

PART 2. - ENFORCEMENT AUTHORITY

Sec. 388.201. - Enforcement Officers.

- (a) The provisions of this Chapter shall be enforced by members of all duly authorized law enforcement agencies within the County and its municipalities, as well as the Jacksonville Environmental Quality Division and the Jacksonville Municipal Code Compliance Division.
- (b) The Director shall be responsible for the development of a tracking system to record complaints, inspections, notifications, removals, and a general record of the business done with regard to this Chapter.

(Ord. 2020-589-E, § 5)

Sec. 388.202. - Inspections.

Enforcement Officers, upon belief that a violation of this Chapter exists, may make an inspection to determine if the possible Floating Structure is a Floating Structure, and not some other form of object, in the interest of safeguarding the health, safety and general welfare of the public.

(Ord. 2020-589-E, § 5)

Sec. 388.203. - Right of entry.

- (a) Enforcement Officers are authorized to board a possible Floating Structure at any reasonable time for the purpose of performing their duties under this Chapter, so long as a law enforcement officer is utilized for boarding the possible Floating Structure if it is occupied. If any owner, occupant or other person in charge of the possible Floating Structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, or obstructs lawful entry or access to any part of the Floating Structure where an inspection authorized by this Chapter is sought, the Enforcement Officer may seek an inspection warrant pursuant to Florida law.
- (b) At the time of inspection, the Enforcement Officer shall properly identify himself/herself.
- (c) In cases of emergency where extreme hazards are known to exist which may involve the loss of life or severe property damage, the limitations of this Section shall not apply.
- (d) The Director, or other Enforcement Officer, shall have the right of entry upon Floating Structures while in the discharge of his duties in removing, terminating or abating a public nuisance under this Chapter.

(Ord. 2020-589-E, § 5)

Sec. 388.204. - Liability.

An officer or employee of the City, Enforcement Officer, or a member of the City's Special Magistrate, any of whom is charged with the enforcement of this Chapter in the discharge of his/her duties, shall not thereby render themselves personally liable and he/she is hereby relieved from all personal liability for damage that may accrue to persons or property as a result of an act required or in the discharge of his/her duties. A suit brought against an officer, employee or member permitted because of this Chapter shall be defended by the Office of the General Counsel until the final termination of the proceedings.

(Ord. 2020-589-E, § 5)

PART 3. - VIOLATIONS, PENALTIES AND ENFORCEMENT

Sec. 388.301. - Violation notices and service.

Whenever an Enforcement Officer determines that a Floating Structure exists in the Waters of the County, he/she shall direct the owner or occupant, if any, to remove the Floating Structure within a specified reasonable time. Such notice shall be considered effective upon hand delivery of the notice to the owner or occupant by an Enforcement Officer or by leaving the notice on the property determined to be a Floating Structure and by posting the notice at City Hall of the agency providing the enforcement.

(Ord. 2020-589-E, § 5)

Sec. 388.302. - Form of notice.

The notice shall be in writing, set forth the alleged violation, provide a reasonable time, not less than 21 days for the removal of the Floating Structure from the Waters of the County, and include a statement that the owner or occupant shall be subject to the penalties provided in this Chapter in the event that the Floating Structure is not removed within the time specified. If practical, the form of notice may be in substantially the same form as the notice provided by the Florida Fish and Wildlife Conservation Commission ("FWC") in the enforcement of derelict vessels.

(Ord. 2020-589-E, § 5)

Sec. 388.303. - Enforcement; civil remedies.

- (a) The provisions of this Chapter shall be enforced by members of all duly authorized law enforcement agencies within the County and its municipalities, as well as the Jacksonville Environmental Quality Division and the Jacksonville Municipal Code Compliance Division.

(b)

The provisions of this Chapter shall be enforced by any available method under law or equity, and as provided in Chapter 609 (Code Enforcement Citations) Ordinance Code; Ch. 162, Pt. II, F.S. (Supplemental County or Municipal Code or Ordinance Enforcement Procedures), and by such other means as are specified herein below.

- (c) Violations of the provisions of this Chapter can be prosecuted through any administrative board with authority to impose administrative fines and civil penalties for violations of the provisions of this Chapter, including the specific authority to order the City to abate any violation of this Chapter if a violation has not been corrected within a specified reasonable time as determined by the Special Magistrate, or through any supplemental method established under the Ordinance Code, Florida Statutes or common law.
- (d) The City shall have the right to utilize any available method to obtain restitution for the cost of abating a Floating Structure under this Chapter, which includes but is not limited to towing, removing, destroying, and disposing of the Floating Structure. Restitution for such abatement shall be placed into the Derelict Vessel and Floating Structure Removal Fund.
- (e) Notwithstanding the above, the City shall also be authorized to obtain the assistance of the courts to abate a Floating Structure. In such cases, the Chief shall request and obtain legal representation from the Office of General Counsel, to commence and maintain the necessary action in the appropriate court to assist the Chief in carrying out their responsibilities under this Chapter. The action may encompass any or all of the following proceedings:
 - (1) To make application for an injunction or restraining order, whether temporary or permanent, to prevent a person from maintaining a Floating Structure within the Waters of the County.
 - (2) To enjoin and abate the Floating Structure.
 - (3) To compel the performance of any act specifically required of any person to abate a Floating Structure.
 - (4) To authorize the City to abate the Floating Structure with City personnel, or through a private contractor, and to seek restitution for the cost of abating the Floating Structure.
- (f) Each day during any portion of which a violation of this Chapter occurs shall constitute a separate offense.
- (g) It is the legislative intent of the City Council in enacting this Chapter to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this Chapter shall be deemed to prohibit the City of Jacksonville from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

(Ord. 2020-589-E, § 5)

Sec. 388.304. - Penalties.

- (a) Civil penalty: Unless otherwise specified, a violation of this Chapter shall be a Class F offense, as described in Schedule 1-A of Section 609.109 (Applicable Chapters and Parts), Ordinance Code. The penalty shall be in addition to the cost, if any, incurred by the City or other law enforcement agencies to abate the Floating Structure.
- (b) Regarding repeat violations, as defined in Chapter 609, notwithstanding Section 609.105, Ordinance Code, the penalty for the second determined violation is twice the amount of the first offender fine. The penalty of the third determined violation is three times the amount of the first offender fine.
- (c) Criminal penalties: A violation of this Chapter may be punishable:
 - (1) As a misdemeanor by a fine of up to \$500 per violation and a definite term of imprisonment of not more than 60 days as provided in § 162.22, F.S. (Designation of enforcement methods and penalties for violation of municipal ordinances); or
 - (2) As litter pursuant to § 403.413, F.S.
- (d) If any penalty of this Section is deemed inconsistent with any Florida Statute, the provisions of the Florida Statute shall prevail.

(Ord. 2020-589-E, § 5)