

1 Introduced by Council President Yarborough:
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3

4 **ORDINANCE 2015-**

5 AN ORDINANCE AMENDING ORDINANCE 2010-725-E
6 THAT ESTABLISHED AND EMPOWERED THE HARBOUR
7 WATERWAY SPECIAL DISTRICT (THE "DISTRICT") BY
8 AMENDING THE STATED PURPOSE OF THE DISTRICT;
9 PROVIDING FOR THE ADOPTION OF DISTRICT RULES
10 PROVIDING AN EFFECTIVE DATE.
11

12 **WHEREAS**, Ordinance 2010-725-E created and empowered the
13 Harbour Waterway Special District in accordance with Section
14 189.4041, *Ordinance Code*; and

15 **WHEREAS**, the City Council would like to continue maintenance
16 of the system of canals located in The Harbour neighborhood,
17 Harbour North neighborhood, Harbour Cay neighborhood and Harbour
18 Island neighborhood; now therefore

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

20 **Section 1.** Ordinance 2010-725-E amended. Ordinance 2010-
21 725-E, Sections 1, is amended in part, and as amended shall read as
22 follows:

23 * * *

24 "Section 2. Purpose. The purpose of the District shall
25 be continuing maintenance of the system of canals located in
26 The Harbour neighborhood, Harbour North neighborhood, Harbour
27 Cay neighborhood, and Harbour Island neighborhood. The
28 District shall fulfill its purpose by dredging the canals,
29 dredging the channel that provides the canals with access to
30 the St. Johns River, maintaining a jetty, and maintaining
31 navigational aids. To facilitate dredging the canals, the

1 District may also enforce standards for docks and other
2 structures located in the canals, and activities in the canals
3 when dredging is ongoing.

4 * * *

5 Section 4. Powers. The District is authorized and
6 empowered:

7 (A) To sue and be sued;

8 (B) To contract;

9 (C) To purchase, hold, lease, sell, or otherwise
10 acquire and convey such real property and personal property
11 and interest therein as may be necessary or proper to carry
12 out the purpose of this Charter;

13 (D) To employ engineers, attorneys, accountants,
14 financial or other consultants, and such other agents and
15 employees as the Board of Supervisors may require or deem
16 necessary to accomplish the purpose of this Charter, or to
17 contract for any such services;

18 (E) To acquire, construct, maintain, equip,
19 improve, extend and enlarge capital projects for the purposes
20 of enabling the District to perform public functions or
21 services as herein provided;

22 (F) To borrow money for the purposes of enabling
23 the District to perform public functions or services as herein
24 provided;

25 (G) To assess for each year of its operation against
26 each residential lot and each parcel with a canal access
27 easement in the District a special assessment not to exceed
28 \$2,000, and each parcel used for a marina a special assessment
29 not to exceed \$4,000, to be billed and collected as provided
30 by state and local law, and to be a lien on the assessed
31 property, coequal with the lien of all state, county, district

1 and municipal taxes, and superior in dignity to all other
2 liens, titles and claims, until paid in full;

3 (H) To fix and collect rates, fees, and other
4 charges for the specialized public functions or services
5 authorized by this act;

6 (I) To restrain, enjoin, or otherwise prevent the
7 violation of this act or any resolution or rule adopted
8 pursuant to the powers granted by this act;

9 (J) To join with any other district, municipality,
10 county or political subdivision, public agency or authority in
11 the exercise of common powers;

12 (K) To enter into contracts with government of the
13 United States or any agency or instrumentality thereof, or
14 with any state, county, municipality, district, authority or
15 political subdivision, private corporation, partnership,
16 association, or individual to effect the purpose of this act,
17 and to receive and accept from any federal agency, grants or
18 loans for or in aid of the specialized public functions or
19 services authorized herein.

20 (L) To adopt rules, as further described in
21 Section 5 below, regarding control over structures and
22 activities within the canals that affect the ability of the
23 District to dredge and otherwise maintain the canals.

24 * * *

25 Section 5. (1) To facilitate and implement the
26 District's authority to dredge and maintain the canals within
27 the District, the District is authorized to adopt rules
28 regulating and controlling structures and activities within
29 and adjacent to the canals including the following:

1 (A) Establishing standards for dimensions of docks,
2 including floating docks and any other structures proposed for
3 location adjacent, in on or over the canals;

4 (B) Establishing standards for location of docks
5 and any other structures, including fixed docks, floating
6 docks and bulkheads proposed for location adjacent, in on, or
7 over the canals, relative to the shoreline or relative to
8 existing bulkheads;

9 (C) Establishing a process for review of and
10 approval of construction plans for docks, and any other
11 structures, including fixed docks, floating docks and
12 bulkheads proposed for location adjacent, in on or over the
13 canals;

14 (D) Providing for removal of sunken vessels or
15 debris from damaged docks, bulkheads or other debris from the
16 canals;

17 (E) Prohibiting encroachment into the canals by
18 fill or other construction activities;

19 (2) The District may accept delegation of
20 responsibility for enforcement of any existing, recorded
21 restrictive covenants establishing restrictions on
22 construction in or use of the canals that are now administered
23 by the Harbour Waterway Association, Inc. and other homeowner
24 associations within the District.

25 (3) The District may perform modifications,
26 repairs, maintenance and/or demolition of docks or other
27 structures built in, on or over the canals when such
28 structures are determined by the District to be non-compliant
29 with the regulations adopted under this Section. Where the
30 District performs such activities, the owner of the non-
31 compliant structure(s) shall bear the cost of the activity."

1 * * *

2 Section 56. Fiscal Year and Budget.

3 * * *

4 Section 67. Audit.

5 * * *

6 Section 78. Noticing and Reporting Requirements.

7 * * *

8 Section 89. Comprehensive Plan. The formation of the
9 District and its purposes are consistent with the approved
10 Comprehensive Plan of the City of Jacksonville."

11 Section 2. Retroactive applicability. This ordinance
12 shall be retroactive in application so that the amendment adopted
13 herein shall be effective as if it were contained in the original
14 enabling Ordinance 2010-725-E.

15 Section 3. All other aspects of Ordinance 2010-725-E
16 unchanged. With the exception of Section 1 of this ordinance, in
17 all other respects Ordinance 2010-725-E shall remain unchanged and
18 in full force and effect.

19 Section 4. Effective Date. This ordinance shall
20 become effective upon signature by the Mayor, or upon becoming
21 effective without the Mayor's signature.

22
23 Form Approved:

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25 _____

26 Office of General Counsel

27 Legislation prepared by: Jody L. Brooks

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