

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendations on:

ORDINANCE 2014-724

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*; AMENDING SECTION 656.109 (ADMINISTRATION AND ENFORCEMENT; INTERPRETATION OF ZONING CODE), *ORDINANCE CODE*, AMENDING SECTION 656.110 (ENFORCEMENT), *ORDINANCE CODE*, AMENDING SECTIONS 656.151, 656.153, AND 656.156 OF SUBPART E (CERTIFICATES OF USE), *ORDINANCE CODE*, AND CREATING NEW SECTIONS 656.157 THROUGH 656.163 TO AMEND VARIOUS PROVISIONS AND CREATE NEW PROVISIONS CONCERNING THE CERTIFICATE OF USE APPLICATION PROCESS, REVOCATION AND SUSPENSION OF EXISTING CERTIFICATES OF USE, AND ENFORCEMENT OF SAME; AMENDING SECTION 656.1601 (DEFINITIONS), *ORDINANCE CODE*, AMENDING THE TITLE OF CHAPTER 770 (COUNTY OCCUPATIONAL LICENSE TAX) AND CREATING NEW SECTION 770.126 (APPLICATION OF OTHER LAWS), *ORDINANCE CODE*, AND AMENDING THE TITLE OF CHAPTER 772 (MUNICIPAL OCCUPATIONAL LICENSE TAX) AND CREATING NEW SECTION 772.127 (APPLICATION OF OTHER LAWS), *ORDINANCE CODE*, TO CLARIFY THAT ISSUANCE OF AN OCCUPATIONAL LICENSE TAX RECEIPT DOES NOT WAIVE COMPLIANCE WITH OTHER APPLICABLE CITY, COUNTY OR STATE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

COMMENTS

I. GENERAL INFORMATION

The proposed legislation seeks to amend Chapter 656, Part 1 - Subpart E Certificates of Use of the Zoning Code. The legislation includes provisions, procedures, enforcement and penalties regarding the revocation and suspension of a Certificate of Use. The bill amends Chapter 770 and 772 replacing the term "Occupational License Tax" with "County Business Tax" and "Municipal Business Tax." It also clarifies that the issuance of a business tax receipt does not constitute approval of any particular business activity or waive any other city or county ordinances or state or federal regulations.

II. EVALUATION

A. The need and justification for the change

The proposed legislation provides the clear authority and grounds for revocation or suspension of a Certificate of Use and ensures that businesses are compliant with current building code, fire code, and zoning laws. To date existing enforcement and compliance measures have not been sufficient to bring non-compliant businesses into compliance with the applicable codes. These new requirements will reduce the number of businesses that are operating illegally and protect the public health, safety, and welfare.

B. Background

The Ad Hoc Committee on Neighborhood Blight unanimously passed (5-0) the Certificate of Use legislation draft for introduction at the regular Stand Up for Your Neighborhoods meetings on October 29, 2014. The purpose of the legislation is to provide consistency in the process and requires applicant to be in compliance with all inspections prior to receiving a COU. Additionally, these amendments provide for inclusion of revocation, increased enforcement, and consistency in verbiage throughout the Code regarding Business Tax Receipt.

C. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

The legislation will further the Goals, Objectives and Policies of the 2030 Comprehensive Plan and is in harmony with the spirit and intent of the Zoning Code as it will reduce nuisance and blighting influences and ensure that the public health safety and welfare is protected.

D. Consistency with the Comprehensive Plan.

Ordinance 2014-724 is consistent with the Comprehensive Plan in that it promotes the goals, objectives and policies of the 2010 Comprehensive Plan, including the following:

Future Land Use Element - Objective 2.2 Through the use of neighborhood plans and studies, the City shall continue to maintain and implement an urban revitalization strategy for the City's blighted areas, and those areas threatened by blight, which will address maintenance, improvement or replacement of existing structures, permit the transition of run-down or grossly under-utilized commercial properties to alternate uses, and support the re-emergence of diverse urban neighborhoods.

Future Land Use Element – Policy 1.1.8 Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

Future Land Use Element – Policy 2.2.4

Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.

Future Land Use Element – Policy 3.1.2

The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

Future Land Use Element – Policy 4.1.5

Continue enforcement of existing Land Development Regulations in the City, which are consistent with this plan, including:

Zoning Code;
Code of Subdivision Regulations;
Flood Plain Regulations;
Landscape and Tree Protection Regulations;
Housing Safety Code;
Unsafe Buildings and Structures Code;
Community Redevelopment Programs; and
Building Code.

III. RECOMMENDATIONS

Based upon examination of the proposed ordinance with respect to the goals, objectives and policies of the 2030 Comprehensive Plan, and the intent of the Zoning Code, the Planning and Development Department finds that Ordinance 2014-724 is consistent with the Comprehensive Plan and furthers the intent of the Zoning Code as it would accomplish a result that is in the public interest. Therefore, it is the recommendation of the Planning and Development Department that Ordinance 2014-724 be **Approved**.

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

4 **ORDINANCE 2014-724**

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 AN OCCUPATIONAL LICENSE TAX
28 RECEIPT DOES NOT WAIVE COMPLIANCE WITH OTHER
29 APPLICABLE CITY, COUNTY OR STATE REGULATIONS;
30 PROVIDING FOR SEVERABILITY; PROVIDING AN
31 EFFECTIVE DATE.

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
31 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**

1 * * *

2 **SUBPART E. CERTIFICATES OF USE**

3 **Sec. 656.151. Certificates of Use**

4 * * *

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

12 * * *

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

18 * * *

19 **Sec. 656.153. Certificate of use review**

20 The Building Inspection Division shall review each
21 certificate of use application for any new uses, changes in use,
22 expansion of square footage or inclusion of new uses, for
23 compliance with the Florida Building Code, and Part 12 and Part 13
24 of Chapter 656, Ordinance Code. The Fire Prevention Division shall
25 review each certificate of use application for any new uses,
26 changes in use, expansion of square footage or inclusion of new
27 uses, for compliance with Chapter 633 of the Florida Statutes and
28 Section 420, Ordinance Code. The Planning and Development
29 Department shall review each certificate of use application for any
30 new uses, changes in use, expansion of square footage or inclusion
31 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 waive 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

1 Occupational License) and creating a new Section 772.127
2 (Application of other laws), Ordinance Code. A new Section
3 772.127, Ordinance Code, is hereby created to read as follows:

4 **CHAPTER 772. MUNICIPAL OCCUPATIONAL LICENSE BUSINESS TAX**

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

6 * * *

7 **Sec. 772.127. Application of other laws.**

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

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

28 **Section 7. Codification Instructions.**

29 The Codifier is authorized to make all chapter "tables of
30 contents" consistent with the changes set forth herein.
31 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 /s/ Paige Hobbs Johnston

19 Office of General Counsel

20 Legislation prepared by: Paige Hobbs Johnston

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