

1 Introduced by Council President Salem:  
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4 **ORDINANCE 2023-613**

5 AN ORDINANCE AMENDING CHAPTER 609 (CODE  
6 ENFORCEMENT CITATIONS), ORDINANCE CODE, SECTION  
7 609.104 (PROCEDURES), ORDINANCE CODE;  
8 SPECIFICALLY REVISING SUBSECTION (J) (1) TO ADD  
9 A NEW SUBSECTION (6) FOR THE MUNICIPAL CODE  
10 COMPLIANCE DIVISION TO ELIMINATE THE REQUIREMENT  
11 TO MAIL CITATIONS BY CERTIFIED MAIL, RETURN  
12 RECEIPT REQUESTED; PROVIDING CODIFICATION  
13 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.  
14

15 **WHEREAS**, Chapter 162, Part II, Florida Statutes, authorizes  
16 local governments to provide supplemental enforcement methods for  
17 municipal ordinance violations; and

18 **WHEREAS**, the Jacksonville City Council enacted Chapter 609,  
19 Ordinance Code which authorizes Jacksonville Municipal Code  
20 Compliance Officers to enforce compliance with the Jacksonville  
21 Ordinance Code; and

22 **WHEREAS**, one method of enforcement involves the Code Compliance  
23 Officer's issuance of citations to violators; and

24 **WHEREAS**, currently, Section 609.104, Ord. Code, requires that  
25 citations be issued to violators via certified mail return receipt  
26 requested **after** the Code Compliance Officer was unable to issue the  
27 citation to the violator in person; and

28 **WHEREAS**, the Municipal Code Compliance Division has issued  
29 thousands of citations to violators for code enforcement violations;  
30 and

1           **WHEREAS**, over the years, the cost of mailing citation notices  
2 via certified mail return receipt requested has outweighed and  
3 eliminated the benefit and legal requirement of accomplishing legal  
4 notices via such means. A spreadsheet comparing the costs of mailings  
5 is attached as **Exhibit 1**; and

6           **WHEREAS**, for example, more than 300 United States postal  
7 receipts did **not** confirm delivery of the citation to the violator;  
8 and

9           **WHEREAS**, instead, numerous U.S. Postal Delivery Receipts  
10 included the term "Covid," the name of the postal worker or a blank  
11 line drawn in the section reserved for the Signature of the Recipient.  
12 A copy of a select 50 out of more than 300 delivery confirmations are  
13 attached as **Exhibit 2**; and

14           **WHEREAS**, consequently, the MCCD has not obtained confirmation  
15 of the required delivery receipt confirmation of thousands of  
16 citations; and

17           **WHEREAS**, in addition, numerous certified letters are returned  
18 as "Restricted Delivery," or "Return to Sender Vacant Unable to  
19 Forward." A copy of the return to sender mailings are attached as  
20 **Exhibit 3**; and

21           **WHEREAS**, the cost to mail citations via First Class Mail affords  
22 a better use of public funds, and also provides the same legal notices  
23 as required in Chapter 162, Part II, Florida Statutes; and

24           **WHEREAS**, because Chapter 162, Part II, Florida Statutes, does  
25 not require that local governments send citations via certified mail,  
26 it is more advantageous to send citations via First Class Mail; and

27           **WHEREAS**, in addition to mailing citations via First Class Mail  
28 to the address listed with the Property Appraiser, the Municipal Code  
29 Compliance Division Code Officers will also post the citation at the  
30 property in violation; now therefore

31           **BE IT ORDAINED** by the Council of the City of Jacksonville

1           **Section 1.           Amending Chapter 609 (Code Enforcement**  
2 **Citations), Section 609.104 (Procedures), Ordinance Code.** Chapter 609  
3 (Code Enforcement Citations), Section 609.104 (Procedures), *Ordinance*  
4 *Code*, is hereby amended to read as follows:

5                           **CHAPTER 609 - CODE ENFORCEMENT CITATIONS**

6   **\* \* \***

7 **Sec. 609.104. - Procedures.**

8   **\* \* \***

9           (j)The person to whom the citation is issued shall be provided  
10 a copy of the citation through one of the following methods:

11           (1) Certified mail, return receipt requested, provided if such  
12 notice is sent under this paragraph to the owner of the property in  
13 question at the address listed in the tax collector's office for tax  
14 notices, and at any other address provided to the local government  
15 by such owner and is returned as undeliverable, unclaimed or refused,  
16 notice may be provided by posting as follows:

17           (i)Such notice may be posted at least 10 days prior to the  
18 expiration of any deadline contained in the notice, in at least two  
19 locations, one of which shall be the property upon which the  
20 violation is alleged to exist and the other of which shall be at the  
21 primary municipal government office; and

22           (ii)Proof of posting shall be by affidavit of the person posting  
23 the notice, which affidavit shall include a copy of the notice posted  
24 and the date and locations ~~places~~ of its posting; and by first class  
25 mail directed to the addresses furnished to the local government  
26 with a properly executed proof of mailing or affidavit confirming  
27 the first class mailing;

28           (2) Hand delivery by the sheriff or other law enforcement  
29 officer, Code Enforcement Officer, or other person designated by the  
30 local governing body;

1 (3) Leaving the notice at the alleged violator's usual place  
2 of residence with any person residing therein who is above 15 years  
3 of age and informing such person of the contents of the notice;

4 (4) In the case of commercial premises, leaving the notice with  
5 the manager or other person in charge; or

6 (5) In the case of citations for violation of Section 656.411,  
7 Ordinance Code, by leaving a copy of the citation on the vehicle in  
8 a conspicuous location.

9 (6) **Municipal Code Compliance Division.** The Municipal Code  
10 Compliance Division is not required to send a citation via Certified  
11 mail, return receipt requested, unless required by Florida law or  
12 the Jacksonville Ordinance Code as it relates to emergencies, notices  
13 to vacate, unsafe properties and hearings. If the violator is not  
14 available at the property where the Code Compliance Officer observes  
15 the violation, the Municipal Code Compliance Division shall send a  
16 citation via First Class Mail, and follow the posting, affidavit of  
17 posting, affidavit of first class mail and hand delivery procedures  
18 set forth in subsections (1) (i), (1) (ii), and (2)-(5) above.

19 Where notice through the above methods is unsuccessful, a  
20 letter shall be sent to the alleged violator giving the alleged  
21 violator ten calendar days from the date of such letter to telephone  
22 and arrange to meet with the Code Enforcement Officer at such  
23 officer's office so as to permit the delivery of such citation.  
24 Failure to contact the Code Enforcement Officer shall be deemed a  
25 willful refusal to sign and accept a violation with penalties as  
26 provided for in Section 609.105.

27 \* \* \*

28 **Section 2. Codification Instructions.** The Codifier and the  
29 Office of General Counsel are authorized to make all chapters and  
30 division "table of contents" consistent with the changes set forth  
31 herein. Such editorial changes and any other necessary changes to

1 make the Ordinance Code consistent with the intent of this legislation  
2 are approved and directed herein, and the changes to the *Ordinance*  
3 *Code* shall be made forthwith and when inconsistencies are discovered.

4       **Section 3. Effective Date.** This ordinance shall become  
5 effective upon signature by the Mayor or upon becoming effective  
6 without the Mayor's signature.

7  
8 Form Approved:

9  
10           /s/ Cherry S. Pollock          

11 Office of General Counsel

12 Legislation prepared by: Cherry S. Pollock

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