

1 Introduced by Council Member Dennis:
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4 **ORDINANCE 2019-213**

5 AN ORDINANCE ESTABLISHING A TEMPORARY
6 MORATORIUM ON THE ENFORCEMENT OF SECTION
7 741.107 (B) (VIOLATION OF ZERO-TOLERANCE FOR
8 LITTER LAW), PART 1, GENERAL PROVISIONS,
9 CHAPTER 741 (ZERO TOLERANCE ON LITTER),
10 SECTION 326.104 (B), (D) (UNLAWFUL SIGN
11 STRUCTURES), PART 1 GENERAL REGULATIONS,
12 CHAPTER 326 (SIGNS AND OUTDOOR DISPLAY
13 STRUCTURES), SECTION 320.413 (B) (REMOVAL OF
14 SIGNS), PART 4 PERMITS, CHAPTER 320 (GENERAL
15 PROVISIONS), AND SECTION 656.1303 (I) (2),
16 (L) (2) (ZONING LIMITATIONS ON SIGNS), SUBPART A
17 GENERAL PROVISIONS, PART 13 SIGN REGULATIONS,
18 CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*,
19 REGARDING SIGNS IN THE PUBLIC RIGHTS-OF-WAY
20 UNTIL JUNE 30, 2019; REQUESTING ONE CYCLE
21 EMERGENCY PASSAGE; PROVIDING AN EFFECTIVE
22 DATE.

23
24 **WHEREAS**, Chapter 741, Ordinance Code, is entitled "Zero
25 Tolerance on Litter" and provides for a policy of zero tolerance
26 for litter on and along streets, public spaces, waterways and
27 public right-of-ways; and

28 **WHEREAS**, the term "litter", as used in Chapter 741, includes
29 "snipe signs," which are defined in Section 741.102 as a sign which
30 has been placed "on public property or within the public right-of-
31 way" without the consent of the public property owner; and

1 **WHEREAS**, Section 741.107(b) makes the placement of snipe signs
2 on public property, including public rights-of-way, a violation of
3 Chapter 741; and

4 **WHEREAS**, each year the Municipal Code Compliance Division
5 (MCCD) prepares an annual report pursuant to Section 741.105,
6 Ordinance Code, which includes statistics as to the number of
7 citations issued for litter, including snipe signs, and the efforts
8 to ensure that the zero-tolerance policy is being equitably applied
9 in all City Council districts; and

10 **WHEREAS**, according to the 2017-2018 Annual Report, MCCD issued
11 1,234 citations total for snipe signs during the 2017-2018 fiscal
12 year but according to additional data received from MCCD, over the
13 last three months of 2018 (October through December), 599 citations
14 were issued totaling possible fines of \$61,300, with only \$11,085 of
15 that collected for the citations issued during that time frame; and

16 **WHEREAS**, the citations issued for October, November and
17 December 2018 are equal to almost half of all citations in the
18 twelve-month 2017-2018 fiscal year; and

19 **WHEREAS**, the MCCD Annual Report for fiscal year 2018-2019 is
20 required to be released by late April, providing additional data
21 for the Council to review; and

22 **WHEREAS**, the upcoming second quarter of 2019 promises to
23 provide an uptick in the occurrence of signs in and on public
24 right-of-ways given that the election period is ongoing and spring
25 and summer seasons harken the appearance of additional advertising,
26 real estate and other informative signage; and

27 **WHEREAS**, the Council has questions regarding the number of
28 citations issued and the manner and frequency in the issuance of
29 citations in the last quarter of 2018 (to which the latest data is
30 available), and would like additional time to review this data from
31 MCCD, as well as data in the Annual Report and for the first

1 quarter of 2019; and

2 **WHEREAS**, the Council finds it important to review the current
3 local laws governing the placement and enforcement of signs in the
4 public right-of-way; and

5 **WHEREAS**, the Council further finds that the most equitable
6 approach during this period of time would be to include a
7 moratorium on the enforcement of signs in or on the public right-
8 of-way during this period of review; and

9 **WHEREAS**, the Council finds that there is a legitimate public
10 purpose in imposing a temporary moratorium on the enforcement of
11 signs in the public rights-of-way to allow the City time to review
12 the most recent data expected to be issued by MCCD in late April,
13 2019 and to consider changes to the current administrative
14 practices; and

15 **WHEREAS**, during this time the Council finds that there is a
16 legitimate public purpose to temporarily prohibit the City's
17 enforcement of the provisions of Section 741.107(b), pertaining to
18 signs in the public right-of-way for a period of time ending on
19 June 30, 2019, so that current data from MCCD can be reviewed along
20 with the local regulations; and

21 **WHEREAS**, there are other provisions in the *Ordinance Code* that
22 also pertain to signs placed within the right-of-way; to wit,
23 Sections 326.104 (Unlawful sign structures), 320.413 (Removal of
24 signs) and 656.1303 (Zoning limitations on signs), each of which
25 make it unlawful and a violation of the *Ordinance Code* to have
26 signs in the public right-of-way and so the moratorium should also
27 extend to these provisions to the extent that they would be used by
28 the City to enforce citations for placement of signs within the
29 public right-of-way; and

30 **WHEREAS**, a moratorium on the enforcement of Sections
31 741.107(b) (Violation of Zero-Tolerance for Litter Law),

1 326.104(b), (d) (Unlawful sign structures), 320.413(b) (Removal of
2 signs) and 656.1303 (i)(2), (1)(2) (Zoning limitations on signs), as
3 specifically applied to signs within the public right-of-way is
4 also necessary for the same length of time, until June 30, 2019, to
5 ensure that the moratorium is applied evenly; now, therefore,

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

7 **Section 1. Findings and Statement of Intent.**

8 (a) The above recitals are hereby adopted as the Council's
9 Findings of Fact; and

10 (b) It is the intent of the Council to undertake an in-depth
11 review of the City's current laws governing signs in the public
12 rights-of-way and to review data concerning the application,
13 enforcement, and administration of these provisions in furtherance
14 of the public health, safety and welfare.

15 **Section 2. Temporary Moratorium Imposed as to the**
16 **Enforcement of Signs in Public Rights-of-Way Pursuant to Sections**
17 **741.107(b) (Violation of Zero-Tolerance for Litter Law),**
18 **326.104(b), (d) (Unlawful sign structures), 320.413(b) (Removal of**
19 **signs) and 656.1303 (i)(2), (1)(2) (Zoning limitations on signs),**
20 **Ordinance Code.** The Council hereby imposes a temporary moratorium
21 on the enforcement of provisions of Sections 741.107(b) (Violation
22 of Zero-Tolerance for Litter Law), 326.104(b), (d) (Unlawful sign
23 structures), 320.413(b) (Removal of signs) and 656.1303 (i)(2),
24 (1)(2) (Zoning limitations on signs), *Ordinance Code*, pertaining to
25 signs in the public rights-of-way. This moratorium is needed to
26 allow the City time to review the data from MCCD's Annual Report
27 and supplemental information from MCCD, and to determine the
28 appropriate next steps, including the possible amendment of
29 existing Code provisions. This moratorium is imposed pursuant to
30 the Council's police powers to protect the public health, safety
31 and welfare of the community at large and shall remain in effect

1 until June 30, 2019, or until such time as repealed by Council,
2 whichever shall occur first.

3 **Section 3. Requesting one cycle emergency passage**
4 **pursuant to Council Rules 4.901 Emergency.** One cycle emergency
5 passage of this legislation is requested. The nature of the
6 emergency is that sign activity in the public rights-of-way is
7 expected to be particularly active during the second quarter of
8 2019 (beginning April 1, 2019) due to advertising, real estate,
9 campaign and informative signs increasing with the advent of
10 spring. If this legislation traveled through the normal process as
11 filed, the moratorium would not be approved in time to apply during
12 first month of the quarter. The timing of the moratorium will also
13 affect the amount of data received and the enforcement during an
14 extremely active period of time. Review of the data during the
15 second quarter is the most beneficial in order to obtain a true
16 measurement of sign activity in the right-of-way.

17 **Section 4. Effective Date.** This ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

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21 Form Approved:

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23 /s/ Paige H. Johnston

24 Office of General Counsel

25 Legislation prepared by: Paige H. Johnston

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