

1 Introduced by the Council President at the request of the Mayor:

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4 **ORDINANCE 2018-104**

5 AN ORDINANCE RELATING TO MORTGAGED REAL  
6 PROPERTY; AMENDING CHAPTER 179 (MORTGAGE  
7 FORECLOSURE REGULATION), *ORDINANCE CODE*;  
8 CLARIFYING THE PURPOSE AND INTENT DUE TO  
9 FORECLOSURES AND MECHANISMS TO AVERT  
10 FORECLOSURE; AMENDING AND ADDING VARIOUS  
11 DEFINITIONS; CLARIFYING APPLICABILITY OF THE  
12 ORDINANCE TO NOT INCLUDE SECOND, THIRD, FOURTH  
13 AND FIFTH URBAN SERVICE DISTRICTS; CLARIFYING  
14 AND AMENDING THE INSPECTION AND REGISTRATION  
15 OF DEFAULTED PROPERTY AND APPOINTMENT OF A  
16 PROPERTY MANAGER TO PERFORM CERTAIN  
17 MAINTENANCE REQUIREMENTS; AND CLARIFYING ROLE  
18 OF NEIGHBORHOODS DEPARTMENT IN ADMINISTRATION  
19 AND ENFORCEMENT; PROVIDING FOR A LATE FEE FOR  
20 FAILURES TO TIMELY REGISTER OR RENEW  
21 REGISTRATION; PROVIDING AN EFFECTIVE DATE.

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

25 **Section 1. Chapter 179 (Mortgage Foreclosure Regulation)**  
26 **amended.** Title VI (Businesses, Trades and Occupations) is amended  
27 to read as follows:

28 **TITLE VI. BUSINESSES, TRADES AND OCCUPATIONS**

29 \* \* \*

30 **CHAPTER 179. MORTGAGE FORECLOSURE REGISTRATION**

1           **Sec. 179.101     Purpose and intent.**

2           It is the purpose and intent of this Chapter to establish a  
3 process to limit and reduce the deterioration of property located  
4 within the City of Jacksonville, which property is in mortgage  
5 foreclosure, or where mortgage foreclosure is threatened or  
6 imminent, or where ownership has been transferred to a lender or  
7 ~~the~~ Mortgagee by any legal method. It has been determined that owner-  
8 occupied structures are generally better maintained when compared  
9 to vacant structures, even with a diligent off-site property owner,  
10 or structures that are primarily rental. Vacant structures or  
11 structures owned by individuals who are economically strained and  
12 unable to meet their mortgage obligations are often not properly or  
13 diligently maintained, which contribute to blight, arrest property  
14 values, and have a negative impact on social perception of the  
15 residential areas where they are located. It is a further intent  
16 of this Chapter~~intended~~ to establish a registration program as a  
17 mechanism to help protect neighborhoods from becoming blighted  
18 through the lack of adequate maintenance of ~~abandoned and vacated~~  
19 ~~properties which are subject to mortgages that may or may not be~~ are  
20 in ~~d~~Default or Defaulted, to help identify areas that may become  
21 blighted due to foreclosure trends in geographic areas of the City  
22 and to provide a mechanism to avert foreclosure actions through  
23 timely intervention, education or counseling of property owners.

24           **Sec. 179.102     Definitions.**

25           The following words, terms and phrases, when used in this  
26 Chapter, shall have the meanings ascribed to them, except where the  
27 context clearly indicates a different meaning. Where the context  
28 will permit and no definitions are provided herein, the definitions  
29 provided in the Florida Building Code shall apply.

30           ~~Abandoned real property means any real property that is under~~  
31 ~~a public notice of default, notice of mortgagee's sale, pending tax~~

1 ~~assessor's lien sale, or is pending a mortgage foreclosure, and/or~~  
2 ~~properties that have been the subject of a mortgage foreclosure~~  
3 ~~sale where title is retained by the mortgagee, and/or any~~  
4 ~~properties transferred under a deed in lieu of foreclosure sale, a~~  
5 ~~short sale or any other legal means.~~

6 Annual Renewal~~registration~~ shall mean the requirement for the  
7 Mortgagee to renew the registration of the Defaulted property in  
8 the Foreclosure Registry while the property remains in Default or  
9 while title to the property remains with the Mortgagee when such  
10 title was granted to the Mortgagee to resolve the Foreclosure  
11 Action. Annual Renewals shall be done 12 months from the date of  
12 the initial~~first action that required~~ registration, as determined  
13 by the City of Jacksonville's ~~Housing and Community Development~~  
14 ~~Division~~ Neighborhoods Department, or its designee, and every  
15 subsequent 12 months the property remains in Default or while title  
16 to a property remains with the Mortgagee when such title was  
17 granted to the Mortgagee to resolve the Foreclosure Action. The  
18 date of the initial registration may be different than the date of  
19 the first action that required registration.

20 City or City of Jacksonville means the First Urban Services  
21 District, and shall not mean the Second, Third, Fourth or Fifth  
22 Urban Services Districts

23 Default or Defaulted means a claim by a ~~an~~ Mortgagee, ~~or other~~  
24 ~~lien holder,~~ that the mortgagor has not complied with the terms of  
25 the mortgage on the property or other evidence of the debt referred  
26 to in the mortgage, as evidenced by the initiation of a Foreclosure  
27 Action.

28 Enforcement eOfficer means any fulltime law enforcement  
29 officer, building official, fire inspector or code enforcement  
30 officer employed by the City of Jacksonville.

1            Evidence of ~~v~~Vacancy means any condition that on its own, or  
2 combined with other conditions present, would lead a reasonable  
3 person to believe that the property is ~~v~~Vacant. Such conditions may  
4 include, but are not limited to: overgrown and/or dead vegetation;  
5 electricity, water or other utilities turned off; stagnant swimming  
6 pool; or statements by neighbors, passers-by, delivery agents or  
7 government agents.

8            Foreclosure or Foreclosure Action means the legal process by  
9 which a ~~m~~Mortgagee, or other lien holder, terminates or attempts to  
10 terminate a property owner's equitable right of redemption to  
11 object legal and equitable title to the real property subject to  
12 the lien held by that ~~m~~Mortgagee or other lien holder. This  
13 definition shall include, but is not limited to, public notice of  
14 default, deed in lieu of foreclosure, sale to the mortgagee or lien  
15 holder prior to certificate of title, certificate of title and all  
16 other processes, activities and actions, by whatever name,  
17 associated with the described process. The legal process is not  
18 concluded until title to the property is transferred to a third  
19 party either before or after certificate of title or until the  
20 legal process is dismissed.

21            Foreclosure Registry means a web-based electronic database of  
22 searchable real property records, used by the City of Jacksonville  
23 to allow Mortgagees the opportunity to register Defaulted  
24 properties and pay applicable fees as required in this Chapter.

25            ~~Local~~ means within the boundaries of the City of Jacksonville,  
26 Florida.

27            ~~Local Agent~~ means the property manager or agent designated by  
28 the ~~m~~Mortgagee upon registration as required under this Chapter.  
29 The ~~Local Agent's~~ office must be located within 20 miles of the  
30 City of Jacksonville.

1 Mortgagee means the creditor, including but not limited to,  
2 trustees; servicing companies; lenders; any agent, servant or  
3 employee of the creditor; any successor in interest; or any  
4 assignee of the creditor's rights, interests or obligations under  
5 the mortgage agreement, or any other person or entity with the  
6 legal right to foreclose on the real property, excluding properties  
7 owned by the City; State of Florida and any federal agency or  
8 entity but not including Fannie Mae and Freddie Mac.

9 Owner means every person, entity, or ~~Mortgagee service company,~~  
10 who alone or severally with others:

11 (1a) Has legal or equitable title to any dwelling, dwelling  
12 unit, mobile dwelling unit, residential building, residential  
13 structure, residential parcel of land, ~~Vacant~~ or otherwise,  
14 including but not limited to, a mobile home park; or

15 (2b) Has legal care, charge or control of any dwelling,  
16 dwelling unit, mobile dwelling unit, residential building,  
17 residential structure or residential parcel of land, ~~Vacant~~ or  
18 otherwise, including a mobile home park, in any capacity, including  
19 but not limited to, agent, executor, executrix, administrator,  
20 administratrix, trustee or guardian of the estate of the holder of  
21 legal title; or

22 (3c) Is a ~~m~~Mortgagee in possession of any such property, or is  
23 a ~~m~~Mortgagee with actual control of access to the property by any  
24 means including, but not limited to, changing locks or putting on a  
25 lock box; or

26 (4d) Is an agent, trustee or other person appointed by the  
27 courts and vested with possession or control of any such property.

28 The Property Manager shall not be considered the Owner.

29 Property Manager means any party designated by the Owner as  
30 responsible for inspecting, maintaining and securing the property  
31 as required in this Chapter.

1        Vacant or Vacancy means any building, ~~or structure or property~~  
2 that is not lawfully occupied ~~or inhabited by human beings as~~  
3 ~~evidenced by the conditions set forth in the definition of~~  
4 ~~"evidence of vacancy" above.~~

5        **Sec. 179.103. Applicability and jurisdiction.**

6        This Chapter applies to ~~abandoned and vacant~~ Defaulted  
7 property located within the City of Jacksonville, ~~which property is~~  
8 ~~in or has been in mortgage foreclosure, or where ownership has been~~  
9 ~~transferred to a lender or mortgagee by any legal method.~~ This  
10 Chapter does not apply to the Second, Third, Fourth or Fifth Urban  
11 Service Districts.

12        **Sec. 179.104. Inspection and registration of foreclosed real**  
13 **Defaulted property by ~~m~~Mortgagee holding mortgages in ~~d~~Default.**

14        (a) Any ~~m~~Mortgagee who holds a mortgage on real property  
15 located within the City of Jacksonville shall perform an inspection  
16 of the property upon it being in ~~d~~Default or Defaulted by the  
17 mortgagor or prior to the issuance of a notice of default.

18        (b) Property inspected pursuant to subsection (a) above that  
19 remains in ~~d~~Default or Defaulted, shall be inspected every 30 days  
20 by the ~~m~~Mortgagee or ~~m~~Mortgagee's designee.

21        (c) Within ten days of the date any ~~m~~Mortgagee declares its  
22 mortgage to be in ~~d~~Default or Defaulted, the ~~m~~Mortgagee shall  
23 register the real property with the City of Jacksonville's ~~Housing~~  
24 ~~& Community Development Division, or its designee, on forms~~  
25 ~~promulgated by the Housing & Community Development Division, or~~  
26 ~~other manner as directed~~ Foreclosure Registry, and, at the time of  
27 registration, indicate whether the property is ~~v~~Vacant, ~~shows~~  
28 ~~evidence of vacancy or is occupied~~, and if so shall designate in  
29 writing a ~~Local Agent~~ Property Manager to inspect, maintain and  
30 secure the real property subject to the mortgage in ~~d~~Default or

1 Defaulted. A separate registration is required for each Defaulted  
2 property, ~~whether it is found to be vacant or occupied.~~

3 (d) Initial Registration pursuant to this section shall  
4 contain at a minimum the name of the ~~m~~Mortgagee, the mailing  
5 address of the ~~m~~Mortgagee, e-mail address, telephone number and  
6 name of the Property Manager~~Local Agent~~ and said person's address,  
7 e-mail address, and telephone number. ~~The Local Agent shall be~~  
8 ~~responsible to inspect, secure and maintain the property. The Local~~  
9 ~~Agent named in the registration shall be located within 20 miles of~~  
10 ~~the City of Jacksonville and available to be contacted by the City,~~  
11 ~~Monday through Friday between 9:00 a.m. and 5:00 p.m., legal~~  
12 ~~holidays excepted.~~

13 (e) At the time of initial registration each registrant shall  
14 pay a non-refundable annual registration fee of \$250 for each  
15 ~~registration~~Defaulted property. Subsequent Annual Renewals of  
16 Defaulted properties~~registrations~~ and fees in the amount of \$250  
17 are due within 30 days of the expiration of the previous  
18 registration. Said fees shall be used to offset the costs of (1)  
19 registration and registration enforcement, (2) code enforcement and  
20 mitigation related to ~~blighted and deteriorating foreclosed~~  
21 Defaulted properties ~~that were owner occupied~~, (3) post-closing  
22 counseling and foreclosure intervention limited to owner-occupied  
23 persons in ~~a~~Default, which may not include cash and mortgage  
24 modification assistance, and (4) ~~may be used~~ for any related  
25 purposes as may be adopted in the policy set forth in Section  
26 179.110 below. Said fees shall be deposited to a special account in  
27 the ~~Housing & Community Development Division~~Neighborhoods  
28 Department dedicated to the cost of implementation and enforcement  
29 of this ordinance, ~~combatting blight in affected neighborhoods and~~  
30 fulfilling the purpose and intent of this Chapter, consistent with  
31 the policy adopted by the ~~Housing & Community Development~~

1 ~~Division~~Neighborhoods Department in Section 179.110, and any  
2 registries so required. None of the funds provided for in this  
3 section shall be utilized for the legal defense of foreclosure  
4 actions.

5 (f) ~~Beginning on July 1, 2015,~~ Each individual property on  
6 the ~~registry~~Foreclosure Registry that has been registered for 12  
7 months or more prior to that date shall have 30 days to renew the  
8 registration and pay the \$250 annual renewal fee. The anniversary  
9 date for annual renewal of registration for these properties shall  
10 be deemed to be July 1 each subsequent year. Properties registered  
11 less than 12 months prior to July 1, 2015 shall use the date of  
12 initial registration as their annual renewal date and shall pay the  
13 \$250 annual renewal date on the anniversary of the initial  
14 registration each subsequent year.

15 (g) If the ~~d~~Defaulted mortgage and/or servicing on a property  
16 is sold or transferred, the new ~~m~~Mortgagee is subject to all the  
17 terms of this Chapter. Within ten days of the transfer, the new  
18 ~~m~~Mortgagee shall register the Defaulted property or update the  
19 existing registration if there are any changes regarding the  
20 existing Mortgagee and pay a registration update fee of \$50. Any  
21 and all previous unpaid fees, ~~regardless of who the mortgagee was~~  
22 ~~at the time of registration was required,~~ including but not limited  
23 to unregistered periods during the foreclosure process shall be the  
24 responsibility of the ~~new~~ mMortgagee at the time initial  
25 registration and/or Annual Renewals were required and are subject  
26 to enforcement as specified in section 179.106 due and payable with  
27 the updated registration. If the mortgage on a Defaulted property  
28 is sold or transferred, within ten days of the transfer or sale,  
29 the new Mortgagee shall update the existing registration and shall  
30 be responsible for all required renewals and updates during the new  
31 Mortgagee's involvement with the Defaulted property. The previous



1 Mortgagee will not be released from the responsibility of paying  
2 all previous unpaid fees and fines accrued during that Mortgagee's  
3 involvement with the Defaulted property. The provisions of this  
4 section are cumulative with and in addition to other available  
5 remedies. Moreover, the Director of the Neighborhoods Department or  
6 his or her designee is authorized and empowered to refer the  
7 previous Mortgagee's non-payment of previous fees and fines to the  
8 Special Magistrate or a court of competent jurisdiction for  
9 enforcement.

10 (h) If the ~~m~~Mortgagee of a foreclosed real property sells or  
11 transfers the Defaulted property in a non-arm's length transaction  
12 to a related entity or person, the transferee is subject to all the  
13 terms of this Chapter, and within ten days of the transfer, ~~the~~  
14 ~~transferee~~ shall register the Defaulted property or update the  
15 existing registration ~~and pay a registration update fee of \$50~~. Any  
16 and all previous unpaid fees, regardless of who the ~~m~~Mortgagee was  
17 at the time registration was required, including but not limited to  
18 unregistered periods during the foreclosure process, are the  
19 responsibility of the new owner of the foreclosed property and are  
20 due and payable with the updated registration. The previous

21 Mortgagee will not be released from the responsibility of paying  
22 all previous unpaid fees and fines accrued during that Mortgagee's  
23 involvement with the Defaulted property. The provisions of this  
24 section are cumulative with and in addition to other available  
25 remedies. Moreover, the Director of the Neighborhoods Department or  
26 his or her designee is authorized and empowered to refer the  
27 previous Mortgagee's non-payment of previous fees and fines to the  
28 Special Magistrate or a court of competent jurisdiction for  
29 enforcement.

30 (i) If the Defaulted property is not registered ~~and~~ or either  
31 the registration fee or the Annual Renewal fee is not paid within

1 30 days of when the registration or Annual Renewal is required  
2 pursuant to this section, a late fee of \$50 per property shall be  
3 charged for each month the registration or Annual Renewal remains  
4 unpaid or unregistered/renewed during that registration period~~and~~  
5 ~~shall be due and payable with the registration.~~ This section shall  
6 apply to the initial registration and registrations required by  
7 subsequent owners of the ~~Defaulted~~ mortgage and/or  
8 ~~foreclosed~~Defaulted property. ~~Each period where the registration~~  
9 ~~fee is late shall be assessed a late charge of \$50. Registrations~~  
10 ~~delinquent greater than 30 days are subject to additional fines as~~  
11 ~~described by Section 179.106(g) herein.~~

12 (j) This section shall also apply to properties that have  
13 been the subject of a foreclosure sale where title is transferred  
14 to the ~~m~~Mortgagee as well as any properties transferred to the  
15 ~~m~~Mortgagee under a deed in lieu of foreclosure or by any other  
16 legal means.

17 (k) Properties subject to this section shall remain subject  
18 to the ~~annual registration~~Annual Renewal requirement, and the  
19 inspection, security, and maintenance standards of this section as  
20 long as the mortgage is under foreclosure or in ~~Default~~ or  
21 Defaulted.

22 (l) Failure of the ~~m~~Mortgagee and/or property owner of record  
23 to properly register or to modify the registration ~~from time to~~  
24 ~~time~~ to reflect a change of circumstances as required by this  
25 ordinance is a violation of this ~~e~~Chapter and shall be subject to  
26 enforcement by any of the enforcement means available to the City  
27 of Jacksonville.

28 (m) Pursuant to any judicial finding and determination that  
29 any property is in violation of this ~~e~~Chapter the City may take the  
30 necessary action to ensure compliance with and place a lien on the  
31 property for the cost of the ~~work performed to benefit the~~

1 ~~property~~outstanding obligation and any additional cost incurred to  
2 ~~and to bring it~~the property into compliance.

3 **Sec. 179.105. Maintenance requirements.**

4 Properties subject to this Chapter shall be maintained in  
5 accordance with the City's property safety standards found in  
6 Chapter 518, Ordinance Code.

7 **Sec.179.106. Security and additional maintenance requirements.**

8 (a) Properties subject to this Chapter shall be maintained in  
9 a secure manner so as not to be accessible to unauthorized persons.

10 (b) A "secure manner" shall include, but not be limited to,  
11 the closure and locking of windows, doors, gates and other openings  
12 of such size that may allow a child or adult to access the interior  
13 of the property and/or structure. Broken windows shall be secured  
14 by reglazing or boarding. Vacant properties shall be secured in  
15 the manner provided in Ch. 518, Ordinance Code for securing  
16 properties.

17 (c) ~~If a mortgage on a property is in default, and the~~  
18 ~~property has~~Defaulted property becomes ~~Vacant~~vacant ~~or abandoned,~~  
19 a Property Manager~~Local Agent~~ shall be designated by the ~~Mortgagee~~  
20 to perform the work necessary to bring the property into compliance  
21 with the ~~Code of Ordinances~~Ordinance Code and the Property Manager  
22 ~~Local Agent~~ must perform regular inspections to verify continued  
23 compliance with the requirements of this section, and any other  
24 applicable laws or ordinances of the City of Jacksonville. This  
25 obligation shall remain in effect while the property remains under  
26 the control of the Mortgagee.

27 (d) When a property subject to this Chapter becomes ~~Vacant or~~  
28 ~~abandoned~~, it shall be posted with the name and 24-hour contact  
29 telephone number of the Property Manager~~Local Agent~~. The Property  
30 Manager shall be available to be contacted by the City Monday  
31 through Friday between 9:00 a.m. and 5:00 p.m., legal holidays

1 excepted. The sign shall be placed in a window facing the street  
2 and shall be visible from the street. The posting shall be no less  
3 than 18 inches by 24 inches and shall be of a font that is legible  
4 from a distance of 45 feet. The posting shall contain the following  
5 language with supporting information:

6 THIS PROPERTY IS MANAGED BY \_\_\_\_\_.

7 AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.

8 THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.

9 BY TELEPHONE AT \_\_\_\_\_.

10 OR BY EMAIL AT \_\_\_\_\_.

11 (e) The posting required in subsection (d) above shall be  
12 placed on the interior of a window facing the street to the front  
13 of the property so that it is visible from the street, or secured  
14 to the exterior of the building/structure facing the street to the  
15 front of the property so that it is visible from the street or if  
16 no such area exists, on a stake of sufficient size to support the  
17 posting in a location that is at all times visible from the street  
18 to the front of the property but not readily accessible to vandals.  
19 Exterior posting shall be constructed of and printed with weather-  
20 resistant materials.

21 (f) Failure of the ~~m~~Mortgagee and/or property owner of record  
22 to properly inspect and secure a property subject to this Chapter,  
23 and post and maintain the signage noted in this section, is  
24 unlawful and a Class C violation and shall be subject to  
25 enforcement by any of the enforcement means available to the City  
26 of Jacksonville. Pursuant to a finding and determination, the City  
27 of Jacksonville may take the necessary action to ensure compliance  
28 with this section, and recover costs and expenses in support  
29 thereof.

30 (g) In addition to the late fees authorized in subparagraph  
31 (i), above, Ffailure of the Mmortgagee to register a property

1 pursuant to this Chapter or for any other violation of this Chapter  
2 shall also authorize the City to impose a civil penalty in the  
3 amount ~~of up to~~ \$500 against the Mmortgagee for each offense, with  
4 each day the violation is allowed to continue constituting a  
5 separate offense. Upon written notice of noncompliance from the  
6 City or its designee, the Mmortgagee shall have ~~20~~30 days from the  
7 date of the notice of noncompliance to register the Defaulted  
8 property and pay the registration fee and any additional fees or  
9 costs (such as any accrued late fee or costs and expenses incurred  
10 by or on behalf of the City to abate code violations~~or update fee~~  
11 ~~noted within the letter of noncompliance~~) or correct any other  
12 violation of this Chapter. If the ~~m~~MMortgagee fails to timely  
13 register the Defaulted property and make these payments within the  
14 time allotted above, the City, through its the Neighborhoods  
15 Department staff, shall be authorized to pursue enforcement against  
16 the Mortgagee or any other responsible party through the Special  
17 Magistrate/Code Enforcement Board process or by initiating an  
18 action in the appropriate jurisdictional court to collect the  
19 penalties, fees and expenses authorized in this Chapter. In any  
20 court action, the City shall be authorized to recover its  
21 reasonable attorney's fees and costs expended in establishing the  
22 violation. ~~\$500 civil penalty shall be imposed upon mortgagee and~~  
23 ~~shall be payable to the City of Jacksonville within 15 days of~~  
24 ~~receipt of notice of delinquent payment, along with any other~~  
25 ~~registration fees which have not been paid by that date. The~~  
26 provisions of this section are cumulative with and in addition to  
27 other available remedies. ~~Moreover, the Housing and Community~~  
28 ~~Development Division Staff of the Planning and Development~~  
29 ~~Department is authorized and empowered to refer the Notice of~~  
30 ~~Noncompliance to the City Code Enforcement Special Magistrate for~~  
31 ~~disposition.~~

1           **Sec. 179.107. Additional authority.**

2           (a) If ~~an appropriate~~ a City Code Enforcement  
3 ~~Administrator~~Officer has reason to believe that a property subject  
4 to the provisions of this Chapter is posing a serious threat to the  
5 public health safety and welfare, the Code Enforcement  
6 ~~Administrator~~Officer may bring the violations before the City's  
7 Code Enforcement Board or Code Enforcement Special Magistrate, or a  
8 court of competent jurisdiction as soon as possible to address the  
9 conditions of the property. Nothing herein shall limit the City  
10 from abating any nuisance or unsafe condition by any other legal  
11 means available to it.

12           (b) If there is a finding that the condition of the property  
13 is posing a serious threat to the public health safety and welfare,  
14 then the Code Enforcement Board or Code Enforcement Special  
15 Magistrate or a court of competent jurisdiction may direct the City  
16 to abate the violations and charge the ~~m~~Mortgagee with the cost of  
17 abatement.

18           (c) If the ~~m~~Mortgagee does not reimburse the City for the  
19 cost of abatement within 30 days of the City sending the ~~m~~Mortgagee  
20 the invoice, then the City may lien the property with the cost of  
21 abatement, along with an administrative fee of \$500 to recover the  
22 administrative personnel services.

23           **Sec. 179.108. Provisions Supplemental.**

24           Nothing contained in this Chapter shall prohibit the City of  
25 Jacksonville from enforcing its codes by any other means,  
26 including, but not limited to, injunction, abatement or as  
27 otherwise provided by law or ordinance.

28           **Sec. 179.109 ~~Criminal Penalties.~~**

29           Unless otherwise provided for in this Chapter, a violation of  
30 this Chapter is declared unlawful and shall be a Class B offense.

1           **Sec. 179.110. Adoption of policy and rules and regulations;**  
2 **declaration of municipal purpose.**

3           ~~Subject to the review and approval of City Council, tThe~~  
4 ~~Housing and Community Development Division~~Neighborhoods Department  
5 ~~of the Planning and Development Department~~ is authorized and  
6 empowered to adopt any policies, rules and regulations necessary,  
7 and expend funds as may be reasonably necessary and available to  
8 carry out the terms of this Chapter, the expenditure of such funds  
9 having been declared a proper public purpose herein.

10           **Sec. 179.111. ~~Expenditure of funds;~~ mMonitoring and**  
11 **compliance.**

12           The City fees collected for Foreclosed Land in the Foreclosure  
13 Registry shall be deposited in sub fund 1N1. Council shall  
14 authorize all appropriations from the sub fund. The ~~Planning and~~  
15 ~~Development~~Neighborhoods Department, ~~where Housing and Community~~  
16 ~~Development operates,~~ shall commit to tracking expenses for funds  
17 authorized in subsection 179.104(e)~~through a tiered strategy system~~  
18 ~~policy, adopted by City Council,~~ and shall concurrently submit  
19 annual reports to the Council Auditor's Office and the Finance  
20 Committee. The expenditures from the ~~Foreclosed Land~~Foreclosure  
21 Registry shall be tracked allocating those funds to show how the  
22 funds were requested, issued, and used ~~in relation to the tiered~~  
23 ~~strategy policy and personnel.~~ Such detail shall be in accordance  
24 with instructions provided by the Council Auditor's Office. The  
25 annual reporting of activity will provide the ability to  
26 substantiate the appropriate use of the ~~Foreclosed Land~~Foreclosure  
27 Registry fees in all years going forward as of October 1, 2015 with  
28 the first report made available sixty days after fiscal year end.

29           **Sec. 179.112. Auditing Rights; Inspection of Books and**  
30 **Records; Monthly and Annual Reports.**

1           If the City selects a vendor to administer the provisions of  
2 this Chapter through a contractual arrangement, the following  
3 auditing provisions shall apply to the selected vendor and shall be  
4 included in the contract with the vendor. The ~~Planning and~~  
5 ~~Development~~Neighborhoods Department, ~~where Housing and Community~~  
6 ~~Development operates,~~ and the City Council Auditors, shall have the  
7 right, during normal business hours, to enter the vendor's business  
8 property, upon reasonable prior notice, to inspect the operations  
9 and facilities of the vendor and to audit, inspect and examine the  
10 vendor's books and records and state and federal tax returns,  
11 insofar as they relate to compliance with the contractual  
12 provisions, this Chapter and any rules adopted by the ~~Planning and~~  
13 ~~Development~~Neighborhoods Department pursuant hereto. This  
14 information shall include, but not be limited to, the following:  
15 billing rates, billing amounts, accounts receivable and list of  
16 accounts. Additionally, the City Council Auditors may communicate  
17 directly with customers (~~m~~Mortgagees in this case) for the purpose  
18 of confirming compliance with this Section. To the extent  
19 authorized by F.S. § 119.165, or other applicable law, this  
20 information shall remain confidential. Refusal to permit inspection  
21 shall be cause for suspension or revocation of the vendor contract.  
22 The vendor shall deliver to the ~~Planning and~~  
23 ~~Development~~Neighborhoods Department a true and correct monthly  
24 report of gross receipts generated during the previous month for  
25 all registrations, fees, and penalties within the City on or before  
26 the last day of each month. The vendor shall, on or before 90 days  
27 following the close of the City's fiscal year, deliver to the  
28 ~~Planning and Development~~Neighborhoods Department a statement of its  
29 annual gross receipts generated from accounts within the City  
30 reflecting gross receipts within the City for the preceding City  
31 fiscal year. The statement shall be audited by an independent



1 certified public accountant licensed to do business in the state,  
2 and shall be accompanied by the certified public accountant's  
3 opinion of its accuracy without qualifications or reservations.

4 **Section 2. Severability.** It is hereby declared to be the  
5 intention of the City Council of the City of Jacksonville that the  
6 sections, paragraphs, sentences, clauses and phrases of this  
7 ordinance are severable, and if any phrase, clause, sentence,  
8 paragraph or section of this ordinance shall be declared  
9 unconstitutional by the valid judgment or decree of a court of  
10 competent jurisdiction, such unconstitutionality shall not affect  
11 any of the remaining phrases, clauses, sentences, paragraphs and  
12 sections of this Ordinance.

13 **Section 3. Effective Date.** This ordinance shall become  
14 effective upon signature by the Mayor or upon becoming effective  
15 without the Mayor's signature.

16 Form Approved:

17  
18           /s/ Jason R. Teal          

19 Office of General Counsel

20 Legislation prepared by: Jason R. Teal

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