

1 Introduced by Council Member Ferraro and Co-Sponsored by Council
2 Members Diamond, Bowman, White, Pittman, Freeman, Becton, Cumber,
3 Gaffney, Wilson, Salem and Morgan:

4
5
6 **ORDINANCE 2020-589**

7 AN ORDINANCE AMENDING CHAPTER 34
8 (NEIGHBORHOODS DEPARTMENT), PART 3 (MUNICIPAL
9 CODE COMPLIANCE DIVISION), SECTION 34.301
10 (ESTABLISHMENT; FUNCTIONS); AMENDING CHAPTER
11 34 (NEIGHBORHOODS DEPARTMENT), PART 4
12 (ENVIRONMENTAL QUALITY DIVISION), SECTION
13 34.401 (ESTABLISHMENT; FUNCTIONS) AND CREATING
14 A NEW SECTION 34.403 (ENFORCEMENT OFFICERS);
15 AMENDING CHAPTER 360 (ENVIRONMENTAL
16 REGULATION), PART 1. (PUBLIC POLICY; GENERAL
17 PROVISIONS), SECTION 360.107 (ADMINISTRATION);
18 AMENDING TITLE X (ENVIRONMENTAL AFFAIRS) TO
19 CREATE A NEW CHAPTER 388 (BOATS AND
20 WATERWAYS), ORDINANCE CODE; PROVIDING FOR
21 CODIFICATION INSTRUCTIONS; PROVIDING AN
22 EFFECTIVE DATE.

23
24 **WHEREAS,** the Jacksonville Waterways Commission created a
25 committee entitled the "Derelict Vessels and Floating Structures
26 Committee" in order to focus on the many citizen complaints heard
27 by the Commission, Council Members and the Mayor's Office involving
28 sunken boats, partially sunken boats, and boats or other structures
29 deteriorating while at anchor or adrift in the waters of the Duval
30 County; and

31 **WHEREAS,** the Derelict Vessel and Floating Structures Committee

1 (the "DV/FS Committee") met over the period of a year to gather
2 citizen and City staff input, and research ways to combat the
3 problem; and

4 **WHEREAS**, the DV/FS Committee also met with representatives
5 from the Florida Fish and Wildlife Conservation Commission ("FWC")
6 and the Jacksonville Sherriff's Office ("JSO") to determine the
7 best way to regulate and enforce new or existing regulations; and

8 **WHEREAS**, the State, through FWC, has a program to reimburse
9 local governments for the removal of derelict vessels, however, the
10 legislature has not provided funding for the removal of "floating
11 structures" as defined by FWC; and

12 **WHEREAS**, instead, the legislature has specifically authorized
13 local governments, pursuant to Sec. 327.60, F.S. (2019) (Local
14 regulations; limitations), to regulate floating structures, live-
15 aboard vessels, and commercial vessels (excluding commercial
16 fishing vessels) within their jurisdictions; and

17 **WHEREAS**, in 2018 and 2019 in the Ortega River, a former vessel
18 which was determined to have become a "floating structure" by FWC,
19 was occupied and was the subject of several marine sanitation
20 device citations; and

21 **WHEREAS**, the floating structure capsized in July of 2019 and
22 quickly began to deteriorate placing rubbish and litter in the
23 waterway that struck docks, boats, and created a dangerous
24 situation for mariners; and

25 **WHEREAS**, the DV/FS Committee proposed this draft Ordinance to
26 the full Waterways Commission on September 9, 2020 as a structural
27 beginning to combat the dangerous and unsanitary condition
28 presented by floating structures and derelict vessels; and

29 **WHEREAS**, the Waterways Commission voted unanimously on
30 September 9, 2020 to approve the draft Ordinance for consideration
31 by the City Council; now therefore

1 **BE IT ORDAINED** by the Council of the City of Jacksonville:

2 **Section 1. Amending TITLE III (Executive Branch), Chapter**
3 **34 (Neighborhoods Department), Part 3 (Municipal Code Compliance**
4 **Division), Section 34.301 (Establishment; functions), Ordinance**
5 **Code.** CHAPTER 34 (NEIGHBORHOODS DEPARTMENT), Part 3 (Municipal
6 Code Compliance Division), Section 34.301 (Establishment;
7 functions), *Ordinance Code*, is hereby amended to read as follows:

8 **CHAPTER 34 NEIGHBORHOODS DEPARTMENT**

9 *** * ***

10 **PART 3. MUNICIPAL CODE COMPLIANCE DIVISION**

11 **Sec.34.301. - Establishment; functions.**

12 There is hereby created a Municipal Code Compliance Division
13 within the Neighborhoods Department. The Municipal Code Compliance
14 Division shall be responsible for administration and enforcement of
15 the City's laws concerning proper zoning, the safety and
16 cleanliness of private property, housing safety, nuisance
17 abatement, floating structures, derelict vessels, vessels at risk
18 of becoming derelict, weed control, animal control and similar
19 subject matters. The administration and enforcement of floating
20 structures, derelict vessels, and vessels at risk of becoming
21 derelict may be shared with the Environmental Quality Division, and
22 shall utilize a law enforcement officer as defined in Sec.
23 705.101(4), F.S. when boarding a vessel or occupied floating
24 structure.

25 *** * ***

26 **Section 2. Amending TITLE III (Executive Branch), Chapter 34**
27 **(Neighborhoods Department), Part 4 (Environmental Quality**
28 **Division), Section 34.401 (Establishment; functions), Ordinance**
29 **Code,** is hereby amended to read as follows:

30 **CHAPTER 34 (NEIGHBORHOODS DEPARTMENT)**

31 *** * ***

1 **PART 4. ENVIRONMENTAL QUALITY DIVISION**

2 **Sec. 34.401. - Establishment; functions.**

3 There is created an Environmental Quality Division within the
4 Neighborhoods Department. The Environmental Quality Division shall
5 be responsible for the administration, operation and enforcement of
6 the air and water resources management activities of the City,
7 including the City's laws concerning floating structures, derelict
8 vessels, vessels at risk of becoming derelict, and other hazards to
9 the public health within the Waters of Duval County. The
10 administration and enforcement of floating structures, derelict
11 vessels, and vessels at risk of becoming derelict may be shared
12 with the Municipal Code Compliance Division, and shall utilize a
13 law enforcement officer as defined in Sec. 705.101(4), F.S. when
14 boarding a vessel or occupied floating structure.

15 * * *

16 **Section 3. Amending TITLE III (Executive Branch), Chapter 34**
17 **(Neighborhoods Department), Part 4 (Environmental Quality**
18 **Division), Ordinance Code, to create a new Section 34.403,**
19 **Ordinance Code.** Chapter 34 (Neighborhoods Department), Part 4
20 (Environmental Quality Division), *Ordinance Code*, is hereby amended
21 to create a new section to read as follows:

22 **CHAPTER 34**

23 * * *

24 **PART 4. ENVIRONMENTAL QUALITY DIVISION**

25 * * *

26 **Section 34.403. - Enforcement Officers.**

27 For purposes of enforcing Chapter 388 (Boats and Waterways),
28 Ordinance Code, Environmental Quality Division employees authorized
29 to administer and enforce Chapter 388 are authorized as Code
30 Enforcement Officers, as defined in Chapter 609, **Ordinance Code**,
31 and share the enforcement duties with the Municipal Code Compliance

1 Division officers to carry out the enforcement of Chapter 388 on
2 the Waters of the County, but shall utilize a law enforcement
3 officer as defined in Sec. 705.101(4), F.S. when boarding a vessel
4 or occupied floating structure. As such, the Environmental Quality
5 Division Code Enforcement Officers shall utilize the powers
6 conferred to Municipal Code Compliance Division personnel, as well
7 as the powers conferred by this Chapter.

8 **Section 4. Amending TITLE X (Environmental Affairs), Chapter**
9 **360 (Environmental Regulation), Part 1. (Public Policy; General**
10 **Provisions), Section 360.107 (Administration), Ordinance Code.**
11 Chapter 360 (Environmental Regulation), Part 1. (Public Policy;
12 General Provisions), Section 360.107 (Administration), *Ordinance*
13 *Code*, is hereby amended to read as follows:

14 **CHAPTER 360 ENVIRONMENTAL REGULATION**

15 **PART 1. PUBLIC POLICY**

16 * * *

17 **Sec. 360.107. - Administration.**

18 The Director shall be responsible for the administration of this
19 Chapter and of Chapters 362, 368, ~~and 376,~~ and 388, and for the
20 rules promulgated by the Board pursuant to ~~these~~ Chapters 362, 368
21 and 376, and shall make regular reports to the Board regarding
22 Chapters 362, 368 and 376. The Director shall also make annual
23 reports to the Waterways Commission, beginning with the Waterways
24 Commission meeting held in June 2021, regarding the enforcement of
25 floating structures, derelict vessels, and vessels at risk of
26 becoming derelict.

27 * * *

28 **Section 5. Amending TITLE X (Environmental Affairs), Ordinance**
29 **Code, to create a new Chapter 388 (Boats and Waterways).** Title X
30 (Environmental Affairs), *Ordinance Code*, is hereby amended to
31 create a new chapter 388, to read as follows:

1 **TITLE X ENVIRONMENTAL AFFAIRS**

2 * * *

3 **Chapter 388 - BOATS and WATERWAYS**

4 **PART 1. - WATERCRAFT REGULATIONS**

5 **Sec. 388.101. - Findings and legislative intent.**

6 (a) Pursuant to Sec. 327.60(3), F.S. (2019), the Florida
7 Legislature has expressly authorized local governments to
8 enact regulations that prohibit or restrict the mooring or
9 anchoring of Floating Structures, live-aboard vessels, and
10 commercial vessels, excluding commercial fishing vessels,
11 within the local government's jurisdiction.

12 (b) Pursuant to Sec. 327.02(14), F.S., the Florida Legislature has
13 defined "Floating Structures" and has expressly excluded
14 "Floating Structures" from the definition of the term
15 "vessel."

16 (c) A "Floating Structure" is defined in Section 388.102, below.

17 (d) Pursuant to Chapter 253 of the Florida Statutes, the Board of
18 Trustees of the Internal Improvement Trust Fund is vested and
19 charged with, among other things, the administration,
20 management, control, supervision, conservation and protection
21 of all lands owned by the state by right of its sovereignty,
22 including sovereign submerged lands.

23 (e) Enabled by Ch. 253, F.S., the Florida Department of
24 Environmental Protection ("FDEP") has promulgated Rule 18-
25 21.004, Florida Administrative Code (2019), which outlines the
26 general proprietary powers of the FDEP and instructs that the
27 activities on sovereignty lands be, with very few exceptions
28 as outlined in the statute, limited to water dependent
29 activities, and that residential structures be prohibited on
30 sovereignty lands.

1 (f) The Floating Structures that have been observed in Duval
2 County pose a significant threat to the environment, human
3 health, and navigational safety as an obstruction to
4 navigation through deterioration, physical damage to the
5 surrounding ecosystems, through the proliferation of marine
6 debris, or the threat of discharge of sewage, oil and/or
7 hazardous substances into the marine environment, including
8 materials left on the Floating Structure if abandoned, and the
9 potential use of the structure as an illegal dumping site for
10 oil and other hazardous substances.

11 (g) The potential damage that a Floating Structure could cause to
12 persons or property is significant because they are not
13 regulated as vessels and thus are not required to meet even
14 basic structural capability or to provide basic safety
15 equipment for either their inhabitants or other mariners, such
16 as lighting equipment that would warn other mariners using the
17 Waters of the County that an obstacle was present in the
18 marine environment.

19 (h) Additionally, Floating Structures are not required by the
20 State to register with the Florida Department of Highway
21 Safety and Motor Vehicles, so ownership and liability for the
22 damage that they may cause becomes a hindrance to enforcement.

23 (i) It is the legislative intent of the City Council in enacting
24 this Chapter to provide additional or supplemental means of
25 obtaining compliance with the requirements stated herein.
26 Nothing contained in this Chapter shall be deemed to prohibit
27 the City from seeking enforcement by any other means provided
28 by law, including, but not limited to, filing an action for
29 declaratory and injunctive relief in a court of competent
30 jurisdiction.

1 (j) If any penalty of this Chapter is deemed inconsistent with any
2 Florida Statute, the provisions of the Florida Statute shall
3 prevail.

4 **Sec. 388.102. - Definitions.**

5 For the purpose of this Chapter, the following terms, phrases,
6 words, abbreviations and their derivations shall have the meaning
7 given herein. When not inconsistent with the context, words used in
8 the present tense include the future tense, words in the plural
9 number include the singular number and words in the singular number
10 include the plural number. The word "shall" is always mandatory and
11 not merely directory. Words not defined shall be given their
12 meaning as provided in Sec. 1.102 (Definitions and rules of
13 construction), Ordinance Code.

14 *Abandoned property* means, pursuant to Sec. 705.101(3), F.S.,
15 all tangible personal property that does not have an identifiable
16 owner and that has been disposed on public property in a wrecked,
17 inoperative, or partially dismantled condition or has no apparent
18 intrinsic value to the rightful owner. The term includes derelict
19 vessels as defined in Sec. 823.11, F.S. Sec. 705.101(3), F.S. The
20 term is also defined in Sec. 670.101, Ordinance Code, to mean
21 wrecked or derelict personal property, including wrecked,
22 inoperative or partially dismantled motor vehicles; trailers;
23 boats; machinery; refrigerators, washing machines, stoves, hot
24 water heaters and other household appliances; plumbing fixtures;
25 and furniture.

26 *Abandoned vessel* means abandoned property pursuant to Sec.
27 705.101(3), F.S., which includes "derelict vessels" as defined in
28 Sec. 823.11, F.S., as stated below. See also Sec. 670.101(a),
29 *Ordinance Code*.

30 *Anchoring* means the act of securing a vessel or dinghy in
31 navigable Waters of the City by means of an anchor or other device

1 and associated tackle that is carried on board the vessel and cast
2 or dropped overboard.

3 *Barge* means a vessel that does not have living quarters, is
4 not propelled by its own power, and is designed to be pushed or
5 pulled by another vessel. Sec. 327.02(3), F.S.

6 *City* means the City of Jacksonville, Florida.

7 *Code Enforcement Officer* means any designated or authorized
8 employee or agent of the City whose duty it is to enforce or assure
9 compliance with ordinances enacted by the City.

10 *Commercial Marina* means a licensed and permitted commercial
11 facility that provides secured public moorings or dry storage for
12 vessels on a leased basis.

13 *County* means Duval County, Florida.

14 *Derelict vessel*, pursuant to Sec. 823.11, F.S., means a
15 vessel, as defined in s. 327.02, F.S. that is left, stored, or
16 abandoned:

17 1. In a wrecked, junked, or substantially dismantled condition
18 upon any public waters of this state.

19 2. At a port in this state without the consent of the agency
20 having jurisdiction thereof.

21 3. Docked, grounded, or beached upon the property of another
22 without the consent of the owner of the property.

23 *Dinghy* means any vessel not exceeding twelve (12) feet designed for
24 and used primarily to serve a larger vessel by transporting persons
25 and/or property to and from the larger vessel, from or to other
26 vessels, piers, docks, or landing facilities.

27 *Effective means of propulsion for safe navigation* means a vessel,
28 other than a barge, that meets the requirements of Rule 68D-15.002,
29 F.A.C. (Effective Means of Propulsion for Safe Navigation), and is
30 equipped with one of the following:

31 (a) A functioning motor, controls, and steering system; or

1 (b) Rigging and sails that are present and in good working
2 order, and a functioning steering system. Sec. 327.02(13), F.S.

3 *Floating Structure* means, pursuant to Sec. 327.02(14), F.S.,

4 (a) a floating entity,

5 (b) with or without accommodations built thereon,

6 (c) which is not primarily used as a means of transportation
7 on water but which serves purposes or provides services typically
8 associated with a Structure or other improvement to real property.

9 The term "Floating Structure" includes, but is not limited to,
10 each entity used as a residence, place of business or office with
11 public access, hotel or motel, restaurant or lounge, clubhouse,
12 meeting facility, storage or parking facility, mining platform,
13 dredge, dragline, or similar facility or entity represented as
14 such. Floating Structures are expressly excluded from the
15 definition of the term "vessel" provided in this Chapter.
16 Incidental movement upon water or resting partially or entirely on
17 the bottom shall not, in and of itself, preclude an entity from
18 classification as a Floating Structure.

19 *Houseboat* means a vessel that is used primarily as a residence
20 for at least 21 days during any 30-day period in a Florida county
21 if such residential use of the vessel is to the preclusion of its
22 use as a means of transportation. Sec. 327.02(17), F.S.

23 *In the same area* means a vessel that is within a radius of
24 eight (8) miles of any location where the vessel was previously
25 moored or anchored within the last six (6) months.

26 *Law enforcement officer* means any person who is elected,
27 appointed, or employed full time by any sheriff, any municipality,
28 or the state or any political subdivision thereof; who is vested
29 with the authority to bear arms and make arrests; and whose primary
30 responsibility is the prevention and detection of crime or the

1 enforcement of the penal, criminal, traffic or highway laws of the
2 state. Sec. 705.101(4), F.S.

3 *License agreement* means any transient dockage agreement,
4 mooring and dockage agreement, commercial dockage agreement, or
5 mooring agreement entered into between the City or a commercial
6 marina, and a vessel owner for dockage at a city dock or mooring
7 facility.

8 *Licensee* means the person or entity entering into or
9 possessing a dockage or mooring license agreement with the City.

10 *Live-aboard vessel*, pursuant to F.S. § 327.02, means:

11 (a) A vessel used solely as a residence and not for
12 navigation;

13 (b) A vessel for which a declaration of domicile has been
14 filed pursuant to s. 222.17, F.S. (Homestead and Exemptions:
15 Manifesting and evidencing domicile in Florida); or

16 (c) A vessel used as a residence that does not have an
17 effective means of propulsion for safe navigation.

18 A commercial fishing vessel is expressly excluded from the
19 term "live-aboard vessel."

20 *Marine sanitation device* means equipment, other than a toilet,
21 for installation of board a vessel which is designed to receive,
22 retain, treat, or discharge sewage, and any process to treat such
23 sewage. Marine sanitation device Types I, II, and III shall be
24 defined as provided in 33 C.F.R. part 159. Sec. 327.02(26), F.S.

25 *Mooring* means the act of securing a vessel in navigable Waters
26 of the County by means of a permanent or semi-permanent mooring
27 system affixed to the bottom.

28 *Mooring field* means city-designated areas in and adjacent to
29 city-installed mooring systems, which may include city and state-
30 owned harbor or bayou bottoms but which exclude privately owned
31 harbor bottoms.

1 *Mooring system* means any weight, chain, rope, Floating object,
2 structure or appliance used for the purpose of holding a vessel in
3 a particular place and which is not carried on board such vessel as
4 regular equipment when the vessel is underway.

5 *Operator* means every person who shall own, physically operate,
6 navigate or control any vessel.

7 *Owner* means a person, other than a lienholder, having the
8 property in or title to a vessel. Sec. 327.02(34), F.S.

9 *Portable toilet* means a device consisting of a lid, seat,
10 containment vessel, and support structure which is specifically
11 designed to receive, retain, and discharge human waste and which is
12 capable of being removed from a vessel by hand. Sec. 327.02(37),
13 F.S.

14 *Public property* means lands and improvement owned by the
15 Federal Government, the state, the county, or a municipality and
16 includes sovereignty submerged lands located adjacent to the county
17 or municipality, buildings, grounds, parks, playgrounds, streets,
18 sidewalks, parkways, rights-of-way, and other similar property.
19 Sec. 705.101(5), F.S.

20 *Registration* means a state operating license on a vessel which
21 is issued with an identifying number, an annual certificate of
22 registration, and a decal designating the year for which a
23 registration fee is paid. Sec. 327.02(41), F.S.

24 *Vessel*, is synonymous with "boat" as referenced in s. 1(b),
25 Art. VII of the State Constitution and includes every description
26 of watercraft, barge, and airboat, other than a seaplane on the
27 water, used or capable of being used as a means of transportation
28 on water. Sec. 327.02(46), F.S.

29 *Waters of the County* means all portions of those waters, up to
30 and including the mean high water mark, located within the limits
31 of the County, including, but not limited to, all navigable and

1 non-navigable waterways, canals, lagoons, bayous, bays, rivers,
2 lakes, streams, springs, impoundments, and all other bodies of
3 water, including fresh, brackish, saline, tidal surface or
4 underground, and including surface waters created by the removal of
5 soil from uplands, but excluding any area preempted by law.

6 **Sec. 388.103. - Administration.**

7 The Director of the Neighborhoods Department shall be
8 responsible for the administration of this Chapter.

9 **Sec. 388.104. - Reserved.**

10 **Sec. 388.105. - Entry on property.**

11 Entry onto vessels or floating structures within the Waters of
12 the County may follow the same process as provided in Section
13 360.109, *Ordinance Code*, so long as a law enforcement officer is
14 utilized for physical boarding of vessels whether or not occupied,
15 and of floating structures if occupied.

16 **Sec. 388.106. - Floating Structures prohibited.**

17 All Floating Structures, as determined by the Environmental Quality
18 Division, Municipal Code Compliance Division, or a law enforcement
19 officer, are prohibited from anchoring, docking, or mooring in any
20 Waters of the County within the County limits, unless specifically
21 exempt pursuant to this Chapter, and are subject to the penalties
22 and enforcement pursuant to this Chapter and other laws as may be
23 referenced.

24 **Sec. 388.107. - Exemption from enforcement of Floating**
25 **Structures.**

26 Commercial Floating Structures that are designed for, and in use
27 by, a licensed marine contractor for water-dependent construction
28 or shoreside vessel operation are exempt from the prohibition on
29 Floating Structures in the County. However, inactivity of such a
30 structure for a period greater than ten (10) days within a thirty
31 (30) day period if moored outside of a commercial marina or a

1 sovereign submerged land lease, and within the same area (eight (8)
2 mile radius), will be considered to be "not in use" and thus
3 subject to all enforcement mechanisms in this Chapter.

4 **Sec. 388.108. - Obstructing channels; unlawful anchoring,**
5 **mooring or docking.**

6 It shall be unlawful: (1) for any vessel within the County to tie
7 up to any navigational aid within the County; except in an
8 emergency; or (2) to anchor or moor any Floating Structure within
9 Waters of the County, or to anchor, moor or dock without permission
10 within the marked boundaries of any mooring field.

11 **Part 2. - Penalties and Enforcement.**

12 **Sec. 388.201. - General**

13 The provisions of this Chapter shall be enforced by members of
14 all duly authorized law enforcement agencies within the county and
15 its municipalities, as well as the Jacksonville Environmental
16 Quality Division and the Jacksonville Municipal Code Compliance
17 Division. The Council in enacting this Chapter is acting as the
18 governing body of Duval County, Florida. The area of enforcement
19 of the provisions of this Chapter shall be throughout and within
20 the boundaries of Duval County, Florida.

21 The provisions of this Chapter shall be enforced as provided
22 in Chapter 609 (Code Enforcement Citations) and Chapter 360
23 (Environmental Regulation), Part 1 (Public Policy; General
24 Provisions) of the *Jacksonville Ordinance Code*, and by such other
25 means as are specified herein below.

26 **Sec. 388.202. - Penalties.**

27 (a) Civil penalty: A violation of this Chapter shall be a Class F
28 offense, as described in Schedule 1-A of Section Sec. 609.109
29 (Applicable Chapters and Parts), *Ordinance Code*.

30 (b) If the violator is a repeat violator, as defined in Ch. 609,
31 notwithstanding Sec. 609.105, *Ordinance Code*, the penalty for

1 the second determined violation is twice the amount of the
2 first offender fine. The penalty of the third determined
3 violation is three times the amount of the first offender
4 fine.

5 (c) Criminal penalties: A violation of this Chapter shall be
6 punishable as a misdemeanor by a fine of up to five hundred
7 dollars (\$500.00) per violation and a definite term of
8 imprisonment of not more than sixty (60) days as provided in
9 Sec. 162.22. F.S. (Designation of enforcement methods and
10 penalties for violation of municipal ordinances).

11 (d) If any penalty of this section is deemed inconsistent with any
12 Florida Statute, the provisions of the Florida Statute shall
13 prevail.

14 **Sec. 388.203. - Enforcement; civil remedies.**

15 (a) Code Enforcement: The Environmental Quality Division, the
16 Municipal Code Compliance Division, the Jacksonville
17 Sherriff's Office, or other duly authorized Code Enforcement
18 Officer or authority, may enforce the terms of this Chapter by
19 following the procedures of Chapter 609, *Ordinance Code* (Code
20 Enforcement Citations) and F.S. Ch. 162, Pt. I (Local
21 Government Code Enforcement Boards).

22 (b) Civil citation: The Environmental Quality Division, the
23 Municipal Code Compliance Division, the Jacksonville
24 Sherriff's Office, or other duly authorized Code Enforcement
25 Officer or authority, may enforce the terms of this Chapter
26 through issuance of civil citation as provided in Chapter 609,
27 *Ordinance Code*, and Ch. 162, Pt. II, F.S. (Supplemental County
28 or Municipal Code or Ordinance Enforcement Procedures).
29 Persons or entities violating the provisions of this Chapter
30 shall be subject to a Class D penalty as provided in Sec.
31 632.101, *Ordinance Code*.

1 (c) Each day during any portion of which such violation occurs
2 shall constitute a separate offense.

3 (d) It is the legislative intent of the City Council in enacting
4 this Chapter to provide an additional or supplemental means of
5 obtaining compliance with the requirements stated herein.
6 Nothing contained in this Chapter shall be deemed to prohibit
7 the City of Jacksonville from seeking enforcement by any other
8 means provided by law, including, but not limited to, filing
9 an action for declaratory and injunctive relief in a court of
10 competent jurisdiction.

11 **Section 6. Amending TITLE XVI (Judicial Code), Chapter 609**
12 **(Code Enforcement Citations), Section 609.109 (Applicable Chapters**
13 **and Parts), Schedule "A", Ordinance Code.** Chapter 609 (Code
14 Enforcement Citations), Section 609.109 (Applicable Chapters and
15 Parts, Schedule "A", is hereby amended to read as follows:

16 **CHAPTER 609 CODE ENFORCEMENT CITATIONS**

17 * * *

18 **Sec. 609.109. - Applicable Chapters and Parts.**

19 The following provisions of the Ordinance Code are subject to
20 enforcement by citation. Where a Chapter or Part of a Chapter of
21 the Code is referenced, then all Sections within that Chapter or
22 Part are subject to enforcement by citation.

23 SCHEDULE "A"

24 * * *

CODE PROVISION	DESCRIPTION	CLASS
Chapter 518	Property Maintenance Code	D
Section 614.145	Regulation of the Operation of Motorized Watercraft	A

	at Huguenot Memorial Park	
Chapter 656	Zoning Code	D
<u>Chapter 388</u>	<u>Boating and Waterways</u>	<u>F</u>

* * *

Section 7. Revising the Purpose for the appropriation of \$44,000 in Ordinance 2019-250-E. The new boat and trailer purchased for the Environmental Quality Division with the \$44,000 appropriated by Ordinance 2019-250-E is hereby amended to include use of the boat for purposes of administering and enforcing Chapter 388, Ordinance Code.

Section 8. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein, including renumbering of sections. Such editorial changes and any others necessary to make the Ordinance Code shall be made forthwith and when inconsistencies are discovered.

Section 9. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

 /s/ Susan C. Grandin

Office of General Counsel

Legislation Prepared by: Susan C. Grandin

GC-#1340436-v14-Floating_Structure_Ord__2020.DOC