

City Council of Jacksonville, Arkansas

A G E N D A

Regular City Council Meeting

February 18, 2016 7:00 p.m.

		PAGE
1. OPENING PRAYER:		
2. ROLL CALL:		
3. PRESENTATION OF MINUTES:	Regular City Council Meeting February 4, 2016 (available at meeting)	
4. APPROVALS AND/OR CORRECTION OF MINUTES:	Regular City Council Meeting January 21, 2016	
5. CONSENT AGENDA:		
Police Department:	Regular Monthly Report/January Police Chief Kenny Boyd	1-2
Fire Department:	Regular Monthly Report/January Fire Chief Alan Laughy	3
Animal Control Department:	Regular Monthly Report/January Public Works Director Jim Oakley	4-5
6. WATER DEPARTMENT:	ORDINANCE 1544 (#04-2015) Amending JMC § 13.16.016 (pass through charges) regarding water rates (Alderman Traylor)	6-7
7. WASTEWATER DEPARTMENT:		
8. FIRE DEPARTMENT:		
9. POLICE DEPARTMENT:		
10. STREET DEPARTMENT:	RESOLUTION 739 (#05-2016) Expressing willingness to utilize Federal Aid monies for participation in the 2016 Transportation Alternatives Program (Mayor Fletcher)	8-9
11. SANITATION DEPARTMENT:		
12. PARKS & REC. DEPT:		
13. PLANNING COMMISSION:		
14. GENERAL:	SECOND READING as AMENDED ORDINANCE 1536 (#16-2015) Amending JMC § 5.04 providing modification of the City's business privilege license requirements (Aldermen Bolden and Traylor)	10-20
15. APPOINTMENTS:		
16. ANNOUNCEMENTS:		
ADJOURNMENT		

**JACKSONVILLE POLICE DEPARTMENT MONTHLY REPORT
JANUARY 2016**

2015 / 2014 YEARLY CRIME STATISTICAL SHEET																										
	JAN 16	JAN 15	FEB 16	FEB 15	MAR 16	MAR 15	APR 16	APR 15	MAY 16	MAY 15	JUN 16	JUN 15	JUL 16	JUL 15	AUG 16	AUG 15	SEP 16	SEP 15	OCT 16	OCT 15	NOV 16	NOV 15	DEC 16	DEC 15	2016 TOTALS	2015 TOTALS
HOMICIDE REPORTED	0	0	1		0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
HOMICIDE CLEARED	0	0	1		0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
RAPE/SEX ASSAULT REPORTED	1	3	2		2	3	4	3	0	0	6	4	1	3	1	3	1	3	1	3	1	3	1	3	1	31
RAPE/SEX ASSAULT CLEARED	1	0	1		1	2	0	2	0	0	3	1	1	0	1	1	1	0	1	1	1	0	1	0	1	11
ROBBERY REPORTED	2	3	1		1	2	1	0	1	4	4	1	0	1	4	4	4	4	1	0	0	1	1	1	2	19
ROBBERY CLEARED	1	0	1		1	1	1	0	1	2	3	0	0	2	3	3	3	3	0	0	0	1	1	1	1	10
FEL ASSAULTS REPORTED	14	10	8		8	21	9	10	19	13	15	8	13	10	13	10	13	10	13	10	13	10	13	10	14	144
FEL ASSAULTS CLEARED	8	6	8		4	17	8	8	18	8	8	5	10	8	8	5	10	8	10	8	10	8	10	8	8	104
BURGLARY REPORTED	19	18	17		9	12	24	19	17	14	13	16	20	21	18	20	21	18	20	21	18	20	21	18	19	200
BURGLARY CLEARED	6	5	5		2	8	5	10	9	4	9	6	3	7	6	3	7	6	3	7	6	3	7	6	6	73
THEFT REPORTED	69	66	46		63	66	72	83	70	95	83	104	83	78	69	898										
THEFT CLEARED	37	34	31		26	32	42	35	31	58	54	68	42	39	37	462										
VEH THEFT REPORTED	7	6	5		2	5	8	4	6	5	5	2	3	8	7	59										
VEH THEFT CLEARED	1	2	2		0	0	2	0	0	1	0	0	0	0	1	7										
ARSON REPORTED	0	0	0		0	0	0	1	2	0	0	0	1	0	0	4										
ARSON CLEARED	0	0	0		0	0	0	0	1	0	0	0	0	0	0	1										
FEL CASES REPORTED	120	115	100		76	115	113	112	125	116	116	124	137	134	120	1383										
FEL CASES CLOSED	79	85	104		69	110	95	93	129	101	135	125	97	191	79	1314										
MISD CASES REPORTED	441	427	383		394	479	399	436	470	486	471	440	423	482	441	5270										
MISD CASES CLOSED	388	404	379		376	473	380	420	462	468	468	434	403	487	398	5134										
ADULT ARREST	289	300	310		313	363	267	300	345	331	301	284	288	378	299	3768										
JUVENILE ARREST	38	33	16		17	37	35	25	25	45	51	64	37	34	38	419										
JUV CHARGE IN ADULT CT	1	2	0		0	0	1	1	0	2	1	0	2	0	1	9										
JUV CHARGE IN JUV CT	32	27	6		13	19	17	8	18	28	34	42	26	28	32	265										
CURFEWS	5	0	4		2	8	3	5	0	0	7	11	1	4	5	29										
DRUG / NARCOTIC ARREST	21	33	30		26	11	11	25	20	14	19	29	17	27	21	261										
DRUG EQUIPMENT ARREST	2	8	2		3	2	2	1	2	2	2	1	3	6	2	34										
SEARCH WARRANTS	1	0	0		0	1	0	0	0	0	3	0	0	1	1	5										
TOTAL CALLS FOR SERVICE	4770	4322																							4770	4322

000000

Respectfully,

 Kenny M. Boyd
 Chief of Police



JACKSONVILLE POLICE DEPARTMENT

COURAGE * INTEGRITY * PROFESSIONALISM

Police Chief
Kenny M. Boyd

1400 Marshall Road
Jacksonville, Arkansas 72076
501-982-0688

To: Chief Boyd
From: Code Enforcement
Please find below the Monthly Recap Report for the Code Enforcement Dept
for the Month of Jan-16

Assigned Calls	108
Self Initiated Calls	558
Follow Ups	401
Meetings/Court Hearings Attended	14
Warnings Issued	47
Tickets Issued	0
Notices / Letters Written	31
Vehicles Tagged	3
Vehicles Towed	0
Lots Posted	0
Signs Removed	149
Trash Cans Tagged	0
Basketball Goals	5
Structures Inspected	0
Rentals Inspected	6
Properties Red Tagged	0
Search Warrants Served	0
Structures Rehabbed	0
Structures Condemned	0
Houses Demo by City	1
Houses Demo by Owner	0
Parking Violations	7
Grass Letters	0
Grass Mowed	0

000002



JACKSONVILLE

FIRE & RESCUE SERVICES

PRIDE of the City!

900 N. Redmond Rd.
Jacksonville, AR. 72076
(501) 982-5048
Fax 982-0579

Alan Laughy, Chief

12 February 2016

Honorable Gary Fletcher
Members of the Council
City of Jacksonville

Gentlemen & Ladies:

I respectfully submit a report of Emergency Response Activity for the month of **January 2016**.

National Emergency Medical Service Information System (NEMSIS)

Ambulance Responses classified as:

Transported Runs 224
Non-Transported Runs 81

National Fire Incident Reporting System (NFIRS)

Estimated fire loss for the month: \$0

Savings total for the month: \$0

Rescue (272)

Rescue, EMS Call, other (47)
Medical Assist (20)
EMS Incident (204)
Extrication, rescue (1)

Service Call (28)

Person in Distress (3)
Water Problem (1)
Smoke, Odor Problem (1)
Public Service Assistance (12)
Unauthorized Burning (11)

False Alarm (15)

System or Detector Malfunction (1)
Unintentional System/Detector (14)

Fire (4)

Structure Fire (1)
Outside Rubbish Fire (3)

Hazardous Condition, No Fire (11)

Combustible/Flammable Spills/Leaks (4)
Electrical Wiring/Equip Problem (3)
Accident, Potential Accident (4)

Good Intent Call (12)

Good Intent Call, other (3)
Dispatched and Canceled En Route (8)
Steam, Gas Mistaken for Smoke (1)

Special Incident Type (1)

Citizen Complaint (1)

Respectfully,

Alan Laughy, Chief
Jacksonville Fire & Rescue Services

000003

**Jacksonville Animal Shelter
January 2016 Bite Cases**

DATE	DOG/ CAT	BREED	OWNER/ NAME	OWNER/ ADDRESS	FAMILY/ OTHER	MEDICAL CARE	RABIES VAC.	CITY TAG	DECLARED VICIOUS/ DANGEROUS	ACTION TAKEN/ COMMENTS
01/02/16	DOG	Terrier Mix	Myra Bauer	1226 Commons Dr	Visitor : Sandy Smith	YES	YES	NO	NO	Sandy was petting the dog. The dog turned around and bit her on the lower lip. The dog was in quarantine for 10 days.
01/06/16	DOG	Husky	Stephen Gray	704 N Hospital Dr	Son: Eli Gray	NO	YES	YES	NO	The dog was laying on the floor. The son got up from the couch and the dog turned around and bit him in the face. The dog was in quarantine for 10 days.

000001

CITY OF JACKSONVILLE ANIMAL SHELTER MONTHLY REPORT

REPORTING PERIOD: January-16

	DOG	CAT	TOTAL	
ON HAND (BEGIN REPORTING PERIOD)	14	43	57	
RECEIVED	44	16	60	
ADOPTED	30	18	48	
RETURNED TO OWNER	7	1	8	
EUTHANIZED	0	1	1	
DIED/ESCAPED/STOLEN	0	0	0	
D.O.A.			42	
ON HAND (END REPORTING PERIOD)	21	39	60	
CITY LICENSE ISSUED			22	
INSPECTIONS			5	
RESCUES			0	
CRUELTY INVESTIGATIONS			2	
BITE CASES:				
ANIMAL-HUMAN			2	
ANIMAL-ANIMAL			0	
WARNING LETTERS:				
RUNNING AT LARGE			34	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			38	
CRUELTY			4	
UNSANITARY CONDITIONS			0	
NUISANCE			5	
FAILURE TO STERILIZE			7	
CITATIONS:				
RUNNING AT LARGE			5	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			1	
CRUELTY			0	
UNSANITARY CONDITIONS			0	
WARNING			0	
PIT BULL			2	
WARRANTS			0	
REVENUES:				
ADOPTION FEES/FINES			\$ 1,035.00	
CONTRIBUTIONS			\$ -	
TOTAL			\$ 1,035.00	
OVERTIME HOURS PERFORMED:			4	
VEHICLES:				
UNITS:	# 162	# 163	#170	#172
BEGINNING MILEAGE	89,695	134,626	33,729	92,564
ENDING MILEAGE	89,740	135,501	34,159	93,242
MILES DRIVEN	45	875	430	678

000005

ORDINANCE NO. 1544 (#04 - 2016)

AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODE § 13.16.016 (PASS THROUGH CHARGES) REGARDING WATER RATES; AND, FOR OTHER PURPOSES.

WHEREAS, when JMC § 13.16.016 was enacted in 2009, no one anticipated the number of Pass Through Charges assessed by Central Arkansas Water (CAW) and other water providers of Jacksonville Water Works. Given the recent imposition of CAW's 2016 Pass Through Charge and planned similar increases to be assessed over the next several years, the City Council deems it appropriate to amend JMC § 13.16.016 so that such proposed increase(s) in water rates can be studied and determined appropriate by the City Council should they exceed certain amounts.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: JMC § 13.16.016 (Pass Through Charges) is hereby amended as follows:

Any increase in rates by Central Arkansas Water (CAW) or any other authorized water provider adversely affects Jacksonville Water Works' (JWW) ability to provide potable water service to its customers at existing charge(s), fee(s), and rate(s).

Accordingly, increase in rates by CAW and/or any other authorized water provider shall be automatically passed through to the customers of the Jacksonville Water Works after review and approval of the Jacksonville Water Commission. However, said increase(s) shall be limited to One (1) per calendar year, and any such increase(s) cannot exceed more than Two Percent (2%) of the existing rate currently being charged JWW customers as set forth and approved by the Jacksonville City Council.

Customer rates adjusted for pass through increase(s) will only be adjusted by the proportional percentage necessary to provide sufficient income to cover the costs of the increase in charge(s), fee(s), and/or rate(s) from CAW and/or any other authorized water provider.

SECTION TWO: All Ordinances, specifically including Ordinance No. 1368 (#11-2009), Resolutions, and/or Code provisions thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE: This Ordinance shall take effect and be in force from and after its date of passage, as subject to and mandated by applicable law.

Ordinance No. 1544 (#04-2016)
Page Two

APPROVED AND ADOPTED THIS _____ DAY OF FEBRUARY, 2016.

CITY OF JACKSONVILLE, ARKANSAS

By: _____
GARY FLETCHER, MAYOR

ATTEST:

SUSAN L. DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY

000007

RESOLUTION NO. 739 (#05 – 2016)

A RESOLUTION EXPRESSING WILLINGNESS OF THE CITY OF JACKSONVILLE, ARKANSAS, TO UTILIZE FEDERAL AID MONIES FOR PARTICIPATION IN AND UTILIZATION OF THE 2016 TRANSPORTATION ALTERNATIVES PROGRAM PROJECT FUNDS; AND, FOR OTHER PURPOSES.

WHEREAS, the City of Jacksonville, Arkansas, in application for 2016 funding through the Arkansas Transportation Alternatives Program (TAPS) to develop or improve safe routes to schools, understands that Federal Aid Funds are available for this Project on a reimbursable basis at the rate of Eighty Percent (80%) federal participation to Twenty Percent (20%) local match, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement;

WHEREAS, the Jacksonville City Council understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice to Proceed, and;

WHEREAS, this Project, using federal funding, will be open and available for use by the general public and maintained by the City of Jacksonville, Arkansas, for the life of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: The City Council of the City of Jacksonville, Arkansas, will participate in the 2016 Transportation Alternatives Program (TAPS) in accordance with its designated responsibility, including maintenance of this Project. The 2016 Project will provide sidewalks and/or bicycle paths along Hwy. 294 (Military Road), Loop Road, Stonewall Drive, Oneida Drive, and Northlake Drive.

SECTION TWO: The Mayor and City Clerk are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated Project as outlined above and as required by any specific grant terms.

000008

SECTION THREE: The City Council pledges its full support and hereby authorizes the City of Jacksonville to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this Project.

SECTION FOUR: Any other Resolutions in conflict herewith are hereby repealed to the extent of said conflict. This Resolution shall be in effect from and after its date of passage.

**APPROVED AND ADOPTED THIS _____ DAY OF
FEBRUARY, 2016.**

CITY OF JACKSONVILLE, ARKANSAS

GARY FLETCHER, MAYOR

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY

ORDINANCE NO. 1536 (#16 - 2015)

AN ORDINANCE AMENDING JMC § 5.04. TO PROVIDE MODIFICATION OF THE CITY'S BUSINESS PRIVILEGE LICENSE REQUIREMENTS; AND, FOR OTHER PURPOSES.

WHEREAS, the City's Privilege License Schedule has not been modified since 1974, has become outdated, and does not address the needs of the City for those local businesses, corporations, entities, individuals, and professionals who wish to operate within the City; and,

WHEREAS, after many meetings and discussion, the City Council's Committee prepared the following modifications and revisions to the City's Business Privilege License Program for review and consideration. The Committee recommends that the City Council adopt such modifications after hosting a Public Hearing regarding the matter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: JMC § 5.04.010 (LICENSE PAYMENT REQUIRED) is hereby amended and modified to read as follows:

It is unlawful for any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to begin, commence, conduct, or engage in any business activity within the City for which a Business Privilege License is required under the terms of this Code without first obtaining a License and tendering payment of the appropriate amount due.

SECTION TWO: JMC § 5.04.020 (LICENSE COVERAGE PERIOD) is hereby amended and modified to read as follows:

All license issued under this Chapter shall be valid for the calendar year in which said license is issued. However, any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship opening subsequent to July 1st of any calendar year shall only pay a monthly pro-rated amount of the annual Business Privilege License amount for the remainder of that calendar year.

SECTION THREE: JMC § 5.04.030 (SEPARATE LICENSE ISSUANCE REQUIREMENTS) is hereby amended and modified to read as follows:

ORDINANCE NO. 1536 (#16-2015)

Page Two

For any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship with multiple physical addresses and/or business(es) operations within the City, a separate Business Privilege License shall be required for each such separate business/business location.

SECTION FOUR: JMC § 5.04.040 (LICENSE ISSUANCE AND REQUIRED INFORMATION) is hereby amended and modified to read as follows:

Upon receipt of the appropriate annual payment of a Privilege License Tax and satisfaction of all requirements and applicable Code/legal provisions, it is the duty of the City to issue an annual Privilege License for every business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship seeking such. On said License and/or Application shall be the name of the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to whom the License is issued, the activity, business, function, profession, and/or service to be provided, the address and location for which the License is issued, and the appropriate contact information (address(es), email, telephone(s), etc.) for a designated representative(s) of the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship licensed.

SECTION FIVE: JMC § 5.04.060 (LICENSE ISSUANCE AND NON-TRANSFERABILITY) is hereby amended and modified to read as follows:

Any License issued hereunder is neither non-transferable nor assignable. Upon the sale, merger, or transfer of ownership of a business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship, a new owner must register and apply for a new Business Privilege License within Thirty (30) days of the date of transfer and/or re-opening of the business.

SECTION SIX: JMC § 5.04.070 (PRIVILEGE LICENSE DUE DATE AND DELINQUENCY PENALTIES) is hereby amended and modified to read as follows:

ORDINANCE NO. 1536 (#16-2015)

Page Three

- A) All business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship operating within the City of Jacksonville shall pay in advance on January 1st of every year for his/her/its annual Business Privilege License. Failure to pay in full any balances due the City no later than February 1st of each year will be classified as delinquent payments and subject to an Administrative Penalty Fee of Fifty Dollars (\$50.00) per delinquent License.
- B) Any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship subject to payment requirements of this Code shall, upon request by the City/City's agent(s), make available their accounting and business records for review by the City for substantiation of amounts due under the provisions of this Code.

SECTION SEVEN: JMC § 5.04.080 (PENALTY) is hereby revoked and replaced with JMC § 5.04.150 (ENFORCEMENT AND PENALTIES).

SECTION EIGHT: JMC § 5.04.080 (EXEMPTIONS FROM PRIVILEGE LICENSE PAYMENTS AND REQUIREMENTS) is hereby created and modified to read as follows:

- (A) Those charitable, non-profit, and/or religious corporations, entities, and organizations fully recognized and/or registered as such with the appropriate State and Federal Agencies are hereby exempt from the payment of a Privilege License as long as the business activity(ies) is/are directly related to the primary purpose(s) of their charitable and/or religious organization. Solicitation activity(ies) associated with said charitable, non-profit, and/or religious organizations within the City are, however, subject to registration with the City prior to enactment of any solicitation activity(ies);
- (B) A business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship granted an exemption under State and/or Federal law from local Privilege License Payments shall be exempt from payment, but shall be required to register with the City for each year in which said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducts business activity within the City; and,
- (C) No individual under the age of Eighteen (18) years of age shall be required to register or obtain a business license.

ORDINANCE NO. 1536 (#16-2015)

Page Four

SECTION NINE: JMC § 5.04.090 (STATE LICENSURE REQUIREMENTS) is hereby created and modified to read as follows:

No City of Jacksonville Privilege Business License shall be issued to any business, corporation, entity, individual, partnership, and/or professional who is required to hold a valid State and/or Federal License or Certificate until said State and/or Federal License/Certificate has been issued. Should said State and/or Federal License/Certificate expire, be revoked, or be withdrawn, temporarily or permanently, said business, corporation, entity, individual, partnership, and/or professional shall concurrently lose their City Privilege Business License as well and remain ineligible for such until the State and/or Federal License/Certificate is reinstated.

SECTION TEN: JMC § 5.04.100 (BUSINESS PRIVILEGE LICENSE SCHEDULE) is hereby amended and modified to read as follows:

(A) Pursuant to the determination that conducting a business operation within the City is a privilege, the following annual Business Privilege License Schedule is set forth:

- 1) Alcohol Sales – Hospitality, Private Clubs, Bars, Restaurants, Retail, &/or Wholesale
- | | |
|----------------------------|-------------|
| 0 – 2000 Square Feet | \$ 500.00 |
| 2001 - 3000 Square Feet | \$ 525.00 |
| 3001 – 4000 Square Feet | \$ 550.00 |
| 4001 - 5000 Square Feet | \$ 575.00 |
| 5001 - 6000 Square Feet | \$ 600.00 |
| 6001 - 9,999 Square Feet | \$ 700.00 |
| 10,000 Square Feet & above | \$ 825.00 + |
- \$0.025 cents per square foot above 10,000 SF

000013

ORDINANCE NO. 1536 (#16-2015)

Page Five

2) Bakeries & Restaurants (No Alcohol Sales)	
0 – 2000 Square Feet	\$ 100.00
2001 - 3000 Square Feet	\$ 125.00
3001 – 4000 Square Feet	\$ 150.00
4001 - 5000 Square Feet	\$ 175.00
5001 - 6000 Square Feet	\$ 200.00
6001 - 9,999 Square Feet	\$ 300.00
10,000 Square Feet & above	\$ 425.00 +
	\$0.025 cents per square foot above 10,000 SF
3) Banks (Per Location)	\$ 400.00
4) Beauty Salons, Barber Shops, & Nail Salons	\$ 100.00 +
	\$10.00 per booth
5) Billboards – Poster or Bulletin (Per Face)	\$ 100.00
6) Business/Retail, Hospitals, Nursing/Care Facilities, Sales, Flea Markets, Antiques, Pawn Shops, & Consignments	
0 – 2000 Square Feet	\$ 100.00
2001 – 3000 Square Feet	\$ 125.00
3001 - 4000 Square Feet	\$ 150.00
4001 - 5000 Square Feet	\$ 175.00
5001 - 6000 Square Feet	\$ 200.00
6001 - 9,999 Square Feet	\$ 300.00
10,000 Square Feet & above	\$ 425.00 +
	\$0.025 cents per square foot above 10,000 SF
7) Contractor(s) and Specialty Trade(s)	\$ 100.00
8) Daycare Centers	\$ 75.00 +
	\$1.00 per child (DHS maximum)
9) Funeral Homes	\$ 300.00
10) Home Based Business(es)	\$ 100.00
11) Hotels/Motels	\$ 200.00 +
	\$2.00 per room
12) Landfills/Waste Facilities	\$ 500.00 +
	\$ 0.03 per ton collected

000014

ORDINANCE NO. 1536 (#16-2015)

Page Six

13) Licensed Professionals	\$ 150.00
(Includes, but is not limited to, Appraisers, Accountants, Architects, Attorneys, Auditors, Chiropractors, Dentists, Engineers, Optometrist, Opticians, Physicians, Psychologists, and Veterinarians)	
14) Non – Licensed Professionals	\$ 75.00
(Includes, but is not limited to, unlicensed Accountants, Tax Preparation Services, and other such business professionals)	
15) Lumber / Hardware	
0 – 50,000 Square Feet	\$ 500.00
50,001 – 99,999 Square Feet	\$1,000.00
100,000 Square Feet & above	\$1,500.00 +
	\$0.025 cents per square foot above 100,000 SF
16) Manufacturing/Production & Warehousing	
Less than 50 Employees	\$ 500.00
50 – 100 Employees	\$ 625.00
101 Employees or above	\$ 750.00
17) Mobile Food Vendors (No Alcohol Sales)	\$ 50.00
18) Mobile Home Parks	\$ 100.00 +
	\$40.00 per acre in Park
17) Motor Vehicles (including ATVs, autos, boats, cars, motorcycles, mowers, RV's, & trucks)	
Automatic & Self Service Car Wash	\$ 100.00
Detail Service Providers	\$ 100.00
Dealers – New	\$ 750.00
Dealers – Used	\$ 250.00
Gas Stations/Convenience Stores	\$ 200.00 +
	\$15.00 per pumping station
Paint & Body Shop	\$ 150.00
Parts Supply (Retail & Wholesale)	\$ 150.00
Repair Shop	\$ 150.00
Repair / Tire Shop	\$ 200.00
Salvage	\$ 300.00 +
	\$10.00 per acre
Towing Services/Wreckers	\$ 200.00
Transportation Services	\$ 100.00 +
	\$25.00 per vehicle

000015

ORDINANCE NO. 1536 (#16-2015)

Page Seven

- | | |
|--|-------------|
| 18) Real Estate Sales/Management | \$ 100.00 + |
| \$50.00 per licensed Agent and \$75.00 per licensed Broker | |
| 19) Vending Kiosks/Machine Operators | \$ 50.00 |

SECTION ELEVEN: JMC § 5.04.110 (BUSINESS(ES), ENTITY(IES), & INDIVIDUAL(S) NOT COVERED BY SCHEDULE) is hereby amended and modified to read as follows:

Any other business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship not covered by the above listed schedule shall pay One Hundred Dollars (\$ 100.00) annually for a Privilege Business License.

SECTION TWELVE: JMC § 5.04.120 (COMMERCIAL WASTE HAULERS AND LANDFILLS) is hereby created and modified to read as follows:

- A) Any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship licensed as a commercial hauler of garbage, refuse, trash, and/or waste operating and/or providing said services within the City limits shall be issued or hold a current and valid Business Privilege License and assessed Seven Dollars (\$7.00) per dumpster/collection unit per month for unit(s) located within the City.

Said assessments shall be paid through the City Clerk's Office on or before the Fifteenth (15th) day of each month for the number of dumpsters/collection units located within the City as of the First (1st) day of the previous month, together with a Report. Should the Report Form and payment not be received on or before the Fifteenth (15th) day of the month, an Administrative Fee shall be assessed of no less than Ten Percent (10%) against the License Holder.

- B) Any licensed commercial landfill and/or solid waste facility shall report their collection of waste on a quarterly basis as reported to the County and State entities no later than the Fifteenth (15th) day of the month following each quarter, together with a Report and payment of the fees assessed per Paragraph 12 of JMC 5.04.100(A). Should the Report Form and payment not be received on or before the Fifteenth (15th) day of the month, an Administrative Fee shall be assessed of no less than Ten Percent (10%) against the License Holder.

ORDINANCE NO. 1536 (#16-2015)

Page Eight

SECTION THIRTEEN: JMC § 5.04.130 (FALSE INFORMATION AND STATEMENTS) is hereby amended and modified to read as follows:

It is unlawful for anyone to make and/or provide any false information and/or statements in application of or submission for a business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship's Business Privilege License or its reports provided to the City.

SECTION FOURTEEN: JMC § 5.04.140 (SUSPENSION AND REVOCATION OF BUSINESS PRIVILEGE LICENSE) is hereby created and modified to read the following:

- 1) If any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship shall act to operate his/her/its/their business in such a way as to create a fraudulent, unhealthy, unlawful, unreasonable, unsanitary, or unsafe circumstance(s) or condition(s), be delinquent in submission of any and all payment(s) obligated under this Code or any other City, County, State, or Federal taxes or required fees, has had his/her/its/their local, state, or federal license suspended or revoked, or has conducted its business operations so as to warrant such, the City can suspend and/or revoke said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship's Business Privilege License;
- 2) Should the City have reason to believe that grounds exist to justify the revocation or suspension of a Business Privilege License, a letter shall be mailed by First Class Mail through the U.S. Postal Service to the Business Mailing Address on file with the City of the affected License Holder. Said letter shall notify the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship of the grounds for revocation or suspension and the date and location of a Hearing regarding said matter within Ten (10) business days. Said letter shall also be emailed if a current email address for said License Holder has been provided to the City;
- 3) The Director of Administration shall conduct the Hearing, shall receive evidence and information from City employees or others about the grounds for revocation or suspension of the Business Privilege License, then shall allow the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship an opportunity to

000017

ORDINANCE NO. 1536 (#16-2015)

Page Nine

- 1) present evidence and information to rebut any allegations so as to support why the Business Privilege License should not be revoked or suspended; and,
- 2) After such a hearing, the Director of Administration shall, solely within his/her judgment, issue a written Ruling within Ten (10) Business days. In said Ruling, the Director shall have the following options: (a) uphold the City's revocation or suspension of the license; (b) reinstate said Business Privilege License; (c) modify said suspension period for no more than Ninety (90) days; (d) place said Business Privilege License on probationary status for no more than Ninety (90) days to allow the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to remedy the violation(s); (e) direct that a citation be issued by the City's Code Enforcement Office for said violation(s); (f) issue a directive for Code Enforcement to issue a Cease & Desist Order for said Business License; (g) issue a directive to withhold any and all City services, including sanitation, wastewater, and water services, to the License Holder's business location(s); and/or, (i) issue a directive of any combination of the above so as to protect the citizens from any unethical, unscrupulous, unhealthy, unsafe, and/or unsanitary business practice(s) by the License Holder.
- 3) Should any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship whose Business Privilege License has been revoked or suspended by the City disagree, the decision of the Director of Administration shall be appealed to the Pulaski County Circuit Court and/or a court of competent jurisdiction within Thirty (30) days of the date of the Director of Administration's written ruling.

SECTION FIFTEEN: JMC § 5.04.150 (ENFORCEMENT AND PENALTIES) is hereby created and modified to read as follows:

It is hereby declared an offense for any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville to fail to and/or refuse to comply with any of the provisions of this Code. If such occurs, Code Enforcement shall issue a citation to the License Holder and present such to the Jacksonville District Court for adjudication. Upon conviction of said offense, a License Holder shall be

ORDINANCE NO. 1536 (#16-2015)

Page Ten

fined no less than Two Hundred Dollars (\$200.00) and no more than Five Hundred Dollars (\$500.00) for an offense, together with applicable Court Costs. Each day said License Holder is/was in violation of the terms of this Code shall constitute a separate offense.

SECTION SIXTEEN: JMC § 5.04.155 (PERIODS OF OPERATION) is hereby created and modified to read as follows:

(A) Should any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville no longer remain open and/or conduct business for a period more than Forty-five (45) days and which has not received a Permit to do so from the City, any Privilege License issued to said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship shall expire. If such a circumstance is created, said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship will be required to obtain a new Privilege License and satisfy any and all other applicable Code provisions.

(B) Exceptions to the provisions of Sub-section (a) above shall be granted for those business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville that are seasonal in nature. Examples are, but are not limited to, fresh produce sales, holiday events and sales, grounds maintenance services, and other event-based or seasonal-based business activities.

SECTION SEVENTEEN: JMC § 5.04.160 (CEASE & DESIST ORDERS) is hereby created and modified to read as follows:

In the event any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship fails to comply with the provisions of this Code and/or any other provision of local, state, or federal law, upon directive of the Mayor, Chief of Police, and/or the Director of Administration, Code Enforcement shall issue a Cease & Desist Order for said Business License and post such on the primary entrance to said business operation and forward one to the License Holder by U.S. Postal Service through the mailing address on file with the City and through a valid email address should one be provided to the City.

From the point of posting said Order forward, should *any* type of business activity take place at the business location upon which said Order is posted, Code Enforcement shall issue a citation to said License Holder for violation of this

ORDINANCE NO. 1536 (#16-2015)

Page Eleven

provision, with adjudication and punishment in accordance with JMC § 5.04.150. Every separate business transaction conducted after a Cease & Desist Order is posted shall constitute a separate offense.

SECTION EIGHTEEN: If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of these Code provisions is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this Code.

SECTION NINETEEN: Said Ordinance and the changes included herein shall be in full force and effect from and after its passage and approval as provided by and subject to applicable law.

APPROVED AND ADOPTED THIS _____ DAY OF FEBRUARY, 2016.

CITY OF JACKSONVILLE, ARKANSAS

GARY FLETCHER, MAYOR

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY

000020