

1 Introduced by City Council President Holland and City Council
2 Members Carlucci, Jenkins, Brown and Overton, at the Request of the
3 Historic Preservation Task Force:
4

5 **ORDINANCE 2003-614-E**

6 AN ORDINANCE ESTABLISHING A NEW PART 5 TO
7 CHAPTER 518, ORDINANCE CODE (JACKSONVILLE
8 DOWNTOWN PROPERTY MAINTENANCE CODE); PROVIDING
9 AN EFFECTIVE DATE.
10

11 WHEREAS, the City Council of the City of Jacksonville finds
12 that historic preservation, revitalization, and reuse of
13 Jacksonville's historic buildings and structures is important to
14 the City's overall social and economic welfare; and

15 WHEREAS, during his tenure as City Council President,
16 Councilman Matt Carlucci appointed the Task Force on Historic
17 Downtown Preservation and Revitalization ("Task Force") in July
18 2001; and

19 WHEREAS, the Task Force was created to foster the preservation
20 and reuse of unoccupied, underutilized, and deteriorating historic
21 buildings located in downtown Jacksonville by identifying problems
22 and issues that have contributed to their current state; and

23 WHEREAS, the Task Force was also created to develop and
24 actively promote the adoption of programs, policies, and
25 initiatives that will enhance the preservation, rehabilitation, and
26 reuse of historic buildings in Jacksonville; and

27 WHEREAS, the Task Force was also created to address
28 appearance, safety, and maintenance of under-utilized historic
29 structures and the downtown core area to further the goals of the
30 Task Force; and

1 WHEREAS, the Task Force recognizes that the appearance of the
2 City's historic buildings and urban core contributes to the
3 streetscape of downtown Jacksonville and directly contributes to
4 the perception of the downtown area to Jacksonville residents and
5 visitors; and

6 WHEREAS, the Task Force recognizes that downtown
7 Jacksonville's current appearance has created a negative perception
8 of the urban core as being dirty, unsafe, and unfriendly; and

9 WHEREAS, the Task Force recognizes that this negative
10 perception has a direct and severe impact on downtown Jacksonville
11 by inhibiting redevelopment and reoccupation of downtown historic
12 buildings and structures and creating an environment where
13 Jacksonville citizens and visitors feel unwelcome; now therefore

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

15 **Section 1.** There shall be created a new Part 5, Chapter 518,
16 Ordinance Code as follows:

17 **PART 5. JACKSONVILLE DOWNTOWN PROPERTY MAINTENANCE CODE**

18 **PART I. ADMINISTRATION**

19 **Subpart A. Title and Scope**

20 **518.500 Title.** The provisions embraced within the parts,
21 subparts and sections of this Part shall constitute, be known and
22 be cited as the Jacksonville Downtown Property Maintenance Code.

23 **518.501 Construction with Remainder of Chapter 518,**
24 **Ordinance Code.** This Part shall operate as supplemental regulations
25 and standards to the remainder of Chapter 518, Ordinance Code,
26 relating to those buildings, structures and premises located in
27 Downtown Jacksonville, as that term is defined in Section 518.510,
28 below. To the extent that this Part is in conflict with, or
29 creates a more stringent regulation or standard than the remainder
30 of Chapter 518, Ordinance Code, this Part shall govern. To the
31 extent that the remainder of Chapter 518, Ordinance Code regulates,

1 addresses, or restricts a particular area, aspect or issue that is
2 not addressed by this Part, then that provision in Chapter 518,
3 Ordinance Code shall govern.

4 **518.502 Part 5 as Remedial Legislation.** This Part is hereby
5 declared to be remedial, and shall be construed to ensure regular
6 maintenance and improvement to certain buildings and structures; to
7 safeguard against blight and preserve property values and community
8 standards; to establish minimum maintenance standards to safeguard
9 life, limb, health, safety, property, and the public welfare; to
10 assist in the continued revitalization of Downtown Jacksonville;
11 and to attract new businesses and promote the public interest in
12 continued development, all in the best interest of the citizens of
13 the City of Jacksonville.

14 **518.503. Applicability.**

15 (a) Every building, structure and portion thereof, and
16 appurtenance thereto, and the premises on which it is situated,
17 located in Downtown Jacksonville, used or intended to be used for
18 commercial, business, institutional, single and multi-family
19 residential or industrial purposes shall be constructed and
20 maintained to comply with the provisions of this Part, whether or
21 not the structure shall have been constructed, altered or repaired
22 before or after the adoption of this Part, irrespective of any
23 permits or licenses which shall have been issued for the use or
24 occupancy of the structures or premises, and notwithstanding any
25 permit which shall have been issued for the construction or repair
26 of the structure, or for the installation or repair of equipment or
27 facilities prior to the effective date of this Part.

28 (b) This Part establishes certain minimum standards for the
29 initial and continued occupancy, use and maintenance of all
30 commercial, business, institutional, single and multi-family
31 residential or industrial buildings and structures and does not

1 replace or modify standards otherwise established for the
2 construction, repair, alteration or use of such buildings and
3 structures, the premises, or the equipment or facilities contained
4 in the buildings or structures or on the premises. In addition to
5 Section 518.501, above, where a provision of this Part is found to
6 be in conflict with another applicable code or regulation, the
7 provision that establishes the higher standard, as determined by
8 the Chief, or the Building Codes Adjustment Board, shall prevail.

9 **518.504. Maintenance.** All buildings, structures and
10 premises regulated by this Part, both existing and new, and all
11 parts thereof, shall be maintained in a safe, sanitary and good
12 condition, and so as not to constitute a blighting influence on the
13 City nor an element leading to the progressive deterioration of the
14 section of Downtown Jacksonville in which they are situated. All
15 devices or safeguards required by applicable codes when the
16 building or structure was erected, altered or repaired shall be
17 maintained in good working order. For purposes of this Part,
18 owners and occupants shall be equally responsible for the
19 maintenance of buildings, structures and exterior premises as
20 required by this Part whether or not such responsibility has been
21 assigned to and accepted by another party.

22
23 **Subpart B. Definitions.**

24 **518.510. Definitions.** Those definitions specified in
25 Section 518.111, Ordinance Code shall apply in this Part unless
26 specified below or unless the context otherwise requires:

27 (a) *Building Code* shall mean Title VIII, Subtitle A,
28 Ordinance Code, as it currently exists and as it may be amended
29 from time to time.

30 (b) *Downtown* or *Downtown Jacksonville* shall mean the Downtown
31 Development Authority jurisdictional boundary, as it currently

1 exists and as it may be amended from time to time.

2 (c) *Person* shall include an individual, a partnership, a
3 joint venture, a corporation, an association, and any other
4 organization recognized as an entity by the laws of the State of
5 Florida.

6 (d) *Required* shall mean required by some provision of this
7 Part or another applicable code.

8 (e) *Sidewalk Special Event* shall mean an event which is
9 taking place or is proposed to be taking place on a sidewalk in the
10 Downtown area that is not associated with and sponsored by a
11 business or property located within the city block where the event
12 is being held. Sidewalk Special events shall include, but not be
13 limited to farmers' markets, arts and crafts fairs, cultural
14 festivals, and expositions.

15 (f) *Zoning Code* shall mean Chapter 656, Ordinance Code,
16 including all subparts, amendments or changes.

17
18 **Subpart C. Violations, Notices and Liability**

19 **518.522. Vacant Substandard Buildings.** Vacant buildings
20 found to be in violation of this Part may be placarded as such and
21 required to remain vacant until brought into compliance with the
22 provisions of this Part. Provided, the Chief may approve a vacant
23 building for occupancy pending repairs when such action is deemed
24 by him to be in the best interest of the City. The reason for such
25 approval must be documented in the property file.

26 **518.523. Recording of Violation Notice.** Whenever the
27 violations specified in a violation notice have not been corrected
28 within the time specified in the notice, the Chief may record a
29 copy of such violation notice, or other appropriate instrument, in
30 the public records of Duval County indicating that violations of
31 this Part exist upon the property involved. The recording of such

1 violation notice or other appropriate instrument as herein provided
2 shall constitute constructive notice to any subsequent purchasers,
3 transferees, grantees, mortgagees, lessees, lienors and all persons
4 having, claiming or acquiring any interest in the property
5 described herein, or affected thereby.

6 **518.524. Notices and Orders Binding.** A notice or order
7 issued by the Chief pursuant to the provisions of this Part shall
8 not be diminished, cancelled or in any way affected by the
9 conveyance of the title to any real property, building or other
10 structure. A person who acquires such an interest while a
11 building, structure or premises is subject to a notice or order
12 issued under this Part shall comply with that notice or order to
13 the same extent as if he had held his interest at the time the
14 notice or order was issued. Upon request, the Chief shall provide
15 all persons acquiring such interest with copies of records
16 pertaining to all notices and orders previously served and issued
17 with respect to the real property, building or other structure or
18 premises conveyed at the expense of the person requesting the
19 copies.

20 **518.525. Liability.** The owner of a building, structure or
21 premises where anything in violation of this Part shall be placed
22 or shall exist, and any architect, builder, contractor, agent or
23 other person who has knowingly assisted in the commission of such
24 violation, shall each be separately guilty of an offense and upon
25 conviction shall be punished as provided by law. Each day upon
26 which a violation occurs shall be considered a separate violation
27 under this Part.

28
29 **Subpart D. Severability, Saving Clause**

30 **518.540. Severability.** If any part, section, subsection or
31 other portion of this Part or any application thereof to any person

1 or circumstances is declared to be void, unconstitutional or
2 invalid for any reason, such part, section, subsection or other
3 portion, or the proscribed application thereof, shall be severable
4 and the remaining provisions of this Part and all applications
5 thereof not having been declared void, unconstitutional or invalid
6 shall remain in full force and effect. The Council declares that
7 no invalid or proscribed provision or application was an inducement
8 to the enactment of this Part and that it would have enacted this
9 Part regardless of the invalid or proscribed provision or
10 application.

11 * * *

12 **PART II. MINIMUM STANDARDS FOR MAINTENANCE**

13 **Subpart A. Exterior Premises**

14 **518.550. Hazards and Nuisances.** The exterior property
15 areas of structures regulated by this Part shall be kept free of
16 all nuisances, and any hazards to the safety of occupants,
17 customers, pedestrians and other persons utilizing the premises,
18 and free of unsanitary conditions, and any of the forgoing shall be
19 promptly removed and abated by the owner or occupant. It shall be
20 the duty of the owner or operator to notify the City of the
21 existence of any hazards or nuisances on the public right-of way.
22 It shall be the duty of the owner or occupant to keep the premises
23 free of hazards, which include, but are not limited to the
24 following:

25 (a) Brush, weeds, broken glass and accumulations of filth,
26 garbage, trash, refuse, debris and inoperative machinery;

27 (b) Dead and dying trees and limbs;

28 (c) Loose and overhanging objects which by reason of location
29 above ground level constitute a danger of falling on persons or
30 personal property in the vicinity thereof;

31 (d) Holes, excavations, breaks, projections, obstructions,

1 and excretions of pets, other animals, and humans on paths, walks,
2 driveways, parking lots and parking areas, and other parts of the
3 premises which are accessible to or used by persons on the
4 premises;

5 (e) Sources of infestation by insects or rodents.

6 **518.551. Maintenance of Exterior Property Areas.** Exterior
7 property areas shall be maintained so that their appearance shall
8 not constitute a blighting factor for adjoining property owners nor
9 an element leading to the progressive deterioration and downgrading
10 of the neighborhood. As a minimum:

11 (a) Lawns, hedges and shrubbery shall be kept neatly trimmed;

12 (b) All permanent signs and billboards permitted by reason of
13 other regulations or as a lawful nonconforming use, and exposed to
14 public view, shall be maintained in good repair. Any signs which
15 have excessively weathered or faded or those upon which the paint
16 has excessively peeled or cracked shall, with their supporting
17 members, be removed or, if legally allowed, put into a good state
18 of repair. All nonoperative or broken electrical signs shall be
19 repaired or shall, with their supporting members, be removed;

20 (c) All outdoor salvage yards shall be screened from
21 surrounding property as required by the Zoning Code. Such
22 screening shall be maintained in a good condition free from
23 deterioration or other blighting conditions;

24 (d) Approved garbage dumpsters or garbage disposal
25 facilities, screened from public view with a site-tight fence,
26 shall be provided and maintained for the disposal of garbage at
27 every occupied structure. The owner and/or occupant shall provide
28 for regular pickup and disposal. All owners and/or occupants shall
29 provide, upon request by the City, proof of service for solid waste
30 disposal.

31 (e) For those structures or locations not required to utilize

1 trash collection procedures as outlined in the Zoning Code, the
2 owner or occupant shall place all garbage meant for disposal in a
3 garbage can, which shall be purchased from the City. These garbage
4 cans shall be kept inside the structure or premises at all times
5 except during collection times, which shall be established by the
6 City's Solid Waste and Resource Management Department. The owner
7 or occupant shall not place the garbage can outside for more than
8 one hour before each scheduled collection time and shall not leave
9 the garbage can outside for longer than one hour after the can has
10 been emptied. When the garbage can is placed outside the structure
11 or premises for emptying, the owner or occupant of the structure or
12 premises shall place the garbage can close to the street so as not
13 to interfere with the pedestrian use of the sidewalk. Unless
14 otherwise approved by the City's Solid Waste and Resource
15 Management Department, the garbage can(s) shall be placed directly
16 outside the structure or premises that generates the garbage.
17 There shall be no bags or other "loose" garbage placed on the
18 sidewalk or street for disposal, unless otherwise approved by the
19 City's Solid Waste and Resource Management Department, which may
20 approve other disposal options if a particular structure or
21 premises is unable to comply with this requirement.

22 (f) Off-street parking shall be governed by the provisions of
23 the Zoning Code.

24 (g) Walkways, steps of concrete or other suitable paving
25 materials, and ramps, as required, shall be provided and maintained
26 in good condition for access to entrance, parking areas, and other
27 regular routes of pedestrian travel;

28 (h) Sidewalks in the public right-of-way shall be
29 structurally maintained in accordance with Chapter 740, Ordinance
30 Code, however, it shall be the responsibility of the property owner
31 or occupant to keep the sidewalk areas in front of their property

1 clean, sanitary and free from litter, grime, grease or debris.

2 (i) Vehicular entrances from the street shall be provided
3 with suitable curb cuts;

4 (j) No portion of a public sidewalk, alley or street shall be
5 used for the storage or display of goods, material or equipment so
6 as to constitute a Nuisance as defined in Section 518.111,
7 Ordinance Code, above. Sidewalk cafés shall be governed by the
8 provisions of Part Eight of Section 250, Ordinance Code;

9 (k) For Sidewalk Special Events, as defined herein, no
10 portion of a public sidewalk, alley or street shall be used for the
11 storage or display of goods, material or equipment so as to
12 constitute a Nuisance as defined in Section 518.111, Ordinance
13 Code, above, and in no case without a permit issued by the
14 appropriate City authority.

15
16 **Subpart B. Exterior Structures**

17 **518.560. Maintenance of Structure Exteriors.** The exterior of
18 all structures regulated by this Part shall be maintained in good
19 condition and appearance, and as a minimum:

20 (a) All windows exposed to public view shall be kept clean
21 and free of marks or foreign substances except when necessary in
22 the course of changing displays. Storage of materials, stock or
23 inventory shall be prohibited in window display areas or other
24 areas ordinarily exposed to public view unless said areas are first
25 screened from the public view by drapes, venetian blinds or other
26 permanent cover, rendering the windows opaque to the public view.
27 All screening of interiors shall be maintained in a clean and
28 attractive manner and in a good state of repair. Nothing herein
29 shall be construed to prohibit window displays which are
30 attractive, neat, orderly and in keeping with community standards;

31 (b) All walls and other portions of buildings and structures

1 exposed to public view shall be kept in a good state of repair and
2 painted, whitewashed or finished in such other manner as to present
3 a clean, neat and attractive appearance. Goods, material or
4 equipment displayed or stored elsewhere on the premises shall be
5 enclosed in a 90% sight-tight enclosure;

6 (c) Except for "For Rent" or "For Sale" signs, any temporary
7 sign or other paper advertising that is glued or otherwise attached
8 to a window or windows, or otherwise exposed to public view shall
9 comply with the provisions of Part Thirteen of Chapter 656
10 governing temporary signs;

11 (d) All graffiti shall be removed within 72 hours.

12 (e) Any awning or marquis or its accompanying structural
13 members which extend over any street, sidewalk or any other portion
14 of the premises shall be maintained in a good state of repair. In
15 the event said awnings or marquis are made of cloth, metal, plastic
16 or another similar material, said material, where exposed to public
17 view, shall not show evidence of excessive weathering,
18 discoloration, ripping, tearing or other holes. Nothing herein
19 shall be construed to authorize any encroachment on streets,
20 sidewalks or other parts of the public domain;

21 (f) All exterior appurtenances or accessory structures or
22 portions of buildings which are in a deteriorated condition not
23 economically repairable shall be removed;

24 (g) Chimneys and flue and vent attachments which are not
25 safe, durable, smoke-tight and capable of withstanding the action
26 of flue gasses shall be repaired, replaced or removed;

27 (h) Exterior porches, landings, balconies, stairs and fire
28 escapes shall be structurally sound and kept in good repair and
29 shall be properly provided with proper banisters or railings;

30 (i) All roofs shall have an approved covering free of holes,
31 cracks or excessively worn surfaces, which will prevent the

1 entrance of moisture into the structure and provide reasonable
2 durability. Metal roofs showing signs of corrosion shall be
3 painted with an approved product, applied in accordance with the
4 manufacturer's specifications;

5 (j) A balustrade shall be installed and maintained in good
6 repair on the open side of a balcony, porch, landing, stairwell and
7 stairway, constructed in accordance with the Building Code.

8 (k) Where repairs are undertaken to that part of a building
9 which abuts a public street, the repairs shall be made with the
10 same or similar type materials as used in the original
11 construction, where possible. Any deviation or substitution must
12 be approved by the Downtown Development Authority, Design Review
13 Committee or its staff. Such repairs shall be made in a
14 workmanlike manner so as to permanently repair the damaged area or
15 areas;

16 (l) All reconstruction of walls and sidings shall conform to
17 the requirements of the Building Code and shall be finished in a
18 manner such that the materials used will not be of a kind that by
19 their appearance, under prevailing appraisal practices and
20 standards, will depreciate the values of neighboring and adjoining
21 premises.

22 (m) All ground floor windows shall be maintained with glass
23 or translucent material so as to present the appearance of being
24 glassed. Broken or missing window or door glass shall be repaired
25 or replaced. It shall not be permitted to replace the glass with
26 plywood, or other non-translucent materials except on an emergency
27 basis. Boarding of ground floor windows for longer than 1 week
28 shall be prohibited. Any requests for deviation or substitution
29 from these requirements must be approved by the Downtown
30 Development Authority, Design Review Committee, or its staff,
31 within 15 days of citation or other notice by the City of a

1 violation.

2 (n) All second floor and higher windows, if boarding is
3 required, shall be painted black to maintain the appearance of the
4 rhythm of openings on the structure. Any requests for deviation or
5 substitution must be approved by the Downtown Development
6 Authority, Design Review Committee within 15 days of citation or
7 other notice by the City of a violation. If windows are eliminated
8 on a building, they shall be closed in with construction that is
9 the same type as the construction used in the exterior of the
10 building.

11 (o) Any streetscape beautification or vegetative improvements
12 over and above that which is provided by the City shall be the
13 responsibility of the property owner or occupant to maintain. No
14 street beautification efforts shall constitute a hazard or
15 nuisance.

16 **Section 2. Effective Date.** This Ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

19
20 Form Approved:

21
22 /s/ Jason Teal

23 Office of General Counsel

24 Legislation Prepared By: Jason R. Teal

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