

Agenda

Stand Up for Your Neighborhoods

October 29, 2014

10 a.m.

Lynwood Roberts Room

Note about Parking: Those parked in the Library Parking garage can have parking validated at the end of the meeting

Committee: E Denise Lee, Chair; Council Member Jim Love; Council Member Bill Gulliford; Council Member John Crescimbeni, Council Member Bill Bishop, Council Member Greg Anderson, and Council Member Warren Jones.

Call to order

Approve minutes from September 17 and October 16 meetings.

Old Business:

- Vote on the Draft COU Legislation
- Report on policy regarding structures that are 50 years or older – CM Warren Jones
- Vacant Land Registry and use of monies in registry – Steve Durden
- Discussion of new graphics (boxing gloves) – Paul Martinez or Aleizha Batson

New Business

None

Public Comment

30 minutes will be allotted at end of meeting.

Adjourn



OFFICE OF THE CITY COUNCIL

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STAND UP FOR NEIGHBORHOODS COMMITTEE OF THE SPECIAL AD HOC COMMITTEE ON NEIGHBORHOOD BLIGHT MEETING MINUTES

**October 16, 2014
10:00 a.m.**

**City Council Conference Room A
Suite 425, City Hall**

Attendance: Council Members Denise Lee (Chair – arr. 10:15), John Crescimbeni, Jim Love, Warren Jones
Excused: Council Members Bill Bishop, Bill Gulliford, Greg Anderson

See attached sign-in sheet for additional attendees.

Council Member Crescimbeni called the meeting to order at 10:02 a.m.

Minutes

Lacking a quorum, the August 27, 2014 meeting minutes were accepted as information.

Old Business

Neighborhood association database

Kenny Logsdon of the Planning and Development Department updated that committee on the progress of the department's neighborhood association and organization database project. He noted that the department recognizes 6 categories of organizations in the database: business associations; condominium associations; faith-based organizations; homeowner associations; neighborhood associations; and others (subdivided into a further nine further categories). There are currently 1,806 total registered organizations in the department's database, which changes on a frequent basis as organizations come and go. The database contains contact information on the organization's leadership and assigns each organization to City Council districts and CPAC zones. The organization registration form is available on-line or by request to the Planning Department. Mr. Logsdon reported that some organizations don't want their contact information made available online because companies use that information to make "cold calls" trying to sell products or services. The information is a public record and is made available in response to public records requests, but some organizations prefer that it not be automatically posted to the City's web site.

Chief Pat Ivey of the Sheriff's Office said that the annual meeting of the City's Sheriff's Advisory Councils (ShAdCos) will take place on November 18th and he will discuss with them whether they want to receive any information other than crime-related information. Some have said they do, some have said they don't. Council Member Crescimbeni suggested a widespread publicity and recruitment effort to reach and invite organizations and individuals citywide to register with the Planning Department, including City television shows, information boards

in City offices, public service announcements on commercial television and radio, etc. Chairwoman Lee suggested that the City do more outreach activity and requested that the Planning Department map the current organizations as a means of identifying where there are gaps in coverage.

Uniform method of collecting non-ad valorem assessments

Cherry Shaw of the General Counsel's Office distributed a draft of potential legislation to implement a method authorized in the Florida Statutes to add certain types of assessments for nuisance and demolition liens to a property's tax bill as a non-ad valorem assessment where the City has expended money to remediate problem properties. The new method, if approved, could take effect for the 2015 tax year. The committee discussed whether an amnesty period and education process would be advisable before implementation, at least for the interest on the lien. Kim Scott said that there is never an amnesty or forgiveness where City funds are expended. The City Council would need to adopt a resolution each year approving a specific list of properties and amounts to be levied. Coordination will need to take place between the City and the Property Appraiser and Tax Collector. In response to a question, Ms. Shaw stated that the full amount on the tax bill must be paid; a property owner may not pay some charges and refuse to pay other charges. In response to a question from Council Member Jones, Council Member Crescimbeni stated that his intent would be that all such authorized liens would be assessed every year, regardless of amount. It was suggested that the Property Appraiser include a notice in the September TRIM notice to properties that have applicable liens warning them that the new assessments will be imposed on the 2015 tax bill, thus giving them the opportunity to pay the lien before it is applied to the tax bill.

Allison Albert of Jacksonville Area Legal Aid said that the special assessment mechanism is a harsh one and may pose an unintended hardship on senior citizens and low-income persons who don't have the means to pay off the liens in a lump sum, and would be precluded from entering into a payment plan if the assessment becomes a tax certificate. She suggested exploring an exemption for homesteaded properties, at least for the first year, in order to give these citizens an opportunity to arrange a payment plan over time before the lien becomes a non-ad valorem assessment. Council Member Crescimbeni urged extreme caution about doing anything that might raise an equal protection issue and requested Kim Scott to produce a report for the next meeting of all the properties that have liens, the amounts, and whether or not they are homestead properties.

Vacant property registry for bank-owned properties

Assistant General Counsel Paige Johnston stated that the registry was created by Ordinance 2010-327-E and is still in effect and gave a brief overview of the problem the registry was intended to resolve. She reported that other cities have had legal challenges to their similar registries and Jacksonville is interested in knowing how those cases were resolved and how those rulings might affect the legality of Jacksonville's ordinance. Assistant General Counsel Steve Durden is doing research on the constitutionality of these registries and the legal uses of the funds collected for by the registry. Ms. Lee asked that this item be on the next meeting agenda and that Steve Durden be invited to make a presentation on this subject. Council Member Gulliford is looking at appropriate uses for these funds for anti-blight purposes.

45th Street/Avenue B Amoco station

As requested at the previous meeting, Planning and Development Director Calvin Burney distributed and discussed his draft letter to the property owner recapping the violations and the Blight Committee's request for various improvements to the property. The City has drafted legislation to rezone the property from commercial to residential if the requested improvements are not made. The letter will be sent certified return receipt.

Minutes

A quorum having arrived, the August 27, 2014 meeting minutes were approved as distributed.

Certificate of use ordinance

Council Member Jones reported that a number of changes have been made in the ordinance since the committee's last meeting to improve the ordinance. Still to be determined is who will be the enforcement agency – Municipal Code Enforcement or the Building Inspection Division. Paige Johnston explained the purpose of a COU and noted that, at present, the City does not have a penalty for failure of a property owner to obtain a COU or to comply with the conditions of a COU. The bill creates a penalty provision and provides for the issuance of a "cease and desist" order to halt an unpermitted use and authorizes a petition for injunctive relief.

Policy on structures 50 years of age or older

Council Member Jones will provide this update at the next meeting.

Surveillance camera update

JSO Chief Pat Ivey reported that the Sheriff's Office has used its crime forfeiture fund to purchase parts for 20 camera installations and a few have been assembled and installed at undisclosed locations. The department plans to install cameras at the top ten "hot spots" for code violations as determined by JSO and CARE system data and to install others as needed in undisclosed locations for undercover operations.

New Business

None

Public Comment

A citizen thanked Code Compliance for their diligence in addressing a problem dump site in her community.

Chairwoman Lee thanked everyone for their continuing hard work on blight issues and asked City officials to continue to ride the streets, identify problem areas, and tighten up on enforcement and cleanup activities to ensure that problems are completely solved and don't reoccur.

There being no further business, the meeting was adjourned at 12:29 p.m.

Jeff Clements, Council Research Division

Posted 10.17.14 6:00 p.m.

Blight Public Awareness Campaign

**Aleizha Batson, Deputy Director of Communications
Paul Martinez, Director of Intra-Governmental Services**

10/29/2014

Fight Blight Font with Glove Options

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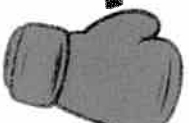
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1 Introduced by Council Members Lee, Jones, Love, Gulliford,
2 Crescimbeni, Bishop and Anderson:
3

4 **ORDINANCE 2014-**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
6 CODE), *ORDINANCE CODE*; AMENDING SECTION
7 656.109 (ADMINISTRATION AND ENFORCEMENT;
8 INTERPRETATION OF ZONING CODE), *ORDINANCE*
9 *CODE*, AMENDING SECTION 656.110 (ENFORCEMENT),
10 *ORDINANCE CODE*, AMENDING SECTIONS 656.151,
11 656.153, AND 656.156 OF SUBPART E
12 (CERTIFICATES OF USE), *ORDINANCE CODE*, AND
13 CREATING NEW SECTIONS 656.157 THROUGH 656.163
14 TO AMEND VARIOUS PROVISIONS AND CREATE NEW
15 PROVISIONS CONCERNING THE CERTIFICATE OF USE
16 APPLICATION PROCESS, REVOCATION AND SUSPENSION
17 OF EXISTING CERTIFICATES OF USE, AND
18 ENFORCEMENT OF SAME; AMENDING SECTION 656.1601
19 (DEFINITIONS), *ORDINANCE CODE*, AMENDING THE
20 TITLE OF CHAPTER 770 (COUNTY OCCUPATIONAL
21 LICENSE TAX) AND CREATING NEW SECTION 770.126
22 (APPLICATION OF OTHER LAWS), *ORDINANCE CODE*,
23 AND AMENDING THE TITLE OF CHAPTER 772
24 (MUNICIPAL OCCUPATIONAL LICENSE TAX) AND
25 CREATING NEW SECTION 772.127 (APPLICATION OF
26 OTHER LAWS), *ORDINANCE CODE*, TO CLARIFY THAT
27 ISSUANCE OF OCCUPATIONAL LICENSE TAXES DOES
28 NOT WAIVE COMPLIANCE WITH OTHER APPLICABLE
29 CITY, COUNTY OR STATE REGULATIONS; PROVIDING
30 FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
31

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

2 **Section 1. Amending Sections 656.109 (Administration and**
3 **enforcement; interpretation of Zoning Code; administrative**
4 **deviations) and 656.110 (Enforcement), Ordinance Code.** Sections
5 656.109 and 656.110, *Ordinance Code*, are hereby amended to read as
6 follows:

7 **CHAPTER 656. ZONING CODE**

8 **PART I. GENERAL PROVISIONS**

9 * * *

10 **SUBPART B. ADMINISTRATION**

11 **Sec. 656.109. Administration and enforcement; interpretation**
12 **of Zoning Code; administrative deviations.**

13 (a) It shall be the responsibility of the Department to
14 administer, enforce and interpret the Zoning Code, including
15 ordinances related to Planned Unit Development districts. The
16 Director shall have the duty and authority to interpret and enforce
17 the provisions of the Zoning Code, issue, suspend or revoke
18 certificates of use, and to promulgate the rules, regulations and
19 procedures found necessary for the implementation and enforcement
20 of the Zoning Code. A Written Interpretation may be requested by
21 any resident, landowner or any person having a contractual interest
22 in land in the City, and who is, or stands to be, an adversely
23 affected person as a result of the implementation of any provision
24 of the Zoning Code. Before a Written Interpretation is made by the
25 Director, a Request for Written Interpretation shall be submitted
26 to the Director on the form established by the Director, together
27 with the required fee, as specified in Section 656.147. Within five
28 working days after a Request for Written Interpretation has been
29 received, the Director shall determine whether the request is
30 complete. If the Director determines that the request is not
complete, a written notice shall be sent to the applicant

1 specifying the deficiencies. The Director shall take no further
2 action on the Request for Written Interpretation until the
3 deficiencies are remedied. Within 30 days after a Request for
4 Written Interpretation has been determined to be complete, the
5 Director shall review and evaluate the request in light of the
6 Comprehensive Plan, the Zoning Code, the Zoning Atlas, and other
7 statutes, codes, ordinances and regulations, to the extent
8 applicable, consult with the Office of General Counsel, or other
9 affected City staff, and then render an interpretation. The
10 interpretation shall be in writing, approved as to form by the
11 Office of General Counsel and mailed to the applicant by certified
12 mail, return receipt requested.

13 * * *

14 **Sec. 656.110. Enforcement.**

15 The provisions of this Zoning Code shall be enforced as
16 follows:

- 17 (a) By the Director, through the Chief of Current Planning
18 Division, or his designee, or by the Chief of the Municipal
19 Code Compliance Division; provided however, that Parts 12,
20 and 13, and Subpart E of this Chapter shall be enforced
21 through the Chief of the Building Inspection Division, or
22 his designee.

23 * * *

24 **Section 2. Amending Subpart E (Certificates of Use),**
25 **Chapter 656, Ordinance Code.** Chapter 656 (Zoning Code), Part 1
26 (General Provision), Subpart E (Certificate of Use), *Ordinance*
27 *Code*, is amended to modify existing Sections 656.151, 656.153,
28 656.156 and create new Sections 656.157, 656.158, 656.159, 656.160,
29 656.161, 656.162 and 656.163 to read as follows:

30 **CHAPTER 656. ZONING CODE**

31 **PART 1. GENERAL PROVISIONS**

* * *

SUBPART E. CERTIFICATES OF USE

Sec. 656.151. Certificates of Use

* * *

(b) The City shall have the right to periodically inspect premises at any reasonable time to ensure the existence of a current and valid certificate of use, and to ensure compliance with the terms and conditions applicable zoning regulations, Florida Building Code, Florida Fire Prevention Code, solid waste regulations, and all applicable local and state regulations and other terms under which a certificate of use was issued.

* * *

(e) It shall be the duty of all officers and inspectors of the Building Inspection Division, the Municipal Code Compliance Division, Fire Prevention Division, Planning and Development Department, Solid Waste Division, and law enforcement officers, to report to the Director any apparent violation of this Subpart.

* * *

Sec. 656.153. Certificate of use review

The Building Inspection Division shall review each certificate of use application for any new uses, changes in use, expansion of square footage or inclusion of new uses, for compliance with the Florida Building Code, and Part 12 and Part 13 of Chapter 656, Ordinance Code. The Fire Prevention Division shall review each certificate of use application for any new uses, changes in use, expansion of square footage or inclusion of new uses, for compliance with Chapter 633 of the Florida Statutes and Section 420, Ordinance Code. The Planning and Development Department shall review each certificate of use application for any new uses, changes in use, expansion of square footage or inclusion of new uses, for compliance with Chapter 656, Ordinance Code. The

1 Zoning Administrator shall issue a certificate of use for any new
2 uses, changes in use, expansion of square footage or inclusion of
3 new uses, upon a positive recommendation from each department,
4 however in the event there is a question as to the legality of a
5 use, the Zoning Administrator may require inspections, affidavits
6 and such other information the Zoning Administrator may deem
7 appropriate or necessary to establish the legality of the use,
8 before a certificate of use will be issued. Contemporaneous with
9 the filing of an application for certificate of use, the applicant
10 shall provide a current fire inspection report to the Zoning
11 Administrator. The Zoning Administrator shall not issue a
12 certificate of use for any new use, change in use, expansion of
13 square footage or inclusion of new uses prior to final written
14 approval (including by electronic means) of the Building Inspection
15 Division, Fire Prevention Division, and Planning and Development
16 Department as to their relevant portion of review. In addition, no
17 conditional approval of a certificate of use shall be granted by
18 the Zoning Administrator. Failure to permit inspection of the
19 premises shall be grounds for denial of an application for a
20 certificate of use or revocation of an existing certificate of use.

21 * * *

22 **Sec. 656.156. Appellate procedure for denial of a**
23 **certificate of use.**

24 In the event the Zoning Administrator determines to deny any
25 application for a certificate of use, the Zoning Administrator
26 shall provide the applicant written notice of said denial, along
27 with the reasons for said denial and any written documents
28 pertaining to the denial. Said notice of denial shall afford the
29 applicant an opportunity to appear before the Certificate of Use
30 Board by written appeal filed within 30 days of the denial so as to
31 allow the applicant to present additional information or otherwise

1 explain factors the applicant deems relevant. At said appeal the
2 Certificate of ~~Use~~ ~~Board~~ shall notify the applicant of the
3 Certificate of Use Board's final decision and shall confirm said
4 decision in a final order prepared in writing within 30 days of the
5 appeal. ~~Said final decision shall be the final action of the City~~
6 The final order of the Certificate of Use Board shall be a final
7 action of the City and shall be effective as of date of issuance
8 and an applicant shall thereafter have any remedies available at
9 law.

10 **Sec. 656.157. Revocation or suspension of a certificate of**
11 **use.**

12 The Director is authorized to suspend or revoke a certificate of
13 use for cause. The following constitute adequate grounds for the
14 Director to suspend or revoke a certificate of use:

- 15 (a) The certificate holder has failed to disclose or has
16 misrepresented a material fact or information required by
17 this Chapter in the application;
- 18 (b) The certificate holder, as part of the certificate
19 holder's business activity within the City, is engaged in
20 conduct that is detrimental to the public health, welfare
21 or safety of the City;
- 22 (c) The certificate holder does not engage in the use
23 described in the application or has changed the use
24 without authorization through approval of a new
25 certificate of use for the changed use, as required
26 herein;
- 27 (d) The certificate holder is conducting business from
28 premises that do not possess a valid and current
29 certificate of occupancy as may be required by city,
30 county and state laws;
- 31 (e) The certificate holder has been convicted of violations

1 of city, county or state regulations or law (including
2 civil violations), on three (3) or more separate occasions
3 in less than five (5) years for activities occurring at
4 the certificate holder's premises;

5 (f) In the event of a conviction of any owner, operator,
6 manager, supervisor, or any employee acting at the
7 direction or with the knowledge of the owner, operator,
8 manager, or supervisor, by a court of competent
9 jurisdiction, for the violation of any criminal statute
10 committed in conjunction with the business operation;

11 (g) The certificate holder has violated any provision of this
12 Chapter and has failed or refused to cease or correct the
13 violation within thirty (30) days of receipt of
14 notification thereof or the building or structure has been
15 condemned as an unsafe structure on more than three
16 occasions over a two year period;

17 (h) The certificate holder, as part of their business
18 activity within the city, has used the premises or
19 knowingly lets, leases or gives space for unlawful
20 gambling purposes;

21 (i) The certificate holder, within the preceding five years
22 in this state or any other state or in the United States,
23 has been adjudicated guilty of or forfeited bond when
24 charged with soliciting for prostitution, pandering,
25 letting premises for prostitution, keeping a disorderly
26 place, or illegally dealing in, manufacturing or
27 processing of narcotics;

28 (j) The premises have been condemned by the local health
29 authority for failure to meet sanitation standards or the
30 premises have been condemned by the Municipal Code
31 Compliance Division, Building Inspection Division or the

1 Fire Prevention Division because the premises are unsafe
2 or unfit for human occupancy;

3 (k) The certificate holder's premises have been found to
4 constitute a public nuisance pursuant to Sections 823.01,
5 823.05, 823.10, or 823.13, Florida Statutes;

6 (l) The certificate holder has failed to satisfy any fines or
7 administrative fees imposed pursuant to Chapters 91 or
8 609, Ordinance Code;

9 **Sec. 656.158. Procedure for suspension or revocation; appeal**
10 **of suspension or revocation of a certificate of use.**

11 In the event the Director determines there are sufficient grounds
12 to suspend or revoke a certificate of use, the Director shall
13 provide the applicant written notice of said suspension or
14 revocation, along with the reasons for said suspension or
15 revocation and any written documents pertaining to the suspension
16 or revocation. Said notice of denial shall afford the applicant an
17 opportunity to appear before the Certificate of Use Board by
18 written appeal filed within 30 days of the suspension or revocation
19 so as to allow the applicant to present additional information or
20 to otherwise refute the findings of the Director. At said appeal,
21 the Certificate of Use Board shall notify the applicant of the
22 Certificate of Use Board's final decision and shall confirm said
23 decision in a final order prepared in writing within 30 days of the
24 appeal. The final order of the Certificate of Use Board shall be a
25 final action of the City and shall be effective as of date of
26 issuance and an applicant shall thereafter have any remedies
27 available at law.

28 **Sec 656.159. Application of other laws.**

29 A certificate of use issued under this Chapter does not waive
30 or supersede other city or county ordinances or state or federal
31 regulations or laws; does not constitute city approval of any

1 particular business activity or manner of conducting a business
2 activity; and does not excuse the taxes with other city, county,
3 state and federal regulations, ordinances and laws applicable to
4 any business and may not be used in any manner as a defense to any
5 enforcement action. All application materials prepared under this
6 Chapter shall so state. The approval of the certificate of use by
7 the Zoning Administrator and any reviewing agency shall not
8 authorize or legalize in any manner a violation of city, county,
9 state or federal ordinance, regulation or law.

10 **Sec. 656.160. Posting of certificate of use.**

11 Any person conducting a business for which a certificate of
12 use is required by this Chapter shall post the certificate of use
13 in a conspicuous place in or about the place of business where it
14 may be seen upon inspection by any official of the City. Failure
15 to do so shall constitute a violation of Chapter 609, Ordinance
16 Code. If a certificate of use is lost or stolen, a duplicate
17 certificate of use may be issued by the Zoning Administrator,
18 provided that a duplication fee shall be charged for each duplicate
19 certificate of use.

20 **Sec. 656.161. Penalties for failure to comply with**
21 **requirements of a certificate of use.**

22 In addition to the remedies available pursuant to Section
23 656.111, Ordinance Code, any person who shall violate a provision
24 of this subpart, or fails to comply therewith, or with any of the
25 requirements thereof, shall upon conviction thereof in County
26 Court, be punished by a fine not to exceed five hundred dollars
27 (\$500.00) or by imprisonment in the County Jail for not more than
28 sixty (60) days, or both such fine and imprisonment. Any person or
29 entity that violates or fails to comply with this subpart shall
30 also be subject to fines in accordance with Chapter 609, Ordinance
31 Code. Each day of violation or noncompliance shall constitute a

1 separate offense.

2 **Sec. 656.162. Penalty for failure to obtain a certificate of**
3 **use.**

4 (a) In addition to the penalties provided for in Section
5 656.111, Ordinance Code, and Section 656.161 above, whenever the
6 Building Inspection Division determines that a person or entity is
7 operating a business without a certificate of use when one is
8 required under this subpart, the Chief of the Building Inspection
9 Division may issue a notice of violation as provided herein to the
10 owner of the property (and the tenant, renter or lessee if
11 applicable), hereinafter referred to as the "alleged violator",
12 stating that they have thirty (30) days from receipt of the notice
13 to correct the violation and submit a completed application for
14 certificate of use, as determined by the Planning and Development
15 Department. The notice of violation shall also state the
16 ramifications for failing to comply with the notice of violation,
17 which may result in a cease and desist order from the Building
18 Inspection Division, which may be accompanied by an order to
19 terminate electrical power if the continuation of the illegal use
20 will endanger the public health, safety or welfare. The notice
21 shall be mailed by certified or express mail or hand delivered to
22 each alleged violator as shown by the public records of Duval
23 County and shall also be mailed to any owner's agent if such
24 agent's name and address is on file in the Property Appraiser's
25 Office as shown on the latest tax roll.

26 (b) If after the thirty (30) days from receipt of the notice
27 of violation, the alleged violator has not complied with the notice
28 of violation and has not submitted a completed application for
29 certificate of use, the Chief of the Building Inspection Division
30 shall issue a cease and desist order to cease business operations,
31 which may be accompanied by an order to terminate electrical power

1 if the continuation of the illegal use will endanger the public
2 health, safety or welfare, until a certificate of use is obtained.
3 The cease and desist order shall also include a statement of the
4 particular code violation(s) and detail the appeal mechanisms
5 available to the alleged violator.

6 (c) The cease and desist order may be contested upon appeal
7 of such determination within five (5) days of receipt by submitting
8 a request to a Special Magistrate. The hearing shall be held
9 within ten (10) days as provided in Chapter 91, Ordinance Code.
10 After hearing evidence, the Special Magistrate may quash the cease
11 and desist order (and order to terminate electrical power if
12 applicable) or may continue the order(s) in effect.

13 (d) The Special Magistrate shall issue his or her ruling on
14 the same day that the hearing is held and the final order shall be
15 effective as of that date. Upon entry of the final order, a copy
16 of the Special Magistrate's decision shall be mailed to the parties
17 by certified U.S. mail. The Special Magistrate's determination
18 shall be the final action of the City and the affected party shall
19 thereafter have any remedies available at law.

20 **Sec. 656.163. Injunctive relief; enforcement.**

21 Any person who violates a provision of this subpart or a
22 written order promulgated under this subpart is subject to
23 injunctive or other equitable relief to enforce compliance with or
24 prohibit the violation of this subpart. The Director of Planning
25 and Development is hereby authorized to institute actions on behalf
26 of the City in any court of competent jurisdiction in this State to
27 seek enforcement of this subpart and all remedies for violations
28 thereof.

29 **Section 3. Amending Section 656.1601 (Definitions),**
30 **Ordinance Code.** Section 656.1601, *Ordinance Code*, is hereby amended
31 to read as follows:

1 CHAPTER 656. ZONING CODE

2 * * *

3 PART 16. DEFINITIONS

4 **Sec. 656.1601. Definitions.**

5 * * *

6 *Certificate of Use Board* means a committee consisting of the
7 Director and the Chief of Building Inspection and the Chief of the
8 Fire Prevention Division that shall review all appeals of denials,
9 suspensions and revocations of certificates of use.

10 * * *

11 **Section 4. Amending the title of Chapter 770 (County**
12 **Occupational License) and creating a new Section 770.126**
13 **(Application of other laws), Ordinance Code.** A new Section 770.126,
14 *Ordinance Code*, is hereby created to read as follows:

15 **CHAPTER 770. COUNTY OCCUPATIONAL LICENSE BUSINESS TAX**

16 **PART 1. GENERAL TAXING AND ADMINISTRATIVE PROVISIONS**

17 * * *

18 **Sec. 770.126. Application of other laws.**

19 A business tax receipt issued under this Chapter does not
20 wave or supersede other city or county ordinances or state or
21 federal regulations or laws; does not constitute city approval of
22 any particular business activity or manner of conducting a business
23 activity; does not excuse the taxes with other city, county, state
24 and federal regulations, ordinances and laws applicable to any
25 business; and shall not be used as a defense in any enforcement
26 action. All application materials prepared under this Chapter shall
27 so state. Neither the payment of the local business tax nor the
28 procurement of a business tax receipt under this Chapter shall
29 authorize or legalize in any manner a violation of city, county,
30 state or federal ordinance, regulation or law.

31 **Section 5. Amending the title of Chapter 772 (Municipal**

Occupational License) and creating a new Section 772.127 (Application of other laws), Ordinance Code. A new Section 772.127, Ordinance Code, is hereby created to read as follows:

CHAPTER 772. MUNICIPAL OCCUPATIONAL LICENSE BUSINESS TAX

PART 1. GENERAL TAXING AND ADMINISTRATIVE PROVISIONS

* * *

Sec. 772.127. Application of other laws.

A business tax receipt issued under this Chapter does not waive or supersede other city or county ordinances or state or federal regulations or laws; does not constitute city approval of any particular business activity or manner of conducting a business activity; does not excuse the taxes with other city, county, state and federal regulations, ordinances and laws applicable to any business; and shall not be used as a defense in any enforcement action. All application materials prepared under this Chapter shall so state. Neither the payment of the local business tax nor the procurement of a business tax receipt under this Chapter shall authorize or legalize in any manner a violation of city, county, state or federal ordinance, regulation or law.

Section 6. Construction; Severability. This ordinance shall be construed and interpreted as nearly as practicable so as to uphold the validity of the provisions hereof. Nevertheless, the provisions of this ordinance are severable, and if any provision is determined to be invalid, unlawful or contrary to public policy, such provision shall be disregarded and the same shall have no effect upon any other provisions hereof, which other provisions shall continue in full force and effect.

Section 7. Codification Instructions.

The Codifier is authorized to make all chapter "tables of contents" consistent with the changes set forth herein. Furthermore, the Office of General Counsel, working together with

1 and through the contracted Codifier of the City Ordinance Code, is
2 hereby authorized and directed to make such editorial changes
3 throughout the Ordinance Code to reflect the name changes of (1)
4 Chapter 770 County Business Tax and (2) Chapter 772 Municipal
5 Business Tax, in regard to all titles and sub-titles therein, and
6 to reflect such changes in corresponding references throughout the
7 Ordinance Code resulting from the renaming of Chapters 770 and 772
8 as set forth herein. Such editorial changes, and any others
9 necessary to make the Ordinance Code consistent with this renaming
10 are approved and directed herein, and changes to the Ordinance Code
11 shall be made forthwith and when inconsistencies are discovered.

12 **Section 8. Effective Date.** This ordinance shall become
13 effective upon signature by the Mayor or upon becoming effective
14 without the Mayor's signature.

15
16 Form Approved:

17
18 _____
19 Office of General Counsel

20 Legislation prepared by: Paige Hobbs Johnston

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