

1 Introduced by Council Member Crescimbeni:
2
3

4 **ORDINANCE 2018-712-W**

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

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