

1 Introduced by Council Member Cumber:  
2  
3

4 **ORDINANCE 2021-756**

5 AN ORDINANCE AMENDING CHAPTER 672 (PUBLIC  
6 NUISANCE ABATEMENT BOARD), SECTION 672.09  
7 (PROCEDURES) TO ADDRESS PROPERTY SALES OR  
8 TRANSFERS THAT OCCUR BEFORE PUBLIC NUISANCE  
9 ABATEMENT BOARD HEARINGS; REQUESTING ONE CYCLE  
10 EMERGENCY PASSAGE; PROVIDING AN EFFECTIVE DATE.  
11

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

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

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

18 \* \* \*

19 **Sec. 672.06. Procedures.**

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

1 subsection to determine whether such property constitutes a public  
2 nuisance and whether to refer such property to the Board. All final  
3 determinations regarding citizen complaints shall be communicated to  
4 the complainant by the Sheriff.

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

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

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

14 (c) *Hearings; hearing notices.*

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

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

22 b. By hand delivering the written notice to the owner  
23 and/or operator of the premises at their last known address.

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

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

3 a. The time, place and nature of the hearing.

4 b. The legal authority and jurisdiction under which the  
5 hearing is to be held.

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

9 d. A short and plain statement of facts giving rise to  
10 the complaint.

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

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

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

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

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

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

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

4 **Section 2. Requesting one cycle emergency passage pursuant**  
5 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this  
6 Ordinance is requested. The nature of the emergency is that the  
7 remaining members of the Public Nuisance Abatement Board received  
8 final approval from the Council on October 12, 2021, allowing the  
9 Board to immediately commence hearings concerning properties  
10 suspected of being public nuisances. Creating a process to address  
11 situations where a property owner has transferred title to the subject  
12 property is needed to facilitate the Board's ability to respond to  
13 the situation in an expeditious manner, while affording the new  
14 property owner sufficient due process.

15 **Section 3. Effective Date.** This ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's signature.

18  
19 Form Approved:

20  
21 /s/ Jason R. Teal

22 Office of General Counsel

23 Legislation Prepared By: Jason R. Teal

24 GC-#1458417-v1-Nuisance\_Abatement\_Board\_Property\_Transfers.docx