

1 Introduced by Council Member Becton:  
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3

4 **ORDINANCE 2023-324-E**

5 AN ORDINANCE CONCERNING CHAPTER 656 (ZONING  
6 CODE), *ORDINANCE CODE*; AMENDING PART 12  
7 (LANDSCAPE AND TREE PROTECTION REGULATIONS),  
8 SUBPART B (TREE PROTECTION), SECTION 656.1208  
9 (ENFORCEMENT; VIOLATIONS AND PENALTIES;  
10 STOPPING WORK, CORRECTION OF VIOLATION), TO  
11 CREATE AND ADD SETTLEMENT POLICY CRITERIA  
12 AUTHORIZING THE REDUCTION OF CERTAIN FINES  
13 IMPOSED FOR VIOLATIONS OF PART 12 (LANDSCAPE  
14 AND TREE PROTECTION REGULATIONS), SUBPART B,  
15 (TREE PROTECTION), DIFFERENTIATING BETWEEN THE  
16 MITIGATION PAYMENT AND THE FINE FOR TREE  
17 REMOVAL WITHOUT A PERMIT, REPLACING THE  
18 PLANNING COMMISSION WITH THE TREE COMMISSION  
19 AS THE APPROPRIATE FORUM FOR APPEALS OF  
20 NOTICES OF VIOLATIONS AND ASSESSMENT OF FINES  
21 UNDER SUBPART B (TREE PROTECTION); PROVIDING  
22 FOR CODIFICATION INSTRUCTIONS; PROVIDING AN  
23 EFFECTIVE DATE.  
24

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

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

1 12 (Landscape and Tree Protection Regulations), Chapter 656 (Zoning  
2 Code), *Ordinance Code*, is hereby amended to read as follows:

3 **CHAPTER 656 - ZONING CODE**

4 \* \* \*

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

6 \* \* \*

7 **SUBPART B. - TREE PROTECTION**

8 \* \* \*

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

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

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

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

1 ("DBH") inches of protected tree removed, he the Chief shall order,  
2 in writing, all further work on the development site, including but  
3 not limited to clearing, grubbing, grading, and cleaning up to be  
4 stopped and may require suspension of ~~all~~ all work on the site  
5 until the violation is corrected.

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

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

20 (i) Payment of double the permit fee that would have been  
21 required had a permit been lawfully obtained prior to  
22 commencing work. See Section 320.409(a)(15). This  
23 portion of the fine is payable to the segregated  
24 trust account of the City, pursuant to Section  
25 320.409, Ordinance Code.

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

1                   calculated as follows:

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

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

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

27                   (2) Calculation of the Mitigation.

28                   (i) Correction of the violation also requires  
29                   replacement of the trees illegally removed by the  
30                   planting of new trees, credit trees, and/or  
31                   transplanted trees ("Replacement Trees") as required

1 and calculated by Section 656.1206(g), as  
2 mitigation.

3 ~~(1) When there is work done without a permit, the~~  
4 ~~property owner shall pay the permit fee due~~  
5 ~~the City for the work, which permit fee shall~~  
6 ~~be twice the amount of the regular permit fee~~  
7 ~~specified in Section 320.409(a)(15) which~~  
8 ~~would have been due had the permit been~~  
9 ~~obtained prior to commencing work, and by~~  
10 ~~replacing the protected trees removed without~~  
11 ~~a permit with new planted trees, unprotected~~  
12 ~~trees or transplanted trees. The total caliper~~  
13 ~~inches of the replacement trees shall equal~~  
14 ~~twice the amount of total caliper inches~~  
15 ~~required to be planted, pursuant to Section~~  
16 ~~656.1206(h).~~

17 (ii) Prior to planting the Replacement Trees, the~~The~~  
18 ~~property owner shall also submit a tree replanting~~  
19 ~~plan to the Chief showing how the damage caused to~~  
20 ~~the site by the violation will be mitigated. The~~  
21 ~~replanting plan shall be subject to the review and~~  
22 ~~approval of the Chief and the trees installed within~~  
23 ~~the time limit stated on the permit~~ Assessment of  
24 Fine and Corrective Action. ~~Replacement Trees trees~~  
25 ~~shall meet the requirements of Section 656.1206,~~  
26 ~~except that the minimum caliper of all Replacement~~  
27 ~~Trees replacement trees shall be four inches, and~~  
28 ~~the plan shall meet the requirements of Section~~  
29 ~~656.1217 (Landscape and Irrigation system plans~~  
30 ~~required). to the extent applicable; or~~

31 (iii) If it is found by the Chief that it is impossible to

1 replace any required trees on the site, the Chief  
2 may allow a payment into the Tree Fund for the  
3 required trees not replaced, so long as the criteria  
4 in subsection 656.1206(e) are also met ("Mitigation  
5 Payment").

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

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

29 (3)4) Correction of violation when DBH inches not determinable  
30 ("Clearcutting"). If the site has been cleared and the  
31 trees have been removed from the site so that the Chief

1 is unable to determine with reasonable certainty the  
2 number of protected trees removed in violation of this  
3 Subpart, the violation shall be corrected by making a  
4 contribution to the Tree Protection and Related Expenses  
5 Trust Fund equal to \$50,000 per acre, or fraction thereof  
6 per each acre, of land cleared (the "Clearcutting  
7 Contribution Amount" or "Contribution"). The  
8 Clearcutting Contribution Amount, ~~which fine~~ shall be  
9 assessed by the Chief and when collected, shall be  
10 deposited into the account or fund into which mitigation  
11 payments are made for Ordinance Code compliance pursuant  
12 to subsection 656.1206(g)(14). In the event the Chief  
13 assesses such a Clearcutting Contribution Amount ~~fine~~,  
14 the Chief shall provide the following information in the  
15 Notice of Violation, pursuant to subsection (a), to the  
16 property owner, permit holder and/or contractor: the  
17 amount of acres presumed to be impacted by the site  
18 clearing without a permit, the total Clearcutting  
19 Contribution Amount ~~fine~~ assessed, and any other  
20 information or documents the Chief relied upon to  
21 calculate the Contribution ~~fine~~ ("preliminary assessment  
22 of Clearcutting Contribution Amount ~~fine~~"). The property  
23 owner, permit holder and contractor shall have the  
24 ability to appeal the preliminary assessment of  
25 Clearcutting Contribution Amount ~~fine~~ as follows:

- 26 (i) The property owner, permit holder and contractor  
27 have ~~has~~ the burden of proving, through competent  
28 and substantial evidence that the preliminary  
29 assessment of Clearcutting Contribution Amount ~~fine~~  
30 should be reduced. The property owner, permit holder  
31 and contractor shall have 30 days from the receipt

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

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

29 (A1) ~~The~~ The Chief rejects the basis for the Notice  
30 of Dispute ~~notice of dispute~~ and applies the  
31 preliminary assessment of Clearcutting



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

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

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

29                    (iii) The property owner may appeal the Final Assessment  
30                    of Clearcutting Contribution Amount ~~Fine~~ to the  
31                    Planning Tree Commission pursuant to the provisions

1 of this Section and Section 94.106, Ordinance Code.  
2 This appeal is separate from the appeal available  
3 regarding the decision of the Director on the  
4 Request to Reduce Fines pursuant to subsection (g),  
5 below, but like that appeal, the decision of the  
6 Tree Commission shall be deemed the final action of  
7 the City and shall be subjected to no further  
8 appeal. 656.135. For the purposes of this  
9 subsection, the use of the term "Director" shall  
10 mean "Chief" and "written interpretation" shall mean  
11 "Final Assessment of Fine" as such terms are used in  
12 Section 656.135.

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

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

31 ~~(5) In the event the contractor responsible for the site~~

1 ~~clearing in violation of this subpart is different than~~  
2 ~~the property owner, in addition to the penalties listed~~  
3 ~~in subparagraphs (2) and (3), above, the contractor shall~~  
4 ~~also be subject to a civil penalty of \$1,000.00 for the~~  
5 ~~first violation, \$2,000.00 for the second violation, and~~  
6 ~~\$3,000.00 for every subsequent violation. Each parcel~~  
7 ~~where the contractor conducts site clearing work without~~  
8 ~~a permit shall be considered a separate violation.~~

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

- 26 (1) The~~the~~ tree replanting plan has been approved,  
27 (2) or the contribution The Replacement Trees have been  
28 planted, or  
29 (3) The fine has been collected, or  
30 (4) The Clearcutting Contribution Amount has been collected.

31 ~~(d) Appeals. A person aggrieved by an administrative order,~~

1 ~~determination or decision of the Chief may appeal the~~  
2 ~~order, determination or decision to the Planning~~  
3 ~~Commission pursuant to the provisions of Section 656.135.~~

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

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

19 (f) Settlement and Reduction of Assessment of Fines and  
20 Corrective Action for violations when DBH inches removed is  
21 determinable, pursuant to Policy criteria. The Director is  
22 authorized to review and approve written requests by an affected  
23 property owner, permit holder or contractor for settlement and  
24 reduction of fines ("Request to Reduce Fines") calculated and  
25 imposed by the Chief as stated in the Notice of Violation. Only the  
26 fin es may be reduced, not the required amount of Replacement Trees,  
27 or their monetary equivalent. The Director shall make the  
28 determination on whether to settle fines for less than face value  
29 of the Notice of Violation upon the submission of a Request to  
30 Reduce Fines. Approval of a Request to Reduce Fines shall be based  
31 on the policy outlined in subsection 656.1208(g)(2), below (the

1 "Policy"). The Policy shall remain in effect unless and until  
2 revised by the Council.

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

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

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

28 As a threshold issue, the Director shall determine  
29 whether evidence exists that the failure to adhere to  
30 this Part 12 was intentional. If the Director determines  
31 that the failure to adhere to this Part 12 is

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

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

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

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

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

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

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

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

23 (3) Ten percent (10%) reduction if Civil Plans  
24 approved, but no site work permit  
25 application submitted;

26 (4) Fifteen percent (15%) reduction if Civil  
27 Plans approved but site work permit still  
28 under review; or

29 (5) Twenty percent (20%) reduction if Civil  
30 Plans approved and site work permit approved  
31 but pending payment.

1 (B) If Civil Plans are not required for the  
2 development:

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

5 (2) Five percent (5%) reduction if site work  
6 permit application submitted and returned  
7 for corrections;

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

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

14 (5) Twenty percent (20%) reduction if permit was  
15 reviewed and approved, but is pending  
16 payment by permittee.

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

19 (A) Zero percent (0%) reduction if greater than  
20 1,200 DBH inches;

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

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

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

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

28 (iv) Violator's cooperation to provide information and  
29 willingness to resolve the issue.

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

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

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

5           (v) Comparison of the fine to the assessed property  
6           value.

7           (A) Zero percent (0%) if 0 to 20% of property  
8           value;

9           (B) Five percent (5%) if 21 to 40% of property  
10           value;

11           (C) Ten percent (10%) if 41 to 60% of property  
12           value;

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

15           (E) Twenty percent (20%) if over 81% of property  
16           value.(3) Any fine, or reduced fine, imposed  
17           pursuant to this Section shall be paid into  
18           the Tree Protection and Related Expenses Trust  
19           Fund (Section 111.760) and shall be deposited  
20           into the account or fund into which mitigation  
21           payments are also made for Ordinance Code  
22           compliance pursuant to subsection  
23           656.1206(g) (14).

24           (h) Appeal to the Jacksonville Tree Commission. Any violator  
25           may appeal a decision by the Director on a Request to Reduce Fines,  
26           or a decision of the Chief regarding the Final Assessment of  
27           Clearcutting Contribution Amount to the Jacksonville Tree  
28           Commission pursuant to Section 94.106, Ordinance Code.

29           (i) Violation and penalties. A person who violates any  
30           provision of this Subpart and fails to correct the violation as  
31           provided herein shall, upon conviction thereof, be guilty of a



1 class D offense and punished accordingly. A separate offense shall  
2 be deemed to have been committed for each tree removed, damaged or  
3 destroyed contrary to the provisions of this Subpart.

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

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

19 **Section 3. Effective Date.** This Ordinance shall become  
20 effective upon signature by the Mayor or upon becoming effective  
21 without the Mayor's signature.

22  
23 Form Approved:

24  
25           /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Cherry S. Pollock and Susan Grandin

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