

1 Introduced by Council Member Cumber & Co-Sponsored by Council Member
2 Gaffney and amended by the Neighborhoods, Community Services, Public
3 Health and Safety Committee:
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6 **ORDINANCE 2021-756-E**

7 AN ORDINANCE AMENDING CHAPTER 672 (PUBLIC
8 NUISANCE ABATEMENT BOARD), SECTION 672.06
9 (PROCEDURES) TO ADDRESS PROPERTY SALES OR
10 TRANSFERS THAT OCCUR BEFORE PUBLIC NUISANCE
11 ABATEMENT BOARD HEARINGS; PROVIDING AN EFFECTIVE
12 DATE.
13

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

15 **Section 1. Amending Chapter 672 (Public Nuisance Abatement**
16 **Board), section 672.06 (Procedures), Ordinance Code.** Chapter 672
17 (Public Nuisance Abatement Board), section 672.06 (Procedures),
18 *Ordinance Code*, is hereby amended to read as follows:

19 **CHAPTER 672. PUBLIC NUISANCE ABATEMENT BOARD.**

20 * * *

21 **Sec. 672.06. Procedures.**

22 (a) *Written complaint; reports.* Any law enforcement officer
23 making an arrest or substantiating an incident or occurrence of any
24 statutory violation(s) or violations of section(s) set forth herein
25 and pursuant to information or independent observation, may submit a
26 copy of every such report and/or offense incident report to the
27 Sheriff or designee, who shall process all such reports and, in
28 consultation with the Office of General Counsel, determine when the
29 requisite number of occurrences or violations have taken place as set
30 forth in section 672.04. Additionally, a citizen complaint can be
31 made by a property or business owner located within one mile of any

1 location to allege that a particular property is a public nuisance.
2 The Sheriff shall investigate all complaints made pursuant to this
3 subsection to determine whether such property constitutes a public
4 nuisance and whether to refer such property to the Board. All final
5 determinations regarding citizen complaints shall be communicated to
6 the complainant by the Sheriff.

7 (b) *Processing; review of case.*

8 (1) In each case where such determination has been made
9 in accordance with subsection (a) of this section, the case
10 shall be processed through the Sheriff's Office.

11 (2) When the Sheriff, in consultation with the Office of
12 General Counsel, believes that a public nuisance as defined in
13 section 672.04 exists, he or she may request the Board clerk to
14 prepare a case folder for a complaint and request a hearing
15 before the Board.

16 (c) *Hearings; hearing notices.*

17 (1) The Board clerk shall schedule the hearings and issue
18 hearing notices at least 15 calendar days prior to the scheduled
19 hearing date:

20 i. By sending written notice of the hearing to the owner
21 and/or operator by certified mail, return receipt requested to
22 the address for the property designated by the owner for receipt
23 of tax bills as listed on the Tax Collector's website; or

24 ii. By hand delivering the written notice to the owner
25 and/or operator of the premises at their last known address.

26 If an attempt to serve notice upon the owners and/or operators
27 by certified mail or hand delivery is unsuccessful, service of the
28 notice of the hearing may be made by conspicuously posting the notice
29 at the subject property, such posting to take place not less than ten
30 days before the scheduled hearing date. The owner and/or operator
31 shall be responsible for providing notice to any tenant, lessee or

1 lessor of the hearing.

2 (2) The notice of hearing shall include a complaint stating the
3 following:

4 i. The time, place and nature of the hearing.

5 ii. The legal authority and jurisdiction under which
6 the hearing is to be held.

7 iii. Reference to the relevant section(s) of the
8 statute(s) and ordinance(s) involved in the determination of a
9 public nuisance.

10 iv. A short and plain statement of facts giving rise
11 to the complaint.

12 (d) If the owner of property that is subject to a complaint
13 and hearing before the Board transfers ownership of such property
14 between the time the initial notice of hearing was served and the
15 time of the hearing, such owner shall:

16 (1) Disclose, in writing, the existence and the nature of
17 the proceeding to the prospective transferee.

18 (2) Deliver to the prospective transferee a copy of the
19 pleadings, notices, and other materials relating to the Board
20 proceeding received by the transferor.

21 (3) Disclose, in writing, to the prospective transferee
22 that the new owner will be responsible for compliance with
23 findings, conclusions and orders issued in the Board proceeding.

24 (4) File a notice with the Board of the transfer of the
25 property, with the identity and address of the new owner and
26 copies of the disclosures made to the new owner, within 5 days
27 after the date of the transfer.

28 A failure to make the disclosures described in subparagraphs (d) (1),
29 (2), and (3) before the transfer creates a rebuttable presumption of
30 fraud. If the property is transferred before the hearing, the
31 proceeding shall not be dismissed, but the new owner shall be entitled

1 to request and have granted a reasonable continuation of the hearing
2 in order to meaningfully participate in the hearing. If the new
3 owner fails to request a continuation, the hearing may be conducted
4 according to the Board's notice.

5 **Section 2. Effective Date.** This ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without the Mayor's signature.

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9 Form Approved:

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11 /s/ Margaret M. Sidman

12 Office of General Counsel

13 Legislation Prepared By: Jason R. Teal

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