

1 Council Member Jones offers the first substitute to file no. 2014-  
2 427:

3  
4 Introduced by Council Members Crescimbeni, Lee and Jones &  
5 Co-sponsored by Council Member Redman:  
6

7 **ORDINANCE 2014-427**

8 AN ORDINANCE RELATING TO PUBLIC SAFETY AND  
9 NUISANCE ABATEMENT; AMENDING SECTION 518.111  
10 (DEFINITIONS) TO AMEND THE DEFINITION FOR  
11 "BLIGHT, BLIGHTING INFLUENCE OR BLIGHTING  
12 FACTOR" TO ADD CRIMINAL FACTORS; TO ADD A NEW  
13 DEFINITION FOR "HISTORIC STRUCTURES"; TO ADD A  
14 NEW SUBSECTION "(M)" TO ADD AS AN UNSAFE  
15 STRUCTURE THOSE NON-HISTORIC, BLIGHTED  
16 BUILDINGS THAT HAVE BEEN BOARDED UP, THAT HAVE  
17 UNPAID CODE ENFORCEMENT, NUISANCE AND  
18 DEMOLITION LIENS, AND HAVE NO ACTIVE WATER OR  
19 ELECTRIC SERVICE FOR A TIME PERIOD THAT  
20 EXCEEDS 24 MONTHS; AMENDING SECTION 518.205  
21 (BOARDING OF VACANT BUILDINGS OR DWELLINGS) TO  
22 REQUIRE THAT BUILDINGS THAT HAVE BEEN BOARDED  
23 UP AND HAVE NO ACTIVE WATER OR ELECTRIC  
24 SERVICE FOR A TIME PERIOD THAT EXCEEDS 24  
25 MONTHS SHALL BE ABATED BY THE CITY IN  
26 ACCORDANCE WITH THE DEMOLITION PROCEDURES SET  
27 FORTH IN PART 3 OF CHAPTER 518; TO REQUIRE  
28 THAT PRIOR TO COMMENCEMENT OF THE DEMOLITION  
29 PROCESS, THE BLIGHTED AND VACANT CITY-OWNED  
30 STRUCTURES SHALL FIRST BE CONSIDERED FOR  
31 DONATION OR LEGAL TRANSFER TO CERTAIN ENTITIES

1 AND PERSONS FOR *BONA FIDE* DEVELOPMENT OF THE  
2 BLIGHTED AND VACANT STRUCTURE OR BE CONSIDERED  
3 FOR MOTHBALLING PURSUANT TO THE PROCEDURES SET  
4 FORTH IN CHAPTER 307, ORDINANCE CODE (HISTORIC  
5 PRESERVATION AND PROTECTION) PART 3,  
6 (ENFORCEMENT ALTERNATIVES TO PROVISION OF  
7 CHAPTER 518); PROVIDING AN EFFECTIVE DATE.

8  
9 WHEREAS, a non-historic, blighted building that has been  
10 boarded up for more than 24 months contributes to blight conditions  
11 in Jacksonville neighborhoods; and

12 WHEREAS, the Stand Up for Your Neighborhoods Ad Hoc Committee  
13 on Blight seeks to eliminate such blight conditions, and during its  
14 duly noticed meeting on June 13, 2014, approved this Ordinance for  
15 introduction to the Jacksonville City Council [A copy of the  
16 minutes of the June 13, 2014 Committee meeting is attached hereto  
17 as **Exhibit 1**]; now therefore

18 BE IT ORDAINED by the Council of the City of Jacksonville:

19 Section 1. Section 518.111 (Definitions.), Ordinance  
20 Code, amended. Chapter 518 (Jacksonville Property Safety and  
21 Maintenance Code), Part 1 (General Provisions), Subpart B  
22 (Definitions) is hereby amended to read as follows:

23 \* \* \*

24 *Blight, blighting influence or blighting factor* means either:  
25 that which endangers life or property by fire or other causes or  
26 that which substantially impairs or arrests property values or the  
27 sound growth of the county or city and is a menace to the public  
28 health, safety, morals, or welfare in its present condition and  
29 use. This may include, but not be limited to, the following  
30 factors:

- 1 (a) Faulty lot layout in relation to size, adequacy,  
2 accessibility, or usefulness;
- 3 (b) Unsanitary or unsafe conditions;
- 4 (c) Deterioration of site or other improvements;
- 5 (d) Tax or special assessment delinquency exceeding the fair  
6 value of the land; and
- 7 (e) Diversity of ownership or defective or unusual conditions  
8 of title which prevent the free alienability of land  
9 within the deteriorated or hazardous area.
- 10 (f) Dilapidation of real or personal property.
- 11 (g) Residential and commercial vacancy rates higher in the  
12 areas than in the remainder of the county or municipality;
- 13 (h) Incidence of crimes in the area higher than in the  
14 remainder of the county or municipality;
- 15 (i) Fire and emergency medical service calls to the area  
16 proportionately higher than in the remainder of the county or  
17 municipality;
- 18 (j) A greater number of violations of the Florida Building  
19 Code in the area than the number of violations recorded in the  
20 remainder of the county or municipality.

21 \* \* \*

22 Historic Structure shall mean any structure, fifty years old  
23 or older, and that is designated a City of Jacksonville landmark; a  
24 contributing property in a City of Jacksonville historic district;  
25 listed on the United States Department of Interior, National Park  
26 Service's National Register of Historic Places or a contributing  
27 structure in a National Register district; or has been determined  
28 as eligible for listing on the National Register of Historic  
29 Places, individually or as contributing to a potential district  
30 based on the Florida Master Site File or as determined by the  
31 Jacksonville Planning and Development Department.

\* \* \*

Unsafe building or unsafe structure includes the following buildings and structures:

- (a) Those whose walls or other structural members sag, list, or buckle to such an extent that they are in danger of collapse.
- (b) Those with structural members which are overloaded, or which have insufficient strength to be safe for the purpose used.
- (c) Those damaged by fire, wind, deterioration, or other causes to such an extent that they are dangerous to the general health or safety of the occupants or the public.
- (d) Those not having exits or fire protection required by the building code or the fire prevention code.
- (e) Those having any piece, part or attachment which is so insecurely fixed as to be in danger of falling or being dislodged by the elements so that it may injure any person or property.
- (f) Those which are in violation of the minimum housing code, building codes, electrical code or plumbing code of the city.
- (g) Unfinished construction for which the building permit has expired.
- (h) Those which constitute a fire or windstorm hazard.
- (i) Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those persons living therein.

(j) The remains, debris, walls, chimney or floors of or left from a building or structure which has partially or completely collapsed, fallen or been torn down.

(k) Any abandoned swimming pool, excavation or any septic tank which threatens or endangers the health, safety or welfare of the public.

(l) Those which have been used in whole or in part for the unauthorized manufacture, processing, refinement or creation of any illicit drug wherein hazardous chemicals are used in such process. This shall include, but is not limited to, single-family residences, individual units of multi-family structures, hotels, motels, or other public lodgings, storage units, trailers intended to be pulled behind a motor vehicle, motorized vehicles, manufactured housing, or any shop, booth, structure or garden.

(m) Those non-historic, blighted structures that have been boarded up, that have unpaid code enforcement, nuisance and demolition liens, and have no active water or electric service for a time period that exceeds 24 months.

\* \* \*

Section 2. Section 518.205 (Boarding of vacant buildings or dwellings.), Ordinance Code, amended. Chapter 518 (Jacksonville Property Safety and Maintenance Code), Part 2 (Improved or Unimproved Lots and Exterior Conditions of Residential and Commercial Properties), is hereby amended to read as follows:

Sec. 518.205. Boarding of blighted, vacant buildings or dwellings.

(a) It is declared unlawful and a public nuisance for any owner of any property in the city to maintain such property or permit

1 such property to be maintained in such manner that any one or  
2 more of the conditions described in the following subsections  
3 are found to exist:

4 (1) Any vacant and unoccupied buildings of which doors,  
5 windows, or other openings are broken or missing, so as  
6 to allow access to the interior, or boarded and which is  
7 not secured in compliance with Section  
8 518.205(c)(1), (2) or (3).

9 (2) Any vacant and unoccupied building of which doors,  
10 windows, or other openings are secured by boarding for a  
11 time period exceeding six months with the exception of  
12 historic buildings that have an approved and active  
13 mothball certificate of appropriateness (COA) or building  
14 permit status.

15 (b) Any blighted, vacant, unoccupied and non-historic building  
16 that has been boarded up, that has unpaid code enforcement,  
17 nuisance and demolition liens, and has no active water or  
18 electric service for a time period that exceeds 24 months,  
19 shall be abated by the City in accordance with the demolition  
20 requirements set forth and described in Part 3 of this  
21 Chapter. Additional time period extensions beyond the initial  
22 six month boarding of a building may be approved by the  
23 Special Magistrate or Municipal Code Enforcement Board.

24 (1) Prior to commencement of the Part 3 Demolition  
25 procedures, the blighted and vacant, city-owned structures  
26 that are listed on the <sup>city owned</sup> "Lands Available/Tax Reverted" registry  
27 shall first be considered for donation or legal transfer to  
28 the following entities or persons for bona fide development  
29 pursuant to the procedures authorized in Section 122.461,  
30 Ordinance Code. Bona fide development shall mean that an  
31 entity or person has demonstrated that it or she/he has the



1 financial capacity and means to commence development within 6  
2 months of the conveyance to restore and rehabilitate the  
3 blighted and vacant city-owned structure, and shall also  
4 complete the development within 1 year of conveyance:

5 i. A non-profit corporation.

6 ii. A private entity or corporation.

7 iii. The adjacent property owner.

8 (a) As an alternative to subsection (1) above, and prior to  
9 demolition, any blighted, vacant, or boarded-up building  
10 having no active water or electricity for 2 years, shall also  
11 be considered for mothballing pursuant to the procedures set  
12 forth in Chapter 307, Ordinance Code, Part 3.

*Public  
Buildings*

13 (c) When a building or structure is unoccupied and is unsafe  
14 because it is vacant, unguarded and open at doors or windows,  
15 or otherwise provides access to the interior, the Chief may  
16 approve the temporary securing of the building or structure.  
17 Materials or methods for securing the building or structure  
18 shall be as follows:

19 (1) Windows and doors shall be repaired or replaced, closed  
20 and locked to prevent unauthorized entry. Other openings  
21 shall be sealed with solid sheathing, consisting of one-  
22 inch boards or minimum 1/2-inch exterior grade plywood or  
23 equivalent, securely nailed in place with 8d nails and  
24 painted a similar color as the main structure; or

25 (2) Windows, doors and other openings shall be secured by  
26 covering same with solid sheathing consisting of one-inch  
27 boards or minimum 1/2-inch exterior grade plywood or  
28 equivalent, securely nailed in place with minimum 8d  
29 nails and painted a similar color as the main structure.  
30 Where there is no frame or where the frame is loose or

1 defective, a subframe of two by four-inch lumber shall be  
2 provided to secure the sheathing.

3 (3) The Chief may approve alternatives to the above methods,  
4 providing the alternatives are equivalent to the above in  
5 strength.

6 (d) When a structure is subject to a mothballing COA pursuant to  
7 chapter 307, the structure's owner shall secure the structure  
8 using the methods prescribed by rules adopted pursuant to  
9 section 307.305.

10 (e) Boarding may be for a period of three years if approved for a  
11 mothballing certificate of appropriateness, with any  
12 extensions that may be granted through a subsequent  
13 certificate of appropriateness and the process outlined under  
14 Chapter 307, Part 3. Property owners of non-emergency  
15 condemned properties that are locally designated or listed on  
16 the National Register of Historic Places shall be notified of  
17 the option to mothball their building and be given 60 days to  
18 respond. The city will hold in abeyance enforcement or  
19 corrective measures until that 60 days time period expires.

20  
21 \* \* \*

22 **Section 3. Effective Date.** This ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

25  
26 Form Approved:

27  
28 /s/ Cherry A. Shaw

29 Office of General Counsel

30 Legislation Prepared By: Cherry A. Shaw