individual or entity that is authorized by the property owner to supervise, manage or otherwise control any activities which may occur on the property.

*Pattern of nuisance activity.* Real property shall be deemed to exhibit a pattern of nuisance activity if:

- (1) The Village's police department has responded to three (3) or more nuisance activities at the property within thirty (30) days;
- (2) The Village's police department has responded to seven (7) or more nuisance activities at the property within six (6) months; or
- (3) The Village's police department or fire rescue department has responded to three (3) or more calls for service within thirty (30) days or seven (7) or more calls for service within six (6) months to assist an individual who displays the symptoms of an overdose of a controlled substance.

#### **Sec. 2-212. Construction and application.**

A pattern of nuisance activity shall not be construed to include:

- (1) A nuisance activity that does not arise from the conduct of the property owner, operator, agent, tenant, or invitee of the property owner, operator, agent or tenant or where the property owner, operator, agent or tenant is the victim of a crime;
- (2) A complaint or call for service to which the Village responded and the Village determined that no violation was committed; or
- (3) A domestic violence call.

#### **Sec. 2-213. Separate occurrences.**

For purposes of this article, every instance that the police department or fire rescue department responds to a nuisance activity at the property shall be a separate occurrence.

#### **Sec. 2-214. Declaration of chronic nuisance; action plan.**

- (a) *Declaration of chronic nuisance property.* If a pattern of nuisance activity exists upon real property, the Village Manager shall declare the property to be a chronic nuisance property. The Village shall send its declaration of chronic nuisance to the property owner by hand delivery or certified mail, return receipt requested, and first-class mail to the address listed on the ad valorem tax roll or the property appraiser's database. The declaration of chronic nuisance property constitutes a notice of violation which, if unaddressed in an executed nuisance abatement agreement, may be prosecuted by the Village before the Village's

special magistrate. Mailing to the property owner at the address listed on the ad valorem tax roll or the property appraiser's database shall be prima facie proof of delivery. Notice shall also be posted at the property where the nuisance activities occurred.

- (b) *Contents of declaration of chronic nuisance property.* The declaration of chronic nuisance property shall contain at least the following information:
- (1) The address and parcel control number of the property;
  - (2) The dates that the nuisance activities occurred at the property;
  - (3) A description of the nuisance activities;
  - (4) A proposed nuisance abatement agreement which outlines the corrective action to be taken by the property owner to remedy the nuisance activity;
  - (5) A statement that the property owner's failure to enter into a nuisance abatement agreement within fifteen (15) days of the declaration of chronic nuisance will result in a violation of this article and further prosecution and enforcement action by the Village before the Village's Special Magistrate or by other legal actions available to the Village;
  - (6) A statement that the costs of any chronic nuisance services provided by the Village to a property that has been declared to be a chronic nuisance property may be levied against the property.
- (c) *Nuisance abatement agreement.* A nuisance abatement agreement shall set forth a corrective action plan with specific measures that the property owner must take to curtail or eliminate the reoccurrence of nuisance activities at the property. The nuisance abatement agreement shall contain a timetable for corrective action. The corrective action plan may include abatement measures which must be taken by the property owner including, but not limited to:
- (1) Commencement of an eviction action to remove those individuals engaged in the nuisance activity from the property;
  - (2) Implementation of crime prevention through environmental design (CPTED) measures;
  - (3) Frequency of site visits and inspections at various times of both day and night;
  - (4) Hiring of property management;
  - (5) Hiring of private security;
  - (6) Installation of security cameras with recording capabilities;
  - (7) Use of a written lease agreement for rental properties or a written register confirmed with official identification for public lodging establishments;
  - (8) Criminal background checks for prospective tenants and lease renewals;
  - (9) Posting of "no trespassing" signs at the property and execution of a "no trespass affidavit" authorizing the police department to act as an agent of the property owner to enforce trespass statutes on the property;

- (10) Regular requests to the police department for offense and incident reports relating the property;
  - (11) Written documentation of all efforts to curtail or eliminate the re-occurrence of nuisance activities on the property;
  - (12) Any other action that the Village determines is reasonably sufficient to curtail or eliminate the reoccurrence of nuisance activities on the property.
- (d) *Modification of nuisance abatement agreement.* The Village may agree to modify the proposed or finalized nuisance abatement agreement when the property owner demonstrates that modification will improve the nuisance abatement action.
  - (e) *Recording of memorandum of agreement.* When a nuisance abatement agreement is entered into, a memorandum of agreement specifying the property address shall be recorded by the Village in the public records of Palm Beach County, Florida.
  - (f) *Monitoring and compliance.* The Village will periodically monitor the property to assure compliance for a period of one (1) year following execution of the agreement. If the property owner complies with the agreement, as determined by the Village, the declaration of chronic nuisance will be rescinded, the Village will issue and record a notice of compliance related to the memorandum of agreement that was previously recorded, and no further action by the property owner shall be required. The Village may require the property owner to enter into a new agreement if a nuisance activity reoccurs.
  - (g) *Inadequacy of action plan.* If the Village determines during the monitoring period that the action plan is not adequate to curtail or eliminate the recurrence of nuisance activities on the property, the Village may require the property owner to revise the action plan. The determination as to whether or not the monitoring period is adequate is in the sole and exclusive discretion of the Village, based on the totality of circumstances for the specific property.

#### **Sec. 2-215. Refusal to sign or violation of agreement.**

When a property owner refuses to timely enter into a nuisance abatement agreement or subsequently violates the terms of an agreement, the Village may prosecute its declaration of chronic nuisance at a hearing before the Village's Special Magistrate. The Village shall issue the notice of hearing within fifteen (15) days from the deadline for entry into a nuisance abatement agreement or the violation of a provision of the agreement or action plan. The Village shall notify the property owner with a copy of the notice of hearing by hand delivery or by certified mail, return receipt requested and first-class mail.

#### **Sec. 2-216. Hearing before the special magistrate; entry of chronic nuisance order.**

- (a) *Scope of hearing.* The hearing before the Special Magistrate shall be limited to the review of the record or evidence upon which the Village based the declaration of chronic nuisance or the failure by the property owner to implement the agreement or action plan and any rebuttal offered by the property owner. All testimony shall be under oath and the Village

and the property owner shall be afforded the opportunity to call or cross-examine any witness.

- (b) *Decision of special magistrate.* After hearing the testimony and evidence, the Special Magistrate shall either uphold or reject the Village's declaration of chronic nuisance or notice of violation regarding the corrective action plan, as appropriate. The decision of the Special Magistrate shall be in writing and shall be deemed final.
- (c) *Entry of chronic nuisance order.* If the Special Magistrate upholds the notice of violation, the special magistrate shall enter a chronic nuisance order which shall:
  - (1) Enter findings of fact establishing a pattern of nuisance activity and violation of this article;
  - (2) Authorize the Village to provide chronic nuisance services to the property;
  - (3) Authorize the Village to bill the costs of any chronic nuisance services to the owner of the chronic nuisance property;
  - (4) Authorize the Village to require the owner of the chronic nuisance property to implement reasonable and specific measures that the property owner must take to curtail or eliminate the reoccurrence of nuisance activities on the property;
  - (5) Provide for the mailing of a copy of the chronic nuisance order by first class mail to any mortgagee of record. Failure to provide a copy of the chronic nuisance service order to a mortgagee of record shall not operate to release or discharge any obligation under this article or otherwise affect the validity of a chronic nuisance service order;
  - (6) Provide for the recording of a certified copy of the chronic nuisance order in the public records.
- (d) *Rejection of declaration of chronic nuisance.* If the special magistrate rejects the Village's declaration of chronic nuisance or notice of violation, the Special Magistrate shall identify the factual, procedural or legal error upon which the decision is based. An order rejecting the Village's declaration of chronic nuisance shall not bar the Village from recommencing the chronic nuisance process.
- (e) *Appeal of Special Magistrate's order.* The property owner or the Village may appeal a final order of the special magistrate to the Palm Beach County Circuit Court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.
- (f) *Finality and duration of chronic nuisance order.* An order is final on the date the order is signed by the special magistrate and filed with the Village clerk. The chronic nuisance order entered in accordance with this section shall be terminated by subsequent order of the special magistrate when the property owner requests reconsideration of the original order and the special magistrate finds that the nuisance activities have been abated at the property for a period of one (1) year from the date of the order. It is the responsibility of the property owner to contact the Village to document the abatement. If the Village determines that the

nuisance has been abated, the one-year time period specified herein shall commence as of the date of the Village's abatement determination.

**Sec. 2-217. Establishment of costs; billing of costs; assessment of lien.**

- (a) *Chronic nuisance service costs.* All chronic nuisance service costs shall be established based upon the actual costs incurred by the Village.
- (b) *Billing of chronic nuisance service costs.* The Village shall bill all chronic nuisance service costs to the owner of the chronic nuisance property by first class mail to the address listed on the ad valorem tax roll or the property appraiser's database. The bill shall contain at least the following information:
  - (1) The address and parcel control number of the chronic nuisance property;
  - (2) The date of each chronic nuisance service;
  - (3) A description of each chronic nuisance service;
  - (4) The amount of the bill for each chronic nuisance service;
  - (5) A statement that the total amount of the bill shall be paid to the Village within thirty (30) days from the date of the bill and that any chronic nuisance service cost which has not been paid within thirty (30) days from the date of the bill shall be delinquent; and
  - (6) A statement that should the costs fail to be paid within 30 days a hearing will be set before the Village's Code Enforcement Special magistrate to impose the abatement fees for the chronic nuisance services as a lien against the property. The notice shall contain the date, time, and location of the fine assessment hearing and shall be noticed in accordance with the notice procedures of chapter 162 Florida Statutes.
- (c) *Assessment of lien.* The total amount of the bill shall be paid to the Village within thirty (30) days from the date of the bill. Unless payment is made within thirty (30) days from the date of the bill, the Village may, at a hearing called before the Village's Code Enforcement Special Magistrate, seek to assess against the property a lien in the amount of the charges outstanding, or such lesser amount as the magistrate shall decide is just and fair. Assessment of liens levied in this manner shall be filed in the office of the Village clerk and in the public records of the county as a lien against the property. Such assessments may be foreclosed in the same manner in which mortgage liens are foreclosed. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action shall be included in any judgment or decree rendered.

**Sec. 2-218. Method of notice; construction.**

- (a) *Notice.* Unless otherwise provided, notice required by this article shall be by hand delivery or certified mail, return receipt requested, and by first-class mail to the address listed on the ad valorem tax roll or property appraiser's database.

- (b) *Construction of notice.* A property owner shall be deemed to have notice of a nuisance activity if that property owner:
  - (1) Has actual knowledge of the nuisance activity;
  - (2) Has received notice of the nuisance activity;
  - (3) Has reason to know or should know about the nuisance activity;
  - (4) Knows about a fact related to the nuisance activity; or
  - (5) Is able to ascertain the existence of a nuisance by checking an official filing or recording.
- (c) *Lack of knowledge or participation.* The lack of knowledge of, acquiescence, or participation in, or responsibility for a nuisance activity on the part of the property owner shall not be a defense to any enforcement of this article.

**Sec. 2-219. Change in title to chronic nuisance property.**

- (a) *Purchase of judicial sale upon final judgment of foreclosure.* Every purchaser of a chronic nuisance property at judicial sale upon final judgment of foreclosure shall provide the Village with an action plan and implement an action plan no later than forty-five (45) days from the date of the sale.
- (b) *Receivership.* Every trustee of a chronic nuisance property appointed after the entry of a chronic nuisance service order shall provide the Village with an action plan and implement the action plan no later than forty-five (45) days from the date of appointment of receiver in any state or federal action at law.
- (c) *Probate.* Every personal representative of an owner of a chronic nuisance property shall provide the Village with an action plan and implement an action plan no later than forty-five (45) days from the date of appointment. If the owner of the chronic nuisance property died intestate, beneficiaries of the estate shall be required to provide the Village with an action plan and implement an action plan.
- (d) *Other changes in title to chronic nuisance property.* An arms-length purchaser of a chronic nuisance property that has purchased the property after entry of a chronic nuisance service order for the property shall have forty-five (45) days from the date of closing or recording of the order, whichever occurs last, to provide the Village with an action plan and implement the action plan.

**Sec. 2-220. Construction of article.**

- (a) *Imposition of administrative fines.* This article shall not be construed to limit the Village from imposing administrative fines in accordance with chapter 2, article IV, of this Code.
- (b) *Nuisance abatement.* This article shall not be construed to conflict with environmental control: nuisances process in accordance with Chapter 30, of this Code.
- (c) *Exemptions.* This article shall not be construed to apply to property owned by the Village or any other governmental entity.

## **BUSINESS IMPACT ESTIMATE**

As required by Sec. 166.041(4), *Florida Statutes* (2024), this “Business Impact Estimate” is provided for Ordinance No. 13-26:

### **ORDINANCE NO. 13-26**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION; ARTICLE IV. – CODE ENFORCEMENT; CREATING DIVISION 4. – CHRONIC NUISANCE PROPERTY CODE; ADOPTING A CHRONIC NUISANCE PROGRAM FOR PROPERTIES ENGAGING IN PATTERNS OF NUISANCE ACTIVITIES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

#### **Part I. Summary of the proposed ordinance and statement of public purpose:**

Ordinance 13-26 creates a Chronic Nuisance Property Code for the Village of Tequesta. The ordinance establishes a process for identifying and addressing properties that exhibit documented patterns of recurring nuisance activity or generate repeated qualifying calls for police or fire rescue services. A pattern of nuisance activity is established when the response thresholds specified in the ordinance are met.

The ordinance establishes procedures for notice to affected property owners, development of a nuisance abatement agreement and corrective action plan, monitoring for compliance, and, when voluntary compliance is not achieved, enforcement before the Village's Code Enforcement Special Magistrate. Corrective measures are intended to curtail or eliminate recurring nuisance activity and may include property management, security, surveillance, CPTED measures, tenant-management practices, and other reasonable measures appropriate to the property.

The public purpose of the ordinance is to protect public health, safety and welfare; improve neighborhood quality of life; protect surrounding property values; reduce excessive demands on Village police and fire rescue resources; and encourage property owners to proactively address recurring nuisance conditions.

#### **Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Village of Tequesta:**

The ordinance is not expected to impose a direct economic impact on private, for-profit businesses generally. Economic impacts would be limited to businesses that own or operate property that meets the ordinance's criteria for designation as a chronic nuisance property and that are required to undertake corrective measures or reimburse the Village for chronic nuisance services.

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

No routine or generally applicable compliance cost is imposed upon businesses by the ordinance. A business associated with a property declared to be a chronic nuisance property may incur costs associated with implementing a nuisance abatement agreement or corrective action plan.

Depending upon the circumstances of the individual property, such costs could include enhanced property management, private security, security cameras, CPTED improvements, site monitoring, signage, tenant screening or management measures, and other reasonable actions necessary to curtail recurring nuisance activity.

Because corrective measures are property-specific and would depend upon the nature and extent of the nuisance activity, the amount of such costs cannot reasonably be estimated in advance.

**b. Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

The ordinance does not establish a new generally applicable business fee or charge.

However, an owner of a property determined to be a chronic nuisance property may be financially responsible for the actual costs incurred by the Village in providing chronic nuisance services. The ordinance authorizes the Village to bill such costs to the property owner, and unpaid costs may ultimately be assessed as a lien against the property following the procedures established in the ordinance.

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

The Village may incur administrative and enforcement costs associated with reviewing qualifying calls for service, providing notices, preparing and monitoring nuisance abatement agreements and corrective action plans, conducting Special Magistrate proceedings, recording documents, and providing chronic nuisance services.

The amount of these regulatory costs cannot reasonably be estimated because they will depend upon the number and complexity of properties qualifying for enforcement under the ordinance.

The ordinance does not establish a new generally applicable fee or revenue source. To the extent the Village provides chronic nuisance services to a property, the ordinance provides for recovery of the actual costs incurred by the Village from the property owner. Accordingly, any revenues generated would be dependent upon actual enforcement activity and cannot reasonably be estimated at this time.

**Part III. Good faith estimate of the number of businesses likely to be impacted by the ordinance:**

The Village cannot reasonably identify a specific number of private, for-profit businesses that will be economically impacted by the ordinance because applicability is based upon future nuisance activity occurring at individual properties rather than the type of business or land use.

The ordinance applies only when a property meets specified thresholds for a pattern of nuisance activity, including three or more qualifying nuisance activities within 30 days or seven or more within six months, as well as corresponding thresholds for qualifying overdose-related calls for service.

Accordingly, the Village anticipates that only a limited number of businesses, if any, will experience a direct economic impact from the ordinance. Businesses that do not own or operate properties meeting the chronic nuisance criteria will incur no direct compliance costs under the ordinance.

**Part IV. Additional Information (if any):** None.