

1 Introduced by Councilmembers Gaffney, Cumber, White and Newby:  
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4 **ORDINANCE 2021-83**

5 AN ORDINANCE CREATING A NEW CHAPTER 672 (PUBLIC  
6 NUISANCE ABATEMENT BOARD); PROVIDING A STATEMENT  
7 OF LEGISLATIVE INTENT; PROVIDING FOR IDENTIFYING  
8 PROPERTIES THAT ATTRACT OR ALLOW NUISANCE  
9 ACTIVITIES; REQUIRING CORRECTIVE ACTION BY  
10 PROPERTY OWNERS; PROVIDING PROCEDURES FOR  
11 ENFORCEMENT; PROVIDING FOR NOTICE, HEARING  
12 RIGHTS AND APPEALS; PROVIDING FOR ASSESSMENT AND  
13 RECOVERY OF COSTS, FINES AND FEES RELATED TO  
14 ENFORCEMENT; CREATING A PUBLIC NUISANCE  
15 ABATEMENT BOARD; PROVIDING FOR CONFLICTS,  
16 SEVERABILITY, CODIFICATION AND AN EFFECTIVE  
17 DATE.  
18

19 **WHEREAS**, the Council finds that there is a limited amount of  
20 police and fire and rescue resources available to address the public  
21 safety, health and welfare needs of Jacksonville residents; and

22 **WHEREAS**, the Council finds that each City taxpayer should have  
23 the ability to timely, sufficiently and appropriately access a pro  
24 rata share of those limited police and fire and rescue services to  
25 which each parcel of real property is entitled; and

26 **WHEREAS**, the Council also finds that some real properties,  
27 hereinafter described as "public nuisance properties" require  
28 disproportionate police and fire and rescue services and cause an  
29 unnecessary burden on those limited public services and therefore on  
30 all taxpayers of the City; and

31 **WHEREAS**, property owners are ultimately responsible for the

1 conduct and actions that occur on their property; and

2 **WHEREAS**, properties with disproportionate service calls are an  
3 indication that such properties are not being properly managed and/or  
4 maintained; and

5 **WHEREAS**, properties that require excessive calls for service  
6 disproportionately necessitate overuse of the City's limited  
7 resources available to ensure the public health, safety and welfare  
8 and are considered public nuisances; and

9 **WHEREAS**, the Council deems it appropriate and in the best  
10 interests of the general health, safety and welfare of the citizens  
11 and residents of the City to create a public nuisance abatement board  
12 to identify and address properties that are not properly managed  
13 and/or maintained and which burden the City's limited resources and  
14 are a negative influence or blight on adjacent properties, the  
15 surrounding neighborhoods and the City.

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

17 **Section 1.** The foregoing "WHEREAS" clauses are true and correct  
18 and incorporated herein by this reference.

19 Section 2. Chapter 672 (Public Nuisance Abatement Board), Ordinance  
20 Code. Chapter 672 (Public Nuisance Abatement Board), Ordinance Code,  
21 is hereby created to read as follows:

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

23 **Sec. 672.01. Statement of Legislative Intent; Declaration of**  
24 **Public Nuisance.**

25 In addition to the burden placed on the City's limited police  
26 and fire and rescue resources, public nuisance properties present  
27 health, safety and quality of life concerns and exist when the persons  
28 responsible for such properties fail to take corrective actions to  
29 abate nuisance activities or a nuisance condition. Public nuisance  
30 properties have a significant adverse effect on the quality of life,  
31 safety and health of the neighborhoods where they are located. Public

1 nuisance properties are a financial and operational burden on the  
2 City by generating repeated calls for service to the properties.  
3 Public nuisance properties adversely affect the value of adjacent  
4 properties. The Public Nuisance Abatement Board is created to address  
5 and reduce nuisance activities and/or nuisance conditions that  
6 disrupt quality of life and repeatedly occur or exist at properties.  
7 Pursuant to the City's police powers, public nuisance properties are  
8 hereby declared to constitute a public nuisance and are subject to  
9 enforcement and abatement as described herein. The nuisance abatement  
10 process hereinafter set forth may be used by the City in conjunction  
11 with any and all legal actions available to the City.

12 It is the City's intent:

13 1. To identify public nuisance activities and public nuisance  
14 conditions.

15 2. To hold accountable those persons responsible for such  
16 nuisance activities and/or conditions on the property.

17 3. To assist victims of crime and penalize those who commit  
18 crimes or those who permit conditions to exist that give rise to  
19 crime or excessive calls for service to the Sheriff and JFRD.

20 4. To establish rules, procedures, and penalties to address  
21 property owners that have public nuisance issues and fail to take  
22 corrective measures.

23 5. To work in partnership with the owners to address the negative  
24 results caused by public nuisance activities and/or conditions and  
25 to improve the vitality of neighborhoods by addressing excessive  
26 calls for service to the Sheriff and JFRD.

27 6. To encourage owners and operators to cooperate by classifying  
28 calls for service made by the owners or operators which demonstrate  
29 their good-faith commitment to abate nuisance activities and/or  
30 conditions on their property such that the self-reported actions will  
31 not be included as nuisance activity responses.

1           7. To establish a means for the City to abate public nuisance  
2 properties in the event the owner is unwilling or unable to correct  
3 such conditions in a timely manner.

4           8. To establish the cost of City response and enforcement  
5 services to the property owners identified as owning public nuisance  
6 properties and enable the City to recoup such costs.

7           **Sec. 672.02. Creation; composition; term of office.**

8           (a) Pursuant to the authority granted in section 893.138, F.S.  
9 and the City's home rule authority, there is hereby created and  
10 established a board to be known and designated as the Public Nuisance  
11 Abatement Board.

12           (b) The Board shall consist of nine members.

13           (c) Except as modified herein, the members of the Board shall  
14 be appointed pursuant to and be governed by Chapter 50, Ord. Code.

15           (d) Board members shall have the following employment or  
16 qualifications:

17               (1) One member shall be a JSO officer appointed by the  
18 Sheriff;

19               (2) One member shall be a JFRD employee appointed by the  
20 Fire Chief;

21               (3) One member shall be an employee of the City's  
22 Neighborhoods Department appointed by the Director of the  
23 Neighborhoods Department;

24               (4) One member shall be a Florida Bar licensed attorney  
25 in good standing appointed by the Mayor;

26               (5) One member shall be a developer, property manager or  
27 realtor with extensive experience with commercial property operations  
28 appointed by the Mayor;

29               (6) One member shall be a developer, property manager or  
30 realtor with extensive experience with multi-family residential  
31 property operations appointed by the Mayor;

1 (7) One member shall be an individual with extensive  
2 experience in public health services or child protective services  
3 appointed by the Mayor; and

4 (8) Two members shall be community advocates appointed by  
5 the Council President; however, such members shall be prohibited from  
6 voting on any property located within their community.

7 All members shall be confirmed by the Council in accordance with  
8 Chapter 50, Ord. Code.

9 **Sec. 672.03. Definitions.**

10 The following words, terms and phrases, when used in this  
11 Chapter, shall have the meanings ascribed to them in this section,  
12 except where the context clearly indicates a different meaning:

13 *Board* means the Public Nuisance Abatement Board created in this  
14 Chapter.

15 *City* shall mean the City of Jacksonville, Florida, excluding the  
16 Second, Third, Fourth and Fifth Urban Services Districts.

17 *Controlled substance* means any substance named or described in  
18 F.S. § 893.03; any substance sold in lieu of a controlled substance  
19 defined in F.S. § 817.563; any imitation controlled substance defined  
20 in F.S. § 817.564; or any legend drug or prescription drug as defined  
21 in F.S. § 499.003.

22 *Effective term* means the term of one year from the date of entry  
23 by the Board of an order requiring the owner of a place or premises  
24 declared by the Board to be a public nuisance to adopt procedures to  
25 abate the nuisance, or a shorter term if the order provides for its  
26 expiration in less than one year. Any order of the Board declaring a  
27 recurring nuisance relating to nuisance activity on the same property  
28 with the same property owner shall not extend the effective term.

29 *Operator* means the person operating a place or premises subject  
30 to this article. The term "operator" includes, but is not limited to,  
31 owners, managers, tenants, subtenants, and persons having operational

1 control over the place or premises.

2 *Owner* means the owner of the real property upon which the place  
3 or premises is located. In cases where the owner and the operator are  
4 the same person, the terms "owner" and "operator" are used  
5 interchangeably in this article.

6 *Place or premises* means real property and its appurtenances and  
7 structures thereon as described in the deed or other instrument of  
8 conveyance as recorded in the public records of the City. The term  
9 "place" or "premises" includes but is not limited to parking lots,  
10 curtilage and other areas open to the general public or to invitees  
11 or licensees.

12 *Public nuisance conduct* means the conduct described in section  
13 672.04.

14 *Recurring public nuisance* conduct means any single or multiple  
15 instance of the conduct described in section 672.04 occurring during  
16 the effective term of an order entered by the Board.

17 *Respondent* means the owner, operator, and any other person  
18 against whom a complaint is brought pursuant to this Chapter.

19 **Sec. 672.04. - Declaration of public nuisance.**

20 For the purpose of this Chapter, any place or premises, or any  
21 part thereof, within the boundaries of the City which has been used  
22 for the following purposes are declared to be public nuisances:

23 (1) On more than two occasions within a six-month period, as  
24 the site of a violation of F.S. § 796.07, relating to prostitution  
25 and prostitution-related activities;

26 (2) On more than two occasions within a six-month period, as  
27 the site of the unlawful sale, delivery, manufacture, or cultivation  
28 of any controlled substance;

29 (3) On one occasion as the site of the unlawful possession of  
30 a controlled substance, where such possession constitutes a felony  
31 and that has been previously used on more than one occasion as the

1 site of the unlawful sale, delivery, manufacture, or cultivation of  
2 any controlled substance;

3 (4) By a criminal gang for the purpose of conducting criminal  
4 gang activity as defined by F.S. § 874.03;

5 (5) On one occasion as the site of a violation of F.S. § 787.06,  
6 relating to human trafficking;

7 (6) On more than two occasions within a six-month period, as  
8 the site of a violation of F.S. § 812.019 relating to dealing in  
9 stolen property; or

10 (7) On more than two occasions within a six-month period, any  
11 pain management clinic, as described in F.S. § 458.3265 or F.S. §  
12 459.0137, as the site of a violation of:

13 a. F.S. § 784.011, 784.021, 784.03, or 784.045, relating  
14 to assault and battery;

15 b. F.S. § 810.02, relating to burglary;

16 c. F.S. § 812.014, relating to dealing in theft;

17 d. F.S. § 812.131, relating to robbery by sudden  
18 snatching; or

19 e. F.S. § 893.13, relating to the unlawful distribution  
20 of controlled substances.

21 (8) On more than two occasions within a six-month period, as  
22 the site of a forcible felony as described in F.S. § 776.08 (treason;  
23 murder; manslaughter; sexual battery; carjacking; home-invasion  
24 robbery; robbery; burglary; arson; kidnapping; aggravated assault;  
25 aggravated battery; aggravated stalking; aircraft piracy; unlawful  
26 throwing, placing, or discharging of a destructive device or bomb;  
27 and any other felony which involves the use or threat of physical  
28 force or violence against any individual).

29 **Sec. 672.05. Board powers and duties.**

30 (a) The Board shall serve as a quasi-judicial forum in which  
31 a determination regarding the existence of public nuisance conduct

1 may be resolved in the public interest with due process of law.

2 (b) The Board shall have the power to adopt or establish rules  
3 of procedure for the administration and conduct of its hearings. Such  
4 rules shall be designed to facilitate the efficient administration  
5 of this chapter and shall always ensure fundamental due process.

6 (c) The members of the Board shall elect a chair who shall be  
7 a voting member from among the members of the Board. The member  
8 elected chair shall serve as chair for a term of one year and may be  
9 re-elected to serve an additional term or terms as chair.

10 (d) The presence of four members shall constitute a quorum of  
11 the Board. The affirmative vote of at least a majority of those  
12 members present and voting shall be necessary to take action.

13 (e) The City may call hearings of the Board and all hearings  
14 shall be open to the public.

15 (f) The Neighborhoods Department shall be the custodian of all  
16 Board case files and documents pertaining thereto. The Director of  
17 the Neighborhoods Department shall designate an individual to serve  
18 as clerk to the Board, who shall be empowered to administer oaths to  
19 witnesses appearing before the Board, to issue subpoenas in the name  
20 of the Board for service of process by any JSO officer or designated  
21 agent and shall have the authority to certify other documents issued  
22 by the Board.

23 (g) The General Counsel shall designate assistants general  
24 counsel to represent the Board and to present cases before the Board  
25 and to represent the City in the event of appellate review of orders  
26 issued by the Board.

27 **Sec. 672.06. Procedures.**

28 (a) *Written complaint; reports.* Any law enforcement officer  
29 making an arrest or substantiating an incident or occurrence of any  
30 statutory violation(s) or violations of section(s) set forth herein  
31 and pursuant to information or independent observation, may submit a



1 copy of every such report and/or offense incident report to the  
2 Sheriff or designee, who shall process all such reports and, in  
3 consultation with the Office of General Counsel, determine when the  
4 requisite number of occurrences or violations have taken place as set  
5 forth in section 672.04. Additionally, a citizen complaint can be  
6 made by a property or business owner located within one mile of any  
7 location to allege that a particular property is a public nuisance.  
8 The Sheriff shall investigate all complaints made pursuant to this  
9 subsection to determine whether such property constitutes a public  
10 nuisance and whether to refer such property to the Board. All final  
11 determinations regarding citizen complaints shall be communicated to  
12 the complainant by the Sheriff.

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

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

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

22 (c) *Hearings; hearing notices.*

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

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

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

1 If an attempt to serve notice upon the owners and/or operators  
2 by certified mail or hand delivery is unsuccessful, service of the  
3 notice of the hearing may be made by conspicuously posting the notice  
4 at the subject property, such posting to take place not less than ten  
5 days before the scheduled hearing date. The owner and/or operator  
6 shall be responsible for providing notice to any tenant, lessee or  
7 lessor of the hearing.

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

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

11 b. The legal authority and jurisdiction under which the  
12 hearing is to be held.

13 c. Reference to the relevant section(s) of the statute(s)  
14 and ordinance(s) involved in the determination of a public  
15 nuisance.

16 d. A short and plain statement of facts giving rise to  
17 the complaint.

18 **Sec. 672.07. Conduct of hearings.**

19 (a) The Board shall conduct a hearing on the complaint and  
20 receive evidence pertaining to the conduct described in the complaint.

21 (b) The Office of General Counsel attorney shall present  
22 evidence before the Board on behalf of the City.

23 (c) All parties shall have an opportunity to present evidence  
24 and argument on all issues involved, conduct cross examination, submit  
25 rebuttal evidence and to be represented by counsel. In addition:

26 (1) The Board may consider any evidence, including but  
27 not limited to evidence of the general reputation of the place  
28 or premises. All testimony shall be given under oath and shall  
29 be recorded. Formal rules of evidence shall not apply, but  
30 fundamental due process shall govern the proceedings. Orders of  
31 the Board shall be based upon competent and substantial evidence

1 submitted for the Board's consideration at the hearing.

2 (2) The City shall have the burden of proving the  
3 existence of an unlawful public nuisance by the greater weight  
4 of the evidence.

5 (d) If the respondent has been properly noticed for the hearing  
6 before the Board and fails to appear, the Board may proceed with a  
7 hearing in absentia on the merits of the alleged violation. Any  
8 findings or orders resulting from such hearing are valid and binding  
9 upon the respondents.

10 **Sec. 672.08. Remedies, orders and jurisdiction.**

11 (a) At the conclusion of the hearing and after considering all  
12 evidence presented at such hearing, the Board shall issue findings  
13 of fact based upon the evidence presented and made part of the record  
14 that a public nuisance does not exist or that an unlawful public  
15 nuisance does exist.

16 (1) If the Board finds that the allegations of the  
17 complaint have not been proved, the Board shall dismiss the  
18 complaint.

19 (2) If the Board finds that a sufficient number of the  
20 allegations of the complaint have been proved, the Board may  
21 declare the property to be an unlawful public nuisance.

22 (b) If the Board declares that the property is an unlawful  
23 public nuisance, the Board shall then consider the appropriate remedy,  
24 at the same meeting or at a later regular meeting or special meeting  
25 called for such purpose. The Board may, following its consideration  
26 of the appropriate remedy and endeavoring to use the least restrictive  
27 method believed necessary to abate the nuisance, enter an order:

28 (1) Immediately prohibiting the maintaining of the  
29 nuisance;

30 (2) Immediately prohibiting the operating or maintaining  
31 of the place or premises, including the closure of the place or

1 premises or any part thereof;

2 (3) Immediately prohibiting the conduct, operation, or  
3 maintenance of any business or activity on the premises which  
4 is conducive to such nuisance;

5 (4) Requiring the owner of such place or premises to  
6 adopt such procedure(s) as may be appropriate under the  
7 circumstances to abate any such nuisance; or

8 (5) Any combination of subsection (b) (1), (2), (3), or  
9 (4) of this section.

10 (c) Upon declaring that the property is an unlawful public  
11 nuisance, the Board may also:

12 (1) Impose a fine not to exceed \$250.00 per day for each  
13 day conduct occurred upon which the Board based its finding of  
14 a public nuisance and a fine not to exceed \$500.00 per day for  
15 each subsequent finding of recurring public nuisance conduct  
16 occurring on the premises during the time the Board retains  
17 jurisdiction over the premises. If two or more respondents are  
18 fined, the total amount of the fines shall not exceed the maximum  
19 amount per day authorized by this subsection. The respondent  
20 must satisfy the fine by making payment to the City. Unpaid  
21 fines shall accrue interest as provided in F.S. § 55.03. The  
22 Board may suspend such fines, in whole or in part, contingent  
23 upon compliance with other terms or conditions of the order, and  
24 may terminate the suspension and impose such fines upon a showing  
25 that the respondent has not complied with such term or condition  
26 of the order. If the Board terminates the suspension, interest  
27 that has accumulated during the time of suspension shall also  
28 be due and owing;

29 (2) Award reasonable costs associated with the  
30 investigation and hearing on the public nuisance, including an  
31 attorney's fee, investigative costs, and costs of recording of

1 its order. The respondent must pay the award of costs and fees  
2 to the City. Unpaid costs and fees shall accrue interest as  
3 provide in F.S. § 55.03. The Board may suspend such costs and  
4 fees, in whole or in part, contingent upon compliance with the  
5 other terms or conditions of the order, and may later terminate  
6 the suspension and impose such costs and fees upon a showing  
7 that the respondent has not complied with such term or condition  
8 of the order. If the Board terminates the suspension, interest  
9 that has accumulated during the time of suspension shall also  
10 be due and owing.

11 (d) If the Board finds two or more respondents responsible for  
12 a public nuisance, those respondents will be jointly and severally  
13 responsible for complying with the actions ordered under this section  
14 and for satisfying the fines imposed and costs and fees awarded.

15 (e) The total fine imposed pursuant to this section shall not  
16 exceed \$15,000.00 during the effective term of any order. If two or  
17 more respondents are fined, the total amount of the fines shall not  
18 exceed \$15,000.00 during the effective term of the order.

19 (f) The findings and orders of the Board shall be reduced to  
20 writing, executed by the presiding chair of the Board, and filed with  
21 the Board clerk. A copy of the executed order shall be mailed or hand  
22 delivered to each party within five working days after execution by  
23 the presiding chair of the Board. This time period is procedural in  
24 nature, and the failure to comply with this time period shall not  
25 invalidate any Board order.

26 (g) The Board may retain jurisdiction for one year after the  
27 order's effective date to modify the order where just cause is found  
28 to exist.

29 (h) The Board may request the City to bring a complaint under  
30 F.S. § 60.05, seeking an injunction against any nuisance described  
31 herein.

1 (i) The Board, after ordering any of the remedies authorized  
2 by this section, may amend the remedy if additional safeguards are  
3 necessary, may suspend the remedy for good cause shown, and may  
4 rescind the suspension at any time while the Board has jurisdiction,  
5 whether such remedy was initially imposed or not. The Board shall  
6 give the owner notice and an opportunity to be heard before rescinding  
7 a suspended remedy or imposing a new remedy. Rescinding a suspended  
8 remedy or imposing a new remedy shall not operate to extend the one-  
9 year jurisdiction of the Board; however, nothing shall prevent the  
10 City from filing a new complaint if there has been a substantial  
11 change in circumstances or if new nuisance activities have occurred.

12 **Sec. 672.09. Enforcement of orders.**

13 (a) Any order issued by the Board under the provisions of  
14 section 672.08 shall expire one year after its effective date or at  
15 such earlier time as is stated in the order. However, any fines  
16 imposed or costs and fees awarded shall continue to be an indebtedness  
17 owed to the City until satisfied and shall not expire one year after  
18 the effective date of the order. Such fines, costs, and fees will  
19 become a lien against the property upon the recording of a certified  
20 copy of the order.

21 (b) A certified copy of any order issued by the Board declaring  
22 a place or premises to be a public nuisance that imposes fines, costs,  
23 or attorney's fees under section 672.08 shall be recorded in the  
24 public records, and shall become a lien against the real property  
25 that is the subject of the order.

26 (c) Fines, costs, or attorney's fees imposed under the  
27 provisions of section 672.08 shall be due and payable upon the date  
28 of the order of the Board imposing any and all fines, costs, or  
29 attorney's fees. Fines, costs, or attorney's fees may be paid in full  
30 without interest during the first 30 calendar days after the date of  
31 the order of the Board. Thereafter, interest at the rate established

1 by the comptroller of the state pursuant to F.S. §§ 55.03 and 687.01,  
2 shall accrue upon any unpaid amount of fine and costs. The interest  
3 rate in effect on the date of the order of the Board shall remain in  
4 effect until the fine and costs are paid. If the Board suspends a  
5 fine, costs, or both, interest shall begin to accrue on the date that  
6 the Board may terminate the suspension and re-impose the fines or  
7 costs, or both, in whole or in part.

8 (d) Any lien recorded against real property may be foreclosed  
9 by the City and the owner of such real property shall be liable for  
10 all costs, including reasonable attorney fees, associated with the  
11 recording of orders and foreclosure. However, no lien created pursuant  
12 to the provisions of this section may be foreclosed on real property  
13 which is a homestead under section 4, article X of the Florida  
14 Constitution.

15 (e) The City may bring a complaint under F.S. § 60.05 and seek  
16 a permanent injunction against any public nuisance.

17 (f) The City is authorized to enforce any orders entered under  
18 this Chapter in the circuit court, pursuant to the procedures  
19 contained in F.S. § 120.69.

20 (g) The City is authorized to initiate proceedings in any  
21 county, state or federal forum for the suspension or revocation of  
22 any permits, licenses, concessions or contracts held or awarded to  
23 the respondent, including contracts awarded under F.S. § 24.112  
24 (lottery retailers) and including licenses for the sale of beverages  
25 issued under F.S. § 561.19, where the existence of such permits,  
26 licenses, concessions or contracts is conducive to the maintenance  
27 of such nuisance.

28 (h) Orders shall be posted at the place, building, or premises  
29 where the public nuisance exists, existed or is occurring in violation  
30 of the law and shall be sent by certified mail to the owner and/or  
31 operator of such place, building, or premises within two business

1 days of the posting.

2 (i) All powers and rights conferred by this section shall be  
3 in addition to and supplemental to those conferred by any other  
4 general or special laws governing public nuisances and shall be  
5 liberally construed to effectuate the purpose of this chapter.

6 **Sec. 672.10. Appeals.** An order of the Board shall be subject  
7 to judicial review in the manner provided by law.

8 **Section 3. Effectuating the intent.** City staff is authorized  
9 to take all steps necessary to effectuate the intent of this  
10 ordinance.

11 **Section 4. Savings clause.** Should any section or provision of  
12 this Ordinance or any portion thereof be declared by a court of  
13 competent jurisdiction to be invalid, such decision shall not affect  
14 the remainder of this Ordinance.

15 **Section 5. 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

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