

1 Introduced by Council Member Crescimbeni:  
2  
3

4 **ORDINANCE 2018-712**

5 AN ORDINANCE REGARDING PROHIBITION OF THE  
6 APPROVAL, GRANT, OR ISSUANCE OF CERTAIN  
7 LICENSES, PERMITS, CERTIFICATES OR ZONING  
8 ACTIONS TO PERSONS WITH UNPAID CIVIL PENALTIES  
9 OR CURRENT VIOLATIONS OF THE ORDINANCE CODE;  
10 AMENDING CHAPTER 307 (HISTORIC PRESERVATION AND  
11 PROTECTION), PART 1 (GENERAL PROVISIONS),  
12 SECTION 307.111 (ENFORCEMENT; CIVIL REMEDIES);  
13 AMENDING CHAPTER 320 (GENERAL PROVISIONS), PART  
14 4 (PERMITS), SECTION 320.402 (APPLICATION FOR  
15 PERMIT); AMENDING CHAPTER 518 (JACKSONVILLE  
16 PROPERTY SAFETY AND MANAGEMENT CODE), PART 1  
17 (GENERAL PROVISIONS), SECTION 518.103  
18 (APPLICABILITY); CREATING A NEW SECTION 609.110  
19 (PROHIBITION OF ADMINISTRATIVE ACTION); AMENDING  
20 CHAPTER 650 (COMPREHENSIVE PLANNING FOR FUTURE  
21 DEVELOPMENT), PART 4 (AMENDMENTS TO THE  
22 COMPREHENSIVE PLAN), SECTION 650.402 (INITIATION  
23 OF PROPOSAL); AMENDING CHAPTER 654 (CODE OF  
24 SUBDIVISION REGULATIONS), SECTION 654.105  
25 (APPLICABILITY); AMENDING CHAPTER 656 (ZONING  
26 CODE), PART 1 (GENERAL PROVISIONS), SUBPART B  
27 (ADMINISTRATION), SECTION 656.109  
28 (ADMINISTRATION AND ENFORCEMENT; INTERPRETATION  
29 OF ZONING CODE; ADMINISTRATIVE DEVIATIONS), AND  
30 SECTION 656.111 (VIOLATIONS AND PENALTIES);  
31 AMENDING CHAPTER 780 (PROPERTY TAX), PART 3 (TAX

1 EXEMPTION FOR REHABILITATION AND PROPERTIES IN  
2 HISTORIC DISTRICTS), SECTION 780.305  
3 (APPLICATION); PROVIDING AN EFFECTIVE DATE.  
4

5 **WHEREAS,** the City Council supports the orderly and  
6 sustainable growth within the City of Jacksonville through our  
7 Municipal Code and its regulations; and

8 **WHEREAS,** enforcement of our Code and regulations provides a  
9 stable and predictable environment for the creation of new jobs  
10 and businesses, and for a high quality of life in the City; and

11 **WHEREAS,** violation of our Code and regulations creates an  
12 expense for the City and a hardship for persons who depend on the  
13 stability and predictability of the civil operation of our City;  
14 and

15 **WHEREAS,** persons who are found guilty of violating our Code  
16 and regulations and fail to pay the fines associated with those  
17 violations should not be permitted to allow the violation to  
18 persist by requesting relief from our Code and its regulations and  
19 penalties, particularly regarding the property that is the subject  
20 of the violation; and

21 **WHEREAS,** applications should not be granted by City personnel  
22 for any operating permit, license, building permit, certificate of  
23 occupancy, occupational license, platting action, or zoning action  
24 including but not limited to Future Land Use Map amendment,  
25 rezoning, waiver, exception, variance, certificate of use,  
26 administrative deviation, certificate of appropriateness,  
27 modification, or amendment to final order, regarding the real  
28 property of any named violator with uncorrected violations of any  
29 code provision on such real property, unpaid civil penalties or  
30 costs arising from code violations on such real property such as  
31 administrative costs of hearing, City investigative, enforcement,

1 testing, or monitoring costs, or any unpaid code enforcement,  
2 correction or abatement liens against such real property, any or  
3 all of which are owed to the City of Jacksonville pursuant to the  
4 provisions of the Jacksonville Ordinance Code; and

5 **WHEREAS**, while repeated in certain Chapters within the Code  
6 for ease of reference, this new provision on prohibition on  
7 administrative action is intended to apply to all Chapters within  
8 the Jacksonville Ordinance Code; now therefore

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

10 **Section 1. Amending Chapter 307 (Historic Preservation**  
11 **and Protection, Ordinance Code.** Chapter 307 (Historic Preservation  
12 and Protection), Section 307.111, (Enforcement; civil remedies),  
13 *Ordinance Code*, is hereby amended to read as follows:

14 **Chapter 307 - HISTORIC PRESERVATION AND PROTECTION**

15 **PART 1. - GENERAL PROVISIONS**

16 \* \* \*

17 **Sec. 307.111. - Enforcement; civil remedies.**

18 (a) Except as otherwise provided herein, the requirements of this  
19 Chapter shall be enforced by the Planning and Development  
20 Department as follows:

- 21 (1) By the Special Magistrate pursuant to the authority  
22 granted by F.S. Ch. 162, Part I, and Ch. 91, Ordinance  
23 Code, however, in no instance shall a civil penalty less  
24 than \$100 per violation per day of violation be imposed;
- 25 (2) By citation for civil penalties pursuant to the authority  
26 granted by F.S. Ch. 162, Part II, and Ch. 609, Ordinance  
27 Code, however, in no instance shall a civil penalty less  
28 than \$100 per violation per day of violation be imposed;
- 29 (3) By action for civil penalties through a court of  
30 competent jurisdiction as follows:
- 31 (i) The civil penalty for convictions of violations

1 committed by an agent hired by or working on behalf  
2 of the property owner to perform work or by a  
3 property owner who performed such work him or her  
4 self on any structure or property regulated under  
5 this Chapter or for violations of Section 307.110  
6 shall be as follows:

- 7 (1) \$1,000 for a first violation;  
8 (2) \$2,000 for a second violation; and  
9 (3) \$3,000 civil penalty for a third or subsequent  
10 violation, and the violator shall be  
11 prohibited from applying for a certificate of  
12 appropriateness for work not associated with  
13 the correction of the violation for a period  
14 of three months.

15 ~~Additionally, the violator shall be prohibited~~  
16 ~~from applying for any certificate of~~  
17 ~~appropriateness until such civil penalty~~  
18 ~~awarded pursuant to this Section has been paid~~  
19 ~~in full. Prohibitions against application for~~  
20 ~~a certificate of appropriateness contemplated~~  
21 ~~in this Section shall not become effective~~  
22 ~~until the judgment requiring such prohibition~~  
23 ~~becomes final.~~

- 24 (ii) Civil penalties assessed against property owners who  
25 did not do the unauthorized work themselves for  
26 violations of this Chapter shall in no instance be  
27 less than \$50 and no more than \$500 per day per  
28 violation.

29 \* \* \*

- 30 (h) Civil penalty payments recovered pursuant to this Chapter  
31 shall be used to fund enforcement efforts under this Chapter,

1 with any remainder deposited into the Historic Preservation  
2 Trust Fund on an annual basis. Upon successful prosecution of  
3 any violation of this Chapter wherein the City has filed suit  
4 in a court of competent jurisdiction to recover a civil  
5 penalty and/or obtain injunctive relief, the City shall be  
6 authorized to recover its reasonable attorney's fees and  
7 costs.

8 (i) Prohibition of administrative action.

9 (1) Notwithstanding any provision of this Code, no municipal  
10 officer, agent, employee, Board or Commission shall  
11 approve, grant or issue any operating permit, license,  
12 building permit, certificate of occupancy, certificate of  
13 use, application for local landmark status, application  
14 for local historic district, occupational license,  
15 platting action, or zoning action or the like regarding  
16 or for the real property of any code violator on which  
17 there is: (i) any uncorrected violation of any code  
18 provision on such real property; (ii) unpaid civil  
19 penalties or costs arising from a code enforcement action  
20 regarding such real property; or (iii) any unpaid code  
21 enforcement, correction, or abatement lien against such  
22 real property; any or all of which are owed to the City  
23 of Jacksonville pursuant to the provisions of the  
24 Jacksonville Ordinance Code.

25 (2) Regarding provision (1) above, a building permit, and a  
26 Certificate of Appropriateness if required, may be  
27 granted in the following limited circumstances:

28 (i) to correct the specific deficiency or deficiencies  
29 resulting in the violation of a code provision or an  
30 outstanding lien or fine. No authorization other  
31 than that specifically required to correct the

1 violation shall be issued. The Building Inspection  
2 Division is specifically prohibited from approving  
3 an enlargement of the scope of work beyond what is  
4 required to correct the violation; or

5 (ii) if deemed necessary by the Director of the Planning  
6 and Development Department in consultation with  
7 the Director of Public Works, through a written  
8 determination addressed to the Building Official,  
9 that such authorization is necessary to avoid  
10 imminent peril to life or property and that such  
11 authorization is specifically limited to correction  
12 of the emergency situation.

13 **Section 2. Amending Chapter 320 (General Provisions),**  
14 **Ordinance Code.** Chapter 320 (General Provisions), Section 320.402  
15 (Application for permit), *Ordinance Code*, is hereby amended to read  
16 as follows:

17 **Chapter 320 - GENERAL PROVISIONS**

18 \* \* \*

19 **PART 4. - PERMITS**

20 \* \* \*

21 **Sec. 320.402. - Application for permit.**

22 \* \* \*

23 (e) All repairs, renovations or alterations of existing swimming  
24 pools and spas, including water falls, water features and  
25 fountains must be contracted by a State of Florida certified  
26 or registered swimming pool/spa contractor or a swimming  
27 pool/spa servicing contractor and must be permitted by the  
28 Building Inspection Division.

29 (f) Prohibition of administrative action.

30 (1) Notwithstanding any provision of this Code, no municipal  
31 officer, agent, employee, Board or Commission shall

1 approve, grant or issue any operating permit, license,  
2 building permit, certificate of occupancy, certificate of  
3 use, application for local landmark status, application  
4 for local historic district, occupational license,  
5 platting action, or zoning action or the like regarding  
6 or for the real property of any code violator on which  
7 there is: (i) any uncorrected violation of any code  
8 provision on such real property; (ii) unpaid civil  
9 penalties or costs arising from a code enforcement action  
10 regarding such real property; or (iii) any unpaid code  
11 enforcement, correction, or abatement lien against such  
12 real property; any or all of which are owed to the City  
13 of Jacksonville pursuant to the provisions of the  
14 Jacksonville Ordinance Code.

15 (2) Regarding provision (1) above, a building permit, and a  
16 Certificate of Appropriateness if required, may be  
17 granted in the following limited circumstances:

18 (i) to correct the specific deficiency or deficiencies  
19 resulting in the violation of a code provision or an  
20 outstanding lien or fine. No authorization other  
21 than that specifically required to correct the  
22 violation shall be issued. The Building Inspection  
23 Division is specifically prohibited from approving  
24 an enlargement of the scope of work beyond what is  
25 required to correct the violation; or

26 (ii) if deemed necessary by the Director of the Planning  
27 and Development Department in consultation with  
28 the Director of Public Works, through a written  
29 determination addressed to the Building Official,  
30 that such authorization is necessary to avoid  
31 imminent peril to life or property and that such

1 authorization is specifically limited to correction  
2 of the emergency situation.

3 **Section 3. Amending Chapter 518 (Jacksonville Property**  
4 **Safety and Maintenance Code), Ordinance Code.** Chapter 518  
5 (Jacksonville Property Safety and Maintenance Code), Section  
6 518.103 (Applicability), *Ordinance Code*, is hereby amended to read  
7 as follows:

8 **CHAPTER 518 - JACKSONVILLE PROPERTY SAFETY AND MAINTENANCE CODE**

9 **PART 1. - GENERAL PROVISIONS**

10 \* \* \*

11 **SUBPART A. - TITLE AND SCOPE**

12 \* \* \*

13 **Sec. 518.103. - Applicability.**

- 14 (a) This Chapter shall apply to every building and portion  
15 thereof, and appurtenance thereto, and the premises on which  
16 it is situated, used or intended to be used, whether for  
17 commercial, business, institutional, industrial, multifamily  
18 or residential.
- 19 (b) This Chapter will also apply to any improved or unimproved lot  
20 or tract of land, notwithstanding its use, located within the  
21 City of Jacksonville.
- 22 (c) Every portion of a building and premises thereof shall conform  
23 to the requirements of the specific Part of this Chapter  
24 irrespective of the primary use of the building and  
25 irrespective of when the building may have been constructed,  
26 altered or repaired.
- 27 (d) This Chapter establishes certain minimum standards for the  
28 initial and continued occupancy, use and maintenance of all  
29 commercial, business, institutional, industrial, multifamily  
30 and single family residential buildings and structures and  
31 does not replace or modify standards otherwise established for



1 the construction, repair, alteration or use of such buildings  
2 and structures, the premises, or the equipment or facilities  
3 maintained in the buildings or structures or on the premises.  
4 Where a provision of this Chapter is found to be in conflict  
5 with another applicable code or regulation, the provision that  
6 establishes the higher standard, as determined by the Chief,  
7 or the Building Codes Adjustment Board, shall prevail.

8 (e) Notwithstanding any other provision in this Chapter, if a  
9 structure sought to be regulated is a landmark or contributing  
10 structure located in a historic district, such regulatory  
11 efforts shall be tailored to have the least intensive impact  
12 on the structure while still furthering the intent of this  
13 Chapter.

14 (f) Prohibition of administrative action.

15 (1) Notwithstanding any provision of this Code, no municipal  
16 officer, agent, employee, Board or Commission shall  
17 approve, grant or issue any operating permit, license,  
18 building permit, certificate of occupancy, certificate of  
19 use, application for local landmark status, application  
20 for local historic district, occupational license,  
21 platting action, or zoning action or the like regarding  
22 or for the real property of any code violator on which  
23 there is: (i) any uncorrected violation of any code  
24 provision on such real property; (ii) unpaid civil  
25 penalties or costs arising from a code enforcement action  
26 regarding such real property; or (iii) any unpaid code  
27 enforcement, correction, or abatement lien against such  
28 real property; any or all of which are owed to the City  
29 of Jacksonville pursuant to the provisions of the  
30 Jacksonville Ordinance Code.

31 (2) Regarding provision (1) above, a building permit, and a

1 Certificate of Appropriateness if required, may be  
2 granted in the following limited circumstances:

3 (i) to correct the specific deficiency or deficiencies  
4 resulting in the violation of a code provision or an  
5 outstanding lien or fine. No authorization other  
6 than that specifically required to correct the  
7 violation shall be issued. The Building Inspection  
8 Division is specifically prohibited from approving  
9 an enlargement of the scope of work beyond what is  
10 required to correct the violation; or

11 (ii) if deemed necessary by the Director of the Planning  
12 and Development Department in consultation with  
13 the Director of Public Works, through a written  
14 determination addressed to the Building Official,  
15 that such authorization is necessary to avoid  
16 imminent peril to life or property and that such  
17 authorization is specifically limited to correction  
18 of the emergency situation.

19 \* \* \*

20 **Section 4. Creating a new Section 609.110 (Prohibition of**  
21 **Administrative Action), Chapter 609 (Code Enforcement Citations),**  
22 **Ordinance Code.** Section 609.110 (Prohibit of Administrative  
23 Action), Chapter 609 (Code Enforcement Citations), *Ordinance Code,*  
24 is hereby created to read as follows:

25 **Chapter 609 - CODE ENFORCEMENT CITATIONS**

26 \* \* \*

27 **Sec. 609.110 - Prohibition of Administrative Action.**

28 (1) Notwithstanding any provision of this Code, no municipal  
29 officer, agent, employee, Board or Commission shall approve,  
30 grant or issue any operating permit, license, building permit,  
31 certificate of occupancy, certificate of use, application for

1 local landmark status, application for local historic  
2 district, occupational license, platting action, or zoning  
3 action or the like regarding or for the real property of any  
4 code violator with: (i) any uncorrected violation of any code  
5 provision on such real property; (ii) unpaid civil penalties  
6 or costs arising from a code enforcement action regarding such  
7 real property; or (iii) any unpaid code enforcement,  
8 correction, or abatement lien against such real property; any  
9 or all of which are owed to the City of Jacksonville pursuant  
10 to the provisions of the Jacksonville Ordinance Code.

11 (2) Regarding provision (1) above, a building permit, and a  
12 Certificate of Appropriateness if required, may be granted in  
13 the following limited circumstances:

14 (i) to correct the specific deficiency or deficiencies  
15 resulting in the violation of a code provision or an  
16 outstanding lien or fine. No authorization other than  
17 that specifically required to correct the violation shall  
18 be issued. The Building Inspection Division is  
19 specifically prohibited from approving an enlargement of  
20 the scope of work beyond what is required to correct the  
21 violation; or

22 (ii) if deemed necessary by the Director of the Planning and  
23 Development Department in consultation with the Director  
24 of Public Works, through a written determination  
25 addressed to the Building Official, that such  
26 authorization is necessary to avoid imminent peril  
27 to life or property and that such authorization is  
28 specifically limited to correction of the emergency  
29 situation.

30 (3) This provision on the prohibition of administrative action has  
31 been repeated in the appropriate sections of Chapters 307,

1 320, 518, 650, 654, 656, and 780 of the Ordinance Code for  
2 ease of reference. However, all Chapters of this Code are  
3 bound by this prohibition whether or not it is specifically  
4 stated in such Chapter.

5 **Section 5. Amending Chapter 650 (Comprehensive Planning**  
6 **for Future Development), Ordinance Code.** Chapter 650 (Comprehensive  
7 Planning for Future Development), Section 650.402 (Initiation of  
8 proposal), *Ordinance Code*, is hereby amended to read as follows:

9 **Chapter 650 - COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT**

10 \* \* \*

11 **PART 4. - AMENDMENTS TO THE COMPREHENSIVE PLAN**

12 \* \* \*

13 **Sec. 650.402. - Initiation of proposal.**

14 A proposal to amend the comprehensive plan may be initiated  
15 only upon the filing of an application for a comprehensive plan  
16 amendment with the Department in accordance with the procedures  
17 prescribed by the Department.

18 (a) Proposed amendments to the text of the comprehensive plan may  
19 be initiated only by:

- 20 (1) The Department;
- 21 (2) The Planning Commission, acting as the Local Planning  
22 Agency;
- 23 (3) The Mayor;
- 24 (4) An independent agency of the City; or
- 25 (5) A member of the City Council or a standing committee of  
26 Council.

27 (b) A proposal to amend the Future Land Use Map series (FLUMs) of  
28 the comprehensive plan may be initiated only by:

- 29 (1) The owner(s) of the land or authorized agent for such  
30 owner(s);
- 31 (2) The Department;

- 1 (3) The Planning Commission, acting as the Local Planning
- 2 Agency;
- 3 (4) The Mayor;
- 4 (5) An independent agency of the City; or
- 5 (6) A member of the City Council or a standing committee of
- 6 Council.

7 (c) Prohibition of administrative action.

8 (1) Notwithstanding any provision of this Code, no municipal  
9 officer, agent, employee, Board or Commission shall  
10 approve, grant or issue any operating permit, license,  
11 building permit, certificate of occupancy, certificate of  
12 use, application for local landmark status, application  
13 for local historic district, occupational license,  
14 platting action, or zoning action or the like regarding  
15 or for the real property of any code violator on which  
16 there is: (i) any uncorrected violation of any code  
17 provision on such real property; (ii) unpaid civil  
18 penalties or costs arising from a code enforcement action  
19 regarding such real property; or (iii) any unpaid code  
20 enforcement, correction, or abatement lien against such  
21 real property; any or all of which are owed to the City  
22 of Jacksonville pursuant to the provisions of the  
23 Jacksonville Ordinance Code.

24 (2) Regarding provision (1) above, a building permit, and a  
25 Certificate of Appropriateness if required, may be  
26 granted in the following limited circumstances:

27 (i) to correct the specific deficiency or deficiencies  
28 resulting in the violation of a code provision or an  
29 outstanding lien or fine. No authorization other  
30 than that specifically required to correct the  
31 violation shall be issued. The Building Inspection

1 Division is specifically prohibited from approving  
2 an enlargement of the scope of work beyond what is  
3 required to correct the violation; or

4 (ii) if deemed necessary by the Director of the Planning  
5 and Development Department in consultation with  
6 the Director of Public Works, through a written  
7 determination addressed to the Building Official,  
8 that such authorization is necessary to avoid  
9 imminent peril to life or property and that such  
10 authorization is specifically limited to correction  
11 of the emergency situation.

12 ~~(e)~~ (d) When the existing zoning will be inconsistent with the  
13 proposed FLUM land use category as initiated by an owner of  
14 land or his authorized agent, then a rezoning application  
15 must be filed not later than 120 days from the effective  
16 date of the plan amendment. In the case of an application  
17 for a Small Scale Comprehensive Plan Amendment where the  
18 existing zoning will be inconsistent with the proposed FLUM  
19 land use category, a rezoning application shall be filed  
20 concurrently with the application for a proposed Small Scale  
21 Comprehensive Plan Amendment. Rezoning that require an  
22 amendment to the comprehensive plan shall not become  
23 effective until the effective date of the plan amendment.

24 **Section 6. Amending Chapter 654 (Code of Subdivision**  
25 **Regulations), Ordinance Code.** Chapter 654 (Code of Subdivision  
26 Regulations), Section 654.105 (Applicability), Ordinance Code, is  
27 hereby amended to read as follows:

28 **Chapter 654 (CODE OF SUBDIVISION REGULATIONS)**

29 \* \* \*

30 **Sec. 654.105. - Applicability.**

1 (a) In order to subdivide land and file a plat thereof, the  
2 requirements set out in this Chapter shall be met and the  
3 procedures herein set forth shall be followed.

4 (b) Prohibition of administrative action.

5 (1) Notwithstanding any provision of this Code, no municipal  
6 officer, agent, employee, Board or Commission shall  
7 approve, grant or issue any operating permit, license,  
8 building permit, certificate of occupancy, certificate of  
9 use, application for local landmark status, application  
10 for local historic district, occupational license,  
11 platting action, or zoning action or the like regarding  
12 or for the real property of any code violator on which  
13 there is: (i) any uncorrected violation of any code  
14 provision on such real property; (ii) unpaid civil  
15 penalties or costs arising from a code enforcement action  
16 regarding such real property; or (iii) any unpaid code  
17 enforcement, correction, or abatement lien against such  
18 real property; any or all of which are owed to the City  
19 of Jacksonville pursuant to the provisions of the  
20 Jacksonville Ordinance Code.

21 (2) Regarding provision (1) above, a building permit, and a  
22 Certificate of Appropriateness if required, may be  
23 granted in the following limited circumstances:

24 (i) to correct the specific deficiency or deficiencies  
25 resulting in the violation of a code provision or an  
26 outstanding lien or fine. No authorization other  
27 than that specifically required to correct the  
28 violation shall be issued. The Building Inspection  
29 Division is specifically prohibited from approving  
30 an enlargement of the scope of work beyond what is  
31 required to correct the violation; or

1           (ii) if deemed necessary by the Director of the Planning  
2           and Development Department in consultation with  
3           the Director of Public Works, through a written  
4           determination addressed to the Building Official,  
5           that such authorization is necessary to avoid  
6           imminent peril to life or property and that such  
7           authorization is specifically limited to correction  
8           of the emergency situation.

9           **Section 7.           Amending Chapter 656 (Zoning Code), Ordinance**  
10 **Code.** Chapter 656 (Zoning Code), Sections 656.109 (Administration)  
11 and 656.111 (Violations and Penalties), *Ordinance Code*, is hereby  
12 amended to read as follows:

13                           **Chapter 656 - ZONING CODE**

14                           **PART 1. - GENERAL PROVISIONS**

15                                   \* \* \*

16                           **SUBPART B. - ADMINISTRATION**

17                                   \* \* \*

18           **Sec. 656.109. - Administration and enforcement; interpretation**  
19 **of Zoning Code; Administrative Deviations.**

20                                   \* \* \*

21 (p) The violation of the terms of an order granting an  
22 administrative deviation, including conditions and safeguards  
23 which may be made a part thereof, shall be deemed a violation  
24 of the Zoning Code and punishable as provided in the Zoning  
25 Code.

26 (q) Prohibition of administrative action.

27 (1) Notwithstanding any provision of this Code, no municipal  
28 officer, agent, employee, Board or Commission shall  
29 approve, grant or issue any operating permit, license,  
30 building permit, certificate of occupancy, certificate of  
31 use, application for local landmark status, application



1 for local historic district, occupational license,  
2 platting action, or zoning action or the like regarding  
3 or for the real property of any code violator on which  
4 there is: (i) any uncorrected violation of any code  
5 provision on such real property; (ii) unpaid civil  
6 penalties or costs arising from a code enforcement action  
7 regarding such real property; or (iii) any unpaid code  
8 enforcement, correction, or abatement lien against such  
9 real property; any or all of which are owed to the City  
10 of Jacksonville pursuant to the provisions of the  
11 Jacksonville Ordinance Code.

12 (2) Regarding provision (1) above, a building permit, and a  
13 Certificate of Appropriateness if required, may be  
14 granted in the following limited circumstances:

15 (i) to correct the specific deficiency or deficiencies  
16 resulting in the violation of a code provision or an  
17 outstanding lien or fine. No authorization other  
18 than that specifically required to correct the  
19 violation shall be issued. The Building Inspection  
20 Division is specifically prohibited from approving  
21 an enlargement of the scope of work beyond what is  
22 required to correct the violation; or

23 (ii) if deemed necessary by the Director of the Planning  
24 and Development Department in consultation with  
25 the Director of Public Works, through a written  
26 determination addressed to the Building Official,  
27 that such authorization is necessary to avoid  
28 imminent peril to life or property and that such  
29 authorization is specifically limited to correction  
30 of the emergency situation.

31 \* \* \*

1           **Sec. 656.111.   Violations and penalties.**

2   (a)   It shall be a civil infraction for any person to commit any  
3   violation set forth in this Chapter.

4   \* \* \*

5   (h)   For actions brought in a court of competent jurisdiction, the  
6   civil penalty for violations committed by an agent hired by or  
7   working on behalf of the property owner to perform work or  
8   construction or commence any unauthorized use on or in any  
9   structure or property regulated under this Chapter shall be as  
10   follows:

- 11       (1)   \$1,000 for a first violation;  
12       (2)   \$2,000 for a second violation; and  
13       (3)   \$3,000 civil penalty for a third or subsequent, and the  
14       violator shall be prohibited from obtaining a zoning  
15       approval for work not associated with the correction of  
16       the violation for a period of three months.

17   ~~Additionally, the violator shall be prohibited from applying~~  
18   ~~for any zoning authorization until such civil penalty awarded~~  
19   ~~pursuant to this Section has been paid in full. Prohibitions~~  
20   ~~against application for any authorization contemplated in this~~  
21   ~~Section shall not become effective until the judgment~~  
22   ~~requiring such prohibition becomes final.~~

23   \* \* \*

24           **Section 8.           Amending Chapter 780 (Property Tax), Ordinance**  
25   **Code.** Chapter 780 (Property Tax), Section 780.305 (Application),  
26   *Ordinance Code*, is hereby amended as follows:

27   **Chapter 780 - PROPERTY TAX**

28   \* \* \*

29           **PART 3. - TAX EXEMPTION FOR REHABILITATION OF HISTORIC LANDMARKS**  
30   **AND PROPERTIES IN HISTORIC DISTRICTS**

31   \* \* \*

1        **Sec. 780.305. Application.**

2    \* \* \*

3        (e) Notwithstanding any provisions to the contrary contained in  
4        this Part, an application for the Historic Rehabilitation Tax  
5        Exemption will be accepted by the Director as a timely filed  
6        application for two years after the property is designated as  
7        a qualifying property if the qualifying improvement was  
8        initiated after May 4, 1994, but before the property became a  
9        qualifying property by legislative act. Such exemptions shall  
10       apply prospectively only and in no event shall apply to any  
11       already certified tax roll. The exemption shall be unavailable  
12       for any period prior to the designation as a qualifying  
13       property and the approval of the Historic Preservation  
14       Property Tax Exemption application. The exemption shall be  
15       available for only the years remaining in the ten-year  
16       exemption period beginning January 1 following completion of  
17       the qualifying improvement project. The exemption period shall  
18       not be extended.

19       (f) Prohibition of administrative action.

20                (1) Notwithstanding any provision of this Code, no municipal  
21                officer, agent, employee, Board or Commission shall  
22                approve, grant or issue any operating permit, license,  
23                building permit, certificate of occupancy, certificate of  
24                use, application for local landmark status, application  
25                for local historic district, occupational license,  
26                platting action, or zoning action or the like regarding or  
27                for the real property of any code violator on which there  
28                is: (i) any uncorrected violation of any code provision  
29                on such real property; (ii) unpaid civil penalties or  
30                costs arising from a code enforcement action regarding  
31                such real property; or (iii) any unpaid code enforcement,

1 correction, or abatement lien against such real property;  
2 any or all of which are owed to the City of Jacksonville  
3 pursuant to the provisions of the Jacksonville Ordinance  
4 Code.

5 (2) Regarding provision (1) above, a building permit, and a  
6 Certificate of Appropriateness if required, may be  
7 granted in the following limited circumstances:

8 (i) to correct the specific deficiency or deficiencies  
9 resulting in the violation of a code provision or an  
10 outstanding lien or fine. No authorization other  
11 than that specifically required to correct the  
12 violation shall be issued. The Building Inspection  
13 Division is specifically prohibited from approving  
14 an enlargement of the scope of work beyond what is  
15 required to correct the violation; or

16 (ii) if deemed necessary by the Director of the Planning  
17 and Development Department in consultation with  
18 the Director of Public Works, through a written  
19 determination addressed to the Building Official,  
20 that such authorization is necessary to avoid  
21 imminent peril to life or property and that such  
22 authorization is specifically limited to correction  
23 of the emergency situation.

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

27 Form Approved:

28 /s/ Paige Hobbs Johnston

29 Office of General Counsel

30 Legislation prepared by: Susan C. Grandin