

1 Introduced by Council Member Becton:
2

3 **ORDINANCE 2023-324**

4 AN ORDINANCE CONCERNING CHAPTER 656 (ZONING
5 CODE), *ORDINANCE CODE*; AMENDING PART 12
6 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
7 SUBPART B (TREE PROTECTION), SECTION 656.1208
8 (ENFORCEMENT; VIOLATIONS AND PENALTIES;
9 STOPPING WORK, CORRECTION OF VIOLATION), TO
10 CREATE AND ADD SETTLEMENT POLICY CRITERIA
11 AUTHORIZING THE REDUCTION OF CERTAIN FINES
12 IMPOSED FOR VIOLATIONS OF PART 12 (LANDSCAPE
13 AND TREE PROTECTION REGULATIONS), SUBPART B,
14 (TREE PROTECTION), DIFFERENTIATING BETWEEN THE
15 MITIGATION PAYMENT AND THE FINE FOR TREE
16 REMOVAL WITHOUT A PERMIT, REPLACING THE
17 PLANNING COMMISSION WITH THE TREE COMMISSION
18 AS THE APPROPRIATE FORUM FOR APPEALS OF
19 NOTICES OF VIOLATIONS AND ASSESSMENT OF FINES
20 UNDER SUBPART B (TREE PROTECTION); PROVIDING
21 FOR CODIFICATION INSTRUCTIONS; PROVIDING AN
22 EFFECTIVE DATE.
23

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

25 **Section 1. Amending Section 656.1208 (Enforcement;**
26 **violations and penalties; stopping work, correction of violation),**
27 **Subpart B. (Tree Protection), Part 12 (Landscape and Tree**
28 **Protection Regulations), Chapter 656 (Zoning Code), Ordinance Code.**
29 Section 656.1208 (Enforcement; violations and penalties; stopping
30 work, correction of violation, Subpart B (Tree Protection), Part 12
31 (Landscape and Tree Protection Regulations), Chapter 656 (Zoning

1 Code), *Ordinance Code*, is hereby amended to read as follows:

2 **CHAPTER 656 - ZONING CODE**

3 * * *

4 **PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS**

5 * * *

6 **SUBPART B. - TREE PROTECTION**

7 * * *

8 **Sec. 656.1208. - Enforcement of this Subpart B; violations and**
9 **penalties; stopping work, correction of violation, settlement and**
10 **reduction of fines pursuant to Policy criteria; procedures.**

11 Removal of trees without a permit, or more trees than
12 permitted, is a violation of this Subpart and shall be corrected.

13 (a) *Notice of violations.* Whenever the Chief has evidence
14 that a violation of any provision of this Subpart has been or is
15 being committed, he or she shall issue a written Notice of
16 Violation to ~~or order upon the person or~~ all persons responsible
17 for the violation, which may include, but not be limited to, the
18 property owner, permit holder, and contractor (if known and if
19 different person(s) or entities) by personal service or certified
20 mail or, if these forms of service are ineffective, by posting a
21 copy in a conspicuous place on the premises where the violation has
22 occurred or is occurring. The notice shall describe ~~briefly set~~
23 ~~forth the general nature of~~ the violation and specify the manner
24 and that the violation shall be corrected within 90 days from the
25 date of the Notice of Violation, which may be extended by the Chief
26 for good cause.

27 (b) ~~Stopping~~ Work Order. Whenever, in the opinion of the
28 Chief, by reason of a violation of any provision of this Subpart,
29 the continuance of work is contrary to the public welfare or will
30 make it more difficult to discern the diameter breast height
31 ("DBH") inches of protected tree removed, he the Chief shall order,

1 in writing, all further work on the development site, including but
2 not limited to clearing, grubbing, grading, and cleaning up to be
3 stopped and may require suspension of ~~all~~ all work on the site
4 until the violation is corrected.

5 (c) Correction of violation when DBH inches removed is
6 determinable. A violation of this Subpart, when the DBH inches
7 illegally removed is determinable shall be corrected ~~as follows:~~
8 within 90 calendar days from the date of the Notice of Violation.
9 A fine shall be assessed, and the corrective action determined by
10 the Chief of Development Services ("Assessment of Fine and
11 Corrective Action"). Correction of the violation shall include:
12 (1) payment of a fine; and (2) mitigation for the trees removed by
13 planting replacement trees on the site. Fines may be reduced
14 pursuant to subsection (g) (Settlement and Reduction of Assessment
15 of Fines and Corrective Action pursuant to Policy criteria), below.
16 Fines are separate from Mitigation Payments.

17 (1) Calculation of the fine. The fine shall include:

18 (i) Payment of double the permit fee that would have been
19 required had a permit been lawfully obtained prior to
20 commencing work. See Section 320.409(a)(15). This
21 portion of the fine is payable to the segregated
22 trust account of the City, pursuant to Section
23 320.409, Ordinance Code.

24 (ii) Payment into the Tree Protection and Related Expenses
25 Trust Fund ("Tree Fund"), Section 111.760, Ordinance
26 Code. This portion of the fine shall be deposited
27 into the account or subfund into which mitigation
28 payments are made for Ordinance Code compliance
29 pursuant to subsection 656.1206(g)(14), and
30 calculated as follows:

31 (A) For the first violation of the property owner,

1 permit holder or contractor: a monetary amount
2 shall be paid for the DBH inches removed,
3 pursuant to the formula described in Section
4 656.1206(g). If space is available on the site,
5 and if approved by the Department, replacement
6 trees may be planted in lieu of payment.

7 (B) For each subsequent violation by the property
8 owner, permit holder, or contractor, the fine
9 amount shall be twice the required amount for
10 the DBH inches removed, pursuant to the formula
11 described in Section 656.1206(g). If space is
12 available on the site, and if approved by the
13 Department, replacement trees may be planted in
14 lieu of payment.

15 (C) In the event the contractor responsible for the
16 tree removal in violation of this Subpart is
17 different than the property owner, in addition to
18 the fines listed in subsection (1), above, the
19 contractor shall also be subject to a civil
20 penalty of \$1,000 for the first violation, \$2,000
21 for the second violation, and \$3,000 for every
22 subsequent violation. Each parcel where the
23 contractor conducts site clearing work without a
24 permit shall be considered a separate violation.

25 (2) Calculation of the Mitigation.

26 (i) Correction of the violation also requires
27 replacement of the trees illegally removed by the
28 planting of new trees, credit trees, and/or
29 transplanted trees ("Replacement Trees") as required
30 and calculated by Section 656.1206(g), as
31 mitigation.

1 ~~(1) When there is work done without a permit, the~~
2 ~~property owner shall pay the permit fee due~~
3 ~~the City for the work, which permit fee shall~~
4 ~~be twice the amount of the regular permit fee~~
5 ~~specified in Section 320.409(a)(15) which~~
6 ~~would have been due had the permit been~~
7 ~~obtained prior to commencing work, and by~~
8 ~~replacing the protected trees removed without~~
9 ~~a permit with new planted trees, unprotected~~
10 ~~trees or transplanted trees. The total caliper~~
11 ~~inches of the replacement trees shall equal~~
12 ~~twice the amount of total caliper inches~~
13 ~~required to be planted, pursuant to Section~~
14 ~~656.1206(h).~~

15 (ii) Prior to planting the Replacement Trees, the
16 property owner shall also submit a tree replanting
17 plan to the Chief showing how the damage caused to
18 the site by the violation will be mitigated. The
19 replanting plan shall be subject to the review and
20 approval of the Chief and the trees installed within
21 the time limit stated on the permit Assessment of
22 Fine and Corrective Action. Replacement Trees trees
23 shall meet the requirements of Section 656.1206,
24 except that the minimum caliper of all Replacement
25 Trees replacement trees shall be four inches, and
26 the plan shall meet the requirements of Section
27 656.1217 (Landscape and Irrigation system plans
28 required). to the extent applicable; or

29 (iii) If it is found by the Chief that it is impossible to
30 replace any required trees on the site, the Chief
31 may allow a payment into the Tree Fund for the

1 required trees not replaced, so long as the criteria
2 in subsection 656.1206(e) are also met ("Mitigation
3 Payment").

4 ~~(2) When there is no permit, the violator shall pay the~~
5 ~~permit fee due the City for the work, which permit~~
6 ~~fee shall be twice the amount of the regular permit~~
7 ~~fee specified in Section 320.408(a)(15), which would~~
8 ~~have been due had the permit been obtained prior to~~
9 ~~commencing work, and by making a contribution to the~~
10 ~~Tree Protection and Related Expenses Trust Fund to~~
11 ~~compensate for each replacement tree which is not~~
12 ~~planted. The amount of such contribution shall be~~
13 ~~twice the required amount, pursuant to the formula~~
14 ~~described in Section 656.1206(h)(14). For each~~
15 ~~subsequent violation by the property owner, the~~
16 ~~amount of such contribution shall be triple the~~
17 ~~required amount, pursuant to the formula described~~
18 ~~in Section 656.1206(h)(14).~~

19 ~~(3) When there has been a permit issued for the proposed~~
20 ~~work, any property owner who removes more caliper~~
21 ~~inches than the number of caliper inches approved in~~
22 ~~their permit as identified in the final landscape~~
23 ~~inspection is required to pay triple the required~~
24 ~~amount for those caliper inches that were not~~
25 ~~permitted pursuant to the formula described in~~
26 ~~Section 656.1206(h)(14).~~

27 (3)4) Correction of violation when DBH inches not determinable
28 ("Clearcutting"). If the site has been cleared and the
29 trees have been removed from the site so that the Chief
30 is unable to determine with reasonable certainty the
31 number of protected trees removed in violation of this

1 Subpart, the violation shall be corrected by making a
2 contribution to the Tree Protection and Related Expenses
3 Trust Fund equal to \$50,000 per acre, or fraction thereof
4 per each acre, of land cleared (the "Clearcutting
5 Contribution Amount" or "Contribution"). The
6 Clearcutting Contribution Amount, ~~which fine~~ shall be
7 assessed by the Chief and when collected, shall be
8 deposited into the account or subfund into which
9 mitigation payments are made for Ordinance Code
10 compliance pursuant to subsection 656.1206(g)(14). In
11 the event the Chief assesses such a Clearcutting
12 Contribution Amount ~~fine~~, the Chief shall provide the
13 following information in the Notice of Violation,
14 pursuant to subsection (a), to the property owner, permit
15 holder and/or contractor: the amount of acres presumed to
16 be impacted by the site clearing without a permit, the
17 total Clearcutting Contribution Amount ~~fine~~ assessed, and
18 any other information or documents the Chief relied upon
19 to calculate the Contribution ~~fine~~ ("preliminary
20 assessment of Clearcutting Contribution Amount ~~fine~~").
21 The property owner, permit holder and contractor shall
22 have the ability to appeal the preliminary assessment of
23 Clearcutting Contribution Amount ~~fine~~ as follows:
24 (i) The property owner, permit holder and contractor
25 have ~~has~~ the burden of proving, through competent
26 and substantial evidence that the preliminary
27 assessment of Clearcutting Contribution Amount ~~fine~~
28 should be reduced. The property owner, permit holder
29 and contractor shall have 30 days from the receipt
30 of the Notice of Violation to dispute the
31 preliminary assessment of Contribution ("Notice of

1 Dispute of Clearcutting Contribution Amount" or
2 "Notice of Dispute"). The Notice of Dispute of
3 Clearcutting Contribution Amount ~~notice of dispute~~
4 shall be in writing and sent to the Chief via
5 electronic mail and by either hand delivery or
6 certified mail, and contain the following
7 information (if applicable): competent and
8 substantial evidence of the species of trees
9 removed, the total ~~caliper~~ DBH inches removed, the
10 application of any exception or exemption to the
11 trees removed as provided for in this Part, and any
12 other relevant information used to dispute the
13 preliminary assessment of the Clearcutting
14 Contribution Amount ~~fine~~. All evidence relied upon
15 to support the dispute, including expert analysis
16 and geographical data, shall also be provided in the
17 Notice of Dispute ~~notice of dispute~~.

18 (ii) The Chief shall have 30 days to respond to the
19 Notice of Dispute ~~notice of dispute~~. The response
20 shall be in writing and shall be sent to the
21 property owner, or his agent, permit holder and
22 contractor via electronic mail and either hand
23 delivery or certified mail, and shall provide the
24 "Final Assessment of Clearcutting Contribution
25 Amount" ~~Fine~~ based on one of the following
26 determinations:

27 (A) ~~The~~ The Chief rejects the basis for the Notice
28 of Dispute ~~notice of dispute~~ and applies the
29 preliminary assessment of Clearcutting
30 Contribution Amount ~~fine~~ as the Final
31 Assessment of Clearcutting Contribution

1 Amount. This decision is appealable to the
2 Tree Commission, not based upon the Policy
3 outlined in subsection (h), below, but rather
4 competent, substantial evidence brought
5 forward by the alleged violator about the
6 actual amount of protected tree DBH inches
7 removed without a permit. ~~Fine; or (2)~~

8 (B) The ~~the~~ Chief accepts all or a portion of the
9 Notice of Dispute ~~notice of dispute~~ and
10 adjusts the preliminary assessment of the
11 Clearcutting Contribution Amount ~~fine~~, an
12 explanation of the adjustment shall be
13 provided.

14 (C) If ~~when~~ the Chief accepts all or a portion of
15 the Notice of Dispute, ~~notice of dispute~~,
16 based on the finding that there were a certain
17 amount of protected tree DBH inches removed
18 without a permit, a fine shall be assessed.
19 The ~~the~~ minimum fine contribution shall be
20 \$5,000 for each acre plus a fine of twice the
21 monetary ~~contribution~~ amount required for
22 those ~~caliper~~ protected DBH inches that were
23 determined by the Chief to have been removed
24 and are required to be replaced pursuant to
25 the formula described in Section 656.1206(g).
26 ~~Section 656.1206(h) (14)~~.

27 (iii) The property owner may appeal the Final Assessment
28 of Clearcutting Contribution Amount ~~Fine~~ to the
29 Planning Tree Commission pursuant to the provisions
30 of this Section and Section 94.106, Ordinance Code.
31 This appeal is separate from the appeal available

1 regarding the decision of the Director on the
2 Request for Reduction of Fines pursuant to
3 subsection (g), below, but like that appeal, the
4 decision of the Tree Commission shall be deemed the
5 final action of the City and shall be subjected to
6 no further appeal. 656.135. For the purposes of this
7 subsection, the use of the term "Director" shall
8 mean "Chief" and "written interpretation" shall mean
9 "Final Assessment of Fine" as such terms are used in
10 Section 656.135.

11 (iv) In the event the property owner, permit holder or
12 contractor does not dispute the preliminary
13 assessment of Clearcutting Contribution Amount fine
14 within the 30 days as provided for in subparagraph
15 (1), above, subparagraph (i), the preliminary
16 assessment of Clearcutting Contribution Amount fine
17 shall be the Final Assessment of Clearcutting
18 Contribution Amount Fine—and shall be deemed the
19 final action of the City city and shall be subjected
20 to no further appeal.

21 (d) Final Action for Assessment of Fine and Corrective
22 Action. In the event the property owner, permit holder or
23 contractor does not dispute the Assessment of Fine and Corrective
24 Action within 30 days as provided for in subsection (g) below
25 (Settlement and Reduction of Assessment of Fines and Corrective
26 Action pursuant to Policy criteria), the Assessment of Fines and
27 Corrective Action shall be the final action of the City and
28 subjected to no further appeal.

29 ~~(5) In the event the contractor responsible for the site~~
30 ~~clearing in violation of this subpart is different than~~
31 ~~the property owner, in addition to the penalties listed~~

1 ~~in subparagraphs (2) and (3), above, the contractor shall~~
2 ~~correct the violation by making a contribution to the~~
3 ~~Tree Protection and Related Expenses Trust Fund to~~
4 ~~compensate for each replacement tree which is not re-~~
5 ~~planted and also be subject to a fine assessed by the~~
6 ~~Chief civil penalty of \$1,000.00 for the first violation,~~
7 ~~\$2,000.00 for the second violation, and \$3,000.00 for~~
8 ~~every subsequent violation. Each parcel where the~~
9 ~~contractor conducts site clearing work without a permit~~
10 ~~shall be considered a separate violation.~~

11 (e)(6) Payment of Fine. The Final Assessment of
12 Clearcutting Contribution Amount and the contribution assessed
13 under Assessment of Fine and Corrective Action imposed pursuant to
14 this subsection shall be payable to the Tax Collector within seven
15 days after the non-appealable Final Order is issued or the date the
16 Final Assessment of Clearcutting Contribution Amount or Fine and
17 Corrective Action becomes a Final Order as outlined above. All
18 amounts received by the City pursuant to this Subpart subsection
19 shall be deposited into the Ordinance Code subfund of the Tree
20 Protection and Related Expenses Trust Fund established under
21 Section 111.760, except that the Building and Inspection
22 Development Services Division shall receive up to \$1,000 per acre
23 for the enforcement of this subsection and other than the permit
24 fee described in subsection 656.1208(c)(1)(A). No work shall
25 continue on the site, and no further permits approved, until, as
26 determined by the Director, one or a combination of the following
27 occurs:

- 28 (1) The tree replanting plan has been approved,
29 (2) ~~or the contribution~~ The Replacement Trees have been
30 planted, ~~or~~
31 (3) The fine has been collected, or

1 (4) The Clearcutting Contribution Amount has been collected.

2 ~~(d) Appeals. A person aggrieved by an administrative order,~~
3 ~~determination or decision of the Chief may appeal the~~
4 ~~order, determination or decision to the Tree Commission~~
5 ~~Planning Commission pursuant to the provisions of Section~~
6 ~~94.106-656.135.~~

7 ~~(e) Violation and penalties. A person who violates any~~
8 ~~provision of this Subpart and fails to correct the~~
9 ~~violation as provided herein shall, upon conviction~~
10 ~~thereof, be guilty of a class D offense and punished~~
11 ~~accordingly. A separate offense shall be deemed to have~~
12 ~~been committed for each tree removed, damaged or~~
13 ~~destroyed contrary to the provisions of this Subpart.~~

14 ~~(f) Judicial remedy. In addition to other remedies and~~
15 ~~notwithstanding the existence of an adequate remedy at~~
16 ~~law, the City of Jacksonville may seek injunctive relief~~
17 ~~in the Circuit Court to enforce the provisions of this~~
18 ~~Subpart. The City shall be entitled to reasonable~~
19 ~~attorney's fees and costs, including appellate fees and~~
20 ~~costs in an action where the City is successful in~~
21 ~~obtaining affirmative relief.~~

22 (f) Settlement and Reduction of Assessment of Fines and
23 Corrective Action for violations when DBH inches removed is
24 determinable, pursuant to Policy criteria. The Director is
25 authorized to review and approve written requests by an affected
26 property owner, permit holder or contractor for settlement and
27 reduction of fines ("Request to Reduce Fines") calculated and
28 imposed by the Chief as stated in the Notice of Violation. Only the
29 fines may be reduced, not the required amount of Replacement Trees,
30 or their monetary equivalent. The Director shall make the
31 determination on whether to settle fines for less than face value

1 of the Notice of Violation upon the submission of a Request to
2 Reduce Fines. Approval of a Request to Reduce Fines shall be based
3 on the policy outlined in subsection 656.1208(h)(2), below (the
4 "Policy"). The Policy shall remain in effect unless and until
5 revised by the Council.

6 (g) Procedure to request that a fine imposed pursuant to
7 subsection 656.1208(c) be settled and reduced ("Request to Reduce
8 Fines"); conditions and criteria.

9 (1) The owner of real property against which a fine has been
10 imposed by the Chief pursuant to Section 656.1208(c)
11 (Correction of violation when DBH inches removed is
12 determinable) may apply to the Planning and Development
13 Department, through the Development Services Division,
14 for a settlement and reduction of a fine with less than
15 full payment thereof within 30 days of issuance of the
16 Assessment of Fine and Corrective Action. The Chief of
17 Development Services Division is authorized to establish
18 the forms and procedures necessary for an application to
19 be considered. No such application shall be forwarded to
20 the Director for consideration hereunder until the
21 applicant has paid in full all ad valorem property taxes,
22 special assessments, city utility charges and other
23 government-imposed liens against the subject property.

24 (2) The Policy. The Director shall utilize the following
25 criteria in making all determinations whether to approve
26 or deny a Request to Reduce Fines imposed pursuant to
27 subsection 656.1208(c). The determinations shall be in
28 writing and shall explain why the actions of the
29 purported violator either meet or do not meet these
30 criteria.

31 As a threshold issue, the Director shall determine

1 whether evidence exists that the failure to adhere to
2 this Part 12 was intentional. If the Director determines
3 that the failure to adhere to this Part 12 is
4 intentional, then the Request to Reduce Fines shall be
5 denied. If the Director determines that the failure to
6 adhere to this part 12 was an honest mistake or
7 unintentional, the following criteria shall be applied on
8 a percentage basis to reduce the fine. This metric is
9 designed so that the adjusted fine will never be less
10 than 10% of the original fine.

11 (i) **Violator's knowledge of the requirements of Subpart**
12 **B of the Landscape Code.**

13 (A) Five percent (5%) reduction if the violation was
14 caused at least 5 years ago by a previous owner
15 without the knowledge of the current owner; or

16 (B) Ten percent (10%) reduction if the violation was
17 caused by an owner, permit holder or contractor
18 with no previous experience with City permitting
19 or the Landscape Code.

20 (ii) **Status of Permit.**

21 (A) If Civil Plans required for the development:

22 (1) Zero percent (0%) reduction if no record of
23 permit or discussions with permittee;

24 (2) Five percent (5%) reduction if Civil Plans
25 submitted, but not reviewed;

26 (3) Ten percent (10%) reduction if Civil Plans
27 approved, but no site work permit
28 application submitted;

29 (4) Fifteen percent (15%) reduction if Civil
30 Plans approved but site work permit still
31 under review; or

1 (5) Twenty percent (20%) reduction if Civil
2 Plans approved and site work permit approved
3 but pending payment.

4 (B) If Civil Plans are not required for the
5 development:

6 (1) Zero percent (0%) reduction if no record of
7 permit or discussions with permittee;

8 (2) Five percent (5%) reduction if site work
9 permit application submitted and returned
10 for corrections;

11 (3) Ten percent (10%) reduction if site work
12 permit application in review, but not
13 approved;

14 (4) Fifteen percent (15%) reduction if site work
15 permit application revised and resubmitted,
16 but not approved; or

17 (5) Twenty percent (20%) reduction if permit was
18 reviewed and approved, but is pending
19 payment by permittee.

20 (iii) Amount of tree canopy lost in DBH inches per acre
21 without a permit.

22 (A) Zero percent (0%) reduction if greater than
23 1,200 DBH inches;

24 (B) Five percent (5%) reduction if 865 to 1,200
25 DBH inches;

26 (C) Ten percent (10%) if 289 to 864 DBH inches;

27 (D) Fifteen percent (15%) if 24 to 288 DBH inches;

28 or

29 (E) Twenty percent (20%) reduction if less than 24
30 DBH inches removed.

31 (iv) Violator's cooperation to provide information and

1 willingness to resolve the issue.

2 (A) Zero percent (0%) if the Owner did not offer
3 any assistance in the investigation;

4 (B) Ten percent (10%) if the Owner was moderately
5 cooperative in the investigation;

6 (C) Twenty percent (20%) if the Owner was fully
7 cooperative with the investigation.

8 (v) Comparison of the fine to the assessed property
9 value.

10 (A) Zero percent (0%) if 0 to 20% of property
11 value;

12 (B) Five percent (5%) if 21 to 40% of property
13 value;

14 (C) Ten percent (10%) if 41 to 60% of property
15 value;

16 (D) Fifteen percent (15%) if 61 to 80% of property
17 value; or

18 (E) Twenty percent (20%) if over 81% of property
19 value.

20 (3) Any fine, or reduced fine, imposed
21 pursuant to this Section shall be paid into
22 the Tree Protection and Related Expenses Trust
23 Fund (Section 111.760) and shall be deposited
24 into the account or subfund into which
25 mitigation payments are also made for
26 Ordinance Code compliance pursuant to
27 subsection 656.1206(g) (14).

28 (h) Appeal to the Jacksonville Tree Commission. Any violator
29 may appeal a decision by the Director on a Request for Reduction of
30 Fines, or a decision of the Chief regarding the Final Assessment of
31 Clearcutting Contribution Amount to the Jacksonville Tree
Commission pursuant to Section 94.106, Ordinance Code.

1 (i) Violation and penalties. A person who violates any
2 provision of this Subpart and fails to correct the violation as
3 provided herein shall, upon conviction thereof, be guilty of a
4 class D offense and punished accordingly. A separate offense shall
5 be deemed to have been committed for each tree removed, damaged or
6 destroyed contrary to the provisions of this Subpart.

7 (j) Judicial remedy. In addition to other remedies and
8 notwithstanding the existence of an adequate remedy at law, the
9 City of Jacksonville may seek injunctive relief in the Circuit
10 Court to enforce the provisions of this Subpart. The City shall be
11 entitled to reasonable attorney's fees and costs, including
12 appellate fees and costs in an action where the City is successful
13 in obtaining affirmative relief.

14 **Section 2. Codification Instructions.** The Codifier and
15 the Office of General Counsel are authorized to make all chapter
16 and division "tables of contents" consistent with the changes set
17 forth herein. Such editorial changes and any others necessary to
18 make the *Ordinance Code* consistent with the intent of this
19 legislation are approved and directed herein, and changes to the
20 *Ordinance Code* shall be made forthwith and when inconsistencies are
21 discovered.

22 **Section 3. Effective Date.** This Ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Susan Grandin

29 Office of General Counsel

30 Legislation prepared by: Cherry S. Pollock and Susan Grandin

31 GC-#1543003-v14B-Becton_-_Amending_Part_12_010423_(Exhibit_to_legislation).doc