

1 Introduced by Council President Salem and amended by the
2 Neighborhoods, Community Services, Public Health and Safety
3 Committee:

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5
6 **ORDINANCE 2023-613-E**

7 AN ORDINANCE AMENDING CHAPTER 609 (CODE
8 ENFORCEMENT CITATIONS), ORDINANCE CODE, SECTION
9 609.104 (PROCEDURES), ORDINANCE CODE;
10 SPECIFICALLY REVISING SUBSECTION (J) TO ADD A
11 NEW SUBSECTION (6) FOR THE MUNICIPAL CODE
12 COMPLIANCE DIVISION TO ELIMINATE THE REQUIREMENT
13 TO MAIL CITATIONS BY CERTIFIED MAIL, RETURN
14 RECEIPT REQUESTED; PROVIDING CODIFICATION
15 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
16

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

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

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

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

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

1 and

2 **WHEREAS**, over the years, the cost of mailing citation notices
3 via certified mail return receipt requested has outweighed and
4 eliminated the benefit and legal requirement of accomplishing legal
5 notices via such means. A spreadsheet comparing the costs of mailings
6 is attached as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev
7 Cost Summary, October 2, 2023 - NCSPHS"; and

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

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

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

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

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

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

30 **WHEREAS**, in addition to mailing citations via First Class Mail
31 to the address listed with the Property Appraiser, the Municipal Code

1 Compliance Division Code Officers will also post the citation at the
2 property in violation; now therefore

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

4 **Section 1. Amending Chapter 609 (Code Enforcement**
5 **Citations), Section 609.104 (Procedures), Ordinance Code.** Chapter
6 609 (Code Enforcement Citations), Section 609.104 (Procedures),
7 *Ordinance Code*, is hereby amended to read as follows:

8 **CHAPTER 609 - CODE ENFORCEMENT CITATIONS**

9 * * *

10 **Sec. 609.104. - Procedures.**

11 * * *

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

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

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

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

31 (2) Hand delivery by the sheriff or other law enforcement

1 officer, Code Enforcement Officer, or other person designated by the
2 local governing body;

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

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

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

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

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

29 * * *

30 **Section 2. Codification Instructions.** The Codifier and the
31 Office of General Counsel are authorized to make all chapters and

1 division "table of contents" consistent with the changes set forth
2 herein. Such editorial changes and any other necessary changes to
3 make the Ordinance Code consistent with the intent of this legislation
4 are approved and directed herein, and the changes to the *Ordinance*
5 *Code* shall be made forthwith and when inconsistencies are discovered.

6 **Section 3. Effective Date.** This Ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

9
10 Form Approved:

11
12 /s/ Mary E. Staffopoulos

13 Office of General Counsel

14 Legislation Prepared By: Cherry S. Pollock

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