Title 1 GENERAL PROVISIONS

Chapters:

1.01 Code Adoption
1.04 General Provisions
1.08 City Classification
1.12 City Wards
1.16 Right of Entry
1.20 General Penalty

Chapter 1.01 CODE - ADOPTION

Sections:

1.01.010 Adoption
1.01.020 Title - Citation - Reference
1.01.030 Codification authority
1.01.040 Ordinances passed prior to adoption of the Code
1.01.050 Reference applies to all amendments
1.01.060 Title, chapter and section headings
1.01.070 Reference to specific ordinances
1.01.080 Effect of Code on past actions and obligations
1.01.090 Effective date
1.01.100 Constitutionality

1.01.010 Adoption

Pursuant to the provisions of Sections 14-55-701 through 14-55-704 of the Arkansas Code Annotated, there is adopted the "Jacksonville Municipal Code".

1.01.020 Title - Citation - Reference

This Code shall be known as the "Jacksonville Municipal Code" and it shall be sufficient to refer to this Code as the "Jacksonville Municipal Code" in any prosecution for the violation of any provision of this Code or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion of this Code as an addition to, amendment to, correction or repeal of the "Jacksonville Municipal Code". Further reference may be had to the titles, chapters, sections and subsections of the "Jacksonville Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in this Code. (Ord. 338, Sec. 2, 1974)

1.01.030 Codification authority

This Code, together with the City's Personnel Manual and Purchasing Manual, provide the administrative, regulatory, and penal ordinances of the City of Jacksonville, Arkansas, and are hereby codified pursuant to the provisions of ACA 14-55-701 et. Seq.
(Ord. 338, Sec. 3, 1974; Ord. 1039, Sec. 1, 1995)

1.01.040 Ordinances passed prior to adoption of the Code

The last ordinance included in this Code is **Ordinance 1414**, passed **February 17, 2011**. All other ordinances passed subsequent to Ordinance 1396 are hereby adopted and made a part of this Code.

1.01.050 Reference applies to all amendments

Whenever a reference is made to this Code as the "Jacksonville Municipal Code" or to any portion thereof, or to ordinances of the City of Jacksonville, Arkansas, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 338, Sec. 5, 1974)

1.01.060 Title, chapter and section headings

Title, chapter and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this Code. (Ord. 338, Sec. 6, 1974)

1.01.070 Reference to specific ordinances

The provisions of this Code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference, shall be construed to apply to the corresponding provisions contained within this Code. (Ord. 338, Sec. 7, 1974)

1.01.080 Effect of Code on past actions and obligations

Neither the adoption of this Code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this Code, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 338, Sec. 8, 1974)

1.01.090 Effective date

This Code shall become effective on the date the ordinance codified in this chapter adopting this Code as the "Jacksonville Municipal Code" becomes effective. (Ord. 338, Sec. 9, 1974)

1.01.100 Constitutionality

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.
(Ord. 338, Sec. 10, 1974)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	**Definitions**
1.04.020	**Grammatical interpretation**
1.04.030	**Prohibited acts include causing, permitting**
1.04.040	**Construction**
1.04.050	**Repeal shall not revive any ordinances**

1.04.010 Definitions

The following words and phrases, whenever used in the ordinances of the City of Jacksonville, Arkansas, shall he construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. **City** means the City of Jacksonville, Arkansas, or the area within the territorial limits of the City of Jacksonville, Arkansas, and such territory outside of the City over which the City has jurisdiction or control by virtue any constitutional or statutory provision.

B. **Computation of time** means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day, and if the last day is Sunday or a legal holiday, that day shall be excluded.

C. **Council** means the City Council of the City of Jacksonville, Arkansas. "All its members," or "all councilmen" means the total number of councilmen provided by the general laws of the state of Arkansas.

D. **County** means the county of Pulaski, Arkansas.

E. **Law** denotes applicable federal law, the constitution and statutes of the state of Arkansas, the ordinances of the City of Jacksonville and when appropriate, any and all rules and regulations which may be promulgated thereunder.

F. **May** is permissive.

G. **Month** means a calendar month.

H. **Must** and "shall." Each is mandatory.

I. **Oath** shall be construed to include an affirmation of declaration in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

J. **Ordinance** means a law of the City, provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

K. **Owner,** applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

L. **Person** means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer employee, of any of them.

M. **Personal property** includes money, goods, chattels, things in action and evidences of debt.

N. **Preceding and following** mean next before and next after, respectively.

O. **Property** includes real and personal property.

P. **Real property** includes lands, tenements and hereditaments.

Q. **Sidewalk** means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

R. **State** means the state of Arkansas.

S. **Street** includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City, which have been or may hereafter be dedicated and open to public use or such other public property so designated in any law of this state.

T. **Tenant and occupant,** applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

U. **Title of office** Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City.

V. **Written** includes printed, typewritten, mimeographed or multi-graphed.

W. **Year** means a calendar year.

X. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Y. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

(Ord. 322 Sec. 1, 1974)

1.04.020 Grammatical interpretation

The following grammatical rules shall apply in the ordinances of the City of Jacksonville, Arkansas:

A. Gender. The masculine gender includes the feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(Ord. 322 Sec. 2, 1974)

1.04.030 Prohibited acts include causing, permitting

Whenever in the ordinances of the City of Jacksonville any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 322 Sec. 3, 1974)

1.04.040 Construction

The provisions of the ordinances of the City of Jacksonville and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 322 Sec. 4, 1974)

1.04.050 Repeal shall not revive any ordinances

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance, which has been repealed thereby. (Ord. 322 Sec. 5, 1974)

Chapter 1.08

CITY CLASSIFICATION

Sections:

1.08.010 Designated

1.08.010 Designated

The City of Jacksonville is declared to be a city of the first class with all the rights and privileges as such city of the first class. The officials of Jacksonville are officials of a city of the first class and shall continue in office until their successors are elected and qualified. (Ord. 111 Sec. 1, 1960)

Chapter 1.12

CITY WARDS

Sections:

1.12.010 Redistricting - Map

1.12.020 Effect on elections

1.12.010 Redistricting - Map

The plan of redistricting the wards of the City, as indicated by the following maps, is adopted by the City Council as the official map of wards of the City in conformity with the judgment of the Honorable Warren Wood, Circuit Court Judge by appropriate order dated January 26, 1978. (Ord. 548 Sec. 1, 1979)

1.12.020 Effect on elections

It is declared by the City Council that the aforesaid redistricting of the wards within the City will in no way effect or apply to aldermen who were duly elected for a two-year term in the City election of November 8, 1966, and said aldermen shall hold such office for a period of two years or until December 31, 1968. It is further declared by the City Council that the aforesaid redistricting of wards in said City shall apply to all candidates for aldermen seeking election in the general election of November 1968. (Ord. 184 Sec. 2, 1966)

Chapter 1.16

RIGHT OF ENTRY

Sections:

1.16.010 Designated

1.16.010 Designated

Whenever necessary to make an inspection to enforce any ordinance or resolution or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situation or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 324 Sec. 1, 1974)

Chapter 1.20

GENERAL PENALTY

Sections:

1.20.010 Designated

1.20.010 Designated

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the City, any person convicted of a misdemeanor under the ordinances of the City shall be punished by a fine of not more than five hundred dollars ($500.00).

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the City is committed, continued or permitted by any such person, and he shall be punished by a fine of not more than two hundred and fifty dollars ($250.00) per day when the violation is a continuing one.

(Ord. 596 Sec. 1, 1980)

TITLE 1 FOOTNOTE

1. For statutory provisions authorizing cities to adopt by reference a codification of their ordinances, see ACA 14-55-701 et seq.

2. For statutory provisions defining a City of the first class, see ACA 14-37-103; for provisions regarding the government of first class cities, see ACA 14-43-202 et seq.

3. For statutory provisions regarding wards generally, see ACA 14-40-203, 14-40-1205, and 14-40-1207-1208.

4. For statutory provision which provides for a general penalty for misdemeanors when no specific penalty is provided, see ACA 5-1-112; for provisions governing enforcement of ordinances, see ACA 14-55-601 ET seq.

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04	City Council Procedure
2.06	Mayor
2.08	City Clerk/Treasurer
2.10	City Attorney
2.12	Municipal Court
2.20	Fire Department
2.24	Civil Service Commission
2.28	Hospital
2.32	Planning Commission
2.33	Waterworks Commission
2.34	Sewer Commission
2.36	Board of Electrical Examiners
2.40	Police Pension Fund - Board of Trustees
2.44	Employee Policy Manual
2.46	Filing for Independent Municipal Candidates
2.48	Referendum Petition
2.50	Employee Safety Manual
2.56	Office of Civil Defense
2.60	Employees - Social Security
2.64	Public Defender
2.70	Department of Finance
2.84	Public Facilities Board
2.86	Health Care Facilities Board
2.88	Jacksonville Municipal Officials Retirement Trust
2.90	Advertising and Promotions Commission

Chapter 2.04 CITY COUNCIL PROCEDURE

Sections:

2.04.010 Meetings - Parliamentary procedure
2.04.011 Reading proposed Ordinances and Resolutions
2.04.020 Matters to be ruled upon - Form
2.04.025 Effective Date of Legislation
2.04.030 Special meetings
2.04.040 Regular meetings
2.04.050 Annual Joint Planning Meeting
2.04.052 Annual Joint Planning Meeting Regulations

2.04.010 Meetings - Parliamentary procedure

All meetings held on regular meeting nights and at any other times shall be conducted pursuant to the rules and regulations set forth in "Robert's Rules of Order and Parliamentary Procedure."
(Ord. 131 (part), 1962; Ord. 532 Sec. 1, 1979)

2.04.011 Reading of Proposed Ordinances and Resolutions

All Ordinances, Resolutions, or other legislation to be discussed and/or enacted by vote of the Jacksonville City Council shall be presented to the body after having only the title of said ordinance or resolution read upon the record of the meeting unless otherwise directed by a two-thirds (2/3) majority vote of the City Council.

2.04.020 Matters to be ruled upon - Form

All matters to be ruled upon by the City Council are ordered to be prepared in a form to be approved by the City Attorney and presented to the City Clerk no later than five p.m. three days prior to the next regular meeting at the City Council or the same shall not be considered at that meeting. All matters presented orally at any regular meeting of said council shall be reduced to writing by the City Clerk and presented for action to be taken thereon at the next regular meeting of the City Council.
(Ord. 132 (part), 1962; Ord. 532 Sec. 1, 1979)

2.04.025 Effective Date of Legislation

All Ordinances, Resolutions, or other legislation enacted by vote of the Jacksonville City Council shall become effective thirty (30) days from its date of passage unless the Emergency Clause is attached thereto.
In the event the Emergency Clause is attached, any Ordinance, Resolution, or other legislation shall go into effect immediately upon passage or at the time specified by the

Emergency Clause. However, at no time shall the Emergency Clause be used to impose any fine, penalty, forfeiture, or deprivation of liberty or property until after said legislation has been published or posted as otherwise required by law. (Ord. 1158 Sec. 1, 2001)

2.04.030 Special meetings

The Mayor or any three Aldermen may call special meetings of the City Council by giving twenty-four hours notice to all Aldermen and the Mayor. Said notice to specify the time and place of the meeting and the subject matter to be considered at the special meeting.
(Ord. 321 Sec. 1, 1974; Ord. 532 Sec. 1, 1979)

2.04.040 Regular meetings

The regular City Council meetings will be held in the Jacksonville City Hall, #1 Industrial Drive, Jacksonville, Arkansas, in the Council Chamber on the first and third Thursday of each month, beginning at (7:00) seven p.m.
(Ord. 689 Sec. 1, 1982; Ord. 944 Sec. 1, 1991)

2.04.050 Annual Joint Planning Meeting

There shall be, during the month of February each year, a joint meeting with the Mayor, City Council, Planning Commission, and key City personnel. The purposes of said meeting shall be to address, at a minimum, the following needs of the community:

A) Planning Goals – Set in increments of Five (5), Ten (10), and Twenty-five (25) year periods, the members shall assign priority status to possible future development and growth for the City of Jacksonville;

B) Economic Development – Assignment of goals and priorities for future economic development and growth for the City shall be addressed by the members, noting former and future plans and their realistic viability;

C) Procedural Modifications – Assessment and review of functional procedures currently utilized by City Departments so as to encourage improvement and easier access by the public; and,

D) Ordinance Codification – Review of current ordinance provisions applicable to economic and property development to insure updated information, provisions, and requirements are in place to encourage legally structured but improved economic and property development of the City.
(Ord. 1323, Sec. 1, 2007)

2.04.052 Annual Joint Planning Meeting Regulations

In the Joint Planning Meeting of the Mayor, City Council, the Planning Commission, and key City Personnel, the following shall be applicable:

a) The Mayor shall set the date(s), place(s), and time(s) of said meeting(s) and shall publish such in accordance with applicable law so as to provide all Council members, Commission members, and the public reasonable notice of such. When necessary, the Mayor shall also set any special Joint Planning Meeting(s) as deemed appropriate, again doing so in accordance with applicable law and providing reasonable notice of such to all affected members and the public;

b) Key City personnel to be included in said meeting(s) shall include, but not be limited to, the City Attorney, the City Engineer, the Fire Chief, the Police Chief, the Water Department Manager, the Wastewater Utility Manager, and the Director of Public Works. Input can be provided by other City personnel as needed and deemed appropriate;

c) The meeting(s) shall be conducted and facilitated by an outside party selected by the Mayor so as to allow greater input by all parties;

d) Input shall be solicited and sought from community leaders, with the possibility of a Joint Annual Meeting Advisory Board considered for appointment by the Mayor and City Council; and,

The members of the Joint Meeting shall adopt any and all rules and regulations necessary to efficiently and effectively conduct said meeting(s) in accordance with all applicable local, State, and federal laws. (Ord. 1323, Sec. 2, 2007)

Chapter 2.06

MAYOR

Sections:

2.06.010 Minimum Salary

2.06.010 Minimum Salary

The annual minimum salary for the Office of Mayor of the City of Jacksonville shall be Seventy-six thousand Dollars ($76,000.00), which includes an Auto Allowance up to and including One thousand dollars ($1,000.00) unless otherwise designated by the City Council. (Ord. 1099 Sec. 1, 1998 Ord. 1371 Sec. 1, 2009)

Chapter 2.08

CITY CLERK-TREASURER

Sections:

2.08.010 Offices of Clerk and Treasurer combined
2.08.020 Minimum Salary

2.08.010 Offices of Clerk and Treasurer combined

The City Clerk is designated as City Clerk-Treasurer and, in addition to existing duties of the City Clerk's office, shall fulfill all duties previously assigned to and prescribed by law to the City Treasurer. (Ord. 525 Sec. 1, 1979)

2.08.020 Minimum Salary

The minimum salary for the Office of City Clerk/Treasurer of the City of Jacksonville shall be Twenty-five Thousand Dollars ($25,000.00) per year unless otherwise designated by the City Council. (Ord. 1099 Sec. 2, 1998)

Chapter 2.10

CITY ATTORNEY

Sections:

2.10.010 Minimum Salary

2.08.010 Minimum Salary

The minimum salary for the Office of City Attorney of the City of Jacksonville shall be Thirty-six Thousand Dollars ($36,000.00) per year unless otherwise designated by the City Council. (Ord. 1099 Sec. 3, 1998)

Chapter 2.12

MUNICIPAL COURT

Sections:

2.12.010 Created - Election of Judge
2.12.020 Judge - Qualifications
2.12.030 Municipal Judge Minimum Salary
2.12.040 Rules and regulations - Jurisdictions
2.12.050 Clerk - Appointment
2.12.060 Probation officer - Appointment - Removal from office
2.12.070 Probation Fee Assessment

2.12.010 Created - Election of Judge

There is created and established in the City a corporation court to be styled the "Municipal Judge" to be elected by the qualified electors of the City at the next regular general election and who shall hold office for a period of four years or until his successor is duly elected and qualified; and provided further that upon establishing a Municipal Court hereunder, the City Council shall elect a Municipal Judge to serve until the next regular general election. (Ord. 73 Sec. 1, 1956)

2.12.020 Judge - Qualifications

The Judge of the Municipal Court shall be at least twenty-five years of age, of good moral character, learned in the law, of two years residence in the State and an elector of the City and shall be an attorney at law in good standing and shall have practiced law at least six years. (Ord. 73 Sec. 2, 1956)

2.12.030 Municipal Judge Minimum Salary

The minimum salary for the Office of Municipal Judge for the city of Jacksonville shall be set in accordance with the provisions of ACA §§ 16-17-108 (yy).
(Ord. 73 Sec. 3, 1956; repealed by Ord. 1099 Section 4, 1998)

2.12.040 Rules and Regulations - Jurisdiction

The Municipal Judge shall make such rules, operate, and conduct his court as permitted by the statute and in conformity with the administration of justice. The jurisdiction of said court shall be provided by the laws of the State. (Ord. 73 Sec. 4, 1956)

2.12.050 Clerk - Appointment

The Judge of the Municipal Court may appoint a clerk for the court subject to the approval of the City Council. The salary, duties and performance of such clerk shall be set by the City Council and shall be in accordance with the laws of the State. Until the appointment of such clerk and his approval by the City Council, the Municipal Judge shall perform all duties required of such Municipal Court Clerk. (Ord. 73 Sec. 5, 1956)

2.12.060 Probation Officer/Appointment/Removal from office duties

A probation officer shall be selected by the City Council from recommendations submitted by the Mayor and/or Municipal Judge and may be removed from his office of employment by the Municipal Judge. The duties of the probation officer shall include the supervision of all persons on probation; the investigation of all matters referred to him by the Court relating to the granting of suspended sentences; and the investigation and handling of any other matters that may be referred to him by the Court. The probation officer in the performance of his duties may exercise all the powers of a Jacksonville police officer. These powers include the powers of arrest and service of Jacksonville Municipal Court summons. (Ord. 595 Sec. 1, 1980)

2.12.070 Probation Fee Assessment

The City of Jacksonville Municipal Court shall hereinafter have authority to assess a court cost of up to and including twenty dollars ($20.00) per month per defendant placed upon probation and/or served through the violation of Arkansas statutes.

The Clerk of the Court and/or its designated and authorized representative shall, as described by ACA 16-17-119, collect those probation costs paid by defendants of the Jacksonville Municipal Court and provide a report and accounting of said fees on a monthly basis to the City. Said costs shall be collected and paid into the General Funds of the City, to be used for general operation and support of the Jacksonville Municipal Court and other government operations as the City Council deems appropriate. (Ord. 1029 Sec. 1 & 2, 1994)

Chapter 2.20

FIRE DEPARTMENT

Sections:

2.20.010 Created
2.20.020 Composition
2.20.030 Volunteer Firemen
2.20.040 Application for Outside Fire Protection - Conditions
2.20.050 Mutual Aid Agreements
2.20.060 Adoption by reference
2.20.070 Fire protection - Applicant Agreements

2.20.010 Created

The Jacksonville Fire Department, the object and purpose of which is the control and prevention of fire and the protection of life and property within the City, is created.
(Ord. 9 Sec. 1, 1948; Ord. 312 Sec. 1, 1974)

2.20.020 Composition

The Fire Department shall consist of a Fire Chief, Assistant Fire Chief and such other officers and personnel as may be deemed necessary for the effective operation of the department.
(Ord. 9 Sec. 2, 1948; Ord. 312 Sec. 2, 1974)

2.20.030 Volunteer firemen

The Fire Chief may utilize and enlist the assistance of such number of volunteer firemen as he may deem necessary for the effective operation of the department and shall provide training for the voluntary firemen at regularly scheduled meetings. The volunteer firemen shall receive compensation for attending training meetings and for attendance upon and for service at each and every fire, with service at a fire being deemed to have been performed when the circumstances of such fire are such as to require the necessity of unloading and connecting a fire hose to a fire hydrant. Any compensation paid to a volunteer fireman shall be subject to prior, approval of the City Council.
(Ord. 312 Sec. 4, 1974)

2.20.040 Application for Outside Fire Protection - Conditions

Any business, corporation, firm, or individual located in North Pulaski County, Arkansas, that meets the following conditions, qualifications and standards may apply to the City of Jacksonville, Arkansas, through the Office of the Chief, Fire Department, for limited emergency fire-fighting protection for any real property in which said business, corporation, firm, or individual may have an interest.

In order to qualify for said services, the applicant must meet the following conditions and standards:

A. Agreement - Execution of an Agreement between Applicant or its authorized agent and the City of Jacksonville, Arkansas, for limited emergency fire-fighting services from the City to Applicant's property upon payment of an annual fee and any additional per use charges as they occur. Said Agreement shall further provide, but not be limited to, the following:

1. The City will provide such limited service so as not to jeopardize any fire protection needs of the citizens of Jacksonville and at no time will City utilize more than fifty percent (50%) of its fire-fighting equipment for response to an outside City limits call;

2. There will be no guarantee as to any results of fire fighting efforts that any City department members may provide and;

3. Applicant will relinquish and release any claim against City for any damages that may occur as a result of fire-fighting services provided by City.

B. Fee - Applicant shall pay an annual fee to the City of Jacksonville of Two Hundred and 00/100 Dollars ($200.00) unless otherwise noted herein. In addition, Applicant/owner shall pay additional amounts on a per occurrence basis with a charge of One Hundred Fifty and 00/100 Dollars ($150.00) per hour per piece of equipment per occurrence with a minimum of two (2) hours per occurrence. These fees shall be applied whether it is a false alarm or a real alarm and failure of owner to pay said fee within thirty (30) days of notification shall give City the right to declare the Agreement null and void. (Ord. 861, l987)

EXCEPTIONS:

A. For mobile home parks with a minimum of ten (10) mobile homes, fee shall be as follows:

10-24 Mobile homes	- $30.00 per Mobile home
25-49 Mobile homes	- $20.00 per Mobile home
50 or More	- $10.00 per Mobile home

(Ord. 559 Sec. 1 (part), 1979)

B. Valentine Road - Dick Jeter Association fee will be as follows: One Thousand Five Hundred and 00/100 Dollars ($1500.00) yearly.

C. Inspections - Applicant shall make available the property in question to the Fire Chief or his duly authorized agent(s) upon request for inspection purposes. Said premises shall be inspected to determine that it complies with all provisions of the Arkansas Fire Protection Code. If said property fails to comply with all applicable provisions, City will not provide services to Applicant until such time as the property is in compliance with all applicable provisions.

D. Volunteer Fire District Membership - Applicant shall provide proof of current membership in the volunteer fire district, which services the zone in which Applicant's property lies. If Applicant allows its membership to said volunteer district to lapse, the Agreement with City shall be declared null and void.

E. Group Applications - No application will be accepted that coordinates or groups a parcel or parcels of property unless such application is approved by the Jacksonville City Council.
(Ord. 861, 1987)

2.20.050 Mutual Aid Agreements

The Fire Chief may provide mutual fire fighting aid at the request of the Chief of the Fire Department of any incorporated City or town to alarms on such cities or towns. Further, the Chief of the Fire Department may approve written agreements with unincorporated communities within a ten-mile radius of the city limits of Jacksonville, provided such communities maintain in service quality fire fighting equipment capable of mutually aiding the City of Jacksonville. This section is intended to include volunteer fire departments within a ten-mile radius of the City of Jacksonville.
(Ord. 559 Sec. 1 (part), 1979)

2.20.060 Adoption by Reference

This ordinance is enacted pursuant to Arkansas Code Annotated 14-53-101(b). The provisions of ACA 14-53-102 are hereby incorporated and made applicable to the Fire Department of the City of Jacksonville and to the City of Jacksonville.
(Ord. 559 Sec. 1 (part), 1979)

2.20.070 Fire protection - Applicant agreements

Fire fighting equipment may be made available for fire protection outside the City pursuant to an approved application therefore, and all applications shall contain the following agreements of the applicant:

A. The Owner maintains a current and active membership in the volunteer fire department servicing the zone in which Owner's property lies; and,

B. That at no time will City utilize more than fifty percent (50%) of its fire-fighting equipment in responding to an outside the City limits fire call so as not to affect City's ability to provide proper and sufficient fire-fighting services to its citizens is impaired; and,

C. That if the volunteer agency servicing Owner's property arrives or is on the scene at the time City department members arrive, City will make a voluntary orderly transition of fire fighting service to the volunteer agency unless circumstances require otherwise; and,

D. Owner and City are in compliance with all provisions of Ordinance No. 861 and all provisions of the Arkansas Fire Prevention Code, which are incorporated herein as if stated word for word.

(Ord. 192 Sec. 4, 1967; Ord. 861, 1987)

Chapter 2.24

CIVIL SERVICE COMMISSION

Sections:

2.24.010 Composition Powers and duties
2.24.020 Compensation - previously appointed members
2.24.030 Serving consecutive terms prohibited

2.24.010 Composition - Powers and duties

Pursuant to Arkansas Code Annotated 14-50-201 et seq., there is continued a Civil Service Commission in and for the City composed of five citizens of the City who shall be appointed by the City Council and shall have the duties, powers and functions as prescribed by state law.
(Ord. 316 Sec. 1, 1974)

2.24.020 Compensation - Previously appointed members

All members of the Civil Service Commission shall serve in such capacity without salary and any members currently serving in such capacity on the Civil Service Commission previously created by Ordinance No. 114 shall continue in office for the duration of their current terms. (Ord. 316 Sec. 2, 1974)

2.24.030 Serving consecutive terms prohibited

No member shall be eligible to serve more than two (2) consecutive terms. However, in the event said member is first appointed to fulfill less than six (6) months of an unexpired term, that period of appointment shall not be held against him/her in the determination of eligibility for continued service on the Commission. (Ord. 1078 Sec. 1, 1997; Ord. 492 Sec. 1, 1978; Ord. 316 Sec. 3, 1974)

Chapter 2.28

HOSPITAL

Sections:

2.28.010 Establishment, Powers and Duties

2.28.010 Establishment, Powers and Duties

Whereas, in accordance with ACA 14-264-104-(c), the City Council and Hospital Commission desire to lease Rebsamen Regional Medical Center facilities to Rebsamen Regional Medical center, Inc., an Arkansas non-profit corporation formed to enhance efficient and effective operation of Community's medical facilities, under the following terms.

Jacksonville Municipal Code section 2.28.101 et seq. is hereby repealed, and the Jacksonville Municipal Hospital Commission created thereunder is hereby abolished from and after October 1, 1994, until further action by this governing body. (Ord. 1030 Sec. 1, 1994)

The Mayor and City Clerk are hereby authorized to execute a Lease Agreement with Rebsamen Regional Medical Center, Inc., a non-profit corporation duly organized under the laws of the State of Arkansas, for the facilities owned and operated by Rebsamen Regional Medical Center. Said Lease shall run for a period of twenty-five (25) years, beginning October 1, 1994, with consideration being payment by the Corporation of all obligations provided in the Bond Indentures (Series 1989 and 1992) and Management Agreement of the Hospital. The Lease Agreement shall include an option to extend said terms for an additional period of twenty-five (25) years under similar terms, together with an option to purchase said properties and assets through a first right of refusal clause. Other terms and conditions standard to lease agreements shall be included, and all terms shall be reviewed and approved by the Mayor and City Attorney to insure compliance with local, state, and federal regulation and laws.
(Ord. 1030 Sec. 2, 1994)

Chapter 2.32

PLANNING COMMISSION

Sections:

2.32.010 Created - Composition - Terms - Vacancy filling
2.32.020 Rules and regulations - Meetings - Quorum
2.32.030 Statutory authority
2.32.040 Conformance with zoning plan required
2.32.050 Petitioner Present at meeting required
2.32.060 Notice and Publication Requirements

2.32.010 Created - Composition - Terms - Vacancy filling

A. In accordance with ACA 14-56-404, a City Planning Commission is created. The Commission shall be composed of nine members at least two-thirds of whom shall not hold any other municipal office or appointment. The members of the Commission shall be elected by the Council. Each Alderman and the Mayor shall nominate one person to serve on the Commission. Each member of the Commission shall hold office for a term of three years; provided however, that of the first appointments made by the Council, three members shall be appointed for one year, three members shall be appointed for two years and three members shall be appointed for three years. The absence of any member for three consecutive meetings of the Commission without a reasonable excuse shall be termed a resignation from the Commission by such member. The Council shall fill the vacancy for the unexpired term for which the member was appointed.

B. No member shall be eligible to serve more than two (2) consecutive terms. However, in the event said member is first appointed to fulfill less than six (6) months of an unexpired term, that period of appointment shall not be held against him/her in the determination of eligibility for continued service on the Commission.

(Ord. 1078 1997; Ord. 491 Sec. 1, 1978; Ord. 35 Sec. 1, 1952)

2.32.020 Rules and regulations - Meetings - Quorum

The Commission shall adopt rules and regulations for the conduct of its business and shall hold regular meetings at such times as it may deem best and shall elect a chairman from among its members and such other officers as it may deem proper for the efficient functioning of the Commission. At any meeting, five members shall constitute a quorum of such meeting and a majority of

those present shall have the authority to act on any business before it. No meetings shall be held without due notice being given to each member of the Commission.
(Ord. 35, Amendment 1, 1955; Ord. 35 Sec. 2, 1952)

2.32.030 Statutory authority

The Commission shall have the authority and be guided in its actions by the powers and under the conditions set forth in ACA 14-56-401 ET. Seq. (Ord. 35 Sec. 3, 1952)

2.32.040 Conformance with zoning plan required

After the zoning plan has been prepared and adopted by the Planning Commission and certified to the City Council, it shall be unlawful for any person, firm or corporation to construct any building or make any use of any premises in the City except in accordance with said City plan; provided however, that the City plan shall not affect the use of any property or building which commenced before December 28, 1952. (Ord. 35 Sec. 4, 1952)

2.32.050 Petitioner present at meeting required

Petitioners or representatives of petitioners are required to be present at a regularly scheduled Planning Commission meeting(s) and/or Board of Adjustment meeting(s) in order for submitted agenda/non-agenda items to be addressed by the Commission/Board. If the petitioner and/or his authorized representative is not present at the time said item is called for discussion and action by the Commission/Board, the item will automatically tabled to the next regularly scheduled meeting agenda. If petitioners and/or his representative are not present at that meeting, the agenda item will be dismissed without action. (Ord. 1048 Sec. 1(part) 1995)

2.32.060 Notice and Publication Requirements

All requests for conditional use variances, rezoning request, waivers, or other such similar actions shall require public hearing(s) and notice(s). Notice of said request(s) shall be published by the City Clerk's Office in a newspaper of general circulation in the City of Jacksonville for the appropriate number of days (as mandated by State law) prior to a public hearing/meeting being held. The Jacksonville Code Enforcement Office shall be responsible to ensure that the affected real property is properly posted with a notice(s) designating the specific request(s) for variance or change and the date, place, and time of said hearing/meeting a minimum of seven (7) calendar days prior to said public hearing/meeting being held. Said notice shall be posted in a highly visible location upon each affected property.
(Ord. 1082 Sec. 1, 1997)

Chapter 2.33
WATERWORKS COMMISSION

Sections:

2.33.010 Created - Appointment - Membership
2.33.020 Function powers and duties

2.33.010 Created - Appointment - Membership

There is created pursuant to ACA 14-234-302 et seq. a Waterworks Commission to consist of three citizens who are qualified electors of the City of Jacksonville. The commissioners shall be appointed by the Mayor and confirmed by two-thirds vote of the duly elected members of the City Council and shall hold office for a term of eight years; provided, that those commissioners first appointed and confirmed after the passing of the ordinance codified in this chapter shall serve for terms of four, six and eight years each to be designated by the Mayor and City Council and thereafter and upon expiration of their respective terms, their successors shall be appointed by the two remaining commissioners subject to approval of two-thirds of the duly elected and qualified members of the City Council for a term of eight years. The City Council shall have authority to fix and prescribe the salaries to be paid to said commissioners. In the event of a vacancy occurring on the Commission, it shall be filled in the following manner: the two remaining commissioners will appoint a member subject to approval of two-thirds of the duly elected and qualified members of the City Council to fill such vacancy. The commissioners shall file the oath required by law in the state of Arkansas of public officials. Any commissioner appointed by the provisions of this chapter may be removed for cause on a two-thirds vote of the duly elected and qualified members of the City Council; provided further, that any commissioner who is absent from more than three consecutive meetings of the Commission shall be declared ineligible to serve and a vacancy shall be immediately declared to exist and said vacancy shall be filled according to the provisions of this chapter.
(Ord. 494 Sec. 1, 1978)

1(A) Pursuant to ACA 14-234-302 et seq., the Jacksonville Waterworks Commission shall hereinafter consist of five citizens who are qualified electors of the City of Jacksonville. The two new commissioners shall be appointed by the Mayor and confirmed by two-thirds vote of the duly elected members of the City Council and shall hold office for a term of eight years. Successors, due to resignation, removal or expiration of a term, shall be selected as set out in Section 1 of Ordinance No. 494, enacted as 2.33.010 of the Municipal Code of Jacksonville, Arkansas.
(Ord. 696 Sec. 1, 1983)

2.33.020 Function, powers and duties

The commissioners shall take full and complete control of all properties of every kind & character belonging to the City of Jacksonville and used in connection with the waterworks system, whether situated within or without the City limits of the City of Jacksonville. The commissioners shall have full and complete authority to manage, operate, improve, extend and maintain the municipal waterworks and distribution system and shall have full and complete charge of said plant, including the right to employ any and all assistants and employees of whatsoever nature, kind or character, and to fix, regulate and pay their salaries, it being the intention of this chapter to vest in the commissioners unlimited authority to operate, manage, maintain, improve and extend the municipally owned waterworks and distribution system and to have full and complete charge thereof; provided however, that the commissioners shall not have authority or power to sell, mortgage or encumber the waterworks and distribution system unless the same is done in accordance with Act 131 of the Acts of 1933 as amended, or unless authorized by mandate of an election called for that purpose. The commissioners shall adopt such rules and regulations as they deem necessary and expedient for the proper operation and management of said waterworks and distribution system, and shall have authority to alter, change or amend such rules and regulations at their discretion. They shall submit monthly reports and annual audits of the operations to the Mayor and City Council, and furnish such other or further reports, data or information as may be requested by the Mayor and City Council. (Ord. 494 Sec. 2, 1978)

Chapter 2.34

SEWER COMMISSION

Sections:

2.34.010 Created - Appointment - Membership
2.34.020 Function, powers and duties

2.34.010 Created - Appointment - Membership

There is created pursuant to ACA 14-235-206 a sewer committee to consist of five citizens who are qualified electors of this City. The committee shall also be known as the Jacksonville Sewer Commission and the commissioners shall be appointed by the Mayor and confirmed by two-thirds vote of the duly elected members of the City Council and shall hold office for a term of five years: provided, that the commissioners first appointed and confirmed after the passing of the ordinance codified in this chapter shall serve for the terms of five, four, three, two, and one years, respectively each to be designated by the Mayor and City Council and thereafter and upon expiration of their

respective terms their successors shall be appointed by the remaining commissioners and subject to the approval of two-thirds of the duly elected and qualified members of the City Council for a term of five years. The City Council shall have authority to fix and prescribe the salaries to be paid to the commissioners.

In the event of a vacancy occurring on the Commission, it shall be filled in the following manner: the remaining commissioners will appoint a member subject to a two-thirds vote of the duly elected and qualified members of the City Council to fill such vacancy. The commissioners shall file the oath required by law in the state of Arkansas of public officials. Any commissioners appointed by the provisions of this chapter may be removed for cause upon a two-thirds vote of the duly elected and qualified members of the City Council; provided further, that any commissioner who is absent for more than three consecutive meetings of the Jacksonville Sewer Commission shall immediately cease to be eligible to serve on the Commission and a vacancy shall be declared to exist and the vacancy shall immediately be filled according to the provisions of this chapter and the citizen so appointed shall serve out the remaining term of the commissioner who was declared ineligible to serve because of absences from Commission meetings; provided further, that after a commissioner's term has expired and a citizen has been nominated by the remaining commissioners as a successor for a new term, then and in that event, should the nominated citizen fail to receive the necessary two-thirds vote of approval required by this chapter, then the commissioner whose term has expired shall not continue to serve until a successor is approved but rather, the seat shall be declared vacant and remain so until a qualified successor is appointed. (Ord. 495 Sec. 1, 1978)

2.34.020 Function, powers and duties

The Sewer Commission shall have full and complete authority to manage, operate, improve, extend and maintain the municipal sewer system and shall have full and complete charge of said plant, including the right to employ any and all assistants and employees of whatsoever nature, kind or character and to fix, regulate and pay their salaries, it being the intention of this chapter to vest in the committee unlimited authority to operate, manage, maintain, improve and extend the municipally owned sewer plant and collection system and to have full and complete charge thereof; provided, the Commission shall not have authority or power to sell, mortgage or encumber the sewer plant and system unless the same is done in accordance with Act 132 of the Acts of 1933, as amended, or unless authorized by mandate of an election called for that purpose. The commissioners shall adopt such rules and regulations as they deem necessary and expedient for the proper operation and management of the sewer plant and collection system, and shall have authority to alter, change or amend such rules and regulations at their discretion. They shall submit monthly reports and annual audits of the operations to the Mayor and City Council, and furnish such other or further reports, data or information as may be requested by the Mayor and City Council. (Ord. 495 Sec. 2, 1978)

Chapter 2.36
BOARD OF ELECTRICAL EXAMINERS

Sections:

2.36.010 Established - Composition
2.36.020 Powers and duties - Officer election
2.36.030 Members - Terms - Rules and regulations
2.36.040 Meetings - Quorum
2.36.050 Members - Removal - Examination of license applicants

2.36.010 Established – Composition

There is established a board of five members to be known as the Board of Electrical Examiners. Such Board shall be composed of personnel having the following qualifications:

A. One member shall be representative from the Jacksonville Fire Department, preferably the Fire Chief.

B. One member shall be an electrical contractor licensed to do business in the City.

C. One member shall be an electrician who is qualified as a journeyman as defined in Chapter 16.08.

D. Two members shall be disinterested parties.

(Ord. 201 Sec. 1(A), 1968)

2.36.020 Powers and duties - Officer election

The Board shall elect from its membership a chairman and secretary. The Board shall have the power and duty of examining the qualifications of all persons, firms or corporations who are engaged in the business of contracting electrical work or installing electrical wiring, lighting fixtures or apparatus operating at a potential of thirty volts or more. (Ord. 201 Sec. 1(B), 1968)

2.36.030 Members - Terms - Rules and regulations

The members of the Board shall be appointed by the Mayor within sixty days after the effective date of the ordinance codified in this chapter, subject to the approval of a majority of the elected members of the City Council. The term of Board members shall run concurrently with the term of office of the Mayor. Vacancies for any unexpired term shall be filled in the same manner as is herein provided for the original appointment of members. The Board secretary shall keep a full and complete record of all acts and business of the Board. The Board shall establish such rules and regulations as may be necessary and appropriate for the conduct of its meetings. (Ord. 201 Sec. 2, 1968)

2.36.040 Meetings - Quorum

A majority of the Board constitutes a quorum to transact business. The Board shall meet at least once each month and may hold special meetings on call of the chairman when business requires it.
(Ord. 201 Sec. 3(part), 1968)

2.36.050 Members - Removal - Examination of license applicants

Any member of the Board may be removed by the City Council for incompetence, inefficiency or dereliction of duty by a majority vote of the duly elected members of the Council. The rules and regulations of the Board for examining applicants for license shall not be in conflict with the laws of the State. A copy of any rules and regulations adopted by the Board shall be approved by the City Council and filed with the City Clerk. A complete list of all licenses issued, renewed or revoked shall be on file in the office of the Mayor and City Clerk.
(Ord. 201 Sec. 3 (part), 1968)

Chapter 2.40

POLICE PENSION FILE - BOARD OF TRUSTEES

Sections:

2.40.010 Established
2.40.020 Members - Appointment - Terms
2.40.030 Duty - Statutory authority

2.40.010 Established

The Board of trustees of the policemen's pension and relief fund is created and established. (Ord. 177 Sec. 1, 1966)

2.40.020 Members - Appointment - Terms

A. The Board of trustees of the Policemen's Pension and Relief Fund shall consist of five members composed of the following:

1. The Mayor of the City, who shall be chairman of the Board;

2. The City Treasurer of the City, who shall be the treasurer of the fund;

3. A member of the Police Department elected by two formerly named members of the Board, who shall serve as secretary of the Board;

4. The formerly named three members shall select two other members, one of which shall be a reputable physician who shall represent the Board of trustees in the examination of any member of the department upon a claim of disability; and

5. The fifth member shall be a reputable citizen and shall not hold any public office.

B. Each member of the Board so selected shall serve for a period of two years or until his successor is elected and qualified.

(Ord. 177 Sec. 2, 1966)

2.40.030 Duty - Statutory authority

It shall be the duty of the Board to exercise the absolute authority, control and management of the moneys of the Policemen's Pension and Relief Fund in accordance with the Arkansas Statutes governing the same as enacted by the General Assembly of the State of Arkansas in ACA 24-11-401 ET. Seq., and all additions and amendments thereto.

(Ord. 177 Sec. 3, 1966)

Chapter 2.44

EMPLOYEE POLICY MANUAL

Sections:

2.44.010 Personnel Policy Manual

2.44.010 Personnel Policy Manual

By adoption of Ordinance No. 1000 (1993), the City of Jacksonville, Arkansas has approved the Personnel Policy Manual. All provisions, mandates, and regulations included in said Policy Manual are incorporated herein by reference. The City of Jacksonville Employee Policy Manual is amended to include Section 60, Travel.
(Ord. 1042, 1995; Ord. 1384 Sec. 1, 2009, Ord. 1414, 2011; Ord. 1419, 2011)

Chapter 2.46

FILING FOR INDEPENDENT MUNICIPAL CANDIDATES

Sections:

2.46.010 Filing for Independent Municipal Candidates

2.46.010 Filing for Independent Municipal Candidates

Independent candidates for Municipal Office within the City of Jacksonville, Arkansas, are hereinafter required to file petitions for nomination as independent candidates with the Pulaski County Clerk or designated official as mandated by State Statute. Said petitions are to be filed no later than noon of the day before the Preferential Primary Election to be held in said City. (Ord. 1092, 1998; rescinded by Ord. 1179, 2002; Ord. 1217 re-established filing date, 2005)

Chapter 2.48

REFERENDUM PETITION

Sections:

2.48.010 Time for filing

2.48.010 Time for filing

The time for filing a referendum petition upon any local measure passed by the City Council shall be limited to thirty days after the passage and publication of such measure. (Ord. 44 Sec. 1, 1954)

Chapter 2.50

EMPLOYEE SAFETY MANUAL

Sections:

2.50.050 Employee Safety Manual

2.50.050 Safety Manual

By adoption of Ordinance No. 994 (1993), the City of Jacksonville, Arkansas has approved the Safety Manual for the benefit of the City employees and citizens. All provisions, mandates, and regulations included in said Safety Manual are incorporated herein by reference.

The City of Jacksonville Employee Health and Safety Manual shall be amended and modified to include and incorporate all of the additions, amendments, deletions, and modifications contained in all provisions of the attached EMPLOYEE HEALTH AND SAFETY MANUAL. (Ord. 1391 Sec. 1, 2009)

Chapter 2.56
OFFICE OF CIVIL DEFENSE

Sections:

2.56.010 Policy and purpose
2.56.020 Definitions
2.56.030 Organization
2.56.040 Advisory council - Duties
2.56.050 Mayor - Office control - Responsibilities
2.56.060 Mayor - Authority
2.56.070 Director - Plan and program preparation
2.56.080 Director - Duties generally
2.56.090 Director - Contractual power
2.56.100 Director - Acceptance of services and equipment
2.56.110 Liability

2.56.010 Policy and purpose

A. By reason of the establishment of a jet airbase in this vicinity and by reason of the existing possibility of the occurrence of disaster of unprecedented scope and destructiveness resulting from enemy attack, sabotage, other hostile action or from flood, fire, earthquake, tornado, cyclone, storm or other natural causes and in order to insure that preparations of the City will be adequate to deal with such disasters and generally to provide for the common defense and to protect the public peace, health, safety and general welfare and to preserve the lives and property of the people of the City it is found and declared to be necessary:

1. To create an Office of Civil Defense;

2. To confer upon the Mayor and upon other executive heads of the City certain emergency powers as are provided herein and;

3. To provide for the rendering of cooperation and mutual aid, if necessary, to surrounding and contiguous political subdivisions of the State.

B. It is further declared to be the purpose of this chapter and the policy of the City that all civil defense and civil disaster relief functions of the City be coordinated to the maximum extent with comparable functions of the federal government, the state and political subdivisions thereof and other municipalities to the end that the most effective use can be made of the City's manpower, resources and facilities for dealing with any disaster that may occur.

(Ord. 38 Sec. 1, 1953)

2.56.020 Definitions

"Civil Defense" and "Civil Disaster Relief" means the preparation for and the carrying out of all emergency functions other than those for which the military forces are responsible, to minimize and repair injury and damage resulting from disaster caused by enemy action or natural causes. These functions include, without limitation by reason of enumeration, fire fighting, law enforcement, medical and health service, rescue, engineering, air raid warning, communication, special weapons defense, evacuation, emergency welfare service and other functions relating to or being necessary or incidental to the foregoing functions.
(Ord. 38 Sec. 2, 1953)

2.56.030 Organization

The office of Civil Defense shall consist of the Mayor as chief executive, a director of civil defense, an advisory council appointed by the Mayor, deputy directors appointed by the director of civil defense and such other personnel as may be needed to develop and carry out the program. (Ord. 38 Sec. 3, 1953)

2.56.040 Advisory council - Duties

The advisory council, created as aforesaid and composed of a number of members determined by the Mayor, shall advise the Mayor and the director of civil defense on all matters pertaining to civil defense and civil disaster relief.
(Ord. 38 Sec. 4(a), 1953)

2.56.050 Mayor - Office control - Responsibilities

The Mayor shall have general direction and control of the office of Civil Defense and shall be responsible for the carrying out of the provisions of this chapter.
(Ord. 38 Sec. 4(b), 1953)

2.56.060 Mayor - Authority

In performing his duties under this chapter, the Mayor is authorized:

A. To enter into mutual aid arrangements with other political subdivisions of the State.

B. To delegate any administrative authority vested in him under this chapter and to provide for the sub delegation of any such authority;

C. If and when necessary, to declare by proclamation a state of emergency and the termination thereof;

D. To utilize the services, equipment, supplies and facilities of the existing departments of the City for civil defense purposes to the maximum extent practicable. All officers, employees and personnel of all such departments of the City are directed to cooperate with and extend such services and facilities to the Mayor and to the director of civil defense upon request. (Ord. 38 Sec. 4(c), 1953)

2.56.070 Director - Plan and program preparation

The director of civil defense shall prepare a comprehensive plan and program for civil defense and civil disaster relief for the City, such plan and program to be coordinated with civil defense and civil disaster relief plans of the federal government, the state and political subdivisions thereof.
(Ord. 38 Sec. 4(d), 1953)

2.56.080 Director - Duties generally

The director of civil defense shall institute training programs and public information programs, make studies and surveys of the resources and facilities of the City in order to ascertain the capabilities of the City under emergency conditions and take preparatory steps to insure the City of adequately trained and equipped forces of civil defense and civil disaster relief personnel in time of need. (Ord. 38 Sec. 4(e), 1953)

2.56.090 Director - Contractual power

The director of civil defense shall have power, during times of disaster as described in Section 2.56.010, to enter into contracts and incur obligations necessary to combat such disaster, limited however to amounts appropriated by the City Council for such purposes. (Ord. 38 Sec. 4(f), 1953)

2.56.100 Director - Acceptance of services and equipment

The director of civil defense is authorized to accept and receive on behalf of the City such services, equipment, supplies, material or funds for civil defense purposes as are offered to the City by the federal government, the state or any person, firm or corporation, subject to terms of the offer and rules and regulations of the agency making the offer.
(Ord. 38 Sec. 4(g), 1953)

2.56.110 Liability

Neither the City nor any volunteer worker or agency engaged in civil defense activities while complying nor attempting to comply with the provisions of this chapter or of any rule, regulation or order issued pursuant to this chapter shall be liable to any person for death, injury or property damage resulting therefrom. The provisions of this chapter shall not affect the right of any person to receive benefits or compensation to which he would otherwise be entitled by law. (Ord. 38 Sec. 5, 1953)

Chapter 2.60
EMPLOYEES - SOCIAL SECURITY

Sections:

2.60.010 Agreement with state - Authorized officials
2.60.020 Insurance contributions - Deduction from salary
2.60.030 Insurance tax - City's share

2.60.010 Agreement with state - Authorized officials

The Mayor and City Recorder of the City are authorized and directed to enter into an agreement with the State of Arkansas for the purpose of obtaining insurance coverage for all non-uniform employees of the City under the terms and provisions of the Federal Social Security Act. (Ord. 82 Sec. 1, 1956)

2.60.020 Insurance contributions - Deduction from salary

Commencing October 1, 1956, each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the said Social Security Act.
(Ord. 82 Sec. 2, 1956)

2.60.030 Insurance tax - City's share

Commencing October 1, 1956, there is appropriated from the general fund of the City the sums of money necessary to pay the City's share of the insurance tax in accordance with the terms and provisions of the said Social Security Act. (Ord. 82 Sec. 3, 1956)

Chapter 2.64
PUBLIC DEFENDER

Sections:

2.64.010 Position created
2.64.020 Appointment
2.64.030 Not subject to Civil Service
2.64.040 Salary
2.64.050 Levy and collection of money - Funding for Public Defender
2.64.060 Obtaining services from the Public Defender

2.64.010 Position created

There is created the position of public defender for the City. Any person appointed as Public Defender for the City shall be a qualified elector and licensed to practice law in the State.
(Ord. 436 Sec. 1, 1977)

2.64.020 Appointment

The Jacksonville Municipal Judge shall submit the name or names of those persons, which in the opinion of the Judge are qualified to serve as the Public Defender, and the appointment must be confirmed by written resolution by the City Council by a majority vote. In the event of any subsequent vacancy in the office of public defender for the City and the Municipal Judge fails to submit a name or names to the City Council to fill the vacancy within ten days after the vacancy exists, then the Mayor shall make the appointment of the person to serve as Public Defender, and the appointment must be confirmed by the City Council. (Ord. 436 Sec. 2, 1977)

2.64.030 Not subject to civil service

The person appointed to serve as Public Defender for the City shall not be subject to civil service. The Public Defender shall maintain records regarding the conduct of his office and the performance of his duties pursuant to procedures, which may be established by the Municipal Judge of the City, and shall represent indigent defendants before the Municipal Court of the City.
(Ord. 436 Sec. 3, 1977)

2.64.040 Salary

The salary to be paid the Public Defender shall not be less than thirty-five hundred dollars nor more than fifty-five hundred dollars. Said salary being set by the Municipal Judge and requiring approval of the City Council. (Ord. 466 Sec. 1, 1977; Ord. 436 Sec. 4, 1977)

2.64.050 Levy and collection of money - Funding public defender

There shall be levied and collected the sum of two dollars by both the criminal and traffic divisions of the Municipal Court from each defendant upon each conviction, judgment of conviction upon each plea of guilty or nolo contendere, in each case heard and determined by the criminal and traffic divisions of the Municipal Court of this City. For each moving violation for which a fine is paid, without contest in municipal traffic court, there shall be levied and collected the sum of one dollar. All costs imposed by this chapter shall be paid into the City's general fund, and said moneys are to be used to fund the salary of the Public Defender. Additionally, said money shall be used to cover incidental costs approved by the City Council, for the operation and implementation of said program, and to cover additional Municipal Court costs. (Ord. 466 Sec. 2, 1977; Ord. 436 Sec. 5, 1977)

2.64.060 Obtaining services from the public defender

Any person desiring to obtain the services of the Public Defender for the City shall affirm in writing that he or she is without funds or assets with which to employ private counsel; the affirmation shall further provide in bold print that a false statement as to the financial status of that person shall be punishable by imprisonment of not less than thirty days or more than one year with a fine of not less than five hundred dollars nor more than one thousand dollars. The affirmation certificate shall be provided by the Public Defender to the indigent person and upon execution of same, the affirmation shall be a permanent part of the indigent person's record.
(Ord. 436 Sec. 6, 1977)

Chapter 2.70
DEPARTMENT OF FINANCE

Sections:

2.70.005 Established
2.70.010 Duties
2.70.020 Powers
2.70.030 Operation manual
2.70.040 City funds

2.70.005 Established

There is established the Department of Finance for the City, which is to be headed by a Finance Director, who shall be appointed by the Mayor and approved by the City Council and may be removed in like manner. (Ord. 431 Sec. l(part), 1977)

2.70.010 Duties

The Finance Director shall be supervisor and in charge of the Finance Department and shall perform the following duties:

A. Be responsible for all moneys and revenues of all funds of the City and that said moneys and revenues are deposited in the appropriate accounts in the name of the City; maintain revenue and expenditure records for the City; including budget, bookkeeping, accounting, cost analysis studies, appropriations, fund allocations, payrolls, tax and insurance data, records required for bond issues, bank accounts, investments and any and all other functions generally assigned to a controller, except when required by state law that such be done by the City Clerk or the City Treasurer;

B. Prepare, not less than once a month, a complete statement of conditions of all funds of the City to be submitted on or before the 15th of each month to the Mayor and City Council;

C. Be responsible for the City's complying with State Act No. 159 of 1973 and all other state laws pertaining to municipal finances;

D. Make recommendations to the Mayor concerning preparation of budget, fiscal management of the City, and all to its departments;

E. Provide data to the City Attorney, as necessary for the preparation of all ordinances pertaining to municipal finances and intergovernmental transfer of revenues;

F. Be responsible for all insurance and surety bonding of the City except insurance and surety bonding required by law to be under the jurisdiction of the City Clerk, and the Director shall review such bonding yearly. The director shall be bonded in amounts established by the City Council;

G. Prepare warrants for the disbursement of city funds, but shall not have authority to endorse or sign such warrants;

H. Retain in the office of the Finance Director all financial records and bookkeeping equipment, together with any certification of any and all funds made heretofore; any exception will require a simple majority approval of the City Council;

I. Be responsible for preparing and administering, with the necessary and required accounting control systems, all federal and state grants-in-aid programs or supervise any such programs prepared and/or administered by others;

J. Make recommendations for the investment of all available city funds, including retirement pension funds;

K. Prepare and maintain all reports and records of the employees of the City;

L. Perform such other duties as shall be prescribed by the Mayor necessary to carry out effectually the intent of the ordinance codified in this chapter and subsequent ordinances;

M. Be supervisor and responsible for the purchasing division of the Finance Department.

(Ord. 431 Sec. 1 (part), 1977)

2.70.020 Powers

The Finance Director shall have the customary powers of a chief executive of a department. These powers to include the following:

A. Hire and terminate personnel of this department;

B. Arrange work loads in the department;

C. Execute provisions of this chapter as interpreted by the Mayor and City Council;

D. Such other powers and functions as are delegated by the Mayor or City Council.

(Ord. 431 Sec. l(part), 1977)

2.70.030 Operation manual

The Finance Director shall draw up a manual of performance for the Finance Department, which shall govern the daily operations of all personnel within the department. This manual will be made available, yearly, to the Mayor for suggestions and comments.
(Ord. 431 Sec. 1(part), 1977)

2.70.040 City funds

All persons and/or officers of the City receiving any funds belonging to the City shall immediately transmit same to the Finance Director to be deposited in such manner as prescribed herein and who shall give receipt therefor.
(Ord. 431 Sec. l(part), 1977)

PAGE 41 RESERVED

Chapter 2.84

CITY OF JACKSONVILLE PUBLIC FACILITIES BOARD

Sections:

2.84.010 Findings
2.84.020 Created - Established
2.84.030 Members of the Board & Terms of Office
2.84.040 Powers
2.84.050 Issuance of bonds
2.84.060 Organization - Reports

2.84.010 Findings

A. The Board of Directors of the City hereby finds and determines; there exists within and near the City a shortage of decent, safe and sanitary residential housing facilities available for rehabilitation construction or purchase on terms that persons and families of low and moderate income can afford to pay.

B. Existing economic conditions including high rates of interest on residential mortgage loans, and a shortage of funds within lending institutions in the State of Arkansas for residential mortgage loans are operating **(1)** to further restrict the rehabilitation, construction and purchase of residential housing by persons of low and moderate income at reasonably affordable costs, **(2)** to create unemployment and hardship within the residential construction industry adversely affecting residents of the City and **(3)** to reduce and limit the value of property within the City, all of which adversely affect the City's tax revenues and which, if not alleviated, will lead to further urban blight and decay and result in disproportionately large expenditures for services by the City.

C. The availability of mortgage financing to assist such persons and families in the rehabilitation, construction or purchase of decent, safe and sanitary residential housing facilities will be aided by the providing of funds for mortgage financing of residential housing facilities by the creation of a Public Facilities Board pursuant to the provisions of the Act.

D. The providing of financial assistance in order to enable persons and families of low and moderate income to finance the costs of decent, safe and sanitary residential housing facilities is a proper public purpose as declared by the Act, and this determination of the Board of Directors of the City.

E. The public purpose of financing residential housing facilities may best be served by establishing a Public Facilities Board to purchase mortgages on such residential housing facilities or make loans to mortgage lenders to provide financing for residential housing facilities as provided in the Act.
(Ord. 516 Sec. 1, 1978)

F. There exists within the City of Jacksonville, Arkansas a need to provide funds for mortgage financing of rental units for persons of low and moderate income.
(Ord. 575 Sec. 1, 1980)

2.84.020 Created - Established

Pursuant to the authority of the Act there is created and established the City of Jacksonville, Arkansas, Residential Housing Facilities Board (hereinafter referred to as the "Board") with authority as hereinafter provided to accomplish, finance, contract and make or purchase mortgage loans concerning, and otherwise act in such manner as may be permitted by the Act to provide decent, safe and sanitary residential housing facilities within or near the City.
(Ord. 522 Sec. 1, 1978; Ord. 516 Sec. 2, 1978)

2.84.030 Members of the Board & Terms of Office

The Board shall consist of five persons. The initial members shall be appointed by the Mayor of the City after consultation with the City Council. The members shall serve for terms of one, two, three, four, and five years, respectively. Successor members shall be selected as provided in the Act. The members of the Board shall be residents of the City and shall take and file with the City Clerk the oath of office as prescribed by the Act. As soon as practicable after the enactment of the ordinance codified in this chapter, each member of the Board shall qualify by taking and filing with the City Clerk the oath of office as prescribed by the Act.
(Ord. 516 Sec. 3, 1978; Ord. 1376 Sec. 2, 2009)

2.84.040 Powers

The Board shall have all authority and power to undertake the planning, development, and financing for one or more public facilities projects as permitted within the meaning and scope of ACA §§ 14-137-108 thru 111 of the Act, as amended, from time to time.

The governing body of this City may, at its sole discretion and at any time, alter or change the structure, organization, programs, or activities of the Board, including the exercise of power to terminate the Board. However, no such action shall be effective to alter or impair contracts entered into by the Board prior to the effective date of any such action. (Ord. 1376 Sec. 3, 2009)

Residential housing facilities as shall be determined by the Board to be necessary to affect the purposes of this Ordinance to provide decent, safe and sanitary residential housing facilities within the City. In addition, the Board shall have each of the powers set forth in Section 7 of the Act, as amended, and appropriate to the purposes for which the Board is created. The Board may enter into such contractual or cooperative agreements with such persons as may, in its discretion, be advisable to accomplish the purposes of this Ordinance, including without limitation, departments, agencies or instrumentalities of the United States of America, the State of Arkansas or the City, e.g. the Department of Housing and Urban Development, the Federal Housing Administration, the Arkansas Housing Authority. (Ord. 575 Sec. 2, 1980)

2.84.050 Issuance of bonds

The Board is authorized to issue revenue bonds from time to time and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes of the Board. The powers granted Board in this Code as the same relate to the planning, development, and financing of public facilities projects permitted under the Act, and such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the City of Jacksonville are pledged, except as may be otherwise determined by the City Council of the City of Jacksonville in subsequent Ordinances. The principal and interest on any revenue bonds of the Board shall be payable from and secured by a pledge of revenues received by the Board, in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of the Act and subsequent Resolutions of the Board.
(Ord. 516 Sec. 5, 1978; Ord. 1376 Sec. 4, 2009)

2.84.060 Organization - Reports

As soon as practicable after the adoption of the ordinance codified in this chapter, the Board shall meet and elect such officers as shall be required by the Act. The Board may adopt such bylaws and other rules and regulations as shall be necessary for the conduct of its business and consistent with the provisions of the Act. The Board shall cause to be filed with the City Clerk of the City the annual report described in Section 18 of the Act.
(Ord. 516 Sec. 6, 1978)

Chapter 2.86
HEALTH CARE FACILITIES BOARD

Sections:

2.86.010 Findings
2.86.020 Created - Established
2.86.030 Membership
2.86.040 Powers
2.86.050 Authority to issue bonds
2.86.060 Election of officers

2.86.010 Findings

The City Council of the City hereby finds and determines that the public purpose of accomplishing and financing facilities for the developmentally disabled may best be served by establishing a Public Facilities Board to accomplish and finance facilities for the developmentally disabled, as provided in the Act.
(Ord. 521 Sec. 1, 1978)

2.86.020 Created - Established

Pursuant to the authority of the Act, there is created and established the City of Jacksonville, Arkansas, Health Care (developmentally disabled) Facilities Board (hereinafter referred to as the "Board") with authority as hereinafter provided to accomplish and finance, concerning and otherwise act, in such manner as may be permitted by the Act, to provide facilities for the developmentally disabled within or near the City. (Ord. 521 Sec. 2, 1978)

2.86.030 Membership

The Board shall consist of five persons. The initial members shall be appointed by the Mayor of the City after consultation with the City Council. The members shall serve for terms of one, two, three, four, and five years, respectively. Successor members shall be selected as provided in the Act. The members of the Board shall be residents of the City and shall take and file with the City Clerk the oath of office as prescribed by the Act. As soon as practicable after the enactment of the ordinance codified in this chapter, each member of the Board shall qualify by taking and filing with the City Clerk the oath of office as prescribed by the Act.
(Ord. 521 Sec. 3, 1978)

2.86.040 Powers

The Board is empowered, from time to time, to loan, acquire, construct, reconstruct, extend, equip, improve, sell, lease, operate, and contract concerning facilities for the developmentally disabled as shall be determined by the Board to be necessary to effect the purposes of this chapter. In addition, the Board shall have each of

the powers set forth in Section 7 of the Act, as amended, and appropriate to the purposes for which the Board is created. The Board may enter into such contractual or cooperative agreements with such persons as may, in its discretion, be advisable to accomplish the purposes of this chapter, including without limitation departments, agencies or instrumentalities of the United States of America, the State of Arkansas or the City. (Ord. 521 Sec. 4, 1978)

2.86.050 Authority to issue bonds

The Board is authorized to issue revenue bonds, from time to time, and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created as the same relates to the providing of facilities for the developmentally disabled. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the City or any of its revenues are pledged, and the principal and interest on the bonds shall be payable from and secured by a pledge of revenues derived from facilities financed, in whole or in part, from bond proceeds and as authorized by, and in accordance with the provisions of the Act, together with such other collateral as may properly be pledged under the Act and as the Board in its discretion may determine.
(Ord. 521 Sec. 5, 1978)

2.86.060 Election of officers

As soon as practicable after the adoption of the ordinance codified in this chapter, the Board shall meet and elect such officers as shall be required by the Act. The Board may adopt such bylaws and other rules and regulations as shall be necessary for the conduct of its business and consistent with the provisions of the Act. The Board shall cause to be filed with the City Clerk of the City the annual report described in Section 18 of the Act.
(Ord. 521 Sec. 6, 1978)

Chapter 2.88

JACKSONVILLE MUNICIPAL OFFICIALS RETIREMENT TRUST

2.88.010 Established
2.88.020 Receive and Administer
2.88.030 Meetings
2.88.040 Benefits
2.88.045 Cost of Living Allowance
2.88.050 Survivor Benefits

2.88.010 Established

There is established a local retirement plan for the following City Officials: Mayor, Municipal Judge, Municipal Court Clerk, City Clerk, Deputy City Clerk and City Attorney. It shall be known as the Jacksonville Municipal Official Retirement Trust.
(Ord. 954 Sec. 1, 1991)

All employees hired and officials elected after January 1, 2000, shall be required to enroll in APERS for any and all retirement benefits. No new employees or elected officials will be enrolled in the Jacksonville Municipal Officials' Retirement Trust form that date forward. However, this provision shall not prohibit authorization of survivor benefits as outlined in this Ordinance.
(Ord. 1136, Sec. 3, 2000)

2.88.020 Receive and Administer

To receive and administer said Retirement Trust, a Board of Trustees shall be formed, consisting of the Mayor, Municipal Judge, City Clerk, Finance Director, and Board Physician. The Board shall elect a Chairman among its members, and the Chairman shall serve a term of two (2) years. The City Clerk shall be Secretary of the Board.
(Ord. 954 Sec. 2, 1991)

2.88.030 Meetings

The Board shall meet at least once every six (6) months, and special meetings may be called by the Chairman or a majority of the members at any time. The Board shall receive and administer the funds collected and shall have the power to make necessary rules therefore. In addition, the Board shall have the authority to invest such funds as are not necessary for the immediate use for payment of retirement benefits in interest-bearing securities of the State of Arkansas or certificates of the United States or any or all such securities.
(Ord. 954 Sec. 3, 1991)

2.88.040 Benefits

All benefits distributed from the Municipal Officials' Retirement Trust (temporary disability benefits, permanent disability benefits, retirement benefits, death benefits, or survivor benefits) shall be paid and distributed in accordance with the terms of ACA § 24-12-101 ET. Seq. (applicable to Office of the Mayor) and ACA § 24-8-301 ET. Seq. (applicable to Municipal Court Judge and Clerk).
(Ord. 1136 Sec. 1, 2000)

2.88.045 Cost of Living Allowance

For any Mayor of Jacksonville who shall retire from the Jacksonville Municipal Officials' Retirement Trust after February 28, 2007, and who has remained retired for a minimum of Twelve (12) full months, a cost of living increase of no more than Three Percent (3%) will be added to his/her retirement benefits on January 1 of each year. (Ord. 1344 Sec. 1, 2008)

2.88.050 Survivor Benefits

Under the authority of ACA § 24-12-123 and mandate of ACA § 24-8-306, it is hereby established that survivor benefits shall be created and approved for survivors from the Office of Mayor and Municipal Judge.

A surviving spouse shall receive on-half (½) of the office holder's retirement benefits for as long as he/she remains alive or unmarried and meets all such relevant qualifications as outlined in Arkansas statutes (ACA § 24-12-123 for the Office of Mayor and ACA § 24-8-306 for the Office of Municipal Judge).

A minor child(ren) of said office holders under the age of Eighteen (18) at the time of the office holder's death shall be eligible for benefits up and until his/her Eighteenth (18th) birthday of upon completion of high school, whichever occurs last.

These benefits shall be available to survivors and/or minor children retroactively from January 1, 2000, forward.
(Ord. 1136, Sec. 2, 2000)

Chapter 2.90

ADVERTISING AND PROMOTIONS COMMISSION

Sections:

2.90.010 Advertising and Promotions Commission.
2.90.020 Commission Functions, Powers, and Duties.

2.90.010 Advertising and Promotions Commission

Pursuant to ACA §26-75-605, the Jacksonville Advertising and Promotions Commission is hereby created. The Commission shall consist of seven (7) members. All shall be appointed by the City Council, and membership shall consists of the following: two (2) members of the Jacksonville City Council; four (4) members who are Pulaski County residents and owners and/or managers of businesses/entities in the travel industry, three (3) of whom own and/or mange a restaurant, hotel, motel, bed & breakfast, or other temporary lodging facilities located within the City limits of Jacksonville, Arkansas; and one (1) Jacksonville resident who shall be from the public at large. The four (4) business representatives shall serve four (4) year staggered terms, the at-large member shall serve a term of four (4) years, and the City Council member(s) shall serve the terms of their offices. All appointments to and service by this Commission shall be conducted under the terms and conditions outlined in ACA §26-75-605 and other applicable local, state, and federal law.
(Ord. 1193 Sec. 5, 2003; Ord. 1264 Sec. 1, 2005)

2.90.020 Commission Functions, Powers, and Duties

The Advertising and Promotions Commission shall have the authority to disburse and authorize all expenditures of the tax levies collected under the provisions of this Ordinance. The Commission shall have the authorities as granted under ACA §26-75-602 ET. Seq., and all other applicable state and federal statutes.
(Ord. 1193 Sec. 6, 2003)

TITLE 2 FOOTNOTES

1. For statutory provisions governing the organization of the City Council, see ACA 14-43-501; for provisions governing the powers of the Council, see ACA 14-43-502.

2. For statutory provisions regarding the office of City Treasurer in first class cities, see ACA 14-43-405.

3. For statutory provisions regarding the establishment and operation of municipal courts, see ACA 16-17-201 ET esq.; for provisions authorizing the City Council to appoint municipal officers, see ACA 14-42-105.

4. For statutory provisions requiring a registered engineer for any public works project costing in excess of $5,000.00, see ACA 22-9-101; for provisions regarding regulation of buildings by cities, see ACA 14-56-201.

5. For statutory provisions regarding the Fire Chief in first class cities, see ACA 43-504- and 14-43-505; for provisions regarding the Fire Department in first class cities, see ACA 14-53-101- et. Seq.; for provisions governing the use of fire equipment beyond the corporate limits, see ACA 14-53-102.

6. For statutory provisions relating to the establishment and duties of a Civil Service Commission for Police and Fire Departments, see ACA 14-51-101 et seq.

7. For statutory provisions authorizing cities and towns to establish Planning Commissions, see ACA 14-56-402 ET seq.

8. For statutory provisions authorizing cities to license occupations, see ACA 26-77-102; for provisions authorizing cities to regulate construction, alteration and repair of buildings, see ACA 14-56-201.

9. For statutory provisions regarding the Policemen's Pension and Relief Fund in cities of the first class, see ACA 24-11-401 et seq.

10. For statutory provisions regarding legal holidays, see ACA 1-5-101. ACA 14-52-106 specifically grants policemen annual vacations of not less than fifteen days. ACA 14-53-107 specifically grants firemen annual vacations of not less than fifteen days.

11. For provisions regarding local initiative and referendum petitions, see Const. Amendment 7 Section 1; for statutory provisions regarding referral of Ordinances to the electors, see ACA 14-55-301.

12. For statutory provisions comprising the Arkansas Emergency Services Act, see ACA 12-75-101.

13. "All costs" added per council membership on 12/15/77.

14. "Act" as used in this chapter, refers to Act 142 of the General Assembly for the year 1975.

Title 3

REVENUE AND FINANCE

3.04	Alcoholic Beverage Taxes
3.06	Establishing a Hotel/Motel and Prepared Food Tax
3.08	Purchasing Procedure
3.10	City’s Investment Policy
3.20	City's Contingency Fund
	Mayor and Alderman allowed to do business with City
3.30	Identity Theft Prevention Program
3.35	Treatment of Address Discrepancies

Chapter 3.04

ALCOHOLIC BEVERAGE TAXES

Sections:

3.04.010 Permit fee - Required
3.04.020 Permit fee - Schedule
3.04.030 Renewal fee - When due
3.04.040 Permit fee - One-half amount due when
3.04.050 Permit fee - Late penalty
3.04.060 Supplemental tax - Required
3.04.070 Fees and taxes collected - Use
3.04.080 State permit required

3.04.010 Permit fee - Required

Any person, firm, partnership, corporation, association or any other type of entity receiving a permit from the Alcoholic Beverage Control Board of the State to sell or dispense alcoholic beverages as defined in ACA 3-9-202 et. Seq., shall be liable to the City for a permit fee as a prerequisite to doing business within the City, said permit fee to be assessed according to the schedule contained in Section 3.04.020. (Ord. 221 Section 1(part), 1969)

3.04.020 Permit fee - Schedule

Permit fees shall be assessed as follows:

A.	Private clubs	$ 250.00
B.	Hotels having fewer than 100 rooms	500.00
C.	Hotels having 100 or more rooms	1,000.00
D.	Restaurants having a seating capacity of less than 100 persons	500.00
E.	Restaurants having a seating capacity of 100 or more persons	1,000.00

(Ord. 221 Section 1(a), 1969)

3.04.030 Renewal fee - When due

An annual renewal fee in the same amount as provided in Section 3.04.020 shall be paid to the City Collector on or before the first day of January of each year hereafter.
(Ord. 221 Section 1(b), 1969)

3.04.040 Permit fee - One-half amount due when

The fee for permits issued during 1969 and between July 1st and December 31st of subsequent years shall be one-half of the amount specified in Section 3.04.020.
(Ord. 221 Section 1(c), 1969)

3.04.050 Permit fee - Late penalty

Any fees not paid prior to February 16th of any year when due shall cause the permit-tee to be subject to a ten percent penalty fee on the total fee owed. A continuation of the sale and/or

dispensation of alcoholic beverages by the permit tee past this date shall constitute a public nuisance on each day of operation and the permit-tee shall be subject to a fine of twenty-five dollars for each day of operation as a public nuisance.
(Ord. 221 Sec. 1(d), 1969)

3.04.060 Supplemental tax - Required

Any permit tee covered by Sections 3.04.010 and 3.04.020 (B, C, D, or E) shall also pay to the City a supplemental tax of ten percent upon the gross proceeds or gross receipts derived by the permit-tee from the sale or dispensation of alcoholic beverages as defined in ACA 3-9-202 ET. seq. Any permit-tee covered by Sections 3.04.010 and 3.04.020(A) shall also pay to the City a supplemental tax of five percent upon the gross proceeds or gross receipts derived by said permit-tee from sale or dispensation of alcoholic beverages as defined in ACA 3-9-202 ET. Seq. The supplemental tax shall be reported and paid to the City at the same time and in the same manner as the gross receipts tax and all supplemental thereto are paid to the Commissioner of Revenues of the State. The City shall have the right to inspect all sales records and to require the maintenance of permanent records showing all purchases and sales of alcoholic beverages.
(Ord. 450 Sec. 1, 1977: Ord. 221 Sec. 2, 1969)

3.04.070 Fees and taxes collected - Use

All fees and taxes levied and collected hereunder shall be used for city general purpose as authorized by law.
(Ord. 221 Sec. 3, 1969)

3.04.080 State permit required

Nothing in this chapter shall be construed as authorizing the sale of alcoholic beverages within the City unless a permit therefore has first been received from the Alcoholic Beverage Control Board of the State.
(Ord. 221 Sec. 4(part), 1969)

Chapter 3.06

ESTABLISHING A HOTEL/MOTEL TAX
And
PREPARED FOOD TAX

Sections:

3.06.010	**Hotel/Motel Tax**
3.06.015	**Prepared Food Tax**
3.06.020	**Purpose of Levy Expenditures**
3.06.030	**Payment Schedule for Levy Collected**
3.06.032	**Permits**
3.06.034	**Payment and Returns**
3.06.036	**Examinations**
3.06.038	**Assessment and Collection**
3.06.040	**Penalties**
3.06.042	**Revocation or Suspension of Permit**
3.06.044	**Unpaid Taxes – Certificates of Indebtedness**
3.06.046	**Violations**

3.06.010 Hotel/Motel Tax

There is to hereinafter be levied and collected a Two Percent (2%) tax upon the gross receipts of hotels, motels, bed & breakfasts, and other such short term rental accommodations for lodging, meeting, sleeping, and/or party room facilities located within the City of Jacksonville. Said accommodations shall into include the rental or lease of such accommodations for periods of thirty (30) days or more. (Ord. 1193 Sec. 1, 2003)

3.06.015 Prepared Food Tax

There is to hereinafter be levied and collected a Two Percent (2 %) tax upon the gross receipts of cafes, cafeterias, carry-out restaurants, caterers, concession stands, convenience stores, food counters, grocery stores, drive-thru restaurants, fast food restaurants, dine-in restaurants, and other such similar businesses which prepare foods and beverages for on or off premises consumption located within the City of Jacksonville, provided that such levy shall not apply to such gross receipts or gross proceeds of organizations qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
(Ord. 1318 Sec. 1, 2007)

3.06.020 Purpose of Levy Expenditures

Funds collected and remitted to the City under this Chapter will be deposited into a special fund to be used for advertisement, development, construction, equipment, improvement, maintenance, operation, promotion, reconstruction, renovation, and/or repair of the City's general operations and capital improvements, Parks & Recreation facilities and programs, and tourist promotion facilities located within or adjacent to Jacksonville city limits. These funds may also be used to pay all or part or pledge all or

part for retirement of bonds issued for the establishment and operation of tourist-oriented facilities. All disbursements of and expenditures from said funds shall be as directed by majority vote of the Advertising and Promotions Commission under the direction and in compliance with applicable local, state, and federal laws.
Of the total amount of tax levied hereunder, an amount equal to Fifty Percent (50%) of the tax collected on all hotels and Prepared Foods as defined hereunder and hereinafter, until otherwise amended, shall be used by the A&P Commission, at the direction of the Mayor and upon approval of the City Council, for the construction, equipping, improvement, maintenance, operation, reconstruction, and repair of Jacksonville Parks & Recreation Facilities. (Ord. 1193 Sec. 2, 2003; Ord. 1318 Sec. 2, 2007)

3.06.030 Payment Schedule for Levy Collected

From the effective date of this Chapter, the tax(es) so levied shall be paid by businesses, companies, corporations, firms, individuals, persons, and other such entities in the same manner and at the same time and manner as the tax levied under ACA §26-52-101 ET. Seq. (the Arkansas Gross Receipts Act of 1941) and ACA § 26-18-101 ET. seq. (the Arkansas Tax Procedure Act), which are both incorporated herein as applicable. All persons paying the tax shall report and remit payment upon return forms provided by the Advertising and Promotions Commission.
(Ord. 1193 Sec. 2, 2003; Ord. 1318 Sec. 3, 2007)

3.06.032 Permits

a) It shall be unlawful for any business, company, corporation, firm, individual, person, or other such entity to transact business within the City which is subject to the tax(es) provided herein prior to the issuance and receipt of an A&P Tax Permit from the Commission. Applications shall be completed by the potential taxpayer on forms prescribed by the Commission;
b) Separate A&P Tax Permit(s) shall be obtained for each location from which a business, company, corporation, firm, individual, person, or other such entity conducts business subject to the terms and conditions of the A&P tax;
c) A&P Tax Permit(s) shall not be assigned and shall be valid only for the named party in whose name it is issued and for the location thereon designated;
d) A&P Tax Permit(s) shall at all times be conspicuously displayed at the location designated thereon;
e) A&P Tax Permit(s) expire at the time of cessation of the taxpayer’s business at the location designated thereon, at the time the taxpayer’s Business Privilege License expires, or upon suspension by the Commission for violation of any provisions contained herein. Should a taxpayer cease operation under an A&P Tax Permit, the Permit shall be returned to the Commission and pay any and all unpaid and accrued A&P Tax(es) due thereunder; and,

f) It shall be unlawful for any person subject to the taxes herein to transact business within the City when their A&P Tax Permit is expired. (Ord. 1318 Sec. 4, 2007)

3.06.034 Payment and Returns

a) A&P tax payments shall be due and payable as of the First (1st) day of each calendar month by the business, company, corporation, firm, individual, person, or other such entity liable for the payment. Such is considered delinquent if not paid on or before the First (1st) day of the next calendar month;

b) It shall be the duty of the taxpayer on or before the Twentieth (20th) of each calendar month to deliver to the Commission, upon forms prescribed and furnished by the Commission, returns under oath showing the total combined gross receipts or gross proceeds subject to the A&P tax for the preceding calendar month and the amount of the tax due, together with payment for said amount. Once a taxpayer becomes liable for the payment of A&P tax, a taxpayer must continue to file a return, even though no tax may be due, until such time as the taxpayer surrenders their A&P Tax Permit. The returns shall contain such further information as the Commission may prescribe and require;

c) If the return is delivered on or before the Twentieth (20th) day of the calendar month following the month the tax is imposed, the taxpayer may remit to the Commission Ninety-eight Percent (98%) of the amount due as full payment. A return is considered "delivered" if it is postmarked by the U.S. Postal Service or received by the Commission prior to or on the Twentieth (20th) of the calendar month. Failure of the taxpayer to remit the A&P tax on or before the Twentieth (20th) of each calendar month shall cause the taxpayer to remit to the Commission One Hundred Percent (100%) of the amount of the A&P Tax due, plus any applicable penalty and interest accrued thereon; and,

If the return is delivered after the First (1st) day of the next calendar month, there shall be added to the amount required to be reported and paid the amount of Five Percent (5%) of the A&P Tax if the failure is not more than One (1) month past the delinquency date, with an additional Five Percent (5%) for each additional month or fraction thereof during which the failure continues, not to exceed a total penalty amount of no more than Thirty-five Percent (35%) in the aggregate as detailed below. (Ord. 1318 Sec. 5, 2007)

3.06.036 Examinations

a) In the administration of this Chapter, the Commission or its designated representative(s) may make an examination, investigation, or audit of a business, company, corporation, firm, individual, person, or other such entity liable for

payment hereunder with reasonable notice therein. This shall include the right to inspect, copy, or review the accounts, books, computer programs or records, documents, papers, and vouchers of a taxpayer hereunder, including those maintained by another business, financial institution, and/or the records of another governmental agency(ies) regarding said taxpayer, except where privileged under law. Each taxpayer and/or its agents, employees, or designated representatives shall exhibit these items and facilitate any examination hereunder;

b) The Commission or its designated representative may compel production of such records by summons if necessary. Such may be served directly by the Commission or its designated representative(s); and,

Should such be necessary, the Commission is also authorized to administer oaths, conduct hearings, and compel by summons the attendance of witnesses, testimony, and the production of any accounts, books, computer programs or records, documents, papers, and vouchers of a taxpayer hereunder, including those maintained by another business. (Ord. 1318 Sec. 6, 2007)

3.06.038 Assessment and Collection

a) The Commission or its designated representative(s) are authorized and required to make the appropriate assessments, determinations, inquiries, investigations, and to take any and all necessary steps required regarding the collection of the A&P Tax, including any accrued interest, additional tax(es) due, and assessable penalties imposed herein. By recording such and providing the taxpayer with a copy thereof, the Commission shall demand payment of said amount(s); and,

b) If any taxpayer fails to file any return as required hereunder or files a return that is incorrect, fraudulent, or miscalculated, the Commission, from any information in its possession or obtainable, may determine the correct amount of tax due for the taxable period and shall notify the taxpayer in writing of the correct amount due. Should the taxpayer disagree with said assessment, he/she/it shall notify the Commission in writing within Ten (10) days of receipt of said assessment of the basis for disagreement and provide any and all supporting documentation for review by the Commission. (Ord. 1318 Sec. 7, 2007)

3.06.040 Penalties

Any business, company, corporation, firm, individual, person, or other such entity who fails to collect and/or remit the tax levy referred to herein shall be subject to a penalty of no more than Thirty-five Percent (35%) of the unpaid tax. Simple interest on unpaid taxes shall be assessed at the rate of Ten percent (10%) per annum. (Ord. 1193 Sec. 4, 2003; Ord. 1318 Sec. 8, 2007)

3.06.042 Revocation or Suspension of Permit

a) Whenever a taxpayer to whom an A&P Tax Permit has been issued fails to comply with any provision of this Chapter, including any rule or regulation prescribed by the Commission, the Commission shall give written notice of its intention to revoke the taxpayer's A&P Tax Permit. If desired, the taxpayer may, within Ten (10) days of receipt of such a notice, request a hearing before the Commission to prevent such revocation;

b) If a taxpayer request a hearing, the Commission shall conduct such at its next regularly scheduled meeting. At such time, the taxpayer and the Commission shall be entitled to introduce evidence and testimony as necessary to determine whether the taxpayer's Tax Permit should be revoked. The Commission shall, upon completion of said hearing, take a recorded majority vote to either continue or suspend the Tax Permit in question and make a final assessment thereunder, when applicable. Failure of the taxpayer to attend said hearing shall be grounds for the Commission to immediately revoke the taxpayer's A&P Tax Permit; and,

c) Once suspended, a taxpayer is not entitled to obtain another A&P Tax Permit until all outstanding arrearages are paid in full, including any applicable accrued interest, tax(es), and penalties. (Ord. 1318 Sec. 9, 2007)

3.06.044 Unpaid Taxes – Certificates of Indebtedness

a) If a taxpayer does not timely and properly pursue the remedies provided herein and by law from a decision of the Commission and a final assessment is made, or if the taxpayer fails to pay the deficiency assessed upon notice and demand, the Commission or its designated representative(s) shall issue to the Circuit Clerk of any County of the State in which the taxpayer's business is located a Certificate of Indebtedness certifying that the business, company, corporation, firm, individual, person, or other such entity liable for payment hereunder is indebted to the Commission for the amount assessed;

b) The entry of a Certificate of Indebtedness shall have the same force and effect as the entry of a judgment rendered by a Circuit Court, remaining in force for Ten (10) years. This entry shall constitute the Commission's lien upon the title of any real and personal property of the taxpayer in the County where the Certificate of Indebtedness is recorded; and,

Nothing in this Chapter shall preclude the Commission from utilizing any other means provided by law for collection of delinquent taxes. (Ord. 1318 Sec. 10, 2007)

3.06.046 Violations

Any business, company, corporation, firm, individual, person, or other such entity liable for payment hereunder found to be in violation of any provision of this Chapter shall be subject to punishment of said violation(s) through citation into the Jacksonville District Court. If guilt is determined or pled, said violation shall be punishable by a fine no less than One Hundred Dollars ($100.00) and no greater than Five Hundred Dollars ($500.00). Each day a taxpayer transacts business within the City without a valid A&P permit or in violation of the terms herein shall constitute a separate violation.

(Ord. 1318 Sec. 11, 2007)

Chapter 3.08

PURCHASING PROCEDURE

Sections:

3.08.001	**Non-Discriminatory Policy**
3.08.002	**Gifts**
3.08.003	**Purchase Authority**
3.08.004	**Purchasing Manual and Ordinances**
3.08.005	**Mayor and Alderman allowed to do business with the City**
3.08.010	**Expenditures up to Five Thousand Dollars ($5,000.00)**
3.08.020	**Expenditures above Five Thousand Dollars ($5,000.00) but below Ten Thousand Dollars ($10,000.00)**
3.08.025	**Expenditure above five thousand but below ten thousand dollars - Sealed Quotations**
3.08.030	**Expenditures above Ten Thousand Dollars ($10,000.00) but below Twenty Thousand Dollars ($20,000.00)**
3.08.040	**Expenditures exceeding Twenty Thousand Dollars ($20,000.00)**
3.08.041	**Exceptions, Exemptions, and Modifications**
3.08.042	**Payment Approval**
3.08.043	**Preference**
3.08.050	**Procedure - Supplies, Materials or Equipment**
3.08.060	**State Purchasing Contract**
3.08.070	**Reverse Internet Option for purchase of goods**
3.08.080	**Property Disposal**
3.08.081	**Sale and lease of property**

3.08.001 Non-Discriminatory Policy

All requests for prices and/or services and all purchases shall be made by the City without regard to race, color, creed, national origin, age or sex and in accordance with the Policy Manual of the City of Jacksonville. (Ord. 1016, (part), 1993)

3.08.002 Gifts

Acceptance of gifts at any time, other than advertising novelties, shall be prohibited. No city personnel shall become obligated to any vendor and must not conclude any city transaction from which they may personally benefit directly or indirectly.
(Ord. 1016, (part), 1993)

3.08.003 Purchase Authority

All purchases shall be accomplished in compliance with Arkansas Code Annotated 14-58-301 ET. seq. (Ord. 1016, (part), 1993; Ord. 1337, Sec. 1, 2008)

3.08.004 Purchasing Manual and Ordinances

All departments and officials of the City of Jacksonville shall abide by and follow the City of Jacksonville Purchasing Manual. All regulations and procedures mandated by said Manual shall remain in full force and effect unless otherwise specifically modified or superseded.
(Ord. 115, 1961; Ord. 444, 1977; Ord. 542, 1979; Ord. 855, 1987; Ord. 989, 1993; Ord. 1016, 1993; Ord. 1337, Sec. 1, 2008)

3.08.005 Mayor and Alderman allowed to do business with the City

The Mayor and Alderman may conduct business with the City as authorized by Act 485 of 1981. (Ord. 647, Sec. 1(part), 1981)

3.08.010 Expenditures Up to Five Thousand Dollars ($5,000.00)

All expenditures or purchases on behalf of the City for the acquisition or purchase of apparatus, equipment, labor, services, or supplies shall be made by the Mayor or his duly authorized representative(s) without the necessity of obtaining bids or quotation for those expenditures or purchases not exceeding Five Thousand Dollars ($5,000.00). (Ord. 1337, Sec. 1, 2008)

3.08.020 Expenditures above Five Thousand Dollars ($5,000.00) but below Ten Thousand Dollars ($10,000.00)

All expenditures or purchases on behalf of the City for the acquisition or purchase of apparatus, equipment, labor, services, or supplies shall be made by the Mayor or his duly authorized representative(s) shall be made after obtaining verbal or written bids or quotations for those expenditures or purchases above Five Thousand Dollars ($5,000.00) but not exceeding Ten Thousand Dollars ($10,000.00). All expenditures or purchases made by or through the State Bidding Program shall be exempted from these provisions as more specifically outlined in JMC § 3.08.060 et. al.
(Ord. 1337, Sec. 1, 2008)

3.08.025 Expenditures above Five Thousand Dollars but below Ten Thousand Dollars - Sealed Quotations

All purchases for the City of supplies, apparatus, equipment purposes where the expenditure therefore is in excess of five thousand dollars ($5,000.00) but less than ten thousand dollars ($10,000.00) shall be made by the Mayor, or his duly authorized representative, after the securing of sealed quotations.
(Ord. 542, Sec. 1, 1979; Ord. 781, 1986; Ord. 855, 1987; Ord. 1016, 1993; Ord. 1025, 1994; Ord. 1047 (part), 1995)

3.08.030 Expenditures above Ten Thousand Dollars ($10,000.00) but below Twenty Thousand Dollars ($20,000.00)

All expenditures or purchases on behalf of the City for the acquisition or purchase of apparatus, equipment, labor, services, or

supplies shall be made by the Mayor or his duly authorized representative(s) shall be made after obtaining written bids or quotations (in any applicable medium) for those expenditures or purchases above Ten Thousand Dollars ($10,000.00) but not exceeding Twenty Thousand Dollars ($20,000.00). All expenditures or purchases made by or through the State Bidding Program shall be exempted from these provisions as more specifically outlined in JMC § 3.08.060 et. al. (Ord. 542, Sec. 1, 1979; Ord. 855, 1987; Ord. 1016, 1993; Ord. 1025, 1994; Ord 1047, 1995; Ord. 1337, Sec. 1, 2008)

3.08.040 Expenditures exceeding Twenty Thousand Dollars ($20,000.00)

Where the amount of expenditure or purchase for the acquisition or purchase of apparatus, equipment, labor, services, or supplies exceeds the sum of Twenty Thousand Dollars ($20,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper with a minimum of one (1) publication. Bids received pursuant to the advertisement shall be opened and read on the date set for receiving the bids in the presence of the Mayor or his duly authorized representative. The acquisition, purchase, or contract shall be awarded to the lowest responsive and responsible bidder, provided that the Mayor, his duly authorized representative, and/or the City Council may reject any and all bids received. All expenditures or purchases made by or through the State Bidding Program shall be exempted from these provisions as more specifically outlined in JMC § 3.08.060 et. al.
(Ord. 1337, Sec. 1, 2008)

3.08.041 Exceptions, Exemption, and Modifications

(1) In the event that all bids submitted for a project exceed the amount appropriated for the award of the contract, and if bidding on alternates was not required by the plans and specifications, City officials shall have the authority to negotiate an award with the apparent responsible low bidder, but only if the low bid is within Twenty-five percent (25%) of the amount appropriated by the City for the project.
(2) If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates and the alternates shall: (A) Be deductive; and, (B) Be set forth in the plans and specifications in numerical order.
(3) If all bids submitted exceed the amount appropriated for the award of the contract, City officials may determine the apparent responsible low bidder by deducting the alternatives in numerical order.
(4) After making the deductions, if the cost of the project is less than Twenty-five percent (25%) above the amount appropriated for the project, then and only in that event may City officials negotiate a ward with the low bidder so determined.

(5) Whenever it is obvious from examination of the bid document that it was the intent of the bidder to submit a responsible bid and the bid, if accepted, would create a serious financial loss to the bidder because of error such as transposition of figures, City Officials have the authority to relieve the bidder from responsibility under his bond and may reject this bid.

(6) For all bid projects, City officials shall have designated and derived that; (a) the City Has the funds available to cover the costs associated with the project as bid; and, (b) have allocated those funds available for payment of the cost associated with this project.

(7) No contract providing for the making of major repairs, alterations, for the erection of buildings or other structures, or for making other permanent improvements with costs exceeding Seventy-five Thousand Dollars ($75,000.00) shall be entered into by the City unless the bidding documents contain statements which encourage the participation of small, minority, and women's business enterprises.

No bidding will be required for contracts providing major alterations, repairs, for the erection of buildings or other structures, or for making permanent improvements to City property when all estimated costs of work required does not exceed the sum of Twenty Thousand Dollars ($20,000.00).
(Ord. 1161, 2001; Ord. 1337, Sec. 1, 2008)

3.08.042 Payment Approval

The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose or disapprove any bills, debts, or liabilities asserted as claims against the City, when funds on hand are adequate to pay such bills, debts or liabilities. The payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body.
(Ord. 542, 1979; Ord. 1337, Sec. 1, 2008)

3.08.043 Preference

In awarding bids and/or purchase orders, a Five Percent (5%) preference will be given to vendors who, in accordance with ACA §19-11-259 as amended, so qualify. (Ord. 1337, Sec. 1, 2008)

3.08.050 Procedure - Supplies, Materials or Equipment

The Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials, or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Four Thousand Dollars ($4,000.00). The Mayor or his designated representative shall certify in writing that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Four Thousand Dollars ($4,000.00), and said item or lot may be sold by the Mayor or his designated representative without competitive bidding.

No municipal supplies, materials, or equipment shall be sold without receiving competitive bids if said item's value thereof exceeds the sum of Four Thousand Dollars ($4,000.00).
(Ord. 542, 1979; Ord. 1337, Sec. 1, 2008)

3.08.060 Procedure - State Purchasing Contract

A. AUTHORIZATION: The City Council of the City of Jacksonville, Arkansas, hereby request authority in the name of the City of Jacksonville to participate in the state contracts which the Department of Finance and Administration, Office of State Purchasing, for the purchase of supplies, services equipment, and certain materials pursuant to he State Purchasing Laws and Amendment 54 to the Arkansas Constitution. (Ord. 989, Sec. 1, 1993)

B. CONTRACTUAL TERMS: The Mayor of the City or his authorized agent is hereby authorized to agree in the name of the City of Jacksonville to be bound by all contract terms and conditions as the Department of Finance and Administration, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative cost, which the Department of Finance and Administration incurs as a result of the City of Jacksonville's participation in a contract. Further, that the City of Jacksonville does hereby agree to be bound by all such terms and conditions.
(Ord. 989, Sec. 2, 1993)

C. PAYMENT FOR VENDORS: The Mayor of the City or his authorized agent is hereby authorized to agree in the name of the City of Jacksonville to pay directly any vendor, under such state contract in which the City of Jacksonville may participate, for items received pursuant to the contract, and that the City vendors form which they receive said supplies, equipment, materials, and services.
(Ord. 989, Sec. 3, 1993)

D. WAIVER OF COMPETITIVE BIDDING: Because of the economic savings and minimal cost involved in purchasing through the State Purchasing Contract Program, it is unfeasible and impractical to solicit bids for those supplies, materials, equipment, and services available through the State Purchasing Contract. As such, and by authority granted in ACA 14-48-383, the City of Jacksonville authorized the Mayor, the City Purchasing Agent, or their duly authorized agent, to purchase and utilize those supplies, equipment, materials, and services available under the State Purchasing Contract program which are deemed necessary for the efficient and effective operation of the City of Jacksonville without requiring the necessity of competitive bidding on the selection of those materials, equipment, supplies, and services. As such, the competitive bidding process will have been done by the State, and the City of Jacksonville shall avoid any unnecessary duplication of effort and hereby waives competitive bidding on all supplies, materials, equipment, and services obtained through the Office of State Purchasing. (Ord. 989, Sec. 4, 1993)

3.08.070 Reverse Internet Auction Option

Definitions

A. Reverse Internet auction means an Internet-based process in which bidders:

(1) Are given specifications for items and services being sought for purchase by a municipality;

(2) Bid against themselves in order to lower the price of the item or service to the lowest possible level; and

B. Reverse Internet auction vendor means an Internet-based entity that hosts a reverse Internet auction.

Bidders shall be provided instructions and individually secured passwords for access to the reverse Internet auction by the City or the reverse Internet auction vendor. Any reverse Internet auction shall be held at a specified date and time. The bidding process shall be timed, and the time shall be part of the reverse Internet auction specifications and instructions.

The reverse Internet auction and bidding process shall be interactive, with each bidder able to make multiple bids during the allotted time. Each bidder shall be continually signaled his or her relative position in the bidding process in some manner.

Bidders shall remain anonymous and shall not have access to other bidders, bids, or bidding information so as to create any unfair competitive advantage.

A reverse Internet auction as contemplated by this Code shall not be used for purchases and contracts for construction projects and materials.

A fee may be included as part of the bids received during the reverse Internet auction and shall be paid by the winning bidder or paid separately by the City.

The City Council or its designated representative shall have access to real-time data including all bids, bidders, and bid amounts.

The City has the right to refuse any and all bids made during the reverse Internet auction. The right to begin the reverse Internet auction process anew is reserved if the City or its designated representative determines it is in the best interest of the City to do so.

All powers and duties assigned to the City in this Code are hereby delegated and shall be executed by the Mayor or his authorized and designated representative, except as otherwise determined by separate motion or resolution approved by a majority vote of the City Council.

3.08.080 Property disposal

Surplus personal property shall be disposed of in accordance with this Chapter and State law after that property has been declared surplus by the appropriate Department Head and written approval of such declaration by the Mayor or the Aldermen. Methods of disposal can include but are not limited to: Open bids; Sealed bids; or, Public auction. Disposal method shall be advertised in compliance with the terms of this Chapter and State law.
(Ord. 1016, 1993) (See Purchasing Manual, Sec. II p.5) (Ord. 1337, Sec. 1, 2008)

3.08.081 Sale and Lease

The sale and lease of real property (buildings and land) shall be in accordance with the provisions stated in Arkansas Code Annotated 14-54-302. (Ord. 1016, 1993) (See Purchasing Manual, Sec. II p.5)

Chapter 3.10

CITY'S INVESTMENT POLICY

Sections:

3.10.010 Purpose and Scope
3.10.020 Standards/objectives
3.10.030 Definitions
3.10.040 Delegation of authority/responsibility
3.10.050 Authorized investments
3.10.060 Investments not authorized
3.10.070 Investment parameters
3.10.080 Safekeeping/collateralization

3.10.010 Purpose and Scope

The purpose of the City of Jacksonville's Investment Policy is to provide guidelines for investment of City of Jacksonville operating funds to preserve the safety of principal, to maintain adequate cash flow, and to maximize interest earnings. This Policy applies to the investment of City of Jacksonville operating funds not needed for immediate expenditures. This Policy does not govern the investment of employee retirement or pension funds or proceeds of bond issues.
(Ord. 1291 Sec. 1, 2006)

3.10.020 Standards/objectives

A. Investments will be made within the constraints of applicable state laws and this Policy, taking into consideration liquidity needs of the City. Investment decisions will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence would so exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

B. Investment of the funds of the City of Jacksonville shall be directed to the primary objective of safety of principal; the secondary objective shall be maintaining adequate cash flow; and, the final objective shall be maximizing investment yield.

C. Except for cash in certain restricted and special funds, the City may consolidate moneys from individual funds to maximize interest earnings. Investment income will be allocated to the various funds based on each fund's participation.
(Ord. 1291 Sec. 2, 2006)

3.10.030 Definitions

Accrued Interest - The accumulated interest due on a bond as of the last interest payment made by the issuer.

Agency - A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally sponsored agencies (FSA) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of a federal agency is the Government National Mortgage Association (GNMA). An example of a FSA is the Federal National Mortgage Association (FNMA).

Collateralization - Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

Credit Risk - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

Fair Value - The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

Federal Funds (Fed Funds) - Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.

Federal Funds Rate - Interest rate charged by one institution lending federal funds to the other.

Government Securities - An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, and Bonds."

Interest Rate Risk - The risk associated with declines or rises in interest rates, which cause an investment in a fixed-income security to increase or decrease in value.

Investment Company Act of 1940- Federal legislation which sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

Investment Policy - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Liquidity - An asset that can be converted easily and quickly into cash.

Market Risk - The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value - Current market price of a security.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mutual Fund - An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the following Securities and Exchange Commission (SEC) disclosure guidelines:

1. Report standardized performance calculations;
2. Disseminate timely and accurate information regarding a fund's holdings, performance, management and general investment Policy;
3. Have the fund's investment policies and activities supervised by a board of trustees, which are independent of the adviser, administrator or other vendor of the fund;

4. Maintain the daily liquidity of the fund's shares;
5. Value their portfolios on a daily basis;
6. Have all individuals who sell SEC-registered products licensed with a self-regulating organization (SRO) such as the National Association of Securities Dealers (NASD); and,
7. Have an investment policy governed by a prospectus, which is updated and filed with the SEC annually.

Principal - The face value or par value of a debt instrument, and may also refer to the amount of capital invested in a given security.

Prudent Person Rule - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Repurchase Agreement (repo or RP) - An agreement of a party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Rule 2a-7 of the Investment Company Act - Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a Thirteen (13) month maturity limit and a Ninety (90) day average maturity on investments, to help maintain a constant net asset value of One Dollar ($1.00).

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than One year and issued in minimum denominations of Ten Thousand Dollars ($10,000.00). Auctions of Three (3) and Six (6) month bills are weekly, while auctions of One-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of One (1) to Ten (10) years and issued in denominations ranging from One Thousand Dollars ($1,000.00) to One Million Dollars ($1,000,000.00) or more.

Treasury Bonds - Long-term U.S. government debt securities with maturities of Ten (10) years or longer and issued in minimum denominations of One Thousand Dollars ($1,000.00).
(Ord. 1291 Sec. 3, 2006)

3.10.040 Delegation of authority/responsibility

A. Management of the investment of City funds regulated by this Policy shall be the responsibility of the Mayor, the City Clerk/Treasurer, and the Finance Director. The Mayor, City Clerk/Treasurer, and/or the Finance Director may delegate authority for investment transactions. The Mayor, City Clerk/Treasurer, and/or the Finance Director may, by proper procurement procedures, contract for the services of an asset manager, an investment advisor, or other expert advisor(s) to invest all or a portion of the City funds regulated by this Policy.

B. The Mayor, City Clerk/Treasurer, and the Finance Director and their designees are authorized to: open and close accounts with financial institutions in the name of the City; make wire transfers of funds for the City; make deposits of funds for the City; execute collateral, depository, and investment agreements for the City; and, take any other such actions needed to carry out their responsibilities for the depositing and investing of the City's funds as authorized by statutes and this Policy.

C. The Mayor, the City Clerk/Treasurer, the Finance Director, and other City employees assigned to manage the investment portfolio, acting within the intent and scope of this Investment Policy, shall be relieved of personal responsibility for an individual security's credit risk or market risk. Officers and employees involved in the investment process shall refrain from personal business activities that conflict with proper execution of the investment program or impair their ability to make impartial investment decisions.

D. The Mayor, City Clerk/Treasurer, and the Finance Director shall establish operating procedures to implement this Investment Policy.
(Ord. 1291 Sec. 4, 2006)

3.10.050 Authorized investments

A. The City will invest only in book entry securities.

B. The City may, without limitation, invest in the following instruments, provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized for investment by ACA § 14-58-309, ACA § 23-47-401, or by ACA § 19-8-301 ET. seq., as they may from time to time be amended:

1. Direct obligations of the United States Government;

2. Obligations the principal and interest of which are fully secured, insured, or covered by commitments or agreements to purchase by the United States Government or an agency or instrumentality created by an act of the United States Congress and authorized thereby to issue such commitments or agreements;
3. Obligations the principal and interest of which are fully secured, insured, or covered by commitments or agreements to purchase by the United States Government or an agency or instrumentality created by an act of the United States Congress and authorized thereby to issue such commitments or agreements;
4. Pre-refunded municipal bonds, the principal and interest of which are fully secured by the principal and interest of a direct obligation of the United States Government;
5. Certificates of deposit with banks authorized by State law to receive deposits of public funds;
6. Repurchase agreements that are fully collateralized by direct obligations of the United States Government, provided that any such repurchase agreement shall provide for the taking of delivery of such collateral directly or through an authorized custodian;
7. Securities of, or other interest in, any open-end type investment company or investment trust registered under the Investment Company Act of 1940, and which is defined as a "money market fund" under 17 CFR 270.2a-7, provided that the portfolio of such investment company or investment trust is limited principally to United States Government obligations and, provided further that any such investment company or investment trust shall take delivery of such collateral either directly or through an authorized custodian; and,
8. Local Government Trusts.

C. Other Provisions

1. Any Arkansas state legislative action that provides for additional investment vehicles or further restricts investment vehicles will be incorporated into the City's Investment Policy and will supersede any previous language.
2. The City will be allowed to hold to maturity any investments existing at the time of enactment of this Policy. Reinvestment of such funds will be in accordance with this Policy.

The Mayor and the Finance Director may set additional limitations on the parameters for various types and concentration of investments. Operating procedures will define requirements to implement this Policy. (Ord. 1291 Sec. 5, 2006)

3.10.060 Investments not authorized

The following investment vehicles, though authorized by ACA § 14-58-309, are not considered suitable investments for City funds:

A. Warrants of political subdivision of the State of Arkansas and municipalities thereof having maturities not exceeding One (1) year;
B. The sale of federal funds with a maturity of not more than One (1) business day;
C. Industrial development bonds for corporate obligors issued through any state of the United States or any political subdivision thereof;
B. Revenue bond issues of any state of the United States or any municipality or any political subdivision thereof;
C. Securities or other interests issued, assumed or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the European Bank for Reconstruction and Development, the Asian Development Bank or the African Development Bank; or,

Uninsured demand, savings, or time deposits or accounts of any depository institution chartered by the United States, any state of the United States, or the District of Columbia.

(Ord. 1291 Sec. 6, 2006)

3.10.070 Investment parameters

A. Diversification

City investments regulated by this Policy shall be diversified by:

1. Limiting investments to avoid over concentration in securities from a specific issuer to Five Percent (5%) of the cost basis of the City's portfolio at the time of purchase, a limit of Fifteen Percent (15%) of the cost basis of the City's portfolio will apply to each business sector as defined by any recognized rating agency (excluding US Treasury securities and collateralized certificates of deposit);
2. Investing in securities with varying maturities; and,
3. Continuously investing a portion of the portfolio in readily available funds to ensure that appropriate liquidity is maintained.

B. Maximum Maturities

The City will attempt to match investment maturities with cash flow requirements and will utilize investments in readily available funds, when needed, to meet ongoing obligations. The City anticipates a range of maturities of Ninety (90) days to Five (5) years. The City will invest in securities maturing more than five years from the date of purchase only when the funds are easily defined to be used after Five (5) years. (Ord. 1291 Sec. 7, 2006)

3.10.080 Safekeeping/collateralization

A. Investment of City funds, including cash held for investment, managed under contract of services by an asset manager, investment advisor, or other expert advisor(s) will be placed with a third party custodian approved by the City. All trades, where applicable, will be executed by Delivery vs. Payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds.

B. The custodian will make reports as requested by the City or advisor(s) and will be accountable for the assets held by the custodian for the City's account.

C. Collateralization will be maintained as required by State law and procedures established by the City. Demand deposits, time deposits, repurchase agreements, and any other investments requiring collateralization shall be collateralized at a level of One Hundred Two Percent (102 %) of the market value of principal and accrued interest, less the amount insured by the FDIC.

(Ord. 1291 Sec. 8, 2006)

Chapter 3.20

CITY'S CONTINGENCY FUND
MAYOR AND ALDERMAN ALLOWED TO DO BUSINESS WITH THE CITY

Sections:

3.20.001 Requirement
3.20.002 Adoption by reference
3.20.010 Mayor and Alderman allowed to do business with City
3.20.020 Purchase over $2,000.00

3.20.001 Requirement

Before the Mayor can spend the budget item labeled Contingency Fund, official approval must be given by the City Council of the City of Jacksonville. (Ord. 587, Sec. 1, 1980)

3.20.002 Adoption by reference

Arkansas Statutes Annotated 19-4421 et seq. is hereby adopted by reference as if set out in its entirety. (Ord. 587, Sec. 1, 1980)

3.20.010 Mayor and Alderman allowed to do business with the City

The Mayor and Alderman may conduct business with the City as authorized by Act 485 of 1981. (Ord. 647, 1981)

3.20.020 Purchase over $2,000.00

On all purchases of supplies, equipment or service of more than $2,000.00, advertisement for bids must be taken pursuant to Ark. Stat. Ann. 19-4425 unless the City Council shall by ordinance waive competitive bidding in exceptional situations where such procedure is deemed not feasible or practical. (Ord. 647, 1981)

Chapter 3.30

IDENTITY THEFT PREVENTION PROGRAM

Sections:

3.30.010 Definitions
3.30.015 Findings
3.30.020 Process of Establishing a Covered Account
3.30.025 Access to Covered Account Information
3.30.035 Sources and Types of Red Flags
3.30.040 Prevention and Mitigation of Identity Theft
3.30.045 Program Administration
3.30.050 Outside Service Providers
3.30.055 Updating the Program

This Section shall be known as the Identity Theft Prevention Program. The purpose of this Section is to comply with 16 CFR § 681.2 in order to detect, prevent, and mitigate Identity Theft by identifying, detecting, and responding so as to prevent Identity Theft. (Ord. 1370 Sec. One, 2009)

3.30.010 Definitions

For purposes of this Section, the following definitions apply:

(a) 'City' means the City of Jacksonville, Arkansas.

(b) 'Covered account' means: (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonable foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risk.

(c) 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

(d) 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

(e) 'Customer' means a person that has a covered account with a creditor.

(f) 'Identity Theft' means a fraud committed or attempted using identifying information of another person without authority.

(g) 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
(h) 'Personal Identifying Information' means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
(i) 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
(j) 'Service provider' means a person that provides a service directly to the City. (Ord. 1370 Sec. One, 2009)

3.30.015 Findings
(1) The City is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
(2) Covered accounts offered to customers for the provision of city services include water, sewer, sanitation, fitness and recreation, and emergency medical response services together with assessment of court costs and fines.
(3) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and other such activities have been identified as potential processes in which Identity Theft could occur.
(4) The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the various City Department's computer systems and is not otherwise recorded.
(5) The City has determined that there is a low risk of Identity Theft occurring in the following ways:

a. Use by an applicant of another person's personal identifying information to establish a new covered account;
b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts; and,
d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Ord. 1370 Sec. One, 2009)

3.30.020 Process of Establishing a Covered Account

(1) As a precondition to opening a covered account in the City, each applicant shall provide the City with personal identifying information of the customer's valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. Such applicant shall also provide any information necessary for the appropriate Department providing the service for which the covered account is created to access the applicant's consumer credit report (if applicable). Such information shall be entered directly into the City Department's computer systems and shall not otherwise be recorded.

(2) Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The City may or may not utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

(Ord. 1370 Sec. One, 2009)

3.30.025 Access to Covered Account Information

(1) Access to customer accounts shall be password protected and shall be limited to those authorized applicable City Department personnel.

(2) Such password(s) shall be changed by Mayor or his/her designated agent(s) on a regular basis, shall be at least Eight (8) characters in length, and may contain a combination of letters, numbers, and/or symbols.

(3) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor, Department Head, and/or his/her designated agent(s). As well, the password to the specific system involved shall be changed immediately.

(4) Personal identifying information included in customer accounts is considered confidential. Any request or demand for such information shall be immediately forwarded to the applicable Department Head and the City Attorney for appropriate response.

(Ord. 1370 Sec. One, 2009)

3.30.030 Credit Card Payments

(1) In the event that credit card payments made over the Internet are processed through a Third Party Service Provider, such Third Party Service Provider shall certify that it has an adequate Identity Theft Prevention Program in place that is applicable to such payments.

(2) All credit card payments made over the telephone of the City's website shall be entered directly into the customer's account information in the computer database.

(3) Account statements and receipts for the covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Ord. 1370 Sec. One, 2009)

3.30.035 Sources and Types of Red Flags

All employees responsible for or involved in the process of opening a covered account, restoring a covered account, or accepting payment for a covered account shall check red flags as indicators of possible Identity Theft. Such red flags could, but are not limited to, the following:

(1) Alerts from Consumer Reporting Agencies, Fraud Detection Agencies, or Service Providers. Examples of alerts include but are not limited to:

- **a.** Fraud or active duty alert included with a Consumer Report;
- **b.** Notice of credit freeze in response to a Consumer Report request;
- **c.** Notice of address discrepancy from a Consumer Reporting Agency;
- **d.** Indications of a pattern of activity in a Consumer Report inconsistent with the history and usual pattern of activity of the applicant or customer, such as:
  - **i.** Recent and significant increase in volume of inquiries;
  - **ii.** Unusual number of recently established credit relationships;
  - **iii.** Material change in the use of credit, especially with respect to recently established credit relationships; or,
  - **iv.** An account closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(2) Suspicious Documents/Examples of Suspicious Documents include:

- **a.** Documents provided for identification which appear to be altered, forged, or modified in some improper manner;
- **b.** Identification on the photograph or physical description which is inconsistent with the appearance of an applicant or customer;
- **c.** Identification on the information which is inconsistent with that information provided by the applicant or customer;
- **d.** Identification on the information which is inconsistent with readily accessible information on file with the City, such as a signature card or a recent check;
- **e.** An application that appears to have been altered, forged, or appears to have been modified, destroyed, and/or reassembled.

(3) Suspicious personal identification, such as a suspicious address change. Examples of suspicious identifying information include:

a. Personal identifying information that is inconsistent with external information sources used by the City. For example:

i. The address does not match any address in the consumer report; or,

ii. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death
Master File.

b. Personal identifying information provided by the customer inconsistent with other personal identifying information provided by the customer, such as a lack of correlation between their SSN and date of birth;

c. Personal identifying information or a phone number or address associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor;

d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers, or answering services, that are commonly associated with fraudulent activity;

e. A SSN provided is the same as that submitted by other applicants or customers;

f. An address or telephone number provided is the same as or similar to an account number or telephone number submitted by any other applicant(s) or customer(s);

g. An applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete;

h. Personal identifying information is not consistent with personal identifying information on file with the City;

i. Applicant or customer cannot provide authenticating information beyond which generally would be available from a wallet or Consumer Report;

j. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

A) Just following the notice of a change of address for an account, the City receives a request for the addition of authorized users on the account; or,

B) A new revolving credit account is used in a manner commonly associated with patterns of fraud patterns. For example:

i. The customer fails to make the first payment or makes an initial payment but no subsequent payments;

k. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

A) Nonpayment when there is no history of late or missed payments; or,

B) A material change in purchasing or spending patterns;

l. An account that has been inactive for an extended period of time is suddenly used, taking into consideration the type of account, the expected pattern of usage, and other relevant factors;

m. Mail to the customer is returned repeatedly as undeliverable, although transactions continue to be conducted in connection with the customer's account;

n. City is notified that a customer is not receiving paper account statements, of unauthorized charges or transactions, or that an account has been opened fraudulently or by a person engaged in Identity Theft; and/or,

o. Notice from customer(s), law enforcement, victim(s), or other reliable sources regarding possible Identity Theft or phishing relating to covered accounts.

(Ord. 1370 Sec. One, 2009)

3.30.040 Prevention and Mitigation of Identity Theft

1) In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flag(s) indicating possible Identity Theft with respect to existing covered accounts, such employee shall use his/her discretion to determine whether such red flag(s) suggest a threat of Identity Theft. If, in his/her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such discrepancy(ies) to his/her Immediate Supervisor. If, in his/her discretion, said employee deems that Identity Theft is unlikely or that reliable information is available to reconcile the red flag(s), said employee shall convey this information to his/her Immediate Supervisor who may, in his/her discretion, determine that no further action is necessary. If further action is determined necessary, the City employee(s) shall perform one (1) or more of the following responses:

a. Contact the customer;

b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:

i. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or,

ii. close the account;

c. Cease attempts to collect additional charges from the customer and choose not to transfer the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

d. Notify a debt collector within a reasonable time of the discovery of likely or probable Identity Theft relating to a customer account that has been transferred to said debt collector in the event that a customer's account has been transferred to a debt collector prior to the discovery of the likelihood or probability of Identity Theft relating to such account;

e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; and/or,

f. Take other appropriate action to prevent or mitigate Identity Theft.

2) In the event that any City employee responsible for or involved in opening a new covered account becomes aware of a red flag(s) indicating possible Identity Theft with respect to an application for a new account, such employee shall use his/her discretion to determine whether such red flag(s) suggest a threat of Identity Theft. If, in his/her discretion, said employee determines that Identity Theft or attempted Identity Theft is likely or probable, such employee shall immediately report such to his/her Immediate Supervisor. If, in his/her discretion, such employee deems that Identity Theft is unlikely or that reliable information is available to reconcile the identified red flag(s), the employee shall convey this information to his/her Immediate Supervisor who may, in his/her discretion, determine that no further action is necessary. If further action is determined necessary, a City employee shall perform one (1) or more of the following responses:

a. Request additional identifying information from applicant;

b. Deny the application for the new account;

c. Notify law enforcement of possible Identity Theft; and/or,

d. Take other appropriate action to prevent or mitigate Identity Theft.

(Ord. 1370 Sec. One, 2009)

3.30.045 Program Administration

1. The Director of Administration is responsible for oversight of the Program and its implementation and management oversight. The Mayor or his/her designated representative(s) is/are responsible for reviewing reports prepared by Staff regarding compliance with red flag requirement(s) and with any recommendation(s) of material change to the Program. Any recommended material changes to the Program shall be submitted to the City Council for consideration and approval by the City Council.

2. The Finance Director for the City and/or the Business Office Administrator of the Water Department shall report to the Mayor or his/her designated representative(s) at least annually on compliance with red flag requirements. The report will address material matters related to the Program and evaluate issues such as:

a. The effectiveness of the Department and/or City's policies and procedures in addressing the risk of Identity Theft in connection with the opening of covered accounts and with respect to existing covered accounts;

b. Service Provider arrangements;

c. Significant incidents involving Identity Theft and management's response; and/or,

d. Recommendations for material changes to the Program.

3. The Finance Director for the City and/or the Business Office Administrator of the Water Department is/are responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account, or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Finance Director for the City and/or the Business Office Administrator of the Water Department shall exercise his/her discretion in determining the amount and substance of training necessary. (Ord. 1370 Sec. One, 2009)

3.30.050 Outside Service Providers

In the event that the City engages a Service Provider to perform an activity in connection with one (1) or more covered account(s), the Finance Director for the City and/or the Business Office Administrator of the Water Department shall exercise his/her discretion in reviewing such arrangements in order to ensure that, to the best of his/her ability, the Service Provider's involvement and activities are conducted in accordance with City, State, and Federal policies and procedures that are designed to detect any red flag(s) which may arise in the performance of the Service Provider's duties and/or activities and take reasonably appropriate steps to prevent or mitigate Identity Theft. (Ord. 1370 Sec. One, 2009)

3.30.055 Updating the Program

The City shall review annually and, as deemed necessary by City, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to the citizens or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the Program:

(1) The City's experiences with identity theft;
(2) Updates in methods of identity theft;
(3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
(4) Updates in the types of accounts that the city offers or maintains; and
(5) Updates in service provider arrangements.

(Ord. 1370 Sec. One, 2009)

Chapter 3.35

TREATMENT OF ADDRESS DISCREPANCIES

3.35.010 Definitions
3.35.020 Policy
3.35.030 Furnishing Consumer's Address to Consumer Agency
3.35.040 Methods of Confirming Consumer Addresses

3.35 Treatment of Address Discrepancies

Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the City will be able to form a reasonable belief that a Consumer Report relates to the consumer about whom it has requested a Consumer Credit Report when the City has received a notice of address discrepancy.

3.35.010 Definitions

For purposes of this Section, the following definitions apply:
'Notice of address discrepancy' means a notice sent to a user by a Consumer Reporting Agency pursuant to 15 U.S.C. § 1681(c)(h)(1) that informs the user of a substantial difference between the address for the consumer that the user provided to request the Consumer Report and the address(es) in the agency's file for the consumer.
(1) 'City' means the City of Jacksonville, Arkansas.

3.35.020 Policy

In the event that City receives a notice of address discrepancy, the employee responsible for verifying consumer addresses for the purpose of providing the municipal service(s) or account(s) sought by the consumer shall perform one (1) or more of the following activities, as determined to be appropriate by such employee:
(1) Compare the information in the consumer report with:
- **a.** Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);
- **b.** Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; and/or,

c. Information the city obtains from third-party sources that are deemed reliable by the relevant employee.

(2) Verify the information in the consumer report with the consumer.

3.35.030 Furnishing Consumer's Address to Consumer Reporting Agency

(1) In the event that City reasonably confirms that an address provided by a consumer to the City is accurate, City is required to provide such address to the consumer reporting agency from which City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

a. City is able to form a reasonable belief that the consumer report relates to the consumer about whom City requested the report;

b. City establishes a continuing relation with the consumer; and/or,

c. City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

(2) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by City to such agency for the reporting period in which City establishes a relationship with the customer.

3.35.040 Methods of Confirming Consumer Addresses

The employee charged with confirming consumer addresses may, in his/her discretion; confirm the accuracy of an address through one or more of the following methods:

(1) Verifying address with the consumer;

(2) Reviewing city's records to verify the consumer's address;

(3) Verifying the address through third party sources; or,

(4) Using other reasonable processes.

TITLE 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04	**Privilege License Tax**
5.06	**Sexually Oriented Business**
5.08	**Billiard and Snooker Parlors**
5.12	**Professional Bondsmen**
5.16	**Itinerant Merchants**
5.20	**Taxis and Vehicles for hire**
5.24	**Pawnbrokers**
5.28	**Portable Fire Extinguisher Maintenance**
5.32	**Wrecker Company Regulations**
5.36	**Coin Operated Amusement License**
5.40	**Telecommunications/Authority to Regulate**
5.44	**Food Vendors**
5.50	**Farmers Market**

Chapter 5.04

PRIVILEGE LICENSE TAX

Sections:

5.04.010	**Payment required**
5.04.020	**License - Coverage period**
5.04.030	**Engaging in more than one business - Separate license required**
5.04.040	**License - Issuance - Information to be contained thereon**
5.04.050	**License - Display**
5.04.060	**License - Non-transferability**
5.04.070	**Privilege tax - Due date - Delinquent penalty**
5.04.080	**Penalty**
5.04.090	**Exempt organization**
5.04.100	**Tax schedule**
5.04.110	**Business not covered by schedule-Payment determination**
5.04.120	**License - Application - False statements**
5.04.130	**State license required prior to city license issuance - When**
5.04.140	**Itinerant merchants, vendors, solicitors-License application**
5.04.150	**Itinerant merchants, vendors, solicitors - Bond.**
5.04.155	**Commercial haulers of garbage and refuse**
5.04.160	**Stop work notice**

5.04.010 Payment required

It is unlawful for any person, firm or corporation, whether as principal or agent, to commence, engage in or carry on any of the businesses, occupations or professions within the City for which a license is required herein without having first paid the privilege tax and procured a license therefore. (Ord. 325 Section 1, 1974)

5.04.020 License - Coverage period

The period covered by any license paid shall be for one calendar year; provided however, that any business starting subsequent to July 1st of any calendar year may pay one-half of the annual privilege tax for the remainder of the calendar year.
(Ord. 325 Section 2, 1974)

5.04.030 Engaging in more than one business - Separate license required

Any person, firm or corporation engaging in more than one business, occupation or profession, and for which a license is required of each, shall pay for and take out a license for each such business, profession or occupation.
(Ord. 325 Section 3, 1974)

5.04.040 License - Issuance - Information to be contained

It shall be the duty of the City Inspector upon the receipt of the amount of the privilege tax provided herein to issue a license under this chapter for every person, firm or corporation liable to pay such tax and to state in each license issued, the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued and the business, occupation or profession to be carried on. In no case shall any mistake in stating or computing the amount of a license due prevent or prejudice the collection by the City of the amount actually due hereunder. Licenses and permits issued hereunder shall expire on the thirty-first day of December of each year.
(Ord. 325 Section 4, 1974)

5.04.050 License - Display

Each license shall be posted in a conspicuous place where such business, occupation or profession is carried on and the holder of such license shall show such license to any agent of the City upon request. (Ord. 325 Section 5, 1974)

5.04.060 License - Non-transferability

The licenses issued hereunder shall not be transferable, and the licenses issued shall so state on the face thereof.
(Ord. 325 Section 6, 1974)

5.04.070 Privilege tax - Due date - Delinquent penalty

The privilege tax shall be due and payable in advance on January 1st and any payments made later than February 1st of each year are delinquent payments and shall be subject to a penalty of ten percent. (Ord. 325 Section 7, 1974)

5.04.080 Penalty

It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business, profession or occupation within the City of Jacksonville to fail and/or refuse to comply with any of the provisions of this Chapter. Upon conviction for such violation, the offender shall be fined in an amount not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) for each separate violation; provided, however, in no case shall the fine be in excess of double the amount of the license fee provided, together with costs.
(Ord. 551 Section 1, 1979)

5.04.090 Exempt organizations

Each charitable, eleemosynary, nonprofit organization whose purpose is to assist the needy and bring care, training and comfort to the physically handicapped, is exempt from the payment of a privilege tax for he privilege carrying on such business or

occupation within the City. Provided, all persons soliciting donations in public places and on the streets of the City shall first secure a permit from the City before doing any such soliciting. (Ord. 325 Section 9, 1974)

5.04.100 Tax schedule

A. Pursuant to the determination that the carrying on of any business, profession or occupation within the City is a privilege, the following taxes are due and payable as herein before set forth, to-wit:

BUSINESS TAX DUE

Air con. & heat dealers (sales & install).	$125.00
Air con. Install. only (where no other lic. pd.).....	67.50
Architect, each.....	75.00
Attorney, each.....	75.00
Auctioneer, local, per year.....	100.00
Auctioneer, transient, per day.....	80.00
Auto dealer, new cars (up to 5 employees, salesmen and/or mechanics.....	200.00
for each employee over 5.....	10.00
Auto dealers, used cars and trucks (up to 5).....	100.00
Auto repair shop, 1 to 3 employees.....	32.50
each additional employee.....	7.50
Auto repair shop (service station) 1 mechanic.....	15.00
each additional mechanic.....	5.00
Auto tires - Retreading, exclusive or where operated in connection with other business.....	50.00
Auto service station, each dispenser or filler, includes operating battery charger, wash rack.....	15.00
Bakeries, retail, where no truck routes.....	25.00
Bakeries, retail branch, where no truck routes and no baking is done.....	25.00
Barber school & college, each student & operator.....	5.00
Barbers, each.....	10.00
Beauty operators, each.....	10.00
Beauty schools, per student and operator.....	5.00
Billiard and pool halls, per table.....	10.00
Book canvassers.....	25.00
Book canvassers, transient, first day.....	10.00
each succeeding day.....	5.00
Bowling alleys, first 4 alleys.....	25.00
each additional alley.....	15.00
Brooms, bats, brushes or mops mfg.....	75.00
Cabinet makers and carpenter shops.....	25.00
Cafeterias restaurants, cafes, lunch stands, lunch counters, minimum plus 25 cents per seat.....	25.00
Carpet, rug, mattress cleaning.....	50.00

BUSINESS	TAX DUE
Cement, ready-mix, asphalt delivered minimum plus $15.00 per truck	150.00
Chemical mfg	250.00
Chiropractor, each	75.00
Contractors, up to 5 employees	$ 50.00
each additional employee	10.00
Contractor (house wrecker, movers)	100.00
Dentists	75.00
Drive-in (service only) minimum plus 25 cents per seat	25.00
Dry cleaning and pressing	50.00
with laundry additional	10.00
Engineers, each	75.00
Exterminators, pest-control, minimum	25.00
each employee	2.50
Florists	50.00
Funeral directors or undertakers	100.00
Furniture repairing and upholstering, 1 to 3 employees	25.00
Gas and oil dealers wholesale (not station) minimum	25.00
per truck	15.00
Golf course (miniature)	25.00
Instructor	25.00
Interior decorator	75.00
Kindergarten, nursery, per pupil	1.00
Laundries	50.00
Laundries, substation, dry clean	18.00
Medical doctor, each	75.00
Motels and motor lodges, minimum	25.00
or per unit	1.50
Newspaper publishers	100.00
Nursing homes, per bed	1.00
Optician	50.00
Optometrists	75.00
Photographers (bond required)	50.00
Plumbing contractor, with 5 employees	50.00
each additional employee	10.00
Precious metals dealers, per days	100.00
or per year, at the option of the purchaser(dealer)	300.00

This subsection shall not apply if the person, firm or corporation pays a privilege license tax under another classification set out in this section of the Code, provided the tax paid is for privilege of conducting a business, occupation or profession routinely and customarily includes the buying of precious metals.

BUSINESS	TAX DUE
Professions, all degrees not otherwise charged	75.00
Real estate brokers	50.00
Real estate salesmen or agents	25.00
Repair shops not otherwise licensed	25.00
Saw mills, minimum	100.00
Shoe repair shops	$ 15.00
Sign painting, each person	25.00
Taxicab or limousine service, each vehicle	25.00
Trailer parks, plus $2.00 per space	25.00
Veterinarian, each	75.00
Washaterias	35.00
Welding shop	35.00

B. Each of the following businesses shall pay a privilege tax based on a charge of two and one-half cents per square foot per building with a minimum charge as follows:

BUSINESS	MINIMUM CHG.
Auction house	$ 100.00
Auto parts dealer	50.00
Auto parts and home auto supply	100.00
Building materials	75.00
Catalog stores	100.00
Children's wear and apparel (except sold with other)	60.00
Department stores	100.00
Drugs, cosmetics, etc	50.00
Dry goods, and related	100.00
Elec. or gas appl., radio and T.V	25.00
Fabric shops	25.00
Furniture and home appliance	50.00
Gifts, merchandise (gift shop, etc.)	50.00
Groceries, meats produce	40.00
Jewelry, watches, fine china, etc	50.00
Ladies' ready-to-wear or men's wear	60.00
Paint and paint supply	50.00
Shoes, etc	60.00
Sporting goods and equipment, boats, etc	60.00

(Ord. 325 Sec. 10, 1974; Ord. 621 Sec. 1, 1980; Ord. 372 Sec. 1, 1976)

5.04.110 Business not covered by schedule - Payment determination

Any other business not covered in this chapter shall pay a privilege tax based on a charge of two and one-half cents per square foot per building with a minimum charge of fifty dollars, provided that the franchise tax for public utilities is not covered by the provisions of this chapter. (Ord. 325 Sec. 11, 1974)

5.04.120 License - Application - False statements prohibited

It is unlawful to willfully and knowingly make any false statement in the application for license hereunder for the purpose of defrauding the City of its just tax or license fee.
(Ord. 325 Sec. 12, 1974)

5.04.130 State license required prior to city license issuance - When

No City license shall be issued upon any machine, device, game or mechanical vendor until a state license has been issued thereon where a state license is required by law.
(Ord. 325 Sec. 13, 1974)

5.04.140 Itinerant merchants, vendors, solicitors - License application

Any person desiring a license as an itinerant merchant, vendor, solicitor, door-to-door canvasser, photographer or salesman shall file with the City Inspector a written application containing:

A. Applicant's name and home address;
B. Type of license applied for;
C. Name of employer;
D. Last two cities worked in;
E. Address of business or premises to be used in Jacksonville; and;
F. Period for which license is desired.

(Ord. 325 Sec. 14(part), 1974)

5.04.150 Itinerant merchants, vendors, solicitors - Bond

The applicant for a license described in Section 5.04.140 shall also file with the City Inspector a bond with sureties approved by the City Clerk in the sum of one thousand dollars. Said bond shall be made payable to the City for the use and benefit of all patrons or customers of said licensee. The bond shall be conditioned for the faithful performance of the licensee's promises and contracts made in the course of his business in the City and said bond shall further provide that any person injured by the breach of any obligation which said bond secures may sue on such bond in his own name to recover such damages as he may have sustained as a result of such breach. (Ord. 325 Sec. 14(part), 1974)

5.04.155 Commercial haulers of garbage and refuse

Any person, association or corporation organized as a commercial hauler of trash, garbage and/or refuse who operates and provides such services within the city limits of the City of Jacksonville shall be assessed a privilege tax of Seven Dollars ($7.00) per dumpster located within the City per month. These rates may be adjusted annually by the City to be effective on the 1st day of January each year. The rate shall remain the same until changed by the City Council. The tax shall be paid to the City Finance

Department on or before the 15th day of each month for the number of dumpsters located in the City as of the 1st day of each month. If payment is not received along with proper reporting forms showing the number of dumpsters, by the 15th, then a penalty of ten percent (10%) shall be assessed against that operator. Each person, association or corporation operating such a business shall make available their accounting and business records for review by the City for the purpose of substantiating the amount of tax owing to the City.

Any person, association or corporation operating such as a business, which fails to comply with the terms of this ordinance shall be subject to the penalties and provisions of Section 5.04.080 of the Jacksonville Municipal Code.

(Ord. 857, 1987; Ord. 930 Sec. 2, 1990)

5.04.160 Stop work notice

In the event any person, firm or corporation fails to comply with the provisions of this chapter, the City Inspector shall post the job site or premises with a "stop work notice" and any persons continuing to work on said job site or premises is guilty of a misdemeanor. (Ord. 325 Sec. 15, 1974)

Chapter 5.06

SEXUALLY ORIENTED BUSINESS

Sections:

5.06.010 Purpose and Intent
5.06.020 Sexually Oriented Business - Definitions
5.06.030 Sexually Oriented Business – Classification
5.06.040 Zoning Provisions
5.06.050 Enforcement and Penalties

5.06.010 Purpose and Intent

It is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of Jacksonville and to establish reasonable and uniform regulations of a sexually oriented business within the City. The provisions of this Ordinance and Chapter have neither the purpose nor the affect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor affect of this Ordinance or Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.
(Ord. 1342, Sec. 1, 2008)

5.06.020 Sexually Oriented Business – Definitions

(a) Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” (i) or “specified anatomical areas” (j).

(b) Adult Bookstore or Adult Video Store - A commercial establishment whose principal business purpose is to offer for sale or rental for any form of consideration any one or more of the following:
(1) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, and/or other visual representations which depict or describe “specified sexual activities” (k) or “specified anatomical areas” (l).

(c) **Adult Cabaret** - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
(1) Person(s) who appear in a state or states of nudity;
(2) Live performances which are characterized by the exposing of "specified sexual activities" and/or "specified anatomical areas; or,
(3) Films, motion pictures, video cassettes, slides, or other photographic and/or digital reproductions which are characterized by the depiction of "specified sexual activities" and/or "specified anatomical areas.

(d) **Adult Motion Picture Theater** - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic and/or digital reproductions are regularly shown, excluding those rated by the Motion Picture Association of America which emphasizes "specified sexual activities" and/or "specified anatomical areas".

(e) **Adult Theater** - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity of live performances which are characterized by the exposure of "specified sexual activities" and/or "specified anatomical areas.

(f) **Escort Agency** - Any person or business association that furnishes, offers to furnish, or advertises the furnishing of an escort as one (1) of its primary business purposes for money or any type of consideration.

(g) **Nude Model Studio** – A place where a person who appears in a state of nudity or who displays a specific anatomical area for observation, sketching, drawing, painting, sculpture, photography, or otherwise depicted for another for money or any type of consideration.

(h) **Nudity or State of Nudity**
(1) The appearance of the bare human buttocks, anus, male genital, female genital, or areola of the female breast; or,
(2) A state of dress which fails to completely and opaquely cover a human buttocks, anus, male genital, female genital, or any portion of the areola of the female breast.

(i) ***Person*** - An individual, proprietorship, partnership, corporation, association, or other legal entity.

(j) Sexually Oriented Business - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, or nude model studio as the same are defined herein.

(k) Specified Sexual Activities.
(1) Human genitals in a state of sexual stimulation or arousal;
(2) Acts of human masturbation, sexual intercourse, or sodomy;
(3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

(l) Specified Anatomical Areas.
(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast before a point immediately above the top of the areola; and,
(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(m) Residential District - Any land within the city limits of Jacksonville, Arkansas, zoned as R-0, R-1, R-2, R-3, R-4, C-5, R-6, R-7, AHOD, MUOD, and PUD developments.
(Ord. 1342, Sec. 2, 2008)

5.06.030 Sexually Oriented Business – Classification
A sexually oriented business is one classified as follows:
(a) Adult arcade; **(b)** Adult bookstore and adult video store;
(c) Adult cabaret; **(d)** Adult motion picture theater;
(e) Adult theater; **(f)** Escort Agency; and/or,
(g) Nude Model Studio
(Ord. 1342, Sec. 3, 2008)

5.06.040 Zoning Provisions
A sexually oriented business shall not be allowed in any zoning districts other than M-1 and M-2 where such a business may be allowed as a Conditional Use subject to the following factors:
(a) No sexually oriented business shall be operated within One Thousand Feet (1000') of:
(1) A church, synagogue, or other place of religious worship;
(2) A public or private elementary, middle school, secondary or post-secondary school, pre-school, developmentally disabled training facility, or childcare facility;
(3) A boundary of a residential district(R-0, R-1,R-2, R-3, R-4, R-5, R-6, R-7, AHOD, MUOD, and PUD developments);
(4) Boundary of a commercially zoned property C-1, C-2, C-3 or C-4;

(5) A private or public park or other recreational facility family recreation center (as defined in ACA §5-27-226), a bowling alley, a skating rink, or any other facility or area frequented by children;
(6) A hospital or library; and/or,
(7) Properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation program.

(b) A person commits an offense of the terms of this Chapter if the person causes or permits the operation, establishment, or maintenance of a sexually oriented business within One Thousand Feet (1000') of another sexually oriented business or within said distance of any room, building, premises, places, or establishment that sells or dispenses any alcoholic beverage(s), which means but is not limited to distilled spirits, wine, or beer.

(c) For the purpose of subsection (a) and (b) above, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the sexually oriented business to the nearest property line of any of the facilities or operations as listed in (a) or (b).

(d) A lawfully operating sexually business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a private or public park, a family recreation center, a bowling alley, a skating rink, residential zoning, a residential use, or an establishment selling or dispensing alcohol.
(Ord. 1342, Sec. 4, 2008)

5.06.050 Enforcement and Penalties

(a) The Jacksonville Code Enforcement office and/or the Jacksonville Police Department are responsible for enforcement of the terms of this Ordinance. Alleged violators shall be cited into Jacksonville District Court (or another court of proper authority and jurisdiction) for adjudication of alleged violators). As well, affidavits of warrant may be issued through the City Attorney's office for alleged violation(s) as well;

(b) Any person operating or causing to be operated any sexually oriented business in violation of any part of this Ordinance, upon conviction, is punishable by a fine of no less than One Hundred Dollars ($100.00) not to exceed Five Hundred Dollars ($500.00) per violation;

(c) If the violation is, in its nature, continuous with respect to time, the penalty for allowing the continuance thereof is a fine no less than One Hundred Dollars ($100.00) and no more than One Thousand Dollars ($1,000.00) for each day that the same act or violation is unlawfully continued; and,

(d) A person who operates or causes to be operated a sexually oriented business in violation of this Ordinance will be subject to prosecution of any alleged violation of the terms of this Ordinance, suit for injunctive relief as filed by City officials, as well as prosecution for any criminal violations which may be applicable.
(Ord. 1342, Sec. 5, 2008)

Chapter 5.08

BILLIARD AND SNOOKER PARLORS

Sections:

5.08.010 Person defined
5.08.020 Operation on Sunday prohibited
5.08.030 Violation - Penalty

5.08.010 Person defined

The word "person" as used herein is construed to include any natural person, partnership, club, association or corporation.
(Ord. 207 Sec. 1, 1968)

5.08.020 Operation on Sunday prohibited

It is unlawful for any person to operate for financial gain, profit any type of billiard parlor, pool hall, or snooker parlor within the City on the first day of the week, commonly known as Sunday.
(Ord. 207 Sec. 2, 1968)

5.08.030 Violation - Penalty

Any person found guilty of violating this chapter is guilty of a misdemeanor and shall upon conviction thereof for the first offense be sentenced to pay a fine of not exceeding one hundred dollars and for the second or any subsequent offense committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars or undergo imprisonment not exceeding thirty days, or both. (Ord. 207 Sec. 3, 1968)

Chapter 5.12

PROFESSIONAL BONDSMEN

Sections:

5.12.010	**Compliance with regulations required**
5.12.020	**License - Required**
5.12.030	**License - Applicant proof of moral character**
5.12.040	**License - Application - Form - Filing**
5.12.050	**License - Application - Required information - Bond**
5.12.060	**Repealed in its entirety by Ordinance 935**
5.12.070	**License - Issuance - Validity period - Renewal**
5.12.080	**Repealed in its entirety by Ordinance 935**
5.12.090	**Entering police station or city jail - Authorization required records**
5.12.100	**Soliciting business in courtroom prohibited**
5.12.110	**Repealed in its entirety by Ordinance 935**
5.12.120	**Employment of agent or solicitor - Prohibited**
5.12.130	**List of licensed bondsmen - Court Clerks duty**
5.12.140	**Detained person - Bondsman choice - Records**
5.12.150	**License - Suspension or revocation - Hearing**

5.12.010 Compliance with regulations required

It is unlawful for any firm or person to conduct or engage in the business of a professional bondsman in the Municipal Court of the City except in the manner and under the conditions provided in this chapter. (Ord. 129 Sec. 1, 1962)

5.12.020 License - Required

It is unlawful for any person or firm to conduct or engage in the business of a professional bondsman in the Municipal Court of the City without first obtaining in the manner herein provided the necessary annual license required by this chapter. (Ord. 129 Sec. 2, 1962)

5.12.030 License - Applicant proof of moral character

All applicants for a license to do business as a professional bondsman in the Municipal Court of this City shall provide proof of moral character and reputation sufficient to qualify one for a state bondsman's license and in the event the applicant is a firm, all members thereof shall be held to the same proof of moral character and reputation as is required of individuals. All applicants must be at least twenty-one years of age and of sound mind.
(Ord. 675 Sec. 1, 1982)

5.12.040 License - Application - Form - Filing

The application for a permit, either for an original license or for a renewal thereof, shall be in writing, the original and one copy required, signed and sworn to by the applicant.

In the event the applicant is a firm, each member thereof shall sign and swear to the application. One copy shall be filed with the Court Clerk and one copy with the Chief of Police. (Ord. 129 Sec. 4(part), 1962)

5.12.050 License - Application - Required information - Bond

The application shall include the following:

A. A statement by the applicant setting forth name, age, business and home addresses of the applicant, if a person. In the event the applicant is a firm, then the statement shall contain the names, ages, business and home address of all members thereof together with the name of the firm, date of its organization and business address;

B. A certificate as to the moral character and reputation of the applicant and of all members of the firm if the applicant is a firm;

C. An affidavit on the part of the applicant(s) to well and truly perform all duties required of bondsmen under this chapter;

D. An annual license fee in the following amounts:
For a firm, each person thereof..... $100.00

(Ord. 317 Sec. 2, 1974; Ord. 129 Sec. 4(A-D), 1962)

5.12.060 Repealed in its entirety by Ordinance 935 November 1, 1990

5.12.070 License - Issuance - Validity period - Renewal

A. A permit to obtain or to renew a license to engage in or conduct the business of a professional bondsman shall be granted and issued to an applicant if and when the applicant has complied with the conditions an requirements of this chapter and the rules and regulations adopted by the Judge of the Municipal Court in concert with the provisions of this chapter. Upon presentation by the Municipal Judge of an approved application together with all requirements thereof, the City Clerk shall issue a license and permit as provided under the provisions of this chapter.

B. The permit shall be for the period of one year beginning on January 1st and expiring on December 31st of the same year. In the event, application is made on or after the first day of July of any year, the license fee shall be one-half of the annual fee and the license shall expire on December 31st of the same year. Applications for renewal of license shall be filed with the Court Clerk not less than thirty days prior to the expiration date of the license.

(Ord. 129 Sec. 5, 1962; Ord. 935 Section 2, 1990)

5.12.080 Repealed in its entirety by Ordinance 935 Nov. 1, 1990

5.12.090 Entering police station or city jail - Authorization required Records

No professional bondsman shall enter the city police station or city jail for the purpose of obtaining employment as a bondsman without having been previously called by a person so detained or by some relative or other person or officer authorized by and acting for and on behalf of the person so detained. Whenever any person engaged in the bonding business enters the city police station or city jail, he shall forthwith state to the officer in charge thereof his mission there and the name of the person or officer calling him and requesting him to come to such place. The same shall be recorded by the officer or employee in charge of the place of detention and preserved in a public record maintained for that purpose. The failure of the officer in charge of the place of detention to make and preserve such record constitutes a violation of this chapter. (Ord. 129 Sec. 6(B), 1962)

5.12.100 Soliciting business in courtroom prohibited

No professional bondsman shall personally or otherwise solicit business in, at or near the Municipal courtroom or corridor leading thereto. (Ord. 129 Sec. 6(B), 1962)

5.12.110 Repealed in its entirety by Ordinance 935 November 1, 1990

5.12.120 Employment of agent or solicitor - Prohibited

It is unlawful for any professional bondsman to employ or pay any person to act or serve as agent, solicitor or runner in conducting said business with the Municipal Court of the City or for securing or sending or referring bail bond business or clients either to him or to any other professional bondsman. It is unlawful for any person to act or receive any compensation as agent, solicitor or runner for a professional bondsman or to directly or indirectly receive or take from any professional bondsman any money or other thing of value as compensation or as a gift for securing or sending or referring bail bond business or clients in any way to or for a professional bondsman.
(Ord. 129 Sec. 6(E), 1962)

5.12.130 List of licensed bondsmen - Court Clerks Duty

It shall be the duty of the Court Clerk to cause to be typewritten or printed on the 1st of every year; a list should be prepared in the order in which they initially register with the Clerk for the purpose of being included on the list. The list shall include the name of the professional bail bondsmen, the company the bail bondsman represents, and the bail bondsman's office address and phone number. The list shall include all persons licensed under the authority of this chapter to conduct or engage in the business of a professional bondsman in the

City and the Court Clerk shall furnish copies thereof to the Judge of the Municipal Court of the City and the Chief of Police of the City. It shall be the duty of the Court Clerk to maintain sufficient numbers of said lists so that one may be made available to any member of the police department upon request. If and when additional applicants are qualified, approved and licensed during the year, such names will be added to the list. After the original list is prepared on the 1st of any year, the Court Clerk shall have five (5) days in which to prepare a new list after a new company is qualified.
(Ord. 129 Sec. 7 (Part), 1962; Ord. 884, 1988; Ord. 935 Sec. 5, 1990)

5.12.140 Detained person - Bondsman choice - Records

When a person in custody in any place of detention requests any officer in charge thereof to furnish him the name of a bondsman, the list shall be presented to the person so detained without recommendation of any name listed thereon. It shall be the further duty of the officer in charge of such place of detention to put the person so detained, or his authorized representative, in communication by telephone or otherwise with the bondsman selected and chosen by said person in custody, within a reasonable time. It is unlawful for the officer in charge to make any suggestion to or influence in any way the person in custody with reference to the choice of a bondsman.
(Ord. 129 Sec. 7(part), 1962; Ord. 935 Sec. 6, 1990)

5.12.150 License - Suspension or Revocation - Hearing

The license of a professional bondsman may be suspended or revoked in the following manner:

A. The Municipal Judge, whenever he has knowledge or it is brought to his attention that a professional bondsman has violated or is violating any of the provisions of this chapter, is authorized, and it shall be his duty to cite such bondsman to appear before him on a certain day to show cause why his license should not be suspended or revoked. Said citation shall state the reason and grounds for its issuance and the date, hour a place of the hearing and shall be served on the bondsman personally.

B. It shall be the duty of the bondsman cited to appear personally at the time and place of the hearing named in the citation. He shall have the right at such hearing to be represented by counsel, to introduce witness on his behalf and at his own expense have the testimony given at such hearing transcribed.

C. The Municipal Judge is authorized to summons witnesses to appear at such hearing and to administer oaths.

D. If after such hearing the Municipal Judge determines that there is good and sufficient reason for the suspension or revocation of the bondsman's license, he shall enter an order effective immediately to such effect and so notify the bondsman either personally in open court or by registered mail with a return receipt requested. The Municipal Judge shall give notice of the suspension or revocation of said license, as the case may be, to the officials and officers mentioned herein. After receiving such notice, it shall be the duty of the Court Clerk to remove the name of the suspended or revoked bondsman from all lists.

(Ord. 129 Sec. 8, 1962; Ord. 884, 1988; Ord. 935 Sec. 7, 1990)

Chapter 5.16

ITINERANT MERCHANTS

Sections:

5.16.010 Purpose
5.16.011 Definitions
5.16.020 Permit Requirements and Exemptions
5.16.030 Permit Application
5.16.022 Bond Requirements
5.16.023 Badges
5.16.024 Review and Permit Issuance
5.16.025 Denial of Permit
5.16.025 Permit Costs and Expiration
5.16.030 Payment of Privilege Tax and/or Itinerant Merchant Permit fee required
5.16.040 Solicitation upon Private Property Restricted
5.16.050 Exclusions
5.16.060 Enforcement
5.16.070 Permit Révocation
5.16.071 Notice and Hearing
5.16.072 Appeals
5.16.080 Penalty

5.16.010 Purpose

The purpose of this Ordinance is to: protect against criminal activity, including burglary and fraud; minimize unwelcome disturbances to citizens and their privacy; insure equality of opportunity for itinerant peddlers, merchants, and vendors of merchandise and services and solicitors of books sales and magazine subscriptions; establish requirements for such merchants to be licensed to conduct business within the City; and, preserve the public health, safety, and welfare.
(Ord. 120, Sec. 1, 1961; Ord. 1169, Sec. 1, 2001)

5.16.011 Definitions

For purposes of this Code, the term "Itinerant Merchant/ Solicitor/Vendor" means any business, entity, individual, and/or party not conducting business in or from a permanent structure within the City limits of the City of Jacksonville.

One who goes upon any private residence and/or business within the City, not having been invited by the occupant thereof, for the purpose of selling and/or taking orders for goods, merchandise, books, magazines, or personal property of any nature. This definition also includes any person who makes deliveries to purchasers of any of the above. (Ord. 1169, Sec. 1, 2001; Ord. 1174, Sec. 1, 2002)

5.16.020 Permit Requirements and Exemptions

It shall be unlawful for any person to engage in itinerant peddling, soliciting, or vending within the City of Jacksonville without first obtaining a permit issued by the City Engineer's Office (or his designated representative).

All solicitations, sales, and activity must occur within the hours of 9:00 a.m. until 7:00 p.m., Monday through Friday. Further, all itinerant merchants, solicitors, or vendors will conduct their business in compliance with all applicable Jacksonville Municipal Code provisions, emphasizing those applicable to health and safety (i.e., health code, fire and safety provisions, setback requirements, etc.). Exceptions will be made for those soliciting on behalf of a local charitable, educational, political, or religious entity or event.
(Ord. 120, Sec. 2, 1961; Ord. 1169, Sec. 1, 2001)

5.16.030 Permit Application

Every person subject to the provisions of this Ordinance shall file with the City Engineer's Office (or his designated representative) an application on a form furnished by the Department the following information:

(1) Proof of age, address, and identification of Applicant, as verified by the Applicant's driver's license, articles of incorporation (if a corporation), or other legally recognized form of identification;
(2) Brief description of the business or activity to be conducted;
(3) Hours and locations in which solicitation will occur;
(4) If employed or acting as an agent, the name, address, and telephone number of the employer/principal, with appropriate credentials in written form verifying said relationship;
(5) A statement verifying whether or not Applicant has been convicted of a felony, misdemeanor, or ordinance violation (other than traffic offenses), the nature of the offense, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;
(6) Proof of possession of any license or permit which, under federal, state, or local law, Applicant is required to have in order to conduct the proposed business or which would exempt Applicant from the licensing requirements of this Ordinance; and,
(7) Submission of or to a photograph of Applicant to be maintained by the Department.

(Ord. 120, Sec. 3, 1961; Ord. 1169, Sec. 1, 2001)

5.16.022 Bond Requirements

Applicants requiring deposits, taking orders requiring payment (C.O.D.), or who require a contract financing the sale of merchandise or services for future delivery or performance shall furnish to the Department a bond in an amount equal to Twenty five Percent (25%) of Applicant's gross sales during the previous calendar year or Two Thousand Five Hundred Dollars ($ 2,500.00), whichever is greater.
(Ord. 1169, Sec. 1, 2001)

5.16.023 Badges

At the same time the Permit Application is submitted, Applicant shall submit to the Department a photo badge or identification card which shall be worn or displayed in such a way as to be conspicuous at all times while Applicant is working in the City. The badge or

identification card must display the name of the Applicant (as it appears on the Application), the company or entity represented, and the complete address and/or City and State of the Applicant/company's permanent location. Badges are not transferable and must be provided for each representative. (Ord. 1169, Sec. 1, 2001)

5.16.024 Review and Permit Issuance

Upon receipt of an application, the Department shall review the application in a timely manner under the terms of this Ordinance to ensure the protection of the public health, safety, and general welfare. If the Department finds the application satisfactory, the reviewing party must endorse approval on the application and shall, upon payment of the prescribed fees and costs, issue the permit to Applicant.

Permit forms shall show the permit number, name, address, and telephone number of Applicant, the nature of merchandise or services to be sold or provided, the date of issuance, hours of authorized operation, length of time that the permit shall be in effect, and the vehicle license number of any vehicle(s) to be used in conducting the business authorized by the permit. The original (or a photographic copy thereof) of the Permit shall be with Applicant at any time business is conducted within the City limits. Further, the Department will maintain a copy of the permit and its attachments for a period of no less than three (3) years. Attached to the Department's copy of the permit shall be a photograph of Applicant and a copy of the badge(s) presented by Applicant. (Ord. 1169, Sec. 1, 2001)

5.16.025 Denial of Permit

Upon review of an application, the City Engineer (or his designated representative) may refuse to issue a permit under this Ordinance for the following:

(1) Location and/or time of solicitation would endanger the safety and welfare of the itinerant merchants, solicitors, or the public;

(2) Information or an investigation reveals false or misleading information was provided on the application;

(3) Applicant's conviction of a felony, misdemeanor, or violation involving a sex offense, controlled substance distribution offense, violent acts against person or property, or violation of another municipality's provisions regarding itinerant merchants/solicitation, such conviction being entered within the preceding five (5) years;

(4) Applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit, or misrepresentation has been entered within the preceding five (5) years;

(5) No proof that Applicant has the authority to serve as an agent/employee of the company/principal represented;

(6) Applicant's denial of such a permit in this or any other municipality within the preceding two (2) years, unless Applicant can and does show to the satisfaction of the Department that the reasons for such earlier denial no longer exist; or,

(7) Any other articulate and legitimate reason that directly supports the purposes of this Ordinance as stated herein.
(Ord. 1169, Sec. 1, 2001)

5.16.026 Permit Costs and Expiration

All permits issued under the provisions of this Ordinance shall be valid for a period of One (1) calendar day, with issuance not to exceed five (5) business days. Permits shall be available for One (1) day at a cost of Twenty-five Dollars ($25.00) per day. Additional permits can be obtained at a fee of Twenty-five Dollars ($25.00) per day up to a maximum of a Five (5) day permit at a cost of One Hundred Twenty-five Dollars ($125.00). (Ord. 1169, Sec. 1, 2001)

5.16.030 Payment of Privilege Tax and/or Itinerant Merchant Permit fee Required

In addition to the above provisions of this chapter, any person, firm or corporation shall pay the privilege tax required for that particular endeavor by City Ordinance. Itinerant merchants who have paid a current year privilege tax to a municipality within Arkansas shall not be required to pay said tax again upon providing proof of payment of said tax to the City Engineer's Office (and/or his designated representative). (Ord. 1169, Sec. 1, 2001)

5.16.040 Solicitation upon Private Property Restricted

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler, itinerant merchant, or solicitor, to enter upon any residential and/or commercial premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the point of entry to the principal building on the premises, a sign bearing words to the effect of "No Solicitors/Peddlers". (Ord. 1169, Sec. 1, 2001)

5.16.050 Exclusions

Local civic, non-profit (i.e., charitable), educational, political, and religious organizations shall be exempt from the terms of this Ordinance, with the exception that no such solicitations will occur from 8:00 p.m. to 9:00 a.m. CST. (Ord. 1169, Sec. 1, 2001)

Further, food vendors, caterers, and canteens shall be exempt from the terms of this Ordinance, as they shall be governed under Jacksonville Municipal Code 5.44.

5.16.060 Enforcement

The City Engineer's Office, by and through the Code enforcement office (or his designated representative), and the Jacksonville Police Department are hereby empowered to administer the provisions of this Ordinance and to revoke any such permit when deemed appropriate.

It shall be the responsibility of the Code Enforcement Office to insure that each entity seeking to do business in the City is registered and/or licensed when necessary with appropriate government entities and is sufficiently licensed to collect any applicable sales taxes. (Ord. 1169, Sec. 1, 2001)

5.16.070 Permit Revocation

Any permit issued hereunder may be revoked or suspended by the City Engineer (or his designated representative) after notice and hearing for any of the following reasons:

(1) Fraud, misrepresentation, or false statement(s) made in the application for a Permit;
(2) Fraud, misrepresentation, or false statement(s) made by the permittee during the course of conducting business;
(3) Conducting business activities contrary to the provisions contained in the permit; and/or,
(4) Conducting peddling, solicitation, or business activities in such a manner as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety, or general welfare of the public.

(Ord. 1169, Sec. 1, 2001)

5.16.071 Notice and Hearing

Written notice of a hearing for revocation of a permit issued under this Ordinance shall be provided and shall set forth specifically the grounds for proposed revocation, together with the date, time, and place of said hearing. Notice shall be mailed, postage prepaid, to Permittee at the address shown on the permit application or as updated by Permittee.

At the hearing, the City Engineer (or his designated representative) shall present information gathered in support of the grounds for revocation of said permit. Permittee shall then be given the opportunity to present information or materials in support of its position regarding the permit.

Upon conclusion of the hearing, the City Engineer shall issue, in writing, a decision regarding the permit status. Such a statement shall be provided to Permittee by mail, postage prepaid, to the address shown on the permit application. Enclosed with said mailing shall be a statement providing the information contained in JMC § 5.16.072. (Ord. 1169, Sec. 1, 2001)

5.16.072 Appeals

Any person aggrieved by the action or decision of the City Engineer (and/or his designated representative) to deny, suspend, or revoke a permit applied for under the provisions of this Ordinance shall have the right to appeal such action or decision to the Mayor's Office (or his designated representative) within Fifteen (15) days of written notice of said decision.

Any appeal shall be submitted in written form to the Mayor's Office stating the grounds for such an appeal. The Mayor's Office shall then receive a packet of information from the City Engineer's Office regarding the action taken regarding this permit.

The Mayor's Office shall set a hearing no later than Twenty (20) days from the date of receipt of Appellant's written statement. Written notice of the date, time, and place of said hearing shall be mailed to Appellant, postage prepaid, to the mailing address provided on the Permit.

At said hearing, the Mayor (or his designated representative) shall allow Appellant to present information and materials relevant to the action taken against said permit. If necessary, the Mayor shall receive information and materials from the City Engineer's office regarding the permit in question.

Upon due consideration, the Mayor shall issue a written notice providing his decision regarding the Permit in question within ten (10) days of said hearing. Said notice shall be mailed, postage prepaid, to Permittee at the address on the permit.

The decision of the Mayor's Office (or his designated representative) shall be final and is binding on all parties concerned.

(Ord. 1169, Sec. 1, 2001)

5.16.080 Penalty

A business, entity, individual, and/or responsible party who violates any provision of this Ordinance shall be subject to arrest and/or issuance of a citation or affidavit for arrest for said violation(s) and brought before the Jacksonville District Court. Any such party found guilty of such a violation shall be fined no less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00). Each violation of any provision of this Ordinance shall constitute a separate offense.

(Ord. 120, 1961; Ord. 1169, Sec. 1, 2001)

Chapter 5.20

TAXIS AND VEHICLES FOR HIRE

Sections:

5.20.010 Operation declared a Privilege
5.20.020 Liability Insurance Requirements
5.20.030 Licensing Period and Fees
5.20.040 Applicant Information Required
5.20.050 Applicant Requirements
5.20.055 Vehicle Requirements
5.20.060 Business Location and Operation
5.20.070 Allowable Charges
5.20.080 Revocation of License
5.20.090 Enforcement and Penalties

5.20.010 Operation declared a Privilege

It is hereby declared and stated that operation of a taxi and/or vehicle for hire service within the corporate limits of the City of Jacksonville is hereby declared to be a privilege. Any such operation, business, entity, individual, or service shall do so only in compliance with applicable state law (including, but not limited to, ACA §§ 14-57-201 ET. seq., 14-57-301 ET. seq., and 14-57-401 ET. seq.,).
(Ord. 48 Sec. 1, 1954; Ord. 1198 Sec. 1(part), 2003)

5.20.020 Liability Insurance Requirements

A. Before any privilege license shall be issued for operation of a taxi service and/or vehicle for hire, such applicant for said license shall procure public liability insurance issued by some reliable insurance company(ies) licensed to issue policies within the State of Arkansas and maintain such coverage for all periods of operation of said business, person, firm, or corporation against any loss, damage, or claim of injury or death to person(s) as a result of the operation of the taxi and/or vehicle for hire. In no instance shall any taxi and/or vehicle for hire licensed hereunder be insured or maintain insurance coverage for less than the following minimum limits:

1) Twenty-five Thousand Dollars ($25,000.00) coverage of bodily injury to or death of one (1) individual in any one (1) accident; and,

2) Fifty Thousand Dollars ($50,000.00) coverage of bodily injury to or death of two (2) individuals in any one (1) accident; and,

3) Twenty-five Thousand Dollars ($25,000.00) coverage of injury to or destruction of property of others in any one (1) accident.

B. Proof of such insurance, in the form of a Certificate of Insurance for a true and certified copy of the insurance policy issued by the insurance company must accompany the application of said applicant for licensure. Such proof of insurance must show the name of the business, person, firm, or corporation to whom such insurance coverage is issued, the limits of the coverage thereunder, the issue and expiration date of insurance coverage, the policy number, and a complete description of the vehicle(s) insured under the policy.

C. Should, during the licensing period, said insurance Coverage be cancelled by the issuing insurance company, allowed to lapse by the insured, or cease to provide general liability coverage for the public, the privilege license to operate any vehicle listed under the cancelled policy shall be revoked and have no further effect until such time that the owner/operator shall procure a replacement insurance policy and provide proof of such procurement to City officials as required under the terms of this Ordinance and State law. Under no conditions whatsoever shall any business, corporation, firm or individual operate a taxi and/or vehicle for hire within the City of Jacksonville at any time without appropriate minimal insurance coverage as cited above.
(Ord. 48 Sec. 2, 1954; Ord. 1198 Sec. 1 (part), 2003)

5.20.030 Licensing Period and Fees

A. Licensing periods for the operation of a taxi and/or vehicle for hire are hereby declared to be the twelve (12) month period beginning January 1 and ending December 31. No license to operate a taxi shall under any circumstances be issued for longer that the above stated period of time, and any business, corporation, firm or individual applying for a license to operate a taxi and/or vehicle for hire during any portion of any licensing period shall be required to pay, in advance, the same license fee which is paid for the entire licensing period. Further, should any business, corporation, firm or individual have his/her license revoked during the licensing period, said entity shall not be entitled to recover any portion of the license fee theretofore paid upon said vehicle(s).

B. Licensing fees shall be imposed against any and all businesses, corporations, firms, and/or individuals for the operation of taxis and/or vehicles for hire within the City of Jacksonville are payable to the City in the amount of Fifty Dollars ($50.00) for each licensing period. Said payments are due and payable in advance before any license is issued, and are due and payable no later than January 2 of each subsequent year of business operation. Continuation of business operation of a taxi and/or vehicle for hire service without timely payment of said fee is a violation of the terms of this Ordinance.

C. Further, there shall be a Twenty-five Dollar ($25.00) per vehicle charge for each separate vehicle utilized by any business, corporation, firm, or individual operating a taxi and/or vehicle for hire service. Payment of said vehicle fee shall be due and payable in the same manner as outlined above for the licensing fee.
(Ord. 48 Sec. 3, 1954; Ord. 1198 Sec. 1(part), 2003)

5.20.040 Applicant Information Required

Any business, corporation, firm, or individual desirous of operating a taxi and/or vehicle for hire service within the City of Jacksonville shall file with the City Clerk/Treasurer a written and duly notarized application upon such from(s) as may now or hereinafter be prescribed by the City containing the following information:

1) Full names, dates of birth, addresses (business and personal), and telephone number(s) of the applicant(s), and his/her/its employees if applicable);
2) Physical address(es) and telephone number(s) of the business within the City from which services shall be rendered;
3) If a corporation, copies of the filed Articles of Incorporation;
4) Complete description of the equipment to be utilized by the business, corporation, firm, or individual, including the make, model, seating capacity, vehicle identification number, color, and registered owner(s) of said vehicle(s); and,
5) Proof of Insurance (i.e., name, address, and telephone number of applicant’s insurance company).

(Ord. 48 Sec. 4, 1954; Ord. 1198 Sec. 1(part), 2003)

5.20.050 Applicant Requirements

Any applicant for licensure must be a minimum of Twenty-one (21) years of age, have no criminal offense history on record, have and maintain a valid Arkansas commercial/chauffeur driver’s license, and have and maintain no convictions of Driving While Intoxicated for a period of no less than five (5) years prior to said application submission.

Submission of said information is required by each applicant and/or employee of said applicant, with submission of the information a the time of licensure and/or time of change of any pertinent information contained therein.
(Ord. 48 Sec. 5(part), 1954; Ord. 1198 Sec. 1(part), 2003)

5.20.055 Vehicle Requirements

A. Inspections.
All motorized vehicle utilized by any taxi and/or vehicle for hire service operating within the city limits of the City of Jacksonville shall pass a minimum of a Fourteen (14) Point Vehicle Inspection and satisfy all requirements of applicable State and Federal regulations.

Vehicle Inspection Points shall include, but not be limited to, the following:

1) Horn
2) Windshield wipers
3) Mirrors
4) Tires
5) Seat belts
6) Beam indicator
7) Tail lamps/lenses (2)
8) Stop lamps/lenses (2) or (3)
9) License Plate lamp (1)
10) Rear red reflectors (2)
11) Turn Signal lamps/lenses (4)
12) Head lamps/lenses (2)
13) Vehicle Identification Number
14) Gas Cap

B. Posted Fares.
All authorized and current fares and charges assessed to passengers in a taxi or vehicle for hire shall be posted on the inside of any such vehicle(s) clearly visible from the rear passenger area.

C. Name and Telephone Number Display.
Each vehicle used by any business and/or company operating as a taxi or vehicle for hire within the City limits shall have the name of the company and the telephone number clearly posted on each side (driver's side and passenger side) of each such vehicle utilized by said business and/or company. (Ord. 1246, Sec. 1, 2005)

5.20.060 Business Location and Operation

A. Any taxi and/or vehicle for hire service operating in the City of Jacksonville shall have a fixed terminal or place of business within the corporate city limits of the City of Jacksonville. Said place of business shall contain a constantly attended telephone number during reasonable business hours, with an answering machine or service to answer calls made outside of normal business hours informing the public of normal business hours of operation. Said licensee shall prohibit and not permit any person(s) to utilize alcoholic beverages or illegal narcotics within the place of business, shall take all necessary actions to insure the facility is maintained in a reasonably clean and sanitary manner, and shall comply with all other applicable code provisions.

B. Hours of operation for any taxi service and/or vehicle for hire are to be a minimum of twelve (12) hours each day, seven (7) days per week, as determined needed within the following daily time frame of 6:00 a.m. to 11:00 p.m.
(Ord. 48 Sec. 6, 1954; Ord. 1198 Sec. 1, 2003)

C. Any vehicle for hire that is licensed and is operated exclusively as a non-emergency medical transport service shall not be required to maintain a fixed terminal or place of business within the city limits of the City of Jacksonville if:

1) Said service has a primary place of business operation in another municipality within the State of Arkansas;

2) Said service has a current privilege/business license issued by another municipality within the State of Arkansas and has provided the Jacksonville Code Enforcement Office with a copy of said current license/receipt;

3) Said service satisfies all applicable state and federal regulations regarding fees charged and hours of operation for said transport services; and,

4) Said service satisfies all other applicable provisions of this Code, Arkansas law, and federal regulations in the operation of its service while transporting residents of the City of Jacksonville.

(Ord. 1246, Sec. 2, 2005)

5.20.070 Allowable Charges

Maximum fares assessed to the public by operators of a taxi and/or vehicle for hire service(s) within the corporate limits of the City of Jacksonville shall be within the following provisions:

Charges for Taxi Service: For transportation of passenger(s) from a point of origin within the City limits to a destination within the City limits result in a charge of no more than Five Dollars ($5.00) per one-way trip within the City. (Ord. 1198 Sec. 1,(part) 2003)

5.20.080 Revocation of License

If an owner, operator, employee, or representative of a taxi service and/or vehicle for hire be convicted of any offense related to the transportation, procurement, possession, sale, manufacture, and/or distribution of any illegal substance and/or intoxicating beverage, the license to operate such a business shall be revoked by a majority vote of the Jacksonville City Council. Should an owner, operator, employee, or representative of a taxi service and/or vehicle for hire be convicted of any offense related to driving while intoxicated or other serious traffic or criminal offense, giving question to the individual’s ability to properly provide transportation to the public, the license to operate such a business shall be revoked by a majority vote of the Jacksonville City Council. Once, revoked, the license may not be renewed or reinstated for the remainder of the current licensing period. (Ord. 1198 Sec. 1, (part) 2003)

5.20.090 Enforcement and Penalties

Enforcement of the provisions of this Chapter shall rest with the Code Enforcement Office and/or the Police Department of the City of Jacksonville. Any business, corporation, firm, and/or individual suspected of violation of any provisions of this Chapter shall be cited into Jacksonville District Court and, upon conviction of a violation, face a fine in any sum no less than Twenty-five Dollars ($25.00) and no more than One Hundred Dollars ($100.00), together with applicable court costs. For each day that a violation exists, such action shall constitute a separate offense.

Upon conviction of a subsequent similar offense within a three (3) year time period, the license to operate such a taxi and/or vehicle for hire service shall be revoked by a majority vote of the Jacksonville City Council. (Ord. 1198 Sec. 1, (part) 2003)

Chapter 5.24

PAWNBROKERS

Sections:

5.24.010 Subject to regulations
5.24.020 Purpose
5.24.030 Information Requirements and Deadlines
5.24.040 Records to be kept
5.24.050 License or Permit – Granting conditions
5.24.060 License or Permit – Notice and Hearing
5.24.070 Enforcement and Penalties

5.24.010 Subject to regulations

In addition to the license fee which is now or may hereafter be collected every year from persons engaging in the pawnbroker's business, such persons engaging in the pawnbroker's business shall be subject to the additional regulations contained in this chapter in the conduct of their business as a pawnbroker.
(Amendment No. 4 to Ord. 25 Sec. 15(A) (Part) 1965)

5.24.020 Purpose

Each and every owner or operator of a pawnshop, pawnbroker, and dealer in secondhand goods doing business in the City of Jacksonville, Arkansas, shall, within one (1) year of the creation of this Chapter, maintain an electronic inventory-tracking system capable of delivery and transmission of all statutorily-required information via computer records to the Jacksonville Police Department, and/or designated representative(s) of law enforcement agencies. (Ord. 25 Sec. 15(A)(part), 1965; Ord. 1304 Sec. 1, 2007)

5.24.030 Information Requirements and Deadlines

Any owner or operator of a pawn shop or pawnbroker will be required to upload all required information as outlined in ACA §12-12-103 to the Jacksonville Police Department, the Pulaski County Sheriff’s office, the Arkansas State Police, or any other authorized law enforcement agencies and/or their designated representative(s).
(Ord. 317 Sec. 3, 1974: Amendment No. 4 to Ord. 25 Sec. 15(B), 1965; Ord. 1304 Sec. 2, 2007)

5.24.040 Records to be kept

It shall be the duty of each pawnbroker, his or its agents, servants and employees, to keep in a plain and intelligent manner a written record in a permanent record book each transaction in said pawnbroker's business in which such pawnbroker lends, advances or pays money or anything of value or in which any personal property is pledged, sold, bartered or exchanged, giving the following information: The name and address of the person with whom transaction is had, the ownership of the property involved, a description of the property involved and the amount of money loaned, advanced or paid thereon. Such record so kept shall be at all times subject to the inspection of the Mayor, Chief of Police, a police officer on duty and/or the City Attorney upon demand by any of them. It is further provided that, in all cases where any such article of personal property is still in possession of the pawnbroker or subject to his control, it shall, at all times, be subject to the inspection of said officers upon demand by any of them to see the article(s) itself. (Amendment No. 4 to 0rd. 25 Sec. 15(C), 1965; Ord. 1304 Sec. 3, 2007)

5.24.50 License or Permit – Granting Conditions

No license or permit to operate the business of pawnbroker shall be granted to the following persons:

A. Any person under the age of 21 years;

B. Any person not a citizen of the United States; and,

C. Any person has not complied with the laws of the State of Arkansas governing the laws of such business of who has had his permit or license for such business revoked within two years prior thereto.

(Ord. 1304 Sec. 4, 2007)

5.24.060 License or Permit – Notice and Hearing

Any license or permit issued under the authority of this chapter may be revoked by the District Court at a hearing before it, after notice to the licensee of the time and place of hearing for any one of the following reasons:

A. The licensee has been convicted of a felony and is not entitled to be granted a license because of lack of qualifications set out in Section 5.24.030; and,

B. The licensee engages in, encourages, or knowingly permits the sale of alcoholic liquors in such places or permits gambling in such places of business.

(Ord. 1304 Sec. 5, 2007)

5.24.070 Enforcement and Penalties

The failure on the part of any owner or operator of a pawnshop, pawnbroker, or dealer in secondhand goods to comply with any provision(s) of this Chapter shall be deemed a prima facie misdemeanor offense. Upon charge and conviction/place of such, the

offender shall be punished by a fine of no less than twenty-five Dollars ($25.00), together with court costs, for each separate offense. Each day of noncompliance with the terms of this Chapter shall be deemed a separate offense and will be punishable accordingly. (Ord. 1304 Sec. 6, 2007)

Chapter 5.28

PORTABLE FIRE EXTINGUISHER MAINTENANCE

Sections:

5.28.010 Permit - Required
5.28.020 Tag attachment to extinguisher - Required information
5.28.030 Defective or faulty extinguisher - Notice to Fire Chief
5.28.040 Work in conformance with regulations required
5.28.050 Hand and wheeled chemical solution (soda-acid) extinguisher
5.28.060 Water type, anti-freeze solution extinguisher
5.28.070 Wheeled anti-freeze solution extinguisher
5.28.080 Wheeled wetting agent extinguisher
5.28.090 Hand and wheeled from extinguisher
5.28.100 Hand and wheeled loaded stream extinguisher
5.28.110 Vaporizing liquid extinguisher
5.28.120 Hand and wheeled carbon dioxide extinguisher
5.28.130 Hand and wheeled dry chemical extinguisher
5.28.140 Defective extinguisher - Tests and repairs
5.28.150 Hydrostatic pressure test - Procedure
5.28.160 Violation - Penalty

5.28.010 Permit - Required

Any person, firm, corporation or entity which engages in the business of filling, refilling, recharging, conditioning, reconditioning, maintaining, inspecting, testing or approving portable are extinguisher for a consideration within the limits of its city shall obtain and hold a permit to engage in such business from the Chief of the Fire Department, which permit shall be issued by the Chief of the Fire Department upon proof being made that the applicant has paid for a current privilege tax to engage in such business.
(Ord. 130 Sec. 1, 1961)

5.28.020 Tag for attachment to extinguisher-Required information

Upon the completion of filling, refilling, charging, recharging, conditioning, reconditioning, maintaining, inspecting, hydrostatical testing or approving the condition of portable fire extinguisher, the person, firm, corporation or entity so acting shall place on each extinguisher so treated a tag, attached to the extinguisher by heavy cord or wire, on which shall be plainly written the name of the person, firm, corporation or entity which has filled, refilled, charged, recharged, conditioned, reconditioned, maintained, inspected, or hydrostatical tested the extinguisher and which shall show the date of inspection or other treatment of the extinguisher together with

description of the nature of treatment performed on the fire extinguisher (Example: "filled," "charged," "hydrostatical tested," etc.) and a statement describing the condition of the extinguisher for the use and benefit of both the tenant and the Chief of the Fire Department. (Ord. 130 Sec. 2, 1961)

5.28.030 Defective or faulty extinguisher-Notice to Fire Chief

It shall be the duty of any person, firm, corporation or entity whose acts bring it within the coverage of this chapter to immediately report any defective or faulty portable fire extinguisher or parts thereof to the tenant in charge of the premises on or in which it may be located and to similarly report the fact to the chief of the Fire Department within forty-eight hours after discovery thereof. The extinguisher possessing defects so reported shall not be reassembled, refilled, recharged or placed in use until the defective part or parts have been replaced and the extinguisher rendered safe, reliable and in good operating condition as provided for herein.
(Ord. 130 Sec. 3, 1961)

5.28.040 Work in conformance with regulations required

Any person, firm, corporation or entity which, for a consideration, undertakes to fill, refill, charge, recharge or maintain portable are extinguisher with contents, whether liquid, solid or gaseous, shall do so in a manner appropriate to and consistent with the purposes and design of the extinguisher and shall use the materials and follow procedures according to the classifications enumerated in Sections 5.28.050 through 5.28.130. (Ord. 130 Sec. 4 (part), 1961)

5.28.050 Hand and wheeled chemical solution (soda-acid) extinguisher

For hand and wheeled chemical solution (soda-acid) extinguisher, the chemicals to be used shall consist of a powdered chemical (bicarbonate of soda or its equivalent) for dissolution in water for the extinguisher shell and a liquid chemical (sulfuric acid or its equivalent) for the bottle. The extinguisher shall be filled to capacity or as such level as may be designated thereon. In recharging or refilling, all extinguisher parts shall be washed thoroughly with water and the water drained through the hose. Ingredients such as common salt, calcium chloride, wetting agents, glycerin or other similar compounds shall not be used in these extinguishers at any time. (Ord. 130 Sec. 4(a), 1961)

5.28.060 Water-type, anti-freeze solution extinguisher

For water-type or anti-freeze solution extinguisher, the extinguishing agent used shall be plain water or, when of anti-freeze type, a solution having a freezing point of forty degrees F. below zero, the anti-freeze compound or solution used having a calcium chloride base with adequate components for avoiding corrosion or deposits or both on operating parts. In refilling or recharging,

extinguisher shall be filled to the filling mark or, if a cartridge-type unit, the cartridge shall be weighed to determine whether or not it is fully charged. Before refilling or recharging, all parts shall be washed thoroughly with water and the water drained through the hose. All water will be removed from the hose to prevent clogging by freezing. In recharging extinguisher with the anti-freeze solution, the chemical used shall be thoroughly dissolved in water outside the extinguisher in strict accordance with instructions on the extinguisher or charging unit. The water should be cold and the solution should be put through a fine strainer while being poured into the extinguisher. Common salt must not be used in extinguisher of this type. Cartridges other than those furnished by the manufacturer, or equivalent, shall not be used in cartridge operated extinguisher. (Ord. 130 Sec. 4(b), 1961)

5.28.070 Wheeled anti-freeze solution extinguisher

For wheeled anti-freeze solution extinguisher, the procedure shall be the same as in Section 5.28.060, except that the volume of chemicals and water used shall be commensurate with the capacity of the unit. (Ord. 130 Sec. 4(b), 1961)

5.28.080 Wheeled wetting-agent extinguisher

For wheeled wetting-agent extinguisher, the extinguishing agent used in refilling and recharging shall be a surface-active substance added to water in proper quantities to materially reduce the surface tension of the water and increase its penetrating and spreading characteristics and emulsifying action. Extinguisher shall be refilled or recharged to filling mark. Carbon dioxide cylinder used as expellent shall be weighed to determine that it is fully charged. In recharging such extinguisher, all parts shall be washed thoroughly with water and the water drained through the hose. All water will then be removed from the hose to prevent freezing and clogging the nozzle. Ingredients such as calcium chloride or common salt shall not be used. Cylinders other than those furnished by the manufacturer, or equivalent, shall not be used. (Ord. 130 Sec. 4(d), 1961)

5.28.090 Hand and wheeled foam extinguisher

For hand and wheeled foam extinguisher, chemicals used shall be bicarbonate of soda and a foam-stabilizing agent dissolved in water for the outer compartment and aluminum sulfate dissolved in water for the inner cylinder. Before recharging or refilling, all parts shall be washed thoroughly with water and the water drained through the hose. All water will then be removed from the hose to prevent freezing and clogging the nozzle. All chemicals used shall be thoroughly stirred until dissolved in water and in exact accordance with instructions on the extinguisher or charging unit. Anti-freeze ingredients such as common salt or calcium chloride or other similar compounds shall not be used. (Ord. 130 Sec. 4(e), 1961)

5.28.100 Hand and wheeled loaded stream extinguisher

For hand and wheeled loaded stream extinguisher, chemicals used shall be a solution of an alkali-metal-salt which solution has a freezing point of forty degrees Fahrenheit below zero. Extinguisher shall be filled or refilled to the filling mark and the cartridge, in cartridge-operated extinguisher, shall be weighed to determine whether or not it is fully charged. All parts shall first be washed thoroughly with water and the water drained through the hose. All water will be removed from the hose to prevent clogging by freezing. The chemical shall be thoroughly stirred until dissolved in water and in exact accordance with instructions on the extinguisher or charging unit. Chemicals or cartridges other than those furnished by the manufacturer, or equivalent, shall not be used in those extinguishers.
(Ord. 130 Sec. 4(f), 1961)

5.28.110 Vaporizing liquid extinguisher

For vaporizing liquid extinguisher, the extinguishing agent used shall be a specially treated non-conducting liquid having a freezing point of at least fifty degrees Fahrenheit below zero and a corrosion inhibitor ingredient. Extinguisher shall be filled or refilled to capacity (on stored pressure types, to the filling mark). Water shall not be used for any purpose in this type. Liquid other than that furnished by the manufacturer, or equivalent, shall not be used.
(Ord. 130 Sec. 4(g), 1961)

5.28.120 Hand and wheeled carbon dioxide extinguisher

Hand and wheeled carbon dioxide extinguisher shall be refilled or recharged to the filling mark. The extinguisher shall be weighed to determine if it is fully charged. The extinguishing agent in all cases shall be weighed to determine if it is fully charged. The extinguishing agent in all cases shall be carbon dioxide.
(Ord. 130 Sec. 4(h), 1961)

5.28.130 Hand and wheeled dry chemical extinguisher

For hand and wheeled dry chemical extinguisher, the fire-extinguishing agent used shall be a specially treated sodium bicarbonate in dry powder foam with components producing free flow and water repellency. Chemicals or cartridges other than those furnished by the manufacturer, or equivalent, shall not be used in these extinguisher and the manufacturer's recharging instructions shall be followed. Extinguisher shall be filled with the specified weight of dry chemicals at all times. In the case of cartridge-operated extinguisher, the cartridge will be weighed to determine that it is fully charged. The extinguisher, upon recharging or refilling, shall be examined to determine that all parts are functioning properly and that there is no clogging of any passages through which the contents must flow. (Ord. 130 Sec. 4(i), 1961)

5.28.140 Defective extinguisher - Tests and repairs

If any defect is found which might affect the functioning of any extinguisher, the contents of the extinguisher may be emptied and removed and the extinguisher subjected to a hydrostatic pressure test to determine if it is in proper condition for use. If following such test any fire extinguisher, regardless of class, type or kind is discovered to possess defects of any type involving the functioning and proper use of said extinguisher and the defects are repaired by a person, firm, corporation or entity regulated by this chapter, the extinguisher so repaired shall be subjected to a hydrostatic pressure test to insure that the repairs have been properly made and that the extinguisher is competent for continued use.
(Ord. 130 Sec. 5, 1961)

5.28.150 Hydrostatic pressure test - Procedure

Hydrostatic pressure tests shall be conducted according to the basic requirements made in this section as follows:

A. Apparatus for a hydrostatic pressure test shall be the following:

1. A suitable hand operated or power operated hydrostatic pump capable of producing pressure not less than twice the test pressure

2. A flexible connection attached to the pump provided with a fitting for attachment to the extinguisher;

3. A calibrated pressure gauge with a capacity of not less than twice the test pressure;

4. Necessary valves, fittings and other apparatus regulating and maintaining the required test pressures;

5. A substantial shield, which shall be placed between the extinguisher under test and the operator of the pump and bystanders.

B. The extinguisher shall be emptied and washed and the internal parts thereof, such as acid bottle and cage, shall be removed.

C. The extinguisher shall be filled with water, coupled to the pressure apparatus and placed behind the protective shield.

D. No air shall be permitted in the extinguisher during hydrostatic pressure tests and the operator shall be charged with the responsibility of seeing that all air is removed from all parts of the machine during the testing.

E. Pressure shall be applied at a rate of rise to reach three hundred pounds per square inch in approximately one minute. Pressure of not less than three hundred pounds per square inch and not more than three hundred fifty pounds per square inch shall be applied to hand-type extinguisher, and a pressure of four hundred pounds per square inch shall be applied to wheeled extinguisher.

F. The extinguisher shall be checked for leakage, distortion or other signs of failure, the pressure being maintained for one minute for such purposes, after which pressure shall be released. Extinguisher which show no faults during said test may be recharged or refilled and returned to normal service and shall be fitted with a record tag showing the date of the test, test pressure and the name of the person, firm, corporation or entity making the test, as set out above.

G. Any extinguisher that shows leakage, distortion or other signs of weakness should be returned to manufacturer for repair, should otherwise be competently repaired or discarded.

(Ord. 130 Sec. 6, 1961)

5.28.160 Violation - Penalty

Any person, firm or entity violating any provisions of this chapter shall be subject to having its license revoked by the chief of the fire department or shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars or both.

(Ord. 130 Sec. 7, 1961)

Chapter 5.32

WRECKER COMPANY REGULATIONS

Sections:

5.32.010 Licensure Requirements
5.32.020 Service Requirements
5.32.030 Equipment, Facility, and Records Requirements
5.32.040 Wrecker and Towing Availability
5.32.050 Notification Procedures
5.32.060 Arrival Procedures
5.32.070 Scene Procedures and Requirements
5.32.080 Service Charges
5.32.090 Unclaimed Vehicles
5.32.100 Failure(s) to Comply or Respond

5.32.010 Licensure Requirements

Each towing/wrecker service wishing to receive requests for towing services from the Jacksonville 911 Communications Center must hold all appropriate licensure and insurance required by the City and the State of Arkansas for operation of such a service/business. Failure to conform to all of the applicable requirements and regulations will result in the removal of said business/person/entity from the call list(s) of approved towing service companies.

(Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 1, 2006)

5.32.020 Service Requirements

Each towing/wrecker service must provide Twenty-four (24) hour continuous service for the acceptance of vehicles and request for services. Storage facilities for said vehicles towed or received must be open a minimum of Five (5) business days per week for a minimum of Eight (8) hours per day, holidays excluded.

(Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 2, 2006)

5.32.030 Equipment, Facility, and Records Requirements

A) Each towing/wrecker service must have and maintain their wreckers in good and proper mechanical condition properly equipped and licensed as required by State regulations. This equipment shall include, but is not limited to, proper emergency lighting, visible from front and rear, a certified fire extinguisher, a radio or communicative device, and sufficient accessories, equipment, and tools to efficiently perform the required service(s).

B) Each towing/wrecker service must have and maintain a lighted and fully fenced storage area within the City limits of the City of Jacksonville or within a three (3) mile radius of the corporate limits. The lighted and fenced area must be designed and maintained in a manner adequate to prevent/deter theft or vandalism to vehicles or other property within its care and control. Further, the service must maintain an impound facility area for preservation of evidence needed in prosecution of criminal offenses investigated by the

Jacksonville Police Department secure from entry by all unauthorized person(s).

C) Each towing/wrecker service must maintain adequate records of all vehicles towed at the request of the Jacksonville Police Department, with such records to include the date, time, location, make, model, license, and vehicle identification number of any such towed vehicle. Such records shall be available for inspection and duplication by members of the Jacksonville Police Department during regular business hours. (Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 3, 2006)

5.32.040 Wrecker and Towing Availability

To maintain its position on the Call List(s) maintained by the City (through its 911 Communications Center), each towing/wrecker service must either make available within Fifteen (15) minutes of a call a suitable wrecker and operator at the scene as directed by City personnel. If a service fails to do so, it is responsible to immediately notify the 911 Communication Center of its unavailability for such a call. Failure to timely respond to more than Three (3) calls in a Three (3) month timeframe will result in removal of said service from the call list(s) utilized by the City as authorized in this Ordinance. (Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 4, 2006)

5.32.050 Notification Procedures

Upon need of a towing/wrecker service response, the City's 911 Communications Center shall notify the next towing/wrecker service qualified and registered with the City for towing services, providing the service with the location and other relevant information needed to properly prepare for the assistance required. No towing/wrecker service shall respond to the scene of an accident unless requested to do so by the 911 Communications Center or by the owner(s) or driver(s) of one of the disabled vehicle(s) involved. If a towing/wrecker service receives notification of an accident from a source other than the 911 Communications Center, the service should immediately notify the Communications Center of such an accident, its location, and abide by response instructions issued by the Center. (Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 5, 2006)

5.32.060 Arrival Procedures

Upon arrival at an accident or towing scene, the operator will stand by and await direction from the on-site officer for removal or work upon any vehicle in need of towing. The operator shall utilize the waiting period to obtain required information from the owner/driver of any vehicle in need of towing service and direction from the officer/employee on scene. (Ord. 573 Sec. (part), 1980; Ord. 1294 Sec. 6, 2006)

5.32.070 Scene Procedures and Requirements

All operators and towing/wrecker service employees will abide by all safety and traffic regulations while on the scene unless otherwise directed by a law enforcement officer. It shall further be the

responsibility of every towing/wrecker service to remove or provide for the removal of all debris of an accident from the roadway before leaving the scene. (Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 7, 2006)

5.32.080 Service Charges

All towing/wrecker services shall assess reasonable service charges and rates for any services performed or provided. Charges and rates will be reasonable as compared to rates and charges of other towing/wrecker services conducting business in the Central Arkansas area. (Ord 573 Sec. 1(part), 1980; Ord. 1294 Sec. 8, 2006)

5.32.090 Unclaimed Vehicles

All towing/wrecker services shall comply with all applicable state laws for notice and disposal requirements of unclaimed vehicles remaining on their lot(s). (Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 9, 2006)

5.32.100 Failure(s) to Comply or Respond

A) If a towing/wrecker service fails to comply with any of the provisions of this Chapter, said towing/wrecker service shall be removed from the City's Call List(s). If a towing/wrecker service fails to respond to more than Three (3) calls from City for towing services, whether for Police, Code Enforcement, or other needs, said service shall be removed from the Call List(s) maintained by the City.

B) No service removed from the Call List(s) shall be reinstated to said List(s) until a minimum of Three (3) months has expired and payment of a Reinstatement Fee of Fifty Dollars ($50.00) is received by the City.

C) If a towing/wrecker service is removed from the Call List(s) more than Three (3) times within a year's timeframe, experiences repeated removals from the Call List(s), or repeatedly fails to comply with the provisions of this Ordinance, such a service shall be removed from the Call List(s) on a permanent basis and will not be eligible for reinstatement.

(Ord. 573 Sec. 1(part), 1980; Ord. 1294 Sec. 10, 2006)

Chapter 5.36

COIN OPERATED BUSINESS LICENSE

Sections:

5.36.010 Annual Fee Required
5.36.020 Procedure
5.36.030 Display of License
5.36.040 Penalty
5.36.050 Payable on January 1st

5.36.010 Annual Fee Required

Any person, firm or corporation owning, operating, keeping and maintaining within the corporate limits of the City of Jacksonville, Arkansas any coin operated amusement device of any kind or character shall pay to the City of Jacksonville an annual privilege fee of $5.00 for each such machines so operated. (Ord. 718 Sec. 1 (part), 1983)

5.36.020 Procedure

Payment of said privilege fee shall be made to the City Treasurer who shall issue receipts therefore, which receipts shall be presented to the Clerk who shall issue such licenses in accordance with the terms of said receipts. Funds received shall go to Parks and Recreation General Fund Budget. (Ord. 718 Sec. 1 (part), 1983)

5.36.030 Display of License

Said license so issued shall be displayed within the premises operating such machines and shall be subject to inspection at all times. (Ord. 718 Sec. 1, (part), 1983)

5.36.040 Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than $10.00 nor more than $25.00, and each day of such violation shall constitute a separate offense. (Ord. 718 Sec. 1 (part), 1983)

5.36.050 Payable on January 1st

Privilege fees hereunder shall be due and payable on January 1st of each year, effective January 1, 1984.
(Ord. 718 Sec. 1 (part), 1983)

Chapter 5.40

TELECOMMUNICATION PROVIDERS

Sections:

5.40.010 Definitions
5.40.020 Applicability
5.40.030 Development Standards
5.40.040 Review Process
5.40.050 Approval Procedures
5.40.060 Shared Facilities and Collocation Policy; Facilitating Location on Public Property
5.40.070 Nonconforming WCFs

5.40.010 Definitions

A. ***Antenna Array*** means one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the support structure defined below.

B. ***Attached Wireless Communications Facility (Attached WCF)*** means Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include, but not be limited to, utility poles, signs, water towers, with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside of the Attachment Structure.

C. ***Collection of Site Sharing*** means use of common WCF or common site by two (2) or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

D. ***Development Standards*** shall mean those standards set forth in Jacksonville Municipal Code §5.40.030.

E. ***Engineer*** means the City Engineer or his delegated representative.

F. ***Equipment Facility*** means any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

G. ***FAA*** means the Federal Aviation Administration.

H. ***FCC*** means the Federal Communication Commission.

I. ***FTA*** means the Federal Telecommunications Act of 1996.

J. ***Height*** means the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

K. ***Review Process*** means those processes set forth in Jacksonville Municipal Code §5.40.040.

L. ***Setback*** means the required distance from the WCF to the property lines of the parcel on which the WCF is located.

M. ***Stealth Technology*** means systems, components and materials used in the construction of WCF's, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

N. ***Support Structure*** means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, tower, and other similar structures. Support Structure shall not included a self-supporting (Lattice) or guy-wire supported tower. Any device (Attachment Device) that is used to fasten an Attached WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

O. ***Temporary Wireless Communication Facility (Temporary WCF)*** means a WCF to be placed in use for ninety (90) or fewer days.

P. ***Tower Use Permit (TUP)*** means a permit issued by the City specifically for the location, construction and use of a WCF subject to a binding site plan and special conditions determined by the Planning Commission to be appropriate under the provision of this article.

Q. ***Wireless Communications*** means any personal wireless service, as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), Enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

R. ***Wireless Communication Facility (WCF)*** means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

(Ord. 1088 Sec. 1, 1997)

5.42.020 Applicability

A. Pre-existing WCFs. WCFs for which a permit or approval has been issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance unless circumstances as further specified in Jacksonville Municipal Code §5.40.070 herein are met.

B. The Planning Commission is hereby granted authority to promulgate rules, regulations, guidelines, and criteria to implement the provisions set forth in this Ordinance.

C. Relationship to Other Ordinances. This Ordinance shall supersede all conflicting requirements of other code provisions and ordinances affecting the location and permitting of WCFs. (Ord. 1088 Sec. 1, 1997)

5.40.030 Development Standards

A. Height Standards
   1. Attached WCFs. Attached WCFs shall not add more than twenty feet (20') in height to the existing building or structure to which it is attached (Attached Structure) in all allowable zones of C-3, C-4, M-1, M-2, and on all Public Buildings or structures.
   2. WCFs with Support Structures. SCFs with Support Structures shall have a maximum of one hundred feet (100') in all allowable zones of C-3, C-4, M-1, M-2 and in Public Rights of Way.

B. Setback Standards.
   1. Attached WCF. Antenna Arrays for Attached WCF's are exempt from the setback provisions of the zone in which they are located. An attached WCF Antenna Array may extend up to thirty (30) inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel of property.
   2 WCFs with Support Structures. WCFs with Support Structures shall meet the setback requirements for principle structures of the underlying zone in which they are located.
   3. WCFs with Support Structures proposed for construction on a lot that abuts any residential zone shall be set back a distance at least the height of the tower.

C. Landscaping and Screening.
   1. WCF sites with support structure shall be landscaped around to provide vegetation, landscaping, and other beautification to enhance the appearance of the support structure. Applicant shall take into account the placement of the tower, appearances form all angles, and long-lasting plant life and Applicant's printed materials must include information regarding landscaping and screening plans.
   2. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed.
   3. Existing vegetation on a WCF site may be used in lieu of required landscaping where such use is approved by the Planning Commission.

D. Aesthetics, Placement, Materials and Colors

WCFs shall be designed so as to blend with the existing structures and surroundings to the extent feasible, including placement in a location that is consistent with proper functioning of the WCF, the use of compatible or neutral colors, and stealth technology.

E. Lighting and Signage

1. WCFs shall not be artificially illuminated, directly or indirectly, except for:

(a) security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and

(b) such illumination of the WCF as may be required by the FAA or other applicable authority installed in a manner to minimize impacts or adjacent residences.

2. WCFs shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature.

F. Security Fencing

WCFs with Support Structures shall be enclosed by a security fence not less than six feet (6') in height and the Support Structures shall be equipped with an appropriate anti-climbing device, unless the applicant can demonstrate to the Planning Commission that the site is adequately secured by other measures. Security features may be incorporated into the buffer, landscaping and screening requirements for the site. Nothing herein shall prevent security fending which is necessary to meet requirements of State of Federal Agencies.

G. Radio Frequency Emissions

1. The FTA gives the FCC sole jurisdiction of the regulation of Radio Frequency (RF) omissions, and WCFs that meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.

2. In order to provide information to its citizens, copies of ongoing FCC information concerning WCFs and RF emissions standards shall be made available. Applicants for WCFs shall be required to provide information with the application on the projected power density of the facility and how this meets with FCC standard.

H. Structural Integrity

WCFs with Support Structures shall be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/THA) 222 Revision F Standard

entitled "Structural Standards for Steel Antennas Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended.

(Ord. 1088 Sec. 1, 1997)

5.40.040 Review Process

A. General

The applicable Development Standards referred to herein are those set forth in Jacksonville Municipal Code §5.40.030.

B. Permitting Procedures

1. Attached WCFs

Attached WCFs that meet the Development Standards are emitted by right through the City Engineer's office. Attached WCF applications that do not conform with the Development Standard, and Attached WCF applications that request new building construction, shall be permitted through a Tower Use Permit (TUP) review.

2. WCFs with Support Structures

WCFs with Support Structures that meet the Development Standards are permitted by Administrative Review through the City Engineer's office. WCFs with Support Structures that do not conform with the Development Standards shall be permitted through a TUP review.

C. WCFs Part of Coordinated Development Approval

WCFs proposed as part of a residential or nonresidential subdivision, Planned Zoning District (PZD), site plan, conditional rezoning, or other coordinated Development approval shall be reviewed and approved through those processes.

D. WCF on City Property

Attached WCFs which do not require new building construction proposed to be constructed on property owned, leased or otherwise controlled by the City of Jacksonville are permitted by right subject to lease agreement. WCFs with Support Structures and Attached WCFs, which require new building construction on City property, are permitted by Administrative Review through the City Engineer's office subject to lease agreement.

E. WCF for Temporary Term

Temporary WCFs for a term not to exceed ninety (90) days are permitted by Administrative Review through the Planning Commission.

(Ord. 1088 Sec. 1, 1997)

5.40.050 Approval Procedures

A. Permitted by Right

Where a facility is permitted by right, only a building permit is required.

B. Administrative Review

1. Review of WCFs under this Section shall be conducted by the City Engineer's office upon application for a building permit.

2. Review Criteria. The City Engineer's office shall review the application for compliance with the Development Standards.

3. Timing of Decision. The City Engineer's office shall render a decision on a complete building permit application by written response to the applicant within ten business (10) days after receipt of the application, except that an extension may be requested by the City Engineer's office should circumstances dictate its necessity.

4. If administrative approval is not obtained, the applicant shall be required to obtain a TUP.

C. Tower Use Permit (TUP).

1. Approval Body. The body that shall review, approve, and have final authority of TUPs shall be the Planning Commission.

2. Application Contents. Each applicant requesting a TUP under this Article shall submit a scaled site plan containing a scaled elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facilities and shelters, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses and existing vegetation.

3. Submission Requirements. Application for a TUP shall be submitted to the City Engineer's office on forms provided by staff. The application shall be accompanied by a sit plan containing the information described above, together with the appropriate fee as described herein. The site plan shall be filed for review by the Planning Commission no later than the filing date set by calendar.

4. Fee Requirements. Application for a TUP shall be submitted with a payment of ten Dollars ($10.00) per foot overall height of WCF up to a maximum of one thousand two hundred dollars ($1,200.00).

(Ord. 1088 Sec. 1, 1997)

5.40.060 Shared Facilities and Collocation Policy; Facilitating Location on Public Property

A. Collocation. FCC Licensed Wireless Communication providers are required to construct and site their WCFs in order to share the facility with other providers, to collocate with other existing WCFs and to accommodate the future collocation of other WCFs, where technically and practically feasible. FCC Licensed Wireless Communication providers proposing a new WCF with a Support Structure shall demonstrate that it has made a reasonable attempt to find a collection site acceptable to engineering standards and that none was technically or practically feasible.

B. Location on Public Property. The City will work with Telecommunication providers to facilitate the sitting of WCFs on City owned or controlled property, by identifying existing facilities, the appropriate contact persons, and the appropriate procedures in accordance with terms of this article.

5.40.070 Nonconforming WCFs

WCFs in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (Nonconforming WCFs) are subject to the following provisions:

a) Nonconforming WCFs may continue in use for the purpose now used, but may not be expanded without complying with the provisions of this chapter, except as further provided in this Section.

b) Nonconforming WCFs may add additional antenna (belonging to the same provider or other providers) subject to Administrative Review under this article.

c) Nonconforming WCFs that become damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a TUP permit.

(Ord. 1088 Sec. 1, 1997)

Chapter 5.44

FOOD VENDORS

Sections:

5.44.010 Purpose
5.44.020 Licensure Requirements
5.44.030 Physical Location and Placement Requirements
5.44.040 Exemptions
5.44.050 Enforcement and Penalties

5.44.010 Purpose

It shall be the purpose of this portion of the Jacksonville Municipal Code to address and regulate the operation of Food vendors/merchants, caterers, and canteen operations that operate from a mobile facility, structure, or setting within the City of Jacksonville.

For purposes of this section of the Code, the term "Itinerant Food vendor/merchant/caterer/canteen operation" means any business, entity, individual, and/or organization not conducting a food preparation/sales business enterprise in or from a permanent facility, structure, or setting within the City limits of Jacksonville. (Ord. 1175, Sec. 1, 2002)

5.44.020 Licensure Requirements

All food vendors/merchants, caterers, and canteen operations who operate or attempt to operate within the City limits of Jacksonville are hereby required to meet all local, state, and federal laws, ordinances, regulations, and requirements in the licensure and operation of their business entity. Approval from all appropriate agencies must be posted prominently upon or in the facility from which said vendor is operating and available for viewing upon request by any customer, official, or agency.

These requirements are to include, but not be limited to: business privilege license from the City of Jacksonville; Arkansas Health Department licensure; compliance with state and federal guidelines in the preparation, storage, and sale of food item; and, compliance with applicable zoning regulations (including setback requirements). (Ord. 1175, Sec. 2, 2002)

5.44.030 Physical Location and Placement Requirements

No such food vendor/merchant/caterer/canteen operation shall be operated within the City limits of Jacksonville without having written permission and agreement from the landowner upon which the entity operates its food oriented business. Appropriate placement of the entity's facility must satisfy all applicable zoning provisions so as not to create any health, safety, or traffic issues, addressing all appropriate setbacks, off street parking, pedestrian access needs, and traffic flow.
(Ord. 1175, Sec. 3, 2002)

5.44.040 Exemptions

Local civic, non-profit (i.e. charitable), educational, political, and religious organizations shall be exempt from the terms of this Ordinance during celebration of a City wide event and/or festival, with the exception that no such organization(s) are allowed to offer such food sales from 9:00 p.m. until 6:00 a.m. CST. (Ord. 1175, Sec. 4, 2002)

5.44.050 Enforcement and Penalties

Any business, entity, individual, and/or company in non-compliance with the terms and conditions of this Ordinance shall be subject to citation and/or arrest for violation of this Ordinance. The Code Enforcement Officer of Jacksonville shall be charged with primary responsibility of enforcing the terms and conditions of this Ordinance as outlined herein, and shall do so through citation authority or issuance of affidavits of warrant for arrest of the alleged violations. All matters pertaining thereto shall be adjudicated in the Jacksonville District Court.

Those parties who plead guilty to or are found guilty of a violation of the terms of this Ordinance shall pay a fine of no less than One Hundred Dollars ($100.00) and no more than Five Hundred Dollars ($500.00) per violation, together with applicable court costs. Each day an offensive condition exists shall constitute a separate violation of the terms and conditions of this Ordinance. (Ord. 1175, Sec. 5, 2002)

Chapter 5.50

FARMERS MARKET

Sections:

5.50.010 Farmers Market
5.50.020 Parking and Operation
5.50.030 Days and Hours of Operation
5.50.040 Articles Permitted to be Sold
5.50.050 Business Prohibitions
5.50.060 Sanitation Requirements
5.50.070 Fee
5.50.080 Enforcement and Penalties

5.50.010 Farmers Market

A Farmer's Market is hereby established in the City of Jacksonville. Said marketplace shall be located on and within the pavilion (to be constructed) South of the Jacksonville Community Center, # 5 Municipal Drive. Street vendors/wholesalers are prohibited from marketing food, goods, and merchandise at any other location within the City of Jacksonville unless as part of an established business operating in a properly zoned structure

or within the Southern-most One Hundred Feet (100') of the parking lot for the Pavilion as directed and mandated by the terms of this Code and the Jacksonville Parks & Recreation Commission.

Operation of the Farmer's Market shall be under the direction and control of the Jacksonville Parks & Recreation Commission. The Parks & Recreation Commission is hereby empowered to adopt such rules and regulations as are necessary for the operation thereof and shall publish and distribute said rules and regulations to the Vendors/Wholesalers/Public.

(Ord. 1155, Sec. 1, 2001; Ordinance. 1402, Sec. 1, 2010)

5.50.020 Parking and Operation Restrictions

Vendors/Wholesalers shall be permitted to park only in the designated and as marked parking spaces surrounding the Pavilion, with no vehicle extending into the street, ingress/egress rights-of-way, remaining parking lot/space(s), or parked in any manner causing or likely to cause an obstruction of traffic. In no circumstances shall a vehicle be parked off the pavement in green space. (Ord. 1155, Sec. 1, 2001; Ord. 1402, Sec. 1, 2010)

5.50.030 Days and Hours of Operation

The Farmer's Marketplace shall be opened on Wednesdays and Saturdays, and shall not be open on any other day of the week unless designated as such by the Parks & Recreation Commission. Hours of operation shall be limited to the hours between 6:00 a.m. and 6:00 p.m. For other days, Vendors/wholesalers may use the Southern-most One Hundred Feet (100') of the parking lot for the Pavilion as designated by the Parks & Recreation Commission, recognizing that hours of operation shall be limited to those stated above and from noon till 6:00 p.m. on Sundays.

(Ord. 1155, Sec. 1, 2001; Ordinance. 1402, Sec. 1, 2010)

5.50.040 Articles Permitted To Be Sold

Only the following grown/produced items may be sold at the Farmer's Market established herein: baked goods, cheeses, flowers, fruit, grain, honey, marinades, and sauces, molasses, plants, raw juices, trees, vegetables, and other similar produce. Further, sales of pieces of art, crafts, and handmade other such similar items may be allowed. *ALL PRODUCTS SOLD AT THE FARMER'S MARKET MUST BE PRODUCED AND SOLD IN COMPLIANCE WITH ALL APPLICABLE ARKANSAS DEPARTMENT OF HEALTH REGULATIONS, OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS, AND THOSE PROMULGATED BY THE JACKSONVILLE PARKS & RECREATION COMMISSION.*

(Ord. 1155, Sec. 1, 2001; Ord. 1402, Sec. 1, 2010)

5.50.050 Business Prohibitions

It shall be unlawful for any business, entity, person, or vendor/wholesaler to use any public parking place, right-of-way, sidewalk, or street, non-designated parking place, or private sidewalk area as a space for the operation of business. However, any merchant whose building is adjacent to a public sidewalk may conduct business thereon as long as pedestrian traffic is not obstructed, and City officials may approve temporary use of a public street, place, or sidewalk as a marketplace where such use is part of an activity, celebration, or event of general public interest. In doing so, City officials are to impose reasonable conditions on the use of such facilities as are necessary to safeguard the public health, safety, and welfare.
(Ord. 1155, Sec. 1, 2001; Ord. 1402, Sec. 1, 2010)

5.50.060 Sanitation Requirements

At the close of each market day, each vendor/wholesaler shall be required to leave the Farmer's Market grounds in a clean and sanitary condition free of debris, garbage, insects, or rubbish. Any booth(s), signage, table(s), tent(s), umbrella(s), etc. utilized by vendor(s)/wholesaler(s) during their operation of the Farmer's Market shall be removed from the marketplace area on a daily basis.
(Ord. 1155, Sec. 1, 2001; Ord. 1402, Sec. 1, 2010)

5.50.070 Fee

The fee to be paid to the City by each Vendor for the use of designated space(s) at the Farmer's Market shall be Twenty-five Dollars ($25.00) per space per year for vendor(s) and those individual(s) and business(es) with an established local business(es) and/or Sales Facility holding a current (paid) Jacksonville Privilege License. For Wholesalers, the fee shall be One Hundred Dollars ($100.00) per space per year. Said fees shall be paid in full prior to any such sales or participation by the Vendor and/or Wholesaler in the Farmer’s Market, and all such payments, permits, and certificates shall be paid, issued, and managed by and through the Jacksonville Parks & Recreation Department.
(Ord. 1155, Sec. 1, 2001; Ord. 1402, Sec. 1, 2010)

5.50.080 Enforcement and Penalties

(i) Enforcement. It shall be the responsibility of the Jacksonville Parks & Recreation Commission and/or its authorized Agent(s) or Representative(s) to notify the Jacksonville Code Enforcement Office and/or the Jacksonville Police Department of any potential violation(s) by Vendor(s) and/or Wholesaler(s) in

the operation of the Farmer's Market requiring issuance of a citation. For other such violations of applicable rules and regulations, the Jacksonville Parks & Recreation Commission and/or its authorized agent(s) or representative(s) are authorized to adopt, promulgate, and enforce any and all necessary rules and regulations to revoke/suspend any Vendor(s)/Wholesaler(s) permit/certificate to conduct business within the City of Jacksonville.

(ii) Penalties. Any business, entity, person, or vendor found in violation of any provision of this Code shall be deemed guilty of a misdemeanor offense and issued a citation to appear before the Jacksonville District Court.

Any business, entity, person, or vendor violating any provisions of this Ordinance shall, upon conviction, be punished by a fine of no less than Twenty-five Dollars ($25.00) and no more than One Hundred Dollars ($100.00), together with applicable court costs. *Each day a non-complying condition exists shall constitute a separate violation.*

(Ord. 1155, Sec. 1, 2001; Ord. 1402, Sec. 1, 2010)

TITLE 5 FOOTNOTES

1. Present privilege tax Ordinances 25, amendment 4 thereto, 222 and 226 to be in effect until January 1, 1975, at which time Ordinance 325, codified herein, will be in effect. The aforementioned ordinances are on file in the City Clerk's office. For statutory provisions authorizing cities to levy a license and occupation tax, see ACA 14-54-103, 14-54-1104 - 1105 and 26-77-102 ET. Seq.

2. For statutory provisions authorizing all municipal corporations to license, regulate tax or suppress billiard halls and pool rooms, see ACA 14-54-1401.

3. For statutory provisions regarding state licensing and regulation of bail bondsmen, see ACA 17-17-101 ET. Seq.; for the provision preserving the power of the City to enact further regulations, not in conflict with state law, see ACA 17-17-106.

4. For statutory provisions authorizing licensing and regulation of hawkers and peddlers by cities, see ACA 14-54-102 and 14-54-1104-1107; for state regulation of itinerant merchants, see ACA 17-42-201 ET. Seq.

5. For statutory provisions relating to first and second class cities regulating taxicabs and cab drivers, see ACA 14-57-201 et esq.; for provisions relating to liability insurance for taxicabs, see ACA 27-14-1501; for requirements on surety bonds, see ACA 14-15-305; for hearings on proposed permits, see ACA 14-57-307.

6. For statutory provisions defining pawnbroker, see ACA 18-27-201; for provisions requiring pawnbrokers to keep certain records, see ACA 12-12-103; for provisions authorizing local regulation by cities, see ACA 14-54-103.

7. For statutory provisions governing occupational taxes and licenses generally, see ACA 26-77-102; for provisions authorizing general regulation of business, see ACA 14-54-103.

TITLE 6

ANIMALS

Chapters:

6.04	Animals
6.08	Livestock and Fowl
6.10	Bees
6.12	Wild Animals

Chapter 6.04
ANIMALS

Sections:

6.04.010 Definitions
6.04.020 Licensing
6.04.030 Rabies Vaccination
6.04.040 Restraint and Limitations
6.04.045 Dangerous and Vicious Animals and Bans
6.04.050 Maintenance of Premises
6.04.060 Rabid Animals or Animals Suspected of being Rabid
6.04.070 Cruelty to Animals
6.04.080 Impoundment
6.04.090 Reclaiming Impounded Animal
6.04.100 Adoption
6.04.110 Relinquishment of Unwanted Animal
6.04.120 Enforcement and Penalties

6.04.010 Definitions

A. **Abandon** - To relinquish control and ownership, give up, or to leave completely the control of any animal within the corporate city limits of Jacksonville. This shall include those animals abandoned at the Jacksonville Animal Shelter, whether impounded by the Animal Control Authority or not.

B. **Animal** – Any description of vertebrate, excluding Homo sapiens.

C. **Animal Control Authority** – Officers of the Jacksonville Animal Control Department, as well as members of the Jacksonville Police Department.

D. **At Large** – Any animal is at large when not confined to a secure enclosure, the premises of the owner, restrained on the premises of the owner by a leash or chain sufficient in strength to prevent the animal from escaping the premises, or not under the control of a responsible adult resident of said premises. Any feline not tagged with proper identification or not sterilized shall be considered at large.

E. **Cats** – All animals of any age, male and female, which are members of the feline or cat family.

F. **Confinement** – An adequate fence, enclosure, or within a house, garage or other building, designed to confine the animal by chain of at least Ten (10) feet or leash affixed to the animal’s collar and attached to some substantial stationary object in a humane manner adequate to prevent the animal from running at large.

G. **Control**– Any animal shall be considered under control if it is confined to the premises of its owner within a fenced space or area sufficient to prevent the animal from escaping, is secured by a leash or chain of sufficient strength to prevent the animal from escaping, is confined in an auto or vehicle when away from the premises of the owner, or is under the control of a responsible person.

H. **Dangerous Animal–** An animal designated as dangerous pursuant to the standards and administrative procedures identified in this chapter or that has been designated as dangerous or vicious pursuant to similar standards and procedures in another jurisdiction.

I. **Dogs**- Animals of all ages, male and female, which are members of the canine or dog family.

J. **Domesticated Animal –** An animal shall be considered domesticated when it is kept or maintained as a household pet, with its owner providing food, water, and shelter of an adequate nature so as to prevent the animal from living in the wild and hunting for food.

K. **Humane Manner** - Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animals size, species and breed.

L. **Licensing Authority -** Any licensed veterinary care facility operating within or about the city limits of Jacksonville which has registered with the Jacksonville Animal Control Department to issue animal licenses and vaccinations.

M. **Muzzle** - A restraint device of appropriate material with sufficient strength to restrain the dog from biting or harming another. The device must be made of material and maintained in a manner so as not to cut or injure the animal or interfere with the animal’s vision or respiration.

N. **Nuisance** - An animal shall be considered a nuisance if it enters, damages, soils, defiles, or defecates on private property other than the owner’s or public walks or recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by barking or other noise making for excessive and/or repeated periods of time (during either the day and/or night) so as to cause a disturbance to those around the animal; disturbs, molests, attacks, or interferes with persons in public right-of-ways or upon private property other than its owner(s); chases vehicles; attacks domestic animals; or, chases or attacks any member of the public.

O. **Owner** - Any person in custody or ownership of an animal. Ownership can also be attributed to one who keeps or harbors an animal or knowingly permits an animal to remain on or about his/her premises for a period of five (5) days or longer.

P. **Provocation** – Any intentional or accidental act of pulling, pinching, squeezing, kicking, hitting, or striking the animal with an object or a part of a person’s body, unless the person is responding to an attack or an immediate threat of attack by the animal as indicated by the animal’s lunging, snarling, or baring of its teeth. Any act of

teasing or tormenting the animal, whether intentional or accidental, will also be considered an act of provocation. Further, any act of grabbing, touching, or holding of the animal's young or any sudden motion toward the animal's young will also be considered provocation, as will any act of holding, kicking, hitting, striking, or otherwise physically harming the animal's owner or other member of the animal owner's household. Entry into the animal's area of confinement without the owner's presence, particularly any act of breaking and entering or other unlawful entry into the animal owner's residence, vehicle, or other property shall constitute provocation.

Q. **Responsible Person** – Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit who maintains or exercises control over an animal.

R. **Secure Enclosure** – Any structure, building, or compound, which confines an animal in which the animal cannot escape.

S. **Shelter** – Any structurally sound facility constructed for the purpose of providing any animal(s) that is/are habitually kept outside or repeatedly left outside unattended shall be moisture proof with adequate drainage, windproof with adequate ventilation, sufficiently large enough to keep the animal(s) reasonably clean and dry, and maintained in a manner which minimizes the risk of or the animal(s) contracting disease, being injured, or becoming infested with parasites.

T. **Sterilized** - Incapable of sexual reproduction.

U. **Vaccination** – An injection of any vaccine for rabies or other diseases approved by the state veterinarian and administered by a licensed veterinarian, veterinary clinic or hospital, a clinic or hospital operated by a licensed veterinarian.

V. **Vicious Animal** - Any animal which exhibits aggressive, fierce, or vicious behavior. Animal(s) which have attacked a person or another domestic animal with such severity as to cause harm, physical injury, or property damage to any degree, an animal which otherwise jeopardizes the well being of a person or other domestic animal, or any animal with a known propensity, tendency, or disposition to attack without provocation will be considered vicious in nature. If an animal has been previously designated as vicious in another jurisdiction, it shall maintain that designation within the City of Jacksonville.

(Ord. 835, 1986; Ord. 885, 1988; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.020 Licensing

A. **GENERAL**

1. No person shall own, keep, or harbor any animal within the City unless such animal is licensed as herein provided.

2. The Licensing Authority shall maintain a record of all certificates and licenses issued, and shall make such records available to Animal Control.

3. The provisions of ACA § 5-62-101 et. seq., as amended, are hereby adopted and incorporated herein.

B. CAT AND DOG LICENSES

1. **(a)** All cats and dogs over four (4) months of age shall be licensed as provided herein. Application for a cat or dog license shall be made to the License Authority and shall state the name, address, and telephone number of the owner(s), the name, breed, color, age, sex, sterilization status of the animal, and a certificate of rabies vaccination issued by the Licensing Authority. Applicants shall pay licensing fees in the amount of Five Dollars ($5.00) per year for sterilized animals, and Thirty ($30.00) a year for non-sterilized animals. However, the cost of a dog or cat license for a non-sterilized dog or cat who, based on a written opinion of a duly licensed veterinarian, is incapable of being sterilized due to a potential serious medical risk or a serious medical condition shall be Five Dollars ($5.00). In prosecution for failure to license a dog or cat, it shall be presumed that a non-sterilized dog or cat does not have such a serious medical risk or condition unless written proof of such risk or condition is provided by the animal's owner.

(b) Any person required to obtain a cat or dog license pursuant to subsection (a) above shall have the option, in lieu of said annual licensing process and fees, to obtain a **lifetime City cat or dog license** if said cat or dog is sterilized. To be eligible for a lifetime license, the owner must purchase and implant an approved identification microchip from a qualified veterinarian and provide proof of such to Animal Control. **There shall be no fee for a lifetime City license for a sterilized dog or cat**. Any person obtaining a lifetime City animal license pursuant to this section shall still be required to maintain the annual vaccination requirements of JMC 6.04.030.

2. Application must be made within Thirty (30) days after obtaining a cat or dog over four (4) months of age or within thirty (30) days of establishing residence within the City, whichever is applicable. This requirement will not apply to a non-resident keeping such an animal within the City for no longer than sixty (60) days.

3. For registered dogs serving the disabled or government-owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.

4. Other than a lifetime license, licensing periods shall be valid for one (1) year concurrent with the animal's rabies vaccination.

5. Licensing authorities shall include licensed veterinarians who are hereby empowered to collect the license fee and issue a cat or dog license and a durable metal tag at the time the animal is vaccinated for rabies. City cat and dog license receipts shall be collected from such veterinarians by Animal Control on a regular basis. The veterinarians will keep all monies collected for City license fees.

6. Tags must be attached to the collar or harness of the cat or dog and be worn at all times. Tags are non-transferable from one animal to another. (Ord. 1283 Sec. 2, 2006)

6.04.030 Rabies Vaccination

A. All cats and dogs over the age of four (4) months within the City shall be vaccinated against rabies on an annual basis by a licensed veterinarian. Said veterinarian will issue to the owner a durable metal tag and a certificate of vaccination of said animal, and they shall designate on the annual rabies certificate the owner's name, address, and telephone number, the animal's identity, sex, and date of vaccination, and whether the animal is sterilized or non-sterilized.

B. Vaccination tags must be attached to the animal's collar or harness and be worn at all times. Tags are not transferable from one animal to another.

C. The State Health Director and the Animal Control officer are authorized to adopt such other rabies control regulations as deemed necessary for the protection of the public health and safety.

D. The Arkansas Rabies Control Act is adopted and incorporated herein. (Ord. 835, 1986; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.040 Restraint and Limitations

A. Any person owning, maintaining, possessing, or keeping a dog(s) within the City shall confine such animal within an adequate fence, enclosure, or within a house, garage, or other building, or shall confine such animal by a chain of at least ten (10) feet or leash affixed to the dog's collar and attached to some substantial stationary object in a humane manner adequate to prevent the dog(s) from running at large. Choke collars and/or training collars are prohibited from being used to secure a dog to stationary objects. It shall further be the duty of any owner or keeper of any dog(s) to keep such dog under such control so as to:

1. Prevent such dog from becoming a danger to person(s), property, or trespassing upon another person's property without that person's permission; and,

2. Prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or other public places of the City.

B. Confinement of animals for the purpose of preventing legal access in any manner (public utility facilities, criminal activity, etc.) or doing so in areas commonly used by the public or accessed by public officials is prohibited.

C. Dogs will be allowed within the confined space and designated area of the City's dog park within Dupree Park. However, all parties who utilize said facilities are expected to fully comply, maintain their animal(s) within the respective areas of the park, and take appropriate action to prevent their dog from entering any other area of Dupree Park where animals are prohibited.

D. It is unlawful for any person to own, keep, or harbor more than four (4) cats and/or dogs over the age of four (4) months within the corporate limits of the City of Jacksonville. This provision shall not apply to veterinary clinics and/or hospitals, licensed pet stores or shops, licensed grooming shops, and licensed breeders within the City limits. The presence of more than four (4) cats and/or dogs over the age of four (4) months on the premises shall be prima facie evidence of violation of this section, and the burden of proof shall be upon the owner to provide proof of the animals' respective ages.

E. Every female cat or dog in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or any kennel in such a humane manner that such female cat or dog cannot come into contact with another cat or dog except for intentional breeding purposes.

F. It shall be unlawful for any owner to allow his/her animal to enter any food store or place where food is exhibited or prepared for sale, except those trained animals assisting individuals with disabilities.

G. It is the duty of any person owning, keeping, or possessing any animal to control such animal so as to prevent that animal from becoming a nuisance as defined in JMC §6.04.010(N). Any person owning, keeping, or possessing an animal found to be a nuisance shall be guilty of violating the terms of this Code.

(Ord. 835, 1986; Ord. 885, 1988; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.045 Dangerous and Vicious Animals and Bans

A. **GENERAL:** No animal shall be allowed to cause or to constitute a hazard or menace to the health, peace, or safety of the community. In any circumstance where an animal bites, molests, or injures or it is believed that the animal has bitten, molested, or injured any person, any animal is discovered running at large, and/or an animal is suspected of being diseased, said animal shall be confiscated by Animal Control, impounded in accordance with the provisions of this Code and, if appropriate, humanely destroyed in accordance with the provisions of this Code.

Any animal alleged to be in violation of this Code shall be confined at the Animal Shelter or an appropriate site selected by Animal Control until the matter is disposed of by a court of competent jurisdiction. Said confinement shall be at the expense of the owner/custodian of the animal that has been charged with a violation of this Code.

B. DANGEROUS ANIMALS: It shall be unlawful for any person to keep within the city limits any dangerous animal, except in compliance with the provisions of this Code. In circumstances where an animal has been declared a vicious animal under previous animal control provisions, said animal shall automatically be designated as a Dangerous Animal under the terms of this Code and shall comply with all applicable provisions of this Code.

1. GROUNDS FOR DANGEROUS ANIMAL DESIGNATION. A animal is considered dangerous for purposes of this Code if:

- **a.** without provocation, it attacks or bites a person engaged in a lawful activity;
- **b.** while off the property of its owner and without provocation, it seriously injures another domesticated animal; or,
- **c.** without provocation while not on a leash and under the control of its owner or custodian, it chases, confronts, or approaches a person on a street, sidewalk, or other public property in a menacing fashion such as would put a reasonable person in fear of attack.

2. DANGEROUS ANIMAL DESIGNATION.

- **a. Designation:** When Animal Control has cause to believe that an animal is dangerous, authorized Department representative(s) shall locate and declare said animal to be a dangerous animal.
- **b. Notice:** Within seven (7) days of declaring an animal to be a dangerous animal, Animal Control shall provide written notice of said declaration and underlying reasons to the person(s) who own, keep, or otherwise maintain said animal. The notice shall inform the owner or custodian that a permit is required to keep and maintain said dangerous animal within the City and of the time period in which said person(s) shall either: **i)** apply for such a permit; **ii)** remove said animal from the City within ten (10) days of receipt of said notice; or, **iii)** submit a written request for hearing on Animal Control's Dangerous Animal declaration.
- **c. Request for Permit**: The notice shall inform said person of the option to request a permit to keep a dangerous animal within the City. Said

request for Permit shall be submitted to Animal Control within ten (10) days of receipt of the Department's dangerous animal designation. If such a request is submitted, said person shall comply with the requirements and provisions provided herein.

d. **Opportunity to Contest Designation:** The notice shall also inform said person(s) of the opportunity to submit a written request for a hearing to contest the dangerous animal designation. Any such request must be submitted to Animal Control within ten (10) days of receipt of the dangerous animal designation. Said hearing(s) shall be conducted before the Mayor of the City or his/her designated appointee within a reasonable time from receipt of said request.

e. **Status Pending Such A Hearing:** Once a notice of a dangerous animal designation has been issued, the animal in question shall be considered as dangerous from that time forward unless and until such time as said declaration is overruled by the hearing officer. If a hearing is requested, the owner shall not be required to obtain a dangerous animal permit unless and until such time as a hearing has been held regarding the matter and the dangerous animal declaration is upheld by the hearing officer.

f. **Hearing:** Hearings authorized under this Code shall be conducted by the Mayor or his designated representative(s). Said official shall act as the appeal hearing officer, shall make his/her ruling on the basis of a preponderance of the evidence presented at the hearing, and shall conduct said proceedings in an informal manner. Parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, and to rebut the other party's evidence. After listening to and reviewing all information provided in said hearing, the decision of the hearing officer shall be announced and then reduced to writing, with a copy provided to both parties. Decisions of the hearing officer are final.

g. **Compliance:** If the person owning, keeping, possessing, or otherwise maintaining the animal fails to request a hearing within the allotted time, or if the hearing officer determines that the dangerous animal declaration shall stand, the owner or custodian shall comply with the requirements of this Ordinance within ten (10)

days from the date of said hearing. If the owner or responsible party fails to do so, he/she will be considered to be in violation of the terms of this Code and will be subject to citation.

3. IMPOUNDMENT PENDING DECLARATION. Upon reasonable suspicion that an animal is dangerous and poses a serious threat to public health or safety, Animal Control may seize the animal for quarantine at a veterinary clinic or for impoundment at Animal Control's facility pending the dangerous animal designation process.

4. PERMIT REQUIREMENTS.

a. A dangerous animal may be kept within the city limits only so long as the owner and/or custodian complies with all requirements and conditions of the Dangerous Animal Permit;

b. The owner or custodian shall pay an annual Dangerous Animal Permit fee of One Hundred Dollars ($100.00) to Animal Control to maintain and possess a dangerous animal within the City. All other applicable licensing and vaccination fees must be paid as well; and,

c. In order to obtain a Dangerous Animal Permit, the owner must provide proof of sterilization, identification microchip implant, current rabies vaccination from a licensed veterinarian, and two (2) photographs of the animal in question.

5. CONDITIONS FOR KEEPING AND MAINTAINING A DANGEROUS ANIMAL.

a. Confinement: No person keeping an animal known to be dangerous shall allow the same to run at large or to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises. Every structure or enclosure in which any dangerous animal is kept shall be so constructed and maintained as to prevent escape, and all reasonable precaution shall be taken to protect the public from the animal. All dangerous animals shall be securely confined in the following manner: **i)** In the interior of a house, building, or fully enclosed structure of which the animal cannot exit without supervision and assistance; **ii)** In an enclosed and locked dog pen, kennel, or physical structure with minimum dimensions of Five feet by Ten feet (5' x 10') and secure sides, bottom, and top. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the escape or unintentional release of the animal; **iii)** All entrances to said secure enclosure shall

be secured with a key or combination lock which, would prohibit entrance by anyone other than the owner and/or a responsible party; and/or [as applicable], iv) Printed notices shall be conspicuously displayed whereby the same may be seen on all sides of the secure enclosure used to house said animal, on all entrances to the property, and on all doors to any structure on the property housing such an animal so as to be seen by person(s) passing in the vicinity where such an animal is kept.

b. **Leash and Muzzle Requirements:** The owner or keeper of a dangerous animal shall not allow the animal to exit the animal's house, building, kennel, pen, or physical structure unless the animal is muzzled, restrained by a leash sufficient to control the animal, and under the physical control and supervision of an adult. The muzzle must not cause injury to the animal or interfere with its vision or respiration. However, said muzzle must prevent the animal from biting any human or other animal.

c. **Identification:** Within Ten (10) days of the dangerous animal declaration, the owner or custodian shall provide Animal Control Two (2) digital color photographs of such animal clearly showing the color and approximate size of the animal. If unable to do so, the owner shall allow Animal Control to photograph the animal within said timeframe.

d. **Change of Status:** The owner or custodian of a dangerous animal is responsible to notify Animal Control immediately if the animal is unconfined, on the loose, or has attacked a human or another domestic animal.

e. **Change of Ownership:** If the owner/custodian of a dangerous animal sells, gives away, or otherwise transfers custody of said animal, the person shall, within Three (3) days of said transfer, provide Animal Control with the name, address, and telephone number of the new owner or custodian of said animal. The previous owner is required to inform any new owner/custodian of the animal's designation as a dangerous animal and of the requirements and prohibitions of a dangerous animal within the City.

C. VICIOUS ANIMALS

It is hereafter unlawful for any person, firm, or corporation to keep within the City any vicious animal.

1. GROUNDS FOR VICIOUS ANIMAL DESIGNATION: An animal is considered vicious for purposes of this section if the animal: **a)** Causes death or serious physical injury to a person engaged in a lawful activity; **(b)** On One (1) or more occasions, attacks or bites without provocation a person engaged in a lawful activity; **(c)** On One (1) or more occasions, while off the property of its owner and without provocation, seriously injures another domesticated animal; **(d)** Without provocation, kills a domesticated animal; or, **(e)** Trains for animal fighting or is owned or kept for the purpose of animal fighting.

2. NOTICE. In instances where the animal is declared vicious, Animal Control shall, within Forty-eight (48) hours, provide written notice to the owner/custodian of the animal posted at the owner's or custodian's last known address that said animal has been determined to be a vicious animal, the reasons for the declaration, and that the animal has been quarantined or impounded by Animal Control. The owner/custodian shall have Five (5) days from delivery of the notice to contact Animal Control and comply with this Code by either: **i)** removing the dog from the city limits; and notify Animal Control of the new owner’s name, address, and telephone number; **ii)** filing a written objection to the vicious animal designation and request for a hearing on the matter; or, **iii)** by having the animal euthanized.

3. OPPORTUNITY TO CONTEST VICIOUS DESIGNATION: The notice shall also inform said person(s) of the opportunity to submit a written request for a hearing to contest the dangerous animal designation. Any such request must be submitted to Animal Control within five (5) days of receipt of the dangerous animal designation. Said hearing(s) shall be conducted before the Mayor of the City or his/her designated appointee within a reasonable time from receipt of said request.

4. STATUS PENDING A HEARING: Once a notice of a vicious animal designation has been issued, the animal in question shall be considered as vicious from that time forward unless and until such time as said declaration is overruled by the hearing officer.

5. HEARING: Hearings authorized under this Code shall be conducted by the Mayor or his designated representative(s). Said official shall act as the appeal hearing officer, shall make his/her ruling on the basis of a preponderance of the evidence presented at the hearing, and shall conduct said proceedings in an informal manner. Parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, and to rebut the

other party's evidence. After listening to and reviewing all information provided in said hearing, the decision of the hearing officer shall be announced and then reduced to writing, with a copy provided to both parties. Decisions of the hearing officer are final.

6. COMPLIANCE: If the person owning, keeping, possessing, or otherwise maintaining the vicious animal fails to request a hearing within the allotted time, or if the hearing officer determines that the vicious animal declaration shall stand, the owner or custodian shall comply with the requirements of this Ordinance within Five (5) days from the date of said hearing. If the owner or responsible party fails to do so, he/she will be considered to be in violation of the terms of this Ordinance and will be subject to citation.

7. IMPOUNDMENT PENDING DECLARATION: Upon reasonable suspicion that an animal is vicious and poses a serious threat to public health or safety, Animal Control will seize the animal for quarantine at a veterinary clinic or for impoundment at Animal Control's facility pending the vicious animal designation process.

8. CHANGE OF OWNERSHIP: If the owner/custodian of a vicious animal sells, gives away, or otherwise transfers custody of said animal, the person shall, within Three (3) days of said transfer, provide Animal Control with the name, address, and telephone number of the new owner/custodian of said animal. The previous owner is required to inform any new owner/custodian of the animal's designation as a vicious animal and of the prohibitions of such an animal within the City.

9. EXCEPTIONS:

A. A vicious animal shall not be considered owned or kept within the City if said animal is brought into the City to a licensed veterinary care facility located within the City for the purpose of veterinary care, as opposed to boarding and only so long as said animal remains within the City only as long as is necessary for the completion of said veterinary care. However, at all times said animal shall be subject to all applicable restrictions by virtue of said animal being defined as a dangerous or vicious animal under the terms of this Code.

B. Animals that are used regularly for law enforcement purposes shall not be subject to the provisions of this section. However, said animals shall be confined and maintained in accordance the law enforcement agency's general orders. (Ord. 1283, Section 5, 2006)

D. BANS

1. Ban It shall hereafter be unlawful for any person, firm, or corporation to keep, own, or harbor within the City limits any of the following breeds of dog(s):

- **a)** Stafford Bull Terrier;
- **b)** American Pit Bull Terrier;
- **c)** American Bull Dog;
- **d)** Dogs of mixed breed or of other breeds than the above-listed whose breed is known as Pit Bull, Bull Dogs, or Pit Bull Terrier;
- **e)** Any breed being a predominate breed of a Stafford Bull Terrier, an American Pit Bull Terrier, Bull Dog, or any mixed breed thereof; and,
- **f)** Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this Ordinance.

2. Registration Any owner, keeper, or harborer of a dog listed above will have Thirty (30) days after passage and publication of this Ordinance to register the animal with Jacksonville Animal Control pursuant to the following criteria:

- **a)** The animal was licensed prior to the effective date of this Ordinance;
- **b)** The owner, keeper, or harborer shall provide proof of rabies vaccination;
- **c)** The owner, keeper, or harborer must be at least Twenty-one (21) years of age;
- **d)** The owner, keeper, or harborer shall, at his/her own expense, have the animal spayed or neutered and/or shall present to the Jacksonville Animal Control documentary proof from a licensed veterinarian that a sterilization procedure has been performed on said animal. An owner of such a prohibited animal may be exempted from the spay or neuter requirement. To obtain such an exemption, documentation must be provided from a licensed veterinarian stating that a spay or neuter procedure would put the animal’s life at-risk at that time, but the documentation must specify a timeframe within which the sterilization procedure can be completed;
- **e)** The owner, keeper, or harborer shall bring the animal to the Jacksonville Animal Shelter where authorized personnel will assign a registration number to the animal and shall direct the owner to a licensed veterinarian to cause a computer chip to be implanted in the animal. Documented proof of said implementation must be returned to the Jacksonville Animal Control, which shall maintain a file containing the registration numbers, names of the animals, and the names and

addresses of the owners. The owner shall notify Animal Control of any change of address.

3. Conditions for Keeping and Maintaining a Banned Animal
The Confinement, Leash and Muzzle Restrictions, and other requirements found in JMC § 6.04.045(B)(5) shall apply to any animal identified and properly registered under this Section.

4. Exceptions A banned breed of animal shall not be considered owned or kept in the City if the animal is only brought into the City to a licensed veterinarian located in the City for the purpose of veterinary care, as is necessary for the completion of veterinary care, or for special event dog shows sanctioned by the City. Additionally, any animal used for law enforcement or other governmental purposes by the Police Department, military personnel, or other local, state, or federal agency(ies) are exempt from the provisions of this Section. However, any such animal is, at all times, subject to all other applicable restrictions under this Code.

5. Violations

a) It shall be unlawful for the owner, keeper, or harborer of any animal registered with the City to fail to comply with the requirements and conditions set forth in this Ordinance. Any such animal found to be the subject of a violation of the provisions of this Section shall be subject to immediate seizure, impoundment, revocation of the license of such animal, and initiation of the procedures set forth herein.

b) The owner, keeper, or harborer of any animal found to be in violation of the terms of this Ordinance shall be guilty of a violation and be subject to the Enforcement and Penalties Provisions contained in JMC § 6.04.120.

c) Any animal seized under the terms and conditions of this Ordinance by Animal Control shall be held by the Department for Three (3) business days for the owner to reclaim the animal. Any such animal shall be retrieved only upon compliance with all provisions of this Ordinance and after payment of a Seizure fee of One Hundred Dollars ($100.00).

The owner must also sign a Statement verifying that the animal will be permanently removed from the City limits within Forty-eight (48) hours.

d) If any animal seized under the provisions of this Ordinance is not reclaimed within Three (3) business days as prescribed above, said animal shall be euthanized in a humane manner.

e) If any animal seized under these provisions is found within the City limits a second time, the owner shall, upon conviction in the Jacksonville District Court, be fined pursuant to JMC § 6.04.120. Any such animal seized by Animal control a second time shall be euthanized in a humane manner. (Ord. 1312 Sec. 1, 2007)

6.04.050 Maintenance of Premises

It is unlawful for any person(s) keeping or harboring animal(s) to fail to keep the premises where such animal(s) are kept free from offensive odors to the extent that such odors are disturbing to any person(s) residing within reasonable proximity of the premises. It is unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises. (Ord. 835, 1986; Ord. 1283, 2006)

6.04.060 Rabid Animals or Animals Suspected of Having Rabies

1. Every veterinarian shall report promptly to the Animal Control all cases of rabies in any animal(s) treated by him/her, providing Animal Control with the name and address of the owner(s) as well as the names(s) and address(es) of any animal(s) or human(s) known to be bitten by such rabid animals.

2. Any person having knowledge that an animal, domestic or wild, is rabid, has reason to suspect or believe an animal has rabies, or has knowledge that a person has been bitten by a rabid animal shall promptly report such information, to the extent known, to Animal Control.

3. It shall be the duty of the owner, the Animal Control Department, or the person or agency gaining information that a person has been bitten or likely inflected with rabies to quarantine the animal in the Animal Control Shelter, at a veterinary hospital within the City, or within an enclosure approved by the Animal Control Officer. The suspected animal shall be held for observation for a period no less ten (10) days or longer if, in the opinion of the state veterinarian, confinement is necessary to determine whether the animal is infected with rabies. The owner of the suspected animal shall be responsible for any and all expenses incurred to complete such confinement.

(Ord 835, 1986; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.070 Cruelty to Animals

1. It shall be unlawful for any person to:

(a) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;

(b) Fail to provide any animal with proper food, drink, protection from the elements, or proper veterinary care;

(c) Abandon any animal within the corporate limits of the City;
(d) Intentionally poison any animal;
(e) Allow or promote any fight between animals or to allow or permit any such fight in or upon any premises in his possession or under his control;
(f) Allow an animal to be kept or maintained in unsanitary conditions and/or in other than a humane manner; and/or,
(g) When confining any animal by chain, confining such animal by a chain of no less than Ten feet (10') sufficient to the animal's weight and strength with the chain shall be affixed to the animal's collar, and the chain shall be attached to some substantial stationary object adequate to prevent the animal from running at large.

(Ord. 943, Sec. 2(part), 1991; Ord. 1071, 1996; Ord. 1283, Sec. 8, 2006)

2. Animal Control may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of this Code. The animal seized shall be impounded and not released unless and until:

(a) The owner of the animal, who shall not be charged, claims the animal from the Animal Shelter; or
(b) The owner of the animal, who was charged and is found guilty, claims the animal from the animal shelter.

3. If any owner or custodian of such impounded animal pleads guilty, nollo contendre, or is found guilty of the charge of Cruelty to Animals, the animal shall automatically become the property of the Jacksonville Animal Shelter for adoption to the public or euthanized, whichever is appropriate.

(Ord. 835, 1986; Ord. 1283, Sec. 8, 2006)

6.04.080 Impoundment

1. Any animal at large or otherwise in violation of the provisions of this Code may be impounded in the Animal Shelter in a humane manner for a period of not less than Five (5) days. If an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Code and the appropriate timeframe, such animal shall become the absolute property of Animal Control, which may convey ownership of such animal to any responsible person on such conditions as Animal Control may prescribe or, if circumstances warrant such, Animal Control may humanely destroy said animal.

2. Animal Control shall make a reasonable effort to notify the owner of any animal impounded in the Animal Shelter that the animal has been impounded, of the manner in which the animal may be reclaimed, and that the animal may be destroyed or become the property of Animal Control as provided herein.

3. Notwithstanding any provision of this Code to the contrary, Animal Control may refuse to release any animal impounded in the Animal Shelter for contagious diseases other than rabies quarantined or for use as evidence in a criminal prosecution for such time period as Animal Control determines necessary.

4. Notwithstanding any provision of this Code to the contrary, Animal Control may humanely destroy any animal impounded in the Animal Shelter when Animal Control and a veterinarian reasonably believe that the animal has sustained an injury or disease which is likely to result in maiming, prolonged and severe suffering or death of the animal, or when it is necessary to prevent disease or injury to other animals or to humans due to over crowding in the Animal Shelter, or upon occurrence of any other such threatening condition.

(Ord. 835, 1986; Ord. 1071, 1996; Ord. 1283, Sec. 9, 2006)

6.04.090 Reclaiming Impounded Animals

1. Any person owning, possessing or keeping an animal which has been allowed to run at large and which has been impounded by Animal Control may claim and retrieve such animal from Animal Control by paying a fee of Ten Dollars ($10.00) per day, plus:

(a) Licensed, vaccinated, and sterilized animals:

First Offense	$ 15.00
Second Offense	$ 25.00
Third Offense	$ 50.00
Subsequent offenses	$ 75.00

(b) Unlicensed, unvaccinated, or non-sterilized animals:

First Offense	$ 30.00
Second Offense	$ 50.00
Third Offense	$100.00
Subsequent Offenses	$150.00

(c) Animals impounded for quarantine or prosecution purposes: Ten Dollars ($10.00) per day

2. The owner of an animal impounded in the Animal Shelter shall be liable for the foregoing fees and charges, notwithstanding the euthanization or adoption of the animal.

(Ord. 835, 1986; Ord. 1071, 1996; Ord. 1283, Sec. 10, 2006)

6.04.100 Adoption

1. Animal Control may convey ownership or permit adoption of any animal, which has become the property of Animal Control to a responsible person, subject to such conditions and requirements as may be prescribed by Animal Control, including, without limitation, the following:

(a) Payment of a Fifty-five Dollars ($55.00) adoption fee and receipt by Animal Control of a statement by the adopting party that the animal will be licensed, vaccinated, and sterilized within a Thirty (30) day period. Animal Control may, upon good cause shown by the adopting party, grant an extension of time for vaccination and/or sterilization not to exceed Thirty (30) days. This statement of Agreement shall be binding, and failure to comply with its terms constitutes a violation of this Ordinance.
In that event, the animal shall be returned to Animal Control and ownership of said animal shall automatically revert to Animal Control. The party may also be prosecuted for violation of this Code;

(b) Evidence satisfactory to Animal Control must be presented that the animal has, or will be, examined by a veterinarian and vaccinations against rabies or other disease administered;

(c) A certificate of adoption for sterilization will be given to the adopting party. The adopting party will provide the certificate to the veterinary clinic when presenting the animal for sterilization and the clinic will return said certificate to Animal Control for payment of sterilization services performed on said animal.

(Ord. 835, 1986; Ord. 931 Sec. 1, 1990; Ord. 1071, 1996; Ord. 1283, Sec. 11, 2006)

6.04.110 Relinquishment of Unwanted Animal

A. If an owner of an unwanted animal is unable to find a suitable home, or dispose of animal through legal channels, ownership of animal may be relinquished to Animal Control for a fee of Twenty Dollars ($20.00) after meeting the following requirements:

1. Attempting to find a home for the animal through family and neighbors;

2. Listing the animal in a local newspaper and providing a copy of said ad to Animal Control; and,

3. Contacting the Pulaski County Humane Society to obtain assistance in locating a home for said animal.

B. Animals from outside the City will not be accepted by Animal Control. Persons having control of said animals (stray or owned) will dispose of said animal through their county, local authorities, or private veterinarian.

(Ord. 1071, 1996; Ord. 1283, Sec. 12, 2006)

6.04.120 Enforcement and Penalties

A. Enforcement Responsibility - The provisions of this Code shall be enforced by Animal Control and by the Jacksonville Police Department.

B. Equipment - Animal Control is authorized to employ any equipment it deems necessary to enforce the provisions of this Code. Animal Control may, subject to conditions, lend traps to private citizens for the purpose of preventing nuisances resulting from animals at large.

C. Interference - No person shall interfere with, hinder, or molest Animal Control official(s) in the performance of his/her duties or seek to release any animal in the custody of Animal Control.

D. Citations - Animal Control and Jacksonville Police Department officers are hereby authorized to issue a citation to any person for violation of any provision(s) of this Code. The citation shall be in a form approved by the Jacksonville District Court, shall designate the offense charged, and shall require the person so charged to appear before the Jacksonville District Court on a certain date and time to answer the charges therein contained.

E. Warrant(s) - Any person damaged, harmed, inconvenienced, or injured in any way whatsoever by any violation of this Code may swear out an Affidavit of Warrant for the arrest of the alleged violator by contacting the City Attorney's office. Any person failing to comply with any of the provisions of this Code shall be subject to the fines imposed under this section of the Code or as authorized under Arkansas law.

F. Penalties for Violations:

1. DANGEROUS OR VICIOUS ANIMALS:

The owner or custodian of any dangerous or vicious animal with a propensity for viciousness which allows said animal to run at large or does not properly restrain said animal in accordance with the terms of this Code shall be guilty of a misdemeanor and upon conviction shall be fined as follows:

	Licensed Animal Fines	Unlicensed Animal Fines
First Violation	$100.00	$200.00
Second Violation	$200.00	$400.00
Third Violation	$300.00	$600.00
Fourth Violation	$400.00	$800.00
Subsequent Violations	$500.00	$1000.00

2. CRUELTY TO ANIMALS:

A person convicted of Cruelty to Animals shall be guilty of a misdemeanor and punished by a fine of no less than one hundred dollars ($100.00) and no more than one thousand dollars ($1000.00), with no more than one (1) year in jail.

3. OTHER VIOLATIONS:

Any person violating any other provision of this Code shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred ($500.00). Each separate day the violation exists shall constitute a separate offense.

4. HOUSING FEE:
A fee of ten dollars ($10.00) per day shall also be assessed for any day that said animal is under Animal Shelter care, together with any applicable court costs imposed by the Court.

5. EUTHANIZATION:
Nothing in this Section shall be construed to prohibit the District Court from ordering the animal humanely destroyed if it finds such destruction to be in the best interests of the citizens of the City of Jacksonville.

(Ord. 835, 1986; Ord. 885, 1988; Ord. 1071, 1996; Ord. 1283, Sec. 13, 2006)

Chapter 6.08

LIVESTOCK AND FOWL

Sections:

6.08.010 Swine
6.08.020 Livestock - Location restrictions
6.08.030 Small animals and fowl - Compliance with regulations
6.08.040 Small animals and fowl – Housing - Floor space
6.08.050 Small animals and fowl – Housing - Distance from business establishments and residences
6.08.060 Feed stores and poultry houses - Keeping of animals
6.08.070 Housing and pens - Disposal of manure
6.08.080 Housing and pens - Drainage
6.08.090 Housing and pens - Lime coverage
6.08.100 Housing and pens - Penalty for violation
6.08.110 Livestock at large - Prohibited
6.08.120 Livestock at large - Impoundment
6.08.130 Impounded livestock - Notice to owner - Reclaiming
6.08.140 Impounded livestock - Unclaimed - Disposal
6.08.150 Small animals and fowl - Running at large - Prohibited
6.08.160 Small animals and fowl - Running at large - Impoundment - Fees
6.08.170 Small animals and fowl - Unclaimed - Disposal
6.08.180 Diseased animal - Keeping prohibited
6.08.190 Diseased animal - Treatment or disposal
6.08.200 Dead or diseased animals – Promulgation of rules and regulations
6.08.210 Maintenance of premises and disturbing noises
6.08.220 Enforcement and penalties

6.08.010 Swine

It is unlawful to maintain or keep at any time any hogs, pigs, or swine within the corporate limits of the City.

(Ord. 157 Sec. 1(A), 1965, Ord. 1283 Sec. 14, 2006)

6.08.020 Livestock - Location restrictions

It is unlawful to keep cows, goats, sheep, horses, or other large animals of the hoofed variety unless such animals are situated within a lot or pen of an area of not less than One-half (1/2) acre, which lot or pen shall not be closer than One Hundred Feet (100') to any residence other than that of the owner of the livestock and not closer than One Hundred Feet (100') to any business or residence regularly used. (Ord. 157 Sec. 1(B), 1965, Ord. 1283 Sec. 15, 2006)

6.08.030 Small animals and fowl - Compliance with regulations

Small animals such as rabbits and guinea pigs and fowls, such as chickens, pigeons, turkeys, roosters, and the like may be kept within the City limits subject only to applicable regulations contained in this Code. In all circumstances, such fowl shall be maintained no closer than One Hundred Feet (100') from any residential structure or public street. (Ord. 835, 1986, Ord. 1283 Sec. 16, 2006)

6.08.040 Small animals and fowl - Housing - Floor space

All such animals and fowl must be provided with adequate housing. Floor space in such houses must have the following:

A. Rabbits and other such four-legged, fur-bearing animals, four square feet (4 SF) per animal over four (4) months of age;

B. Turkeys, four square feet (4 SF) per bird over four (4) months of age;

C. Chickens, pigeons and other similar fowl, two square feet (2 SF) per bird over four (4) months of age;

(Ord. 157 Sec. 2(A), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 17, 2006)

6.08.050 Small animals and fowl - Housing - Distance from business establishments and residences

All pens or yards where such animals are kept shall be placed the following minimum distances from any business establishment and/or any residence other than that of the owner of said animals or fowl:

A. Rabbits – One Hundred Feet (100')

B. All other animals – One Hundred Feet (100')

(Ord. 157 Sec. 2(B), 1965, Ord. 1283 Sec. 18, 2006)

6.08.060 Feed stores and poultry houses - Keeping of animals

Feed stores may keep poultry and animals for demonstration purposes provided same are kept inside the business building and comply with all sanitary regulations provided in this chapter. Poultry houses may keep fowls for sale provided same are kept inside the business building and comply with all the sanitary regulations provided in this chapter. (Ord. 157 Sec. 3, 1965, Ordinance. 1283, Sec. 19, 2006)

6.08.070 Housing and pens - Disposal of manure

It is unlawful for any person having authority to control the use of any stable, pen, lot, shed, stall or other place where animals, livestock or fowls are kept to allow the same to become filthy,

malodorous or unsanitary. Every person who owns or keeps such animals, livestock, or fowl shall maintain in connection therewith a garbage can, bin, or pit in which the manure from such animals shall be placed pending removal from the premises. Such garbage can, bin, or pit shall be provided with covers or other devices, approved by Animal Control, and sufficient to prevent the ingress and egress of flies and other insect pests. Said garbage can, bin, or pit shall be located at a point most remote from the house of the nearest neighbor or the nearest business building and most remote from any street or avenue, while remaining on the premises of the owner. All persons controlling such places where animals or fowls are kept shall remove all manure from such garbage cans, bins, or pits before same becomes malodorous or unsanitary.

It is further provided, however, that any person may use said manure upon his premises for the purpose of enriching his own ground or for any other purpose to which manure can properly be put when the same is not offensive or unsanitary.

(Ord. 157 Sec. 4(part), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 20, 2006)

6.08.080 Housing and pens - Drainage

All places wherein any animals covered by this chapter are kept shall have adequate drainage sufficient to prevent standing water in yards or pens. Duck ponds shall be drained and cleaned regularly.

(Ord. 157 Sec. 4(part), 1965, Ord. 1283 Sec. 21, 2006)

6.08.090 Housing and pens - Lime covering

All yards or pens wherein livestock is kept shall be regularly covered with lime or other suitable chemical agents as may be approved by Animal Control to prevent odors, nuisances, for unsanitary conditions.

(Ord. 157 Sec. 4(part), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 22, 2006)

6.08.100 Housing and pens - Penalty for violation

Any condition failing to meet such regulations and regulations of JMC § 6.08.040 - 6.08.090 shall be deemed a nuisance, and the person allowing such nuisance to exist shall be punished as provided herein.

(Ord. 157 Sec. 4(part), 1965, Ord. 1283 Sec. 23, 2006)

6.08.110 Livestock at large - Prohibited

No horse, mule, mare, colt, jack, jenny, swine, cow, sheep, goat, or any other livestock of any kind shall be allowed to run at large within the City. It is unlawful for the owner or person in charge of any of the animals above mentioned to allow any of such animals to run at large within the City contrary to the provisions of this Code.

(Ord. 157 Sec. 7(A) (1), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 24, 2006)

6.08.120 Livestock at large - Impoundment

Whenever any such animal or livestock as set forth in Section 6.08.110 is found to be running at large within the limits of the City, the same shall be impounded. (Ord. 157 Sec. 7(A) (2), 1965, Ord. 1283 Sec. 25, 2006)

6.08.130 Impounded livestock - Notice to owner - Reclaiming

A. Notice to Owner - Whenever Animal Control takes charge of any animal of the kind set forth within JMC § 6.08.110 for the purpose of impounding the same, Animal Control shall make a reasonable effort to notify the owner of such animal, if known, that the animal has been impounded and of the manner in which the animal may be reclaimed.

B. Reclaiming - Any person owning, possessing, or keeping an animal which has been allowed to run at large and which has been impounded by Animal Control may claim and retrieve such animal from City Control by paying a fee of Ten Dollars ($10.00) per day, together with any damage done by said animal and/or cost incurred in keeping and maintaining said animal, together with court costs and a fine of no less than:

First offense	$ 50.00
Second offense	$ 75.00
Third offense	$100.00
Subsequent offense(s)	$250.00

(Ord. 1071, 1996, Ord. 1283 Sec. 26, 2006)

6.08.140 Impounded livestock - Unclaimed - Disposal

If the owner of such animal fails or refuses to claim and repossess such animal by the payment of the proper fee assessed, Animal Control may, after a period of Five (5) days, convey ownership of such animal which has become the property of Animal Control to a responsible person subject to such conditions as may be prescribed by Animal Control, or Animal Control may have such animal humanely destroyed. (Ord. 157 Sec. 7(A) (4), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 27, 2006)

6.08.150 Small animals and fowl - Running at large - Prohibited

It is unlawful for any person, firm, or corporation to permit small animals or fowl to run at large within the corporate limits of the City. (Ord. 157 Sec. 7(B) (1), 1965, Ord. 1283 Sec. 28, 2006)

6.08.160 Small animals and fowl - Running at large – Impoundment - Fees

Any small animal, chicken, or other fowl prohibited from running at large by this ordinance which trespasses upon the property of persons used as a residence may be impounded by Animal Control. The owner(s) of said chickens, small animals, or fowl, if known, must be notified and such owner shall be entitled to possession thereof upon the payment of the fees hereinafter provided and the damage done by such animals, chickens, or fowls. The fees for each animal, chick, or fowl will be Ten Dollars ($10.00) per day. (Ord. 157 Sec. 7(B) (2), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 29, 2006)

6.08.170 Small animals and fowl - Unclaimed - Disposal

If the owner of the animals of fowls impounded, after being notified thereof, neglects to pay the fees and damages, Animal Control may, after a period of not less than Five (5) days, dispose of the small animals, chicken, or fowl in the most humane and feasible means possible. (Ord. 1071, 1996, Ord. 1283 Sec. 30, 2006)

6.08.180 Diseased animal - Keeping prohibited

It is unlawful for any person to have and keep any animal, species of livestock, or fowl infected with a disease which may contaminate other animals, livestock, fowl and/or which may be a health hazard to the public. (Ord. 157 Sec. 9(A), 1965: Ord. 1071, 1996, Ord. 1283 Sec. 31, 2006)

6.08.190 Diseased animal - Treatment or disposal

Any livestock, animals or fowl within the limits of this City when said disease is discovered, shall immediately be treated or humanely destroyed and disposed of under the direction or order of the Animal Control Officer: provided such animal, livestock, or fowl has been diagnosed by competent veterinarian inspection to bear such infection. Any veterinarian may enter the premises of the owner of such livestock, animal, or fowl upon request by City authorities for the purpose of making such inspection when such disease is suspected without being guilty of any form of trespass.
(Ord. 157 Sec. 9(B), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 32, 2006)

6.08.200 Dead or diseased animals – Promulgation of Rules and Regulations

Animal Control is ordered, directed, and authorized to make and promulgate such suitable regulations not in conflict with this Code as necessary to govern the care of disposition of any dead or diseased animal, livestock, or fowl found within the limits of this City.
(Ord. 157 Sec. 9(C), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 33, 2006)

6.08.210 Maintenance of Premises and Disturbing Noises

An owner of fowl shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which fowl are confined or maintained shall be cleaned regularly so that they are kept free of offensive odors which would disturb any person residing within a reasonable distance of said premises, and the fowl themselves shall be restrained in such a fashion that noise emanating from them will not be disturbing to such persons and/or the public. (Ord. 835, 1986; Ord. 1071, 1996, Ord. 1283 Sec. 34, 2006)

6.08.220 Enforcement and penalties

Any person found guilty of any of the above provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00) for each such

offense. If such violations continue, each separate day the violations exist shall constitute a separate offense. (Ord. 1071, 1996, Ord. 1283 Sec. 35, 2006)

Chapter 6.10

BEES

Sections:

6.10.010 Keeping Bees unlawful - Exception
6.10.020 Number of hives allowed
6.10.030 Compliance required

6.10.010 Keeping Bees unlawful - Exception

It is unlawful to keep bees and/or beehives unless such bees or beehives are located more than Two Hundred Feet (200') from the nearest residence, business, or industrial structure other than that of the owner of the bees or beehives.
(Ord. 385 Sec. 1(part), 1976; Ord. 1071, 1996; Ord. 1283 Sec. 36, 2006)

6.10.020 Number of hives allowed

If the beekeeper's property is less than One (1) acre, there shall be a limit of Two (2) hives, which shall be allowed on said property. If the beekeeper's property exceeds One (1) acre, there shall be no limit to the number of beehives that shall be allowed on said property. However, the number of, placement of, or manner of keeping bees and beehives shall not be allowed to become a nuisance to other persons in the enjoyment of their own property. Any unreasonable interference with the rights of other persons in the enjoyment of their property or any violation of the provisions of this chapter shall be a violation of this Code and constitutes a misdemeanor. Any violations shall be prosecuted by the aggrieved party filing for an Affidavit or Warrant for the violator with the City Attorney. (Ord. 385 Sec. 1(part), 1976; Ord. 1071, 1996; Ord. 1283 Sec. 37, 2006)

6.10.030 Compliance required

Any existing beekeeper not in compliance with the preceding sections at the time of their enactment shall be allowed Thirty (30) days within which to comply with all provisions. After such period of time, any aggrieved party may pursue prosecution of any beekeeper who is not in full compliance herewith. (Ord. 385 Sec. 1(part), 1976, Ord. 1283 Sec. 38, 2006)

Chapter 6.12

WILD ANIMALS

Sections:

6.12.010 Hunting Prohibited
6.12.020 Keeping Wild Animals Prohibited

6.12.010 Hunting Prohibited

It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any manner whatsoever catch any deer, beaver, otter, bear, elk, buffalo, squirrel, wild rabbit or any other wild, fur-bearing animal, prairie chicken, wild turkey, partridge, quail, dove, wild goose, wild duck, coot, gallinules, raccoon, snipe, woodcock, homing pigeon, songbird and/or any other wild animal/bird within the City limits. (Ord. 139 Sec. 1, 1962; Ord. 1071, 1996; Ord. 1283 Sec. 39, 2006)

6.12.020 Keeping Wild Animals Prohibited

A. Definition. As used in this article, the term wild animal shall mean any mammal, amphibian, reptile, or fowl of a species that is wild by nature and that, because of its size, vicious nature, or other characteristics, is dangerous to human beings. Such animals shall include, but not be limited to lions, tigers, leopards, panthers, bears, wolves, cougars, coyotes, raccoons, skunks (whether odorized or not), apes, gorillas, monkeys of any species, foxes, elephants, rhinoceroses, alligators, crocodiles, caimans, fowl larger than a macaw, all forms of venomous reptiles, and any snake that will grow to a length greater than Eight feet (8'). The term shall also include any animal listed as an "Endangered Species" under the Federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term wolf shall be defined by ACA § 20-19-401, et seq. The term wild animal shall not include gerbils, hamsters, guinea pigs, mice, and domesticated rabbits.

B. Violations and Penalties. It is hereby declared to be unlawful for a person to own, possess, keep, or harbor a wild animal within the City. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars ($500.00). If the violation in its nature is continuous in respect to time, the fine shall not exceed more than Two Hundred Fifty Dollars ($250.00) per day. Additionally, the Court adjudicating said matter shall either: (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition; or, (2) order the humane destruction of the animal.

C. Affirmative Defenses. No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence:

1. **Zoos, Circuses, or Animal Sanctuaries**. This section shall not apply to any zoo, circus, or animal sanctuary complying with applicable laws and regulations and keeping such wild animals for the education and entertainment of the public;

2. Domestic Animals. This section shall not apply to domestic dogs and cats that have been duly licensed and properly treated with a vaccine, which the compendium of animal rabies prevention has established, is capable of effectively preventing the spread of rabies in the applicable species.

D. Liability for Wild Animal Attacks. Any person who owns, keeps, harbors, or possesses a wild animal that attacks a person causing harm to person or property or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It is an affirmative defense to this subsection that the animal was provoked. Any Court adjudicating said matter shall either: (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition; or, (2) order the humane destruction of the animal.

TITLE 6 FOOTNOTES

1. For statutory provisions authorizing the Council to levy a tax on dogs and other domestic animals, see ACA 14-54-1103; and for provisions authorizing cities to prevent dogs from running at large and further authorizing the destruction of dogs found running at large, see ACA 14-54-1102. Prior ordinance history; Ord. 24, Amendment No. 1 to Ord. 24, 135, 219 and 224.

2. For provisions authorizing cities to prevent livestock from running at large and to impound any such animals found at large, see ACA 14-54-1101; for provisions authorizing cities to prevent cruelty to animals, see ACA 14-54-103; for provisions empowering cities to adopt zoning regulations, see ACA 14-56-416.

3. For statutory provisions authorizing cities to prevent cruelty to animals, see ACA 14-54-103; for provisions governing municipal parks, see ACA 14-269-101 ET. seq.

Chapter 8.01

PROPERTY MAINTENANCE

Sections:

8.01.001 General
8.01.002 Applicability
8.01.003 Enforcement Authorities
8.01.004 Identification
8.01.005 Rule-Making Authority
8.01.006 Modifications
8.01.007 Historic Buildings, Structures, and Districts
8.01.008 Maintenance
8.01.009 Requirements Not Covered by Code
8.01.010 Right of Entry
8.01.011 Inspections
8.01.012 Required Testing
8.01.013 Material and Equipment Reuse
8.01.014 Violations declared to be Strict Liability Misdemeanors
8.01.015 Fines, Costs, and Penalties
8.01.016 Citations
8.01.017 Appeals
8.01.018 Board of Adjustment and Appeals
8.01.019 Licensing Revocation Authority
8.01.020 Administrative Revocation
8.01.021 Temporary Emergency Orders
8.01.022 Service of Temporary Emergency Orders
8.01.023 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council
8.01.024 Reserved
8.01.025 Notice of Violations
8.01.026 Method of Service
8.01.027 Notice by Mail
8.01.028 Transfer of Ownership
8.01.029 Reserved
8.01.030 Condemnation Authority
8.01.031 Keeping Condemned Structures Prohibited
8.01.032 Notices
8.01.033 Prior Notice of Proposed Condemnations
8.01.034 Notice of Condemnation
8.01.035 Notice of Certification of Costs
8.01.036 Destruction and Removal
8.01.037 Destruction and Removal by Owner/Occupant/ Interested Party
8.01.038 Destruction and Removal by City
8.01.039 Disposition of Proceeds of Sale or Salvage of Condemned Structures

8.01.040 Lien on Real Property for Net Costs of Removal
8.01.041 Transfer of Ownership
8.01.042 Restrictions on Utility Services to Structures Declared Condemned
8.01.043 Reserved
8.01.044 Cost and Penalties for Violation of Code
8.01.045 Court Action Authorized
8.01.046 Temporary Safeguards
8.01.047 Closing Streets
8.01.048 Emergency Repairs
8.01.049 Reserved
8.01.050 Administrative Appeal
8.01.051 Timely Submission of Appeal
8.01.052 Contents of Appeal
8.01.053 Notice of Hearing
8.01.054 Actions Pending Appeal
8.01.055 Conduct of Hearing
8.01.056 Orders
8.01.057 Reserved
8.01.058 Reserved
8.01.059 Reserved
8.01.060 Definitions
8.01.061 Reserved
8.01.062 Reserved
8.01.063 Reserved
8.01.064 Reserved
8.01.065 Reserved
8.01.066 Reserved
8.01.067 Reserved
8.01.068 Reserved
8.01.069 Reserved
8.01.070 General Requirements
8.01.071 Responsibility
8.01.072 Vacant Structures and Land
8.01.073 Real Property
8.01.074 Building(s), Structure(s), and Real Property
8.01.075 Sanitation
8.01.076 Grading and Drainage
8.01.077 Sidewalks and Driveways
8.01.078 Grass or Weeds
8.01.079 Rodent Harborage
8.01.080 Bedroom Requirements

8.01.001 General

These regulations shall be known as the *Jacksonville Nuisance Abatement and Property Maintenance Code* and may be referred to herein as *"the Code"* or *"this Code"*. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Jacksonville, Arkansas. Code Enforcement Officers may refer to the commentary of similar provisions in current editions for various building and property maintenance codes broadly accepted for guidance and/or adopted by the City of Jacksonville. (Ord. 1381 Sec. 1, 2009)

8.01.002 Applicability

The provisions of this Code shall apply to ***all*** residential and nonresidential structures and premises within the City of Jacksonville, Arkansas. These provisions constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, safe and sanitary property and improvement maintenance, responsibility of owners, operators, and occupants, the occupancy of existing structures, improvements, and premises, and for administration, enforcement, and penalties for violations of these standards and provisions. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as specified herein. Repairs, alterations, additions to, and change of occupancy in existing buildings shall comply with the current edition(s) of the Arkansas and National Standard Building Codes for Electrical, Fire Prevention, HVAC, Historical, Mechanical, Plumbing, and all current editions of various applicable Building and Property Maintenance Codes as specified in JMC § 16.04.010. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.
(Ord. 1381 Sec. 1, 2009)

8.01.003 Enforcement Authorities

The provisions of this Code shall be enforced by officers of the Code Enforcement Office of the City and the City's designated Fire Marshal. For purposes of this Code, a Code Enforcement Officer shall be defined as any City employee who has been duly sworn and authorized to uphold the ordinances of the City, applicable laws of the State of Arkansas and U. S. government related to property uses, maintenance, nuisances, inspections, issuances of building

permits, certifications, and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Jacksonville Police Department. (Ord. 1381 Sec. 1, 2009)

8.01.004 Identification

All Code Enforcement Officers shall carry proper identification and present such upon request when performing duties under this Code. (Ord. 1381 Sec. 1, 2009)

8.01.005 Rule-making Authority

The City Engineer, Planning Director, Fire Marshal, and/or Code Enforcement Office shall have authority as necessary in the interest of public health, safety, and general welfare to adopt, promulgate, and interpret administrative and procedural rules and to implement the provisions of this Code in a manner consistent with the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code or of violating accepted engineering methods involving public safety. Rules and interpretations made pursuant to this Subsection are considered to be administrative determinations subject to appeal as provided by this Code. No citations may be issued based upon a rule or interpretation under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Code Enforcement Office shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public. (Ord. 1381 Sec. 1, 2009)

8.01.006 Modifications

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Enforcement Office shall have the authority to grant modifications for individual cases, provided the Code Enforcement Office shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Department files. (Ord. 1381 Sec. 1, 2009)

8.01.007 Historic Buildings, Structures and Districts

Existing buildings or structures designated by the City of Jacksonville, the State of Arkansas, or the United States government to be historic or within a designated historic district shall be exempted from the literal requirements of such provisions

of this Code that a proper body (such as an Historic Commission or the City Council) determines such a provision to infringe upon the historic nature of the building or structure. However, no exemption may be allowed unless the buildings or structures are judged by the Code Enforcement Office to be safe and in the public interest of health, safety, and welfare. (Ord. 1381 Sec. 1, 2009)

8.01.008 Maintenance

Equipment, systems, devices, and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered, or required shall be maintained in good and proper working condition and order. No Owner/Occupant shall cause any required service, facility, equipment, or utility to be removed from, shut off from, or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this and other applicable Code provisions are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner and/or occupant shall be responsible for the maintenance of buildings, structures, and premises.
(Ord. 1381 Sec. 1, 2009)

8.01.009 Requirements Not Covered by Code

Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, or for the public safety, health, and general welfare not specifically covered by this and/or other applicable Code provisions shall be determined by the Code Enforcement Office. Such decisions are considered to be administrative determinations subject to appeal as provided by this Code. No citations may be issued based upon an administrative decision under this Subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Code Enforcement Office shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this Subsection which shall be available for copy and inspection by the public. (Ord. 1381 Sec. 1, 2009)

8.01.010 Right of Entry

The City Engineer, Planning Director, Code Enforcement Officers, and the Fire Marshal are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, Officials/Officers may pursue such search authorizations as are provided by law. (Ord. 1381 Sec. 1, 2009)

8.01.011 Inspections
Code Enforcement Officers and the Fire Marshal shall make all of the inspections required by this Code. All reports of such inspections shall be in writing and be signed by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues/assessments that arise. (Ord. 1381 Sec. 1, 2009)

8.01.012 Required Testing
Whenever there is insufficient evidence of compliance with the provisions of this Code, evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Office shall have the authority to require assessments/tests to be made as evidence of compliance at no expense to the jurisdiction. Reports of such assessments/tests shall be recorded and entered in the Department files. (Ord. 1381 Sec. 1, 2009)

8.01.013 Material and Equipment Reuse
Materials, equipment, and devices shall not be reused unless a Code Enforcement Officer finds that such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and are worthy of approval. Examples of such materials include, but are not limited to, antique brick, salvaged wood for flooring, masonry pieces, etc. (Ord. 1381 Sec. 1, 2009)

8.01.014 Violations Declared to be Strict Liability Misdemeanors
It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. (Ord. 1381 Sec. 1, 2009)

8.01.015 Fines, Costs, and Penalties
Except as otherwise provided, a person(s), firm, or corporation convicted of violating any provision of this Code shall be punished by a fine of no less than Twenty-five Dollars ($25.00) and not to exceed Five Hundred Dollars $500.00, or up to double said sums for each repetition thereof. If the violation is continuous in nature, for each day that the violation is unlawfully continued, the District Court Judge or other authorized member of the Bench shall determine the actual fine to be imposed, recognizing that for each day a violation exist, a fine should be imposed.

Additionally, all subsequent abatements will be assessed a penalty of Twenty-five Dollars ($25.00) per Abatement. (Example: A Second (2nd) Abatement results in an additional penalty of Twenty-five Dollars ($25.00), a Third (3rd) Abatement results in an additional penalty of Fifty Dollars ($50.00), and so on so as to discourage repeated offenses. (Ord. 1381 Sec. 1, 2009)

8.01.016 Citations

Code Enforcement Officers and the Fire Marshal are hereby authorized to issue citations to any person, firm, or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures, and the Jacksonville District Court shall have exclusive jurisdiction over citations issued pursuant to this Code. (Ord. 1381 Sec. 1, 2009)

8.01.017 Appeals

Any person, after being found guilty of a violation, after entering a plea of guilty of a violation or entering a plea of *nolo contendere* to a violation shall have those appeal rights granted under the Laws of the State of Arkansas, the Arkansas Rules of Criminal Procedure, and the U.S. Constitution. Appeals of convictions of a violation will be filed with the Pulaski County Circuit Court. (Ord. 1381 Sec. 1, 2009)

8.01.018 Board of Adjustment and Appeals

The authority of the Jacksonville Board of Adjustment is specifically restricted to administrative matters as defined by applicable Arkansas statute and Code provisions. The Board of Adjustment is not authorized to adjudicate citations or the appeal of citations issued by Code Enforcement Officers or the Fire Marshal. See also JMC § 18.88 for additional provisions. (Ord. 1381 Sec. 1, 2009)

8.01.019 Licensing Revocation Authority

The purpose of this Section is to provide a procedure for the revocation of various certificates, licenses, and permits issued by the City of Jacksonville to prevent the use of structures described herein. The certificates, licenses, and permits subject to revocation under this Code are those relating to the particular or general use of property including, without limitation and for the purpose of illustration only: certificates of occupancy; zoning variances; certification of appropriateness; business licenses; sign permits; building permits; electrical, HVACs, and plumbing inspection approvals; conditional use permits; special use permits; solicitor’s permits; farmer’s market merchant permits; and, similar or applicable certificates, license, and permits. (Ord. 1381 Sec. 1, 2009)

8.01.020 Administrative Revocation

The City Engineer, the Planning Director, Code Enforcement Officers, and/or the Fire Marshal shall have the authority to initiate administrative revocation of any such certificate, license, or permit if there is a reasonable belief that the use of the property or structure:

(A) Poses a danger to the health and welfare of the public;
(B) Threatens property or safety of any citizen;
(C) Violates the terms and or scope of the certificate, license, or permit; or,
(D) Lacks compliance with applicable State or Federal licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided herein. (Ord. 1381 Sec. 1, 2009)

8.01.021 Temporary Emergency Orders

The Code Enforcement Office shall have the authority to issue a Temporary Emergency Order in conjunction with a Notice of an Administrative Revocation as described in Subsection 8.01.020. The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Code Enforcement Office may issue a Temporary Emergency Order when there is a reasonable belief that the use of the property or structure:

(A) Poses an *imminent* danger to the health, safety or welfare of the public; or,
(B) Threatens the life or poses an imminent danger of serious injury to any citizen.

(Ord. 1381 Sec. 1, 2009)

8.01.022 Service of Temporary Emergency Orders

Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner(s), manager(s), occupant(s), or interested party(ies) of a structure that is subject to the provisions of this Code. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to Subsection 8.01.025. All notices for this Subsection shall clearly state “Temporary Emergency Order” and conform to the requirements of Subsection 8.01.025. (Ord. 1381 Sec. 1, 2009)

8.01.023 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council

The City Council of the City of Jacksonville may revoke a special use, conditional use, or any other authorization to use property or conduct business that: violates the terms of the use as approved; threatens the property or safety of any citizen; which is detrimental to the health, safety, or welfare of the public; or, which constitutes a nuisance to the public under the terms and conditions as outlined under this Code. Such a revocation may be addressed and performed at any regular or special meeting of the City Council. Such a revocation shall be initially based upon the report of a Code Enforcement Officer, a complaint of a citizen, or upon the initiative or complaint of the City Council and/or its members. (Ord. 1381 Sec. 1, 2009)

8.01.024 Reserved

8.01.025 Notice of Violations

Notice of Violations shall be written on standardized or letter form approved for use by the Code Enforcement Office that shall include the following information:

(A) The name of the owner, if known;
(B) An address or description of the real estate sufficient for identification;
(C) A description of the violation or violations;
(D) Rights of Appeal under this Code;
(E) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City;
(F) Include a statement that the City has a right to cause repairs or demolition to be made to bring the property into Code compliance and that the costs may be assessed against the owner, occupant, and against the property of said owner and/or occupant; and,
(G) Any information required by ACA § 14-54-903, if applicable.

(Ord. 1381 Sec. 1, 2009)

8.01.026 Method of Service

Administrative notices (such as a Notice of Violation) may be issued by any person authorized under ACA § 14-54-903 by posting on the subject property and:

(A) By personal service;
(B) By postage prepaid first class mail;
(C) By certified mail, return receipt requested; or,
(D) When the identity or whereabouts of a person is unknown, by weekly publication in a newspaper having general circulation throughout the City for two (2) consecutive weeks.

(Ord. 1381 Sec. 1, 2009)

8.01.027 Notice by Mail

Notice by mail shall be sent to the owner's address of record with the applicable County Assessor's Office. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.
(Ord. 1381 Sec. 1, 2009)

8.01.028 Transfer of Ownership

After receiving a Notice of Violation, it shall be unlawful for the owner and/or occupant of any property or structure to sell, transfer, mortgage, lease, or otherwise alienate or dispose of the same until:

(A) The property or structure has been caused to conform with this Code; or,

(B) The owner or occupant shall provide the other party a true copy of any notice of violation issued by the Code Enforcement Office and shall furnish to the Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

Exception: The Notice of Violation requirements of this Section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in this Code.
(Ord. 1381 Sec. 1, 2009)

8.01.029 Reserved

8.01.030 Condemnation Authority

In addition to other penalties provided herein but not in lieu thereof, the City Council may condemn structures through the passage of an Ordinance or Resolution after a public hearing is conducted that shall include:

(A) An address and legal description of the structure(s);

(B) The owner(s) and Interested Party(ies) of the structure(s); and,

(C) Findings that the structures are unfit for human occupancy or are otherwise detrimental to the life, property, or safety of the public.

(Ord. 1381 Sec. 1, 2009)

8.01.031 Keeping Condemned Structures Prohibited

It shall be unlawful for any person, entity, or corporation to own, keep, or maintain any structure within the corporate limits of the City which is condemned by Ordinance or Resolution of the City Council. (Ord. 1381 Sec. 1, 2009)

8.01.032 Notices
The Code Enforcement Office shall publish, mail, or deliver all notices required for condemnation of structure(s).
(Ord. 1381 Sec. 1, 2009)

8.01.033 Prior Notice of Proposed Condemnation
The Owner and/or Occupant of the property(ies) upon which the structure(s) exist will be provided notice of any proposed condemnation action no less than Ten (10) calendar days prior to consideration by City Council at a regular or special called meeting. If appropriate and identifiable on public record, any lien holders of said property(ies) will also be provided notice of any proposed condemnation action no less than Ten (10) calendar days prior to consideration by City Council. Notice will be provided by the method described in Subsection 8.01.026.
(Ord. 1381 Sec. 1, 2009)

8.01.034 Notice of Condemnation
After a structure has been condemned by Ordinance or Resolution as provided in this Code, a certified copy of such Ordinance or Resolution will be mailed to the owners thereof, by the method described in Subsection 8.01.026 and, if appropriate, may be recorded in the property records of the Pulaski County Circuit Clerk. (Ord. 1381 Sec. 1, 2009)

8.01.035 Notice of Certification of Costs
After a condemned structure has been removed at City expense, the Owner, Occupant, and/or Interested Party(ies) will be provided no less than Ten (10) calendar days notice of any action to certify costs by the City Council. All notices as described in this Subsection will be provided by the method described in Subsection 8.01.026. (Ord. 1381 Sec. 1, 2009)

8.01.036 Destruction and Removal
Condemned structures shall be destroyed and removed from the premises. Real property shall be left in such a condition that can be easily maintained with use of consumer grade lawn maintenance equipment, no non-qualified structure(s) shall remain, and the property shall be properly graded to prevent and prohibit water/drainage issues. (Ord. 1381 Sec. 1, 2009)

8.01.037 Destruction and Removal by Owner/Occupant/Interested Party
The Owner(s)/Occupant(s)/Interested Party(ies) of any structure that has been condemned by Ordinance or Resolution of the City Council is permitted to cause, at his or her own expense, to have

the same destroyed and removed within Sixty (60) days after the City Council has provided Notice under Subsection 8.01.034. No person shall be allowed to repair or refurbish a condemned structure without issuance of a Building Permit by the Code Enforcement Office that requires all non-complying conditions and repairs to be completed within the timeframe approved by the City Council. It is the Owner and/or Occupant's responsibility to secure any extension of time to allow the repair or refurbishment of a condemned structure from the City Council.
(Ord. 1381 Sec. 1, 2009)

8.01.038 Destruction and Removal by City
If the condemned structure has not been torn down and removed, or otherwise abated, within Sixty (60) days after the notice requirements of Subsection 8.01.034 have been met, then the Code Enforcement Office shall supervise the removal of any such structure in such a manner as deemed appropriate under existing circumstances. If the structure has a substantial value, it or any saleable materials thereof may be sold at public sale to the highest bidder for cash using procedures provided by Arkansas law. The costs of removal will be presented to City Council for certification and collection from the Owner/Occupant/Interested Party(ies). (Ord. 1381 Sec. 1, 2009)

8.01.039 Disposition of Proceeds of Sale or Salvage of Condemned Structures
All the proceeds of the sale or salvage of any structure, and all fines and court costs collected from these Code provisions shall be paid into the appropriate City/Court accounts. If any such structure, or the saleable materials thereof, are or can be sold for an amount which exceeds all costs incidental to the abatement of the nuisance, including the clearing and clean up of the property by the City, the balance thereof will be returned by the City to the Owner/Occupant(s) of such house, building, and/or structure initially constituting the nuisance.
(Ord. 1381 Sec. 1, 2009)

8.01.040 Lien on Real Property for Net Costs of Removal
If the City has any net costs in the removal of any condemned house, building, or structure, the City shall have a lien on the property as provided by ACA §§ 14-54-903 and 14-54-904.
(Ord. 1381 Sec. 1, 2009)

8.01.041 Transfer of Ownership
After receiving a Notice of Condemnation, it shall be unlawful for the Owner/Occupant/Interested Party(ies) of any structure to sell, transfer, mortgage, lease, or otherwise alienate or dispose of the same until:

(A) The property or structure has been caused to conform with this Code; or,

(B) The Owner/Occupant/Interested Party(ies) shall provide the other party a true copy of any Notice of Violation issued by the Code Enforcement Office and shall furnish to the Code Enforcement Office a signed and notarized statement from the other party accepting responsibility for the non-compliant conditions of the property and/or structure.

(Ord. 1381 Sec. 1, 2009)

8.01.042 Restrictions on Utility Services to Structures Declared Condemned

(A) The City shall not provide or permit another to provide public or private utility services, such as water, gas or electricity, to any building or house that has been condemned by the City Council pursuant to ACA § 14-56-203.

(B) This Subsection shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair, or alteration. The Code Enforcement Office shall be responsible for making the determination as to when such temporary services may or may not be necessary.

(Ord. 1381 Sec. 1, 2009)

8.01.043 Reserved

8.01.044 Costs and Penalties for Violation of Code

A penalty as provided by this Code is hereby imposed against the Owner/Occupant(s) of any structure condemned by Ordinance or Resolution of the City Council Sixty (60) days after such structure has been condemned. Each day thereafter such nuisance is not abated constitutes a separate and distinct offense, provided appropriate Notice as provided in Subsection 1.7.3.2 has been given within Ten (10) days after such structure has been condemned.

Furthermore, a Thirty Dollar ($30.00) late fee will be assessed after Sixty (60) days from the date of invoice of nonpayment on any assessment for costs incurred by the City to remove/repair any Code violation cited under applicable portions of this Code.

(Ord. 1381 Sec. 1, 2009)

8.01.045 Court Action Authorized

If the City Council determines that a particular structure should be *judicially* condemned, the City Council shall direct the City Attorney to bring such action in the name of the City. If such occurs, the only notice to be given to the Owner(s)/Occupant(s)/Interested Party(ies) will be that as now

provided for by law. When any such structure has been declared judicially to be a nuisance by a court of law, a penalty as provided by this Code is hereby imposed against the Owner(s)/Occupant(s)/Interested Party(ies) thereof from the date such finding is made by the ruling Court. Each day thereafter that said nuisance is not abated shall constitute a separate and distinct offense punishable by a fine and costs as authorized herein. (Ord. 1381 Sec. 1, 2009)

8.01.046 Temporary Safeguards

Notwithstanding other provisions of this Code, Arkansas law, or Federal law, whenever, in the opinion of the Code Enforcement Office, there is imminent danger due to an unsafe condition present upon a property or within a structure, the Code Enforcement Office shall order the necessary work to be done, including boarding up of any openings or accesses, to render such property/structure temporarily safe. These action(s) shall occur whether the legal procedure described herein has been initiated, and the Code Enforcement Office shall cause such other action to be taken as deemed necessary to meet the concerns for public safety and the emergency in question. (Ord. 1381 Sec. 1, 2009)

8.01.047 Closing Streets

When necessary for public safety, the Code Enforcement Office shall temporarily close structures and close, or order the authority having jurisdiction to close, any relevant sidewalks, streets, and public ways and places adjacent to or within a close proximity to unsafe property/structures so as to prohibit the same from being utilized until said hazard or unsafe condition can be properly eliminated. (Ord. 1381 Sec. 1, 2009)

8.01.048 Emergency Repairs

For the purposes of this Section, the Code Enforcement Office shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City shall then make demand upon the Owner/Occupant/Interested Party(ies) for payment of said amount(s) and, if necessary, institute appropriate action against the Owner/Occupant/Interested Party(ies) of the property(ies) where the unsafe structure is or was located for the recovery of such costs as allowed under Arkansas law. (Ord. 1381 Sec. 1, 2009)

8.01.049 Reserved

8.01.050 Administrative Appeal

Only Administrative determinations may be appealed to the Jacksonville Board of Adjustment. The following actions are ***not*** subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:

(A) Citations shall be heard in the Jacksonville District Court; and,

(B) Condemnations shall be addressed or heard by the Jacksonville City Council or in a Court of proper jurisdiction.

(Ord. 1381 Sec. 1, 2009)

8.01.051 Timely Submission of Appeal

Unless otherwise provided in this Code, any person affected by a "Notice of Violation" or other administrative determination under this Code may appeal administratively the determination by submitting a written application to the Code Enforcement Office and the City Clerk's Office within Five (5) days, excluding weekends and holidays, after notice of the determination has been made. (Ord. 1381 Sec. 1, 2009)

8.01.052 Contents of Appeal

A Request for an Administrative Appeal must be made upon forms approved by the Jacksonville Board of Adjustment or in any written form that contains the following information:

(A) The date the appeal is submitted;

(B) The name, address, and telephone number of the Appellant;

(C) The address and location of the affected property;

(D) A description of any administrative decision being appealed; and,

(E) A statement summarizing the reason(s) why Appellant desires that the administrative decision be overturned or reviewed.

(Ord. 1381 Sec. 1, 2009)

8.01.053 Notice of Hearing

The Jacksonville Board of Adjustment shall consider the appeal at the next regularly scheduled meeting or available date. Appellant shall be provided Notice of the Hearing by first class mail sent to the address shown on the Request for Administrative Appeal no less than Five (5) days, excluding weekends and holidays, prior to the scheduled Hearing. (Ord. 1381 Sec. 1, 2009)

8.01.054 Actions Pending Appeal

No Code Enforcement Officer may take action based upon an administrative decision while that decision is being appealed *except* those listed below:

(A) Citations issued under this Code;
(B) Condemnations under this Code and State law; or,
(C) Temporary Emergency Orders issued under this Code.

(Ord. 1381 Sec. 1, 2009)

8.01.055 Conduct of Hearing

Hearings shall be conducted in an open forum according to such procedural rules as may be adopted or utilized by the Jacksonville Board of Adjustment. No administrative decision of the Code Enforcement Office may be overturned unless a determination is made that:

(A) The true intent of this Code or the rules legally adopted there under has been incorrectly interpreted;
(B) The provisions of this Code do not fully apply; or,
(C) The requirements of this Code are adequately satisfied by other means.

(Ord. 1381 Sec. 1, 2009)

8.01.056 Orders

Upon the conclusion of an appeal, the Jacksonville Board of Adjustment shall timely issue orders to guide the actions of the Code Enforcement Department regarding the appeal.

(Ord. 1381 Sec. 1, 2009)

8.01.057 – 8.01.059 Reserved

8.01.060 Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown herein. Where terms are not defined through the methods authorized herein, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

ABANDONED MOTOR VEHICLE Any motor vehicle which is left on public or private property, as defined in this Section, for a period of more than Seventy-two (72) hours, regardless of whether wrecked or inoperable. ***Exception:*** Vehicles at a residence(s) or in a storage facility(ies).

APPROVED Consented or agreed to in writing by the Code Enforcement Office.

BASEMENT That portion of a building which is partly or completely below grade.

BATHROOM A room containing operational plumbing fixtures, such as but not limited to, a sink, toilet, bathtub, and shower.

BEDROOM Any room or space used or intended to be used for sleeping purposes.

BLIGHT A deteriorating influence or condition affecting use, development, and value of the real property in question so as to cause decay or ruin.

BOAT Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

CARPORT A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CODE ENFORCEMENT OFFICER Any City employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas and/or U.S. government related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing, etc. within the municipal boundaries of the City. All duly sworn law enforcement officers of the Jacksonville Police Department are authorized to exercise authority as Code Enforcement Officers as well.

CONDEMN To adjudge unfit for human occupancy.

DWELLING UNIT Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

DUST FREE SURFACE Surface constructed of concrete or asphalt.

EASEMENT That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot(s) or property.

EXTERIOR PROPERTY The open space on the premises, on adjoining property, and on rights of way under the control of Owner/Occupant/Interested Party(ies) of such premises.

EXTERMINATION The control and elimination of insects, rats, or other pests by eliminating harborage places, by removing or making inaccessible materials that serve as their food, by poison spray, fumigation, and trapping, or by any other approved pest elimination methods.

FIRE MARSHALL The designated officer of the Jacksonville Fire Department trained and authorized to enforce, inspect, and uphold the Ordinances of the City and laws of the State of Arkansas and/or U.S. government regarding property uses, maintenance, inspections, and certifications and licensing of those properties, buildings, and structures within the city limits of the City in relation to fire safety, hazards, prevention, and conditions.

GARBAGE The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food, drink, and distribution of such.

GRAFFITI Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

GUARD A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC Any existing buildings or structures designated by the City of Jacksonville, the State of Arkansas, or the United States government to be historic or located within a Jacksonville historic district.

HOUSEKEEPING UNIT A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory, bathtub, and/or shower.

IMMINENT DANGER A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE A vehicle which cannot be driven upon the public streets for reason(s) including, but not limited to, being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

INTERESTED PARTY(IES) One who has an interest, claim, or protected share in an affected property(ies) other than legal ownership and whose interest may be affected by action taken by the City through enforcement of Code provisions and/or condemnation proceedings.

LABELED Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LANDLORD An individual, business, corporation, or person who owns real estate commonly referred to as rental property and who leases such to another commonly referred to as a tenant.

LET FOR OCCUPANCY OR LET To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement for the sale of land.

LITTER Misplaced or mishandled garbage, waste, or trash not disposed of in an appropriate manner or container.

MOTOR VEHICLE A machine of conveyance which is self-propelled and designed to travel along the ground, including but not limited to, automobiles, buses, electric scooters, mopeds, motorized bicycles, motorcycles, trucks, tractors, go-carts, golf carts, campers, motor homes, and motorized trailers.

NUISANCE This term is defined in JMC § 8.03.003 of this Code.

OCCUPANCY The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT Any individual living or sleeping in a building or structure or having possession of a space within a building or structure.

OPENABLE AREA That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPEN STORAGE Open storage shall include, but not be limited to, placing an item any place on premises which does not have a roof and walls, with or without doors, completely around the space where the item is placed where such walls are solid construction for the area so as not to be considered open storage.

OPERATOR Any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.

OWNER Any person, agent, operator, firm, or corporation having a legal or equitable interest in the real property as recorded in the official records of Pulaski County as holding legal title to the property or otherwise having control of the property. This shall include a guardian of the estate of any such person, the executor or administrator of the estate of such person, and/or other designated official if ordered to take possession of real property by a court of competent jurisdiction.

PERSON An individual, corporation, partnership, or any other group acting as a unit.

PREMISES A lot, plot, or parcel of land, including any easement or public way, together with any improvements and/or structures placed thereon.

PRIVATE PROPERTY Any real property within the City which is privately owned and which is not defined as public property in this Section.

PUBLIC NUISANCE Includes any one or more of the following:

1. Any physical condition or use of any premises regarded as a public nuisance in common law;
2. Any physical condition or use of any premises which injures or endangers the comfort, repose, health, or safety of others;
3. Any physical condition or use of a premise which offends decency;
4. Any physical condition or use of any premises which unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, and/or drainage;
5. Any physical condition or use of any premises which essentially interferes with the comfortable enjoyment of life and property or negatively impacts the aesthetics of the community;
6. Any physical condition or use of any premises or its appurtenances considered an attractive nuisance for children including, but not limited to: abandoned wells or shafts; abandoned basements; excavation area(s); unsafe fence(s); unsafe structure(s); unsecure and/or unsafe pools; etc.
7. Any physical condition or use of any premises which has inoperable or unsanitary sewerage or plumbing facilities;
8. Any physical condition or use of any premises designated as unsafe for human habitation or use;
9. Any physical condition or use of premises which is manifestly capable of being a fire hazard or are manifestly unsafe or insecure to the point of endangering life, limb, or property;
10. Any physical condition or use of any premises which is unsightly, unsanitary, or which is littered with rubbish, car parts, old appliances, building materials, paper, clothing, or garbage, or which has an uncontrolled growth of weeds, grass, shrubs, trees, or underbrush;
11. Any physical condition or use of any premises where the structure or building is in a state of dilapidation, deterioration, or decay, constructed in a faulty or less than workmanship manner, is overcrowded in accordance with the terms of Table 8.08.02, remains unsecured for over thirty (30) days, remains vacant for a period in

excess of six (6) months, is abandoned, is damaged by fire or other calamity to the extent that it no longer is fit to provide shelter, is in danger of collapse or failure, serves as a danger to anyone on or near the premises, is maintained or kept in an unsanitary condition so as to constitute a menace to the health of those residing in the vicinity thereof, or constitutes a fire hazard or other such danger to the vicinity in which it is located.

12. Any physical condition or use of any premise where the property is blighted or in such a state of disrepair as to cause an unsafe, unsanitary, or unsightly condition(s).

PUBLIC PROPERTY Any real property in the City which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

PUBLIC WAY Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

REMOVAL The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by Ordinance or Resolution of the City Council or eliminate/remove any condition which violates the provisions of applicable property maintenance requirements.

RESIDENCE A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

ROOMING HOUSE A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under provisions of the Jacksonville Municipal Code, are included within the definition of a Rooming House.

ROOMING UNIT Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. *See also Trash.*

STRUCTURE That which is built or constructed or a portion thereof as an improvement to the real estate upon which it is situated.

TENANT A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM A room containing a water closet or urinal but not a bathtub or shower.

TRAILER Any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers; camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

TRASH Combustible and noncombustible waste materials, except garbage. The term shall include but is not limited to: residue from the burning of wood, coal, coke, and other combustible materials; paper products; rags; cartons; boxes; wood; rubber; leather; tree branches; yard trimmings; tin cans or other such metals; mineral matter; glass products; plastic products; cigarette butts, crockery; and, dust and other such similar materials. *See also Rubbish.*

UNCUT WEEDS AND GRASS See JMC § 8.01.078 for definition.

VENTILATION The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE MANNER Improvements executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.

YARD An open space on the same lot with a structure. (Ord. 1381 Sec. 1, 2009)

8.01.062 through 8.01.069 Reserved

8.01.070 General Requirements
The provisions of the following Sections shall govern the minimum conditions and the responsibilities for maintenance of structures, equipment, improvements, and real property within the City of Jacksonville. (Ord. 1381 Sec. 1, 2009)

8.01.071 Responsibility
The Owner(s)/Occupant(s)/Interested Party(ies) of the premises shall maintain the improvements, structures, and real property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises or structures which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping such in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises which they occupy and control. (Ord. 1381 Sec. 1, 2009)

8.01.072 Vacant Structures and Land
All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. 1381 Sec. 1, 2009)

8.01.073 Real Property
All Occupant(s), Owner(s), and/or Interested Party(ies) of real property within the City of Jacksonville shall maintain the premises, building(s), structure(s,) and real property in compliance with the requirements of this Code. A person shall not occupy as owner-occupant or permit another person to occupy or use any premises, which have a public nuisance or non-complying condition(s) upon the property. (Ord. 1381 Sec. 1, 2009)

8.01.074 Building(s), Structure(s), and Real Property

All building(s), structure(s), and real property, whether vacant or inhabited, shall be maintained in a clean, safe, sanitary, secure, and compliant condition(s) as required by City, State, and Federal law so as not to allow a public nuisance, non-complying condition, cause blight upon the community, and/or adversely affect public health or safety. (Ord. 1381 Sec. 1, 2009)

8.01.075 Sanitation

All real property and premises shall be maintained in a clean, safe, and sanitary condition. The Owner(s)/Occupant(s)/Interested Party(ies) shall keep that part of the exterior property in a clean and sanitary condition. All building(s), structure(s), and real property, including adjacent alley(s), rights-of-way, and/or streets, shall be maintained in a clean, safe, sanitary and compliant condition free of accumulation of garbage, junk, refuse, rubbish, or abandoned materials, metals, lumber, inoperable motor vehicle(s), or other such item(s). The pollution of any well, cistern, stream, lake, canal, or body of water by refuse, sewage, dead animals, waste, or other such substances shall not be permitted. (Ord. 1381 Sec. 1, 2009)

8.01.076 Grading and Drainage

All real property shall be graded and maintained to prevent the erosion of soil, to prevent the accumulation of stagnant water thereon, or to prevent such accumulation within any structure located thereon. See JMC §§ 8.52 and 15.04 et. seq. for additional applicable provisions.
Exception: Approved retention areas and reservoirs.
(Ord. 1381 Sec. 1, 2009)

8.01.077 Sidewalks and Driveways

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All sidewalks, walkways, driveways, parking spaces, and similar areas shall be maintained free from garbage, junk, refuse, rubbish, abandoned materials, inoperable motor vehicle(s), and/or any obstruction blocking safe passageway of pedestrian traffic.
(Ord. 1381 Sec. 1, 2009)

8.01.078 Grass or Weeds

All real property, including adjacent rights-of-way, shall be maintained free from noxious grass, weeds, plant growth, undergrowth, and/or vegetation. [See Table 8.08.02 for specifics]. For purposes of this Code, Weeds shall be defined as all grasses,

annual plants, and vegetation other than shrubs or trees, which shall not exceed Eight inches (8″) in height in all residential districts, exceeds Eight inches (8″) in height on lots in all commercial zone districts and industrial zone districts on which a structure is located, or exceeds Twenty-four inches (24″) in height on lots in all commercial zone districts and industrial zone districts upon which a structure is not located, except that the restrictions noted above will not apply to areas specifically designated or recognized by the City, the State, or the United States as agricultural, wetlands, open spaces, natural or wild flower areas, or other designated preservation areas. However, this term shall not include cultivated flowers, gardens, and/or landscaped areas.

Exception: Undeveloped land that has been continuously maintained in a natural vegetative state.
(Ord. 1381 Sec. 1, 2009)

8.01.079 Rodent Harborage

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent related-infestation. All building(s), structure(s), and real property shall be kept free from vermin infestation and any condition which could or does provide harborage for mice, rats, snakes, or other such vermin. Where vermin are found, the Occupant(s), Owner(s), and/or Interested Party(ies) shall promptly exterminate such vermin utilizing approved process(es) not injurious to human health and safety. After extermination, proper precautions shall be taken to prevent re-infestation of said property. (Ord. 1381 Sec. 1, 2009)

8.01.080 Bedroom Requirements

Every bedroom shall comply with the requirements below:

a) Area(s) for Sleeping Purposes. Every bedroom occupied by a minimum of One (1) person shall contain at least Seventy Square Feet (70 SF) of floor area and every bedroom occupied by more than One (1) person shall contain at least Thirty-five Square Feet (35 SF) of floor area for each Occupant thereof.

b) Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of ingress/egress from other habitable spaces.

Exception: Unit(s) that contain fewer than Two (2) bedrooms.

c) Water Closet Accessibility. Every bedroom shall have interior access to at least one water closet and one lavatory without passing through another bedroom. Additionally, every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

d) Prohibited Occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

e) Other Requirements. Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height, and room width requirements, the plumbing facilities and water-heating facilities requirements, the heating facilities and electrical receptacle requirements, and the smoke detector and emergency escape requirements.

f) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following Table (shown below).

g) Sleeping Area. The minimum occupancy area required by the Table below shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with the requirements of this Subsection.

h) Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of the Table below if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(Ord. 1381 Sec. 1, 2009)

TABLE 8.01.080

MINIMUM AREA REQUIREMENTS MINIMUM AREA IN SQUARE FEET			
SPACE	**1-2 occupants**	**3-5 occupants**	**6 or more occupants**
Living room a, b	No requirements	120	150
Dining room a, b	No requirements	80	100
Bedrooms	Shall comply with Section.		

For SI: 1 Square Foot

a. See Subsection h) for combined living room/dining room spaces.

b. See Subsection g) for limitations on determining the minimum occupancy area for sleeping purposes.

(Ord. 1381 Sec. 1, 2009)

Chapter 8.02

ABANDONED ICE BOXES AND REFRIGERATORS

Sections:

8.02.010 Regulations
8.02.020 Right of removal of door hinges
8.02.030 Failure to comply - Separate offense
8.02.040 Violation - Penalty

8.02.010 Regulations

It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air tight door or lid, snap lock on other locking device which may not be released from the inside without first removing the door or lid, snap lock or other locking device from such ice box, refrigerator or container; provided, however, the provisions hereof shall not be applicable to reefers, refrigerator or iced cars of any Railroad or Railway Express Agency or any other refrigerator vehicles unless such vehicles shall have been abandoned or discarded.
(Ord. 461 Sec. 1, 1977)

8.02.020 Right of removal of door hinges

The City Inspector or any of his deputies or inspectors shall have the right to remove the door hinges or to dismantle, if necessary, any ice box, refrigerator, or other container which has an airtight door or lid, snap lock or other locking device which violates the provisions of this chapter. The City Inspector or any of his deputies or inspectors shall have the right to enter any junkyard, vacant lot, dump, yard, unoccupied or abandoned building, dwelling or other structure or place frequented by children in order to perform the above duties. (Ord. 461 Sec. 2, 1977)

8.02.030 Failure to comply - Separate offense

Any person, firm or corporation who shall fail to comply with the provisions of this chapter shall be guilty of a violation of this chapter, and each and every ice box, refrigerator, or other container abandoned in a condition contrary to the provisions of this chapter shall be deemed a separate offense.
(Ord. 461 Sec. 3, 1977)

8.02.040 Violation - Penalty

Any person, firm or corporation who shall be found guilty of a violation of the provisions of this chapter shall be subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars for each violation. (Ord. 461 Sec. 4, 1977)

Chapter 8.03

NUISANCE ABATEMENT

Sections:

8.03.001	Nuisances and Non-Complying Conditions – Intent
8.03.002	Nuisances and Non-Complying Conditions - Prohibited
8.03.003	Nuisances and Non-Complying Conditions – Illustrative Enumeration of a Nuisance or Non-Complying Condition
8.03.004	Nuisances and Non-Complying Conditions – Other Remedies Unaffected
8.03.005	Nuisances and Non-Complying Conditions – Citation
8.03.006	Nuisances and Non-Complying Conditions – Abatement
8.03.007	Reserved
8.03.008	Reserved
8.03.009	Reserved
8.03.010	Nuisances and Non-Complying Conditions – Uncut Weeds, Grass, and Unsanitary Articles and Conditions
8.03.011	Nuisances and Non-Complying Conditions – Authorized Abatement
8.03.012	Nuisances and Non-Complying Conditions – Special Notice Rules for Weed Lots
8.03.013	Nuisances and Non-Complying Conditions – Abandonment of Motor Vehicles – Public Property
8.03.014	Nuisances and Non-Complying Conditions – Parking and Storage of Inoperable Motor Vehicles – Private Property
8.03.015	Nuisances and Non-Complying Conditions – Removal of Abandoned and Inoperable Motor Vehicles
8.03.016	Nuisances and Non-Complying Conditions – Inoperable Motor Vehicles
8.03.017	Nuisances and Non-Complying Conditions – Presumption of Inoperability
8.03.018	Nuisances and Non-Complying Conditions – Parking and Storage of Motor Vehicles
8.03.019	Nuisances and Non-Complying Conditions – Impediments to City Streets, Easements, or Rights-of-Way
8.03.020	Nuisances and Non-Complying Conditions – Basketball Goals
8.03.021	Nuisances and Non-Complying Conditions – Shopping Carts
8.03.022	Reserved
8.03.023	Reserved
8.03.024	Reserved
8.03.025	Reserved
8.03.026	Reserved
8.03.027	Reserved
8.03.028	Reserved
8.03.029	Reserved

8.03.030 Nuisances and Non-Complying Conditions – Nuisance Structures
8.03.031 Nuisances and Non-Complying Conditions – Definitions
8.03.032 Nuisances and Non-Complying Conditions – Vacating of Unfit or Unsafe and Utility Services
8.03.033 Nuisances and Non-Complying Conditions – Placarding
8.03.034 Nuisances and Non-Complying Conditions – Placard Removal
8.03.035 Nuisances and Non-Complying Conditions – Prohibited Occupancy
8.03.036 Nuisances and Non-Complying Conditions – Property Deemed Abandoned
8.03.037 Nuisances and Non-Complying Conditions – Abatement
8.03.038 Nuisances and Non-Complying Conditions – Condemnation

8.03.001 Nuisances and Non-Complying Conditions – Intent

It is the intent of this Code to prevent and abate nuisances and non-complying conditions within the municipal boundaries of the City of Jacksonville. For the purposes of this Code, the words "nuisance" or “non-complying condition(s)” are defined as any act, omission, or property condition that is detrimental to the health, safety, and welfare of the public in that it:

(A) Injures or endangers the comfort, repose, health or safety of others;
(B) Offends decency;
(C) Is offensive to the senses;
(D) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage;
(E) In any way renders other persons insecure in life or the use of property; or,
(F) Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

(Ord. 1381 Sec. 2, 2009)

8.03.002 Nuisances and Non-Complying Conditions – Prohibited

It shall be unlawful for any person or entity to cause, permit, maintain, or allow the creation or maintenance of a nuisance within the City of Jacksonville.

(Ord. 1381 Sec. 2, 2009)

8.03.003 Nuisances and Non-Complying Conditions – Illustrative Enumeration of a Nuisance or Non-Complying Condition

The maintaining, using, placing, depositing, leaving, or permitting to be and/or remain on any public or private property of any of the following items, conditions, or actions is hereby declared to be and shall constitute a nuisance. However, these enumerations shall not be deemed or construed to be conclusive, limiting, or restrictive:

(A) Noxious weeds and other rank vegetation;
(B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, and other such materials;
(C) Any condition which provides harborage for rats, mice, snakes, and other vermin;
(D) Dilapidated structures;
(E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
(F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches;
(G) Carcasses of animals or fowl not disposed of within a reasonable time after death;
(H) Pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substances;
(I) Creating blight on the community;
(J) Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed, or maintained;
(K) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
(L) Dense smoke, noxious fumes, gas, soot, odors, or cinders in unreasonable quantities, or burning materials other than vegetation originating from the property;
(M) Graffiti;
(N) Inoperable or abandoned motor vehicles;
(O) Unsafe equipment, including but not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, water heater(s), and other such equipment on the premises or within the structure which is in such disrepair or condition that it constitutes a hazard to life, health, property, or safety of the public or Owner/Occupant(s) of the premises or structure;

(P) The use of tarpaulins, canvas, plastic, oil cloth, sheeting, and other similar materials as fencing or to shield or enclose any structure (including without limitation openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs; or,

(Q) Permanent or temporary basketball goals (except those approved by the City) on any private drive, public street, or on any private or public right-of-way adjacent to a public street. See also JMC § 12.24.100 for additional provisions.

(Ord. 1381 Sec. 2, 2009)

8.03.004 Nuisances and Non-Complying Conditions – Other Remedies Unaffected

The remedies found in this Code are not intended to displace any other remedies of law or equity found in the common or statutory law of Arkansas that may be available to the City of Jacksonville, a citizen of the City of Jacksonville, or any public or private entity to abate or prevent a nuisance.

(Ord. 1381 Sec. 2, 2009)

8.03.005 Nuisances and Non-Complying Conditions – Citations

Code Enforcement Officers are authorized to issue citations or notices of violation to any individual, business, entity, and/or person in violation of any Section of this Code.

(Ord. 1381 Sec. 2, 2009)

8.03.006 Nuisances and Non-Complying Conditions – Abatement

In addition to the authority found in this Section, Code Enforcement Officers are authorized to take such action as may be reasonably necessary to abate nuisances within the City of Jacksonville. For the specific nuisances that are defined below, Code Enforcement Officers may use the associated method of abatement which is deemed to be both a reasonable and necessary response by the City to abate the nuisance(s).

(Ord. 1381 Sec. 2, 2009)

8.03.007 through 8.03.009 Reserved

8.03.010 Nuisances and Non-Complying Conditions – Uncut Weeds, Grass, and Unsanitary Articles and Conditions

All Owner(s)/Occupant(s) within the city limits of the City of Jacksonville are required to cut weeds, grass, and other forms of vegetation and are to remove all garbage, rubbish, and other unsanitary articles and items from their property(ies) and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies, and germs harmful to the health and general welfare of the community. For specific requirements related to the required maintenance of grass and weeds, refer to the Table in JMC 8.08.01.
(Ord. 1381 Sec. 2, 2009)

8.03.011 Nuisances and Non-Complying Conditions – Authorized Abatement

If the Owner(s)/Occupant(s) of any lot or other real property within the City shall neglect or refuse to remove, abate, or eliminate any condition as may be provided for under Subsection 8.3.1, after having been given a written Notice of Violation and up to Seven (7) days' notice to do so by the Code Enforcement Office, the City is hereby authorized to take such action(s) as are necessary to correct the condition(s), including but not limited to, entering upon the property and having such weeds, rank grass, or other vegetation cut and removed, eliminating any unsanitary and unsightly condition(s), and/or causing any and all necessary repairs to be made and charging the costs thereof to the Owner(s)/Occupant(s) of such premises, which shall constitute a lien thereon. The abovementioned Seven (7) days' notice shall be calculated by counting the first day of the Seven (7) day period as the day after written notice is given to the Owner(s)/Occupant(s), by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the Seventh (7th) day. The City reserves the right to secure a lien for its costs, including a priority clean-up lien pursuant to ACA § 14-54-903.
(Ord. 1381 Sec. 2, 2009)

8.03.012 Nuisances and Non-Complying Conditions – Special Notice Rules for Weed Lots

For purposes of this Section, a “weed lot” is a previously platted lot or unplatted property that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass contrary to this Code. Due to the continual growth cycle

of vegetation on weed lots, continuous abatement is often necessary. As a result, the Seven (7) day Notice of Violation described above shall be issued with the following additional statement, "Work to abate this nuisance will not be complete until the end of the growing season." No additional Notice of Violation need be given unless and until the growing season concludes and further abatement is necessary.
(Ord. 1381 Sec. 2, 2009)

8.03.013 Nuisances and Non-Complying Conditions – Abandonment of Motor Vehicles - Public Property

No person shall abandon or leave any motor vehicle, attended or unattended, upon any public property or public right of way (or within Three feet (3') thereof) within the City. The presence of such a motor vehicle or parts thereof is thereby declared to be a public nuisance, and said nuisance shall be abated in compliance with the terms of this Ordinance or ACA § 27-50-1201, et. seq. Upon discovery, the vehicle will be tagged and the owner(s) and/or responsible party given Twenty-four (24) hours to remove said vehicle from the public property or right-of-way if, in the discretion of the Code Enforcement Officer(s), immediate removal of said vehicle is not required for public safety reasons.
(Ord. 1381 Sec. 2, 2009)

An exception shall be granted in circumstances where a person utilizes the street or public right of way immediately adjacent to his/her residence or that of another for purposes of visiting/entering said residence for a temporary purpose. In such circumstances, a vehicle may be parked in such a manner so as not to block or impede the flow of traffic on said street or right of way. However, no person shall regularly park his/her/their vehicle in a street/right of way on a daily or consistent basis. If such is found to be the case, a nuisance may be declared, and Code Enforcement shall so notify the owner/operator of said vehicle and, if necessary, have said vehicle removed from the public right of way. (Ordinance. 1396 Sec. 1, 2010)

8.03.014 Nuisances and Non-Complying Conditions – Parking and Storage of Inoperable Motor Vehicles - Private Property

No person shall leave, park, store, or permit the leaving, parking, or storing of any inoperable motor vehicle(s) and/or part(s) thereof upon any private property within the City. Upon discovery of such, the vehicle will be tagged and the owner(s) and/or responsible party(ies) given Seventy-two (72) hours in which to remove the vehicle/part from said real property. In addition, Code Enforcement Officer(s) are to provide a copy of the tag placed on said motor vehicle to the responsible party(ies) at

the scene. If unable to deliver such in person, a copy of said tag shall be posted on the primary structure of the real property upon which said motor vehicle is located AND a copy of such tag mailed by first class postage to the responsible party(ies) if not deliverable otherwise.

In the event a responsible party(ies) fails to timely remove said motor vehicle, eliminate the non-complying condition, or submit a written request for review by the Board of Adjustment (together with payment of the appropriate fee), Code Enforcement Officer(s) shall take all necessary steps to have the non-complying condition (i.e., motor vehicle, parts, etc.) removed from said real property. (Ord. 1381 Sec. 2, 2009)

8.03.015 Nuisances and Non-Complying Conditions – Removal of Abandoned and Inoperable Motor Vehicles

In the event an abandoned and/or inoperable motor vehicle shall be required to be removed from private or public property, the Jacksonville Police Department shall obtain the most recent registration of said vehicle, determine if said vehicle is stolen, and shall then contact a towing or wrecker service following Department policy. The Police Department shall provide whatever assistance is necessary to allow the towing or wrecker service to remove said motor vehicle in order to eliminate the public nuisance or non-complying condition and shall provide the Code Enforcement Office and the applicable towing or wrecker service with information on the last registered owner of said motor vehicle in accordance with Arkansas law.

Any towing or wrecker service utilized in the enforcement of this Code shall comply with all requirements of this Code and ACA § 27-50-1101, et. seq. in the removal and disposition of said motor vehicle and shall be responsible for written notification to the appropriate owners/interested parties of said vehicles. Copies of said notification forwarded to the registered owner(s) in accordance with Arkansas law shall also be provided to the Code Enforcement Office at no charge.

(Ord. 1381 Sec. 2, 2009)

8.03.016 Nuisances and Non-Complying Conditions – Inoperable Motor Vehicles

The accumulation of inoperable motor vehicles in the City is degrading to the environment, property values, and the aesthetic beauty of the City. Thus, the only location where an inoperable motor vehicle may be parked, kept, or stored within enclosed spaces upon property that is properly zoned and permitted for that purpose. The parking, keeping, or storing of inoperable motor vehicles at any other location in the City is declared to be a nuisance and may be cited for violation and, if necessary, abated as provided below. (Ord. 1381 Sec. 2, 2009)

8.03.017 Nuisances and Non-Complying Conditions – Presumption of Inoperability

A vehicle shall be deemed inoperable when One (1) or more of the following conditions exist:

(A) One (1) or more tires are flat;
(B) One (1) or more wheels are missing;
(C) The hood or trunk is raised or missing and has appeared to remain so for more than Three (3) days;
(D) Weeds or grass have grown in and/or around the vehicle;
(E) The engine is missing;
(F) The door(s) or fender(s) are removed or missing;
(G) The front or rear windshield is broken, removed, or missing, or the side windows are broken or removed or missing; or,
(H) The interior of vehicle(s) used as storage container(s

(Ord. 1381 Sec. 2, 2009)

8.03.018 Nuisances and Non-Complying Conditions – Parking and Storage of Motor Vehicles

All motor vehicles shall be parked on a designated driveway or to the immediate left or right of said driveway in a parallel fashion and within Ten feet (10’) of the drive’s edge. However, there shall not be motor vehicle(s) parked on both sides of the driveway simultaneously. Motor vehicle(s) may also be parked on the side of a house/structure on the same side of the property as the driveway only if such does not encroach across property lines or if said adjoining Property Owner/Occupant grants written permission for such an encroachment. However, in all circumstances, motor vehicle(s) are prohibited from being parked on the lawn in front of any house/structure other than as authorized herein. (Ord. 1381 Sec. 2, 2009)

8.03.019 Nuisances and Non-Complying Conditions – Impediments to City Streets, Easements, or Rights-of-Way

The City owns property rights throughout the jurisdiction of this Code which are necessary to the efficient flow of traffic, storm water, utility service, and other public purposes. Impediments to these property rights are declared to be a public nuisance under such conditions that impede the efficient flow of traffic, storm water, utility service, and other such intended uses of the City’s rights of way, as a reduction in public benefit of easements/access to public property can endanger the health and welfare of citizens and employees who utilize and depend on such property rights. Law Enforcement Officers and/or Code Enforcement Officers shall have the authority to order the immediate removal of any such impediment to the use of public streets, sidewalks, drains, ditches, utilities,

easements, or other right-of-ways. If the apparent owner of the impediment is not known, available, or willing to remove the impediment, any Law Enforcement Officer and/or Code Enforcement Officer may cause the same to be removed when deemed necessary by said officer. Any person who is aggrieved by the actions of an Officer under this Subsection may appeal the same pursuant to the provisions of this Code.
(Ord. 1381 Sec. 2, 2009; Ordinance. 1396 Sec. 2, 2010)

8.03.020 Nuisances and Non-Complying Conditions – Basketball Goals

Code Enforcement Officers and Law Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer or Law Enforcement Officer may seize and remove it to a City storage site where it may be reclaimed by the owner. Any person who seeks to reclaim a basketball goal and offers proof of ownership (such as the testimony of a witness), may obtain custody of the goal after paying an administrative reclamation fee of Twenty-five Dollars ($25.00) per goal. Any person who is aggrieved by the actions taken under this Subsection may appeal the same pursuant to the provisions of this Code. See also JMC § 12.24.100 for additional provisions.
(Ord. 1381 Sec. 2, 2009)

8.03.021 Nuisances and Non-Complying Conditions – Shopping Carts

Code Enforcement Officers shall have the authority to seize any shopping cart that is left unattended on any public streets, sidewalks, drains, ditches, utilities, easements, or other right-of-ways. Any cart so seized shall be removed to a City storage site where it may be reclaimed by the owner. Any person seeking to reclaim a seized shopping cart and offering proof of ownership (such as a label on the shopping cart), may obtain custody of the shopping cart after paying an administrative reclamation fee of Twenty-five Dollars ($25.00) per cart. Any person who is aggrieved by the actions of a Code Enforcement Officer under this Subsection may appeal the same pursuant to the provisions of this Code.
(Ord. 1381 Sec. 2, 2009)

8.03.022 through 8.03.029 Reserved

8.03.030 Nuisances and Non-Complying Conditions – Nuisance Structures

Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located, shall constitute a nuisance.
(Ord. 1381 Sec. 2, 2009)

8.03.031 Nuisances and Non-Complying Conditions – Definitions

For purposes of this Article, the following terms are defined as follows:
(A) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the Owner(s)/Occupant(s) of the structure by not providing minimum safeguards to protect or warn those entering or present of such dangers in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, of such faulty construction, or has an unstable foundation so that partial or complete collapse is possible.
(B) Unfit Structure for Human Occupancy. A structure is unfit for human occupancy whenever the Code Enforcement Office finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the Owner/Occupants of the structure or to the public.
(C) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by One (1) or more persons than permitted under this Code, or was erected, altered, or occupied contrary to law.
(Ord. 1381 Sec. 2, 2009)

8.03.032 Nuisances and Non-Complying Conditions – Vacating of Unfit or Unsafe Structures and Utility Services

Any premises declared as unsafe/unfit for human habitation by Code Enforcement and so designated by placard shall be vacated within Seven (7) days after notice of such action has been given to the Owner/Occupant/Interested Party(ies) of the structure. On the Eighth (8th) day after said Notice,
Code Enforcement shall notify all utilities to discontinue utility service(s) to the dwelling/dwelling unit. After utilities services are eliminated, no further services shall be made available until a Building Rehabilitation Permit is obtained or until Code Enforcement notifies said Utility(ies) that services may be restored and/or provided to the dwelling/dwelling unit.
(Ord. 1381 Sec. 2, 2009)

8.03.033 Nuisances and Non-Complying Conditions – Placarding
Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word **"NUISANCE"** and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
(Ord. 1381 Sec. 2, 2009)

8.03.034 Nuisances and Non-Complying Conditions – Placard Removal
A Code Enforcement Officer shall remove the placard referred to in this Subsection whenever the defect(s) upon which the placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Office shall be subject to applicable penalties and/or criminal prosecution as provided by this Code and State law.
(Ord. 1381 Sec. 2, 2009)

8.03.035 Nuisances and Non-Complying Conditions – Prohibited Occupancy
Any person who shall occupy placarded premises and any Owner/Occupant/Interested Party(ies) or responsible person of placarded premises who allows another to occupy such placarded premises shall be subject to the penalties provided by this Code.
(Ord. 1381 Sec. 2, 2009)

8.03.036 Nuisances and Non-Complying Conditions – Property Deemed Abandoned
Any real or personal property seized by the City pursuant to JMC § 8.03 shall be deemed abandoned after Thirty (30) days and properly disposed of by the Code Enforcement Office.
(Ord. 1381 Sec. 2, 2009)

8.03.037 Nuisances and Non-Complying Conditions – Abatement
When warranted, Code Enforcement Officers may perform work to secure, abate, and otherwise cause a nuisance structures to conform with the terms and conditions required under this Chapter and applicable laws and shall seek reimbursement for the costs incurred by the City thereof in the manner provided by law.
(Ord. 1381 Sec. 2, 2009)

8.03.038 Nuisances and Non-Complying Conditions – Condemnation
When warranted, Code Enforcement Officers may initiate condemnation proceedings under, in lieu of, or in addition to the procedures and remedies as outlined in this Code and State law.
(Ord. 1381 Sec. 2, 2009)

Chapter 8.04

FENCING COMMERCIAL MOTOR VEHICLE OPERATIONS

Sections:

8.04.010 Definitions
8.04.020 Enclosure Requirements
8.04.030 Plans and Specifications
8.04.040 Enforcement and penalties
8.04.050 Appeal Rights

8.04.010 Definitions

A. ***Boat*** means any vessel initially designed for carrying cargo or passengers upon water, whether currently seaworthy or not, and regardless of size or design. Said definition shall include, but not be limited to, barges, canoes, motorboats, rafts, rowboats, and sailboats.

B. ***Business/Establishment*** means an entity of a commercial, industrial, occupational, or professional nature in which trade for goods, services, or products is commonly conducted by the occupant or owner with the public.

C. ***Enclosure*** means a structure, which creates a surround and/or barrier from public view and/or uncontrolled entry on all sides of an area or location.

D. ***Garage, Private*** means an accessory building or portion of a principal building used for vehicular storage not intended for business operation.

E. ***Garage, Public*** means a business establishment where motor vehicles are repaired, serviced, or stored.

F. ***Good Repair*** means the state of repair for enclosures (or any part thereof) wherein the structure functions as designed, appears in a condition which presents no public hazard, and/or allows the enclosure to appear as aesthetically designed.

G. ***Inoperable Motor Vehicle*** means any vehicle for which its condition is dismantled, partially dismantled, wrecked, incapable of operation by its own power upon a public street, from which the wheels, engine, transmission, or any substantial part thereof has been removed, and/or does not satisfy the minimum requirements for road worth motor vehicles.

H. ***Motor Vehicle*** means any self-propelled land vehicle designed to travel along the ground without the use of rails. Said definition shall include, but not be limited to automobiles, buses, campers, go carts, golf carts, lawn tractors, mopeds, motorcycles, motor homes, tractors, trailers, and trucks **** For purposes of this Code, mother vehicle shall also be a comprehensive term including boats, motor vehicles, and trailers as defined herein. ****

I. ***Motor Vehicle Parts Establishment*** means a business operation whereby the primary activity is the sale and distribution of essential components of a motor vehicle. While inoperable motor vehicle(s) may be a part of the operation, an enclosed area must exist for all inoperable motor vehicles on the premises.

J. ***Motor Vehicle Repair Establishment*** means a business operation whereby the primary activity is the mending, renovation, repair, or restoration of motor vehicles and/or specific motor vehicle components. While inoperable motor vehicle(s) may be a part of the operation, an enclosed area must exist for the storage of all inoperable motor vehicles on the premises.

K. ***Motor Vehicle Sales Establishment*** means a business operation whereby the primary activity is the sale, trade and/or exchange of motor vehicles. While inoperable motor vehicle(s) may be a part of the operation, an enclosed area must exist for the storage of all inoperable motor vehicles on the premises.

L. ***Motor Vehicle Salvage Establishment*** means a business operation whereby the primary activity is the trade and/or exchange of inoperable motor vehicles, their parts, and/or various components thereof for money. An enclosed areas is required for all inoperable motor vehicles on said premises.

M. ***Motor Vehicle Service Station*** means a business operation whereby the primary activity is the sale and trade of fuels (gasoline, diesel, etc.) commonly used by motor vehicles, but which operation can include the maintenance, repair and restoration of motor vehicles, their parts, or components. While inoperable motor vehicle(s) may be a part of the operation, an enclosed area must exist for the storage of all inoperable motor vehicles on the premises.

N. ***Motor Vehicle Storage Establishment*** means a business operation whereby the primary business activity is the parking, maintenance, or temporary storage of motor vehicles. While inoperable motor vehicles may be a part of the operation, an enclosed area must exist for the storage of all inoperable motor vehicles on the premises.

O. ***Motor Vehicle Towing/Wrecker Establishment*** means a business operation whereby the primary activity is the recovery, hauling, or storage of motor vehicles in damaged/inoperable condition. While inoperable motor vehicle(s) may be a part of the operation, an enclosed area must exist for the storage of all inoperable motor vehicles on the premises.

(Ord. 1091, Sec. 1, 1998; Ord. 1154 Sec. 1, 2001)

8.04.020 Enclosure Requirements

Any motor vehicle parts, repair, sales, salvage, storage, and/or towing establishment(s) operated within the city limits shall be required to enclose an area large enough to fully contain and enclose all inoperable motor vehicles maintained on said business establishment premises.

Said enclosure shall be constructed in a proper workman-like manner of such materials so as to provide a full enclosure around the area containing the inoperable motor vehicles, and shall be constructed

of such materials and in such a method that the enclosure will block the public's view of said contained area and prohibit or limit the public from uncontrolled access to said enclosed area. Enclosures can be constructed of, but are not limited to, materials such as: a six foot (6') or higher wooden privacy fence; a six foot (6') or higher chain link fencing with inserts blocking public view; or, a six foot (6') or higher wall constructed of brick, concrete, metal, siding, stucco, wood, or other form of suitable building material (or a combination thereof) so as to fully enclose the area in question and block the public's view. Gates, both pedestrian and vehicular, will be constructed of similar materials and manner as the enclosure. Said enclosure materials, once constructed, shall be maintained in a constant state of good repair.

8.04.030 Plans and Specifications

Plans and specifications for said enclosure area are to be submitted to the Jacksonville Code Enforcement Office for review and approval prior to construction of said enclosure. Construction of said enclosures shall be completed no later than six months from the date of passage of this Ordinance. Any such business established on or after passage of this Ordinance must have an acceptable enclosure on site before a business privilege license for that establishment will be issued.

Should construction or erection of such an enclosure require placement of a fence or wall on or along a public easement, right of way, or street, the Code Enforcement Office shall review said plans for possible public and private utility access and possible safety hazards created by the construction or presence of such an enclosure so as to insure public safety is foremost. All plans and construction of enclosures shall be completed in compliance with the specifications provided by the current edition of the Southern Building Code and other applicable construction Code provisions as adopted by the City of Jacksonville.

8.04.040 Enforcement and Penalties

Failure to comply with the provisions of this chapter shall constitute a violation thereof, and each violation shall be considered a misdemeanor punishable by a fine of no less than One Hundred Dollars ($100.00) and no greater than Five Hundred Dollars ($500.00). A separate offense shall occur for each day that the violation exists. Enforcement responsibilities shall lie with the City Code Enforcement Office.

8.04.050 Appeal Rights

A. Upon receipts of a written request to the Jacksonville Board of Adjustment, Delivered to the City Clerk's office within fifteen (15) days of notice of action taken by the Code Enforcement Office of the City of Jacksonville on any matter regarding the construction of an enclosure(s), its terms or conditions.

B. Upon receipt of said notice of appeal, the City Clerk shall place the request on the agenda for the next regularly scheduled meeting of the Board of Adjustment. Further, the City Clerk shall notify in writing the interested party and the Code Enforcement Office of the date and time of said meeting. A properly filed request for hearing shall stay any ad all enforcement proceedings until an Order of Determination of the Board of Adjustment is entered.

C. The Board of Adjustment shall conduct a hearing and review for determination on the request. After making said determination, the Board of Adjustment shall issue a written order stating it findings of fact and conclusion, providing a copy of such to the City Clerk. The Code Enforcement Office, and the interested party who filed the request for hearing

D. In the event the Board of Adjustment determination affirms that the Code Enforcement Office, it shall order the correction, removal, and/or repair of the cited deficiency within thirty (30) days from the date of issuance of the Order. If the owner or interested party fails to comply with the Board of Adjustment's Order, the Code Enforcement Office shall cite said person/entity in accordance with the terms of this Code.

(Ord. 1091, Sec. 1, 1998)

Chapter 8.08

UNSANITARY AND UNSIGHTLY CONDITIONS
PUBLIC NUISANCE AND NON-COMPLYING CONDITIONS

Sections:

8.08.001 Intent
8.08.002 Savings Clause
8.08.003 Other Regulations
8.08.004 General
8.08.005 Inspections
8.08.006 Right of Entry
8.08.007 Relief from Personal Liability
8.08.010 Non-Complying Conditions for Grass, Weeds, and Vegetation Allowing to perpetuate prohibited
8.08.020 Non-Complying Conditions and Public Nuisances Prohibited
8.08.030 Definitions
8.08.032 Abandonment of motor vehicles-public property
8.08.033 Parking and storage of inoperable motor vehicles-private property
8.08.034 Exceptions-Private Property
8.08.035 Notice of Non-compliance
8.08.036 Board of Adjustment Hearing
8.08.037 Board of Adjustment determination
8.08.038 Removal of abandoned and inoperable motor vehicles
8.08.039 Adoption of State Law by reference
8.08.040 Inspections
8.08.050 Notice to Nonresident owner(s)
8.08.060 Property Maintenance Requirements
8.08.070 Exterior Structure Requirements
8.08.080 Accessory Buildings and Structures
8.08.090 Penalty, Fines and Enforcement Procedures

SCOPE The following Code provisions are to protect the public health, safety, and welfare in all existing premise(s), structure(s), and/or building(s), residential or commercial, by establishing minimum requirements and standards for all premises, structures, and buildings within the City of Jacksonville. In doing so, these regulations are to provide sanitation, protection from the elements, improved quality of life, safety from fire and other hazards, and to require safe and sanitary maintenance of said facilities. It shall be the responsibility of all owner(s), operator(s), and/or occupant(s) to maintain said premises, structures, and/or buildings, and the City shall provide for the administration, enforcement, and penalties of said violations when said responsibility is not met.

8.08.001 Intent The following Code provisions shall be construed liberally and justly to insure public health, safety, and welfare insofar as they are affected by the continued use and maintenance of premises, structures, and buildings.

8.08.002 Savings Clause The following Code provisions shall not affect violations of any other ordinance, code, or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provision of those ordinances, codes, or regulations in effect at the time the violation is committed.

8.08.003 Other Regulations The Code Sections herein shall not be construed to prevent the enforcement of other ordinances or regulations prescribing standards other than those provided herein. In the event of conflict, the most restrictive Code provision shall apply.

8.08.004 General Code Enforcement Officer(s) shall bear the primary enforcement responsibility for all provisions of this Code and issue all necessary notice(s), order(s), citation(s), and/or affidavit(s) to abate illegal, unsafe, unsightly, and/or unsanitary non-conforming conditions to insure compliance with the requirements of this Code for the safety, health, and general welfare of the public. In circumstances dictating such, citation(s) and/or affidavit(s) for arrest may also be issued by the Jacksonville Police Department.

In the body of this Ordinance, referral to Code Enforcement Officer(s) shall be interpreted to include Code Enforcement Officer(s), Jacksonville Police Department officer(s), and/or their designated representative(s).

8.08.005 Inspections In order to provide for the safety, health, and welfare of the public, a Code Enforcement Officer is authorized, after observance or reasonable suspicion of a non-complying condition or public nuisance, to enter upon real property at any reasonable time and make any reasonable request of the occupant, owner, and/or responsible party for the purpose of making inspections of the real property and/or any building(s), structure(s), or improvement(s) thereon and performing duties under the terms of this Code.

8.08.006 Right of Entry If any owner, occupant, and/or responsible party subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restrict, or obstructs entry and free access to any part of the premise(s), structure(s), or location where inspection authorized by this Code is sought and

after a reasonable request to do so has been made, the Code Enforcement Officer is authorized to seek, in a court of competent jurisdiction, an order authorizing such inspection and that any such owner, occupant, or other responsible party cease and desist with such interference. Code Enforcement Officer(s) or authorized representative(s) shall carry proper credentials of their respective position(s) for the purpose of identifying themselves during their inspection(s) of any and all building(s), premise(s), and/or structure(s) under the jurisdiction of these Code provisions.

8.08.007 Relief from Personal Liability

Any Code Enforcement Officer(s) or authorized representative(s) who acts in good faith in the discharge of duties to enforce the terms of this Code is relieved of all personal liability for any damage accruing by persons or property as a result of such acts or alleged failure to act. Further, the Code Enforcement Officer(s) shall not be held liable for any costs in any action, suit, or proceeding that is instituted by the Code Enforcement Officer in the enforcement of Code provisions. In any such action, the Code Enforcement Officer or employee shall be defended or represented by the City Attorney and/or authorized representative(s) until final termination of any such legal proceedings.
(Ord. 1154, Sec. 2, 2001)

8.08.010 Non-complying Conditions for Grass, Weeds, and Vegetation – allowing to Perpetuate Prohibited

It is unlawful for any occupant(s), owner(s) representative(s), and/or responsible party(ies) thereof any real property within the corporate limits of the City to allow grass, weeds and vegetation to remain uncut on said real property in violation of the standards set forth in Table 8.08.02 of this Ordinance. In the event a responsible party(ies) fails or refuses to abate or eliminate any such non-complying condition(s) after receiving proper notification in accordance with the terms of JMC §§ 8.08.035 and 8.08.040, the Code Enforcement Office is hereby authorized to take whatever action necessary to correct/eliminate the non-complying condition(s). When such occurs, the costs associated with doing so, together with applicable administrative fees and costs, shall be charged against the occupant(s), owner(s), and/or responsible party(ies). Any such charge(s) not timely paid shall constitute a lien against the real property in question for such costs, together with an additional ten percent (10%) penalty fee. Said amount shall be assessed against the real property involved in accordance with the procedures outlined in ACA § 14-54-901 et. seq. and collected as delinquent tax(es) by the Pulaski County Tax Assessor.

Table 8.08.01 Maximum Allowable Grass Height

LOT DESCRIPTION	***MAXIMUM GRASS HEIGHT ALLOWED***
Residential Lot less than one acre (Occupied or Unoccupied)	8”
Residential Lot from one to five acres (Occupied or Unoccupied)	18”
Occupied Commercial Lot (One acre or less)	8”
Unoccupied Commercial Lot (From one to five acres)	18”
Occupied Industrial Lot (One acre or less)	8”
Unoccupied Industrial Lot (From one to five acres)	18”

(Ord. 538, Sec. 1(part), 1979; Ord. 1154, Sec. 3, 2001)

8.08.020 Non-Complying Conditions and Public Nuisances Prohibited

It is unlawful for the occupant(s), owner(s), and/or responsible party(ies) of a building, structure, or property to utilize the premises for the open storage of any inoperable motor vehicle(s) and/or part(s), inoperable appliance(s), building material(s), building rubbish, trash, boxes, inoperable electronic equipment(s), or similar such items. It shall be the duty and responsibility of all occupant(s), owner(s), and/or responsible party(ies) to keep the premises clean and orderly, removing from the premises all such inoperable or abandoned items/materials, non-complying conditions, and/or public nuisances.

It is further a violation of this Code to allow garbage, rubbish, or other unsightly and/or unsanitary articles, condition(s), and/or item(s), to remain upon real property throughout the city limits of Jacksonville. Further, no occupant(s), owner(s), and/or responsible party shall allow stagnant pools of water or any other unsightly thing or condition which might become harmful to the health of the community or negatively impact the aesthetics of the community to exist upon real property in the city limits of Jacksonville.

In the event a responsible party(ies) fails or refuses to abate or eliminate any such non-complying condition(s) after receiving proper notification as outlined in JMC §§ 8.08.035 and 8.08.040, the Code Enforcement Office is hereby authorized to take whatever action necessary to correct/eliminate the non-complying condition(s). When such occurs, the costs associated with doing so, including applicable administrative fees and costs, shall be charged against the occupant(s), owner(s), and/or responsible

party(ies). Any such charge(s) not timely paid shall constitute a lien against the real property in question for such costs, together with an additional ten percent (10%) penalty fee. Said amount shall be assessed against the real property involved in accordance with the procedures outlined in ACA § 14-54-901 et. seq. and collected as delinquent tax(es) by the Pulaski County Tax Assessor.
(Ord. 538, Sec. 1(part), 1979; Ord. 1154, Sec. 4, 2001)

8.08.030 Definitions

(A) ABANDONED MATERIAL - Inoperable appliances, lumber, building materials, wood, tin, glass, boxes, pipes, plumbing supplies, aluminum siding, scrap metal, shingles, electrical components, motors, television(s), or any other such materials no longer used in the day to day operation of the property in question.

(B) ABANDONED VEHICLE - Any motor vehicle left on public or private property in a state of disrepair and incapable of moving under its own power. The Code Enforcement Officer may, using discretion, exempt any vehicle ascertained to be an antique where active signs of a restoration process are shown.

(C) BLIGHT - A deteriorating influence or condition affecting use, development, and value of the real property in question so as to cause decay or ruin.

(D) BOAT - Any vessel initially designed for carrying cargo or passengers upon water, whether currently seaworthy or not, and regardless of size or design. Said definition shall include, but not be limited to, barges, canoes, motorboats, rafts, rowboats, or sailboats.

(E) EXTERIOR PROPERTY - The open space on the premises and on adjoining property under the control of an occupant(s), operator(s), owner(s) and/or responsible party(ies) of such premises.

(F) GARBAGE - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(G) INOPERABLE MOTOR VEHICLE - Any motor vehicle for which its condition is dismantled, partially dismantled, wrecked, incapable of operation by its own power, or from which the wheels, engine, transmission, or any substantial part or parts thereof have been removed. The Code Enforcement Officer may, using discretion, exempt any vehicle ascertained to be an antique where active signs of a restoration process are shown. **** For purposes of this Code, motor vehicle shall also be a comprehensive term including boats, motor vehicles, and trailers as defined herein when used in this Chapter. ****

(H) LITTER – Misplaced or mishandled garbage, waste, or trash not disposed of in an appropriate manner or container. (Ord. 1313, Sec. 1, 2007)

(I) MOTOR VEHICLE - Any self-propelled land vehicle designed to travel along the ground without the use of rails. Said definition

shall include, but not be limited to: automobile; bus; camper; go cart; golf cart; lawn tractor; moped; motorcycle; motor home; tractor; trailer; and, truck. **** For purposes of this Code, motor vehicle shall also be a comprehensive term including boats, motor vehicles, and trailers as defined herein when used in this Chapter. **** (Ord. 1313, Sec. 1, 2007)

(J) NON - COMPLYING CONDITION - Any physical condition(s) or use of any premises which is unsightly, unsanitary, or which is littered with rubbish, car parts, old appliances, building materials, paper, clothing, or garbage, or which has an uncontrolled growth of weeds, grass, shrubs, trees, or underbrush. (Ord. 1313, Sec. 1, 2007)

(K) OPEN STORAGE - Open storage shall include, but not be limited to, placing an item any place on premises which does not have a roof and walls, with or without doors, completely around the space where the item is placed and such walls must be solid construction for the area so as not to be considered open storage. (Ord. 1313, Sec. 1, 2007)

(L) PRIVATE PROPERTY - Any real property within the City limits which is privately owned by an individual(s), business(es), corporation(s), partnership(s), or entity.(Ord. 1313 Sec. 1, 2007)

(M) PUBLIC PROPERTY - Any real property within the City limits which is owned by a governmental entity, to include, but not be limited to: building(s); parking lot(s); park(s); rights-of-way; sidewalk(s); street(s); and, other such similarly situated facilities.

(N) PUBLIC NUISANCE - Includes any one or more of the following:

1. Any physical condition or use of any premises regarded as a public nuisance in common law;
2. Any physical condition or use of any premises, which injures or endangers the comfort, repose, health, or safety of others;
3. Any physical condition or use of any premises, which offends common decency;
4. Any physical condition or use of any premises which unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage;
5. Any physical condition or use of any premises, which essentially interferes with the comfortable enjoyment of life and property or negatively impacts the aesthetics of the community;
6. Any physical condition or use of any premises or its appurtenances considered an attractive nuisance for children including, but not limited to; abandoned wells or shafts; abandoned basements; excavation area(s); unsafe fence(s); unsafe structure(s);

7. Any physical condition or use of any premises which has inoperable or unsanitary sewerage or plumbing facilities;

8. Any physical condition or use of any premises designated as unsafe for human habitation or use;

9. Any physical condition or use of premises which is manifestly capable of being a fire hazard or are manifestly unsafe or insecure to the point of endangering life, limb, or property;

10. Any physical condition or use of any premises which is unsightly, unsanitary, or which is littered with rubbish, car parts, old appliances, building materials, paper, clothing, or garbage, or which has an uncontrolled growth of weeds, grass, shrubs, trees, or underbrush;

11. Any physical condition or use of any premises where the structure or building is in a state of dilapidation, deterioration, or decay, constructed in a faulty or less than workmanship manner, is overcrowded in accordance with the terms of Table 8.08.02, remains unsecured for over thirty (30) days, remains vacant for a period in excess of six (6) months, is abandoned, is damaged by fire or other calamity to the extent that it no longer is fit to provide shelter, is in danger of collapse or failure, serves as a danger to anyone on or near the premises, is maintained or kept in an unsanitary condition so as to constitute a menace to the health of those residing in the vicinity thereof, or constitutes a fire hazard or other such danger to the vicinity in which it is located; or,

Table 8.08.02 Minimum Occupancy Area Requirements

SPACE	**MINIMUM OCCUPANCY AREA (Square Feet)**		
	1-2 Occupants	3-5 Occupants	6 or more
Living Room	No requirements	120	150
Dining Room	No requirements	80	100
Kitchen	50	50	60

12. Any physical condition or use of any premise where the property is blighted or in such a state of disrepair as to cause an unsafe, unsanitary, or unsightly condition(s).

(Ord. 1313 Sec. 1, 2007)

(O) RUBBISH/TRASH - Combustible and noncombustible waste materials, except garbage. The term shall include but is not limited to: residue from the burning of wood, coal, coke, and

other combustible materials; paper products; rags; cartons; boxes; wood; rubber; leather; tree branches; yard trimmings; tin cans or other such metals; mineral matter; glass products; plastic products; cigarette butts, crockery; and, dust and other such similar materials. (Ord. 1313 Sec. 1, 2007)

(P) TRAILER - Any free-wheeling object designed or intended to be pulled or towed behind a motor vehicle, to include, but not be limited to: boat trailer(s); camper trailer(s); cargo trailer(s); farm implement trailer(s); golf cart trailer(s); livestock trailer(s); and, utility trailer(s).

(Ord. 538, Sec. 1(part), 1979; Ord. 1022, 1994; Ord. 1154, Sec. 5, 2001; Ord. 1313 Sec. 1, 2007)

8.08.032 Abandonment of motor vehicles - public property

No person shall abandon or leave any motor vehicle, attended or unattended, upon any public property or public right of way (or within three (3) feet thereof) within the City. The presence of such a motor vehicle or parts thereof is thereby declared to be a public nuisance, and said nuisance shall be abated in compliance with the terms of this Ordinance or ACA § 27-50-1201 et. seq. Upon discovery, the vehicle will be tagged and the owner(s) and/or responsible party given Twenty- four (24) hours to remove said vehicle from the public property or right-of-way if, in the discretion of the Code Enforcement Officer(s), immediate removal of said vehicle is not required for public safety reasons.

(Ord. 1022, Sec. 1 (II), 1994; Ord. 1154, Sec. 6, 2001)

8.08.033 Parking and Storage of Inoperable Motor Vehicles-Private Property

No person shall leave, park, store, or permit the leaving, parking, or storing of any inoperable motor vehicle(s) and/or part(s) thereof upon any private property within the City. Upon discovery of such, the vehicle will be tagged and the owner(s) and/or responsible party(ies) given seven (7) days in which to remove the vehicle/part from said real property. In addition, Code Enforcement Officer(s) are to provide a copy of the tag placed on said motor vehicle to the responsible party(ies) at the scene. If unable to deliver such in person, a copy of said tag shall be posted on the primary structure of the real property upon which said motor vehicle is located AND a copy of such tag mailed by first class postage to the responsible party(ies) if not deliverable otherwise.

In the event a responsible party(ies) fails to timely remove said motor vehicle, eliminate the non-complying condition, or submit a written request for review by the Board of Adjustment (together with payment of the appropriate fee), Code Enforcement Officer(s) shall take all necessary steps to have the non-complying condition (i.e., motor vehicle, parts, etc.) removed from said real property. (Ord. 1022 Sec. 1, 1994; Ord. 1154 Sec. 7, 2001)

8.08.034 Exceptions - Private Property

The provisions of the above section (JMC § 8.08.033) shall not apply to:

(A) Any motor vehicle parked or stored within a building or other such enclosed shelter on private property; or,

(B) Any motor vehicle held in connection with a business enterprise lawfully licensed by the City for parts, repair, sales, salvage, service, and/or the towing of motor vehicles or parts thereof which is being properly operated in an appropriate business zone in accordance with Jacksonville Municipal Code and Arkansas law.

(Ord. 1022, Sec.1 (IV), 1994; Ord. 1154, Sec. 8, 2001)

8.08.035 Notice of Non-Compliance

When brought to the attention of the Code Enforcement Office and/or the Police Department that a public nuisance or non-complying condition appears to exist on private or public property, a written Notice of Noncompliance shall be affixed to the primary structure upon said real property. Said Notice shall declare the existence of a public nuisance and/or non-complying condition, cite the specific applicable Code section and/or State law, and direct anyone with an interest in said property to comply with applicable provisions of this Code and Arkansas law within the time frame allotted. When the public nuisance or non-complying condition exist on private property, a copy of said Notice shall be sent by first class mail, to the record owner(s) and/or occupant(s) of said real property. When a copy of the Notice cannot be delivered by mail for any reason, a copy of the Notice posted upon or to said real property shall suffice as sufficient and reasonable notice to the responsible party(ies) to bring said property into compliance with applicable provisions of this Code and/or Arkansas law.

Said Notice of Noncompliance shall contain a request for removal of the public nuisance or non-complying condition within any applicable time period as specified. The Notice shall advise that, upon failure to comply with the terms of the Notice of Noncompliance, the Code Enforcement Office, the Police Department, or their designated representative shall direct, order, and complete the removal/elimination of the non-complying condition. The cost of said removal/elimination shall then be levied against the owner and/or responsible party of such in accordance with the terms of this Ordinance and ACA § 14-54-901 et. seq.

The Notice of Noncompliance shall also advise any interested party of the right to contest the determination of the Code Enforcement Office that a violation of this Code exist and of the right to submit a written request for a hearing before the Jacksonville Board of Adjustment in compliance with the terms of this Code Chapter. (Ord. 1022, Sec. 1, 1994; Ord. 1154, Sec. 9, 2001)

8.08.036 Board of Adjustment - Hearing

Upon receipt of a written request to the Jacksonville Board of Adjustment, together with payment in full of a Fifty Dollar ($50.00) administrative fee, delivered to the City Clerk's Office within seven (7) days of issuance of a Notice of Noncompliance, the City Clerk shall place the request on the agenda for the next regularly scheduled meeting of the Board of Adjustment. Further, the City Clerk shall notify in writing the interested party and the Code Enforcement Office of the place, date, and time for said meeting. A properly filed request for hearing shall temporarily stay any and all enforcement proceedings until such time as an Order declaring the Board of Adjustment's decision is filed with the City Clerk's office.
(Ord. 1022, Sec. 1 D(VI), 1994 ; Ord. 1154, Sec. 10, 2001)

8.08.037 Board of Adjustment Determination

The Board of Adjustment shall conduct a hearing and review appropriate evidence and information so as to make a determination on the issue of whether a public nuisance or non-complying condition exist upon the real property in question. Upon making said determination, the Board of Adjustment shall issue a written order stating its findings of facts and conclusion, providing a copy of such to the City Clerk, Code Enforcement Office, and the interested party who filed the request for hearing.
In the event the Board of Adjustment determines that a motor vehicle, building, structure, or other such non-complying condition exist and/or constitutes a nuisance, the Board of Adjustment shall order the removal and/or repair of said nuisance. Such corrective action shall be completed within seventy-two (72) hours from the date of issuance of the Order unless specifically granted additional time by the Board of Adjustment. If the owner or interested party fails to comply with the Board of Adjustment's Order, said motor vehicle shall be removed and/or nuisance remedied in accordance with the terms of this Code and ACA § 27-50-1201 et. seq.
(Ord. 1022, Sec. 1 (VII), 1994; Ord. 1154, Sec. 11, 2001)

8.08.038 Removal of Abandoned and Inoperable Motor Vehicles

In the event an abandoned and/or inoperable motor vehicle shall be required to be removed from private or public property, the Jacksonville Police Department shall obtain the most recent registration of said vehicle, determine if said vehicle is stolen, and shall then contact a towing or wrecker service following Department policy. The Police Department shall then provide whatever assistance is necessary to allow the towing or wrecker service to remove said motor vehicle in order to eliminate the public nuisance or non-complying condition and shall provide the Code Enforcement Office and the applicable towing or wrecker

service with information on the last registered owner of said motor vehicle in accordance with Arkansas law.
Any towing or wrecker service utilized in the enforcement of this Code shall comply with all requirements of this Code and ACA § 27-50-1101 et. seq. in the removal and disposition of said motor vehicle and shall be responsible for written notification to the appropriate owners/interested parties of said vehicles. Copies of said notification forwarded to the registered owner(s) in accordance with Arkansas law shall also be provided to the Code Enforcement Office at no charge.
(Ord. 1022, Sec. 1 (VIII), 1994; Ord. 1154, Sec. 12, 2001)

8.08.039 Adoption of State Law by reference
The terms and conditions provided by State law regarding removal and disposition of abandoned/inoperable motor vehicles are herein incorporated by reference into this Code. Should the Jacksonville Police Department, Code Enforcement Office, and /or any towing or wrecker service involved in the enforcement of this Code remove any such motor vehicle and utilize Arkansas law in said process, they are hereby directed to comply fully with all provisions contained therein.
(Ord. 1022, Sec. 1 (IX), 1994; Ord. 1154, Sec. 13, 2001)

8.08.040 Inspections
Code Enforcement Officer(s) shall make regular inspection(s) of alley(s), building(s), rights-of-way, street(s), and/or real properties within the City and shall notify the occupant(s), owner(s), or responsible party(ies) thereof of any public nuisance(s), non-complying condition(s), unsightly, and/or unsanitary conditions existing thereon. Within seven (7) days after issuance of such written notice, it shall be the duty of said occupant(s), owner(s), or responsible party(ies) to cause removal of the unsightly, unsanitary, and/or non-complying condition in existence on said property. If such occupant(s), owner(s), or responsible party(ies) fail to comply within the prescribed time frame, the Code Enforcement Officer or designated representative is hereby authorized to remove or eliminate the non-complying condition in question. The cost thereof to accomplish such shall be promptly paid by the occupant(s), owner(s), or responsible party(ies), otherwise a lien shall arise against the property in question in accordance with the terms of this Ordinance and ACA § 14-54-901 et. seq. In addition, any occupant(s), owner(s), or responsible party(ies) failing to obey such notice and/or allowing the perpetuation of a public nuisance or non-complying condition shall be deemed guilty of a violation of the terms of this Code and will be subjected to the terms of this Code Chapter. Upon conviction of said violation, said occupant(s), owner(s), and/or responsible party(ies) shall be fined as set forth in JMC § 8.08.090. (Ord. 1154, Sec. 14, 2001)

8.08.050 Notice to Nonresident Owner(s)

In the event the owner(s) or responsible party(ies) of any real property upon which a non-complying condition exist is unknown or he/she does not reside in or upon the real property in question, a copy of the written notice referred to in JMC § 8.08.090(A) shall be posted upon the premises and mailed with first class postage affixed to the address provided by such owner(s) or responsible party(ies) to the Code Enforcement Office. Registration of said real property(ies) by the owner(s) and/or responsible party(ies) shall occur upon obtaining ownership/control of the property in question.

In the event the owner(s) or responsible party(ies) of any real property upon which a non-complying condition exist is unknown or he/she does not reside in the State of Arkansas, a copy of the written notice referred to in JMC § 8.08.090(A) shall be posted upon the premises and mailed with first class postage affixed to the address provided by such owner(s) or responsible party(ies) to the Code Enforcement Office. Registration of said real property(ies) by the owner(s) and/or responsible party(ies) shall occur upon obtaining ownership/control of the property in question. Before any action to prosecute a violation upon a non-resident of the State's real property is taken, the City Attorney shall, upon request by the Code Enforcement Office and/or the Police Department, prepare an affidavit setting out the facts as to the unknown address or whereabouts of the owner(s) or responsible party(ies). Upon service by publication as provided for by applicable law against nonresident parties and if such nonresident responsible party(ies) fails or refuses to abate or eliminate any such non-complying condition(s), the Code Enforcement Office is hereby authorized to take whatever action necessary to correct/eliminate the non-complying condition(s). When such occurs, the costs associated with doing so, together with applicable administrative fees and costs, shall be charged against the occupant(s), owner(s), or responsible party(ies). Any such charge(s) not timely paid shall constitute a lien against the real property in question for such costs, together with an additional ten percent (10%) penalty. Said amount shall be assessed against the property in accordance with the procedures outlined in ACA § 14-54-901 ET. seq. and collected as delinquent tax(es) by the Pulaski County Tax Assessor.
(Ord. 538, Sec. 1, 1979 ; Ord. 909 Sec. 1, 1989 ; Ord. 1154, Sec. 15, 2001)

8.08.060 Property Maintenance Requirements

(A) Responsibility

All occupant(s), owner(s), and/or responsible party(ies) of real property within the City of Jacksonville shall maintain the premises, building(s), structure(s) and exterior property in

compliance with the requirements of this Code. A person shall not occupy as owner-occupant or permit another person to occupy or use any premises, which have a public nuisance or non-complying condition(s) upon the property.

(B) Building(s), Structure(s), and Real Property

All building(s), structure(s), and real property, whether vacant or inhabited, shall be maintained in a clean, safe, sanitary, secure, and compliant condition(s) as required by City, State, and Federal law so as not to allow a public nuisance, non-complying condition, cause a blight upon the community, and/or adversely affect public health or safety.

(C) Sanitation

All building(s), structure(s), and real property, including adjacent alley(s), rights-of-way, and/or streets, shall be maintained in a clean, safe, sanitary and compliant condition free of accumulation of garbage, junk, refuse, rubbish, or abandoned materials, metals, lumber, inoperable motor vehicle(s), or other such item(s). The pollution of any well, cistern, stream, lake, canal, or body of water by refuse, sewage, dead animals, waste, or other such substances shall not be permitted.

(D) Driveways

All sidewalks, walkways, driveways, parking spaces, and similar areas shall be maintained free from garbage, junk, refuse, rubbish, abandoned materials, inoperable motor vehicle(s), and/or any obstruction blocking safe passageway of pedestrian traffic.

(E) Grass, Weeds, and Vegetation

All real property, including adjacent rights-of-way, shall be maintained free from noxious grass, weeds, plant growth, undergrowth, and/or vegetation. [See Table 8.08.02 for specifics]. For purposes of this Code, Weeds shall be defined as all grasses, annual plants, and vegetation other than shrubs or trees. However, this term shall not include cultivated flowers, gardens, and/or landscaped areas.

(F) Vermin

All building(s), structure(s), and real property shall be kept free from vermin infestation and any condition which could or does provide harborage for mice, rats, snakes, or other such vermin. Where vermin are found, the occupant(s), property owner(s), and/or responsible party(ies) shall promptly exterminate such vermin utilizing approved process(es) not injurious to human health and safety. After extermination, proper precautions shall be taken to prevent re-infestation of said property.

(Ord. 538 Sec. 1, 1979; Ord. 1154, Sec. 16, 2001)

8.08.070 Exterior Structure Requirements

(A) All building and structural support members shall be maintained free of deterioration and capable of safely bearing both the imposed dead and live loads;

(B) All foundation walls shall be maintained plumb and free from open cracks and breaks and maintained in such condition so as to prevent the entry of vermin;

(C) The roof, flashing, and eaves shall be free of holes, breaks, or loose and/or rotting materials so as to be weatherproof. Such areas shall also be properly surfaced-coated where required so as to prevent damage and deterioration;

(D) All exterior walls shall be free of holes, breaks, or loose and/or rotting materials so as to be weatherproof. Such areas shall also be properly surface-coated so as to prevent damage and deterioration;

(E) All belt courses, cornices, corbels, fall facings, terra cotta trim, and similar decorative features shall be maintained in good repair, safe condition, and be equipped with proper anchorage; or,

(F) All canopies, marquees, signs, metal awnings, stairways, fire escapes, and similar overhang extensions shall be maintained in good repair, be properly anchored, and kept in a safe and sound condition. All exposed surfaces of metal or wood shall be protected from the elements, decay, and/or rust by periodic (and timely) application of weather-coating materials (paint or similar surface treatment).

(Ord. 538, Sec. 1, 1979; Ord. 909, Sec. 1, 1989; Ord. 1154, Sec. 17, 2001)

8.08.080 Accessory Building and Structures

All accessory building(s) and structure(s), including detached garages, fences, outbuildings, and walls, shall be properly maintained, structurally sound, and kept in a constant state of good repair so as to prevent any public nuisance and/or non-compliant condition. (Ord. 1154, Sec. 18, 2001)

8.08.090 Penalty, Fines, and Enforcement Procedures

(A) After seven (7) days from receipt of a written notice sent certified mail by the Code Enforcement Office or its designated representative(s), any business(es), entity(ies), individual(s), and/or partnership(s) who fail to eliminate and/or remove a non-conforming condition shall be considered in violation of this Code.

(B) In addition to powers granted Code Enforcement Officer(s) and officers of the Jacksonville Police Department in this Ordinance, said officers are hereby authorized to issue citation(s) to or request an Affidavit of Warrant for any business(es), entity(ies), individual(s), and/or partnership(s) for violation of any provision(s) of this Code. All citations shall be in a form approved by the Jacksonville Municipal Court, shall designate the offense(s) charged, and shall require the charged party(ies) to appear before the Jacksonville Municipal Court on a date certain to respond to the charge(s) assessed. All

affidavits shall be in a form provided by the City Attorney and approved by the Municipal Court, shall be signed by the issuing officer(s) and sworn to before court personnel, and shall be filed with the Jacksonville Municipal Court for prosecution. All such warrants of arrest issued hereunder shall be processed in the same manner prescribed by law for criminal violation warrants.

(C) Any party(ies) found guilty of violation of any provision of this Chapter or applicable Code sections shall be fined no less than Twenty-five Dollars ($25.00) but no more than Five Hundred Dollars ($500.00) for the first offense, together with applicable court costs. Adjudication of subsequent offense(s) occurring within one (1) year shall be fined no less than One Hundred Dollars ($100.00) but no more than Five Thousand Dollars ($5,000.00), together with applicable court costs.

Each day a public nuisance and/or non-complying condition is allowed to exist shall constitute a separate violation(s) and shall subject the responsible party(ies) to additional charge(s), fine(s), and cost(s).

(Ord. 1154, Sec. 19, 2001)

Chapter 8.10

SWIMMING POOLS

Sections:

8.10.010 Fencing/Barrier requirements
8.10.020 Maintenance requirements
8.10.030 Drainage requirements
8.10.040 Enforcement

8.10.010 Fencing/Barrier requirements

It shall be required that all swimming pools located on private property be enclosed within a fence or barrier a minimum of four (4) feet tall and constructed in such a manner as to prevent uncontrolled access to the pool facility. (Ord. 1123, 1999)

8.10.020 Maintenance requirements

It shall be required that all swimming pools located on private property within the City of Jacksonville be maintained in such a manner so as not to constitute a nuisance under the terms and conditions of JMC § 8.10.010 and applicable State law(s) and regulation(s). (Ord. 1123, 1999)

8.10.030 Drainage requirements

It shall be required that, when all swimming pools located on private property are drained (for maintenance or other reasons), the flow or discharge from the pool shall be controlled/drained in such a manner as to allow its release directly into a City storm drain and/or into an established concrete curb line leading to the nearest storm drain. At no time shall the drainage of a swimming pool be conducted in such a manner as to allow the flow or discharge to enter upon or discharge onto an adjoining property without written permission of said property owner. (Ord. 1123, 1999)

8.10.040 Enforcement

Jacksonville Code Enforcement officers shall enforce any violation(s) of the requirements of this Ordinance. Such officers are hereby empowered to promulgate and adopt such necessary policies and procedures for the implementation of the terms of this Ordinance Any property owner, tenant, or responsible party(ies) cited for violations herein shall be brought before the Jacksonville Municipal Court for plea and/or hearing on the matters herein, and fines levied against any such violator shall not exceed the amount of Two Hundred Fifty Dollars ($250.00) per violation. Each day a condition of violation exists shall constitute an additional and separate violation under the terms of this Ordinance. (Ord. 1123, 1999)

Chapter 8.12

FIRE PREVENTION CODE

Sections:

8.12.010 Adoption
8.12.020 Enforcement
8.12.030 Definition
8.12.040 Explosives and flammable liquid storage location restriction - map
8.12.050 Routes for vehicles transporting explosives
8.12.060 Routes for vehicles transporting hazardous chemicals
8.12.070 Fire lanes on private property
8.12.080 Modifications - Application
8.12.090 Modifications - Refusal to grant - Appeals
8.12.100 Fire district
8.12.110 Building permits and certificates of occupancy

8.12.010 Adoption

There is adopted by the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the Fire Prevention Code, abbreviated edition, recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, the Arkansas Fire Prevention Code Vol. I and II, 1991 Edition, National Fire Prevention Association (N.F.P.A.) Life Safety Code, of which Code not less than three copies have been and now are filed in the office of the City Clerk and the same are adopted and incorporated as fully as if set out at length herein. From July 15, 1971, and after, the provisions thereof shall be controlling within the limits of the City.
(Ord. 236 Sec. 1, 1971; Ord. 1010 (part), 1993)

8.12.020 Enforcement

The Code shall be enforced by the Chief of the Fire Department of the City. (Ord. 236 Sec. 2, 1971)

8.12.030 Definition

Wherever the word "Municipality" is used in the Code, it shall be held to mean the City. (Ord. 236 Sec. 3, 1971)

8.12.040 Explosives and flammable liquid storage location restrictions - Map

The limits referred to in Section 53b of the Code in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74a of the Code in which storage of Class 1 liquids in outside above ground tanks is prohibited, and the limits referred to in Section 114 of the Code in which bulk storage of liquefied petroleum gas is restricted are established as set forth in the map on file in the City Clerk's office, marked "Map Exhibit No. 1," and made a part hereof as though specifically described herein by metes and bounds. (Ord. 236 Sec. 4, 1971)

8.12.050 Routes for vehicles transporting explosives

The routes referred to in Section 55i of the Fire Prevention Code for vehicles transporting explosives and blasting agents are established as set forth in the map marked "Map Exhibit No. 2," and made a part hereof as though specifically described by meets and bounds. (Ord. 236 Sec. 5, 1971)

8.12.060 Routes for vehicles transporting hazardous chemicals

The routes referred to in Section 109.1b of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are established as set forth in the map marked "Map Exhibit No. 2," and made a part hereof as though specifically described by metes and bounds. (Ord. 236 Sec. 6, 1971)

8.12.070 Fire lanes on private property

The fire lanes referred to in Section 169.2a of the Fire Prevention Code are established on all private property devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles for the protection of persons and property. The width of said fire lanes shall be a minimum of fifteen feet.
(Ord. 236 Sec. 7, 1971)

8.12.080 Modifications - Application

The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the Code; provided, that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. 236 Sec. 8, 1971)

8.12.090 Modifications - Refusal to grant - Appeals

Whenever the Chief of the Fire Department disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the Fire Department to the City Council within thirty days from the date of the decision appealed.
(Ord. 236 Sec. 9, 1971)

8.12.100 Fire district

There is established a fire district, with classifications and boundaries as set forth in the map marked "Map Exhibit No. l," and made a part hereof as though specifically described by metes and bounds. (Ord. 373 Sec. 1, 1976)

8.12.110 Building permits and certificates of occupancy

Before any building permit shall be issued for any structure inside the fire district, the application for the permit shall be submitted to the Chief of the Fire Department for his approval prior to construction. Before any certificate of occupancy shall be issued for any structure within the fire district, the completed construction shall be inspected and approved by the Chief of the Fire Department. (Ord. 387 Sec. 1, 1976)

Chapter 8.14

REGULATING SMOKING IN PUBLIC ACCESS AREAS

8.14.010 Purpose
8.14.020 Definitions
8.14.030 Smoking Prohibited
8.14.040 Posting of Signs
8.14.050 Violations and Penalties

8.14.010 Purpose

The purpose of this Ordinance is to protect the public health, safety and welfare through the prohibition and regulation of smoking in public access areas of all municipal buildings within the City. (Ord. 852, 1987)

8.14.020 Definitions

For purpose of this Ordinance, the following definitions apply:

(A) City - The City of Jacksonville, Arkansas.

(B) Enclosed Area - Any indoor area(s) or room(s) used by or accessible to the general public in all municipal buildings within the City.

(C) Municipal Building - Any building owned or operated by the City of Jacksonville, Arkansas, its agents, entities, employees, lessees, and/or subdivisions.

(D) Public Access Area - Any enclosed area within a municipal building used by or accessible to the general public.

(E) Smoke (or Smoking) - The lighting of any cigarette, cigar, pipe, tobacco, or other like material, or the possession of any lighted cigarette, cigar, pipes, tobacco, or other like material, regardless of its composition.

(Ord. 852, 1987)

8.14.030 Smoking prohibited

Smoking is prohibited and shall be unlawful in all public access areas of the municipal buildings within the corporate limits of the City. (Ord. 852, 1987)

8.14.040 Posting of signs

Recognizing that a majority of the public will voluntarily comply with posted non-smoking regulations, provided that the signs

are clearly posted and reasonable, the City, its agents, entities, employees, and lessees shall provide and comply with the following provisions:

(A) Signs which designate non-smoking areas in municipal buildings shall be clearly, sufficiently, and conspicuously posted in every building, room, or other area so covered by this Ordinance.

(B) The manner of such posting, including the wording, size, color, design, and placement of posting, whether on the corridors, doors, stands, tables, walls, or elsewhere, shall be at the discretion of the City, its agents, employees, lessees, subdivisions, or other persons having control of such building, room, or other areas, as long as clarity, conspicuousness and sufficiency are apparent in communicating the intent of this in Ordinances.

(C) Signs shall be conspicuously posted indicating "No Smoking" on "no smoking except in designating areas", with each sign being clearly visible either upon entry of said building, room, or area.

(Ord. 852, 1987)

8.14.050 Violations and penalties

Any individual violating the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction therein, shall be punished by a fine of not less than twenty-five and 00/100 dollars ($25.00) nor more than five hundred and 00/100 dollars ($500.00). (Ord. 852, 1987)

Chapter 8.16

FIREWORKS

Sections:

8.16.010 Sale or discharge prohibited
8.16.020 Display Permission of Parks & Recreation Commission
8.16.030 Display - Private Property

8.16.010 Sale or discharge prohibited

It is prohibited to sell, possess, explode, or discharge any fireworks or like substances within the city limits of the City of Jacksonville, Arkansas. (Ord. 793, 1985)

8.16.020 Display - Public Parks. Permission of Parks and Recreation Commission

Notwithstanding the provisions of Section 8.16.010, the Parks and Recreation Commission and/or director, with proper approval, has the discretion to allow fireworks displays and the shooting of

fireworks in City Park areas. Proper approval shall be provided by the permittee obtaining permission and certification for such a display from the State Fire Marshall and complies with all ATF regulations and provisions.
(Ord. 208 Sec. 2, 1968; amended in part by Ord. 1057, 1996)

8.16.030 Display - Private Property

Notwithstanding the provisions of 8.16.010, any private land owner and/or organization may provide a fireworks display under the following conditions: a) obtaining permission and approval for each display from the State Fire Marshall; b) compliance with all State and Federal (AFT) regulations and provisions; c) payment for and/or providing sufficient security personnel so as to provide adequate traffic and safety control needs created by said display; and, d) notice must be provided to the Jacksonville Fire Department and Jacksonville Police Department of such display plans a minimum of forty-eight (48) hours prior to any such display.
(Ord. 1057, 1996)

Chapter 8.18

NOVELTY LIGHTERS

Sections:

8.18.010 Prohibitions
8.18.020 Definitions
8.18.030 Exceptions
8.18.040 Enforcement
8.18.050 Penalty

8.18.010 Prohibitions

The retail sale, offer of retail sale, gift, or distribution of any novelty lighter within the territorial jurisdiction of the City of Jacksonville is hereby prohibited. This prohibition is inapplicable to: (1) novelty lighters which are only being actively transported through the City; or, (2) novelty lighters located in a warehouse closed to the public for purposes of retail sales. (Ord. 1327, Sec. 1, 2007)

8.18.020 Definitions

"Novelty lighter" means a lighter that has entertaining audio or visual effects that depicts (logos, decals, art work, etc.), or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children Ten (10) years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel. (Ord. 1327, Sec. 1, 2007)

8.18.030 Exceptions

The term "novelty lighter" shall exclude: a) any lighter manufactured prior to 1980; and, b) any lighter which lacks fuel or a device necessary to produce combustion or a flame.
(Ord. 1327, Sec. 1, 2007)

8.18.040 Enforcement

The provisions of this Chapter shall be enforced by the Fire Marshal, any Law Enforcement Officer, any Code Enforcement Officer, and any other City official authorized to enforce provisions of the Jacksonville Municipal Code.
(Ord. 1327, Sec. 1, 2007)

8.18.050 Penalty

Any person or entity violating any provision of this section is guilty of an infraction and, upon conviction thereof, shall be subject to a fine or penalty of not less than $25.00 nor more than $500.00, together with applicable court costs.
(Ord. 1327, Sec. 1, 2007)

HEALTH AND SAFETY

Chapter 8.20 GARBAGE

Sections:

8.20.010 Definitions
8.20.020 Collection Rates
8.20.030 Method of billing
8.20.040 Delinquent penalty
8.20.050 Delinquent penalty and fees - Failure to pay - Civil suit
8.20.060 Collection Frequency Rates - Duty of Occupant(s)
8.20.070 Container Requirements, Placement, and Responsibilities
8.20.080 Landfill
8.20.090 Recycling
8.20.120 Unlawful Acts
8.20.140 Private Hauling Contract
8.20.150 Regulating the Collection of Solid Waste from Residences and Duplexes
8.20.160 Regulating the Collection and Removal of Dead Animals
8.20.170 Solid Waste Material Not Handled by the Sanitation Department

8.20.010 Definitions

The following words and phrases when used in this Chapter shall for the purpose of this Chapter have the meaning respectively ascribed to them herein:

A. "***Garbage***" includes all rejected food waste, waste paper, clothing, waste plastic, waste metals, and wood. Said definition shall not include designated recyclables and/or any refuse or debris resulting from building construction, destruction, repair, or construction sites.

B. "***Occupant***" means every person in a position of ownership or possession of the premises in question, which shall include the actual owner, lessor, lessee, renter, tenant, landlord, bailee, manager, and/or one or all of the above.

C. "***Office***" means every room or suite of rooms operated, occupied or managed under a separate business name regardless of whether or not the same building contains more than (1) one such office or suite(s) of offices.

D. "***Yard Waste***" includes grass clippings, leaves, untreated lumber, brush, tree limbs and shrubs and hedge clippings. All items shall not exceed six inches (6") in diameter and shall be cut not to exceed six feet (6') in length.

E. "***Commercial Establishment***" means any structure intended or used for the purpose of conducting a commercial business enterprise.

F. "***Container***" means a receptacle for the deposit of solid waste and/or recyclables.

G. "***City Sanitation Crew***" includes those employees, agents, or representatives of the Sanitation Department of the City of Jacksonville.

H. "***Sanitation Superintendent***" is the head of the Sanitation Department of the City of Jacksonville and/or his/her authorized agent.

I. "***Food Establishment***" includes a cafe, restaurant or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

J. "***Municipal Solid Waste***" includes solid waste resulting from or incidental to municipal, community, trade, business and recreational activities, including garbage, yard waste, street cleanings, and all other solid waste other than industrial solid waste. Municipal solid waste shall not include any hazardous waste, medical waste or any item excluded from landfills by local, state or federal laws or regulations. Items excluded from this definition are, but are not limited to, used motor oil, used tires, lead batteries, chemical waste, medical, and biological waste, etc.

K. "***Residence***" means a structure intended for the use and occupancy as a one-family dwelling unit.

L. "***Street***" means any public thoroughfare for the passage of vehicle and pedestrian traffic.

M. "***Bulky Items***" include large refuge items, other than yard waste that will not fit into the containers and/or beds of garbage trucks. Examples include old furniture, appliances, mattresses, etc.

N. "***Recycling***" means to separate or divert an item or items from the solid waste stream for the purpose of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the final disposition of the material product in a manner other than incineration or placement in a landfill.

(Ord. 639 Sec. 1(part), 1981; revised by Ord. 1109 Section 1, 1998)

8.20.020 Collection Rates

All garbage, yard waste, and bulky items in the City shall be collected regularly as set forth hereinafter by the employees of the City Sanitation Department. For such services, the Water Commission of the City or its duly authorized representatives shall collect the prescribed fees. Each billable unit will have a $0.21 billing charge included in the fee. The monthly rates shall be as follows and shall apply in all cases of occupancy of one (1) month or any part thereof:

A. Base Rate (Residential) - Fifteen Dollars Fifty Cents ($15.50 monthly rate per residential unit for sanitation services provided within the city limits of Jacksonville;

B. Base Rate (Commercial) - Twenty-six Dollars ($26.00) monthly rate per business/commercial unit under Four Thousand Square Feet (4,000 SF) for sanitation services provided within the city limits of Jacksonville.

EXCEPTIONS: Business/Commercial facilities will be required to utilize private commercial hauler sanitation service(s) for garbage, yard waste, and bulky item(s) disposal: Business/Commercial Unit(s) over Four Thousand Square Feet (4,000 SF); Churches or religious institutions with educational facilities, daycare facilities, or another commercial operation(s); Food Industry Services facility(ies) [including restaurants]; Grocery Store(s); Hotel/Motel(s); Industrial/Manufacturing facility(ies); Medical Care/Provider Facility(ies) [including Long Term Care facilities]; and, Retail Store(s).
(Ord. 637 Sec. 1, 1981; Ord. 842 Sec. 1, 1987; Ord 939 Sec. 1, 1991; Ord. 1109 Sec. 1, 1998; Ord. 1413, Sec. 1, 2011)

8.020.030 Method of billing

All customers shall be billed through the billing and collection system of the Jacksonville Water Department.
(Ord. 150 Sec. 2(B), 1964; Ord. 1109, 1998)

8.020.040 Delinquent penalty

In the event established user fees are not paid promptly when due and a Thirty day default exist, there shall be a penalty assessed against said account of a minimum of ten percent (10%) of the outstanding balance levied in addition to the original outstanding balance. Said penalty shall become a part of and be collected with the regular fees.
(Ord. 150 Sec. 3(part), 1964; Ord. 1109, 1998)

8.20.050 Delinquent penalty and fees - Failure to pay - Civil suit

Should the Penalty and fees provided for be unpaid for a period of sixty (60) days from the time the first fee became due, the Water Department's Collection Department is authorized to institute civil suit for the recovery of any outstanding balance(s) due on said delinquent accounts, together will all applicable penalties, court cost, and appropriate charges. (Ord. 150 Sec. 3(part), 1964; Ord. 1109, 1998)

8.20.060 Collection Frequency Rates - Duty of Occupant(s)

Garbage Recyclables, Bulky Items/Trash, and Yard Waste shall be collected by the City Sanitation Department once (1) a week by schedule of the Department. It is the duty of the occupant(s) to have the appropriate waste (garbage/recyclables/yard waste/bulky items/trash) curbside, properly contained/secured, and available for collection on and at the appropriate date(s) and time(s) for their respective area(s). If unsure of such collection schedule, Unit occupant(s) shall check with the City via phone, email, or in person to obtain such information and comply with all Department collection regulations. (Ord. 639 Sec. l, 1981; Ord. 1109, 1998 repealed and modified by Ord. 1413 Sec. 2, 2011)

8.20.070 Container Requirements, Placement, and Responsibilities

A. Containers - One (1) Ninety-six (96) gallon garbage container/receptacle per residential/commercial unit shall be provided by the City for curbside placement of bagged garbage, with proper use insuring water tight seal and elimination of the spread of such garbage by animals, weather elements, or otherwise. One (1) set of recyclable containers shall also be provided by the City for each residential/commercial unit for curbside placement of recyclable material(s) as well. If additional containers are required or requested for a Unit, the residential/commercial Unit owner(s) shall be responsible for a surcharge per container of Seven Dollars ($7.00) per month;

B. Placement – The appropriate container(s) shall be placed at curbside (unless otherwise arranged with the Jacksonville Sanitation Department) on the appropriate day(s) of the week/month and time(s) for the area in which the Unit is located to insure timely retrieval of household garbage/recyclables/bulky items/trash/yard waste. No placement of said containers shall be allowed more than Twenty-four (24) hours prior to the anticipated and scheduled retrieval of said refuse by the City, and containers should be removed by the Unit owner/occupant(s) from curbside immediately or no later than Twenty-four (24) hours from the City's retrieval of said refuse; and,

C. Responsibilities - It is the responsibility of the Unit owner(s), residential and commercial, to obtain, maintain, and secure the appropriate container(s) for each residential or commercial Unit owned from the City. Should said approved container(s) be damaged, lost, stolen, or destroyed, upon Owner(s)' request, the City will replace one (1) set of container(s). If additional container replacement is/are required, the Unit owner(s) shall be responsible to purchase said container(s)/set of containers at a current rate of Sixty Dollars ($60.00) per Ninety-six (96) gallon container and Twenty-five Dollars ($25.00) per recyclable container set.
(Ord. 639 Sec. 1, 1981; Ord. 1109, 1998; Ord. 1413 Sec. 3, 2011)

8.20.080 Landfill

The landfill utilized by the City will be designated by the City Council from time to time.
(Ord. 639 Sec.1, 1981; Ord. 1109, 1998)

8.20.090 Recycling

A. The City of Jacksonville has been a pioneer in the area of recycling citizens' waste products for many years. Jacksonville's Curbside Recycling Program allows retrieval of the following items on appropriate days/times:

1. *Aluminum* – Cans only from an approved recycling container;
2. *Cardboard* - Pieces no larger than Two feet by Two feet (2'x2') placed securely with other recyclable items at curbside;
3. *Newspaper* - Newspaper, magazines, and telephone books placed in an approved recycling container;
4. *Plastics* - Bottles with necks smaller than the base only placed in an approved recycling container; and,
5. *Yard Waste* – Grass clippings, leaves, limbs, shrubbery trimmings, and other plant and tree items no larger than Six feet (6') in length and Six inches (6") in diameter placed curbside in a location so that City equipment can, without obstruction, properly retrieve such.

B. Jacksonville's Recycling Center, located at 1300 Marshall Road, is available for residents to drop off recyclable materials of Aluminum (any type), Cardboard (any size), Electronic Equipment (household quantities and types), Household Hazardous Waste (batteries, household chemicals, pesticides, and oil products), Newspaper and other paper products, Plastics, Steel scrap materials (i.e., old appliances), and Tires. Certain limitations and surcharges may apply, but most items in need of disposal are without charge. Some recyclable waste products may be dropped off at the Recycling Center at all hours and days, while others may only be dropped off during the Recycling Center's operating hours.

8.20.120 Unlawful Acts

The commission of any of the following acts is a nuisance. Any person who is convicted of having committed either one or more acts in guilty of a misdemeanor and shall be fined in a sum not to exceed five hundred dollars ($500.00):

A. Emptying the contents of any garbage container in any alley, public street, vacant lot or any other place not provided for such use.

B. Uncovering and leaving uncovered the contents of any garbage container containing garbage, thereby permitting flies to have access to the same.

C. Disturbing the contents of any garbage container located within the City whether anything is taken therefrom or not.

D. Removing the contents of any City recycling bin(s) except by or as authorized by City employees, officials, or agents.

(Ord. 639 Sec. 1(part), 1981; Ord. 1109, 1998)

8.20.140 Private Hauling Contract

In the event any business elects to contract with a private hauler for the disposal of all its solid waste materials, then said business shall notify the City Sanitation Superintendent. Until such notice is received, the City will continue to bill said business(es). (Ord. 639 Sec.1 (Part), 1981; Ord. 1109, 1998)

8.20.150 Regulating the Collection of Solid Waste from Residences and Duplexes

It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers, at the place designated by the Sanitation Superintendent and comply with the following provisions for collection of municipal solid waste:

A. All collection of solid waste materials from residences or duplexes shall be by the City of Jacksonville Sanitation Department crews. Such services shall not be performed through any other person, business, entity, or operation;

B. All containers shall be placed just behind the curb line of the street abutting such property, but shall not be placed in the street or on the sidewalk, or in any manner placed where the containers will interfere with vehicular or pedestrian traffic.

C. Where garbage is collected from the front or side street, container(s) shall be placed in the designated location no earlier than six o'clock (6:00 p.m.) of the afternoon preceding the collection day and no later than seven o'clock (7:00 a.m.) the morning of collection. Container(s) must be removed to a point at the side or rear of the structure no later than eight o'clock (8:00 a.m.) of the morning following collection. Plastic bags containing food waste or other attractants should not be placed on the curb overnight so as to prevent animals form tearing open the bags and spreading the garbage.

D. Yard waste and bulky items will be collected from the street. It shall be placed just behind the curb line of the street abutting the premises but shall not be placed in the street or on the sidewalk in such a manner as to obstruct or interfere with vehicular or pedestrian traffic;

E. Yard waste must be separated from all other garbage and bulky items. Yard waste piles will not contain any plastic, metal, building materials, paper or other items with the exception of plastic bags, containing leaves and grass clippings. Leaves and grass clippings are not required to be bagged, and citizens are urged not to do so:

F. The City of Jacksonville Sanitation Department will not retrieve yard waste or bulky items from apartments, institutions and commercial establishments that engage private haulers to dispose of their solid waste.

G. When the quantity of yard waste set out for collection is excessive the City Sanitation superintendent shall determine the amount of yard waste to be collected at any one (1) time the day of its collection, and other matters pertaining to yard waste collection in order not to disrupt normal service to other customers.

H. Elderly and/or physically disable residents unable to place their containers at curbside can request assistance. For those eligible, the Sanitation worker will collect container(s) from the front or side of the residence, carry them to the curbside and empty said container(s) and return the container(s) to their former location. Any person who believes he/she qualifies for this service should contact the Sanitation Department for registration. The City Sanitation Superintendent and/or his designated representative will investigate each application. When a determination that such service is justified, the appropriate collection crew will be notified to render special pickup at no extra charge.

I. Where the quantity of brush set out for collection is excessive, the Director of Sanitation shall determine the amount of brush to be collected at any one time, the day of its collection and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.

J. For those residents who are elderly or physically handicapped and are not able to place their containers on the curb, the Sanitation workers will collect their containers and carry them to the curbside. Any person who feels he/she qualifies for this service should contact the Sanitation Department. The Sanitation Director or his designated representative will investigate each case and when it has been determined that such service is justified, the appropriate collection crew will be notified to render special pickup at no extra charge.

(Ord. 640 Sec. 1, 1981; Ord. 1109, 1998)

8.20.160 Regulating Collection and Removal of Dead Animals

The bodies of dead animals shall not be placed in solid waste containers or in any street, alley, easement or public way. The collection and removal of dead animal bodies is a service provided by the City of Jacksonville Animal Shelter and shall be furnished upon request or notification by any interested party.
(Ord. 639 Sec. 1(part), 1981; Ord. 1109, 1998)

8.20.170 Solid Waste Materials Not Handled by the Sanitation Department

The scope of the service rendered by the Sanitation Department of the City of Jacksonville in the collection and removal of solid waste materials is intended, in general, to serve the needs of residences, dwelling units, operating businesses and commercial establishments except as exempted from the provisions of this Chapter. It is considered to be beyond the scope of service to collect or remove solid waste materials generated by removal of trees, or the clearing, construction, and/or demolition of property and other such solid waste materials resulting therefrom as action beyond the scope as described above.

Solid waste materials which will not be collected and removed by the Sanitation Department of the City of Jacksonville as a regular service include: concrete, stumps, root, masses, rocks, scrap building materials, or other trash resulting from the construction, remodeling, or destruction of house(s) or building(s). Trees, brush and/or debris cleared from vacant property or property in preparation for construction or occupancy shall not be collected and removed by the City as a regular service, and these materials must be removed at the expense of the owner or developer within a reasonable time. (Ord. 639 Sec. 1(part), 1981; Ord. 1109, 1998)

Chapter 8.24

HAZARDOUS BUILDINGS

Sections:

8.24.010 Prosecution of offender - Safety precautions

8.24.010 Prosecution of offender - Safety precautions

Any person, persons or corporations owning or in control of any property or building in the City who, through neglect or in any other manner, allow property or buildings, in the opinion of the Chief of the Fire Department, to fall into decay or become unfit for habitation, shall be prosecuted by the Chief of the Fire Department under advice of the City Attorney for maintaining a nuisance. Where the buildings and property are in a fair state of repair and unoccupied, the person or persons owning or in control of said property or building shall securely fasten all openings and board up all broken windows or doors to the satisfaction of the Chief of the Fire Department. (Ord. 15 Sec.1, 1949)

Chapter 8.26

CONDEMNATION AND REMOVAL OF BUILDINGS AND STRUCTURES DEEMED NUISANCES

Sections:

8.26.010 Unlawful to maintain nuisance buildings
8.26.020 Condemnation by resolution
8.26.030 Information required in resolution
8.26.040 Mailing of resolution to property owner
8.26.050 Failure to comply with resolution
8.26.060 Removal of structure by City - Sale to bidder when
8.26.070 Proceeds of sale
8.26.080 Employment of attorney authorized when
8.26.090 Violation - Penalty

8.26.010 Unlawful to maintain nuisance buildings

It is unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Jacksonville, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. 448 Sec. 1, 1977)

8.26.020 Condemnation by resolution

Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to ensure the removal thereof as herein provided.
(Ord. 448 Sec. 2, 1977)

8.26.030 Information required in resolution

The resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in the resolution an adequate description of the house, building and/or structure; the name or names, if known, of the owner or owners thereof; and shall set forth the reason or reasons such house, building and/or structure is or has been condemned as a nuisance. (Ord. 448 Sec. 3, 1977)

8.26.040 Mailing of resolution to property owner

After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of the resolution will be mailed to the owner or owners thereof, if the whereabouts of the owner or owners thereof is known or if their last known address be known. A copy thereof shall be posted at a conspicuous place on the house, building and/or structure; provided, if the owner or owners of the house, building and/or structure is unknown, or if his or their whereabouts or last known address is unknown, the posting of the copy of the resolution as hereinabove provided will suffice as notice. (Ord. 448 Sec. 4, 1977)

8.26.050 Failure to comply with resolution

If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty days after posting the true copy of the resolution at a conspicuous place on the house, building and/or structure, as aforesaid, then the house, building, and/or structure constituting the nuisance will be torn down and/or removed by the Chief of Police or by such other person or persons as shall be designated by the City Council. (Ord. 448 Sec. 5, 1977)

8.26.060 Removal of structure by City - Sale to bidder when

The Chief of Police or any other person or persons designated by the City Council to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same has a substantial value, sell the house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten days notice thereof being first given by one publication in some newspaper having a general circulation in the City to ensure its removal and the abatement of the nuisance. (Ord. 448 Sec. 6, 1977)

8.26.070 Proceeds of sale

All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this

chapter shall be paid by the person or persons collecting the same to the City Clerk. If any such house, building and/or structures or the saleable materials thereof, is sold for any amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Clerk to the former owner or owners of such house, building and/or structure constituting the nuisance.
(Ord. 448 Sec. 7, 1977)

8.26.080 Employment of attorney authorized when

In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is authorized to employ an attorney to bring such an action for said purpose in the name of the City and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of ten dollars is imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter the nuisance is not abated constitutes a separate and distinct offense punishable by a fine of ten dollars for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the courts the Chief of Police or other person or persons referred to in Section 8.25.050 will take such action as provided in Section 8.25.060, and Section 8.25.070 will be applicable to such owner or owners. The provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the court judicially declaring the nuisance.
(Ord. 448 Sec. 9, 1977)

8.26.090 Violation - Penalty

A fine of ten dollars is imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of ten dollars for each separate and distinct offense; provided the notice as herein provided in Section 8.25.040 has been given within ten days after the house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. 448 Sec. 8, 1977)

Chapter 8.28

LITTER AND UNAUTHORIZED DUMPING

Sections:

8.28.010 Prohibited
8.28.020 Fine and/or Jail Sentence

8.28.010 Prohibited

It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter, trash, rubbish, or refuse of any type upon any public or private property, including but not limited to, highways, streets, private property, public property, lakes, ponds, or other streams or bodies of water, within the city limits of the City of Jacksonville, Arkansas, unless:

a. The property has been designated by the Department of Pollution Control and Ecology as a permitted disposal site; or,

b. The litter is placed in a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter of that property if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters, or,

c. The person is the owner or tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance, or a fire hazard. In this respect, a property owner shall not be responsible for the actions of his tenant in lawful possession of the property.

(Ord. 133 Sec. 1, 1962; Ord. 888 Sec. 1, 1988)

8.28.020 Fine and/or Jail Sentence

Any person, firm, or corporation convicted of a violation of the divisions of Section One of this Ordinance shall be guilty of a Class "C" misdemeanor for a first class offense, a Class "B" Misdemeanor for a second offense, and a Class "A" Misdemeanor for any subsequent offenses thereafter and will be subject to a fine and/or jail sentence as follows:

a. For a Class "C" Misdemeanor, the fine shall not exceed $100.00 and shall not exceed thirty (30) days;

b. For a Class "B" Misdemeanor, the fine shall not exceed $500.00 and shall not exceed ninety (90) days;

c. For a Class "A" Misdemeanor, the fine shall not exceed $1,000.00 and the sentence shall not exceed one (1) year.

(Ord. 888 Sec. 2, 1988)

Chapter 8.30

DRILL CUTTINGS

Sections:

8.30.010 Prohibition of Drilling Shale Waste
8.30.020 Enforcement and Penalties

8.30.010 Prohibition of Drilling Shale Waste

"No person shall dispose of, in any manner whatsoever, drill cuttings originating from drilling operations that use petroleum based drilling fluids ("drilling shale") in a disposal facility within one (1) mile of an occupiable structure, including, but not limited to, a residence; dwelling; single dwelling unit; multi-dwelling unit; public building; public housing; rooming unit; apartment; school; church; commercial, industrial, or institutional establishment; business establishment; condominium; townhouse; or restaurant." (Ord. 1372 Sec. 1, 2009)

8.30.020 Enforcement and Penalties

Any business, corporation, entity, firm, individual, person, and/or combination thereof who violates the terms of Section One herein shall be charged with such a violation by the Jacksonville Code Enforcement Office through citation and/or affidavit and adjudicated by the Jacksonville District Court. If said business, corporation, entity, firm, individual, person, and/or combination thereof is found and/or enters a plea of guilty to a violation of the terms of Section One of this Ordinance, said business, corporation, entity, firm, individual, person, and/or combination thereof shall be guilty of a violation and will be subject to a fine of a minimum of One Hundred Dollars ($100.00) and a maximum of One Thousand Dollars ($1,000.00) for each such violation. Adjudication of subsequent offense(s) occurring within one (1) year shall be fined no less than One Thousand Dollars ($1,000.00) and no more than Five Thousand Dollars ($5,000.00) for each such violation. In all adjudications, applicable court costs shall apply.

Each day a violation is allowed to occur/exist shall constitute a separate violation(s) and shall subject the responsible party(ies) to additional charge(s), fine(s), and/or cost(s). (Ord. 1372 Sec. 2, 2009)

Chapter 8.32

TRASH INCINERATION

Sections:

8.32.010 Restrictions

8.32.010 Restrictions

It is unlawful for any person or persons to burn or cause to be burned out of doors any hay, straw, shavings, paper, leaves, trash or any combustible materials on any occupied or unoccupied lot within the City except in wire baskets of not more than one-quarter inch mesh, rock, brick or metal incinerators with a proper cover. No incinerator shall be located within ten feet of any building or combustible material. (Ord. 85 Sec. 1, 1957)

PAGES 118 THRU 123 RESERVED

Chapter 8.44

HEALTH CARE

Sections:

8.44.010 Merger with County Health Department

8.44.010 Merger with County Health Department

The Mayor is authorized to enter into an agreement on behalf of the City with the County Health Department to provide for participation by the City in the operation by said department of health facilities in the City at the current level or better, and the Mayor is further authorized to disburse appropriate health care funds to the County Health Department upon the completion of the merger of existing health care operations into the program of the County Health Department. (Ord. 358 Sec. 1, 1975)

Chapter 8.48

EMERGENCY SERVICES DIVISION

Sections:

8.48.010 Established
8.48.020 Supervision
8.48.030 Staffed
8.48.040 Cooperation
8.48.050 Charges
8.48.060 Area of Operation
8.48.070 Payments
8.48.080 Supplemental Rules

8.48.010 Established

There is hereby established the Emergency Services Division. (Ord. 588 Sec. 1(part), 1980)

8.48.020 Supervision

The general operation of the Division will be under the management, supervision and direction of the Emergency Services Division Coordinator, who will work with both the Police Chief and Fire Chief concerning their respective personnel.
(Ord. 588 Sec. 1(part), 1980)

8.48.030 Staffed

The personnel of the Division shall be composed of members of the Jacksonville Police Department, the Jacksonville Fire Department, and any other members so approved by the Mayor and City Council. (Ord. 588 Sec. 1(part), 1980)

8.48.040 Cooperation

The Emergency Services Division shall work in cooperation with the Rebsamen Memorial Hospital, Jacksonville, Arkansas.
(Ord. 588 Sec. 1 (part), 1980)

8.48.050 Charges

The basic charges to be paid for use of the Emergency Services Division shall be as follows:

A. Basic Rate – Four hundred ninety-five dollars ($495.00) for emergency services charged on a per run basis for any services provided within the city limits of Jacksonville; and,

B. Mileage – Eleven dollars ($11.00) per patient mile for any loaded distance driven to a medical facility.

Ord. 588 Sec. 1(part), 1980; Ord. 841, 1986; Ord. 1281, 2006; Ord. 1412 Sec. 1, 2010)

8.48.060 Area of Operation

The Emergency Services Division shall furnish emergency medical services to the citizens of the City of Jacksonville, Arkansas, on an emergency basis and may extend emergency ambulance services to adjoining areas or towns outside of the city limits of Jacksonville, Arkansas, upon the recommendation of the Mayor and with the approval of the City Council. (Ord. 588 Sec. 1(part), 1980)

8.48.070 Payments

Any charges or fees paid for the use of emergency services shall be paid to the Jacksonville Finance Department, Emergency Services Division. (Ord. 588 Sec. 1, 1980; Ord. 841, 1986)

8.48.080 Supplemental Rules

Rules, regulations and procedures for the operation of the Emergency Services Division, and the payments of accounts due shall be established by the Emergency Services Division Advisory Council, subject to the approval of the City Council.
(Ord. 588 Sec. 1(part), 1980)

Chapter 8.52

STORM DRAINAGE SYSTEM

Sections:

8.52.010 Unlawful Draining
8.52.020 Inspections
8.52.030 Penalty

8.52.010 Unlawful Draining

It is unlawful for any owner, owners or occupant of any real property to either purposely, knowingly, recklessly, or negligently allow any substance other than normal rain water or uncontaminated water from the City Water System to be allowed to run off their property and be dumped into the City's Storm Drainage System, or open ditches connected thereto. If a property owner, owners or occupant fails to abate such unlawful run off and subsequent disposal in the City's Drainage System, the City may abate same, but the owner, owners or occupant will be subject to civil suit by the City to recoup such expenses incurred.
(Ord. 549 Sec. 1(part), 1979)

8.52.020 Inspectors

Inspectors employed by the City or Health Department shall be responsible for determining when section 8.52.010 is being violated and are required to notify the owner, owners or occupant of such violation. Upon notification, the owner, owners or occupants are to abate the illegal run off immediately.
(Ord. 549 Sec. 1(part), 1979)

8.52.030 Penalty

Any owner, owners or occupant violating this chapter shall be subject to a fine of not less than $50.00 a day nor more than $100.00 a day after notification by the inspectors as mentioned in section 8.52.020. (Ord. 549 Sec. 1(part), 1979)

TITLE 8 FOOTNOTES

1. For Code provisions governing rabies control, see Title 6, animals.

2. For statutory provisions governing abandoned motor vehicles, see ACA 27-50-1101.

3. A map designating outside, above ground storage areas for flammable materials is on file in the City Clerk's Office. For statutory provisions authorizing adoption by reference, see ACA 14-55-207.

4. For statutory provisions governing the sales possession and use of fireworks, see ACA 20-22-701 et. seq.; for statutory provisions authorizing cities to pass ordinances necessary to preserve the public safety, see ASA Section 19-2401.

5. For provisions authorizing cities to let bond issues to finance the building of incinerators, or garbage disposal plants, see Const. Amendment No. 13.

6. For statutory provisions empowering cities to prevent injury or annoyance within the limits of the corporation, from anything dangerous, offensive or unhealthy, see ACA 14-54-101.

7. For statutory provisions regarding the prohibition of the dumping of trash on the property of another, see ACA 14-54-101.

8. For statutory provisions exempting residential incinerator from the air pollution control act, see ACA 8-4-305.

9. Prior ordinance history: Ord. 86 and 297.

Title 8

HEALTH AND SAFETY

Chapters:

8.01	Property Maintenance
8.02	Abandoned Ice Boxes and Refrigerators
8.03	Nuisance Abatement
8.04	Fencing Commercial Motor Vehicle Operations
8.08	Unsanitary and Unsightly Conditions
	Public Nuisance and Non-Complying Conditions
8.10	Swimming Pools
8.12	Fire Prevention Code
8.14	Regulating Smoking in Public Access Areas
8.16	Fireworks
8.18	Novelty Lighters
8.20	Garbage
8.24	Hazardous Buildings
8.26	Condemnation and Removal of Buildings and Structures Deemed Nuisances
8.28	Litter and Unauthorized Dumping
8.30	Disposal of Drill Cuttings/Petroleum Based
8.32	Trash Incineration
8.44	Health Care
8.48	Emergency Services Division
8.52	Storm Drainage System

Chapter 8.01

PROPERTY MAINTENANCE

Sections:

8.01.001 General
8.01.002 Applicability
8.01.003 Enforcement Authorities
8.01.004 Identification
8.01.005 Rule-Making Authority
8.01.006 Modifications
8.01.007 Historic Buildings, Structures, and Districts
8.01.008 Maintenance
8.01.009 Requirements Not Covered by Code
8.01.010 Right of Entry
8.01.011 Inspections
8.01.012 Required Testing
8.01.013 Material and Equipment Reuse
8.01.014 Violations declared to be Strict Liability Misdemeanors
8.01.015 Fines, Costs, and Penalties
8.01.016 Citations
8.01.017 Appeals
8.01.018 Board of Adjustment and Appeals
8.01.019 Licensing Revocation Authority
8.01.020 Administrative Revocation
8.01.021 Temporary Emergency Orders
8.01.022 Service of Temporary Emergency Orders
8.01.023 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council
8.01.024 Reserved
8.01.025 Notice of Violations
8.01.026 Method of Service
8.01.027 Notice by Mail
8.01.028 Transfer of Ownership
8.01.029 Reserved
8.01.030 Condemnation Authority
8.01.031 Keeping Condemned Structures Prohibited
8.01.032 Notices
8.01.033 Prior Notice of Proposed Condemnations
8.01.034 Notice of Condemnation
8.01.035 Notice of Certification of Costs
8.01.036 Destruction and Removal
8.01.037 Destruction and Removal by Owner/Occupant/ Interested Party
8.01.038 Destruction and Removal by City
8.01.039 Disposition of Proceeds of Sale or Salvage of Condemned Structures

8.01.040 Lien on Real Property for Net Costs of Removal
8.01.041 Transfer of Ownership
8.01.042 Restrictions on Utility Services to Structures Declared Condemned
8.01.043 Reserved
8.01.044 Cost and Penalties for Violation of Code
8.01.045 Court Action Authorized
8.01.046 Temporary Safeguards
8.01.047 Closing Streets
8.01.048 Emergency Repairs
8.01.049 Reserved
8.01.050 Administrative Appeal
8.01.051 Timely Submission of Appeal
8.01.052 Contents of Appeal
8.01.053 Notice of Hearing
8.01.054 Actions Pending Appeal
8.01.055 Conduct of Hearing
8.01.056 Orders
8.01.057 Reserved
8.01.058 Reserved
8.01.059 Reserved
8.01.060 Definitions
8.01.061 Reserved
8.01.062 Reserved
8.01.063 Reserved
8.01.064 Reserved
8.01.065 Reserved
8.01.066 Reserved
8.01.067 Reserved
8.01.068 Reserved
8.01.069 Reserved
8.01.070 General Requirements
8.01.071 Responsibility
8.01.072 Vacant Structures and Land
8.01.073 Real Property
8.01.074 Building(s), Structure(s), and Real Property
8.01.075 Sanitation
8.01.076 Grading and Drainage
8.01.077 Sidewalks and Driveways
8.01.078 Grass or Weeds
8.01.079 Rodent Harborage
8.01.080 Bedroom Requirements

8.01.001 General

These regulations shall be known as the *Jacksonville Nuisance Abatement and Property Maintenance Code* and may be referred to herein as *"the Code"* or *"this Code"*. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Jacksonville, Arkansas. Code Enforcement Officers may refer to the commentary of similar provisions in current editions for various building and property maintenance codes broadly accepted for guidance and/or adopted by the City of Jacksonville. (Ord. 1381 Sec. 1, 2009)

8.01.002 Applicability

The provisions of this Code shall apply to ***all*** residential and nonresidential structures and premises within the City of Jacksonville, Arkansas. These provisions constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, safe and sanitary property and improvement maintenance, responsibility of owners, operators, and occupants, the occupancy of existing structures, improvements, and premises, and for administration, enforcement, and penalties for violations of these standards and provisions. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as specified herein. Repairs, alterations, additions to, and change of occupancy in existing buildings shall comply with the current edition(s) of the Arkansas and National Standard Building Codes for Electrical, Fire Prevention, HVAC, Historical, Mechanical, Plumbing, and all current editions of various applicable Building and Property Maintenance Codes as specified in JMC § 16.04.010. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.
(Ord. 1381 Sec. 1, 2009)

8.01.003 Enforcement Authorities

The provisions of this Code shall be enforced by officers of the Code Enforcement Office of the City and the City's designated Fire Marshal. For purposes of this Code, a Code Enforcement Officer shall be defined as any City employee who has been duly sworn and authorized to uphold the ordinances of the City, applicable laws of the State of Arkansas and U. S. government related to property uses, maintenance, nuisances, inspections, issuances of building

permits, certifications, and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Jacksonville Police Department. (Ord. 1381 Sec. 1, 2009)

8.01.004 Identification

All Code Enforcement Officers shall carry proper identification and present such upon request when performing duties under this Code. (Ord. 1381 Sec. 1, 2009)

8.01.005 Rule-making Authority

The City Engineer, Planning Director, Fire Marshal, and/or Code Enforcement Office shall have authority as necessary in the interest of public health, safety, and general welfare to adopt, promulgate, and interpret administrative and procedural rules and to implement the provisions of this Code in a manner consistent with the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code or of violating accepted engineering methods involving public safety. Rules and interpretations made pursuant to this Subsection are considered to be administrative determinations subject to appeal as provided by this Code. No citations may be issued based upon a rule or interpretation under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Code Enforcement Office shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public. (Ord. 1381 Sec. 1, 2009)

8.01.006 Modifications

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Enforcement Office shall have the authority to grant modifications for individual cases, provided the Code Enforcement Office shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Department files. (Ord. 1381 Sec. 1, 2009)

8.01.007 Historic Buildings, Structures and Districts

Existing buildings or structures designated by the City of Jacksonville, the State of Arkansas, or the United States government to be historic or within a designated historic district shall be exempted from the literal requirements of such provisions

of this Code that a proper body (such as an Historic Commission or the City Council) determines such a provision to infringe upon the historic nature of the building or structure. However, no exemption may be allowed unless the buildings or structures are judged by the Code Enforcement Office to be safe and in the public interest of health, safety, and welfare. (Ord. 1381 Sec. 1, 2009)

8.01.008 Maintenance

Equipment, systems, devices, and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered, or required shall be maintained in good and proper working condition and order. No Owner/Occupant shall cause any required service, facility, equipment, or utility to be removed from, shut off from, or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this and other applicable Code provisions are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner and/or occupant shall be responsible for the maintenance of buildings, structures, and premises.
(Ord. 1381 Sec. 1, 2009)

8.01.009 Requirements Not Covered by Code

Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, or for the public safety, health, and general welfare not specifically covered by this and/or other applicable Code provisions shall be determined by the Code Enforcement Office. Such decisions are considered to be administrative determinations subject to appeal as provided by this Code. No citations may be issued based upon an administrative decision under this Subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Code Enforcement Office shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this Subsection which shall be available for copy and inspection by the public. (Ord. 1381 Sec. 1, 2009)

8.01.010 Right of Entry

The City Engineer, Planning Director, Code Enforcement Officers, and the Fire Marshal are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, Officials/Officers may pursue such search authorizations as are provided by law. (Ord. 1381 Sec. 1, 2009)

8.01.011 Inspections
Code Enforcement Officers and the Fire Marshal shall make all of the inspections required by this Code. All reports of such inspections shall be in writing and be signed by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues/assessments that arise. (Ord. 1381 Sec. 1, 2009)

8.01.012 Required Testing
Whenever there is insufficient evidence of compliance with the provisions of this Code, evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Office shall have the authority to require assessments/tests to be made as evidence of compliance at no expense to the jurisdiction. Reports of such assessments/tests shall be recorded and entered in the Department files. (Ord. 1381 Sec. 1, 2009)

8.01.013 Material and Equipment Reuse
Materials, equipment, and devices shall not be reused unless a Code Enforcement Officer finds that such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and are worthy of approval. Examples of such materials include, but are not limited to, antique brick, salvaged wood for flooring, masonry pieces, etc. (Ord. 1381 Sec. 1, 2009)

8.01.014 Violations Declared to be Strict Liability Misdemeanors
It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. (Ord. 1381 Sec. 1, 2009)

8.01.015 Fines, Costs, and Penalties
Except as otherwise provided, a person(s), firm, or corporation convicted of violating any provision of this Code shall be punished by a fine of no less than Twenty-five Dollars ($25.00) and not to exceed Five Hundred Dollars $500.00, or up to double said sums for each repetition thereof. If the violation is continuous in nature, for each day that the violation is unlawfully continued, the District Court Judge or other authorized member of the Bench shall determine the actual fine to be imposed, recognizing that for each day a violation exist, a fine should be imposed.

Additionally, all subsequent abatements will be assessed a penalty of Twenty-five Dollars ($25.00) per Abatement. (Example: A Second (2nd) Abatement results in an additional penalty of Twenty-five Dollars ($25.00), a Third (3rd) Abatement results in an additional penalty of Fifty Dollars ($50.00), and so on so as to discourage repeated offenses. (Ord. 1381 Sec. 1, 2009)

8.01.016 Citations

Code Enforcement Officers and the Fire Marshal are hereby authorized to issue citations to any person, firm, or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures, and the Jacksonville District Court shall have exclusive jurisdiction over citations issued pursuant to this Code. (Ord. 1381 Sec. 1, 2009)

8.01.017 Appeals

Any person, after being found guilty of a violation, after entering a plea of guilty of a violation or entering a plea of *nolo contendere* to a violation shall have those appeal rights granted under the Laws of the State of Arkansas, the Arkansas Rules of Criminal Procedure, and the U.S. Constitution. Appeals of convictions of a violation will be filed with the Pulaski County Circuit Court. (Ord. 1381 Sec. 1, 2009)

8.01.018 Board of Adjustment and Appeals

The authority of the Jacksonville Board of Adjustment is specifically restricted to administrative matters as defined by applicable Arkansas statute and Code provisions. The Board of Adjustment is not authorized to adjudicate citations or the appeal of citations issued by Code Enforcement Officers or the Fire Marshal. See also JMC § 18.88 for additional provisions. (Ord. 1381 Sec. 1, 2009)

8.01.019 Licensing Revocation Authority

The purpose of this Section is to provide a procedure for the revocation of various certificates, licenses, and permits issued by the City of Jacksonville to prevent the use of structures described herein. The certificates, licenses, and permits subject to revocation under this Code are those relating to the particular or general use of property including, without limitation and for the purpose of illustration only: certificates of occupancy; zoning variances; certification of appropriateness; business licenses; sign permits; building permits; electrical, HVACs, and plumbing inspection approvals; conditional use permits; special use permits; solicitor’s permits; farmer’s market merchant permits; and, similar or applicable certificates, license, and permits. (Ord. 1381 Sec. 1, 2009)

8.01.020 Administrative Revocation

The City Engineer, the Planning Director, Code Enforcement Officers, and/or the Fire Marshal shall have the authority to initiate administrative revocation of any such certificate, license, or permit if there is a reasonable belief that the use of the property or structure:

(A) Poses a danger to the health and welfare of the public;
(B) Threatens property or safety of any citizen;
(C) Violates the terms and or scope of the certificate, license, or permit; or,
(D) Lacks compliance with applicable State or Federal licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided herein. (Ord. 1381 Sec. 1, 2009)

8.01.021 Temporary Emergency Orders

The Code Enforcement Office shall have the authority to issue a Temporary Emergency Order in conjunction with a Notice of an Administrative Revocation as described in Subsection 8.01.020. The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Code Enforcement Office may issue a Temporary Emergency Order when there is a reasonable belief that the use of the property or structure:

(A) Poses an *imminent* danger to the health, safety or welfare of the public; or,
(B) Threatens the life or poses an imminent danger of serious injury to any citizen.

(Ord. 1381 Sec. 1, 2009)

8.01.022 Service of Temporary Emergency Orders

Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner(s), manager(s), occupant(s), or interested party(ies) of a structure that is subject to the provisions of this Code. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to Subsection 8.01.025. All notices for this Subsection shall clearly state “Temporary Emergency Order” and conform to the requirements of Subsection 8.01.025. (Ord. 1381 Sec. 1, 2009)

8.01.023 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council

The City Council of the City of Jacksonville may revoke a special use, conditional use, or any other authorization to use property or conduct business that: violates the terms of the use as approved; threatens the property or safety of any citizen; which is detrimental to the health, safety, or welfare of the public; or, which constitutes a nuisance to the public under the terms and conditions as outlined under this Code. Such a revocation may be addressed and performed at any regular or special meeting of the City Council. Such a revocation shall be initially based upon the report of a Code Enforcement Officer, a complaint of a citizen, or upon the initiative or complaint of the City Council and/or its members. (Ord. 1381 Sec. 1, 2009)

8.01.024 Reserved

8.01.025 Notice of Violations

Notice of Violations shall be written on standardized or letter form approved for use by the Code Enforcement Office that shall include the following information:

(A) The name of the owner, if known;
(B) An address or description of the real estate sufficient for identification;
(C) A description of the violation or violations;
(D) Rights of Appeal under this Code;
(E) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City;
(F) Include a statement that the City has a right to cause repairs or demolition to be made to bring the property into Code compliance and that the costs may be assessed against the owner, occupant, and against the property of said owner and/or occupant; and,
(G) Any information required by ACA § 14-54-903, if applicable.

(Ord. 1381 Sec. 1, 2009)

8.01.026 Method of Service

Administrative notices (such as a Notice of Violation) may be issued by any person authorized under ACA § 14-54-903 by posting on the subject property and:

(A) By personal service;
(B) By postage prepaid first class mail;
(C) By certified mail, return receipt requested; or,
(D) When the identity or whereabouts of a person is unknown, by weekly publication in a newspaper having general circulation throughout the City for two (2) consecutive weeks.

(Ord. 1381 Sec. 1, 2009)

8.01.027 Notice by Mail

Notice by mail shall be sent to the owner's address of record with the applicable County Assessor's Office. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.
(Ord. 1381 Sec. 1, 2009)

8.01.028 Transfer of Ownership

After receiving a Notice of Violation, it shall be unlawful for the owner and/or occupant of any property or structure to sell, transfer, mortgage, lease, or otherwise alienate or dispose of the same until:

(A) The property or structure has been caused to conform with this Code; or,

(B) The owner or occupant shall provide the other party a true copy of any notice of violation issued by the Code Enforcement Office and shall furnish to the Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

Exception: The Notice of Violation requirements of this Section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in this Code.
(Ord. 1381 Sec. 1, 2009)

8.01.029 Reserved

8.01.030 Condemnation Authority

In addition to other penalties provided herein but not in lieu thereof, the City Council may condemn structures through the passage of an Ordinance or Resolution after a public hearing is conducted that shall include:

(A) An address and legal description of the structure(s);

(B) The owner(s) and Interested Party(ies) of the structure(s); and,

(C) Findings that the structures are unfit for human occupancy or are otherwise detrimental to the life, property, or safety of the public.

(Ord. 1381 Sec. 1, 2009)

8.01.031 Keeping Condemned Structures Prohibited

It shall be unlawful for any person, entity, or corporation to own, keep, or maintain any structure within the corporate limits of the City which is condemned by Ordinance or Resolution of the City Council. (Ord. 1381 Sec. 1, 2009)

8.01.032 Notices
The Code Enforcement Office shall publish, mail, or deliver all notices required for condemnation of structure(s).
(Ord. 1381 Sec. 1, 2009)

8.01.033 Prior Notice of Proposed Condemnation
The Owner and/or Occupant of the property(ies) upon which the structure(s) exist will be provided notice of any proposed condemnation action no less than Ten (10) calendar days prior to consideration by City Council at a regular or special called meeting. If appropriate and identifiable on public record, any lien holders of said property(ies) will also be provided notice of any proposed condemnation action no less than Ten (10) calendar days prior to consideration by City Council. Notice will be provided by the method described in Subsection 8.01.026.
(Ord. 1381 Sec. 1, 2009)

8.01.034 Notice of Condemnation
After a structure has been condemned by Ordinance or Resolution as provided in this Code, a certified copy of such Ordinance or Resolution will be mailed to the owners thereof, by the method described in Subsection 8.01.026 and, if appropriate, may be recorded in the property records of the Pulaski County Circuit Clerk. (Ord. 1381 Sec. 1, 2009)

8.01.035 Notice of Certification of Costs
After a condemned structure has been removed at City expense, the Owner, Occupant, and/or Interested Party(ies) will be provided no less than Ten (10) calendar days notice of any action to certify costs by the City Council. All notices as described in this Subsection will be provided by the method described in Subsection 8.01.026. (Ord. 1381 Sec. 1, 2009)

8.01.036 Destruction and Removal
Condemned structures shall be destroyed and removed from the premises. Real property shall be left in such a condition that can be easily maintained with use of consumer grade lawn maintenance equipment, no non-qualified structure(s) shall remain, and the property shall be properly graded to prevent and prohibit water/drainage issues. (Ord. 1381 Sec. 1, 2009)

8.01.037 Destruction and Removal by Owner/Occupant/Interested Party
The Owner(s)/Occupant(s)/Interested Party(ies) of any structure that has been condemned by Ordinance or Resolution of the City Council is permitted to cause, at his or her own expense, to have

the same destroyed and removed within Sixty (60) days after the City Council has provided Notice under Subsection 8.01.034. No person shall be allowed to repair or refurbish a condemned structure without issuance of a Building Permit by the Code Enforcement Office that requires all non-complying conditions and repairs to be completed within the timeframe approved by the City Council. It is the Owner and/or Occupant's responsibility to secure any extension of time to allow the repair or refurbishment of a condemned structure from the City Council.
(Ord. 1381 Sec. 1, 2009)

8.01.038 Destruction and Removal by City
If the condemned structure has not been torn down and removed, or otherwise abated, within Sixty (60) days after the notice requirements of Subsection 8.01.034 have been met, then the Code Enforcement Office shall supervise the removal of any such structure in such a manner as deemed appropriate under existing circumstances. If the structure has a substantial value, it or any saleable materials thereof may be sold at public sale to the highest bidder for cash using procedures provided by Arkansas law. The costs of removal will be presented to City Council for certification and collection from the Owner/Occupant/Interested Party(ies). (Ord. 1381 Sec. 1, 2009)

8.01.039 Disposition of Proceeds of Sale or Salvage of Condemned Structures
All the proceeds of the sale or salvage of any structure, and all fines and court costs collected from these Code provisions shall be paid into the appropriate City/Court accounts. If any such structure, or the saleable materials thereof, are or can be sold for an amount which exceeds all costs incidental to the abatement of the nuisance, including the clearing and clean up of the property by the City, the balance thereof will be returned by the City to the Owner/Occupant(s) of such house, building, and/or structure initially constituting the nuisance.
(Ord. 1381 Sec. 1, 2009)

8.01.040 Lien on Real Property for Net Costs of Removal
If the City has any net costs in the removal of any condemned house, building, or structure, the City shall have a lien on the property as provided by ACA §§ 14-54-903 and 14-54-904.
(Ord. 1381 Sec. 1, 2009)

8.01.041 Transfer of Ownership
After receiving a Notice of Condemnation, it shall be unlawful for the Owner/Occupant/Interested Party(ies) of any structure to sell, transfer, mortgage, lease, or otherwise alienate or dispose of the same until:

(A) The property or structure has been caused to conform with this Code; or,

(B) The Owner/Occupant/Interested Party(ies) shall provide the other party a true copy of any Notice of Violation issued by the Code Enforcement Office and shall furnish to the Code Enforcement Office a signed and notarized statement from the other party accepting responsibility for the non-compliant conditions of the property and/or structure.

(Ord. 1381 Sec. 1, 2009)

8.01.042 Restrictions on Utility Services to Structures Declared Condemned

(A) The City shall not provide or permit another to provide public or private utility services, such as water, gas or electricity, to any building or house that has been condemned by the City Council pursuant to ACA § 14-56-203.

(B) This Subsection shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair, or alteration. The Code Enforcement Office shall be responsible for making the determination as to when such temporary services may or may not be necessary.

(Ord. 1381 Sec. 1, 2009)

8.01.043 Reserved

8.01.044 Costs and Penalties for Violation of Code

A penalty as provided by this Code is hereby imposed against the Owner/Occupant(s) of any structure condemned by Ordinance or Resolution of the City Council Sixty (60) days after such structure has been condemned. Each day thereafter such nuisance is not abated constitutes a separate and distinct offense, provided appropriate Notice as provided in Subsection 1.7.3.2 has been given within Ten (10) days after such structure has been condemned.

Furthermore, a Thirty Dollar ($30.00) late fee will be assessed after Sixty (60) days from the date of invoice of nonpayment on any assessment for costs incurred by the City to remove/repair any Code violation cited under applicable portions of this Code.

(Ord. 1381 Sec. 1, 2009)

8.01.045 Court Action Authorized

If the City Council determines that a particular structure should be *judicially* condemned, the City Council shall direct the City Attorney to bring such action in the name of the City. If such occurs, the only notice to be given to the Owner(s)/Occupant(s)/Interested Party(ies) will be that as now

provided for by law. When any such structure has been declared judicially to be a nuisance by a court of law, a penalty as provided by this Code is hereby imposed against the Owner(s)/Occupant(s)/Interested Party(ies) thereof from the date such finding is made by the ruling Court. Each day thereafter that said nuisance is not abated shall constitute a separate and distinct offense punishable by a fine and costs as authorized herein. (Ord. 1381 Sec. 1, 2009)

8.01.046 Temporary Safeguards

Notwithstanding other provisions of this Code, Arkansas law, or Federal law, whenever, in the opinion of the Code Enforcement Office, there is imminent danger due to an unsafe condition present upon a property or within a structure, the Code Enforcement Office shall order the necessary work to be done, including boarding up of any openings or accesses, to render such property/structure temporarily safe. These action(s) shall occur whether the legal procedure described herein has been initiated, and the Code Enforcement Office shall cause such other action to be taken as deemed necessary to meet the concerns for public safety and the emergency in question. (Ord. 1381 Sec. 1, 2009)

8.01.047 Closing Streets

When necessary for public safety, the Code Enforcement Office shall temporarily close structures and close, or order the authority having jurisdiction to close, any relevant sidewalks, streets, and public ways and places adjacent to or within a close proximity to unsafe property/structures so as to prohibit the same from being utilized until said hazard or unsafe condition can be properly eliminated. (Ord. 1381 Sec. 1, 2009)

8.01.048 Emergency Repairs

For the purposes of this Section, the Code Enforcement Office shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City shall then make demand upon the Owner/Occupant/Interested Party(ies) for payment of said amount(s) and, if necessary, institute appropriate action against the Owner/Occupant/Interested Party(ies) of the property(ies) where the unsafe structure is or was located for the recovery of such costs as allowed under Arkansas law. (Ord. 1381 Sec. 1, 2009)

8.01.049 Reserved

8.01.050 Administrative Appeal

Only Administrative determinations may be appealed to the Jacksonville Board of Adjustment. The following actions are ***not*** subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:

(A) Citations shall be heard in the Jacksonville District Court; and,

(B) Condemnations shall be addressed or heard by the Jacksonville City Council or in a Court of proper jurisdiction.

(Ord. 1381 Sec. 1, 2009)

8.01.051 Timely Submission of Appeal

Unless otherwise provided in this Code, any person affected by a "Notice of Violation" or other administrative determination under this Code may appeal administratively the determination by submitting a written application to the Code Enforcement Office and the City Clerk's Office within Five (5) days, excluding weekends and holidays, after notice of the determination has been made. (Ord. 1381 Sec. 1, 2009)

8.01.052 Contents of Appeal

A Request for an Administrative Appeal must be made upon forms approved by the Jacksonville Board of Adjustment or in any written form that contains the following information:

(A) The date the appeal is submitted;

(B) The name, address, and telephone number of the Appellant;

(C) The address and location of the affected property;

(D) A description of any administrative decision being appealed; and,

(E) A statement summarizing the reason(s) why Appellant desires that the administrative decision be overturned or reviewed.

(Ord. 1381 Sec. 1, 2009)

8.01.053 Notice of Hearing

The Jacksonville Board of Adjustment shall consider the appeal at the next regularly scheduled meeting or available date. Appellant shall be provided Notice of the Hearing by first class mail sent to the address shown on the Request for Administrative Appeal no less than Five (5) days, excluding weekends and holidays, prior to the scheduled Hearing. (Ord. 1381 Sec. 1, 2009)

8.01.054 Actions Pending Appeal

No Code Enforcement Officer may take action based upon an administrative decision while that decision is being appealed *except* those listed below:

(A) Citations issued under this Code;
(B) Condemnations under this Code and State law; or,
(C) Temporary Emergency Orders issued under this Code.

(Ord. 1381 Sec. 1, 2009)

8.01.055 Conduct of Hearing

Hearings shall be conducted in an open forum according to such procedural rules as may be adopted or utilized by the Jacksonville Board of Adjustment. No administrative decision of the Code Enforcement Office may be overturned unless a determination is made that:

(A) The true intent of this Code or the rules legally adopted there under has been incorrectly interpreted;
(B) The provisions of this Code do not fully apply; or,
(C) The requirements of this Code are adequately satisfied by other means.

(Ord. 1381 Sec. 1, 2009)

8.01.056 Orders

Upon the conclusion of an appeal, the Jacksonville Board of Adjustment shall timely issue orders to guide the actions of the Code Enforcement Department regarding the appeal.

(Ord. 1381 Sec. 1, 2009)

8.01.057 – 8.01.059 Reserved

8.01.060 Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown herein. Where terms are not defined through the methods authorized herein, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

ABANDONED MOTOR VEHICLE Any motor vehicle which is left on public or private property, as defined in this Section, for a period of more than Seventy-two (72) hours, regardless of whether wrecked or inoperable. ***Exception:*** Vehicles at a residence(s) or in a storage facility(ies).

APPROVED Consented or agreed to in writing by the Code Enforcement Office.

BASEMENT That portion of a building which is partly or completely below grade.

BATHROOM A room containing operational plumbing fixtures, such as but not limited to, a sink, toilet, bathtub, and shower.

BEDROOM Any room or space used or intended to be used for sleeping purposes.

BLIGHT A deteriorating influence or condition affecting use, development, and value of the real property in question so as to cause decay or ruin.

BOAT Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

CARPORT A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CODE ENFORCEMENT OFFICER Any City employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas and/or U.S. government related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing, etc. within the municipal boundaries of the City. All duly sworn law enforcement officers of the Jacksonville Police Department are authorized to exercise authority as Code Enforcement Officers as well.

CONDEMN To adjudge unfit for human occupancy.

DWELLING UNIT Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

DUST FREE SURFACE Surface constructed of concrete or asphalt.

EASEMENT That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot(s) or property.

EXTERIOR PROPERTY The open space on the premises, on adjoining property, and on rights of way under the control of Owner/Occupant/Interested Party(ies) of such premises.

EXTERMINATION The control and elimination of insects, rats, or other pests by eliminating harborage places, by removing or making inaccessible materials that serve as their food, by poison spray, fumigation, and trapping, or by any other approved pest elimination methods.

FIRE MARSHALL The designated officer of the Jacksonville Fire Department trained and authorized to enforce, inspect, and uphold the Ordinances of the City and laws of the State of Arkansas and/or U.S. government regarding property uses, maintenance, inspections, and certifications and licensing of those properties, buildings, and structures within the city limits of the City in relation to fire safety, hazards, prevention, and conditions.

GARBAGE The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food, drink, and distribution of such.

GRAFFITI Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

GUARD A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC Any existing buildings or structures designated by the City of Jacksonville, the State of Arkansas, or the United States government to be historic or located within a Jacksonville historic district.

HOUSEKEEPING UNIT A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory, bathtub, and/or shower.

IMMINENT DANGER A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE A vehicle which cannot be driven upon the public streets for reason(s) including, but not limited to, being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

INTERESTED PARTY(IES) One who has an interest, claim, or protected share in an affected property(ies) other than legal ownership and whose interest may be affected by action taken by the City through enforcement of Code provisions and/or condemnation proceedings.

LABELED Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LANDLORD An individual, business, corporation, or person who owns real estate commonly referred to as rental property and who leases such to another commonly referred to as a tenant.

LET FOR OCCUPANCY OR LET To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement for the sale of land.

LITTER Misplaced or mishandled garbage, waste, or trash not disposed of in an appropriate manner or container.

MOTOR VEHICLE A machine of conveyance which is self-propelled and designed to travel along the ground, including but not limited to, automobiles, buses, electric scooters, mopeds, motorized bicycles, motorcycles, trucks, tractors, go-carts, golf carts, campers, motor homes, and motorized trailers.

NUISANCE This term is defined in JMC § 8.03.003 of this Code.

OCCUPANCY The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT Any individual living or sleeping in a building or structure or having possession of a space within a building or structure.

OPENABLE AREA That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPEN STORAGE Open storage shall include, but not be limited to, placing an item any place on premises which does not have a roof and walls, with or without doors, completely around the space where the item is placed where such walls are solid construction for the area so as not to be considered open storage.

OPERATOR Any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.

OWNER Any person, agent, operator, firm, or corporation having a legal or equitable interest in the real property as recorded in the official records of Pulaski County as holding legal title to the property or otherwise having control of the property. This shall include a guardian of the estate of any such person, the executor or administrator of the estate of such person, and/or other designated official if ordered to take possession of real property by a court of competent jurisdiction.

PERSON An individual, corporation, partnership, or any other group acting as a unit.

PREMISES A lot, plot, or parcel of land, including any easement or public way, together with any improvements and/or structures placed thereon.

PRIVATE PROPERTY Any real property within the City which is privately owned and which is not defined as public property in this Section.

PUBLIC NUISANCE Includes any one or more of the following:

1. Any physical condition or use of any premises regarded as a public nuisance in common law;
2. Any physical condition or use of any premises which injures or endangers the comfort, repose, health, or safety of others;
3. Any physical condition or use of a premise which offends decency;
4. Any physical condition or use of any premises which unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, and/or drainage;
5. Any physical condition or use of any premises which essentially interferes with the comfortable enjoyment of life and property or negatively impacts the aesthetics of the community;
6. Any physical condition or use of any premises or its appurtenances considered an attractive nuisance for children including, but not limited to: abandoned wells or shafts; abandoned basements; excavation area(s); unsafe fence(s); unsafe structure(s); unsecure and/or unsafe pools; etc.
7. Any physical condition or use of any premises which has inoperable or unsanitary sewerage or plumbing facilities;
8. Any physical condition or use of any premises designated as unsafe for human habitation or use;
9. Any physical condition or use of premises which is manifestly capable of being a fire hazard or are manifestly unsafe or insecure to the point of endangering life, limb, or property;
10. Any physical condition or use of any premises which is unsightly, unsanitary, or which is littered with rubbish, car parts, old appliances, building materials, paper, clothing, or garbage, or which has an uncontrolled growth of weeds, grass, shrubs, trees, or underbrush;
11. Any physical condition or use of any premises where the structure or building is in a state of dilapidation, deterioration, or decay, constructed in a faulty or less than workmanship manner, is overcrowded in accordance with the terms of Table 8.08.02, remains unsecured for over thirty (30) days, remains vacant for a period in

excess of six (6) months, is abandoned, is damaged by fire or other calamity to the extent that it no longer is fit to provide shelter, is in danger of collapse or failure, serves as a danger to anyone on or near the premises, is maintained or kept in an unsanitary condition so as to constitute a menace to the health of those residing in the vicinity thereof, or constitutes a fire hazard or other such danger to the vicinity in which it is located.

12. Any physical condition or use of any premise where the property is blighted or in such a state of disrepair as to cause an unsafe, unsanitary, or unsightly condition(s).

PUBLIC PROPERTY Any real property in the City which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

PUBLIC WAY Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

REMOVAL The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by Ordinance or Resolution of the City Council or eliminate/remove any condition which violates the provisions of applicable property maintenance requirements.

RESIDENCE A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

ROOMING HOUSE A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under provisions of the Jacksonville Municipal Code, are included within the definition of a Rooming House.

ROOMING UNIT Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. *See also Trash.*

STRUCTURE That which is built or constructed or a portion thereof as an improvement to the real estate upon which it is situated.

TENANT A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM A room containing a water closet or urinal but not a bathtub or shower.

TRAILER Any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers; camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

TRASH Combustible and noncombustible waste materials, except garbage. The term shall include but is not limited to: residue from the burning of wood, coal, coke, and other combustible materials; paper products; rags; cartons; boxes; wood; rubber; leather; tree branches; yard trimmings; tin cans or other such metals; mineral matter; glass products; plastic products; cigarette butts, crockery; and, dust and other such similar materials. *See also Rubbish.*

UNCUT WEEDS AND GRASS See JMC § 8.01.078 for definition.

VENTILATION The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE MANNER Improvements executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.

YARD An open space on the same lot with a structure. (Ord. 1381 Sec. 1, 2009)

8.01.062 through 8.01.069 Reserved

8.01.070 General Requirements
The provisions of the following Sections shall govern the minimum conditions and the responsibilities for maintenance of structures, equipment, improvements, and real property within the City of Jacksonville. (Ord. 1381 Sec. 1, 2009)

8.01.071 Responsibility
The Owner(s)/Occupant(s)/Interested Party(ies) of the premises shall maintain the improvements, structures, and real property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises or structures which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping such in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises which they occupy and control. (Ord. 1381 Sec. 1, 2009)

8.01.072 Vacant Structures and Land
All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. 1381 Sec. 1, 2009)

8.01.073 Real Property
All Occupant(s), Owner(s), and/or Interested Party(ies) of real property within the City of Jacksonville shall maintain the premises, building(s), structure(s,) and real property in compliance with the requirements of this Code. A person shall not occupy as owner-occupant or permit another person to occupy or use any premises, which have a public nuisance or non-complying condition(s) upon the property. (Ord. 1381 Sec. 1, 2009)

8.01.074 Building(s), Structure(s), and Real Property

All building(s), structure(s), and real property, whether vacant or inhabited, shall be maintained in a clean, safe, sanitary, secure, and compliant condition(s) as required by City, State, and Federal law so as not to allow a public nuisance, non-complying condition, cause blight upon the community, and/or adversely affect public health or safety. (Ord. 1381 Sec. 1, 2009)

8.01.075 Sanitation

All real property and premises shall be maintained in a clean, safe, and sanitary condition. The Owner(s)/Occupant(s)/Interested Party(ies) shall keep that part of the exterior property in a clean and sanitary condition. All building(s), structure(s), and real property, including adjacent alley(s), rights-of-way, and/or streets, shall be maintained in a clean, safe, sanitary and compliant condition free of accumulation of garbage, junk, refuse, rubbish, or abandoned materials, metals, lumber, inoperable motor vehicle(s), or other such item(s). The pollution of any well, cistern, stream, lake, canal, or body of water by refuse, sewage, dead animals, waste, or other such substances shall not be permitted. (Ord. 1381 Sec. 1, 2009)

8.01.076 Grading and Drainage

All real property shall be graded and maintained to prevent the erosion of soil, to prevent the accumulation of stagnant water thereon, or to prevent such accumulation within any structure located thereon. See JMC §§ 8.52 and 15.04 et. seq. for additional applicable provisions.
Exception: Approved retention areas and reservoirs.
(Ord. 1381 Sec. 1, 2009)

8.01.077 Sidewalks and Driveways

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All sidewalks, walkways, driveways, parking spaces, and similar areas shall be maintained free from garbage, junk, refuse, rubbish, abandoned materials, inoperable motor vehicle(s), and/or any obstruction blocking safe passageway of pedestrian traffic.
(Ord. 1381 Sec. 1, 2009)

8.01.078 Grass or Weeds

All real property, including adjacent rights-of-way, shall be maintained free from noxious grass, weeds, plant growth, undergrowth, and/or vegetation. [See Table 8.08.02 for specifics]. For purposes of this Code, Weeds shall be defined as all grasses,

annual plants, and vegetation other than shrubs or trees, which shall not exceed Eight inches (8″) in height in all residential districts, exceeds Eight inches (8″) in height on lots in all commercial zone districts and industrial zone districts on which a structure is located, or exceeds Twenty-four inches (24″) in height on lots in all commercial zone districts and industrial zone districts upon which a structure is not located, except that the restrictions noted above will not apply to areas specifically designated or recognized by the City, the State, or the United States as agricultural, wetlands, open spaces, natural or wild flower areas, or other designated preservation areas. However, this term shall not include cultivated flowers, gardens, and/or landscaped areas.

Exception: Undeveloped land that has been continuously maintained in a natural vegetative state.
(Ord. 1381 Sec. 1, 2009)

8.01.079 Rodent Harborage

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent related-infestation. All building(s), structure(s), and real property shall be kept free from vermin infestation and any condition which could or does provide harborage for mice, rats, snakes, or other such vermin. Where vermin are found, the Occupant(s), Owner(s), and/or Interested Party(ies) shall promptly exterminate such vermin utilizing approved process(es) not injurious to human health and safety. After extermination, proper precautions shall be taken to prevent re-infestation of said property. (Ord. 1381 Sec. 1, 2009)

8.01.080 Bedroom Requirements

Every bedroom shall comply with the requirements below:

a) Area(s) for Sleeping Purposes. Every bedroom occupied by a minimum of One (1) person shall contain at least Seventy Square Feet (70 SF) of floor area and every bedroom occupied by more than One (1) person shall contain at least Thirty-five Square Feet (35 SF) of floor area for each Occupant thereof.

b) Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of ingress/egress from other habitable spaces.

Exception: Unit(s) that contain fewer than Two (2) bedrooms.

c) Water Closet Accessibility. Every bedroom shall have interior access to at least one water closet and one lavatory without passing through another bedroom. Additionally, every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

d) Prohibited Occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

e) Other Requirements. Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height, and room width requirements, the plumbing facilities and water-heating facilities requirements, the heating facilities and electrical receptacle requirements, and the smoke detector and emergency escape requirements.

f) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following Table (shown below).

g) Sleeping Area. The minimum occupancy area required by the Table below shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with the requirements of this Subsection.

h) Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of the Table below if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(Ord. 1381 Sec. 1, 2009)

TABLE 8.01.080

MINIMUM AREA REQUIREMENTS MINIMUM AREA IN SQUARE FEET			
SPACE	**1-2 occupants**	**3-5 occupants**	**6 or more occupants**
Living room a, b	No requirements	120	150
Dining room a, b	No requirements	80	100
Bedrooms	Shall comply with Section.		

For SI: 1 Square Foot

a. See Subsection h) for combined living room/dining room spaces.

b. See Subsection g) for limitations on determining the minimum occupancy area for sleeping purposes.

(Ord. 1381 Sec. 1, 2009)

Chapter 8.02

ABANDONED ICE BOXES AND REFRIGERATORS

Sections:

8.02.010 Regulations
8.02.020 Right of removal of door hinges
8.02.030 Failure to comply - Separate offense
8.02.040 Violation - Penalty

8.02.010 Regulations

It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air tight door or lid, snap lock on other locking device which may not be released from the inside without first removing the door or lid, snap lock or other locking device from such ice box, refrigerator or container; provided, however, the provisions hereof shall not be applicable to reefers, refrigerator or iced cars of any Railroad or Railway Express Agency or any other refrigerator vehicles unless such vehicles shall have been abandoned or discarded.
(Ord. 461 Sec. 1, 1977)

8.02.020 Right of removal of door hinges

The City Inspector or any of his deputies or inspectors shall have the right to remove the door hinges or to dismantle, if necessary, any ice box, refrigerator, or other container which has an airtight door or lid, snap lock or other locking device which violates the provisions of this chapter. The City Inspector or any of his deputies or inspectors shall have the right to enter any junkyard, vacant lot, dump, yard, unoccupied or abandoned building, dwelling or other structure or place frequented by children in order to perform the above duties. (Ord. 461 Sec. 2, 1977)

8.02.030 Failure to comply - Separate offense

Any person, firm or corporation who shall fail to comply with the provisions of this chapter shall be guilty of a violation of this chapter, and each and every ice box, refrigerator, or other container abandoned in a condition contrary to the provisions of this chapter shall be deemed a separate offense.
(Ord. 461 Sec. 3, 1977)

8.02.040 Violation - Penalty

Any person, firm or corporation who shall be found guilty of a violation of the provisions of this chapter shall be subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars for each violation. (Ord. 461 Sec. 4, 1977)

Chapter 8.03

NUISANCE ABATEMENT

Sections:

8.03.001	Nuisances and Non-Complying Conditions – Intent
8.03.002	Nuisances and Non-Complying Conditions - Prohibited
8.03.003	Nuisances and Non-Complying Conditions – Illustrative Enumeration of a Nuisance or Non-Complying Condition
8.03.004	Nuisances and Non-Complying Conditions – Other Remedies Unaffected
8.03.005	Nuisances and Non-Complying Conditions – Citation
8.03.006	Nuisances and Non-Complying Conditions – Abatement
8.03.007	Reserved
8.03.008	Reserved
8.03.009	Reserved
8.03.010	Nuisances and Non-Complying Conditions – Uncut Weeds, Grass, and Unsanitary Articles and Conditions
8.03.011	Nuisances and Non-Complying Conditions – Authorized Abatement
8.03.012	Nuisances and Non-Complying Conditions – Special Notice Rules for Weed Lots
8.03.013	Nuisances and Non-Complying Conditions – Abandonment of Motor Vehicles – Public Property
8.03.014	Nuisances and Non-Complying Conditions – Parking and Storage of Inoperable Motor Vehicles – Private Property
8.03.015	Nuisances and Non-Complying Conditions – Removal of Abandoned and Inoperable Motor Vehicles
8.03.016	Nuisances and Non-Complying Conditions – Inoperable Motor Vehicles
8.03.017	Nuisances and Non-Complying Conditions – Presumption of Inoperability
8.03.018	Nuisances and Non-Complying Conditions – Parking and Storage of Motor Vehicles
8.03.019	Nuisances and Non-Complying Conditions – Impediments to City Streets, Easements, or Rights-of-Way
8.03.020	Nuisances and Non-Complying Conditions – Basketball Goals
8.03.021	Nuisances and Non-Complying Conditions – Shopping Carts
8.03.022	Reserved
8.03.023	Reserved
8.03.024	Reserved
8.03.025	Reserved
8.03.026	Reserved
8.03.027	Reserved
8.03.028	Reserved
8.03.029	Reserved

8.03.030 Nuisances and Non-Complying Conditions – Nuisance Structures
8.03.031 Nuisances and Non-Complying Conditions – Definitions
8.03.032 Nuisances and Non-Complying Conditions – Vacating of Unfit or Unsafe and Utility Services
8.03.033 Nuisances and Non-Complying Conditions – Placarding
8.03.034 Nuisances and Non-Complying Conditions – Placard Removal
8.03.035 Nuisances and Non-Complying Conditions – Prohibited Occupancy
8.03.036 Nuisances and Non-Complying Conditions – Property Deemed Abandoned
8.03.037 Nuisances and Non-Complying Conditions – Abatement
8.03.038 Nuisances and Non-Complying Conditions – Condemnation

8.03.001 Nuisances and Non-Complying Conditions – Intent

It is the intent of this Code to prevent and abate nuisances and non-complying conditions within the municipal boundaries of the City of Jacksonville. For the purposes of this Code, the words "nuisance" or “non-complying condition(s)” are defined as any act, omission, or property condition that is detrimental to the health, safety, and welfare of the public in that it:

(A) Injures or endangers the comfort, repose, health or safety of others;
(B) Offends decency;
(C) Is offensive to the senses;
(D) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage;
(E) In any way renders other persons insecure in life or the use of property; or,
(F) Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

(Ord. 1381 Sec. 2, 2009)

8.03.002 Nuisances and Non-Complying Conditions – Prohibited

It shall be unlawful for any person or entity to cause, permit, maintain, or allow the creation or maintenance of a nuisance within the City of Jacksonville.

(Ord. 1381 Sec. 2, 2009)

8.03.003 Nuisances and Non-Complying Conditions – Illustrative Enumeration of a Nuisance or Non-Complying Condition

The maintaining, using, placing, depositing, leaving, or permitting to be and/or remain on any public or private property of any of the following items, conditions, or actions is hereby declared to be and shall constitute a nuisance. However, these enumerations shall not be deemed or construed to be conclusive, limiting, or restrictive:

(A) Noxious weeds and other rank vegetation;
(B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, and other such materials;
(C) Any condition which provides harborage for rats, mice, snakes, and other vermin;
(D) Dilapidated structures;
(E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
(F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches;
(G) Carcasses of animals or fowl not disposed of within a reasonable time after death;
(H) Pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substances;
(I) Creating blight on the community;
(J) Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed, or maintained;
(K) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
(L) Dense smoke, noxious fumes, gas, soot, odors, or cinders in unreasonable quantities, or burning materials other than vegetation originating from the property;
(M) Graffiti;
(N) Inoperable or abandoned motor vehicles;
(O) Unsafe equipment, including but not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, water heater(s), and other such equipment on the premises or within the structure which is in such disrepair or condition that it constitutes a hazard to life, health, property, or safety of the public or Owner/Occupant(s) of the premises or structure;

(P) The use of tarpaulins, canvas, plastic, oil cloth, sheeting, and other similar materials as fencing or to shield or enclose any structure (including without limitation openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs; or,

(Q) Permanent or temporary basketball goals (except those approved by the City) on any private drive, public street, or on any private or public right-of-way adjacent to a public street. See also JMC § 12.24.100 for additional provisions.

(Ord. 1381 Sec. 2, 2009)

8.03.004 Nuisances and Non-Complying Conditions – Other Remedies Unaffected

The remedies found in this Code are not intended to displace any other remedies of law or equity found in the common or statutory law of Arkansas that may be available to the City of Jacksonville, a citizen of the City of Jacksonville, or any public or private entity to abate or prevent a nuisance.

(Ord. 1381 Sec. 2, 2009)

8.03.005 Nuisances and Non-Complying Conditions – Citations

Code Enforcement Officers are authorized to issue citations or notices of violation to any individual, business, entity, and/or person in violation of any Section of this Code.

(Ord. 1381 Sec. 2, 2009)

8.03.006 Nuisances and Non-Complying Conditions – Abatement

In addition to the authority found in this Section, Code Enforcement Officers are authorized to take such action as may be reasonably necessary to abate nuisances within the City of Jacksonville. For the specific nuisances that are defined below, Code Enforcement Officers may use the associated method of abatement which is deemed to be both a reasonable and necessary response by the City to abate the nuisance(s).

(Ord. 1381 Sec. 2, 2009)

8.03.007 through 8.03.009 Reserved

8.03.010 Nuisances and Non-Complying Conditions – Uncut Weeds, Grass, and Unsanitary Articles and Conditions

All Owner(s)/Occupant(s) within the city limits of the City of Jacksonville are required to cut weeds, grass, and other forms of vegetation and are to remove all garbage, rubbish, and other unsanitary articles and items from their property(ies) and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies, and germs harmful to the health and general welfare of the community. For specific requirements related to the required maintenance of grass and weeds, refer to the Table in JMC 8.08.01.
(Ord. 1381 Sec. 2, 2009)

8.03.011 Nuisances and Non-Complying Conditions – Authorized Abatement

If the Owner(s)/Occupant(s) of any lot or other real property within the City shall neglect or refuse to remove, abate, or eliminate any condition as may be provided for under Subsection 8.3.1, after having been given a written Notice of Violation and up to Seven (7) days' notice to do so by the Code Enforcement Office, the City is hereby authorized to take such action(s) as are necessary to correct the condition(s), including but not limited to, entering upon the property and having such weeds, rank grass, or other vegetation cut and removed, eliminating any unsanitary and unsightly condition(s), and/or causing any and all necessary repairs to be made and charging the costs thereof to the Owner(s)/Occupant(s) of such premises, which shall constitute a lien thereon. The abovementioned Seven (7) days' notice shall be calculated by counting the first day of the Seven (7) day period as the day after written notice is given to the Owner(s)/Occupant(s), by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the Seventh (7th) day. The City reserves the right to secure a lien for its costs, including a priority clean-up lien pursuant to ACA § 14-54-903.
(Ord. 1381 Sec. 2, 2009)

8.03.012 Nuisances and Non-Complying Conditions – Special Notice Rules for Weed Lots

For purposes of this Section, a “weed lot” is a previously platted lot or unplatted property that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass contrary to this Code. Due to the continual growth cycle

of vegetation on weed lots, continuous abatement is often necessary. As a result, the Seven (7) day Notice of Violation described above shall be issued with the following additional statement, "Work to abate this nuisance will not be complete until the end of the growing season." No additional Notice of Violation need be given unless and until the growing season concludes and further abatement is necessary.
(Ord. 1381 Sec. 2, 2009)

8.03.013 Nuisances and Non-Complying Conditions – Abandonment of Motor Vehicles - Public Property

No person shall abandon or leave any motor vehicle, attended or unattended, upon any public property or public right of way (or within Three feet (3') thereof) within the City. The presence of such a motor vehicle or parts thereof is thereby declared to be a public nuisance, and said nuisance shall be abated in compliance with the terms of this Ordinance or ACA § 27-50-1201, et. seq. Upon discovery, the vehicle will be tagged and the owner(s) and/or responsible party given Twenty-four (24) hours to remove said vehicle from the public property or right-of-way if, in the discretion of the Code Enforcement Officer(s), immediate removal of said vehicle is not required for public safety reasons.
(Ord. 1381 Sec. 2, 2009)

An exception shall be granted in circumstances where a person utilizes the street or public right of way immediately adjacent to his/her residence or that of another for purposes of visiting/entering said residence for a temporary purpose. In such circumstances, a vehicle may be parked in such a manner so as not to block or impede the flow of traffic on said street or right of way. However, no person shall regularly park his/her/their vehicle in a street/right of way on a daily or consistent basis. If such is found to be the case, a nuisance may be declared, and Code Enforcement shall so notify the owner/operator of said vehicle and, if necessary, have said vehicle removed from the public right of way. (Ordinance. 1396 Sec. 1, 2010)

8.03.014 Nuisances and Non-Complying Conditions – Parking and Storage of Inoperable Motor Vehicles - Private Property

No person shall leave, park, store, or permit the leaving, parking, or storing of any inoperable motor vehicle(s) and/or part(s) thereof upon any private property within the City. Upon discovery of such, the vehicle will be tagged and the owner(s) and/or responsible party(ies) given Seventy-two (72) hours in which to remove the vehicle/part from said real property. In addition, Code Enforcement Officer(s) are to provide a copy of the tag placed on said motor vehicle to the responsible party(ies) at

the scene. If unable to deliver such in person, a copy of said tag shall be posted on the primary structure of the real property upon which said motor vehicle is located AND a copy of such tag mailed by first class postage to the responsible party(ies) if not deliverable otherwise.

In the event a responsible party(ies) fails to timely remove said motor vehicle, eliminate the non-complying condition, or submit a written request for review by the Board of Adjustment (together with payment of the appropriate fee), Code Enforcement Officer(s) shall take all necessary steps to have the non-complying condition (i.e., motor vehicle, parts, etc.) removed from said real property. (Ord. 1381 Sec. 2, 2009)

8.03.015 Nuisances and Non-Complying Conditions – Removal of Abandoned and Inoperable Motor Vehicles

In the event an abandoned and/or inoperable motor vehicle shall be required to be removed from private or public property, the Jacksonville Police Department shall obtain the most recent registration of said vehicle, determine if said vehicle is stolen, and shall then contact a towing or wrecker service following Department policy. The Police Department shall provide whatever assistance is necessary to allow the towing or wrecker service to remove said motor vehicle in order to eliminate the public nuisance or non-complying condition and shall provide the Code Enforcement Office and the applicable towing or wrecker service with information on the last registered owner of said motor vehicle in accordance with Arkansas law.

Any towing or wrecker service utilized in the enforcement of this Code shall comply with all requirements of this Code and ACA § 27-50-1101, et. seq. in the removal and disposition of said motor vehicle and shall be responsible for written notification to the appropriate owners/interested parties of said vehicles. Copies of said notification forwarded to the registered owner(s) in accordance with Arkansas law shall also be provided to the Code Enforcement Office at no charge.

(Ord. 1381 Sec. 2, 2009)

8.03.016 Nuisances and Non-Complying Conditions – Inoperable Motor Vehicles

The accumulation of inoperable motor vehicles in the City is degrading to the environment, property values, and the aesthetic beauty of the City. Thus, the only location where an inoperable motor vehicle may be parked, kept, or stored within enclosed spaces upon property that is properly zoned and permitted for that purpose. The parking, keeping, or storing of inoperable motor vehicles at any other location in the City is declared to be a nuisance and may be cited for violation and, if necessary, abated as provided below. (Ord. 1381 Sec. 2, 2009)

8.03.017 Nuisances and Non-Complying Conditions – Presumption of Inoperability

A vehicle shall be deemed inoperable when One (1) or more of the following conditions exist:

(A) One (1) or more tires are flat;
(B) One (1) or more wheels are missing;
(C) The hood or trunk is raised or missing and has appeared to remain so for more than Three (3) days;
(D) Weeds or grass have grown in and/or around the vehicle;
(E) The engine is missing;
(F) The door(s) or fender(s) are removed or missing;
(G) The front or rear windshield is broken, removed, or missing, or the side windows are broken or removed or missing; or,
(H) The interior of vehicle(s) used as storage container(s

(Ord. 1381 Sec. 2, 2009)

8.03.018 Nuisances and Non-Complying Conditions – Parking and Storage of Motor Vehicles

All motor vehicles shall be parked on a designated driveway or to the immediate left or right of said driveway in a parallel fashion and within Ten feet (10’) of the drive’s edge. However, there shall not be motor vehicle(s) parked on both sides of the driveway simultaneously. Motor vehicle(s) may also be parked on the side of a house/structure on the same side of the property as the driveway only if such does not encroach across property lines or if said adjoining Property Owner/Occupant grants written permission for such an encroachment. However, in all circumstances, motor vehicle(s) are prohibited from being parked on the lawn in front of any house/structure other than as authorized herein. (Ord. 1381 Sec. 2, 2009)

8.03.019 Nuisances and Non-Complying Conditions – Impediments to City Streets, Easements, or Rights-of-Way

The City owns property rights throughout the jurisdiction of this Code which are necessary to the efficient flow of traffic, storm water, utility service, and other public purposes. Impediments to these property rights are declared to be a public nuisance under such conditions that impede the efficient flow of traffic, storm water, utility service, and other such intended uses of the City’s rights of way, as a reduction in public benefit of easements/access to public property can endanger the health and welfare of citizens and employees who utilize and depend on such property rights. Law Enforcement Officers and/or Code Enforcement Officers shall have the authority to order the immediate removal of any such impediment to the use of public streets, sidewalks, drains, ditches, utilities,

easements, or other right-of-ways. If the apparent owner of the impediment is not known, available, or willing to remove the impediment, any Law Enforcement Officer and/or Code Enforcement Officer may cause the same to be removed when deemed necessary by said officer. Any person who is aggrieved by the actions of an Officer under this Subsection may appeal the same pursuant to the provisions of this Code.
(Ord. 1381 Sec. 2, 2009; Ordinance. 1396 Sec. 2, 2010)

8.03.020 Nuisances and Non-Complying Conditions – Basketball Goals

Code Enforcement Officers and Law Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer or Law Enforcement Officer may seize and remove it to a City storage site where it may be reclaimed by the owner. Any person who seeks to reclaim a basketball goal and offers proof of ownership (such as the testimony of a witness), may obtain custody of the goal after paying an administrative reclamation fee of Twenty-five Dollars ($25.00) per goal. Any person who is aggrieved by the actions taken under this Subsection may appeal the same pursuant to the provisions of this Code. See also JMC § 12.24.100 for additional provisions.
(Ord. 1381 Sec. 2, 2009)

8.03.021 Nuisances and Non-Complying Conditions – Shopping Carts

Code Enforcement Officers shall have the authority to seize any shopping cart that is left unattended on any public streets, sidewalks, drains, ditches, utilities, easements, or other right-of-ways. Any cart so seized shall be removed to a City storage site where it may be reclaimed by the owner. Any person seeking to reclaim a seized shopping cart and offering proof of ownership (such as a label on the shopping cart), may obtain custody of the shopping cart after paying an administrative reclamation fee of Twenty-five Dollars ($25.00) per cart. Any person who is aggrieved by the actions of a Code Enforcement Officer under this Subsection may appeal the same pursuant to the provisions of this Code.
(Ord. 1381 Sec. 2, 2009)

8.03.022 through 8.03.029 Reserved

8.03.030 Nuisances and Non-Complying Conditions – Nuisance Structures

Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located, shall constitute a nuisance.
(Ord. 1381 Sec. 2, 2009)

8.03.031 Nuisances and Non-Complying Conditions – Definitions

For purposes of this Article, the following terms are defined as follows:
(A) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the Owner(s)/Occupant(s) of the structure by not providing minimum safeguards to protect or warn those entering or present of such dangers in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, of such faulty construction, or has an unstable foundation so that partial or complete collapse is possible.
(B) Unfit Structure for Human Occupancy. A structure is unfit for human occupancy whenever the Code Enforcement Office finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the Owner/Occupants of the structure or to the public.
(C) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by One (1) or more persons than permitted under this Code, or was erected, altered, or occupied contrary to law.
(Ord. 1381 Sec. 2, 2009)

8.03.032 Nuisances and Non-Complying Conditions – Vacating of Unfit or Unsafe Structures and Utility Services

Any premises declared as unsafe/unfit for human habitation by Code Enforcement and so designated by placard shall be vacated within Seven (7) days after notice of such action has been given to the Owner/Occupant/Interested Party(ies) of the structure. On the Eighth (8th) day after said Notice,
Code Enforcement shall notify all utilities to discontinue utility service(s) to the dwelling/dwelling unit. After utilities services are eliminated, no further services shall be made available until a Building Rehabilitation Permit is obtained or until Code Enforcement notifies said Utility(ies) that services may be restored and/or provided to the dwelling/dwelling unit.
(Ord. 1381 Sec. 2, 2009)

8.03.033 Nuisances and Non-Complying Conditions – Placarding
Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word **"NUISANCE"** and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
(Ord. 1381 Sec. 2, 2009)

8.03.034 Nuisances and Non-Complying Conditions – Placard Removal
A Code Enforcement Officer shall remove the placard referred to in this Subsection whenever the defect(s) upon which the placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Office shall be subject to applicable penalties and/or criminal prosecution as provided by this Code and State law.
(Ord. 1381 Sec. 2, 2009)

8.03.035 Nuisances and Non-Complying Conditions – Prohibited Occupancy
Any person who shall occupy placarded premises and any Owner/Occupant/Interested Party(ies) or responsible person of placarded premises who allows another to occupy such placarded premises shall be subject to the penalties provided by this Code.
(Ord. 1381 Sec. 2, 2009)

8.03.036 Nuisances and Non-Complying Conditions – Property Deemed Abandoned
Any real or personal property seized by the City pursuant to JMC § 8.03 shall be deemed abandoned after Thirty (30) days and properly disposed of by the Code Enforcement Office.
(Ord. 1381 Sec. 2, 2009)

8.03.037 Nuisances and Non-Complying Conditions – Abatement
When warranted, Code Enforcement Officers may perform work to secure, abate, and otherwise cause a nuisance structures to conform with the terms and conditions required under this Chapter and applicable laws and shall seek reimbursement for the costs incurred by the City thereof in the manner provided by law.
(Ord. 1381 Sec. 2, 2009)

8.03.038 Nuisances and Non-Complying Conditions – Condemnation
When warranted, Code Enforcement Officers may initiate condemnation proceedings under, in lieu of, or in addition to the procedures and remedies as outlined in this Code and State law.
(Ord. 1381 Sec. 2, 2009)

Chapter 8.16

FIREWORKS

Sections:

8.16.010 Sale or discharge prohibited.
8.16.020 Display - Permission of Parks and Recreation Commission.
8.16.030 Display - Private Property.

8.16.010 Sale or discharge prohibited

It is prohibited to sell, possess, explode, or discharge any fireworks or like substances within the city limits of the City of Jacksonville, Arkansas. (Ord. 793, 1985)

8.16.020 Display - Public Parks. Permission of Parks and Recreation Commission

Notwithstanding the provisions of Section 8.16.010, the Parks and Recreation Commission and/or director, with proper approval, has the discretion to allow fireworks displays and the shooting of fireworks in City Park areas. Proper approval shall be provided by the permittee obtaining permission and certification for such a display from the State Fire Marshall and complies with all ATF regulations and provisions.
(Ord. 208 Sec. 2, 1968; amended in part by Ord. 1057, 1996)

8.16.030 Display - Private Property

Notwithstanding the provisions of 8.16.010, any private land owner and/or organization may provide a fireworks display under the following conditions: a) obtaining permission and approval for each display from the State Fire Marshall; b) compliance with all State and Federal (AFT) regulations and provisions; c) payment for and/or providing sufficient security personnel so as to provide adequate traffic and safety control needs created by said display; and, d) notice must be provided to the Jacksonville Fire Department and Jacksonville Police Department of such display plans a minimum of forty-eight (48) hours prior to any such display.
(Ord. 1057, 1996)

HEALTH AND SAFETY

Chapter 8.20 GARBAGE

Sections:

8.20.010 Definitions
8.20.020 Regular collection - Fees
8.20.030 Method of billing
8.20.040 Delinquent penalty
8.20.050 Delinquent penalty and fees - Failure to pay - Civil Suit
8.20.060 Frequency of Collection - Duty of Occupant
8.20.070 Containers - Size and Construction - Placement
8.20.080 Landfill
8.20.120 Unlawful Acts
8.20.140 Private Hauling Contract
8.20.150 Regulating the Collection of Solid Waste from Residences and Duplexes
8.20.160 Regulating the Collection and Removal of Dead Animals
8.20.170 Solid Waste Material Not Handled by the Sanitation Department

8.20.010 Definitions

The following words and phrases when used in this Chapter shall for the purpose of this Chapter have the meaning respectively ascribed to them herein:

A. "***Garbage***" includes all rejected food waste, waste paper, clothing, waste plastic, waste metals, and wood. Said definition shall not include designated recyclables and/or any refuse or debris resulting from building construction, destruction, repair, or construction sites.

B. "***Occupant***" means every person in a position of ownership or possession of the premises in question, which shall include the actual owner, lessor, lessee, renter, tenant, landlord, bailee, manager, and/or one or all of the above.

C. "***Office***" means every room or suite of rooms operated, occupied, or managed under a separate business name regardless of whether or not the same building contains more than (1) one such office or suite(s) of offices.

D. "***Yard Waste***" includes grass clippings, leaves, untreated lumber, brush, tree limbs and shrubs and hedge clippings. All items shall not exceed six inches (6") in diameter and shall be cut not to exceed six feet (6') in length.

E. "***Commercial Establishment***" means any structure intended or used for the purpose of conducting a commercial business enterprise.

F. "***Container***" means a receptacle for the deposit of solid waste and/or recyclables.

G. "***City Sanitation Crew***" includes those employees, agents, or representatives of the Sanitation Department of the City of Jacksonville.

H. "***Sanitation Superintendent***" is the head of the Sanitation Department of the City of Jacksonville and/or his/her authorized agent.

I. "***Food Establishment***" includes a cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

J. "***Municipal Solid Waste***" includes solid waste resulting from or incidental to municipal, community, trade, business, and recreational activities, including garbage, yard waste, street cleanings, and all other solid waste other than industrial solid waste. Municipal solid waste shall not include any hazardous waste, medical waste or any item excluded from landfills by local, state, or federal laws or regulations. Items excluded from this definition are, but are not limited to, used motor oil, used tires, lead batteries, chemical waste, medical, and biological waste, etc.

K. "***Residence***" means a structure intended for the use and occupancy as a one-family dwelling unit.

L. "***Street***" means any public thoroughfare for the passage of vehicle and pedestrian traffic.

M. "***Bulky Items***" include large refuge items, other than yard waste that will not fit into the containers and/or beds of garbage trucks. Examples include old furniture, appliances, mattresses, etc.

N. "***Recycling***" means to separate or divert an item or items from the solid waste stream for the purpose of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the final disposition of the material product in a manner other than incineration or placement in a landfill.

(Ord. 639 Sec. 1(part), 1981; revised by Ord. 1109 Section 1, 1998)

8.20.020 Regular collection - Fees

All garbage, yard waste, and bulky items in the City shall be collected regularly as set forth hereinafter by the employees of the City Sanitation Department. For such services, the Water Commission of the City or its duly authorized representatives shall collect the prescribed fees. Each billable unit will have a $0.21 billing charge included in the fee. The monthly rates shall be as follows and shall apply in all cases of occupancy of one (1) month or any part thereof:

A. Eleven and 00/100 dollars ($11.00) for each single family residence per month.

B. Eleven and 00/100 dollars ($11.00) for each mobile home space per month.

C. Eleven and 00/100 dollars ($11.00) for each residential unit of each duplex and/or each apartment building (multi-family property) per month.

D. Small business such as: Beauty Shops, Barber Shops, Banks, Pet Shops, Auto Parts, Real Estate, Shoe Repair, Dry Cleaners, Hobby Shops, TV Sales and Service, Jewelry Shops, Professional Services Offices, Small Repair Shops, etc. shall have a Base rate of Twenty and 00/100 dollars ($20.00) per month.

E. Buildings with more than one (1) office will be charged Twenty and 00/100 dollars ($20.00) per month per office. Building with offices over Four Thousand (4,000) square feet will be required to use a private hauler.

F. Churches with schools, daycare, or other commercial operations will be required to use a private hauler.

G. Grocery stores will be required to use a private hauler.

H. Doctors' Clinics and Retail Stores other than Grocery will be charged Twenty and 00/100 dollars ($20.00) per month. Any business(es) with over Four Thousand (4,000) square feet will be required to use a private hauler.

I. Food handling establishments will be required to use a private hauler.

J. Motels will be required to use a private hauler.

K. Laundromats will be charged a base rate of Thirty-five and 00/100 dollars ($35.00) per month.

L. Car sales with repair facilities will be charged a base rate of Thirty-five and 00/100 dollars ($35.00) per month.

M. Car sales without repair facilities will be charged a base rate of Twenty and 00/100 dollars ($20.00) per month.

N. Service stations and auto repair shops will be charged a base rate of Twenty-five and 00/100 dollars ($25.00) per month.

0. Nursing homes will be required to use a private hauler.

(Ord. 637 Sec. 1, 1981; Ord. 842 Sec. 1, 1987; Ord 939 Sec. 1, 1991; Ord. 1109 Sec. 1, 1998)

8.020.030 Method of billing

All customers shall be billed through the billing and collection system of the Jacksonville Water Department.
(Ord. 150 Sec. 2(B), 1964; Ord. 1109, 1998)

8.020.040 Delinquent penalty

In the event established user fees are not paid promptly when due and a Thirty day default exist, there shall be a penalty assessed against said account of a minimum of ten percent (10%) of the outstanding balance levied in addition to the original outstanding balance. Said penalty shall become a part of and be collected with the regular fees.
(Ord. 150 Sec. 3(part), 1964; Ord. 1109, 1998)

8.20.050 Delinquent penalty and fees-Failure to pay-Civil suit

Should the Penalty and fees provided for be unpaid for a period of sixty (60) days from the time the first fee became due, the Water Department's Collection Department is authorized to institute civil suit for the recovery of any outstanding balance(s) due on said delinquent accounts, together will all applicable penalties, court cost, and appropriate charges. (Ord. 150 Sec. 3(part), 1964; Ord. 1109, 1998)

8.20.060 Frequency of Collection - Duty of Occupant

Garbage shall be collected by the City Sanitation Department Two (2) times per week, with the exception of week(s) that contain holidays. During such week(s) containing holidays, only one (1) collection of garbage may occur. Yard waste shall also be collected by the City Sanitation Department a minimum of one (1) time per week, with the exception of the last full week of each month. On the last full week of each month, bulky items will be collected instead of yard waste. It is the duty of dwelling occupant(s) to have garbage, yard waste, bulky items, and recyclables on their respective premises properly placed in approved containers (if required) available for collection on and at the appropriate date(s) and time(s). (Ord. 639 Sec. l, 1981; Ord. 1109, 1998)

8.20.070 Containers - Size and Construction - Placement

Garbage containers or receptacles shall be water tight and constructed of a solid and durable grade of metal or plastic material. All containers (except plastic bags) shall be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle, and shall not exceed thirty (30) gallons.

The container shall not contain any inside structures, such as bands of reinforcing angles or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated or that have become damaged to the extent that they have jagged or sharp edges capable of causing injury to Sanitation service employees or other persons whose duty it is to handle such containers shall be condemned by the City of Jacksonville. If such containers are not replaced after notice to the owner or user, such containers will be removed along with the contents thereof.

Plastic bags shall be constructed of a material and in a manner to hold the contents without bursting or splitting during handling. All plastic bags shall be secured at the top to prevent spillage Metallic garbage cans with tight-fitting covers are permissible for businesses and shall not be larger than Fifty-five (55) gallons capacity. (Ord. 639 Sec. 1, 1981; Ord. 1109, 1998)

8.20.080 Landfill

The landfill utilized by the City will be designated by the City Council from time to time. (Ord. 639 Sec.1, 1981; Ord. 1109, 1998)

8.20.120 Unlawful Acts

The commission of any of the following acts is a nuisance. Any person who is convicted of having committed either one or more acts in guilty of a misdemeanor and shall be fined in a sum not to exceed five-hundred dollars ($500.00):

A. Emptying the contents of any garbage container in any alley, public street, vacant lot or any other place not provided for such use.

B. Uncovering and leaving uncovered the contents of any garbage container containing garbage, thereby permitting flies to have access to the same.

C. Disturbing the contents of any garbage container located within the City whether anything is taken therefrom or not.

D. Removing the contents of any City recycling bin(s) except by or as authorized by City employees, officials, or agents.

(Ord. 639 Sec. 1(part), 1981; Ord. 1109, 1998)

8.20.140 Private Hauling Contract

In the event any business elects to contract with a private hauler for the disposal of all its solid waste materials, then said business shall notify the City Sanitation Superintendent. Until such notice is received, the City will continue to bill said business(es). (Ord. 639 Sec.1(Part), 1981; Ord. 1109, 1998)

8.20.150 Regulating the Collection of Solid Waste from Residences and Duplexes

It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers, at the place designated by the Sanitation Superintendent and comply with the following provisions for collection of municipal solid waste:

A. All collection of solid waste materials from residences or duplexes shall be by the City of Jacksonville Sanitation Department crews. Such services shall not be performed through any other person, business, entity, or operation;

B. All containers shall be placed just behind the curb line of the street abutting such property, but shall not be placed in the street or on the sidewalk, or in any manner placed where the containers will interfere with vehicular or pedestrian traffic.

C. Where garbage is collected from the front or side street, container(s) shall be placed in the designated location no earlier than six o'clock (6:00 p.m.) of the afternoon preceding the collection day and no later than seven o'clock (7:00 a.m.) the morning of collection. Container(s) must be removed to a point at the side or rear of the structure no later than eight o'clock (8:00 a.m.) of the morning following collection. Plastic bags containing food waste or other attractants should not be placed on the curb overnight so as to prevent animals form tearing open the bags and spreading the garbage.

D. Yard waste and bulky items will be collected from the street. It shall be placed just behind the curb line of the street abutting the premises but shall not be placed in the street or on the sidewalk in such a manner as to obstruct or interfere with vehicular or pedestrian traffic;

E. Yard waste must be separated from all other garbage and bulky items. Yard waste piles will not contain any plastic, metal, building materials, paper or other items with the exception of plastic bags, containing leaves and grass clippings. Leaves and grass clippings are not required to be bagged, and citizens are urged not to do so:

F. The City of Jacksonville Sanitation Department will not retrieve yard waste or bulky items from apartments, institutions and commercial establishments that engage private haulers to dispose of their solid waste.

G. When the quantity of yard waste set out for collection is excessive the City Sanitation superintendent shall determine the amount of yard waste to be collected at any one (1) time the day of its collection, and other matters pertaining to yard waste collection in order not to disrupt normal service to other customers.

H. Elderly and/or physically disable residents unable to place their containers at curbside can request assistance. For those eligible, the Sanitation worker will collect container(s) from the front or side of the residence, carry them to the curbside and empty said container, and return the container(s) to their former location. Any person who believes he/she qualifies for this service should contact the Sanitation Department for registration. The City Sanitation Superintendent and/or his designated representative will investigate each application. When a determination that such service is justified, the appropriate collection crew will be notified to render special pickup at no extra charge.

I. Where the quantity of brush set out for collection is excessive, the Director of Sanitation shall determine the amount of brush to be collected at any one time, the day of its collection and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.

J. For those residents who are elderly or physically handicapped and are not able to place their containers on the curb, the Sanitation workers will collect their containers and carry them to the curbside. Any person who feels he/she qualifies for this service should contact the Sanitation Department. The Sanitation Director or his designated representative will investigate each case and when it has been determined that such service is justified, the appropriate collection crew will be notified to render special pickup at no extra charge.

(Ord. 640 Sec. 1, 1981; Ord. 1109, 1998)

8.20.160 Regulating Collection and Removal of Dead Animals

The bodies of dead animals shall not be placed in solid waste containers or in any street, alley, easement, or public way. The collection and removal of dead animal bodies is a service provided by the City of Jacksonville Animal Shelter and shall be furnished upon request or notification by any interested party.

(Ord. 639 Sec. 1(part), 1981; Ord. 1109, 1998)

8.20.170 Solid Waste Materials Not Handled by the Sanitation Department

The scope of the service rendered by the Sanitation Department of the City of Jacksonville in the collection and removal of solid waste materials is intended, in general, to serve the needs of residences, dwelling units, operating businesses and commercial establishments except as exempted from the provisions of this Chapter. It is considered to be beyond the scope of service to collect or remove solid waste materials generated by removal of trees, or the clearing, construction, and/or demolition of property and other such solid waste materials resulting therefrom as action beyond the scope as described above.

Solid waste materials which will not be collected and removed by the Sanitation Department of the City of Jacksonville as a regular service include: concrete, stumps, root, masses, rocks, scrap building materials, or other trash resulting from the construction, remodeling, or destruction of house(s) or building(s). Trees, brush, and/or debris cleared from vacant property or property in preparation for construction or occupancy shall not be collected and removed by the City as a regular service, and these materials must be removed at the expense of the owner or developer within a reasonable time. (Ord. 639 Sec. 1(part), 1981; Ord. 1109, 1998)

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04	**State Criminal Code**
9.08	**Curfew of Minors**
9.12	**Discharge of Firearms**
9.16	**Emergency Curfew**
9.20	**RESERVED**
9.24	**The Arkansas Hot Check Law**
9.28	**Fair Housing Code**
9.32	**Prohibition of Harmful Materials to Minors**
9.36	**Loud and Raucous Sounds (noise)**
9.38	**False Alarms - Nuisance**
9.40	**Historic Preservation**
9.50	**Additional Fee for traffic & criminal warrants**

Chapter 9.04

STATE CRIMINAL CODE

Sections:

9.04.010 Adopted
9.04.020 Penalties

9.04.010 Adopted

The criminal laws of the State of Arkansas as defined and set forth in Arkansas Code Annotated, 1987, as subsequently amended by the Acts of the General Assembly of the State of Arkansas, are adopted and enacted as the criminal laws for the City.
(Ord. 320 Sec. 1, 1974)

9.04.020 Penalties

The same penalties as set forth in the aforesaid statutes of the State of Arkansas for violation of criminal laws of the State of Arkansas are enacted and adopted by the City.
(Ord. 320 Sec. 2, 1974)

Chapter 9.08

CURFEW OF MINORS

Sections:

9.08.010 Established
9.08.020 Definitions
9.08.030 Curfew of Juveniles
9.08.040 Exceptions
9.08.045 Defense from School Hours Curfew Violations
9.08.050 Parental Responsibility
9.08.060 Enforcement Procedures
9.08.070 Penalties
9.08.080 Construction
9.08.090 Dates of Operation

9.08.010 Established

Ordinance 547, Section 1, 1979 is hereby repealed in its entirety by Ordinance 958, 1991.

9.08.020 Definitions

For the purposes of this Ordinance the following terms, phrases, words, and derivations thereof shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "Shall" is mandatory.

(a) **Juvenile** - Any person under the age of eighteen (18).

(b) **Parent** - Any person having custody of a juvenile: i] as a natural or adoptive parent: ii] as a legal guardian: iii] as a person who stands in loco parentis: and/or, iv] as a person to whom legal custody has been given by order of a court of competent jurisdiction.

(c) **Remain** - To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or of interacting minors) totaling three (3) or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes poses such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined below so that this not a mere prohibition of the presence of juveniles. More and more exceptions become available with increasing years and advancing maturity as are appropriate.

(d) **Street** - A place or way, of whatever nature, open to use by the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term "street" includes that legal right of way including, but not limited to, traffic lanes, curbs, sidewalks (paved or unpaved), and any grass, plots, or other grounds found within the legal right-of-way of a street. The term "street" shall apply irrespective of what it be called or formally named, whether alley, avenue, court, road, or otherwise. The term 'street' also includes shopping centers, parking lots, parks, playgrounds, public buildings, common areas of public housing developments, and similar areas that are open for use by the public.

(e) **Time of Night** - Referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Day-light Savings Time. Prima facie evidence of such shall be the time observed in the Jacksonville Police Station.

(f) **Years of Age** - Continues from one birthday to the next one, but does not include the day of the juvenile's eighteenth (18th) birthday, Seventeen (17) or less years of age shall be treated as equivalent to the phrase "under eighteen (18) years of age".

(Ord. 958, Sec. 1, 1991)

9.08.030 Curfew for Juveniles

(1) It shall be unlawful for any person under Eighteen (18) years of age to be or remain in or upon the streets, public parks, playgrounds, vacant lots, or to ride and/or drive in or upon, over, or through the public streets and/or public parks within the City of Jacksonville at night during the period ending at 5:00 a.m. and beginning:

(a) **12:00 midnight on Friday and Saturday nights;**
11:00 p.m. on Sunday nights; and,

(b) **10:00 p.m. on all other nights.**

(2) It shall be unlawful for any person under Eighteen (18) years of age to be or remain in or upon the streets, public parks, playgrounds, vacant lots, or to ride and/or drive in or upon, over, or through the public streets and/or public parks within the City of Jacksonville during the hours of 8:30 a.m. and 2:30 p.m. when the public schools are in session.

(Ord. 958, Sec. 2, 1991; Ord. 1351 Sec. 1, 2008)

9.08.040 Exceptions

(1) In the following situations, a minor on a city street during prohibited hours prescribed above for minors shall not, however, be considered in violation of the terms of this Curfew Ordinance:

(a) When accompanied by a parent of such minor; or,

(b) When accompanied by an adult, at least Twenty-one (21) years of age, who is not the parent but who is authorized by the parent of such minor to take said parent's place in accompanying the minor for a designated period of time, for a designated purpose, and within a specified area: or,

(c) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of such exercise by first delivering to the person designated by the Chief of Police to receive such information at the Police Department on Main Street, a written communication signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number. Said document shall specify when, where, and in what manner the juvenile will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right; or,

(d) In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent(s) and juvenile(s), shall be admissible evidence; or,

(e) When returning home from and within One (1) hour after termination of a school or city sponsored activity or from an activity of a religious or other voluntary association. Prior notice of said event, indicating the place and probable time of termination, shall have been given by the sponsor of said event to and duly filed for immediate reference by the person designated by the Chief of Police on duty at the police station. This act shall encourage, as in other exceptional situations, responsible conduct on the part of juveniles involved in such activities and shall strike a fair balance for any conflicting interests that may exist; or,

(f) When engaging in the duties of bona fide employment or from traveling directly, without undue delay or detour, to and from/from and to home to the place of employment: or,

(g) When the minor is in a motor vehicle for the purpose of interstate travel and/or commerce, either proceeding through, beginning, or ending in Jacksonville; or,

(h) At any time the minor is on a parentally approved errand or leaving his/her residence or school because of an emergency; or,

(i) If the hours of operation for his/her school are different from the hours cited above, the time between the normal start time and normal dismissal time for students at the school where the minor is registered.

(Ord. 958 Sec. 3, 1991; Ord. 1351 Sec. 2, 2008)

9.08.045 Defense from School Hours Curfew Violations

With respect to the hours between 8:30 a.m. and 2:30 p.m. on Monday through Friday only, it is a defense that the public or private school which the minor attends is not in session, that the minor is being home-schooled in accordance with Arkansas law and a recess has been declared by the home-school teacher, that the minor is a high school graduate or has an equivalent certification, or that the minor is on an excused absence from his/her place of schooling. However, a disciplinary suspension or expulsion from his/her school is not deemed an excused absence for purposes of this Code.

(Ord. 1351 Sec. 3, 2008)

9.08.050 Parental Responsibility

It shall be unlawful for a parent of a juvenile to permit or allow said juvenile to be in or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Curfew Ordinance. This Ordinance is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities, conduct, or whereabouts of such juvenile.

(a) Police procedures shall be refined in light of experience and may allow that a police officer may deliver to a parent or guardian a juvenile under appropriate circumstances and conditions.

(b) When a parent or guardian arrives to take charge of the juvenile and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of said juvenile, the juvenile shall be released in accordance with Arkansas and federal law.

(c) In the case of a first violation by a juvenile, the Police Department shall, by certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of the terms of this Curfew Ordinance, including enforcement of parental responsibility and of the applicable penalties thereof.

(Ord. 958 Sec. 4, 1991)

9.08.060 Enforcement Procedures

If a police officer reasonably believes that a juvenile is on the streets in violation of this Curfew Ordinance, the officer shall notify the juvenile that he or she is in violation of the Ordinance and shall require the juvenile to provide his or her name, address, and telephone number, along with the necessary information to contact the juvenile's parent or guardian.

In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. 958 Sec. 5, 1991)

9.08.070 Penalties

(a) If, after issuance of the first warning notice pursuant to Section Four of a first violation by a juvenile, a parent violates the terms of this Ordinance (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than $100.00 nor more than $500.00, for each offense. Each time the juvenile is cited for violation constitutes a separate offense.

(b) Any juvenile who violates any of the provisions of this Curfew Ordinance more than three (3) times shall be reported by the Chief of Police to juvenile authorities as a juvenile in need of supervision. The Chief of Police shall then refer the matter to the Pulaski County Prosecuting Attorney, the Arkansas Department of Human Services, and/or any other appropriate authorities to insure assistance/guidance is given to said juvenile.

(Ord. 958 Sec. 6, 1991)

9.08.080 Construction

Severability is intended throughout and within the provisions of this Curfew Ordinance. If any provision, including any exception, part, phrase, term, or application thereof, is held invalid, application to other persons or circumstances shall not be affected thereby and validity of this Curfew Ordinance in any and all other respects shall not be affected thereby. (Ord. 958 Sec. 7, 1991)

9.08.090 Dates of Operation

In order to allow implementation of administrative procedures and requirements of this Ordinance by the Police Department, the first date and time of the Daytime Curfew provisions cited above shall be Monday, the Third day of November, 2008, at 8:30 a.m. The provisions of the Nocturnal Curfew, having been in effect since 1991, shall remain and continue to be in effect, as amended, from enactment of this Ordinance. (Ord. 958 Sec. 8, 1991; Ord. 1351 Sec. 4, 2008)

Chapter 9.12

DISCHARGE OF FIREARMS

Sections:

9.12.010 Prohibited

9.12.010 Prohibited

No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description or fire, set off or explode any squids, firecrackers, torpedoes, bombs, Roman candles or other things containing powder or combustible or explosive material within the corporate limits of the City. It is unlawful for any person to discharge any air rifle, BB gun, pellet gun, pellet rifle or any type or types of rifles or pistols using C02 pellets or compressed air as a propellant within the city limits.
(Amendment No. 1 to Ord. 7, 1958; Ord. 7 Sec. 1, 1946)

Chapter 9.16

EMERGENCY CURFEW

Sections:

9.16.010 Imposition - Mayoral authority
9.16.020 Violation of curfew prohibited

9.16.010 Imposition - Mayoral authority

The Mayor, any time a condition which is in his judgment a civil disturbance, riot, insurrection or time of local disaster has arisen or is imminent, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency; provided however, such curfew shall not extend for over a period of forty-eight hours unless extended by a majority vote of the members of the governing body. (Ord. 194 Sec. 1, 1967)

9.16.020 Violation of curfew prohibited

No person or persons shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business for the City or State, in any area or areas designated by the Mayor as curfew areas in the City during the time of any declared emergency. (Ord. 194 Sec. 2, 1967)

Chapter 9.20

RESERVED

Chapter 9.24

THE ARKANSAS HOT CHECK LAW

Sections:

9.24.010 Adopted
9.24.020 Penalties
9.24.030 City Attorney to prosecute

9.24.010 Adopted

"The Arkansas Hot Check Law", as defined and set forth in Arkansas ACA 5-37-301 et. seq. as subsequently amended by the Acts of the General Assembly of the State of Arkansas, is adopted and enacted as the law of the City as fully as if set out here in its entirety.
(Ord. 531 Sec. 1(part), 1979)

9.24.020 Penalties

The same misdemeanor penalties as set forth in the statutes of the State, as mentioned in Section 9.24.010, for violation of "The Arkansas Hot Check Law" are enacted and adopted by the City.
(Ord. 531 Sec. 1(part), 1979)

9.24.030 City Attorney to prosecute

It shall be the responsibility of the City Attorney to prosecute such offenses occurring within the City as long as same are misdemeanors.
(Ord. 531 Sec.1 (part), 1979)

Chapter 9.28

FAIR HOUSING CODE

Sections:

9.28.010 Policy
9.28.020 Definitions
9.28.030 Discrimination in the Sale or Rental of Housing
9.28.040 Discrimination in the Financing of Housing
9.28.050 Discrimination in the Provision of Brokerage Services
9.28.060 Exemption
9.28.070 Administration
9.28.080 Education and Conciliation
9.28.090 Enforcement
9.28.100 Enforcement by Private Persons
9.28.110 Enforcement by City Attorney
9.28.120 Cooperation with State and Other Agencies Administering Fair Housing Laws
9.28.130 Interference, Coercion, or Intimidation
9.28.140 Appropriations
9.28.150 Exhibits
9.28.160 General Penalty

9.28.010 Policy

It is the policy of the City Jacksonville, Arkansas to provide, within constitutional limitations, for fair housing throughout the community's jurisdiction. (Ord. 602 Sec. 1(part), 1980)

9.28.020 Definitions

The following words and phrases shall for the purpose of this chapter have the following meanings:

A. **"Officer"** means the Mayor or his duly authorized representative for the City of Jacksonville, Arkansas.

B. **"Dwelling"** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

C. **"Family"** includes a single individual.

D. **"Person"** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

E. **"To Rent"** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

F. **"Discriminatory Housing Practice"** means an act that is unlawful under Section 9.28.030, 9.28.040 and 9.28.050.

G. **"City"** means the corporate jurisdiction of the City of Jacksonville, Arkansas.

(Ord. 602 Sec. 1(part), 1980)

9.28.030 Discrimination in the Sale or Rental of Housing

It shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status, or disability;

B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status, or disability;

C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or disability or an intention to make any such preference, limitation, or discrimination;

D. To represent to any person because of race, color, religion, sex, national origin, familial status, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or disability;

F. Nothing in this subsection (other than Subsection C.) shall apply to:

1. Any single-family house sold or rented by any owner: Provided, that such private individual owner does not own more than three such single-family houses at any one

time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: provided further, that the sale or rental of any such single-family house shall be excepted from the application of this Code only if such house is sold or rented **(A)** without the use in any manner of the sale of rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and **(B)** without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this section of this Code; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or;

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

G. For the purposes of Subsection F, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. He has within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.040 Discrimination in the Financing of Housing

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in JMC § 9.28.030 (F.). (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.050 Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, access membership, or participation, on account of race, color, religion, sex, national origin, familial status, or disability.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.060 Exemption

Nothing in this Code shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in connection with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such person, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or disability. Nor shall anything in this Code prohibit a private club not in fact open to the public, which as an incidence to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.070 Administration

A. The authority and responsibility for administering this Code shall be in the duly authorized officer.

B. All city departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this Code and shall cooperate with the officer to further such purposes.

C. The duly authorized officer shall:

1. Obtain and distribute guidelines, reports, and information related to fair housing and community development practices;

2. Cooperate with and afford assistance to federal, state, local, and other public or private agencies, organizations, and institutions which are also formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

3. Administer all programs and activities relating to housing and community development in a manner affirmatively to further the policies of this Code.

(Ord. 602 Sec. 1(part), 1980)

9.28.080 Education and Conciliation

Immediately after the local adoption of this Code, the duly authorized officer shall commence such educational and conciliatory activities as in his judgment will further the purpose of this Code. Among activities considered appropriate to undertake are; calling of conferences of persons in the local housing industry and other interested parties to acquaint them with these provisions and the officers' suggested means of implementing this Code, and shall endeavor with their advice to work out programs of voluntary enforcement and compliance. The officer shall issue memorandums describing results and conclusions of such conferences and consultations, as he deems appropriate.

(Ord. 602 Sec. 1(part), 1980)

9.28.090 Enforcement

A. Any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the duly authorized officer. Complaints shall be in writing and shall contain such information and be in such form, as the officer requires. Upon receipt of such a complaint, the officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, the officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the

officer decides to resolve the complaint, he shall proceed to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Code without the written consent of the persons concerned. Any employee of the duly authorized officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00).

B. A complaint under Subsection A. shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If within thirty days after a complaint is filed with the officer, the officer has been unable to obtain voluntary compliance with this Code, the person aggrieved may, within thirty days thereafter, commence a civil action in any court of competent jurisdiction, against the respondent named in the complaint, to enforce the rights granted or protected by this Code, in so far as such rights relate to the subject of the complaint.

D. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

E. Whenever an action filed by an individual, shall come to trial, the duly authorized officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058, (part) 1996)

9.28.100 Enforcement by Private Persons

A. The rights granted by Sections 9.28.030, 9.28.040, and 9.28.050 may be enforced by civil action in appropriate courts of competent jurisdiction without regard to the amount in controversy. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or Section 9.28.090 C. from time to time before bringing it to trial if the court believes that the conciliation efforts of the officer are likely to result in satisfactory settlement of the discriminatory housing practice

complained of in the complaint made to the officer and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Code and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing complaint or civil action under the provisions of this Code shall not be affected.

B. Upon application by the plaintiff and in such circumstances as the court may deem just, a court in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security.

C. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award actual damages and not more than One Thousand Dollars ($1,000.00) punitive damages, together with court costs.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.110 Enforcement by the City Attorney

Whenever the City Attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this Code, or that any group of persons has been denied any of the rights granted by this Code and such denial raises an issue of general public importance, he may bring a civil action in any court of competent jurisdiction by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this Code. (Ord. 602 Sec. 1(part), 1980)

9.28.120 Cooperation with State and Other Agencies Administering Fair Housing Laws

The duly authorized officer may cooperate with state and other agencies charged with the Administration of State and other fair housing laws, and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this Code. In furtherance of such cooperative efforts, the officer may enter into written agreements with such state or other agencies.

(Ord. 602 Sec. 1(part), 1980)

9.28.130 Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his

having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 9.28.030, 9.28.040 or 9.28.050. This section of the Code may be enforced by appropriate civil action.
(Ord. 602 Sec. 1 (part), 1980)

9.28.140 Appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Code.
(Ord. 602 Sec. 1(part), 1980)

9.28.150 Exhibits

Attached hereto and incorporated herein as part of this Code is an exhibit entitled, Appendix A - Fair Housing Procedures - These procedures are substantially the same as those promulgated by the Department of Housing and Urban Development and which are acceptable procedures established by the assistant secretary for equal opportunity in the Department of Housing and Urban Development for carrying out responsibilities with respect to complaints filed under applicable sections and title of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3610. This exhibit sets forth guidelines, which are hereby to be used by the City, which show: (1) Procedures for enforcement of complaints against discriminatory housing practices; and (2) Procedures to rectify discriminatory housing practices.
(Ord. 602 Sec. 1(part), 1980)

9.28.160 General Penalty

Any violation of this Ordinance which section does not provide for a specific penalty shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00).
(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

Chapter 9.32

PROHIBITIONS OF HARMFUL MATERIAL TO MINORS

Sections:

9.32.010 Definitions
9.32.020 Disseminating Matter Harmful to Minors
9.32.030 Unlawful Exhibition or Display of Harmful Materials to Minors
9.32.040 Deception to Obtain Matter Harmful to Minors
9.32.050 Presumption and Evidence of Knowledge
9.32.060 Severability
9.32.070 Enhanced Punishment for Repeat Defenders

9.32.010 Definitions

As used in this chapter, unless the context clearly indicates otherwise:

A. **"Harmful to minors"** includes any material or performance, whether through pictures, photographs, drawings, writings, cartoons, recordings, telephonic transmissions, films, video tapes or other such medium, which shall be "harmful to minors" if the following apply:

1. The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest of minors in sex.

2. The material or performance depicts or describes sexually explicit nudity, sexual conduct, sadomasochistic sexual abuse or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors.

3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

B. **"Minor"** means any person under the age of eighteen (18) years.

C. **"Person"** means any individual, corporation, cooperative, company, partnership, firm, association, joint venture, business, establishment, organization or other legal entity of any kind.

D. **"Prurient"** means a lascivious, unhealthy, degrading, shameful, or morbid interest in sexual conduct, sexually explicit nudity, sadomasochistic sexual abuse or lewd exhibition of the genitals. Materials or performances may be deemed to appeal to the prurient interest when they have a tendency to excite lascivious thought or desires or when they are designed, marketed, promoted or disseminated to cater or appeal to such an interest. Where the material or performance is designed for and primarily disseminated or promoted to a clearly defined deviant sexual group, rather than the public at large, the prurient-appeal requirement is satisfied if the dominant theme of material or performance, taken as a whole, appeals to the prurient interest in sex of the members of that intended and probable recipient group.

E. The definitions contained in ACA 5-68-501 are hereby incorporated herein by reference and made a part of the Ordinance as if set forth herein word for word.

9.32.020 Disseminating Matter Harmful to Minors

A. No person, with knowledge of its character, shall promote or otherwise furnish or present to a minor any material or performance which is obscene or harmful to minors, or possess or control any such materials with the purpose or intent to violate this chapter.

B. The following are affirmative defenses to a charge under this chapter, involving material or performance which is obscene or harmful to minors:

1. The defendant is the parent, lawful guardian or spouse of the minor involved.

2. The material or performance as promoted or otherwise furnished or presented to the minor for a bona fide medical, psychological, judicial or law enforcement purpose by a physician, psychologist, judge, prosecutor or law enforcement officer.

C. A person who violates this chapter is guilty of Disseminating Matter Harmful to Minors. If the material or performance involved is harmful to minors but not obscene, violation of this chapter is a class B misdemeanor. If the material or performance involved is obscene, violations of this chapter are a class A misdemeanor.

9.32.030 Unlawful Exhibition or Display of Harmful Materials to Minors

A. No person, having custody, control or supervision of any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do any of the following:

1. Visibly display exhibit, or otherwise expose to view in that part of the premises, business, or commercial establishment, where a minor is or may be allowed, permitted, or invited as part of the general public or otherwise, any material which is harmful to minors. Specifically, adult magazines shall have all but the top part, displaying the name of the magazine only, covered and out of the reach of minors. In addition, videotape covers of movies that may have material contained therein, which are harmful to minors, are not in and of themselves illegal. Only if the videotape cover is in and of itself harmful to minors, then the display of said cover in open view would be a violation of this chapter. This does not authorize the display, exhibition or exposure to public view of any material, which is obscene under State or local law.

2. Hire, employ, or otherwise place, supervise, control or allow in any business or commercial establishment or other place, any minor under circumstances which would cause, lead, or allow such minor to engage in the business or activity of promoting or otherwise handling such material which is harmful to minors, either to or for adults or minors.

B. Following are affirmative defenses to a charge under this chapter:

1. The minor exhibited to the defendant or his agent or employee a draft card, driver's license, birth certificate, marriage license or other governmental or educational document purporting to show that such minor was eighteen (18) years of age or over, and the person to whom such document was exhibited did not otherwise have reasonable cause to believe that such minor was under the age of eighteen (18) and did not rely solely upon the oral allegations or representations of the minor as to his or her age or as to the knowing consent of the minor's parent or lawful guardian.

2. At the time the material was visibly displayed or otherwise furnished or presented to the minor involved, a parent or lawful guardian of such minor, with knowledge of its character, accompanied the minor or consented to the material being visibly displayed or otherwise furnished or presented to the minor.

3. The defendant is the parent, lawful guardian or spouse of the minor involved.

C. A person who violates subdivision (1) of this subchapter (a) of this chapter is guilty of Displaying Harmful Materials to minors, a class B misdemeanor. Whoever violates subdivision (2) of subchapter (a) of this chapter is guilty of Unlawfully Employing a Minor, a class A misdemeanor.

9.32.040 Deception to Obtain Matter Harmful to Minors

A. No person, for the purpose of enabling a minor to obtain any material or gain admission to any performance, which is obscene or harmful to minors, shall do either of the following:

1. Falsely represent that he or she is the parent, guardian or spouse of such minor.

2. Furnish such minor with any identification or document purporting to show that such minor is eighteen (18) years of age or over.

B. No minor, for the purpose of obtaining any material or gaining admission to any performance, which is harmful to minors, shall do either of the following:

1. Falsely represent that he or she is eighteen (18) years of age or over.

2. Exhibit any identification or document purporting to show that he or she is eighteen (18) years of age or over.

C. A person who violates this chapter is guilty of Deception to Obtain Matter Harmful to Minors, a class A misdemeanor.

9.32.050 Presumption and Evidence of Knowledge

A. An owner or manager, or his agent or employee, of a bookstore, newsstand, theater, distributing firm, warehouse or other commercial establishment engaged in promoting materials or performances or distributing or handling materials for promotion or wholesale promotion, may be presumed to have knowledge of the character of the material or performance involved if he or she has actual or constructive notice of the nature of such material or performance, whether or not he or she has precise knowledge of its contents.

B. In any prosecution or action under this chapter knowledge of the character of the material or performance involved may be proven by direct or circumstantial evidence, or both.

9.32.060 Severability

If any provision of this chapter, including any part, phrase, or word of any chapter, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable. It is the purpose of this chapter to comply with constitutional and police power limitations and this chapter shall be interpreted and construed to adopt or change in compliance with controlling court decisions.

9.32.070 Enhanced Punishment for Repeat Offenders

If any offender is convicted of a violation of any chapter of this Ordinance, then upon any repeat conviction, the fine shall be double the maximum fine allowed for violation of that classification of misdemeanor, with a maximum of one thousand and 00/100 dollars ($1,000.00) per offense.
(Ord. 862, 1987)

TITLE 9 FOOTNOTES

1. For statutory provisions authorizing adoption of technical codes by reference, see ACA 14-55-207; for provisions defining the state criminal code as such a technical code, see ACA 14-55-207.

2. For statutory provisions relating to the right of citizens to keep firearms, see Const. Art. 2, Section 5; for provisions governing weapons generally, see ACA 14-55-207.

3. For statutory provisions empowering the Mayor to suppress disorder and keep the peace, see ACA 14-43-504.

4. For statutory provisions making it unlawful to drive over unprotected fire hose, see ACA 14-43-504.

Chapter 9.36

EMISSION OF LOUD AND RAUCOUS SOUNDS

Sections:

9.36.010 Terms of Violation
9.36.020 Acts Declared Loud and Raucous Noise
9.36.030 Prima Facie Evidence
9.36.040 Exemptions
9.36.050 Enforcement and Penalties

9.36.010 Terms of Violation

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which terms shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the city limits of the City of Jacksonville.

Application of these terms shall be limited to loud and raucous noise heard upon the public streets, public parks, any school, public buildings or grounds thereof, any church, hospital, or grounds thereof, any parking lot open to members of the public as invitees or licenses, or any occupied residential unit or grounds not located at the source of the noise. (Ord. 1249, 2005)

9.36.020 Acts Declared Loud and Raucous Noise

a) Horns and Warning Devices The sounding of any horn(s) warning device(s) on any automobile, motorcycle, business, motorized vehicle or other such device, except when used as a danger signal. The use of any such signaling device for any unreasonable period of time may also constitute a violation if not being utilized as a warning device during an emergency.

b) Radios, Stereos, and Musical Devices/Instruments The playing of any radio, stereo, musical instrument, or other musical device designed to produce or reproduce sound in such a manner or with such volume, as to disturb the quiet or comfort of persons in any residence, office, hospital, dwelling, hotel, or of any person(s) in the vicinity. The operation of any such instrument, machine, or device between the hours of 11:00 p.m. and 6:30 a.m. in such a manner as to be plainly audible at a distance of Fifty (50) feet from the building, structure, or vehicle in which the sound originates or reaches a minimum of Seventy (70) decibels or more from a distance of Twenty (20) feet shall be primia facie evidence of a violation of this Ordinance.

c) Singing, Shouting, Speaking Yelling, shouting, speaking, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 6:30 a.m., or at any time or place so as to annoy or disturb the quiet or comfort of persons in any residence, office, hospital, or in any dwelling, hotel, or of any person(s) in the vicinity shall be prima facie evidence of a violation of this Ordinance.

d) Vehicle(s) The use of any automobile, motorcycle, or other motor vehicle in such a condition or state as to create loud and unnecessary grating, grinding, rattling, or other extreme noise(s), particularly but not limited to the hours of 11:00 p.m. through 6:30 a.m., shall be prohibited.

e) Dumpsters, Trash Retrieval, and Commercial/Industrial Operations. The loading, unloading, operation, or repairing of any commercial dumpsters, personal trash containers, commercial or industrial equipment during the hours of 11:00 p.m. and 6:30 a.m., which causes such a noise level as to annoy or disturb the quiet or comfort of person(s) in any residence, hospital, dwelling or hotel, shall be prohibited. (Ord. 1249, 2005)

9.36.030 Prima Facie Evidence

Prima facie evidence of any violation of this Ordinance shall be provided through testimony from parties witnessing/hearing the emission of loud or raucous noises from horns, signaling devices, radios, stereos, amplifiers, loud speakers, or other such distracting noise sources which exceed the level of Seventy (70) decibels from a distance of no less than Twenty (20) feet from the source of said noise. (Ord. 1249, 2005)

9.36.040 Exemptions

Exceptions to the terms of this Ordinance shall be those sounds or noises emitted for purposes to include, but not limited to, emergency vehicles, sirens, warning, church bells, train whistles, crossing alarms, school alarms, bells, and those noise(s) emitted for celebration purposes during civic, church, community, educational

activities, and national holidays. Further, warning devices or noise emitted during emergency situations by Government officials are exempted from application of the terms of this Ordinance.
(Ord. 1249, 2005)

9.36.050 Enforcement and Penalties

Any person who violates any provision of this Ordinance shall be cited into the Jacksonville District court by a Jacksonville Code Enforcement Officer(s) and/or a Jacksonville Police Officer(s). Said individual, business, or representative upon a plea or conviction thereof, shall be fined no less than Twenty-five and 00/100 Dollars ($25.00) and no more than Five Hundred and 00/100 Dollars ($500.00), together with court costs, and appropriate fees. Each time the terms of this Ordinance are violated shall constitute a separate offense.

In the event a person convicted of a violation of this Ordinance continues such conduct, said continuation shall constitute a nuisance. The Mayor, Chief of Police, City Engineer, or designated and authorized agent(s) thereof are authorized to take appropriate steps necessary to abate such a nuisance, to include but not be limited to filing charges and seeking proper orders from a District Court or Circuit Court of proper jurisdiction to adequately ensure such violations do not occur in the future.
(Ord. 974, 1992 Revised by Ord. 1249, 2005)

Chapter 9.38

FALSE ALARMS – NUISANCE

Sections:

9.38.010 Purpose
9.38.020 Violation
9.38.030 Definitions
9.38.040 Excessive False Alarms & Fee Assessment

9.38.010 Purpose

It shall be the purpose of this Chapter to appropriately assess the costs incurred in response of those who operate or own a private alarm system in or on a residential or business structure/property, which continually or repeatedly issues a false alarm.

9.38.20 Violation

It shall constitute a per se violation of the terms of this Ordinance when any subscriber has an alarm system which provides a false alarm more than three (3) times within any three (3) month period.

9.38.30 Definitions

Alarm System Any mechanical or electrical device that is arranged, designed or used to signal the occurrence within the City of a burglary, robbery, or other criminal offense, fire emergency, or

medical emergency requiring urgent attention to which police, fire, or other municipal personnel are expected to respond. Alarm system(s) include those through which public safety personnel and/or the police department are notified directly or indirectly [by way of third person(s) or party(ies) who monitor the alarm system(s) and who report such signal(s) to the Communications Center, Fire, or Police Department(s)]. It shall also include those systems designed to register an audio/visual signal so audible, visible, or in other ways perceptible outside a protected building structure or facility as to where the signal is located which in turn is cause for a reasonable person to notify emergency municipal officials of the signal. Alarm systems do not include those designed and affixed to vehicles, nor does it include auxiliary devices installed by telephone companies to protect telephone equipment or systems that may be damaged or disrupted by the use of an alarm system. Alarm system(s) in separate structures are to be considered as separate systems even though the systems may be owned by the same person(s) or entity(ies).

False Alarms An alarm signal eliciting a response by the Police or Fire Department when a situation requiring a response by the Police or Fire Department does not in fact exist.

False alarms shall not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions *will not* be considered false alarms: criminal activity or unauthorized entry into a structure, building, or property; an alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress; telephone line/communication transfer line malfunction verified in writing to the City by a first-line company supervisor; alarm equipment malfunction during installation and/or service rehabilitation as verified in writing by the alarm service/monitoring company; and, electrical service interruption verified in writing by the local power company.

Resident(s) or business(es) installing a new system or making substantial modification to an existing alarm system shall be entitled to a grace period during which alarms generated by the new or improved system shall not be deemed false alarms. Written verification of such installation/modification is required from the alarm service/installer. Such a grace period shall last no longer than fifteen (15) days after installation of or modification to an alarm system.

Exceptions will also be made for those circumstances when communication from property owner/manager and/or the alarm monitoring service to the 911 Communications Center *before* dispatch of a responding unit(s) occurs clearly indicating that the alarm resulted from authorized entry, authorized system testing, or other non-criminal/non-emergency cause(s). (Ord. 1292 Sec. 1, 2006)

EMISSION OF LOUD AND RAUCOUS SOUNDS

Response to Alarms Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by the police, fire, and/or another City department, municipal personnel on the scene of the activated alarm system shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm. If municipal personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a written report of the false alarm.
The Chief(s) of the Fire and/or Police or other City Department and/or their appointed designee(s) shall have the right to inspect any alarm system on the premises to which a response has been made, and he/she/they may cause an inspection of such system to be made at any reasonable time thereafter in circumstances indicating that the alarm is malfunctioning in some manner.

Subscriber Any person, firm, corporation, partnership, or entity that purchases, leases a contract for, or obtains an alarm system(s) and/or monitoring service(s).

9.38.40 Excessive False Alarms & Fee Assessment
A. In the instance that an alarm system produces three (3) false alarms in any three (3) month period, the Chief of Police or Fire Department Head, or their designated representative, shall provide written notice to the affected system subscriber. Said notice shall be sent by certified mail, and said subscriber shall be requested to take appropriate corrective action to prevent any additional false alarm(s) and enclosing a copy of this Ordinance. On a subsequent instance(s) of additional false alarm(s), written notice(s) shall be forwarded to said subscriber by certified mail. On subsequent instances of three (3) or more false alarms within a three (3) month period for a particular system, the Chief of Police or Fire Department Head or their designated representative shall cause said Subscriber to be billed in accordance with the fine schedule outlined herein;

B. Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in any three (3) month period, a fee of One Hundred Dollars ($100.00) per false alarm shall be assessed to the subscriber;

C. Upon any alarm system producing a seventh (7th), eighth (8th), or ninth (9th) false alarm in any three (3) month period, a fee of Two Hundred Fifty Dollars ($250.00) per false alarm shall be assessed to the subscriber;

D. Upon any alarm system producing ten (10) or more false alarms in any three (3) month period, a fee of Five Hundred Dollars ($500.00) per false alarm shall be assessed; and,

E. Refusal or failure of any subscriber to pay any fee assessment as provided herein shall result in issuance of a violation of the terms of this Ordinance. Should a subscriber be issued a citation by the Chief of Police or his authorized designee and be found guilty, plead guilty or plead no contest of said violation in the Jacksonville District Court, the subscriber shall be responsible to pay applicable court costs and be fined no less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00). Further, the Court shall direct that full payment of any outstanding fee assessments be paid to the City in full within a time designated by the Court. In the event the subscriber is a corporation, partnership, or other entity, the principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm initiates shall be responsible for payment of any fine assessments levied in accordance with this Ordinance.
(Ord. 1255, 2005)

Chapter 9.40

HISTORIC PRESERVATION

Sections:

9.40.010 Purpose
9.40.020 Retrieval of artifacts or memorabilia - Penalty
9.40.030 Vandalism of historic site - Penalty

9.40.010 Purpose It shall hereinafter be unlawful to remove any artifacts and/or memorabilia from federally designated historic sites within the city limits of Jacksonville. Use of location devices such as metal detectors is strictly prohibited.

9.40.020 Retrieval of artifacts or memorabilia - Penalty Unless authorized by the Mayor and/or his duly authorized agent(s) to retrieve such artifacts or memorabilia for display or historic preservation purposes, any person pleading guilty to, convicted of, or found guilty of such a violation shall be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00), together with applicable court costs.

9.40.030 Vandalism of historic site – Penalty It shall further be unlawful for any person to negligently, purposefully, or recklessly damage, deface, and/or destroy any markers, improvements, or other facilities at any federally designated historic site within the city limits. In the event any person pleads guilty to, is convicted of, or is found guilty of such a violation, he/she shall be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00), together with applicable court costs.
(Ord. 1279, 2006)

Chapter 9.50

WARRANT FEE

9.50 Warrant Fee

There shall be an assessment and collection of a Twenty-five Dollar ($25.00) warrant fee for each Warrant(s) and/or Order(s) of Arrest served by the Jacksonville Police Department issued from any Court of competent jurisdiction, including the Jacksonville District Court. Implementation of said fee shall begin for any such Warrant(s) and/or Order(s) of Arrest served on or after January 1, 2010

(Ord. 1390 Sec. 1, 2009)

Chapter 9.28

FAIR HOUSING CODE

Sections:

9.28.010	**Policy**
9.28.020	**Definitions**
9.28.030	**Discrimination in the Sale or Rental of Housing**
9.28.040	**Discrimination in the Financing of Housing**
9.28.050	**Discrimination in the Provision of Brokerage Services**
9.28.060	**Exemption**
9.28.070	**Administration**
9.28.080	**Education and Conciliation**
9.28.090	**Enforcement**
9.28.100	**Enforcement by Private Persons**
9.28.110	**Enforcement by City Attorney**
9.28.120	**Cooperation with State and Other Agencies Administering Fair Housing Laws**
9.28.130	**Interference, Coercion, or Intimidation**
9.28.140	**Appropriations**
9.28.150	**Exhibits**
9.28.160	**General Penalty**

9.28.010 Policy

It is the policy of the City Jacksonville, Arkansas to provide, within constitutional limitations, for fair housing throughout the community's jurisdiction. (Ord. 602 Sec. 1(part), 1980)

9.28.020 Definitions

The following words and phrases shall for the purpose of this chapter have the following meanings:

A. **"Officer"** means the Mayor or his duly authorized representative for the City of Jacksonville, Arkansas.

B. **"Dwelling"** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

C. **"Family"** includes a single individual.

D. **"Person"** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

E. **"To Rent"** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

F. **"Discriminatory Housing Practice"** means an act that is unlawful under Section 9.28.030, 9.28.040 and 9.28.050.

G. **"City"** means the corporate jurisdiction of the City of Jacksonville, Arkansas.

(Ord. 602 Sec. 1(part), 1980)

9.28.030 **Discrimination in the Sale or Rental of Housing**

It shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status, or disability;

B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status, or disability;

C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or disability or an intention to make any such preference, limitation, or discrimination;

D. To represent to any person because of race, color, religion, sex, national origin, familial status, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or disability;

F. Nothing in this subsection (other than Subsection C.) shall apply to:

1. Any single-family house sold or rented by any owner: Provided, that such private individual owner does not own more than three such single-family houses at any one

time: Provided further that in the case of the sale of any such single-family house by a private individual

owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: provided further, that the sale or rental of any such single-family house shall be excepted from the application of this Code only if such house is sold or rented **(A)** without the use in any manner of the sale of rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and **(B)** without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this section of this Code; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or;

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

G. For the purposes of Subsection F, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. He has within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.040 Discrimination in the Financing of Housing

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in JMC § 9.28.030 (F.). (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.050 Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, access membership, or participation, on account of race, color, religion, sex, national origin, familial status, or disability.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.060 Exemption

Nothing in this Code shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in connection with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such person, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or disability. Nor shall anything in this Code prohibit a private club not in fact open to the public, which as an incidence to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.070 Administration

A. The authority and responsibility for administering this Code shall be in the duly authorized officer.

B. All city departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this Code and shall cooperate with the officer to further such purposes.

C. The duly authorized officer shall:

1. Obtain and distribute guidelines, reports, and information related to fair housing and community development practices;

2. Cooperate with and afford assistance to federal, state, local, and other public or private agencies, organizations, and institutions which are also formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

3. Administer all programs and activities relating to housing and community development in a manner affirmatively to further the policies of this Code.

(Ord. 602 Sec. 1(part), 1980)

9.28.080 Education and Conciliation

Immediately after the local adoption of this Code, the duly authorized officer shall commence such educational and conciliatory activities as in his judgment will further the purpose of this Code. Among activities considered appropriate to undertake are; calling of conferences of persons in the local housing industry and other interested parties to acquaint them with these provisions and the officers' suggested means of implementing this Code, and shall endeavor with their advice to work out programs of voluntary enforcement and compliance. The officer shall issue memorandums describing results and conclusions of such conferences and consultations, as he deems appropriate.

(Ord. 602 Sec. 1(part), 1980)

9.28.090 Enforcement

A. Any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the duly authorized officer. Complaints shall be in writing and shall contain such information and be in such form, as the officer requires. Upon receipt of such a complaint, the officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, the officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the

officer decides to resolve the complaint, he shall proceed to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Code without the written consent of the persons concerned. Any employee of the duly authorized officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00).

B. A complaint under Subsection A. shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If within thirty days after a complaint is filed with the officer, the officer has been unable to obtain voluntary compliance with this Code, the person aggrieved may, within thirty days thereafter, commence a civil action in any court of competent jurisdiction, against the respondent named in the complaint, to enforce the rights granted or protected by this Code, in so far as such rights relate to the subject of the complaint.

D. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

E. Whenever an action filed by an individual, shall come to trial, the duly authorized officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058, (part) 1996)

9.28.100 Enforcement by Private Persons

A. The rights granted by Sections 9.28.030, 9.28.040, and 9.28.050 may be enforced by civil action in appropriate courts of competent jurisdiction without regard to the amount in controversy. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or Section 9.28.090 C. from time to time before bringing it to trial if the court believes that the conciliation efforts of the officer are likely to result in satisfactory settlement of the discriminatory housing practice

complained of in the complaint made to the officer and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Code and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing complaint or civil action under the provisions of this Code shall not be affected.

B. Upon application by the plaintiff and in such circumstances as the court may deem just, a court in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security.

C. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award actual damages and not more than One Thousand Dollars ($1,000.00) punitive damages, together with court costs.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.110 Enforcement by the City Attorney

Whenever the City Attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this Code, or that any group of persons has been denied any of the rights granted by this Code and such denial raises an issue of general public importance, he may bring a civil action in any court of competent jurisdiction by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this Code. (Ord. 602 Sec. 1(part), 1980)

9.28.120 Cooperation with State and Other Agencies Administering Fair Housing Laws

The duly authorized officer may cooperate with state and other agencies charged with the Administration of State and other fair housing laws, and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this Code. In furtherance of such cooperative efforts, the officer may enter into written agreements with such state or other agencies.

(Ord. 602 Sec. 1(part), 1980)

9.28.130 Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his

having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 9.28.030, 9.28.040 or 9.28.050. This section of the Code may be enforced by appropriate civil action.
(Ord. 602 Sec. 1 (part), 1980)

9.28.140 Appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Code.
(Ord. 602 Sec. 1(part), 1980)

9.28.150 Exhibits

Attached hereto and incorporated herein as part of this Code is an exhibit entitled, Appendix A - Fair Housing Procedures - These procedures are substantially the same as those promulgated by the Department of Housing and Urban Development and which are acceptable procedures established by the assistant secretary for equal opportunity in the Department of Housing and Urban Development for carrying out responsibilities with respect to complaints filed under applicable sections and title of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3610. This exhibit sets forth guidelines, which are hereby to be used by the City, which show: (1) Procedures for enforcement of complaints against discriminatory housing practices; and (2) Procedures to rectify discriminatory housing practices.
(Ord. 602 Sec. 1(part), 1980)

9.28.160 General Penalty

Any violation of this Ordinance which section does not provide for a specific penalty shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00).
(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

Chapter 9.38

FALSE ALARMS – NUISANCE

Sections:

9.38.010 Purpose.
9.38.020 Violation.
9.38.030 Definitions.
9.38.040 Excessive False Alarms & Fee Assessment.

9.38.010 Purpose

It shall be the purpose of this Chapter to appropriately assess the costs incurred in response of those who operate or own a private alarm system in or on a residential or business structure/property, which continually or repeatedly issues a false alarm.

9.38.20 Violation

It shall constitute a per se violation of the terms of this Ordinance when any subscriber has an alarm system which provides a false alarm more than three (3) times within any three (3) month period.

9.38.30 Definitions

Alarm System. Any mechanical or electrical device that is arranged, designed or used to signal the occurrence within the City of a burglary, robbery, or other criminal offense, fire emergency, or medical emergency requiring urgent attention to which police, fire, or other municipal personnel are expected to respond. Alarm system(s) include those through which public safety personnel and/or the police department are notified directly or indirectly [by way of third person(s) or party(ies) who monitor the alarm system(s) and who report such signal(s) to the Communications Center, Fire, or Police Department(s)]. It shall also include those systems designed to register an audio/visual signal so audible, visible, or in other ways perceptible outside a protected building structure or facility as to where the signal is located which in turn is cause for a reasonable person to notify emergency municipal officials of the signal. Alarm systems do not include those designed and affixed to vehicles, nor does it include auxiliary devices installed by telephone companies to protect telephone equipment or systems that may be damaged or disrupted by the use of an alarm system. Alarm system(s) in separate structures are to be considered as separate systems even though the systems may be owned by the same person(s) or entity(ies).

False Alarms. An alarm signal eliciting a response by the Police or Fire Department when a situation requiring a response by the Police or Fire Department does not in fact exist.

False alarms shall not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions *will not* be considered false alarms: criminal activity or unauthorized entry into a structure, building, or property; an alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress; telephone line/communication transfer line malfunction verified in writing to the City by a first-line company supervisor; alarm equipment malfunction during installation and/or service rehabilitation as verified in writing by the alarm service/monitoring company; and, electrical service interruption verified in writing by the local power company.

Resident(s) or business(es) installing a new system or making substantial modification to an existing alarm system shall be entitled to a grace period during which alarms generated by the new or improved system shall not be deemed false alarms. Written verification of such installation/modification is required from the alarm service/installer. Such a grace period shall last no longer than fifteen (15) days after installation of or modification to an alarm system.

Exceptions will also be made for those circumstances when communication from property owner/manager and/or the alarm monitoring service to the 911 Communications Center *before* dispatch of a responding unit(s) occurs clearly indicating that the alarm resulted from authorized entry, authorized system testing, or other non-criminal/non-emergency cause(s). (Ord. 1292 Sec. 1, 2006)

Response to Alarms. Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by the police, fire, and/or another City department, municipal personnel on the scene of the activated alarm system shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

If municipal personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a written report of the false alarm.
The Chief(s) of the Fire and/or Police or other City Department and/or their appointed designee(s) shall have the right to inspect any alarm system on the premises to which a response has been made, and he/she/they may cause an inspection of such system to be made at any reasonable time thereafter in circumstances indicating that the alarm is malfunctioning in some manner.

Subscriber. Any person, firm, corporation, partnership, or entity that purchases, leases a contract for, or obtains an alarm system(s) and/or monitoring service(s).

9.38.40 Excessive False Alarms & Fee Assessment.

A. In the instance that an alarm system produces three (3) false alarms in any three (3) month period, the Chief of Police or Fire Department Head, or their designated representative, shall provide written notice to the affected system subscriber. Said notice shall be sent by certified mail, and said subscriber shall be requested to take appropriate corrective action to prevent any additional false alarm(s) and enclosing a copy of this Ordinance. On a subsequent instance(s) of additional false alarm(s), written notice(s) shall be forwarded to said subscriber by certified mail. On subsequent instances of three (3) or more false alarms within a three (3) month period for a particular system, the Chief of Police or Fire Department Head or their designated representative shall cause said Subscriber to be billed in accordance with the fine schedule outlined herein;

B. Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in any three (3) month period, a fee of One Hundred Dollars ($100.00) per false alarm shall be assessed to the subscriber;

C. Upon any alarm system producing a seventh (7th), eighth (8th), or ninth (9th) false alarm in any three (3) month period, a fee of Two Hundred Fifty Dollars ($250.00) per false alarm shall be assessed to the subscriber;

D. Upon any alarm system producing ten (10) or more false alarms in any three (3) month period, a fee of Five Hundred Dollars ($500.00) per false alarm shall be assessed; and,

E. Refusal or failure of any subscriber to pay any fee assessment as provided herein shall result in issuance of a violation of the terms of this Ordinance. Should a subscriber be issued a citation by the Chief of Police or his authorized designee and be found guilty, plead guilty or plead no contest of said violation in the Jacksonville District Court, the subscriber shall be responsible to pay applicable
court costs and be fined no less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00). Further, the Court shall direct that full payment of any outstanding fee assessments be paid to the City in full within a time designated by the Court. In the event the subscriber is a corporation, partnership, or other entity, the principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm initiates shall be responsible for payment of any fine assessments levied in accordance with this Ordinance.
(Ord. 1255, 2005)

Chapter 9.36

EMISSION OF LOUD AND RAUCOUS SOUNDS

Sections:

9.36.010 Terms of Violation.
9.36.020 Acts Declared Loud and Raucous Noise.
9.36.030 Prima Facie Evidence.
9.36.040 Exemptions
9.36.050 Enforcement and Penalties

9.36.010 Terms of Violation

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which terms shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the city limits of the City of Jacksonville.

Application of these terms shall be limited to loud and raucous noise heard upon the public streets, public parks, any school, public buildings or grounds thereof, any church, hospital, or grounds thereof, any parking lot open to members of the public as invitees or licenses, or any occupied residential unit or grounds not located at the source of the noise. (Ord. 1249, 2005)

9.36.020 Acts Declared Loud and Raucous Noise

a) Horns and Warning Devices. The sounding of any horn(s) warning device(s) on any automobile, motorcycle, business, motorized vehicle or other such device, except when used as a danger signal. The use of any such signaling device for any unreasonable period of time may also constitute a violation if not being utilized as a warning device during an emergency.

b) Radios, Stereos, and Musical Devices/Instruments. The playing of any radio, stereo, musical instrument, or other musical device designed to produce or reproduce sound in such a manner or with such volume, as to disturb the quiet or comfort of persons in any residence, office, hospital, dwelling, hotel, or of any person(s) in the vicinity. The operation of any such instrument, machine, or device between the hours of 11:00 p.m. and 6:30 a.m. in such a manner as to be plainly audible at a distance of Fifty (50) feet from the building, structure, or vehicle in which the sound originates or reaches a minimum of Seventy (70) decibels or more from a distance of Twenty (20) feet shall be primia facie evidence of a violation of this Ordinance.

c) Singing, Shouting, Speaking. Yelling, shouting, speaking, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 6:30 a.m., or at any time or place so as to annoy or disturb the quiet or comfort of persons in any residence, office,

hospital, or in any dwelling, hotel, or of any person(s) in the vicinity shall be prima facie evidence of a violation of this Ordinance.

d) Vehicle(s). The use of any automobile, motorcycle, or other motor vehicle in such a condition or state as to create loud and unnecessary grating, grinding, rattling, or other extreme noise(s), particularly but not limited to the hours of 11:00 p.m. through 6:30 a.m., shall be prohibited.

e) Dumpsters, Trash Retrieval, and Commercial/Industrial Operations.
The loading, unloading, operation, or repairing of any commercial dumpsters, personal trash containers, commercial or industrial equipment during the hours of 11:00 p.m. and 6:30 a.m., which causes such a noise level as to annoy or disturb the quiet or comfort of person(s) in any residence, hospital, dwelling or hotel, shall be prohibited. (Ord. 1249, 2005)

9.36.030 Prima Facie Evidence

Prima facie evidence of any violation of this Ordinance shall be provided through testimony from parties witnessing/hearing the emission of loud or raucous noises from horns, signaling devices, radios, stereos, amplifiers, loud speakers, or other such distracting noise sources which exceed the level of Seventy (70) decibels from a distance of no less than Twenty (20) feet from the source of said noise.
(Ord. 1249, 2005)

9.36.040 Exemptions

Exceptions to the terms of this Ordinance shall be those sounds or noises emitted for purposes to include, but not limited to, emergency vehicles, sirens, warning, church bells, train whistles, crossing alarms, school alarms, bells, and those noise(s) emitted for celebration purposes during civic, church, community, educational

activities, and national holidays. Further, warning devices or noise emitted during emergency situations by Government officials are exempted from application of the terms of this Ordinance.
(Ord. 1249, 2005)

9.36.050 Enforcement and Penalties

Any person who violates any provision of this Ordinance shall be cited into the Jacksonville District court by a Jacksonville Code Enforcement Officer(s) and/or a Jacksonville Police Officer(s). Said individual, business, or representative upon a plea or conviction thereof,

shall be fined no less than Twenty-five and 00/100 Dollars ($25.00) and no more than Five Hundred and 00/100 Dollars ($500.00), together with court costs, and appropriate fees. Each time the terms of this Ordinance are violated shall constitute a separate offense.

In the event a person convicted of a violation of this Ordinance continues such conduct, said continuation shall constitute a nuisance. The Mayor, Chief of Police, City Engineer, or designated and authorized agent(s) thereof are authorized to take appropriate steps necessary to abate such a nuisance, to include but not be limited to filing charges and seeking proper orders from a District Court or Circuit Court of proper jurisdiction to adequately ensure such violations do not occur in the future.
(Ord. 974, 1992 Revised by Ord. 1249, 2005)

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04	**State Criminal Code**
9.08	**Curfew of Minors**
9.12	**Discharge of Firearms**
9.16	**Emergency Curfew**
9.20	**RESERVED**
9.24	**The Arkansas Hot Check Law**
9.28	**Fair Housing Code**
9.32	**Prohibition of Harmful Materials to Minors**
9.36	**Loud and Raucous Sounds (noise)**
9.38	**False Alarms - Nuisance**
9.40	**Historic Preservation**
9.50	**Additional Fee for traffic & criminal warrants**

Chapter 9.04

STATE CRIMINAL CODE

Sections:

9.04.010 Adopted
9.04.020 Penalties

9.04.010 Adopted

The criminal laws of the State of Arkansas as defined and set forth in Arkansas Code Annotated, 1987, as subsequently amended by the Acts of the General Assembly of the State of Arkansas, are adopted and enacted as the criminal laws for the City.
(Ord. 320 Sec. 1, 1974)

9.04.020 Penalties

The same penalties as set forth in the aforesaid statutes of the State of Arkansas for violation of criminal laws of the State of Arkansas are enacted and adopted by the City.
(Ord. 320 Sec. 2, 1974)

Chapter 9.08

CURFEW OF MINORS

Sections:

9.08.010 Established
9.08.020 Definitions
9.08.030 Curfew of Juveniles
9.08.040 Exceptions
9.08.045 Defense from School Hours Curfew Violations
9.08.050 Parental Responsibility
9.08.060 Enforcement Procedures
9.08.070 Penalties
9.08.080 Construction
9.08.090 Dates of Operation

9.08.010 Established

Ordinance 547, Section 1, 1979 is hereby repealed in its entirety by Ordinance 958, 1991.

9.08.020 Definitions

For the purposes of this Ordinance the following terms, phrases, words, and derivations thereof shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "Shall" is mandatory.

(a) **Juvenile** - Any person under the age of eighteen (18).

(b) **Parent** - Any person having custody of a juvenile: i] as a natural or adoptive parent: ii] as a legal guardian: iii] as a person who stands in loco parentis: and/or, iv] as a person to whom legal custody has been given by order of a court of competent jurisdiction.

(c) **Remain** - To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or of interacting minors) totaling three (3) or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes poses such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined below so that this not a mere prohibition of the presence of juveniles. More and more exceptions become available with increasing years and advancing maturity as are appropriate.

(d) **Street** - A place or way, of whatever nature, open to use by the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term "street" includes that legal right of way including, but not limited to, traffic lanes, curbs, sidewalks (paved or unpaved), and any grass, plots, or other grounds found within the legal right-of-way of a street. The term "street" shall apply irrespective of what it be called or formally named, whether alley, avenue, court, road, or otherwise. The term 'street' also includes shopping centers, parking lots, parks, playgrounds, public buildings, common areas of public housing developments, and similar areas that are open for use by the public.

(e) **Time of Night** - Referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Day-light Savings Time. Prima facie evidence of such shall be the time observed in the Jacksonville Police Station.

(f) **Years of Age** - Continues from one birthday to the next one, but does not include the day of the juvenile's eighteenth (18th) birthday, Seventeen (17) or less years of age shall be treated as equivalent to the phrase "under eighteen (18) years of age".

(Ord. 958, Sec. 1, 1991)

9.08.030 Curfew for Juveniles

(1) It shall be unlawful for any person under Eighteen (18) years of age to be or remain in or upon the streets, public parks, playgrounds, vacant lots, or to ride and/or drive in or upon, over, or through the public streets and/or public parks within the City of Jacksonville at night during the period ending at 5:00 a.m. and beginning:

(a) **12:00 midnight on Friday and Saturday nights;**
11:00 p.m. on Sunday nights; and,

(b) **10:00 p.m. on all other nights.**

(2) It shall be unlawful for any person under Eighteen (18) years of age to be or remain in or upon the streets, public parks, playgrounds, vacant lots, or to ride and/or drive in or upon, over, or through the public streets and/or public parks within the City of Jacksonville during the hours of 8:30 a.m. and 2:30 p.m. when the public schools are in session.

(Ord. 958, Sec. 2, 1991; Ord. 1351 Sec. 1, 2008)

9.08.040 Exceptions

(1) In the following situations, a minor on a city street during prohibited hours prescribed above for minors shall not, however, be considered in violation of the terms of this Curfew Ordinance:

(a) When accompanied by a parent of such minor; or,

(b) When accompanied by an adult, at least Twenty-one (21) years of age, who is not the parent but who is authorized by the parent of such minor to take said parent's place in accompanying the minor for a designated period of time, for a designated purpose, and within a specified area: or,

(c) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of such exercise by first delivering to the person designated by the Chief of Police to receive such information at the Police Department on Main Street, a written communication signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number. Said document shall specify when, where, and in what manner the juvenile will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right; or,

(d) In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent(s) and juvenile(s), shall be admissible evidence; or,

(e) When returning home from and within One (1) hour after termination of a school or city sponsored activity or from an activity of a religious or other voluntary association. Prior notice of said event, indicating the place and probable time of termination, shall have been given by the sponsor of said event to and duly filed for immediate reference by the person designated by the Chief of Police on duty at the police station. This act shall encourage, as in other exceptional situations, responsible conduct on the part of juveniles involved in such activities and shall strike a fair balance for any conflicting interests that may exist; or,

(f) When engaging in the duties of bona fide employment or from traveling directly, without undue delay or detour, to and from/from and to home to the place of employment: or,

(g) When the minor is in a motor vehicle for the purpose of interstate travel and/or commerce, either proceeding through, beginning, or ending in Jacksonville; or,

(h) At any time the minor is on a parentally approved errand or leaving his/her residence or school because of an emergency; or,

(i) If the hours of operation for his/her school are different from the hours cited above, the time between the normal start time and normal dismissal time for students at the school where the minor is registered.

(Ord. 958 Sec. 3, 1991; Ord. 1351 Sec. 2, 2008)

9.08.045 Defense from School Hours Curfew Violations

With respect to the hours between 8:30 a.m. and 2:30 p.m. on Monday through Friday only, it is a defense that the public or private school which the minor attends is not in session, that the minor is being home-schooled in accordance with Arkansas law and a recess has been declared by the home-school teacher, that the minor is a high school graduate or has an equivalent certification, or that the minor is on an excused absence from his/her place of schooling. However, a disciplinary suspension or expulsion from his/her school is not deemed an excused absence for purposes of this Code.

(Ord. 1351 Sec. 3, 2008)

9.08.050 Parental Responsibility

It shall be unlawful for a parent of a juvenile to permit or allow said juvenile to be in or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Curfew Ordinance. This Ordinance is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities, conduct, or whereabouts of such juvenile.

(a) Police procedures shall be refined in light of experience and may allow that a police officer may deliver to a parent or guardian a juvenile under appropriate circumstances and conditions.

(b) When a parent or guardian arrives to take charge of the juvenile and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of said juvenile, the juvenile shall be released in accordance with Arkansas and federal law.

(c) In the case of a first violation by a juvenile, the Police Department shall, by certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of the terms of this Curfew Ordinance, including enforcement of parental responsibility and of the applicable penalties thereof.

(Ord. 958 Sec. 4, 1991)

9.08.060 Enforcement Procedures

If a police officer reasonably believes that a juvenile is on the streets in violation of this Curfew Ordinance, the officer shall notify the juvenile that he or she is in violation of the Ordinance and shall require the juvenile to provide his or her name, address, and telephone number, along with the necessary information to contact the juvenile's parent or guardian.

In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. 958 Sec. 5, 1991)

9.08.070 Penalties

(a) If, after issuance of the first warning notice pursuant to Section Four of a first violation by a juvenile, a parent violates the terms of this Ordinance (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than $100.00 nor more than $500.00, for each offense. Each time the juvenile is cited for violation constitutes a separate offense.

(b) Any juvenile who violates any of the provisions of this Curfew Ordinance more than three (3) times shall be reported by the Chief of Police to juvenile authorities as a juvenile in need of supervision. The Chief of Police shall then refer the matter to the Pulaski County Prosecuting Attorney, the Arkansas Department of Human Services, and/or any other appropriate authorities to insure assistance/guidance is given to said juvenile.

(Ord. 958 Sec. 6, 1991)

9.08.080 Construction

Severability is intended throughout and within the provisions of this Curfew Ordinance. If any provision, including any exception, part, phrase, term, or application thereof, is held invalid, application to other persons or circumstances shall not be affected thereby and validity of this Curfew Ordinance in any and all other respects shall not be affected thereby. (Ord. 958 Sec. 7, 1991)

9.08.090 Dates of Operation

In order to allow implementation of administrative procedures and requirements of this Ordinance by the Police Department, the first date and time of the Daytime Curfew provisions cited above shall be Monday, the Third day of November, 2008, at 8:30 a.m. The provisions of the Nocturnal Curfew, having been in effect since 1991, shall remain and continue to be in effect, as amended, from enactment of this Ordinance. (Ord. 958 Sec. 8, 1991; Ord. 1351 Sec. 4, 2008)

Chapter 9.12

DISCHARGE OF FIREARMS

Sections:

9.12.010 Prohibited

9.12.010 Prohibited

No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description or fire, set off or explode any squids, firecrackers, torpedoes, bombs, Roman candles or other things containing powder or combustible or explosive material within the corporate limits of the City. It is unlawful for any person to discharge any air rifle, BB gun, pellet gun, pellet rifle or any type or types of rifles or pistols using C02 pellets or compressed air as a propellant within the city limits.
(Amendment No. 1 to Ord. 7, 1958; Ord. 7 Sec. 1, 1946)

Chapter 9.16

EMERGENCY CURFEW

Sections:

9.16.010 Imposition - Mayoral authority
9.16.020 Violation of curfew prohibited

9.16.010 Imposition - Mayoral authority

The Mayor, any time a condition which is in his judgment a civil disturbance, riot, insurrection or time of local disaster has arisen or is imminent, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency; provided however, such curfew shall not extend for over a period of forty-eight hours unless extended by a majority vote of the members of the governing body. (Ord. 194 Sec. 1, 1967)

9.16.020 Violation of curfew prohibited

No person or persons shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business for the City or State, in any area or areas designated by the Mayor as curfew areas in the City during the time of any declared emergency. (Ord. 194 Sec. 2, 1967)

Chapter 9.20

RESERVED

Chapter 9.24

THE ARKANSAS HOT CHECK LAW

Sections:

9.24.010 Adopted
9.24.020 Penalties
9.24.030 City Attorney to prosecute

9.24.010 Adopted

"The Arkansas Hot Check Law", as defined and set forth in Arkansas ACA 5-37-301 et. seq. as subsequently amended by the Acts of the General Assembly of the State of Arkansas, is adopted and enacted as the law of the City as fully as if set out here in its entirety.
(Ord. 531 Sec. 1(part), 1979)

9.24.020 Penalties

The same misdemeanor penalties as set forth in the statutes of the State, as mentioned in Section 9.24.010, for violation of "The Arkansas Hot Check Law" are enacted and adopted by the City.
(Ord. 531 Sec. 1(part), 1979)

9.24.030 City Attorney to prosecute

It shall be the responsibility of the City Attorney to prosecute such offenses occurring within the City as long as same are misdemeanors.
(Ord. 531 Sec.1 (part), 1979)

Chapter 9.28

FAIR HOUSING CODE

Sections:

9.28.010 Policy
9.28.020 Definitions
9.28.030 Discrimination in the Sale or Rental of Housing
9.28.040 Discrimination in the Financing of Housing
9.28.050 Discrimination in the Provision of Brokerage Services
9.28.060 Exemption
9.28.070 Administration
9.28.080 Education and Conciliation
9.28.090 Enforcement
9.28.100 Enforcement by Private Persons
9.28.110 Enforcement by City Attorney
9.28.120 Cooperation with State and Other Agencies Administering Fair Housing Laws
9.28.130 Interference, Coercion, or Intimidation
9.28.140 Appropriations
9.28.150 Exhibits
9.28.160 General Penalty

9.28.010 Policy

It is the policy of the City Jacksonville, Arkansas to provide, within constitutional limitations, for fair housing throughout the community's jurisdiction. (Ord. 602 Sec. 1(part), 1980)

9.28.020 Definitions

The following words and phrases shall for the purpose of this chapter have the following meanings:

A. **"Officer"** means the Mayor or his duly authorized representative for the City of Jacksonville, Arkansas.

B. **"Dwelling"** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

C. **"Family"** includes a single individual.

D. **"Person"** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

E. **"To Rent"** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

F. **"Discriminatory Housing Practice"** means an act that is unlawful under Section 9.28.030, 9.28.040 and 9.28.050.

G. **"City"** means the corporate jurisdiction of the City of Jacksonville, Arkansas.

(Ord. 602 Sec. 1(part), 1980)

9.28.030 Discrimination in the Sale or Rental of Housing

It shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status, or disability;

B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status, or disability;

C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or disability or an intention to make any such preference, limitation, or discrimination;

D. To represent to any person because of race, color, religion, sex, national origin, familial status, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or disability;

F. Nothing in this subsection (other than Subsection C.) shall apply to:

1. Any single-family house sold or rented by any owner: Provided, that such private individual owner does not own more than three such single-family houses at any one

time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: provided further, that the sale or rental of any such single-family house shall be excepted from the application of this Code only if such house is sold or rented **(A)** without the use in any manner of the sale of rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and **(B)** without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this section of this Code; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or;

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

G. For the purposes of Subsection F, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. He has within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.040 Discrimination in the Financing of Housing

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in JMC § 9.28.030 (F.). (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.050 Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, access membership, or participation, on account of race, color, religion, sex, national origin, familial status, or disability.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.060 Exemption

Nothing in this Code shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in connection with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such person, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or disability. Nor shall anything in this Code prohibit a private club not in fact open to the public, which as an incidence to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.070 Administration

A. The authority and responsibility for administering this Code shall be in the duly authorized officer.

B. All city departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this Code and shall cooperate with the officer to further such purposes.

C. The duly authorized officer shall:

1. Obtain and distribute guidelines, reports, and information related to fair housing and community development practices;

2. Cooperate with and afford assistance to federal, state, local, and other public or private agencies, organizations, and institutions which are also formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

3. Administer all programs and activities relating to housing and community development in a manner affirmatively to further the policies of this Code.

(Ord. 602 Sec. 1(part), 1980)

9.28.080 Education and Conciliation

Immediately after the local adoption of this Code, the duly authorized officer shall commence such educational and conciliatory activities as in his judgment will further the purpose of this Code. Among activities considered appropriate to undertake are; calling of conferences of persons in the local housing industry and other interested parties to acquaint them with these provisions and the officers' suggested means of implementing this Code, and shall endeavor with their advice to work out programs of voluntary enforcement and compliance. The officer shall issue memorandums describing results and conclusions of such conferences and consultations, as he deems appropriate.

(Ord. 602 Sec. 1(part), 1980)

9.28.090 Enforcement

A. Any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the duly authorized officer. Complaints shall be in writing and shall contain such information and be in such form, as the officer requires. Upon receipt of such a complaint, the officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, the officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the

officer decides to resolve the complaint, he shall proceed to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Code without the written consent of the persons concerned. Any employee of the duly authorized officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00).

B. A complaint under Subsection A. shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If within thirty days after a complaint is filed with the officer, the officer has been unable to obtain voluntary compliance with this Code, the person aggrieved may, within thirty days thereafter, commence a civil action in any court of competent jurisdiction, against the respondent named in the complaint, to enforce the rights granted or protected by this Code, in so far as such rights relate to the subject of the complaint.

D. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

E. Whenever an action filed by an individual, shall come to trial, the duly authorized officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058, (part) 1996)

9.28.100 Enforcement by Private Persons

A. The rights granted by Sections 9.28.030, 9.28.040, and 9.28.050 may be enforced by civil action in appropriate courts of competent jurisdiction without regard to the amount in controversy. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or Section 9.28.090 C. from time to time before bringing it to trial if the court believes that the conciliation efforts of the officer are likely to result in satisfactory settlement of the discriminatory housing practice

complained of in the complaint made to the officer and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Code and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing complaint or civil action under the provisions of this Code shall not be affected.

B. Upon application by the plaintiff and in such circumstances as the court may deem just, a court in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security.

C. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award actual damages and not more than One Thousand Dollars ($1,000.00) punitive damages, together with court costs.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.110 Enforcement by the City Attorney

Whenever the City Attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this Code, or that any group of persons has been denied any of the rights granted by this Code and such denial raises an issue of general public importance, he may bring a civil action in any court of competent jurisdiction by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this Code. (Ord. 602 Sec. 1(part), 1980)

9.28.120 Cooperation with State and Other Agencies Administering Fair Housing Laws

The duly authorized officer may cooperate with state and other agencies charged with the Administration of State and other fair housing laws, and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this Code. In furtherance of such cooperative efforts, the officer may enter into written agreements with such state or other agencies.

(Ord. 602 Sec. 1(part), 1980)

9.28.130 Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his

having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 9.28.030, 9.28.040 or 9.28.050. This section of the Code may be enforced by appropriate civil action.
(Ord. 602 Sec. 1 (part), 1980)

9.28.140 Appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Code.
(Ord. 602 Sec. 1(part), 1980)

9.28.150 Exhibits

Attached hereto and incorporated herein as part of this Code is an exhibit entitled, Appendix A - Fair Housing Procedures - These procedures are substantially the same as those promulgated by the Department of Housing and Urban Development and which are acceptable procedures established by the assistant secretary for equal opportunity in the Department of Housing and Urban Development for carrying out responsibilities with respect to complaints filed under applicable sections and title of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3610. This exhibit sets forth guidelines, which are hereby to be used by the City, which show: (1) Procedures for enforcement of complaints against discriminatory housing practices; and (2) Procedures to rectify discriminatory housing practices.
(Ord. 602 Sec. 1(part), 1980)

9.28.160 General Penalty

Any violation of this Ordinance which section does not provide for a specific penalty shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00).
(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

Chapter 9.32

PROHIBITIONS OF HARMFUL MATERIAL TO MINORS

Sections:

9.32.010 Definitions
9.32.020 Disseminating Matter Harmful to Minors
9.32.030 Unlawful Exhibition or Display of Harmful Materials to Minors
9.32.040 Deception to Obtain Matter Harmful to Minors
9.32.050 Presumption and Evidence of Knowledge
9.32.060 Severability
9.32.070 Enhanced Punishment for Repeat Defenders

9.32.010 Definitions

As used in this chapter, unless the context clearly indicates otherwise:

A. **"Harmful to minors"** includes any material or performance, whether through pictures, photographs, drawings, writings, cartoons, recordings, telephonic transmissions, films, video tapes or other such medium, which shall be "harmful to minors" if the following apply:

1. The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest of minors in sex.

2. The material or performance depicts or describes sexually explicit nudity, sexual conduct, sadomasochistic sexual abuse or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors.

3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

B. **"Minor"** means any person under the age of eighteen (18) years.

C. **"Person"** means any individual, corporation, cooperative, company, partnership, firm, association, joint venture, business, establishment, organization or other legal entity of any kind.

D. **"Prurient"** means a lascivious, unhealthy, degrading, shameful, or morbid interest in sexual conduct, sexually explicit nudity, sadomasochistic sexual abuse or lewd exhibition of the genitals. Materials or performances may be deemed to appeal to the prurient interest when they have a tendency to excite lascivious thought or desires or when they are designed, marketed, promoted or disseminated to cater or appeal to such an interest. Where the material or performance is designed for and primarily disseminated or promoted to a clearly defined deviant sexual group, rather than the public at large, the prurient-appeal requirement is satisfied if the dominant theme of material or performance, taken as a whole, appeals to the prurient interest in sex of the members of that intended and probable recipient group.

E. The definitions contained in ACA 5-68-501 are hereby incorporated herein by reference and made a part of the Ordinance as if set forth herein word for word.

9.32.020 Disseminating Matter Harmful to Minors

A. No person, with knowledge of its character, shall promote or otherwise furnish or present to a minor any material or performance which is obscene or harmful to minors, or possess or control any such materials with the purpose or intent to violate this chapter.

B. The following are affirmative defenses to a charge under this chapter, involving material or performance which is obscene or harmful to minors:

1. The defendant is the parent, lawful guardian or spouse of the minor involved.

2. The material or performance as promoted or otherwise furnished or presented to the minor for a bona fide medical, psychological, judicial or law enforcement purpose by a physician, psychologist, judge, prosecutor or law enforcement officer.

C. A person who violates this chapter is guilty of Disseminating Matter Harmful to Minors. If the material or performance involved is harmful to minors but not obscene, violation of this chapter is a class B misdemeanor. If the material or performance involved is obscene, violations of this chapter are a class A misdemeanor.

9.32.030 Unlawful Exhibition or Display of Harmful Materials to Minors

A. No person, having custody, control or supervision of any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do any of the following:

1. Visibly display exhibit, or otherwise expose to view in that part of the premises, business, or commercial establishment, where a minor is or may be allowed, permitted, or invited as part of the general public or otherwise, any material which is harmful to minors. Specifically, adult magazines shall have all but the top part, displaying the name of the magazine only, covered and out of the reach of minors. In addition, videotape covers of movies that may have material contained therein, which are harmful to minors, are not in and of themselves illegal. Only if the videotape cover is in and of itself harmful to minors, then the display of said cover in open view would be a violation of this chapter. This does not authorize the display, exhibition or exposure to public view of any material, which is obscene under State or local law.

2. Hire, employ, or otherwise place, supervise, control or allow in any business or commercial establishment or other place, any minor under circumstances which would cause, lead, or allow such minor to engage in the business or activity of promoting or otherwise handling such material which is harmful to minors, either to or for adults or minors.

B. Following are affirmative defenses to a charge under this chapter:

1. The minor exhibited to the defendant or his agent or employee a draft card, driver's license, birth certificate, marriage license or other governmental or educational document purporting to show that such minor was eighteen (18) years of age or over, and the person to whom such document was exhibited did not otherwise have reasonable cause to believe that such minor was under the age of eighteen (18) and did not rely solely upon the oral allegations or representations of the minor as to his or her age or as to the knowing consent of the minor's parent or lawful guardian.

2. At the time the material was visibly displayed or otherwise furnished or presented to the minor involved, a parent or lawful guardian of such minor, with knowledge of its character, accompanied the minor or consented to the material being visibly displayed or otherwise furnished or presented to the minor.

3. The defendant is the parent, lawful guardian or spouse of the minor involved.

C. A person who violates subdivision (1) of this subchapter (a) of this chapter is guilty of Displaying Harmful Materials to minors, a class B misdemeanor. Whoever violates subdivision (2) of subchapter (a) of this chapter is guilty of Unlawfully Employing a Minor, a class A misdemeanor.

9.32.040 Deception to Obtain Matter Harmful to Minors

A. No person, for the purpose of enabling a minor to obtain any material or gain admission to any performance, which is obscene or harmful to minors, shall do either of the following:

1. Falsely represent that he or she is the parent, guardian or spouse of such minor.

2. Furnish such minor with any identification or document purporting to show that such minor is eighteen (18) years of age or over.

B. No minor, for the purpose of obtaining any material or gaining admission to any performance, which is harmful to minors, shall do either of the following:

1. Falsely represent that he or she is eighteen (18) years of age or over.

2. Exhibit any identification or document purporting to show that he or she is eighteen (18) years of age or over.

C. A person who violates this chapter is guilty of Deception to Obtain Matter Harmful to Minors, a class A misdemeanor.

9.32.050 Presumption and Evidence of Knowledge

A. An owner or manager, or his agent or employee, of a bookstore, newsstand, theater, distributing firm, warehouse or other commercial establishment engaged in promoting materials or performances or distributing or handling materials for promotion or wholesale promotion, may be presumed to have knowledge of the character of the material or performance involved if he or she has actual or constructive notice of the nature of such material or performance, whether or not he or she has precise knowledge of its contents.

B. In any prosecution or action under this chapter knowledge of the character of the material or performance involved may be proven by direct or circumstantial evidence, or both.

9.32.060 Severability

If any provision of this chapter, including any part, phrase, or word of any chapter, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable. It is the purpose of this chapter to comply with constitutional and police power limitations and this chapter shall be interpreted and construed to adopt or change in compliance with controlling court decisions.

9.32.070 Enhanced Punishment for Repeat Offenders

If any offender is convicted of a violation of any chapter of this Ordinance, then upon any repeat conviction, the fine shall be double the maximum fine allowed for violation of that classification of misdemeanor, with a maximum of one thousand and 00/100 dollars ($1,000.00) per offense.
(Ord. 862, 1987)

TITLE 9 FOOTNOTES

1. For statutory provisions authorizing adoption of technical codes by reference, see ACA 14-55-207; for provisions defining the state criminal code as such a technical code, see ACA 14-55-207.

2. For statutory provisions relating to the right of citizens to keep firearms, see Const. Art. 2, Section 5; for provisions governing weapons generally, see ACA 14-55-207.

3. For statutory provisions empowering the Mayor to suppress disorder and keep the peace, see ACA 14-43-504.

4. For statutory provisions making it unlawful to drive over unprotected fire hose, see ACA 14-43-504.

Chapter 9.36

EMISSION OF LOUD AND RAUCOUS SOUNDS

Sections:

9.36.010 Terms of Violation
9.36.020 Acts Declared Loud and Raucous Noise
9.36.030 Prima Facie Evidence
9.36.040 Exemptions
9.36.050 Enforcement and Penalties

9.36.010 Terms of Violation

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which terms shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the city limits of the City of Jacksonville.

Application of these terms shall be limited to loud and raucous noise heard upon the public streets, public parks, any school, public buildings or grounds thereof, any church, hospital, or grounds thereof, any parking lot open to members of the public as invitees or licenses, or any occupied residential unit or grounds not located at the source of the noise. (Ord. 1249, 2005)

9.36.020 Acts Declared Loud and Raucous Noise

a) Horns and Warning Devices The sounding of any horn(s) warning device(s) on any automobile, motorcycle, business, motorized vehicle or other such device, except when used as a danger signal. The use of any such signaling device for any unreasonable period of time may also constitute a violation if not being utilized as a warning device during an emergency.

b) Radios, Stereos, and Musical Devices/Instruments The playing of any radio, stereo, musical instrument, or other musical device designed to produce or reproduce sound in such a manner or with such volume, as to disturb the quiet or comfort of persons in any residence, office, hospital, dwelling, hotel, or of any person(s) in the vicinity. The operation of any such instrument, machine, or device between the hours of 11:00 p.m. and 6:30 a.m. in such a manner as to be plainly audible at a distance of Fifty (50) feet from the building, structure, or vehicle in which the sound originates or reaches a minimum of Seventy (70) decibels or more from a distance of Twenty (20) feet shall be primia facie evidence of a violation of this Ordinance.

c) Singing, Shouting, Speaking Yelling, shouting, speaking, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 6:30 a.m., or at any time or place so as to annoy or disturb the quiet or comfort of persons in any residence, office, hospital, or in any dwelling, hotel, or of any person(s) in the vicinity shall be prima facie evidence of a violation of this Ordinance.

d) Vehicle(s) The use of any automobile, motorcycle, or other motor vehicle in such a condition or state as to create loud and unnecessary grating, grinding, rattling, or other extreme noise(s), particularly but not limited to the hours of 11:00 p.m. through 6:30 a.m., shall be prohibited.

e) Dumpsters, Trash Retrieval, and Commercial/Industrial Operations. The loading, unloading, operation, or repairing of any commercial dumpsters, personal trash containers, commercial or industrial equipment during the hours of 11:00 p.m. and 6:30 a.m., which causes such a noise level as to annoy or disturb the quiet or comfort of person(s) in any residence, hospital, dwelling or hotel, shall be prohibited. (Ord. 1249, 2005)

9.36.030 Prima Facie Evidence

Prima facie evidence of any violation of this Ordinance shall be provided through testimony from parties witnessing/hearing the emission of loud or raucous noises from horns, signaling devices, radios, stereos, amplifiers, loud speakers, or other such distracting noise sources which exceed the level of Seventy (70) decibels from a distance of no less than Twenty (20) feet from the source of said noise. (Ord. 1249, 2005)

9.36.040 Exemptions

Exceptions to the terms of this Ordinance shall be those sounds or noises emitted for purposes to include, but not limited to, emergency vehicles, sirens, warning, church bells, train whistles, crossing alarms, school alarms, bells, and those noise(s) emitted for celebration purposes during civic, church, community, educational

activities, and national holidays. Further, warning devices or noise emitted during emergency situations by Government officials are exempted from application of the terms of this Ordinance.
(Ord. 1249, 2005)

9.36.050 Enforcement and Penalties

Any person who violates any provision of this Ordinance shall be cited into the Jacksonville District court by a Jacksonville Code Enforcement Officer(s) and/or a Jacksonville Police Officer(s). Said individual, business, or representative upon a plea or conviction thereof, shall be fined no less than Twenty-five and 00/100 Dollars ($25.00) and no more than Five Hundred and 00/100 Dollars ($500.00), together with court costs, and appropriate fees. Each time the terms of this Ordinance are violated shall constitute a separate offense.

In the event a person convicted of a violation of this Ordinance continues such conduct, said continuation shall constitute a nuisance. The Mayor, Chief of Police, City Engineer, or designated and authorized agent(s) thereof are authorized to take appropriate steps necessary to abate such a nuisance, to include but not be limited to filing charges and seeking proper orders from a District Court or Circuit Court of proper jurisdiction to adequately ensure such violations do not occur in the future.
(Ord. 974, 1992 Revised by Ord. 1249, 2005)

Chapter 9.38

FALSE ALARMS – NUISANCE

Sections:

9.38.010 Purpose
9.38.020 Violation
9.38.030 Definitions
9.38.040 Excessive False Alarms & Fee Assessment

9.38.010 Purpose

It shall be the purpose of this Chapter to appropriately assess the costs incurred in response of those who operate or own a private alarm system in or on a residential or business structure/property, which continually or repeatedly issues a false alarm.

9.38.20 Violation

It shall constitute a per se violation of the terms of this Ordinance when any subscriber has an alarm system which provides a false alarm more than three (3) times within any three (3) month period.

9.38.30 Definitions

Alarm System Any mechanical or electrical device that is arranged, designed or used to signal the occurrence within the City of a burglary, robbery, or other criminal offense, fire emergency, or

medical emergency requiring urgent attention to which police, fire, or other municipal personnel are expected to respond. Alarm system(s) include those through which public safety personnel and/or the police department are notified directly or indirectly [by way of third person(s) or party(ies) who monitor the alarm system(s) and who report such signal(s) to the Communications Center, Fire, or Police Department(s)]. It shall also include those systems designed to register an audio/visual signal so audible, visible, or in other ways perceptible outside a protected building structure or facility as to where the signal is located which in turn is cause for a reasonable person to notify emergency municipal officials of the signal. Alarm systems do not include those designed and affixed to vehicles, nor does it include auxiliary devices installed by telephone companies to protect telephone equipment or systems that may be damaged or disrupted by the use of an alarm system. Alarm system(s) in separate structures are to be considered as separate systems even though the systems may be owned by the same person(s) or entity(ies).

False Alarms An alarm signal eliciting a response by the Police or Fire Department when a situation requiring a response by the Police or Fire Department does not in fact exist.

False alarms shall not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions *will not* be considered false alarms: criminal activity or unauthorized entry into a structure, building, or property; an alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress; telephone line/communication transfer line malfunction verified in writing to the City by a first-line company supervisor; alarm equipment malfunction during installation and/or service rehabilitation as verified in writing by the alarm service/monitoring company; and, electrical service interruption verified in writing by the local power company.

Resident(s) or business(es) installing a new system or making substantial modification to an existing alarm system shall be entitled to a grace period during which alarms generated by the new or improved system shall not be deemed false alarms. Written verification of such installation/modification is required from the alarm service/installer. Such a grace period shall last no longer than fifteen (15) days after installation of or modification to an alarm system.

Exceptions will also be made for those circumstances when communication from property owner/manager and/or the alarm monitoring service to the 911 Communications Center *before* dispatch of a responding unit(s) occurs clearly indicating that the alarm resulted from authorized entry, authorized system testing, or other non-criminal/non-emergency cause(s). (Ord. 1292 Sec. 1, 2006)

EMISSION OF LOUD AND RAUCOUS SOUNDS

Response to Alarms Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by the police, fire, and/or another City department, municipal personnel on the scene of the activated alarm system shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm. If municipal personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a written report of the false alarm.
The Chief(s) of the Fire and/or Police or other City Department and/or their appointed designee(s) shall have the right to inspect any alarm system on the premises to which a response has been made, and he/she/they may cause an inspection of such system to be made at any reasonable time thereafter in circumstances indicating that the alarm is malfunctioning in some manner.

Subscriber Any person, firm, corporation, partnership, or entity that purchases, leases a contract for, or obtains an alarm system(s) and/or monitoring service(s).

9.38.40 Excessive False Alarms & Fee Assessment
A. In the instance that an alarm system produces three (3) false alarms in any three (3) month period, the Chief of Police or Fire Department Head, or their designated representative, shall provide written notice to the affected system subscriber. Said notice shall be sent by certified mail, and said subscriber shall be requested to take appropriate corrective action to prevent any additional false alarm(s) and enclosing a copy of this Ordinance. On a subsequent instance(s) of additional false alarm(s), written notice(s) shall be forwarded to said subscriber by certified mail. On subsequent instances of three (3) or more false alarms within a three (3) month period for a particular system, the Chief of Police or Fire Department Head or their designated representative shall cause said Subscriber to be billed in accordance with the fine schedule outlined herein;

B. Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in any three (3) month period, a fee of One Hundred Dollars ($100.00) per false alarm shall be assessed to the subscriber;

C. Upon any alarm system producing a seventh (7th), eighth (8th), or ninth (9th) false alarm in any three (3) month period, a fee of Two Hundred Fifty Dollars ($250.00) per false alarm shall be assessed to the subscriber;

D. Upon any alarm system producing ten (10) or more false alarms in any three (3) month period, a fee of Five Hundred Dollars ($500.00) per false alarm shall be assessed; and,

E. Refusal or failure of any subscriber to pay any fee assessment as provided herein shall result in issuance of a violation of the terms of this Ordinance. Should a subscriber be issued a citation by the Chief of Police or his authorized designee and be found guilty, plead guilty or plead no contest of said violation in the Jacksonville District Court, the subscriber shall be responsible to pay applicable court costs and be fined no less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00). Further, the Court shall direct that full payment of any outstanding fee assessments be paid to the City in full within a time designated by the Court. In the event the subscriber is a corporation, partnership, or other entity, the principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm initiates shall be responsible for payment of any fine assessments levied in accordance with this Ordinance.
(Ord. 1255, 2005)

Chapter 9.40

HISTORIC PRESERVATION

Sections:

9.40.010 Purpose
9.40.020 Retrieval of artifacts or memorabilia - Penalty
9.40.030 Vandalism of historic site - Penalty

9.40.010 Purpose It shall hereinafter be unlawful to remove any artifacts and/or memorabilia from federally designated historic sites within the city limits of Jacksonville. Use of location devices such as metal detectors is strictly prohibited.

9.40.020 Retrieval of artifacts or memorabilia - Penalty Unless authorized by the Mayor and/or his duly authorized agent(s) to retrieve such artifacts or memorabilia for display or historic preservation purposes, any person pleading guilty to, convicted of, or found guilty of such a violation shall be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00), together with applicable court costs.

9.40.030 Vandalism of historic site – Penalty It shall further be unlawful for any person to negligently, purposefully, or recklessly damage, deface, and/or destroy any markers, improvements, or other facilities at any federally designated historic site within the city limits. In the event any person pleads guilty to, is convicted of, or is found guilty of such a violation, he/she shall be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00), together with applicable court costs.
(Ord. 1279, 2006)

Chapter 9.50

WARRANT FEE

9.50 Warrant Fee

There shall be an assessment and collection of a Twenty-five Dollar ($25.00) warrant fee for each Warrant(s) and/or Order(s) of Arrest served by the Jacksonville Police Department issued from any Court of competent jurisdiction, including the Jacksonville District Court. Implementation of said fee shall begin for any such Warrant(s) and/or Order(s) of Arrest served on or after January 1, 2010

(Ord. 1390 Sec. 1, 2009)

Chapter 9.28

FAIR HOUSING CODE

Sections:

9.28.010	**Policy**
9.28.020	**Definitions**
9.28.030	**Discrimination in the Sale or Rental of Housing**
9.28.040	**Discrimination in the Financing of Housing**
9.28.050	**Discrimination in the Provision of Brokerage Services**
9.28.060	**Exemption**
9.28.070	**Administration**
9.28.080	**Education and Conciliation**
9.28.090	**Enforcement**
9.28.100	**Enforcement by Private Persons**
9.28.110	**Enforcement by City Attorney**
9.28.120	**Cooperation with State and Other Agencies Administering Fair Housing Laws**
9.28.130	**Interference, Coercion, or Intimidation**
9.28.140	**Appropriations**
9.28.150	**Exhibits**
9.28.160	**General Penalty**

9.28.010 Policy

It is the policy of the City Jacksonville, Arkansas to provide, within constitutional limitations, for fair housing throughout the community's jurisdiction. (Ord. 602 Sec. 1(part), 1980)

9.28.020 Definitions

The following words and phrases shall for the purpose of this chapter have the following meanings:

A. **"Officer"** means the Mayor or his duly authorized representative for the City of Jacksonville, Arkansas.

B. **"Dwelling"** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

C. **"Family"** includes a single individual.

D. **"Person"** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

E. **"To Rent"** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

F. **"Discriminatory Housing Practice"** means an act that is unlawful under Section 9.28.030, 9.28.040 and 9.28.050.

G. **"City"** means the corporate jurisdiction of the City of Jacksonville, Arkansas.

(Ord. 602 Sec. 1(part), 1980)

9.28.030 **Discrimination in the Sale or Rental of Housing**

It shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status, or disability;

B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status, or disability;

C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or disability or an intention to make any such preference, limitation, or discrimination;

D. To represent to any person because of race, color, religion, sex, national origin, familial status, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or disability;

F. Nothing in this subsection (other than Subsection C.) shall apply to:

1. Any single-family house sold or rented by any owner: Provided, that such private individual owner does not own more than three such single-family houses at any one

time: Provided further that in the case of the sale of any such single-family house by a private individual

owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: provided further, that the sale or rental of any such single-family house shall be excepted from the application of this Code only if such house is sold or rented **(A)** without the use in any manner of the sale of rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and **(B)** without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this section of this Code; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or;

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

G. For the purposes of Subsection F, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. He has within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.040 Discrimination in the Financing of Housing

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in JMC § 9.28.030 (F.). (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.050 Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, access membership, or participation, on account of race, color, religion, sex, national origin, familial status, or disability.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.060 Exemption

Nothing in this Code shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in connection with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such person, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or disability. Nor shall anything in this Code prohibit a private club not in fact open to the public, which as an incidence to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.070 Administration

A. The authority and responsibility for administering this Code shall be in the duly authorized officer.

B. All city departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this Code and shall cooperate with the officer to further such purposes.

C. The duly authorized officer shall:

1. Obtain and distribute guidelines, reports, and information related to fair housing and community development practices;

2. Cooperate with and afford assistance to federal, state, local, and other public or private agencies, organizations, and institutions which are also formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

3. Administer all programs and activities relating to housing and community development in a manner affirmatively to further the policies of this Code.

(Ord. 602 Sec. 1(part), 1980)

9.28.080 Education and Conciliation

Immediately after the local adoption of this Code, the duly authorized officer shall commence such educational and conciliatory activities as in his judgment will further the purpose of this Code. Among activities considered appropriate to undertake are; calling of conferences of persons in the local housing industry and other interested parties to acquaint them with these provisions and the officers' suggested means of implementing this Code, and shall endeavor with their advice to work out programs of voluntary enforcement and compliance. The officer shall issue memorandums describing results and conclusions of such conferences and consultations, as he deems appropriate.

(Ord. 602 Sec. 1(part), 1980)

9.28.090 Enforcement

A. Any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the duly authorized officer. Complaints shall be in writing and shall contain such information and be in such form, as the officer requires. Upon receipt of such a complaint, the officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, the officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the

officer decides to resolve the complaint, he shall proceed to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Code without the written consent of the persons concerned. Any employee of the duly authorized officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00).

B. A complaint under Subsection A. shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If within thirty days after a complaint is filed with the officer, the officer has been unable to obtain voluntary compliance with this Code, the person aggrieved may, within thirty days thereafter, commence a civil action in any court of competent jurisdiction, against the respondent named in the complaint, to enforce the rights granted or protected by this Code, in so far as such rights relate to the subject of the complaint.

D. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

E. Whenever an action filed by an individual, shall come to trial, the duly authorized officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058, (part) 1996)

9.28.100 Enforcement by Private Persons

A. The rights granted by Sections 9.28.030, 9.28.040, and 9.28.050 may be enforced by civil action in appropriate courts of competent jurisdiction without regard to the amount in controversy. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or Section 9.28.090 C. from time to time before bringing it to trial if the court believes that the conciliation efforts of the officer are likely to result in satisfactory settlement of the discriminatory housing practice

complained of in the complaint made to the officer and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Code and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing complaint or civil action under the provisions of this Code shall not be affected.

B. Upon application by the plaintiff and in such circumstances as the court may deem just, a court in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security.

C. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award actual damages and not more than One Thousand Dollars ($1,000.00) punitive damages, together with court costs.

(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

9.28.110 Enforcement by the City Attorney

Whenever the City Attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this Code, or that any group of persons has been denied any of the rights granted by this Code and such denial raises an issue of general public importance, he may bring a civil action in any court of competent jurisdiction by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this Code. (Ord. 602 Sec. 1(part), 1980)

9.28.120 Cooperation with State and Other Agencies Administering Fair Housing Laws

The duly authorized officer may cooperate with state and other agencies charged with the Administration of State and other fair housing laws, and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this Code. In furtherance of such cooperative efforts, the officer may enter into written agreements with such state or other agencies.

(Ord. 602 Sec. 1(part), 1980)

9.28.130 Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his

having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 9.28.030, 9.28.040 or 9.28.050. This section of the Code may be enforced by appropriate civil action.
(Ord. 602 Sec. 1 (part), 1980)

9.28.140 Appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Code.
(Ord. 602 Sec. 1(part), 1980)

9.28.150 Exhibits

Attached hereto and incorporated herein as part of this Code is an exhibit entitled, Appendix A - Fair Housing Procedures - These procedures are substantially the same as those promulgated by the Department of Housing and Urban Development and which are acceptable procedures established by the assistant secretary for equal opportunity in the Department of Housing and Urban Development for carrying out responsibilities with respect to complaints filed under applicable sections and title of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3610. This exhibit sets forth guidelines, which are hereby to be used by the City, which show: (1) Procedures for enforcement of complaints against discriminatory housing practices; and (2) Procedures to rectify discriminatory housing practices.
(Ord. 602 Sec. 1(part), 1980)

9.28.160 General Penalty

Any violation of this Ordinance which section does not provide for a specific penalty shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00).
(Ord. 602 Sec. 1(part), 1980; Ord. 1058 (part), 1996)

Chapter 9.38

FALSE ALARMS – NUISANCE

Sections:

9.38.010 Purpose.
9.38.020 Violation.
9.38.030 Definitions.
9.38.040 Excessive False Alarms & Fee Assessment.

9.38.010 Purpose

It shall be the purpose of this Chapter to appropriately assess the costs incurred in response of those who operate or own a private alarm system in or on a residential or business structure/property, which continually or repeatedly issues a false alarm.

9.38.20 Violation

It shall constitute a per se violation of the terms of this Ordinance when any subscriber has an alarm system which provides a false alarm more than three (3) times within any three (3) month period.

9.38.30 Definitions

Alarm System. Any mechanical or electrical device that is arranged, designed or used to signal the occurrence within the City of a burglary, robbery, or other criminal offense, fire emergency, or medical emergency requiring urgent attention to which police, fire, or other municipal personnel are expected to respond. Alarm system(s) include those through which public safety personnel and/or the police department are notified directly or indirectly [by way of third person(s) or party(ies) who monitor the alarm system(s) and who report such signal(s) to the Communications Center, Fire, or Police Department(s)]. It shall also include those systems designed to register an audio/visual signal so audible, visible, or in other ways perceptible outside a protected building structure or facility as to where the signal is located which in turn is cause for a reasonable person to notify emergency municipal officials of the signal. Alarm systems do not include those designed and affixed to vehicles, nor does it include auxiliary devices installed by telephone companies to protect telephone equipment or systems that may be damaged or disrupted by the use of an alarm system. Alarm system(s) in separate structures are to be considered as separate systems even though the systems may be owned by the same person(s) or entity(ies).

False Alarms. An alarm signal eliciting a response by the Police or Fire Department when a situation requiring a response by the Police or Fire Department does not in fact exist.

False alarms shall not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions *will not* be considered false alarms: criminal activity or unauthorized entry into a structure, building, or property; an alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress; telephone line/communication transfer line malfunction verified in writing to the City by a first-line company supervisor; alarm equipment malfunction during installation and/or service rehabilitation as verified in writing by the alarm service/monitoring company; and, electrical service interruption verified in writing by the local power company.

Resident(s) or business(es) installing a new system or making substantial modification to an existing alarm system shall be entitled to a grace period during which alarms generated by the new or improved system shall not be deemed false alarms. Written verification of such installation/modification is required from the alarm service/installer. Such a grace period shall last no longer than fifteen (15) days after installation of or modification to an alarm system.

Exceptions will also be made for those circumstances when communication from property owner/manager and/or the alarm monitoring service to the 911 Communications Center *before* dispatch of a responding unit(s) occurs clearly indicating that the alarm resulted from authorized entry, authorized system testing, or other non-criminal/non-emergency cause(s). (Ord. 1292 Sec. 1, 2006)

Response to Alarms. Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by the police, fire, and/or another City department, municipal personnel on the scene of the activated alarm system shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

If municipal personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a written report of the false alarm.
The Chief(s) of the Fire and/or Police or other City Department and/or their appointed designee(s) shall have the right to inspect any alarm system on the premises to which a response has been made, and he/she/they may cause an inspection of such system to be made at any reasonable time thereafter in circumstances indicating that the alarm is malfunctioning in some manner.

Subscriber. Any person, firm, corporation, partnership, or entity that purchases, leases a contract for, or obtains an alarm system(s) and/or monitoring service(s).

9.38.40 Excessive False Alarms & Fee Assessment.

A. In the instance that an alarm system produces three (3) false alarms in any three (3) month period, the Chief of Police or Fire Department Head, or their designated representative, shall provide written notice to the affected system subscriber. Said notice shall be sent by certified mail, and said subscriber shall be requested to take appropriate corrective action to prevent any additional false alarm(s) and enclosing a copy of this Ordinance. On a subsequent instance(s) of additional false alarm(s), written notice(s) shall be forwarded to said subscriber by certified mail. On subsequent instances of three (3) or more false alarms within a three (3) month period for a particular system, the Chief of Police or Fire Department Head or their designated representative shall cause said Subscriber to be billed in accordance with the fine schedule outlined herein;

B. Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in any three (3) month period, a fee of One Hundred Dollars ($100.00) per false alarm shall be assessed to the subscriber;

C. Upon any alarm system producing a seventh (7th), eighth (8th), or ninth (9th) false alarm in any three (3) month period, a fee of Two Hundred Fifty Dollars ($250.00) per false alarm shall be assessed to the subscriber;

D. Upon any alarm system producing ten (10) or more false alarms in any three (3) month period, a fee of Five Hundred Dollars ($500.00) per false alarm shall be assessed; and,

E. Refusal or failure of any subscriber to pay any fee assessment as provided herein shall result in issuance of a violation of the terms of this Ordinance. Should a subscriber be issued a citation by the Chief of Police or his authorized designee and be found guilty, plead guilty or plead no contest of said violation in the Jacksonville District Court, the subscriber shall be responsible to pay applicable
court costs and be fined no less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00). Further, the Court shall direct that full payment of any outstanding fee assessments be paid to the City in full within a time designated by the Court. In the event the subscriber is a corporation, partnership, or other entity, the principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm initiates shall be responsible for payment of any fine assessments levied in accordance with this Ordinance.
(Ord. 1255, 2005)

Chapter 9.36

EMISSION OF LOUD AND RAUCOUS SOUNDS

Sections:

9.36.010 Terms of Violation.
9.36.020 Acts Declared Loud and Raucous Noise.
9.36.030 Prima Facie Evidence.
9.36.040 Exemptions
9.36.050 Enforcement and Penalties

9.36.010 Terms of Violation

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which terms shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the city limits of the City of Jacksonville.

Application of these terms shall be limited to loud and raucous noise heard upon the public streets, public parks, any school, public buildings or grounds thereof, any church, hospital, or grounds thereof, any parking lot open to members of the public as invitees or licenses, or any occupied residential unit or grounds not located at the source of the noise. (Ord. 1249, 2005)

9.36.020 Acts Declared Loud and Raucous Noise

a) Horns and Warning Devices. The sounding of any horn(s) warning device(s) on any automobile, motorcycle, business, motorized vehicle or other such device, except when used as a danger signal. The use of any such signaling device for any unreasonable period of time may also constitute a violation if not being utilized as a warning device during an emergency.

b) Radios, Stereos, and Musical Devices/Instruments. The playing of any radio, stereo, musical instrument, or other musical device designed to produce or reproduce sound in such a manner or with such volume, as to disturb the quiet or comfort of persons in any residence, office, hospital, dwelling, hotel, or of any person(s) in the vicinity. The operation of any such instrument, machine, or device between the hours of 11:00 p.m. and 6:30 a.m. in such a manner as to be plainly audible at a distance of Fifty (50) feet from the building, structure, or vehicle in which the sound originates or reaches a minimum of Seventy (70) decibels or more from a distance of Twenty (20) feet shall be primia facie evidence of a violation of this Ordinance.

c) Singing, Shouting, Speaking. Yelling, shouting, speaking, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 6:30 a.m., or at any time or place so as to annoy or disturb the quiet or comfort of persons in any residence, office,

hospital, or in any dwelling, hotel, or of any person(s) in the vicinity shall be prima facie evidence of a violation of this Ordinance.

d) Vehicle(s). The use of any automobile, motorcycle, or other motor vehicle in such a condition or state as to create loud and unnecessary grating, grinding, rattling, or other extreme noise(s), particularly but not limited to the hours of 11:00 p.m. through 6:30 a.m., shall be prohibited.

e) Dumpsters, Trash Retrieval, and Commercial/Industrial Operations.
The loading, unloading, operation, or repairing of any commercial dumpsters, personal trash containers, commercial or industrial equipment during the hours of 11:00 p.m. and 6:30 a.m., which causes such a noise level as to annoy or disturb the quiet or comfort of person(s) in any residence, hospital, dwelling or hotel, shall be prohibited. (Ord. 1249, 2005)

9.36.030 Prima Facie Evidence

Prima facie evidence of any violation of this Ordinance shall be provided through testimony from parties witnessing/hearing the emission of loud or raucous noises from horns, signaling devices, radios, stereos, amplifiers, loud speakers, or other such distracting noise sources which exceed the level of Seventy (70) decibels from a distance of no less than Twenty (20) feet from the source of said noise.
(Ord. 1249, 2005)

9.36.040 Exemptions

Exceptions to the terms of this Ordinance shall be those sounds or noises emitted for purposes to include, but not limited to, emergency vehicles, sirens, warning, church bells, train whistles, crossing alarms, school alarms, bells, and those noise(s) emitted for celebration purposes during civic, church, community, educational

activities, and national holidays. Further, warning devices or noise emitted during emergency situations by Government officials are exempted from application of the terms of this Ordinance.
(Ord. 1249, 2005)

9.36.050 Enforcement and Penalties

Any person who violates any provision of this Ordinance shall be cited into the Jacksonville District court by a Jacksonville Code Enforcement Officer(s) and/or a Jacksonville Police Officer(s). Said individual, business, or representative upon a plea or conviction thereof,

shall be fined no less than Twenty-five and 00/100 Dollars ($25.00) and no more than Five Hundred and 00/100 Dollars ($500.00), together with court costs, and appropriate fees. Each time the terms of this Ordinance are violated shall constitute a separate offense.

In the event a person convicted of a violation of this Ordinance continues such conduct, said continuation shall constitute a nuisance. The Mayor, Chief of Police, City Engineer, or designated and authorized agent(s) thereof are authorized to take appropriate steps necessary to abate such a nuisance, to include but not be limited to filing charges and seeking proper orders from a District Court or Circuit Court of proper jurisdiction to adequately ensure such violations do not occur in the future.
(Ord. 974, 1992 Revised by Ord. 1249, 2005)

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.08	RESERVED
10.12	Unsafe Driving
10.14	RESERVED
10.16	Violations in Business Parking Lots
10.22	Truck Parking
10.24	Truck Routes
10.28	Speed
10.30	Golf Cart Use
10.32	Motorized Bicycle Safety Equipment

Chapter 10.12

UNSAFE DRIVING

Sections:

10.12.010 Reserved
10.12.020 Reserved
10.12.030 Operating vehicle in negligent manner - Misdemeanor

10.12.030 Operating vehicle in negligent manner - Misdemeanor

A. It shall be unlawful for any person to operate a motor vehicle in an unsafe, negligent or inattentive manner over and along the public highways or streets of the City. For the purpose of this section "to operate in an unsafe, negligent or inattentive manner" shall be construed to mean in such a manner as to endanger or be likely to endanger any person or persons or do damage to public or private, personal or real property.

B. The offense of operating a motor vehicle in an unsafe, negligent or inattentive manner shall be considered to be a lesser offense than, but included in, the offense of operating in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of a lesser offense of operating a motor vehicle in an unsafe, negligent or inattentive manner.

C. Any person found violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction therefore, punished as provided in Chapter 1.20.110.

(Ord. 443 Sec. 1, 1977)

Chapter 10.16

VIOLATIONS IN BUSINESS PARKING LOTS

Sections:

10.16.010 Drive-in restaurant defined
10.16.020 Shopping center defined
10.16.030 Parking lot - Unlawful acts
10.16.040 Leaving vehicle on parking lot prohibited Exceptions
10.16.050 Violations - Applicability of State Statutes
10.16.060 Regulating Parking Spaces for Handicapped Persons

VEHICLES AND TRAFFIC

10.16.010 Drive-in restaurant defined

A drive-in restaurant within the meaning of this chapter is any restaurant where meals, sandwiches, ice cream or other food is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles or other vehicles parked on the premises. (Ord. 156 Sec. 1, 1965)

10.16.020 Shopping center defined

A shopping center within the meaning of this chapter is the sidewalks, streets, parking spaces and other public ground immediately adjacent to and/or surrounding the market places where commercial activity of buying and selling articles, commodities and/or services is carried on and open to all persons.
(Ord. 156 Sec. 2, 1965)

10.16.030 Parking lot - Unlawful acts

It is unlawful for any person while on or adjacent to the premises of a drive-in restaurant or a shopping centers other than an automobile repair shop, to race the motor of any car, to suddenly start or stop any car or to make or cause to be made any other loud or unseemly noise. It is unlawful for any other person parked on the premises of such restaurant, shopping center or other public highway of this City to blow or cause to he blown any automobile horn or motorcycle horn at any time while so parked, unless for the purpose of avoiding a collision. (Ord. 156 Sec. 3, 1965)

10.16.040 Leaving vehicle on parking lot prohibited- Exceptions

It is unlawful for any person to leave an occupied motor vehicle on the parking lot of any public business, which includes drive-in restaurants and shopping centers and to leave the premises thereof except with the knowledge and consent of the owner of said business. (Ord. 156 Sec. 4, 1965)

10.16.050 Violations - Applicability of State Statutes

All crimes and/or traffic violations as defined by the Criminal and/or Traffic Codes of the State of Arkansas Codes Annotated of 1987, are declared to be crimes and/or traffic violations upon the above-defined public areas of the City. Any person found guilty of violating any of said laws of the State shall be punished according to the terms of said specifically defined offense under Arkansas Statutes. (Ord. 156 Sec. 6, 1965)

10.16.060 Regulating Parking Spaces for Handicapped Persons

It is unlawful for persons not handicapped (as determined by an appropriate Arkansas Agency) to park in any parking spaces designated for handicapped only, in a shopping center as defined in Section 10.16.060, where such shopping center owner requests that the Jacksonville Police Department enforce violation of parking designations. Person so violating this Section shall be guilty of a misdemeanor and upon conviction thereof punished as provided in Chapter 1.20; (Ord. 646 Sec. 1, 1981)

Chapter 10.22

TRUCK PARKING

Sections:

10.22.010 Unlawful parking
10.22.020 Violation - Penalty

10.22.010 Unlawful parking

It shall be unlawful for any person, corporation or association to park any commercial hauling truck over one (1) ton and/or commercial hauling trailer, commercial hauling equipment, or commercial hauling cargo, with or without the tractor or towing vehicle attached thereto, on any street of the City for a period of time longer than one (1) hour unless: a) same is being loaded or unloaded; or, b) use of said vehicles and/or trailers in residential zones shall be limited to travel to and from locations to load/unload goods, merchandise, or equipment. Once said loading, unloading and/or hauling is completed, said oversized vehicle/trailer/equipment shall be promptly removed from the residential zone.
(Ord. 493 Sec. 1, 1978; Ord. 1139 Sec. 1A, 2000)

10.22.020 Violation - Penalty

Violation of any provision of the Ordinance shall result in a citation issued to the owner/operator/driver of said vehicle/trailer/equipment and/or the owner/occupant of said property. The minimum fine for such a violation shall be no less the Twenty-five Dollars ($25.00) and no more than One Hundred Dollars ($100.00). Each day the vehicle/tractor/equipment remains on the property shall constitute a separate offense.
(Ord. 493 Sec. 2, 1978; Ord. 1139 Sec. 1B 2000)

Chapter 10.24

TRUCK ROUTES

Sections:

10.24.010 Designation
10.24.020 Compliance with designated route - Exceptions

10.24.010 Designation

It is the duty of the Mayor of the City, within his best judgment and as he considers it to be for the best interest of the City and citizens thereof, to designate and mark with easily visible signs a route or routes over the streets of the City to be followed by trucks with a rated capacity in excess of one-half ton which are entering, leaving or passing through the City.
(Ord. 333 Sec. 2, 1974; Ord. 67 Sec. 1, 1955)

10.24.020 Compliance with designated route - Exceptions

All trucks with a rated capacity in excess of one-half ton shall follow this designated route or routes as they enter, leave or pass through the City, save that any such truck with a lawful destination that cannot be reached by the use of such routes may deviate therefrom for the purpose of reaching their destination and returning therefrom. (Ord. 67 Sec. 2, 1955)

Chapter 10.28

SPEED

Sections:

10.28.010 Limits
10.28.020 Speed greater than reasonable and prudent
10.28.030 Minimum speed

10.28.010 Limits

No person shall drive a vehicle at a speed in excess of thirty miles per hour within this City; provided, however, that the City engineer is empowered to increase the speed limit on streets where, in his opinion, by reason of distance from the center of population, width and conditions of roadways, and the amount of traffic thereon, or on the basis of an engineering and traffic investigation a higher limit is reasonable and free from undue hazard. Further, the City engineer may decrease such speed when the conditions so dictate as set out above. Adequate and clearly legible signs stating such increased or decreased speed limit shall be placed along all such streets and roadways. No person shall drive a vehicle at a speed in excess of the limits thereby designated.
(Ord. 536 Sec. 1(part), 1979)

10.28.020 Speed greater than reasonable and prudent

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing.
(Ord. 536 Sec. l (part), 1979)

10.28.030 Minimum Speed

A. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

B. Whenever the City Engineer determines on the basis of an engineering and traffic investigation that slow speeds on any part of a street or highway consistently impede the normal and reasonable movement of traffic, the City Engineer may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. (Ord. 536 Sec. l (part), 1979)

Chapter 10.30

GOLF CART USE

Sections:

10.30.010 Purpose
10.30.020 Definitions
10.30.030 Authorized uses and requirements
10.30.040 Violation(s)
10.30.050 Enforcement and Penalties

10.30.010 Purpose

It shall be the purpose of this Chapter to authorize the limited use and operation of those who drive their golf carts in and about the City of Jacksonville. These provisions are intended to promote safety and welfare of all citizens, both those utilizing golf carts upon or near golf course(s), within gated communities, upon private property and/or streets, and upon public streets that surround, are near, or are a part of a golf course.
(Ord. 1287, 2006)

10.30.020 Definitions

Golf Cart - A self propelled electric or gas powered vehicle with three (3) or four (4) wheels primarily designed for transportation purposes on or about a golf course. (Ord. 1287, 2006)

10.30.030 Authorized uses and requirements

It shall be unlawful to operate a golf cart on a public street or roadway within the City of Jacksonville unless all of the following requirements are met:

A) A golf cart may only be operated upon private property and/or roadways, on public streets and roadways that surround, are near, or are a part of a golf course(s), or within a gated community;

B) Those person(s) operating a golf cart shall hold a valid driver's license issued and/or recognized by the State of Arkansas with the following exception: any operator of a golf cart between Twelve (12) and Sixteen (16) years of age shall only be allowed to operate said cart upon private property or roadways, within a gated community, or within an area surrounding, near, or as a part of a golf course as he/she travels to and from the golf course;

C) There shall only be the number of people the golf cart is designed to seat riding on a golf cart, and passengers shall not be carried on the part of a golf cart designed to carry golf bags or allowed to be towed behind said cart in any manner;

D) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance shall a cart be operated at a speed greater than Twenty (20) miles per hour;

E) A golf cart may be operated only during daylight hours, with the exception that those golf cart(s) equipped with operating lights and reflectors meeting the requirements set forth below may operate before sunrise or after sunset. Any light-equipped cart shall have a minimum of Two (2) operable lamps, one on each side of the front of the golf cart, visible under normal atmospheric conditions from a distance of no less than Three Hundred feet (300’). Said golf cart shall also contain a minimum of One (1) red operable lamp on the rear of said cart, exhibiting a red light visible under normal atmospheric conditions from a distance of no less than Two Hundred feet (200’). In lieu of a rear red lamp, a golf cart may alternatively be equipped with no less than Two (2) red reflectors of a diameter of no less than Three inches (3”) designed, located, and maintained so that each reflector is visible from no less than Two Hundred feet (200’) in normal atmospheric conditions;

F) Golf carts may not be operated upon private streets or roadways, within gated communities, or upon public streets or roadways near, surrounding, or a part of a golf course during inclement weather or when visibility is impaired by weather, smoke, fog, smog, or other similar conditions;

G) All golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number, all safety devices as installed by said manufacturer, efficient and operable brakes, reliable steering apparatus, safe tires, and/or operable lights and reflectors as required herein if the cart is operated on a street or roadway at any time before sunrise or after sunset;

H) All golf carts must be operated in accordance with all applicable local and state and local laws and ordinances except licensing and equipment requirements, including all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages; and,

I) No golf cart(s) shall be operated in a careless, reckless, or prohibitive manner. All carts must be operated to the extreme right of any roadway and must yield to all vehicular and pedestrian traffic. (Ord. 1287, 2006)

10.30.040 Violation(s)

It shall be a per se violation of this Ordinance when any individual is found to be operating or in actual physical control of a golf cart upon any sidewalk, street(s) beyond the boundaries of a gated community, upon any street not near, surrounding, or including a golf course(s), or upon any major thoroughfare, expressway, freeway, county road, state highway, or a federal highway. (Ord. 1287, 2006)

10.30.050 Enforcement and Penalties

A) It shall be the responsibility of the Jacksonville Police Department to enforce the provisions of this Ordinance. Should any certified law enforcement member of the Department observe any individual in violation of any provision of this Ordinance, he/she shall promptly issue a citation for said violator into the Jacksonville District Court and/or see that an affidavit of warrant is issued for any violation(s) observed.

B) Any individual who pleads guilty, nolle contrendre, or is found guilty of a violation of the terms of this Chapter shall be fined no less than Twenty-five Dollars ($25.00) and no more than One Hundred Dollars ($100.00), together with applicable court costs, for each violation of the provisions of this Chapter. (Ord. 1287, 2006)

Chapter 10.32

MOTORIZED BICYCLE SAFETY EQUIPMENT

Sections:

10.32.010 Motorized Bicycle - Safety Equipment

10.32.010 Motorized Bicycle - Safety Equipment

All passengers and operators of motorized bicycles used upon the public streets and highways of the City of Jacksonville shall be equipped with the following equipment under the standards set forth by the Department of Motor Vehicles of the State of Arkansas:

a. Protective headgear, and

b. Protective glasses, goggles or transparent face shields.

(Ord. 614 Sec. 1, 1980)

TITLE 10 FOOTNOTES

1. For statutory provisions requiring one to stop and render aid at an accident and providing for forfeiture of driver's license for failure to do so, see ACA 27-16-905.

2. For statutory provisions governing the operation of vehicles on approach of an emergency vehicle, see ACA 27-51-901.

3. For statutory provisions defining reckless driving, see ACA 27-50-308.

4. For statutory provisions empowering the City to control the use of public highways within its limits, see ACA 14-54-103; 14-54-104.

TITLE 11

RESERVED

Title 12

STREETS AND SIDEWALKS

Chapters:

12.04	Master Street Plan
12.06	Master Sidewalk Plan
12.08	Street Department Bidding Procedure
12.12	Street Cutting Permit
12.16	Moving Building Permit
12.20	Street Lights
12.24	Curbs, Gutters, Sidewalk, and Drainage
12.28	Street Numbering

Chapter 12.04

MASTER STREET PLAN

Sections:

12.04.010	**Report acceptance**
12.04.020	**Adoption Master Street and Sidewalk Plan**
12.04.030	**Title**
12.04.040	**Purpose**
12.04.050	**Classification establishment**
12.04.060	**Planning specifications**
12.04.070	**Al freeway**
12.04.080	**A2 freeway**
12.04.090	**A3 freeway**
12.04.100	**B1 expressway**
12.04.110	**B2 expressway**
12.04.120	**B3 expressway**
12.04.130	**C1 major thoroughfare**
12.04.140	**C2 major thoroughfare**
12.04.150	**C3 major thoroughfare**
12.04.160	**D1 collector**
12.04.170	**D2 collector**
12.04.180	**Subdivider - Conformance with plan**
12.04.190	**Street widening - Plat approval**
12.04.200	**Request for plat consideration**
12.04.210	**Building permits - Conditions for issuance**
12.04.220	**Plan consideration - When**
12-04.230	**Recording**

12.04.010 Report acceptance

A resolution adopted by the Planning Commission on March 5, 1963, entitled "A Resolution Approving and Adopting the Master Street Plan of the Jacksonville Planning Area and recommending said Plan to the City Council of the City of Jacksonville, Arkansas," is accepted as the report and recommendation of said Commission respecting the matters therein set forth. (Ord. 142 Sec. 1, 1963)

12.04.020 Adoption Master Street and Sidewalk Plan

There is adopted as part of the Jacksonville Municipal Plan, a master street plan, which plan is shown on a map bearing the title "Master Street Plan, City of Jacksonville, Pulaski County, Arkansas" and further identified by the signature of the chairman of the Jacksonville Planning Commission, duly attested by the secretary of said Commission, and by the signature of the Mayor and duly attested by the City Clerk, which map is on file in the county recorder's office. Said map and all explanatory matter thereon are adopted and made a part of this chapter, as fully as if described herein at length. Adoption of the streets and rights-of-way in the proposed Legacy Development and as such in the relocation and modification of West Main Street.
(Ord. 142 Sec. 2(part), 1963; Ord. 1226 Sec. 3, 2004; Ord. 1230 Sec. 1, 2004; Ord. 1308 Sec. 3, and 4, 2007)

12.04.030 Title

Said map together with such other maps, charts, documents, ordinances or orders as may from time to time be prepared and adopted; all pursuant to ACA 14-56-414 shall be known and may be cited as the "Master Street Plan of the Jacksonville Planning Ames."
(Ord. 142 Sec. 2 (part), 1963)

12.04.040 Purpose

The major street locations and classifications as herein set forth are made in accordance with a comprehensive plan in order that traffic and circulation of people and goods may be convenient; that safety from traffic hazards and other dangers may be secured; that congestion in the public streets may be lessened or avoided; that the process of development may be efficient and economical; and that the public gaiety, morals, order, convenience, prosperity and general welfare of the citizens may be promoted. The plan is made with reasonable regard for existing conditions, the future traffic anticipated along each route, the most desirable location and character for which each facility may be adapted and the conservation of property values throughout the City. (Ord. 142 Sec. 3, 1963)

12.04.050 Classification establishment

For the purpose of this chapter, the streets in the Jacksonville planning area are divided into classifications designated as follows:

A1 Freeway
A2 Freeway
A3 Freeway
B1 Expressway
B2 Expressway
B3 Expressway
C1 Major Thoroughfare
C2 Major Thoroughfare
C3 Major Thoroughfare
D1 Collector
D2 Collector
D3 Collector

The above major streets and the locations of said streets are established as shown on the plan documents described in Sections 12.04.020 and 12.04.030 of this chapter. (Ord. 142 Sec. 4, 1963)

12.04.060 Planning specifications

The streets shown on the plan exist or shall be planned according to the specifications enumerated in Sections 12.04.070 through 12.04.170. (Ord. 142 Sec. 4(part), 1963)

12.04.070 A1 freeway

An A1 freeway includes any existing or approved project under the Federal Aid Highway Act of 1956 having right-of-way basically established and engineered, and may include a road not so designated but built to such design standards. It shall have a right-of-way width as determined by the Arkansas Highway Department (generally three hundred feet or greater). (Ord. 142 Sec. 4 (1), 1963)

12.04.080 A2 freeway

An A2 freeway includes any approved project under the Federal Aid Highway Act of 1956 having an established alignment. It shall have a right-of-way width as determined by the Arkansas State Highway Department (generally three hundred feet or greater).
(Ord. 142 Sec. 4(2), 1963)

12.04.090 A3 freeway

An A3 freeway includes any future extension to a freeway of another classification. It shall be located on a general alignment and shall have a right-of-way width as determined by the Arkansas State Highway Department (generally three hundred feet or greater).
(Ord. 142 Sec. 4(3), 1963)

12.04.100 B1 expressway

A B1 expressway includes any existing or approved project having an established and engineered alignment, it shall have a right-of-way width of one hundred fifty feet or greater.
(Ord. 142 Sec. 4(4), 1963)

12.04.110 B2 expressway

A B2 expressway includes any proposed project having an established alignment. It shall have a right-of-way width of one hundred fifty feet or greater. (Ord. 142 Sec. 4(5), 1963)

12.04.120 B3 expressway

A B3 expressway includes any future extension to an expressway of another classification. It shall be indicated on a general alignment and shall have a right-of-way width of one hundred fifty feet or greater. (Ord. 142 Sec. 4(6), 1963)

12.04.130 C1 major thoroughfare

A C1 major thoroughfare includes any existing or approved street on an established or engineered alignment. It shall have a right-of-way of eighty feet or greater. (Ord. 142 Sec. 4(7), 1963)

12.04.140 C2 major thoroughfare

A C2 major thoroughfare includes any proposed street on an established alignment. It shall have a right-of-way width of eighty feet or greater. (Ord. 142 Sec. 4(8), 1963)

12.04.150 C3 major thoroughfare

A C3 major thoroughfare includes any future extension to a thoroughfare of another classification. It shall be located on a general alignment and shall have a right-of-way width of eighty feet or greater. (Ord. 142 Sec. 4(9), 1963)

12.04.160 D1 collector

A D1 collector includes any street of lesser standards than freeway, expressway or major thoroughfare. It shall be an existing street or approved project having an established or engineered alignment and shall have a right-of-way width of sixty feet or greater. (Ord. 142 Sec. 4(10), 1963)

12.04.170 D2 collector

A D2 collector includes any street proposed to be built or widened to the specifications of a D1 collector. It shall have a general alignment and shall have a right-of-way width of sixty feet or greater. (Ord. 142 Sec. 4(11), 1963)

12.04.180 Subdivider - Conformance with plan

Any subdivider of land within the planning area of the Jacksonville Planning Commission, who proposes to make or have made a subdivision of said land shall conform to this plan by indicating on any plats or drawings submitted to said commission for its consideration of any major street identified on this plan which traverses or abuts the said property. The subdivider shall plat said facility to the width and in the location determined by said commission and shall dedicate so much of said right-of-way as is not in excess of eighty feet in width. Any right-of-way requirement in excess of eighty feet in width, which is not dedicated at that time, shall be reserved for acquisition by the appropriate public body at a later date.
(Ord. 142 Sec. 5(part), 1963)

12.04.190 Street widening - Plat approved

Whenever the Jacksonville Planning Commission is presented with a request for consideration of a plat involving the widening of any mapped existing facility or an A2 freeway; B2 expressway, C2 major thoroughfare or D2 collector, said Commission shall determine, with the assistance of the City, the exact location and extent of right-of-way necessary for the provision of said facility and shall require in conjunction with the approval of the plat, the dedication or reservation of the right-of-way as stipulated above.
(Ord. 142 Sec. 5(part), 1963)

12.04.200 Request for plat consideration

Whenever the Jacksonville Planning Commission is presented with a request for consideration of a plat involving an A3 freeway, B3 expressway, C3 major thoroughfare or D3 collector, said Commission, with the assistance of the City, shall reconsider the general route shown on this plan and either determine the definite location and extent of right-of-way in the indicated location and shall require the dedication or reservation thereof as above or shall recommend for consideration by the Council a proposal to alter the location by amendment to this plan. (Ord. 142 Sec. 5(part), 1963)

12.04.210 Building permits - Conditions for issuance

The City shall not issue building permits for any structure on any lot or parcel which is traversed by or abuts any indicated major street facility unless it has first determined that the proposed structure would not lie within the proposed bounds of said facility, or unless otherwise authorized under the provisions of Section 2 paragraph of said Act 186. Nothing herein contained, however, shall be construed to deny a permit for the use of such lot or parcel for purposes not involving the construction or relocation of buildings.
(Ord. 142 Sec. 5(part), 1963)

12.04.220 Plan consideration - When

This plan shall be duly considered prior to action on any matter related thereto which comes before the Jacksonville Planning Commission, the City Council or any of the departments, agencies, boards or commissions of this City. (Ord. 142 Sec. 5(part), 1963)

12.04.230 Recording

A copy of the Ordinance codified in this Chapter together with the map referred to herein shall be filed in the office of the recorder of Pulaski County as required by ACA 14-56-414.
(Ord. 142 Sec. 6, 1963)

Chapter 12.06

MASTER SIDEWALK PLAN

Sections:

12.06.010 Identification of Plan
12.06.020 Intent and Scope of Plan
12.06.030 Definitions
12.06.040 Responsibility and Authority
12.06.050 Specifications and Standards
12.06.060 Sidewalk – Required Locations

12.06.010 Identification of Plan

The Master Sidewalk Plan of Jacksonville, Arkansas, is composed of various portions as outlined in this chapter.
(Ord. 1130 Sec. 2, 2000)

12.06.020 Intent and Scope of Plan

The Master Sidewalk Plan is intended to serve as an official guide for development of an efficient pedestrian walking system for the people of Jacksonville.

The plan is compiled within the scope of the planning objectives set forth as follows:

1. To indicate on the plan map the corridors for proposed new sidewalks. New sidewalks will ultimately be located within these corridors based on needs and the response of private developers and the various governments, Federal, State, County, and City, which have administrative or ownership control over the intended right(s)-of-way for proposed sidewalks;
2. To identify present and future needs of the sidewalk network; and,
3. To recommend standards and criteria to guide initial sidewalk construction, improvement planning, and programming.

Design standards and criteria contained in textural material will comply with the requirements for the Central Arkansas Regional Transportation Study, Arkansas State Highway and Transportation Department Regulations, and the Americans With Disability Act.
(Ord. 1130 Sec. 2, 2000)

12.06.30 Definitions

Collector Roadway – Connects local traffic with arterial roadway and provides easy access to adjoining land.
Commercial Street – An internalized system of public streets within a commercial subdivision.
Minor Arterial – Provide for long distance travel between major activity districts and should be designed for slightly higher speeds as compared to minor arterial. They are to serve through traffic and to connect major traffic generators of activity centers.
Plans – The Jacksonville Master Sidewalk Plan set forth in this chapter, with the accompanying map.
Local Street – Neighborhood streets serving no through traffic and connecting to the collector streets system.
Right-of-Way – Property required, by easement, dedication, platting, or purchase to be set aside for utilization by the public for streets, sidewalks, utilities, and drainage facilities.
(Ord. 1130 Sec. 2, 2000)

12.06.40 Responsibility and Authority

In accordance with Act 186 of 1957, as amended, the City Council of the City of Jacksonville, Arkansas, has the power to adopt and enforce a plan(s) for the coordinated, adjusted and harmonious development of the City.

The City of Jacksonville has duly created Planning Commission, with appointment and terms of members provided by and completed in accordance with city ordinance.

The general purpose of the Planning Commission is to prepare or have prepared a plan(s) for the municipality, to receive and make recommendations on public and private proposals for development, to prepare and administer planning regulations, to prepare and transmit to the City Council recommended ordinances implementing plans, and to advise and counsel the city government and other public bodies.

The objective of the Master Sidewalk Plan is to provide a Pedestrian Walkway System for the citizens of Jacksonville, connecting schools, public buildings, commercial, and residential areas. A comprehensive pedestrian thoroughfare system will assist in strengthening the economic development of the City while providing an efficient transportation system that promotes environmentally conscientious development with reasonable mobility for all.

Following the adoption and filling of any plan(s), the Jacksonville Planning Commission may transmit to the City Council, for enactment, recommended ordinances and regulations that carry out or protect the various elements for the plan(s).

It shall be the responsibility of the City Engineer to interpret and coordinate the Master Sidewalk Plan with Federal, State, and County agencies and government, the Planning Commission, City Council, and with owners and developers of land.

Where development plans, subdivisions plans and building permits involve implementation of any part of the Master Sidewalk Plan, the City Engineer shall review and either recommend alternatives or provide approval of the sidewalk plan.

The City Engineer shall review the planned use of utility space in conjunction with sidewalks and, where necessary, may assign space to utilities. On an annual basis, he shall prepare a priority listing of improvements for sidewalks and related facilities based on the Master Sidewalk Plan. The priority listing shall be submitted to the Planning Commission for their review and recommendation. He Planning Commission may hold public hearings on the priority listing prior to submitting it to the City Council for adoption.

The City Council may return the priority listing to the City Engineer and Planning Commission for further study or, by majority vote, may adopt the priority listing submitted by the Planning Commission.

Following adoption of the priority listing by the City Council, the listing shall be filed in the office of the City Clerk. A copy of the official listing shall be transmitted to the Secretary of the Planning Commission and to the City Engineer. Where conditions warrant, the Jacksonville Planning Commission may grant variances to the terms and conditions required by Ordinance. It shall be the responsibility of the City Engineer to consider variances in construction standards when requested and to make a determination to allow or disallow where conditions warrant and/or submit the request to the Planning Commission.

(Ord. 1130 Sec. 2, 2000)

12.06.050 Specification and Standards

Sidewalks shall be constructed in a designated area on the street right-of-way between the property line and the curb and gutter to the grade approved by the City Engineer. Sidewalks shall be constructed with a slope toward the curb not to exceed one-fourth inch (1/4″) per foot (3.02 foot per foot). The minimum width shall be five feet (5′) for Street classifications II through V and four feet (4′) for street classification VI. The minimum thickness of any sidewalk shall be four inches (4″).

Sidewalks shall be constructed in a prepared subgrade compacted to not less than ninety percent (90%) of Modified Proctor density. Where utilities are involved, the location of the sidewalk in plan must be approved by the affected utilities.

Transverse expansion joints not less than one half inch (1/2″) thick of a pre-molded, non-extruding type shall be placed every thirty-six feet (36′) along sidewalks and at all points where walks bear against curbs, buildings, or other structures. All corners shall be rounded so as not to leave any square edge(s) or sharp projections.

All sidewalks within the City shall meet all Americans with Disabilities Act provisions and requirements. Walkways should be located as far as practicable from travel lanes, and factors such as utility placement, vehicle speeds, traffic mix, and right-of-way should be considered in the placement of sidewalks.
(Ord. 1130 Sec. 2, 2000)

12.06.060 Required Locations

Street Classification	Sidewalk Requirement
Class II, Expressway	As recommended by AHTD
Class III, Arterial Principal	Both Sides of Street
Class IV, Arterial Minor	Both Sides of Street
Class V, Collector	One Side of Street
Class VI, Local	One Side of Street
Commercial Street	Both Sides of Street
Cul-de-sac (with less than twenty (20) houses)	Exempt

Street classification determinations shall be made in accordance with the Master Street Plan.

Chapter 12.08

STREET DEPARTMENT BIDDING PROCEDURE

Sections:

12.08.010 Established

12.08.010 Established

Where the amount of expenditure for any project or undertaking by the street department of the City exceeds one thousand dollars, said project or undertaking shall be submitted to the City Council for majority approval before any bids are advertised or work orders issued. (Ord. 307 Sec. 1, 1974)

Chapter 12.12

STREET CUTTING PERMIT

Sections:

12.12.010 Street Cutting Prohibited on Arterial Streets. Fee Required
12.12.020 Deposit for repairs – Amount
12.12.030 Replacement and tamping of soil - Deposit refund or forfeiture

12.12.010 Street Cutting Prohibited on Arterial Streets. Fee Required

No person, firm, corporation or agency will be permitted to make street cuts into or across any part of a principal and/or minor arterial street as defined by and shown on the Master Street Plan for the City of Jacksonville. Provided, however, any person, firm, corporation or agency, desiring to make cuts into or across any part of a street not defined as a principal or minor arterial street by the Master Street Plan, shall first file with the City Engineer a drawing of the cut to be made and shall pay to the City the sum of $1.00 for a permit to make the cut.

Boring and Drilling operations Permitted on Arterial Streets.
Boring and drilling operations will be permitted on major and minor arterial streets as defined by the Master Street Plan. Provided, however, that before any person, firm, corporation or agency will be permitted to begin any such boring and drilling operation, a bond in an amount of not less than $2,000 must he posted with the City. Said bond will be released when the boring and drilling operation is completed to the satisfaction of the Street Department and/or Engineering Department. Provided, further, that in cases where pits or manholes are to be installed in streets, the aforementioned bond will be increased in an amount equal to $100.00 a square foot for disturbed pavement area. Repairs will be made in this case with 6-inches of concrete with a 2-inch surface of asphalt.
(Ord. 429, 1977)

12.12.020 Deposit for repairs - Amount

The person, firm, corporation or agency, receiving a permit to make cuts on any street not defined as a principal or minor arterial street by the Master Street Plan shall deposit with the City, the amount of money necessary to fully repair any damage done by the cut. This amount will be $2.00 per linear foot of a ditch, said ditch not to exceed 36-inches in width. (Ord. 429, 1977)

12.12.030 Replacement and tamping of soil-deposit refund or forfeiture

It is a requirement of this chapter that within two days from the date the cut is made all dirt will be replaced, tamped and complete repairs made unless an extension of time is granted by the City Engineer. All money placed on deposit as described in Section 12.12.020 will be retained by the City for a period of six months. At the end of this period, this deposit will be refunded if repairs have proved adequate.

At any time during the six months period, the City Engineer may direct that additional repairs be made if he deems it necessary. Failure to comply will result in immediate forfeiture of the whole deposit. (Amendment No. 1 to Ord. 40(part), 1955; Ord. 40 Sec. 1, 1953)

Chapter 12.16

MOVING BUILDING PERMIT

Sections:

12.16.010 Definitions
12.16.020 Required when
12.16.030 Requirements for issuance
12.16.040 Application - Required information
12.16.050 Fee schedule

12.16.010 Definitions

Within this Chapter, the following words and/or phrases shall have the meanings set forth below.

A. **"City"** and/or "Jacksonville" means Jacksonville, Arkansas.

B. **"Object"** means any building, material, machinery or other heavy object within size limits to require a permit for movement over state highways.

C. **"Person"** means any person, persons, individual, firm, company, corporation, partnership or any other group of persons.

(Ord. 137 Sec. 1, 1962)

12.16.020 Required when

Every person desiring to move over the streets of Jacksonville any object for which the laws of the State require that he is to secure a permit, must also secure a permit from the City for the moving of such object over the streets of the City. (Ord. 137 Sec. 2, 1962)

12.16.030 Requirements for issuance

A permit shall not be issued unless and until the requirements contained in Sections 12.16.040 and 12.16.050 are met.
(Ord. 137 Sec. 3(part) 1962)

12.16.040 Application - Required information

An application for a permit shall be filed with the City clerk at least forty-eight hours in advance of any proposed moving. Said application shall be known as "Application for House Moving Permit" and shall contain the following items and information:

1. Name of the owner, his address;
2. Name of the house mover, his address;
3. Type of building, including length, width, height and original cost;
4. Present location;
5. Proposed location, including lot, block, addition (or subdivision) and street number;

6. Proposed route for moving (over what streets);
7. Proposed date of moving;
8. Date of application;
9. Approval by the City Engineer, Chief of Police, or his designate;
10. An affidavit by the owner and house mover stating that each and both of them do thereby assume and become responsible for any and all damages which may occur to the streets to any other public property of the City resulting from the moving of such object over and upon the streets.

(Ord. 508 Sec. 1, 1978; Ord. 504 Sec. 1, 1978; Ord. 137 Sec. 3(A) 1962)

12.16.050 Fee schedule

The required fee for each permit shall be paid according to the following schedule:

Object sixteen feet or less in width.....	$75.00
Object sixteen feet, one inch to twenty feet in width.....	85.00
Object twenty feet, one inch or more in width.....	100.00

(Ord. 508 Sec. 1(B), 1978; Ord. 137 Sec. 3(B), 1962)

Chapter 12.20

STREET LIGHTS

Sections:

12.20.010 Placement

12.20.010 Placement

Street lights may be placed at each intersection which is three hundred feet from an existing lighted intersection and may also be placed at the end of each cul-de-sac which is more than four hundred feet long and in the middle of any block so long as said placement is more than three hundred feet from the nearest existing street light. In no case, will street lights he placed where there is a light within three hundred feet of that position in any direction. Exceptions may be made on interstate routes, freeways, expressways or principal arterial streets as provided by the federal aid urban area systems map of the City.
(Ord 382 Sec. 1, 1976)

Chapter 12.24

CURBS, GUTTERS, SIDEWALKS AND DRAINAGE

Sections:

12.24.010 Definitions
12.24.020 Scope
12.24.030 Establishment of Standards and Appeal
12.24.040 Preliminary Design Conference
12.24.050 Plat Plan
12.24.060 Preconstruction Conference
12.24.070 Construction Observation
12.24.080 Field Changes
12.24.090 Driveways - Non-Arterial Streets
12.24.095 Driveways - Arterial Streets
12.24.100 Curbs and Gutters
12.24.120 Storm Drainage
12.24.130 Formation of Improvement Districts
12.24.140 Penalty

12.24.010 Definitions

Right-of-way - Property set aside by dedication, platting or by right of use for public utilization, utilities and streets.

Owner - An individual, partnership, or corporation developing the commercial or high-density area.

Street and Engineering Committee - A committee of the Jacksonville City Council, which establishes policy on street and storm drainage construction.

City Engineer - An Arkansas Registered Professional Engineer employed full time by the City of Jacksonville, Arkansas.

Subsurface Drainage - Cross drains, side drains, inlet structures and junction boxes which are installed to carry water below grade with the top closed.

Open Channel Drainage - Natural or improved channel which carries storm water and is open on the topside.

Watercourse - Any subsurface drainage or open channel drainage receiving storm water from five acres or more of undeveloped land or from two acres or more of developed land.
(Ord. 613 Sec. 1(part), 1980)

12.24.020 Scope

All applications for commercial building permits shall be made prior to starting site work. Applications for building permits in R-3, R-4, R-5, C-1, C-2, C-3 and C-4 Zones shall be governed by this Chapter.

The owner shall be required to provide the necessary preliminary engineering and construction of upright curbs in commercial and industrial areas, roll curb in residential areas, and driveway aprons in accordance with the standards provided by this Chapter, State and Federal Law. (Ord. 1130 Sec. 1A, 2000)

The owner shall further be required to provide adequate drainage to carry the five-year discharge for all water carried through the site and originating on the site. Design of the storm drainage must take into account future development of other commercial sites in the area. Where an owner elects not to construct facilities to accommodate future developments he must provide any necessary easements shown by a drainage study to be needed and must agree to enter into an improvement district at such time as said future development does occur.
(Ord. 613 Sec. 1(part), 1980)

12.24.030 Establishment of Standards and Appeal

Street cross sections shall be those established by the Master Street Plan for the particular street being improved or that established generally for the functional classification served.

Standards referred to in this chapter which are not set forth herein or referred to in other sections of this Code have been adopted by the Street and Engineering Committee and are maintained in the City Engineer's Office. The City Engineer shall interpret the meaning of all such standards and may revise these standards only through the action of the Street and Engineering Committee. Where unusual hardships exist, the City Engineer may waive the requirements of these standards if in his judgment the intent of this chapter; to provide adequate, serviceable, safe and lasting improvements for public use; has been adequately served.

Any owner wishing appeal from any part of these standards may appear before the Street and Engineering Committee. After hearing the testimony of the Owner and the City Engineer, the Street and Engineering Committee may vote to either grant or deny the request. The result of this vote shall be reported to the City Council at their next regular meeting. The vote on any appeal is sustained when the Street and Engineering Committee report is accepted by the City Council.

Relief from any part or parts of this chapter by appeal to the City Council does not relieve the owner from compliance with the remainder of this chapter. (Ord. 613 Sec. 1(part), 1980)

12.24.040 Preliminary Design Conference

To acquaint the designer who has been retained by the owner to prepare plans for construction with the requirements of the City, the designer shall meet with the City Engineer, prior to development of plans. (Ord. 613 Sec. 1(part), 1980)

12.24.050 Plat Plan

A plat plan must be submitted with the application for a building permit which shows the location of the street right-of-way, curb line, sidewalk, driveway entrances, intersection of streets, subsurface drainage, drain inlets, junction boxes and all utilities.

The plat plan shall show original and finished contours not less than a two foot (2') contour interval. All such plat plans shall be submitted to the City Engineer not less than ten days prior to advertising for bids. (Ord. 613 Sec. 1(part), 1980)

12.24.060 Pre-Construction Conference

The owner shall notify the City Engineer, of an open meeting with the contractor prior to the start of construction. The purpose of the pre-construction conference shall be to review the contractor's proposed method of construction, traffic control and clean-up procedures.
(Ord. 613 Sec. 1(part), 1980)

12.24.070 Construction Observation

The owner shall furnish a qualified representative to be available at all times during the construction to insure that the plans and specifications are followed. The City Engineer shall be notified in advance of any removal or replacement of paving, curbs or drainage structures and any changes in utilities on the right-of-way.
(Ord. 613 Sec. 1(part), 1980)

12.24.080 Field Changes

The City Engineer shall be notified of any change in the plans before proceeding with construction of said change where this change affects the portion of the work done on right-of-way or to the drainage system being constructed, and other items governed by this Chapter.
(Ord. 613 Sec. 1(part), 1980)

12.24.090 Driveways - Non-Arterial Streets

Driveways shall be located so that no part of the drive or apron is closer than forty feet (40') to a point in the nearest street intersection defined as the intersection of lines extended from the back sides of the curbing on intersecting streets. A minimum turn-out radius of five feet (5') shall be made tangent to the street curbing. The maximum grade from the street gutter line to the street right-of-way shall be twelve percent (12%). The minimum curb length between driveways shall be forty feet (40') on the same property and twenty feet (20') to the property line. Driveway aprons shall be constructed of concrete a minimum thickness of six inches (6") and reinforced with the equivalent ten (10) gauge wire on six-inch (6") centers. All such aprons shall have a minimum of six inches (6") rise from the street gutter to the end of the apron. Curb openings for the purpose of installing driveways shall be limited to forty-eight feet (48') long. Standards for excavation, compaction of sub-grade, concrete consistency and strength shall be as adopted by the Street and Engineering Committee. (Ord. 618 Sec. 1(part), 1980)

12.24.095 Driveways - Arterial Streets

Driveways shall be located so that no part of the drive or apron is no closer than three hundred (300') to a point in the nearest street intersection defined as the intersection of centerlines of the streets involved. A minimum turn-out radius of twenty-five feet (25') shall be made tangent to the street curbing. The maximum grade from the street gutter line to the street right-of-way shall be twelve percent (12%). The minimum curb length between driveways shall be three hundred feet (300') on the same property and one hundred and fifty feet (150') to the property line. Driveway aprons shall be constructed of concrete a minimum thickness of six inches (6") and reinforced with the equivalent of ten (10)-gauge wire on six-inch (6") centers. All such aprons shall have a minimum of six inches (6") rise from the street gutter to the end of the apron. Curb openings for the purpose of installing driveways shall be limited to forty-eight feet (48') long. Standards for excavation, compaction of sub-grade, concrete consistency and strength shall be as adopted by the Street and Engineering Committee.
(Ord. 618 Sec. 1(part), 1980)

12.24.100 Curbs and Gutters

Curbs and gutters shall be constructed on all city streets adjacent to the tract being developed. Where existing curb and gutter sections conforming to standards adopted by the Street and Engineering Committee which provide sufficient street width, curb height and drainage capacity and are in good repair, they may be retained and permits granted to remove those portions needed to accommodate driveways.

All curbs and gutters shall be constructed according to cross sections and standard specifications adopted by the Street and Engineering Committee. Grades shall be established on plans submitted to and approved by the City Engineer. Where unusual construction conditions such as high water tables, poor construction soils and unsuitable fill materials are encountered; the City Engineer must approve the methods used. Curbs and gutters shall be installed so as to prevent ground water from surfacing and running over the top of the curb.

The curb and gutters section used shall be two feet (2') wide with a six-inch (6") high curb and shall be a minimum of six inches (6") thick, conforming to the details adopted for vertical curbs by the Street and Engineering Committee. The preparation of sub-grade, back-filling behind the curb and addition of base and pavement to the street to bring the existing edge of pavement to the edge of the gutter section shall all be considered part of this requirement.
(Ord. 613 Sec. 1(part), 1980)

The placement of playground equipment at the back of any curb line so as to encourage adults and/or children to play in or about the street surface is hereby prohibited. In addition, the placement of concrete and/or any other material that causes an obstruction so as to interfere with the normal drainage pattern in the street curbs and gutters (commonly used to smooth entrances to driveways) is hereby prohibited.

Violations of any provisions of this section shall result in issuance of a citation and possible fine of no more than one hundred dollars ($100.00).
(Ord. 1048 Sec. 1(part), 1995)

12.24.120 Storm Drainage

A storm drainage system consisting of subsurface drainage and open channel drainage shall be provided for all watercourses entering upon or bounding the property developed by the owner.

The acreage above the property line draining to each watercourse shall be shown on the plans. The location in plan and elevation of all pipes and structures shall be provided on the plans submitted for approval. Pipes and structures shall be proportioned and designed to carry no less than the five-year storm discharge according to design method by the Street and Engineering Committee. Detention basis is recognized as an alternate method of storm water control. When flood hazard zones as identified by the Federal Insurance Administration fall inside the property, the owner must comply with all requirements of Title 15 of this Code.

No permanent buildings shall be placed over watercourses either in their original or relocated position. All watercourses must exit from the property being developed at the same location as before said development except where they can be relocated to a watercourse of sufficient capacity to carry the additional flow without damage to existing facilities either public or private.

All subsurface drainage under streets must be designed to sustain the wheel loads established by the Street and Engineering Committee for the streets functional classification.

Where open channel drainage is used within ten feet (10') of pavement edge one of the following conditions be met:

1. Ditch does not exceed eighteen inches (18") deep.
2. A highway guardrail is provided according to standards adopted by the Street and Engineering Committee.
3. A concrete barrier is provided according to standards adopted by the Street and Engineering Committee. Construction methods shall comply with the standards adopted by the Street and Engineering Committee. (Ord. 613 Section 1(part), 1980)

The piling of leaves, branches, yard waste, trash, debris, etc., on top of, inside of, or near so as to allow said items to enter through and/or drainage ditches is hereby prohibited.
(Ord. 1048 Sec. 1(part) 1995)

12.24.130 Formation of Improvement Districts

To avoid incomplete development of facilities, the City Engineer may require that improvements be continued to a logical terminus. Generally, all street cross sections shall be developed full width and drainage improvements shall be continued to a point where detrimental effects to public and private facilities are minimized.

By the formation of an improvement or development district, a group of owners may finance street and drainage improvements thus dividing the cost of the improvements required herein according to the benefits received by each owner. Upon receipt of evidence that such an improvement district has been formed according to the laws of Arkansas, to construct improvements required by this chapter, permits may be granted to proceed on building construction provided construction of the foreordained items is started not more than one year from the date of building permit and completed not more than three (3) years from the date of building permit.
(Ord. 613 Sec. 1(part), 1980)

12.24.140 Penalty

Any person, firm or corporation who shall violate the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than $100.00, nor more than $250.00.
(Ord. 613 Sec. 1(part), 1980)

Chapter 12.28

STREET NUMBERING

Sections:

12.28.010 Street Address Numbers Required
12.28.020 Assignment of Numbers
12.28.030 Penalty

12.28.010 Street Address Numbers Required

The occupant(s), owner(s), or responsible party(ies) of every building, dwelling, establishment, and/or structure located within the city limits shall maintain or immediately, if not now present, attach to, paint, or in some other manner display on or near the front entrance of such building, dwelling, establishment, property, and/or structure the street number(s) of such facility. The numbers displayed shall be a minimum of three inches (3") in height, comply with any and all U.S. Postal Service regulations, comply with any and all 911 Emergency System regulations, and be clearly visible from the street upon which the building, dwelling, establishment, and/or structure is located.
(Ord. 552, Sec. 1(part), 1979; Ord. 705, Sec. 1 (part), 1983; Ord. 1154, Sec. 20, 2001)

12.28.020 Assignment of Numbers

The City Engineer is hereby authorized and empowered to assign street numbers to any and all buildings, dwellings, establishments, and/or structures located within City limits. All such assignments shall be made in compliance with all applicable U. S. Postal Service and 911 Emergency System regulations. Further, the City Engineer may require that a street address be modified when, in his/her opinion, such modification is deemed to more logically reflect the physical location of any such building, dwelling, establishment, and/or structure.
(Ord. 552, Sec. 1(part), 1979 ; Ord. 705, Sec. l (part), 1983 ; Ord. 1154, Sec. 20, 2001)

12.28.030 Penalty

Any owner, agent, person or persons having control of any house, building, or structure of any and every kind and description, who shall violate, refuse or neglect to comply with the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum no less than $25.00 nor more than $100.00.
(Ord. 552 Sec. 1(part), 1979; Ord. 705 Sec. 1(part), 1983)

TITLE 12 FOOTNOTES

1. For statutory provisions authorizing municipalities to adopt a master street plan, see ACA 14-56-414.

2. For statutory provisions requiring competitive bidding on all projects costing in excess of $1,000.00, see ACA 14-58-303.

3. For statutory provision placing control of all public highways, bridges, streets, alleys, public squares and alleys with the City Council, see ACA 14-301-101.

4. For statutory provisions empowering the City to control the use of public highways within its limits, see ACA 14-54-104.

Chapter 12.06

MASTER SIDEWALK PLAN

Sections:

12.06.010 Identification of Plan.
12.06.020 Intent and Scope of Plan.
12.06.030 Definitions.
12.06.040 Responsibility and Authority.
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12.06.060 Sidewalk – Required Locations.

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(Ord. 1130 Sec. 2, 2000)

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2. To identify present and future needs of the sidewalk network; and,
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In accordance with Act 186 of 1957, as amended, the City Council of the City of Jacksonville, Arkansas, has the power to adopt and enforce a plan(s) for the coordinated, adjusted and harmonious development of the City.

The City of Jacksonville has duly created Planning Commission, with appointment and terms of members provided by and completed in accordance with city ordinance.

The general purpose of the Planning Commission is to prepare or have prepared a plan(s) for the municipality, to receive and make recommendations on public and private proposals for development, to prepare and administer planning regulations, to prepare and transmit to the City Council recommended ordinances implementing plans, and to advise and counsel the city government and other public bodies.

The objective of the Master Sidewalk Plan is to provide a Pedestrian Walkway System for the citizens of Jacksonville, connecting schools, public buildings, commercial, and residential areas. A comprehensive pedestrian thoroughfare system will assist in strengthening the economic development of the City while providing an efficient transportation system that promotes environmentally conscientious

development with reasonable mobility for all.

Following the adoption and filling of any plan(s), the Jacksonville Planning Commission may transmit to the City Council, for enactment, recommended ordinances and regulations that carry out or protect the various elements for the plan(s).

It shall be the responsibility of the City Engineer to interpret and coordinate the Master Sidewalk Plan with Federal, State, and County agencies and government, the Planning Commission, City Council, and with owners and developers of land.

Where development plans, subdivisions plans and building permits involve implementation of any part of the Master Sidewalk Plan, the City Engineer shall review and either recommend alternatives or provide approval of the sidewalk plan.

The City Engineer shall review the planned use of utility space in conjunction with sidewalks and, where necessary, may assign space to utilities. On an annual basis, he shall prepare a priority listing of improvements for sidewalks and related facilities based on the Master Sidewalk Plan. The priority listing shall be submitted to the Planning Commission for their review and recommendation. He Planning Commission may hold public hearings on the priority listing prior to submitting it to the City Council for adoption.

The City Council may return the priority listing to the City Engineer and Planning Commission for further study or, by majority vote, may adopt the priority listing submitted by the Planning Commission.

Following adoption of the priority listing by the City Council, the listing shall be filed in the office of the City Clerk. A copy of the official listing shall be transmitted to the Secretary of the Planning Commission and to the City Engineer. Where conditions warrant, the Jacksonville Planning Commission may grant variances to the terms and conditions required by Ordinance. It shall be the responsibility of the City Engineer to consider variances in construction standards when requested and to make a determination to allow or disallow where conditions warrant and/or submit the request to the Planning Commission.
(Ord. 1130 Sec. 2, 2000)

12.06.050 Specification and Standards

Sidewalks shall be constructed in a designated area on the street right-of-way between the property line and the curb and gutter to the grade approved by the City Engineer. Sidewalks shall be constructed with a slope toward the curb not to exceed one-fourth inch (1/4″) per foot (3.02 foot per foot). The minimum width shall be five feet (5′) for Street classifications II through V and four feet (4′) for street classification VI. The minimum thickness of any sidewalk shall be four inches (4″).

Sidewalks shall be constructed in a prepared subgrade compacted to not less than ninety percent (90%) of Modified Proctor density. Where utilities are involved, the location of the sidewalk in plan must be approved by the affected utilities.

Transverse expansion joints not less than one half inch (1/2″) thick of a pre-molded, non-extruding type shall be placed every thirty-six feet (36′) along sidewalks and at all points where walks bear against curbs, buildings, or other structures. All corners shall be rounded so as not to leave any square edge(s) or sharp projections.

All sidewalks within the City shall meet all Americans with Disabilities Act provisions and requirements. Walkways should be located as far as practicable from travel lanes, and factors such as utility placement, vehicle speeds, traffic mix, and right-of-way should be considered in the placement of sidewalks.

(Ord. 1130 Sec. 2, 2000)

12.06.060 Required Locations

Street Classification	Sidewalk Requirement
Class II, Expressway	As recommended by AHTD
Class III, Arterial Principal	Both Sides of Street
Class IV, Arterial Minor	Both Sides of Street
Class V, Collector	One Side of Street
Class VI, Local	One Side of Street
Commercial Street	Both Sides of Street
Cul-de-sac (with less than twenty (20) houses)	Exempt

Street classification determinations shall be made in accordance with the Master Street Plan.

Title 13

WATER AND SEWER

Chapters:

13.04	Emergency Water Regulation
13.08	Management of Water and Sewer Systems
13.10	North Pulaski Waterworks Public Facilities Board
13.12	Sewer Connection
13.15	Unlawful Tampering with the City Water System
13.16	Water and Sewer Rates and Charges
13.20	Water and Sewer Tie-on
13.24	Sewer System
13.34	Private Fire Service Connections

Chapter 13.04

EMERGENCY WATER REGULATION

Section:

13.04.010 Mayoral authority

13.04.010 Mayoral authority

The Mayor is vested with authority to declare a state of emergency in times when a shortage of water exists within the City water distribution system and he shall further have the authority to promulgate rules and regulations concerning the use of water during such times, which shall have the full force and effect of law.
(Ord. 266 Sec. 1, 1972)

Chapter 13.08

MANAGEMENT OF WATER AND SEWER SYSTEMS

Sections:

13.08.010 Management authority - Audit and investigation
13.08.020 Fulfillment of contracts

13.08.010 Management authority - Audit and investigation

The management, operation and maintenance of the water and sewer system is vested in the City Council. The City Council shall see that a complete audit and investigation of the management and operation of the water works and sewer systems is made as of the effective date of the ordinance codified in this Chapter.
(Ord. 62 Sec. 1, 1955)

13.08.020 Fulfillment of contracts

The City Council, in its management and operation of the water works and sewer systems, shall see that all contracts with the bond holders are fulfilled and that the water works and sewer systems shall be operating subject to Resolution Number 2 of this City.
(Ord. 62 Sec. 3, 1955)

Chapter 13.10

NORTH PULASKI WATERWORKS PUBLIC FACILITIES BOARD

Sections:

13.10.010	**Creation of Public Facilities Board**
13.10.020	**Members of the Public Facilities Board**
13.10.030	**Organization of the Board**
13.10.040	**General Powers of the Board**
13.10.050	**Limitation on the Exercise of Powers**
13.10.060	**Use of Funds and Revenues**
13.10.070	**Authority with Respect to Bond and Debt**
13.10.080	**Indemnity**
13.10.090	**Meeting**
13.10.100	**Records**
13.10.110	**Annual Reports**

13.10.010 Creation of Public Facilities Board

There is hereby created a Public Facilities Board pursuant to the provisions of ACA §§ 14-137-101, ET. seq. (the "Act"). The Board shall be known as the North Pulaski Waterworks Public Facilities Board (the "Board"), and the Board shall have the powers provided for within the Act and under the terms of this Code.
(Ord. 1207 Sec. 1, 2003)

13.10.020 Members of the Public Facilities Board

The Board shall consist of seven (7) Board members, who shall be appointed by the City Council of the City of Jacksonville, Arkansas, from those eligible for membership as part of the users/members of the North Pulaski Public facilities Board and the former Highway 319 Public Facilities Board. The terms of said appointed members shall be as follows: Position 1, one year; Position 2, two years, Position 3, three years; Position 4, four years; and, Position 5, five years. Successor members shall be recommended for appointment by a majority of the Board for terms of five (5) years each for appointment by the City Council of the City of Jacksonville, Arkansas. Each member shall qualify by taking and filing with the Clerk of the City his or her oath of office in which he or she shall swear to support the constitution of the United States, the Constitution of the State of Arkansas, and to discharge faithfully the duties in the manner provided by law. Each member shall serve until his or her successor is elected and qualified. In the event of a vacancy in the membership, however caused, a successor member shall be appointed pursuant to the same process as outlined above. A member shall be eligible to succeed him or herself when determined appropriate to do so.

The five (5) initial members of the North Pulaski Waterworks Public Facilities Board will be: R.J. (Rick) Love, who shall serve in Position 5; William Driggers, who shall serve in Position 4; Sharon Malnar, who shall serve in Position 3; Marion Lee, who shall serve in Position 2; and, Vestal Johnson, who shall serve in Position 1.
(Ord. 1207 Sec. 3, 2003; Ord. 1301 Sec. 4, 2006)

13.10.030 Organization of the Board of Adjustment

Board members shall meet and organize by electing one of their members as Chair, one as Vice-Chair, one as Secretary, and one as Treasurer, and such officers shall be elected annually thereafter in like manner. The duties of the Secretary and Treasurer may be performed by the same member. Board members shall receive no compensation for their services. However, Board members shall be entitled to reimbursement of expenses incurred in the performance of their duties. Further, Board members shall adopt by-laws to operate said Board.
(Ord. 1207 Sec. 4, 2003)

13.10.040 General Powers of the Board

The Board is hereby specifically empowered:

a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in such facilities (as defined in the Act) or any interest in such facilities, including, without limitation, to provide financing for such facilities;

b) To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues thereof;

c) As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this Code or the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of its business;

d) To maintain an office at such place or places in or near the City as the Board may designate, from time to time;

e) To sue and be sued in its own name;

f) To fix, charge and collect rates, fees, interest, and charges for the use of any waterworks facilities and the supply of water;

g) To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may in its judgment find necessary for the accomplishment of the purpose and objective for which it has been created and to fix their compensation; and,

h) To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this Code and all other acts and things authorized or required by the Act as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created.
(Ord. 1207 Sec. 5, 2003)

13.10.050 Limitation on the Exercise of Powers

The North Pulaski Waterworks Public Facilities Board shall be a public board with limitations on the exercise of its powers to projects solely defined as "Waterworks Facilities" for the furnishing of water for domestic, commercial, agricultural and industrial purposes including, without limitation, mains, hydrants, meters, valves, sandpipes, storage tanks, intakes, wells, impounding reservoirs, purification plants, and lakes, watercourses, or water supplies pertaining thereto. Its power to issue bonds shall be limited solely to the accomplishment of waterworks facilities. (Ord. 1207 Sec. 6, 2003)

13.10.060 Use of Funds and Revenues

This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involve; the cost of issuing the bonds; the amount necessary for services, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other cost and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved and placing of it in operation. Any net earning of the Board (beyond that necessary for retirement of the indebtedness or to implement any waterworks facilities project) shall not inure to the benefit of any person other than the Board.
(Ord. 1207 Sec. 7, 2003)

13.10.070 Authority with Respect to Bond and Debt Obligations

This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in the act, which terms and provisions are hereby incorporated in this Ordinance as though herein expressly set forth, word for word, except to the extent of changes required for the provisions by amendment of the act from time to time hereafter.

It shall be plainly on the face of each bond that it has been issued under the provisions of the Act and that the bonds of the Board shall be special obligation revenue bonds, which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the City of Jacksonville, Arkansas, or any of its revenue are pledged. The principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived solely from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by, and in accordance with the provisions of the Act.

It shall also be plainly stated on any debt, loan agreement, or other such obligation that no City dollars from the City General Fund shall be used to pay any amount, debt, indenture, or other such obligation of the Public Facilities Board. (Ord. 1207 Sec. 8, 2003)

13.10.080 Indemnity

It is further stated and known that at no time in the creation or operation of this Public Facilities Board does the City of Jacksonville, Arkansas, have any liability for the past, present, or future operation of the North Pulaski Waterworks or the Highway 319 Public Facilities Boards. The Board shall be solely responsible for its operations, expenses and the creation of any liabilities that may arise and agrees to hold the City of Jacksonville, Arkansas harmless therefore.
(Ord. 1207 Sec. 9, 2003; Ord. 1301 Sec. 1, 2006)

13.10.090 Meeting

The Board shall meet upon the call of its Chair or a majority of its members and at such times as may be specified in the bylaws for regular meetings, and a majority of its members shall consist of a quorum for the transaction of business. The affirmative vote of the majority for the members present at the meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board. (Ord. 1207 Sec. 10, 2003)

13.10.100 Records

The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. 1207 Sec. 11, 2003)

13.10.110 Annual Reports

Within the first ninety (90) days of each calendar year, this Board shall make a written report to the City Council of the City of Jacksonville, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operations during the year. All funds under the control of the Public Facilities Board, whether held by the Board or by the trustee or custodian, shall be subject to an annual audit to be conducted by a private accounting firm selected by the Board through appropriate bidding procedures and funded by the Public Facilities Board. The auditors shall identify any net earnings of the Board defined as (1) those monies received by the Board that are not pledged to repayment of early retirement of bonds or other indebtedness; (2) those monies not required for ordinary and necessary expenses of the Board; and, (3) those monies released from such a pledge by means of defeasance or restructure of an existing bond issue. Additionally, every indenture or resolution authorizing the issuance of bonds shall expressly provide that any net earnings of the Board shall not insure to the benefit of any person or other entity. Only in the event of dissolution shall the Board be required to provide release and designation of said unpledged monies and/or assets to the City of Jacksonville, Arkansas, which will be done by agreement of the parties and in compliance with all applicable local, state, and federal laws.

Pursuant to the requirements of ACA §§ 14-137-110 and 111, no funds shall be expended by the Board without: (1) authorization by the affirmative vote of a majority of the members present at a meeting of the Board; (2) duly recorded by the Secretary in the minutes of the meeting; and, (3) supported by documentation justifying the lawful expenditure of public funds. (Ord. 1207 Sec. 12, 2003; Ord. 1379 Sec. 1, 2009)

Chapter 13.12

SEWER CONNECTION

Sections:

13.12.010 Mandatory

13.12.010 Mandatory

All persons owning property occupied within one hundred feet of the sewer line owned privately by an improvement district or by the City shall be required to connect with said sewer line for the purpose of disposing of sewerage created on his premises. (Ord. 17 Sec. 1, 1949)

Chapter 13.15

UNLAWFUL TAMPERING WITH THE CITY WATER SYSTEM

Sections:

13.15.010 Unlawful
13.15.020 Penalty

13.15.010 Unlawful

No person shall maliciously open, close, adjust, or interfere with a fire hydrant, valve, regulator, gauge, gate, meter or other regulator in or attached to the wells, tanks, reservoirs, conduits, pipes, mains, service pipes, house pipes, or other pipes or apparatus of the Jacksonville City Water System with intent to cause the escape of water or to injure or destroy such property. No person shall tap, sever, open, or make unauthorized connections with a main or pipe used or intended for the transmission of water. This section does not apply to the agent or employee of the Jacksonville City Water System, and does not apply to anything done by or under authority of any regularly constituted fire department. (Ord. 617 Sec. 1(part), 1980)

13.15.020 Penalty

Whoever violates Section 13.15.010 shall be fined not less than twenty-five nor more than three hundred dollars.
(Ord. 617, Sec. 1(part), 1980)

Chapter 13.16

WATER AND SEWER RATES AND CHARGES

Sections:

13.16.010 Water rates - Inside City limits
13.16.011 Water rates - Outside City limits
13.16.012 Water rates - Outside City limits - Bulk rates
13.16.014 Water rates - Little Rock Air Force Base
13.16.015 Commercial Monthly Meter Add-on Fees
13.16.016 Pass-Through Charges
13.16.060 Sewer rates - Computation
13.16.070 Sewer connection fees
13.16.080 Sewer rates - Outside corporate limits
13.16.090 Billing procedure - Penalty charge - Service cut-off
13.16.100 Disturbing or tampering with water and sewer system property - Penalty

13.16.010 Water rates – Inside City limits

The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be, and they are hereby, fixed as rates to be charged for water services to be rendered by the System.

A) Revenues collected as a result of User Rates levied shall be deposited in non-lapsing funds known as the Revenue and Operating Fund and the Emergency Equipment Replacement Fund. Fiscal year-end balances in these funds shall be used for no other purposes than the operation and maintenance of the Jacksonville Water Commission.
B) All customers of the Jacksonville Water Commission shall be billed on a monthly basis. Monthly user fees assessed for each customer shall be determined each month on the basis of the following rate and calendar year schedule:

No more than one residential unit or one commercial or industrial establishment shall be served through one meter, except where this condition now exists or except where special conditions make it more practical to serve through one meter.

Where more than one residential unit (e.g., residential, apartment, mobile home, housekeeping or other unit) or commercial or industrial establishment is served through one meter, both the minimum charge and the consumption blocks set forth in this section will be increased in proportion to the number of such units served through the one meter. Where more than one meter is required to serve a single commercial or industrial establishment, the meter size will be combined for the purpose of determining the minimum rate. Where multiple residential units are served through one meter, the minimum charge for each unit will be based upon the residential minimum for a five-eighth-inch meter. In all such multiple unit situations, a one-dollar per unit billing credit shall be granted on the basis of an assumed eighty-five percent occupancy rate. (Ord. 677, Sec. 1, 1982; Ord 776, 1985)

On a monthly basis, receivables and billing fees will be collected by the Water Department for the Sanitation Department, Wastewater Utility, and Water Department. The Water Department shall promptly determine the appropriate shares of said receivables and forward to the Sanitation Department and Wastewater Utility on a timely basis. For calculation of the Little Rock Air Base's proportional share of the Wastewater Utility proportional share, the following procedure shall be followed:

The total number of Wastewater Utility customers billed <u>each</u> month will be multiplied by the Wastewater Utility's proportional amount of customer billing fee. The resulting amount will be remitted by the Water Department to the Wastewater Utility. The Wastewater Utility will then divide the amount received by one minus Little Rock Air Force Base's contribution percentage (expressed in decimal traction form) and remit the resulting amount to the Water Department on the business day following receipt of said funds and calculations.

The resulting difference between the amount rendered to the Wastewater Utility and the amount returned to the Water Department will be Little Rock Air Force Base's proportional share of the billing costs. Said amount will be billed by the Wastewater Utility to Little Rock Air Force Base for reimbursement on a monthly basis.
(Ord. 952, Sec. 4, 1991)

13.16.011 Water Rates – Outside City limits
All Outside City Residential, Commercial, and Industrial Customers (Except Little Rock Air Force Base):

INSIDE CITY: RATE INCREASE PLAN
All Inside City Residential, Commercial, and Industrial Customers (Except Little Rock Air Force Base):

Proposed – Inside/Outside City Customers				
	2009	2010	2011	2012
Proposed Adjustment	*13%*	*13%*	*13%*	*8%*
Inside City				
Customer Charge	$4.90	$5.50	$6.20	$6.70
Usage Charge - $1,000 Gal.				
Minimum 2,000	$6.40	$7.20	$8.10	$8.70
2,001 – 20,000	4.30	4.90	5.50	5.90
20,001 – 50,000	4.00	4.50	5.10	5.50
Over 50,000	3.70	4.20	4.70	5.10
Outside City				
Customer Charge	$7.30	$8.20	$9.30	$10.00
Usage Charge - $1,000 Gal.				
Minimum 2,000	$9.70	$11.00	$12.40	$13.40
2,001 – 20,000	6.40	7.20	8.10	8.70
20,001 – 50,000	6.00	6.80	7.70	8.30
Over 50,000	5.50	6.20	7.00	7.60

(Ord. 1135, Sec. 2, 2000; Ord. 1234 Sec. 1, 2004 Ord. 1368, Sec. 1, 2009)

13.16.012 Water rates - Outside City limits – Bulk Rates

13.16.014 Water rates - Little Rock Air Force Base

Proposed – Wholesale Customer Rates				
	2009	2010	2011	2012
Proposed Adjustment	*13%*	*13%*	*13%*	*8%*
Little Rock Air Force Base				
Customer Charge	$0.00	$0.00	$0.00	$0.00
Usage Charge - $/1,000 Gal.				
First 6,000,000	$3.40	$3.80	$4.30	$4.60
Over 6,000,000	3.20	3.60	4.10	4.40
Wholesale Customers				
Customer Charge	$0.00	$0.00	$0.00	$0.00
Usage Charge - $/1,000 Gal.				
First 5,000,000	$3.80	$4.30	$4.90	$5.30
Over 5,000,000	3.60	4.10	4.60	5.00
City of Cabot				
Customer Charge	$0.00	$0.00	$0.00	$0.00
Usage Charge - $/1,000 Gal.				
First 1,000,000	$1.70	$1.90	$2.10	$2.30
Next 4,000,000	3.80	4.30	4.90	5.30
Over 5,000,000	3.60	4.10	4.60	5.00

(Ord. 1135, Sec. 2, 2000; Ord. 1234 Sec. 1, 2004 Ord. 1368, Sec. 2, 2009)

13.16.015 Commercial Monthly Meter Add-On Fees

Proposed – Inside/Outside City Commercial "Add-On" Fees				
	2009	2010	2011	2012
Proposed Adjustment	*13%*	*13%*	*13%*	*8%*
Inside City – Commercial Additional Add-On Fees				
5/8"	$2.90	$3.30	$3.70	$4.00
1"	10.20	11.50	13.00	14.00
1 1/2"	23.20	26.20	29.60	32.00
2"	46.60	52.70	59.60	64.40
3"	95.10	107.50	121.50	131.20
4"	149.50	168.90	190.90	206.20
6"	566.00	639.60	722.70	780.50
8"	1,178.70	1,331.90	1,505.00	1,625.40
Outside City – Commercial Additional Add-On Fees				
5/8"	$4.40	$5.00	$5.60	$6.00
1"	15.30	17.30	19.50	21.10
1 1/2"	34.90	39.40	44.50	48.10
2"	69.90	79.00	89.30	96.40
3"	142.70	161.30	182.30	196.90
4"	224.20	253.30	286.20	309.10
6"	849.00	959.40	1,084.10	1,170.80
8"	1,768.10	1,998.00	2,257.70	2,438.30

(Ord. 1135, Sec. 2, 2000; Ord. 1234 Sec. 1, 2004 Ord. 1241, 2005; Ord. 1368, Sec. 3, 2009)

13.16.016 Pass-Through Charges

Any increase in rates by the Central Arkansas Water adversely affects the ability of the Jacksonville Water Department to continue providing potable water service to its customers at existing rates.

Accordingly, any increase in rates by Central Arkansas Water and/or any authorized water supplier(s) shall be automatically passed to the customers of the Jacksonville Water Department after review and approval by the Jacksonville Water Commission. Any such increase(s) could and will affect the monthly minimum charge(s) and rate(s) and create any additional monthly charge(s) and rate increase(s) as set forth and approved by the Jacksonville Water Commission and/or the Jacksonville City Council. Charges and rates will be adjusted by the proportional percentage necessary to provide additional assessment of charge(s) and rate(s) so as to allow the Jacksonville Water Department to assess an equal pass-through increase in charge(s), fee(s), and/or rate(s) from Central Arkansas Water and/or any authorized water supplier(s).

For example, the chart below indicates a Watershed Protection Pass-through Charge where the proportional share of said fees are to be assessed by and through this Ordinance:

METER	WATERSHED PROTECTION FEE
SIZE (diameter)	**EFFECTIVE May 1, 2009**
5/8”	$ .45
3/4“	$ .45
1”	$ .68
1 1/2”	$ 1.13
2”	$ 2.25
3”	$ 3.60
4”	$ 6.75
6”	$ 11.25
8”	$ 22.50
10”	$ 36.00

(Ord. 1368 Sec. 4, 2009)

13.16.060 Sewer Rates - Computation

Section A: Definitions - Unless the contents specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. **Operation and Maintenance** - Those functions which result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and for which such works were designed and constructed.

2. **Replacement** - Expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

3. **Residential User** - Any contributor to the City's treatment works facility whose lot, parcel, real estate, or building is used for domestic dwelling purposes only.

4. **Commercial User** - All retail stores, restaurants, office buildings, laundries, and other private businesses and service establishments.

5. **Industrial User** - Any non-governmental, non-residential user of publicly owned treatment works facilities which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

   Division A - Agriculture, Forestry, and Fishing;
   Division B - Mining;
   Division D - Manufacturing;
   Division E - Transportation, Communications, Electric-Gas and sanitary;
   Division I - Services.

6. **Institutional User** - Social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

7. **Governmental User** - Legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

8. **Treatment Works** - Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial waste. These shall include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances: extensions, improvements, remodeling, additions, and alterations thereof: essential elements to provide a reliable recycled supply, such as stand-by treatment units and clear-well facilities: any works, including site acquisition of the land that will be an integral part of the treatment process or that which is used for ultimate disposal or residues resulting from such treatment (including land for composing sludge, temporary storage of such composite and land used for the storage of treated waste water in land treatment systems before land application); or, any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer system.

9. **Useful Life** - The estimated period during which a treatment works facility will be operated.

10. **User Charge** - That proportional amount of the total wastewater service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works facilities.

11. **Water Meter** - A water volume measuring and recording device, furnished and installed by the Water Department of the City of Jacksonville, Arkansas.

12. **Infiltration/Inflow** - The total quantity of water, other than wastewater, from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, cross-connections, catch basins, cooling towers, storm waters, service run-off, street wash waters, or drainage.

13. **Municipality** - A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two (2) or more for the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste, or other waste. This definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.

Section B: Revenues collected as a result of User Rates levied shall be deposited in non-lapsing funds known as the Revenue and Operating Fund and the Emergency Equipment Replacement Fund.

Fiscal year-end balances in these funds shall be used for no other purposes than the operation and maintenance of the Jacksonville Wastewater Utility. Monies which have been transferred from other sources to meet temporary shortages in the Revenue and Operating Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within six (6) months of the fiscal year in which the monies were borrowed.

Section C: All customers of the Jacksonville Wastewater Utility shall be billed on a monthly basis. Monthly user fees assessed for each customer shall be determined each month on the basis of the following rate and calendar year schedule:

FIVE YEAR RATE INCREASE PLAN

YEAR 2003: All Residential, Commercial and Industrial Customers: (Except Little Rock Air Force Base)

First 2,000 gallons or portion thereof	$6.84
Over 2,000 gallons	$2.06

(Ord. 952 Sec. C, 1991 ; Ord. 965 Sec. C, 1992 ; Ord. 1191, 2003)

Little Rock Air Force Base:

$0.8126 per 1,000 gallons or part thereof based on actual flow, and the appropriate billing charges as outlined below, based on the following formula used to determine the appropriate charges:

$$\frac{[O\&M) + r]\ P}{LRAFB\ \ FLOW} = \text{LRAFB RATE (\$/1,000 GALLONS FLOW)}$$

With appropriate billing fees accessed.

YEAR 2004: All Residential, Commercial and Industrial Customers: (Except Little Rock Air Force Base)

First 2,000 gallons or portion thereof	$7.95
Over 2,000 gallons	$2.54

(Ord. 952 Sec. C, 1991 ; Ord. 965 Sec. C, 1992 ; Ord. 1191, 2003)

Little Rock Air Force Base:

$0.8126 per 1,000 gallons or part thereof based on actual flow, and the appropriate billing charges as outlined below, based on the following formula used to determine the appropriate charges:

$$\frac{[O\&M) + r]\ P}{LRAFB\ \ FLOW} = \text{LRAFB RATE (\$/1,000 GALLONS FLOW)}$$

With appropriate billing fees accessed.

YEAR 2005: All Residential, Commercial and Industrial Customers: (Except Little Rock Air Force Base)

First 2,000 gallons or portion thereof	$9.08
Over 2,000 gallons	$3.02

(Ord. 952 Sec. C, 1991 ; Ord. 965 Sec. C, 1992 ; Ord. 1191, 2003)

Little Rock Air Force Base:

$0.8126 per 1,000 gallons or part thereof based on actual flow, and the appropriate billing charges as outlined below, based on the following formula used to determine the appropriate charges:

$$\frac{[O\&M) + r]\ P}{LRAFB\ \ FLOW} = LRAFB\ RATE\ (\$/1{,}000\ GALLONS\ FLOW)$$

With appropriate billing fees accessed.

YEAR 2006: All Residential, Commercial and Industrial Customers: (Except Little Rock Air Force Base)

First 2,000 gallons or portion thereof	$10.21
Over 2,000 gallons	$ 3.50

(Ord. 952 Sec. C, 1991 ; Ord. 965 Sec. C, 1992 ; Ord. 1191, 2003)

Little Rock Air Force Base:

$0.8126 per 1,000 gallons or part thereof based on actual flow, and the appropriate billing charges as outlined below, based on the following formula used to determine the appropriate charges:

$$\frac{[O\&M) + r]\ P}{LRAFB\ \ FLOW} = LRAFB\ RATE\ (\$/1{,}000\ GALLONS\ FLOW)$$

With appropriate billing fees accessed.

YEAR 2007: All Residential, Commercial and Industrial Customers: (Except Little Rock Air Force Base)

First 2,000 gallons or portion thereof	$11.36
Over 2,000 gallons	$ 3.98

(Ord. 952 Sec. C, 1991 ; Ord. 965 Sec. C, 1992 ; Ord. 1191, 2003)

Little Rock Air Force Base:

$0.8126 per 1,000 gallons or part thereof based on actual flow, and the appropriate billing charges as outlined below, based on the following formula used to determine the appropriate charges:

$$\frac{[O\&M) + r]\ P}{LRAFB\ \ FLOW} = LRAFB\ RATE\ (\$/1{,}000\ GALLONS\ FLOW)$$

With appropriate billing fees accessed.

WHERE:

O&M (Operation and Maintenance) = Expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for management of the Utility and for which such works are designed and constructed, to include the special provisions regarding billing costs and fees per JMC Section 13.16.010. (Ord. 952, Sec. 3, 1991; Ord. 965, Sec. 1, 1992)

r (Replacement) = Emergency expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were signed and constructed.

p (Proportionality) = The relationship between the total flow of the system and LRAFB flow expressed by the following formula:

$$\frac{\text{LRAFB FLOW}}{\text{TOTAL FLOW}} = (\text{LRAFB \% OR PROPORTION OF FLOW})$$

Charges shall be assessed by an approved method of actual flow measurement.

Residential:

Charges shall be assessed on all metered consumption. However, for bills dated May through September, sewer charges shall not exceed the amount that would be assessed based on an individual user's average consumption for the preceding months of October through March.

Commercial, Industrial, and Little Rock Air Force Base:

Surcharges for excessive strength wastewater shall be computed on the basis of actual monthly water consumption or an approved method of actual flow measurement and shall be determined using the following equation:

$$(8.34 \times MG \ (C_{ac} - C_{al} \quad F = \text{Surcharge}$$

Where:

8.34	=	The approximate weight of one gallon of water in pounds (lbs.)
MG	=	The volume of water used as determined by water consumption or actual flow measurement in million gallons per month.
C_{ac}	=	Actual concentration of a particular pollutant. measured in milligrams per liter (mg/l).
C_{al}	=	Allowable concentration of a particular pollutant. measured in milligrams per liter (mg/l).
F	=	Rate per pound as applied to a particular pollutant that is in excess of an allowable standards for pollutant.

The following schedule of surcharge rates shall apply:

$0.10 per pound of BOD (Biochemical Oxygen Demand), five day) in excess of 250 milligrams per liter (mg/l).

$0.08 per pound of TSS (Total Suspended Solids) in excess of 250 milligrams per liter (mg/l).

$1.00 per pound of oil and grease in excess of 100 milligrams per liter D(mg/l).

Section D: Any user who believes his/her user charge is unjust and inequitable may make written application to the Jacksonville Wastewater Utility requesting a review of his/her user charge. Said written request shall, where necessary, show that the actual or estimated average flow and/or strength of wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Review of the request shall be made by the Jacksonville Sewer Commission and, if substantiated, the user charges for that user shall be recomputed based upon the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle.

Section E: The Jacksonville Sewer Commission shall review the user charges annually and revise the rates as necessary to insure that adequate revenues are generated to pay the cost of operation and maintenance, including replacement and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement cost among users and user classes.

The Jacksonville Wastewater Utility will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance, including replacement of the treatment works facility.

This Ordinance shall incorporate by reference the latest sewer rates study officially adopted by the Jacksonville Sewer Commission containing detailed information of the rate system.
(Ord. 902, Sec. 1(part), 1989)

13.16.070 Tie-on Fee

The Sanitary Sewer tie-on fee shall be determined according to the size of water meter, as follows:

Water Meter (inches)	Tie-On Fee
3/4	$ 75
1	100
1-1/2	150
2	200
4	400
6	600
Greater than 6	Negotiable

(Ord. 723, Sec. 2, 1983)

13.16.080 Sewer Rates for Outside City Limits

"Customers outside the corporate limits of the City shall be charged one and one-half (1-1/2) times the monthly sewer service rates set forth in Section 13.16.060 and sanitary sewer tie-on fees set forth in Section 13.16.070." (Ord. 723, Sec. 3, 1983)

13.16.090 Billing procedure - Penalty charge - Service cut-off

All bills for charges for water and sewer use shall be computed and rendered monthly and shall be due and payable on or before the fifteenth day following the date of billing. A ten percent penalty charge shall be added to any bill not paid on or before the fifteenth day following the date of billing. If any bill is not paid by the twenty-fifth day following the date of billing, water service shall be discontinued and the premises shall be disconnected from the water system. Should any water service be so discontinued or premises be so disconnected and water service subsequently be requested by the same customer whose service was so discontinued or disconnected, the bill involved must be paid in full with penalty and a service charge of three dollars and fifty cents shall be made for restoring or reconnecting the water service. Reasonable effort shall be made to notify customers of delinquency is payment of bills, but failing payment within the twenty-fifth day grace period mentioned herein, water service shall be terminated impartially unless extenuating circumstances such as a death in the family, serious illness or other similarly trying condition exists.

There is established as a separate line item billing fee of $3.33 (2.51) for Water, $.61 for Sewer, and $.21 for Sanitation) collected for the purpose of defraying administrative and collection costs for the following City services: Sanitation (Garbage and Trash), Sewer and Water. Said fee shall be reflected by a single line item billing fee on the statement provided to customers each month. The Water Department shall be responsible for billing and collection for these city services, to include all appropriate rate charges, billing fees, and applicable local, state, and/or federal assessments. Upon

collection of these amounts, the Water Department shall promptly determine each department's share of the proceeds and forward such to the appropriate department, (Sanitation to Finance Department {City Hall} and Sewer to Jacksonville Wastewater Utility) along with accurate records of accounting to reflect computations. All departments shall work diligently together to insure each has access to all records and information necessary to provide accurate bookkeeping with each Department.
(Ord. 268 Sec. 5, 1972; Ord. 952 Sec. 1, 1991)

13.16.100 Disturbing or tampering with water and sewer system property - Penalty

It is a misdemeanor to disturb, tamper with or destroy any property belonging to the City now vested in the City Water and Sewer Department. It is a misdemeanor to disturb, tamper with or destroy water meters, fire hydrants, main pipelines, valves, pumps, waterworks equipment and property of the City Water and sewer systems. Each day that the offense exists or continues constitutes a separate offense. Any person convicted of such misdemeanor shall be fined a sum of not less than ten dollars nor more than fifty dollars for such offense.
(Ord. 268 Sec. 6, 1972)

Past and Present Ordinances that constitute Chapter 13.16:

Ord. 268, 1972	Ord. 965, 1992	Ord. 1368, 2009
Ord. 677, 1982	Ord. 1135, 2000	
Ord. 723, 1983	Ord. 1159, 2001	
Ord. 776, 1985	Ord. 1191, 2003	
Ord. 902, 1983	Ord. 1234, 2004	
Ord. 952, 1991	Ord. 1241, 2005	

Chapter 13.20

WATER AND SEWER TIE-ON

Sections:

13.20.010 Fees required for building permit
13.20.020 Repairs
13.20.030 Time of issuance
13.20.040 Time limit on installation

13.20.010 Fees required for building permit

All builders or contractors shall be required to pay all water and sewer tie-on fees before being issued or obtaining a building permit, with the following exception:
A contractor or builder who obtains building permits for five houses or more will not be required to prepay the water and sewer tie-on fees if the contractor or builder will assume all damages to existing pipes between the time the building permit is issued and the water and sewer tie-on fee is paid.
(Ord. 389 Sec. 1, 1976)

13.20.020 Repairs

All repairs necessary to make the meter wet will be paid for along with the deposit. (Ord. 389 Sec. 2, 1976)

13.20.030 Time of issuance

All building permits issued for building, which have meter boxes installed, must have water and sewer deposits paid before November 30th of the year of issuance. (Ord. 389 Sec. 3, 1976)

13.20.040 Time limit on installation

All builders must allow fourteen days for installation. If a need arises for faster service, an expediency installation fee of thirty dollars will be paid by the builder in addition to the meter setting fee. (Ord. 389 Sec. 4, 1976)

Chapter 13.24

SEWER SYSTEM

Sections:

	PREAMBLE
13.24.01	**Administration**
13.24.02	**Abbreviations**
13.24.03	**Definitions**
13.24.04	**Use of Public Sewers Required**
13.24.05	**Private Sewage Disposal**
13.24.06	**Building Sewers and Connections**
13.24.07	**Disconnecting Sewers**
13.24.08	**Protection from Damage**
13.24.09	**Discharge Prohibitions**
13.24.10	**Federal Categorical Pretreatment Standards**
13.24.11	**State Pretreatment Standards**
13.24.12	**Specific Pollutant Limitations (Local Limits)**
13.24.13	**Dilution Prohibited**
13.24.14	**Grease, Oil, and Sand Traps**
13.24.15	**Accidental Discharge/Slug Control Plans**
13.24.16	**Hauled Liquid Wastes**
13.24.17	**Fee and Charges**
13.24.18	**Industrial Wastewater Discharge Permits**
13.24.19	**Monitoring Facilities**
13.24.20	**Inspection and Sampling**
13.24.21	**Pretreatment**
13.24.22	**Confidential Information**
13.24.23	**Extra Strength Surcharge**
13.24.24	**Report on Hazardous Waste Activity**
13.24.25	**Powers and Authorities of Inspectors**
13.24.26	**Rule Making Authority**
13.24.27	**Users Outside the City of Jacksonville**
13.24.28	**Enforcement**
13.24.29	**Penalties**

PREAMBLE

This Code Section sets forth uniform requirements for direct and indirect contributors into the Publicly Owned Treatment Works for the City of Jacksonville, Arkansas, and enables Jacksonville Wastewater Utility, hereafter known as Utility, to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and amendments and the General Pretreatment Regulations (40 CFR part 403).

The objectives of this Code Section are:

a. To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will interfere with its operation, contaminate the resulting biosolids, or interfere with the use and disposal of wastewater or biosolids in compliance with applicable statutes and regulations;

b. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, and flow into the receiving waters, the atmosphere or otherwise be incompatible with the Publicly Owned Treatment Works and/or ecological system; and,

c. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;

d. To prevent the introduction of pollutants into the storm drainage system either through direct discharge or in that direct discharge such as a sanitary sewer overflow.

e. To establish uniform standards for the use of public sewers.

f. To enable the Utility to comply with its National Pollutant Discharge Elimination System Permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Utility is subject,

g. To promote and encourage pollution prevention and waste minimization and waste reduction through Pollution Prevention and Best Management Practices by the promotion of re-use and recycling of wastewater and biosolids from the Publicly Owned Treatment Works.

This Code shall apply to business citizens and industries within the City of Jacksonville, and to those entities and/or persons outside the city of Jacksonville who are, by contract or agreement with the Jacksonville Sewer Commission, Users of the City's Wastewater Utility system. Except as otherwise provided herein, the Manager of the Jacksonville Wastewater Utility shall be responsible to administer, implement, and enforce the policies of the Jacksonville Sewer Commission or their authorized representative, of the terms of this Code Section.
(Ord. 1360 Sec. 1, 2009)

13.24.01 Administration

Except as otherwise provided herein, the Manager shall administer, implement, and enforce the provisions of this Code. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to Utility personnel. **(Ord. 1360 Sec. 1, 2009)**

13.24.02 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

ADEQ	**Arkansas Department of Environmental Quality**
BMP	**Best Management Practices**
BOD_5	**Biochemical Oxygen Demand$_5$**
BTEX	**Benzene, Toluene, Ethylbenzene, Xylene**
CFR	**Code of Federal Regulations**
CIU	**Categorical Industrial User**
COD	**Chemical Oxygen Demand**

EPA	**U.S. Environmental Protection Agency**
gpd	**gallons per day**
mg/L	**milligrams per liter**
NACIS	**North American Cartographic Information Society**
NPDES	**National Pollutant Discharge Elimination System**
O&G	**Oil and Grease**
POTW	**Publicly Owned Treatment Works**
SIC	**Standard Industrial Classification**
SIU	**Significant Industrial User**
TSS	**Total Suspended Solids**
(t)	**Total**

(Ord. 1360 Sec. 1, 2009)

13.24.03 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this section, shall have the following meanings:

1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C.1251, et. seq.

2) Agent. Person who acts on behalf of an industrial/commercial/residential user or an authorized representative of the industrial/commercial/residential user.

3) Approval Authority. The Director of the State of Arkansas Department of Environmental Quality and/or their written designee.

4) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be:
   - (a) A principal executive officer the level of vice-president or above if the Industrial or Commercial user is a corporation.
   - (b) A general partner or proprietor if the Industrial or Commercial User is a partnership or proprietorship.
   - (c) Any duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility or administers the facility's environmental programs. The individuals as defined in terms (a) and (b) above must submit the designation of a facility representative that does not meet the requirements of items (a) and (b) above, in writing to the Utility.

5) Batch Discharge. The discharge of process wastewater to a POTW on an intermittent basis from a tank, vat, or similar vessel.

6) BMP. Best Management Practices or BMP's means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §13.24.09. BMP's include treatment requirements, operating procedures,

and practices to control plant site runoff, spillage of leaks, sludge or wastes disposal, or drainage from raw materials storage. [Note: BMP's also include alternative means (i.e., management plans) of complying with or in place of certain established categorical Pretreatment Standards and effluent limits.]

7) BOD5 (denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20 degrees centigrade (20°C) expressed in milligrams per liter (mg/L).

8) Brown Grease. Used fryer grease, collected by a restaurant in an above ground receptacle (vat).

9) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil water and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.

10) Building Sewer. A privately owned sewer conveys wastewater from the premises of a User, to the sanitary sewer main and/or manhole that is owned by the City.

11) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific categorical category of Users and that appear in 40 CFR Chapter 1, subchapter N, Parts 405-407.

12) City. The City of Jacksonville, Arkansas.

13) Commission. The Jacksonville Sewer Commission.

14) Commercial User. A non-residential user who engages in work in a non-manufacturing environment and produces little or no process wastewater.

15) Composite Sample. A series of individual grab samples collected over a known period of time or proportional to flow and combined to make one sample.

16) Control Authority. The City of Jacksonville, Arkansas or its designee.

17) Cooling Water. Any waters which are used for the purpose of cooling in which the only pollutant added is heat.

18) Direct Discharge. Discharge of treated or untreated wastewater directly into the waters of the State of Arkansas.

19) Domestic Septage. Any waste from holding tanks such as, but not limited to, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.

20) EPA. The Environmental Protection Agency.

21) Existing Source. Any source of discharge, which is not a “New Source”.

22) Garbage. The solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

23) Grab Sample. A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and (without consideration of time) over a period of time not to exceed 15 minutes.

24) Indirect Discharge. The discharge of the introduction of pollutants into the sanitary sewer system including holding tank waste discharges into the sanitary sewer or at the wastewater treatment plant.

25) Industrial User. A non-residential user of the sanitary sewer system, which discharges or has the potential to discharge toxic or conventional pollutants in amounts that could exceed the limitations set forth in this Code.

26) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes rendering the POTW's wastewater sludge unfit for disposal or under the criteria specified in the City's NPDES Permit or Solid Waste Disposal Permit.

27) Manager. The Manager of the Jacksonville Wastewater Utility of the City of Jacksonville, Arkansas, or his/her authorized deputy or representative.

28) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

29) New Source.

a. Any building, structure facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307© of the act which will be applicable to such source if such standards are there after promulgated in accordance with the Section, provided that:

b. The building, structure, facility or installation is constructed at a site at which no other source is located; or

c. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

d. The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility engaged in the same general type of activity as the existing source, should be considered.

e. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

f. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program:
   i. any placement, assembly, or installation of facilities or equipment; or,
   ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement assembly or installation of new source facilities or equipment; or

g. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

30) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

31) NPDES Permit.. A National Pollutant Discharge Elimination System permit as administered by EPA or State of Arkansas.

32) "O and G", O&G, or Oil and grease. A group of substances with similar physical characteristics are determined quantitatively on the basis of their common solubility in an organic extracting solvent. These substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials. It includes other materials recovered by the solvent from an acidified sample (such as sulfur compounds, certain organic dyes, and chlorophyll) and not volatilized during the test. At the discretion of the Manager, the Oil and Grease test may be determined by the Partition-Gravimetric Method as outlined in the latest approved listing in 40 Code of Federal Regulations, Part 136, or the Soxhlet Method contained in the latest approved edition of "Standard Methods for the Examination of Water and Wastes". Further, the solvent used may either be Trichlorotrifluoroethane (1,1,2-Trichloro-1,2,2-triflouoro-ethane) or a mixture of Eighty percent (80%) n-Hexane and Twenty percent (20%) methl-tert-butyl ether.

33) "O and M". Operations and Maintenance.

34) Pass Through. A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with discharge or other discharges from other sources, is a cause of a violation of any of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

35) Person. Any individual, firm, company, association, society, corporation, group, partnership, joint stock company, trust, estate, governmental entity, or any other entity, or their legal representatives.

36) "pH". A measure of the hydrogen-ion concentration in a solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter (g/mole/L). On the pH scale (0-14), a value of 7 at 25°C or (77°F) represents a neutral condition. Decreasing values indicate increasing hydrogen-ion concentration (acidity); increasing values indicate decreasing hydrogen-ion concentration (alkalinity).

37) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked, or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of waste water (e.g., TSS, turbidity, color, BOD, COD, cyanide, oil & grease (O&G), heavy metals, toxic organic compounds, heat, public hearing, toxicity, or odor).

38) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior o or in lieu of discharging or otherwise introducing such pollutants into a POTW.

39) Pretreatment Program. The Utility's EPA and/or Arkansas Department of Environmental Quality approved program to administer the requirements of 40 CFR 403, the General Pretreatment Regulations, and associated National Categorical Standards as adopted into Section 4 of Regulation No. 6: Regulations for State Administration of the National Pollutant discharge Elimination System.

40) Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on the Industrial User.

41) Pretreatment Standard or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical Pretreatment Standards and Local Limits.

42) Prohibited Discharge Standards or Discharge Prohibitions. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.24.09 of this Ordinance.

43) Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the ACT (33U.S.C. §1292) which is owned by the City of Jacksonville. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

44) Public Sewer. A sewer in which all owners of the abutting properties have equal rights and is controlled by a public authority.

45) Sanitary Sewer. A system of pipes and conduits in which sewage is carried and which storm, surface and ground waters are not intentionally admitted.

46) Sewer System. Jacksonville Wastewater Utility as operated by the Jacksonville Sewer Commission of the City of Jacksonville, Arkansas.

47) Shall is mandatory; May is permissive.

48) Significant Industrial Users.
   a. Any Industrial User subject to categorical pretreatment standards; or,
   b. A User that:
      i. Discharges an average of twenty-five thousand (25,000) gallons or more per day, of process wastewater to the POTW (excluding sanitary, non-contact cooling, and blow-down wastewater);
      ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
      iii. Is designated as such by the Manager on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
      iv. Discharges any substance that causes pass-through or a substance that is untreatable by the POTW (i.e. endocrine disruptors, human hormones, antibiotics, etc.)
      v. The Manager may decide that a User meeting the criteria in Section 45 Board (i), (ii), & (iii) has no potential for adversely affecting the POTW and should not be considered a Significant Industrial User and may be considered a Non-Significant Industrial User.
   c. Slug/Slug Load. The discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of low exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24 hour concentration or flows experienced during normal operation.

49) State. State of Arkansas

50) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1997.

51) Total Suspended Solids. The total suspended matter that floats on the surface or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

52) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic regulations promulgated by the Administrator of the EPA under the provisions of the Clean Water Act, Resource Conservation and Recovery Act, or other Acts

53) Upset. An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in the Ordinance or the forces beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

54) User. A residential or a non-residential customer of the Jacksonville Wastewater Utility.

55) Utility. The City of Jacksonville Wastewater Utility, including the POTW, personnel, and all authorized representatives.

56) Wastewater. Industrial waste or sewage or any other waste including that which may be combined with any ground water, surface water or storm water that may be discharged to the POTW.

57) Yellow Grease. The grease collected in an underground Grease Trap.
(Ord. 1360 Sec. 1, 2009)

13.24.04 Use of Public Sewers Required

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Jacksonville, Arkansas, or at any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet, within the jurisdiction of said City, any sewage or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Code, the laws of the State of Arkansas, and the EPA.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for employment, recreation and other purposes situated within the City and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the Utility is hereby required to install suitable toilet facilities therein and shall obtain a permit to connect such facility directly with the proper public sewer in accordance with provisions of this Code within thirty (30) days after the date of official notice to do so. Said real property shall be within three hundred (300) feet of an accessible sewer and construction of the sewer and its connection thereof to the public sewer shall be made by the owner within ninety (90) days, unless extenuating circumstances are present and an extension is granted by the Manager.
(Ord. 1360 Sec. 1, 2009)

13.24.05 Private Sewage Disposal

(1) Where a public sanitary sewer is not available under the provision of Section 13.24.04, Paragraph #4, the building sewer shall be connected to a private sewage disposal system, which meets all requirements of the City of Jacksonville, the State of Arkansas, and the EPA.

(2) Before commencement of construction of a private disposal system, the owner shall first obtain written permits from the Health Department, Arkansas Department of Environmental Quality, and/or the Jacksonville Sewer Commission. The applications for such permits shall be made, and the applicant is responsible to supplement said application with any plans, specifications, and any other information deemed necessary by the agencies issuing said permits.

(3) The type, capacities, locations, and lay out of private sewage disposal systems shall comply with all recommendations of the Arkansas Department of Health and the Arkansas Department of Environmental Quality.

(4) When a public sewer becomes available, the building sewer shall be connected to said sewer within the time period designated above in Section 13.24.04, Paragraph #4. The private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.
(Ord. 1360 Sec. 1, 2009)

13.24.06 Building Sewers and Connections

(1) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public or private sewer or appurtenance thereof without first obtaining a written permit from the Manager.

(2) There shall be two classes of building sewer permits:
- (a) Residential and commercial service; and,
- (b) Service to establishments producing industrial waste.

In either case, the owner or agent shall make application for service on a special form furnished by the Utility. The permit application shall be supplemented with any plans, specifications or other information considered relevant in the judgment of the Manager. A permit and inspection fee shall be paid to the Utility at the time application is filed. Coincident with the application for a permit, a connection fee shall be paid to the Utility as well. All fees will be determined and set by the Sewer Commission.

(3) All cost and expenses incident to the installation and connection of the building sewer shall be borne by owner. The owner shall indemnify the Utility from any loss or damage that may directly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building, except as follows:
- (a) Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels. The individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
- (b) Temporary buildings, mobile homes or similar portable structures may be connected to a building sewer and installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.

(5) Existing building sewers may be used in connection with new buildings only when they are found upon examination and testing by a Utility inspector to meet all requirements of this Code and all other applicable rules and regulations.

(6) The size, slope, alignment, and materials of construction of a building sewer and methods to be used in excavating, placing of pipe, jointing, testing, and back filling the trench shall all conform to the rules and regulations of the Utility and the building and plumbing Codes or other applicable rules or regulations of the City. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth and appropriate specification of the ASTM and the WPCF Manual of Practice Number Nine (9) shall apply.

(7) Whenever possible the building sewer shall be brought to the buildings at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sewage shall be lifted by an approved means and discharge directed to the building sewer.

(8) No persons shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface run off or ground water to the sanitary sewer, directly or indirectly.

(9) The connection of the building sewer into the public sewer shall conform to the rules and regulations of the Utility. In absence of Utility or City rules and regulations, the specifications and procedures of the ASTM and WPCF Manuals of Practice Number Nine (9) shall apply. All such connections shall be watertight and gas tight. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

(10) The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. All portions of the building sewer from the foundation to the connection to the public sewer shall be inspected and approved by the Manager or his authorized agent before backfilling.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from any hazard. Street, sidewalks, parkways, and other areas disturbed in the course of the work shall be restored in a manner satisfactory to the City’s Public Works Department.

(12) Owners of land shall be required to maintain their building drains and sewers in their entirely, including the point of connection to the public sewer, in a water tight condition so as to eliminate introduction of surface or ground water to the sewer system. If it is determined by the Manager that a building drain or sewer has not been maintained in a water tight condition, the owner shall be notified by certified mail, return receipt requested, that, at owner's expense, repairs must be made within a reasonable time (not to exceed ninety (90) days) in order to restore the building drain or sewer to a water tight condition. If satisfactory repairs are not made by the owner and inspected by duly authorized Jacksonville Wastewater Utility personnel within the specified time, the Jacksonville Sewer Commission may request that water service be

discontinued to that building or property until satisfactory repairs are made and inspected. The Commission shall further have the authority to make such rules and regulations as may be necessary to carry out the purpose of this section.
(Ord. 1360 Sec. 1, 2009)

13.24.07 Disconnecting Sewers

Before any dwelling or other building served by the public sewer is moved or demolished, the building sewer serving said building shall be disconnected from the sewer at the property line and sealed to prevent entrance of storm water and debris into the public sewer. This seal shall be maintained in a watertight condition by the owner. The disconnection and sealing of the building sewer line will require a permit from and inspection by the Utility. The owner of the property shall bear all costs associated with this disconnection.
(Ord. 1360 Sec. 1, 2009)

13.24.08 Protection from Damage

(1) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW.

(2) No unauthorized person shall cover any manhole on a public sewer with earth, paving, or otherwise render it inaccessible.

(3) No unauthorized person shall remove the earth cover from a public sewer so that less than two feet of cover remains over the pipe bells. Approval to remove subsequent cover requires written consent of the Manager.

(4) Any person found violating the above paragraphs of this section shall be subject to arrest and prosecution under applicable criminal law. **(Ord. 1360 Sec. 1, 2009)**

13.24.09 Discharge Prohibitions

1. General Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interference or in any way contaminates the POTW effluent, biosolids, scum or residues to render them unacceptable for economical reuse or reclamation. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

2. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient alone or by interaction with other substances to cause a fire, explosion, or be injurious in any other way to the operation of the POTW. Any wastewater with a closed cup flash point of less than 1400 Fahrenheit or 600 Centigrade or that results in a LEL (lower explosion limit) of greater than 20% at any point in the system is prohibited. In determining the flashpoint of a wastestream, the test methods specified in 40 CFR 261.21

shall be used. Specific materials limited by this paragraph include, but are not limited to, the following: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, percholorate, bromate, carbides, hydrides, sulfides, and any other substances which the City, the State, or EPA has notified User is a fire hazard or a hazard to the system;

b) Solids or viscous substances which may cause obstruction to the flow in a sewer, or other interference with the operation of the POTW such as, but not limited to the following: excessive grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent line, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

c) Any wastewater having a pH of less than 5.0 or greater than 11.0 or any wastewater having any other corrosive or acidic property capable of causing damage or hazard to structures, equipment, or personnel of the POTW. Any discharge which singly or in combination with others results in the pH at the POTW treatment plant being less than 6.0 or greater than 9.0 is prohibited;

d) Any wastewater containing toxic pollutants in sufficient quantity, singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process including sludge disposal, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, causes a violation of the POTW's NPDES permit. A toxic pollutant shall include, but not limited to, any pollutant identified in Section 307(a) of the Act;

e) Any noxious or malodorous liquids, gases, or solids which singly or by interaction with other waste are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repairs. In determining if a discharge has created an unacceptable hazard for POTW workers, the Manager will use standards established by the Occupational Safety and Health Administration in 29 CFR 1910, Subpart Z, as a guideline for establishing effluent limitations for the materials creating the hazard;

f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use of disposal developed pursuant to the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used;

g) Any substance which will cause the POTW to violate its NPDES or State Disposal System Permit or receiving stream water quality standards;

h) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye waste(s) and vegetable tanning solutions;

i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 400C (1040F);

j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain a concentration or quantity of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation unless prior approval has been received from the Manager and the discharge will not violate the provisions of this Code;

(k) Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations;

(l) Any wastewater containing petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin in amounts that will cause interference with operation of the POTW or will pass through the POTW to the receiving stream; and/or,

(m) Any hauled or trucked waste or wastewater, except at the POTW treatment plant, unless prior written permission is received from the Manager.

3. When the Manager determines that a User is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Manager shall advise User of the impact of the contribution on the POTW and either reject the waste or develop effluent limitations for such User to correct the interference. If the Manager develops effluent limitations for the discharge, then all cost associated with the development of this limitation, including consultant fees and any sampling and analysis, shall be borne by User. **(Ord. 1360 Sec. 1, 2009)**

13.24.10 Federal Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are here by incorporated. Those standards, if more stringent than the limitations by the latest approved "Technically Based Local Limits Development Document" for sources in that sub-category, shall supersede the limitations imposed by the Local Limits.

1. Where a categorical pretreatment standard is expressed only in the terms of either mass or the concentration of a pollutant in wastewater, the Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Manager shall impose an alternative limit using the combined wastestream formula in 40 CFR 403.6(e). **(Ord. 1360 Sec. 1, 2009)**

13.24.11 State Pretreatment Standards

The State has not developed State Pretreatment Standards. The State has adopted section 4 of EPA's regulation No.6: which incorporates Federal Pretreatment Standards. **(Ord. 1360 Sec. 1, 2009)**

13.24.12 Specific Pollutant Limitations (Local Limits)

No person shall discharge any waters or wastes at a concentration that would exceed the concentration of pollutants, including but not limited to, those identified in the "technically Based Local Limits Development Document", and adopted by the Manager of Jacksonville Wastewater Utility and approved by the Arkansas Department of Environmental Quality and the Jacksonville Sewer Commission.

The Utility will develop and assign specific discharge permit limitations for pollutants for permitted Users based on criteria approved by the Manager. The specific permit limits shall ensure that local limit pollutant concentrations will protect the wastewater treatment plant from upset. The Local Limits shall apply to the total flow or total discharge from the Industrial Users. In developing specific permit limits, the Manager may impose mass limitations in addition to, or in the place of, specific concentration-based limits. In addition, the Utility may develop specific discharge limitations for any other toxic pollutants which the Manager of the Utility may determine to be of sufficient quantity to cause POTW interference and/or pass through, endanger the health and safety of the POTW personnel or the public health, cause a POTW permit violation or render the POTW sludges unacceptable for economic reuse or reclamation.

The Utility may develop Best Management Practices (BMPs) and/or General Discharge Permits for certain groups of Users in lieu of Numerical Discharge Standards. The adherence to these BMPs and/or General Discharge Permits shall be utilized in the place of Numerical Local Limits and Pretreatment Standards. **(Ord. 1360 Sec. 1, 2009)**

13.24.13 Dilution Prohibited

No User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, this Code, or in any other pollutant-specific limitation developed by the City, the State, and/or the Federal government.**(Ord. 1360 Sec. 1, 2009)**

13.24.14 Grease, Oil, and Sand Traps

(1) Grease and oil interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid waste containing grease in excessive amounts except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Utility and shall be located as readily and easily accessible for required cleaning and inspection. Within ninety (90) days of approval of this Code, the Utility will develop Standard Specifications for the type and capacity of grease trap required by this Code and shall duly notify any affected User. In that event, the following provisions shall apply:

(a) Existing grease traps that do not meet Utility requirements will not be required to be upgraded to meet Utility requirements, unless in the opinion of the Manager and/or the Health Department the existing grease trap will not function to a level adequate to prevent sewer line blockage or a public health hazard. In lieu of replacing an existing trap, the Manager may allow for use of a grease trap treatment such as bacteria or require more frequent cleaning of the trap;

(b) All grease traps must be continuously maintained and operated by User at User's expense. User will insure that all resides from the grease trap are disposed of in a manner consistent with applicable local, state, and federal laws;

(c) Manager may require that a grease trap be cleaned by User at a frequency determined by Manager and Manager may require User to maintain records of said cleaning;

(d) The Utility may recover any cost from User associated with excessive line cleaning due to the absence of a grease trap or improper or inadequate maintenance and operation of the grease trap. For the purposes of this provision, excessive line cleaning is defined as any cleaning of the sewer line that would not be expected if the trap was functioning normally and/or required; and/or,

(e) Manager may waive the requirement for the installation of a grease trap when conditions make installation impractical. A grease trap waiver will not relieve User from any line cleaning charges that may occur as a result of the waiver.

(2) Sand and oil interceptors shall be provided when, in the opinion of Manager, they are necessary for proper handling of liquid waste containing sand, oil, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Utility and shall be readily and easily accessible for regular cleaning and inspection. Within ninety (90) days of approval of this Code, Utility will develop Standard Specifications for the type and capacity of sand and oil interceptors required by this Code and shall duly notify any affected User. In that event, the following provisions shall apply:

(a) Existing sand and oil interceptors which do not meet Utility requirements will not have to be upgraded to meet Utility requirements, unless in the opinion of the Manager the existing interceptor will not function to a level adequate to prevent the discharge of excessive sand or oil into the sanitary sewer system;

(b) All sand and oil interceptors must be continuously maintained and operated by User at User's expense. User will insure that all residues from the sand and oil interceptor are disposed of in a manner consistent with applicable local, state, and federal laws; and/or,

(c) Manager may require User to clean the sand and oil trap at a frequency determined by Manager, and Manager may require that User maintain a record of said cleaning.

(Ord. 1360 Sec. 1, 2009)

13.24.15 Accidental Discharges/Slug Control Plans

At least once every two (2) years, the Manager shall evaluate whether each Significant/Non-Significant Industrial User needs an accidental discharge/slug control plan, during the annual inspection. The Manager may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Manager may develop such a plan for any User. An accidental discharge/slug control plan shall address at a minimum, the following:

(a) A description of discharge practices, including non-routine batch discharges;

(b) a description of stored chemicals;

(c) procedures for immediately notifying the POTW of the accidental discharge and follow-up procedures for notifying Utility in writing within five (5) days of the discharge;

(d) any procedures necessary to prevent adverse impact from accidental discharge, including inspection and maintenance of chemical storage areas, loading and unloading of chemicals, building or containment structures, employee training, control of plant site runoff, any follow-up practice to limit the damage suffered by POTW, and/or emergency measures and equipment; and/or,

(e) Notify the POTW or Control Authority of any changes to the Facility affecting the potential for accidental and or slug discharges.

(1) All facilities used to prevent an accidental and/or slug discharge of regulated materials shall be provided and maintained at the User’s expense.

(2) In the event of accidental and/or slug discharge, it is the responsibility of User to notify Utility immediately of the incident. The notification will include location of the discharge, type of waste discharged, concentration, and volume of the discharge, and any corrective action.

(3) Within five (5) days following the accidental and/or slug discharge, User shall submit to Manager a detailed written report describing the cause of the discharge and the measures taken by User to prevent similar future occurrences.

(4) All permitted Industrial Users shall post a notice in a prominent place, advising employees of whom to call in the event of an accidental, slug and/or dangerous discharge. User shall insure that all employees who may cause or suffer such a dangerous discharge are advised of the emergency notification procedures.

(5) All existing permitted Industrial Users shall have one hundred and eighty (180) days to upgrade current accidental discharge control plan to meet requirements of this section. Industrial Users who receive permits after passage of this Code must comply with the requirements of this section upon commencement of discharge or as soon thereafter as reasonably possible.
(Ord. 1360 Sec. 1, 2009)

13.24.16 Hauled Liquid Wastes

1) Hauled liquid wastes may be introduced into the POTW, with prior approval of the Manager. These wastes may include, but are not limited to portable toilet wastewater and waters associated with the removal of underground petroleum storage tanks (BTEX waters). The acceptance of such waters for introduction to the POTW shall comply with Jacksonville Wastewater Utility current policies on the acceptance of portable toilet wastewater and BTEX.

2) The Manager shall require all haulers of liquid wastes discharged into the POTW to use the Utility manifest system for each load of hauled liquid waste. This form must contain at a minimum, the name and address of the wastehauler (transporter), permit number (if applicable), truck identification, names, and address(es) of the source(s) of the waste(s), and volume and characteristics of the waste. This form shall identify the type of waste.
(Ord. 1360 Sec. 1, 2009)

13.24.17 Fees and Charges

The Jacksonville Sewer Commission may adopt charges and fees to include, but not be limited to, the following:

(1) fees for reimbursement of costs incurred in development and operation of the City's Pretreatment Program;
(2) fees for monitoring, inspections, and surveillance procedures;
(3) fees for reviewing accidental discharge procedures and construction;
(4) fees for permit applications and permits; and/or,
(5) other fees as the Jacksonville Sewer Commission deem necessary to carry out the requirements contained herein.

These fees relate solely to matters covered under this Code and are separate from all other fees chargeable by the City. **(Ord. 1360 Sec. 1, 2009)**

13.24.18 Industrial Wastewater Discharge Permits

Wastewater Survey. When requested by the manager, all Industrial Users (CIUs, SIUs, and NSIUs) must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Manager is authorized to prepare a form for this purpose and periodically require Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this Ordinance.

(1) It shall be unlawful for any Significant Industrial User to discharge to the POTW any wastewater without a valid Industrial Wastewater Discharge Permit (or a General Permit). Additionally, any Industrial User which may not be considered a Significant Industrial User may be required to obtain an Industrial Wastewater Discharge Permit (or a General Permit), if in the opinion of Manager, this Industrial User's facility, singly or in combination with others, has the potential to adversely impact the POTW.

(2) There shall be three (3) classes of Industrial Wastewater Discharge Permits. A Class I Industrial Wastewater Discharge Permit can be issued to all Significant/Non-Significant Industrial Users and Categorical Industrial Users. Class II Industrial Wastewater Discharge Permit can be issued to any other Industrial/Commercial User requiring a permit, but which is not a Significant Industrial User. Class III Industrial Wastewater General Discharge Permit can be issued to a group of Users with similar operations and wastewater characteristics.

(3) All Significant Industrial Users, Categorical Industrial Users, and Non-Significant Industrial Users wishing to connect to or contribute to POTW shall obtain an Industrial Wastewater Discharge Permit (or a General Permit) before connecting to or contributing to POTW.

(4) All Industrial Users required to obtain an Industrial Wastewater Discharge Permit (or a General Permit) shall complete and file with Manager an application, in form prescribed by the Manager, and pay a fee as determined by the Jacksonville Sewer Commission. A proposed new Industrial User shall submit a completed application at least sixty (60) days prior to connecting or contributing to POTW. In support of the application, Industrial Users shall submit all relevant information as required by Manager. The Manager will evaluate data furnished by the Industrial User. After evaluation and acceptance of the data furnished, Manager may issue an Industrial Wastewater Discharge Permit, subject to the terms and conditions contained in said Permit.

(5) Industrial Wastewater Discharge Permits (shall be expressly subject to all provisions of this Code and all other applicable regulations, Industrial User charges, and fees established by the Jacksonville Sewer Commission. Permits may contain, but are not limited to, the following conditions:

(a) Unit charge or schedule of Industrial User charges and fees for wastewater discharged to the Utility;
(b) Limits on average and maximum wastewater constituents and characteristics;
(c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
(d) Requirements for installation and maintenance of a secure sampling point and flow monitoring installations;
(e) Requirements for industrial self-monitoring including sample location, sampling frequency, acceptable analytical and sampling methods, and reporting frequency, and the results from appropriate sampling of any regulated pollutant more frequently than required by the Manager;
(f) Any necessary compliance schedules;

(g) Requirements for submission of applicable technical or discharge reports, as required in 40 CFR 403.12(b),(c),(d),(e),(1), & (h), including but not limited to, Baseline Monitoring Reports, Ninety (90) Day Compliance Reports, Semiannual Reports on Continuing Compliance, Monthly Reports, and Compliance Schedule Milestone Reports;

(h) Requirements for maintaining and retaining for at least 3 years any records relating to wastewater discharge or BMP's and affording Manager access thereto;

(i) Requirements to notify Manager of any new introduction of wastewater constituents or any substantial change in the column or character of wastewater constituents being introduced into POTW;

(j) Requirement to develop a slug control plan (to be submitted with the permit application package) and Notification requirements in the event of a slug discharge or accidental spill;

(k) Provision under which Manager may extend the duration of the Industrial User's permit for up to one (1) year;

(l) Prohibition against bypassing of wastewater pretreatment equipment, except under conditions contained in the Industrial User's Permit;

(m) Designation of an authorized on-site representative at the facility authorized to sign reports required by the Industrial User's permit;

(n) A statement of applicable civil and criminal penalties (including but not limited to the penalties in 13.24.30 for violation of Pretreatment Standards and requirements;

(o) Requirements to control Slug Discharge, if determined by the Manager to be necessary; and/or,

(n) Other conditions as deemed appropriate by Manager to ensure compliance with this Code and/or all applicable regulations and provisions of the Jacksonville Sewer Commission.

(6) Permits shall be issued for a specified time period not to exceed three (3) years, except that Manager may extend expiration date of a Permit for up to one (1) year. Applications for renewal of an Industrial Wastewater Discharge Permit must be completed and submitted to Manager within 90 days of the Permit expiration date. Manager will notify the Permitted Industrial User of the duty to reapply 120 days before the expiration date of said Permit.

(7) The terms and conditions of an Industrial Wastewater Discharge Permit may be subject to modification by Manager during the term of the permit. Permits may be modified due to changes in Federal or State Regulations including the promulgation of Categorical Pretreatment Standards, changes in limitations or conditions contained in this Code, issuance of any order or directive from EPA or the State of Arkansas, changes in processes of the Industrial User, or any other condition which, in the opinion of Manager, will require a permit modification to insure compliance by the Industrial User and Utility with all applicable laws or regulations.

(8) Industrial Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new Industrial User, different premise or location, or accepted for a new or changed operation without written approval of Manager.

(9) Application(s) for an Industrial Wastewater Permit may be denied by Manager if the proposed discharge would exceed the limitations included in this Code, if the proposed discharge would result in an unacceptable loading, either hydraulic, organic, or toxic, to the Utility, if the proposed discharge will exceed limitations of applicable categorical standard, or if applicant has ever been convicted or entered into a consent decree over violations of environmental laws or regulations. (Ord. 1360, Sec. 1, 2009)

13.24.19 Monitoring Facilities

Permitted Industrial Users may be required by the Manager to provide and operate at the Industrial User's expense a secure sampling point. A secure sampling point may consist of equipment and appurtenances required to collect a representative wastewater sample. Equipment that may be required by Manager for a secure sampling point include, but are not limited to, an automatic wastewater sampler, equipment to constantly monitor discharge flow and pace the wastewater sampler, continuous pH monitoring equipment, any necessary safety equipment, and locking mechanism(s). Monitoring Sampling facilities should normally be located on the Industrial User's property but Manager may, when such a location would be impractical or cause undue hardship on the Industrial User, allow a monitoring facility to be constructed in a public street or sidewalk area and located so as not to be obtrusive. All sampling locations shall be constructed in accordance with Manager's requirements and any applicable local construction standards and specifications. The construction of a secure sampling point shall be completed within ninety (90) days of written notification by Manager. The Manager may extend the deadline for completion of installation of a secure sampling point for up to one year.
(Ord. 1360 Sec. 1, 2009)

13.24.20 Inspection and Sampling

(1) When directed to do so by the Manager; Owner or Industrial User of any property discharging Industrial waste shall, at the expense of said Owner or Industrial User, obtain a representative sample of the discharge and have appropriate physical, chemical, and biological tests performed on the sample by a qualified testing laboratory acceptable to Manager. The purpose of such test shall be to determine conformance of effluent characteristics to this Code. A report shall be made in writing to Manager stating the results of all said tests and a statement included as to whether or not the discharge is in conformance with this Code. All sampling and analysis required by this Code will conform to the conditions and requirements of 40 CFR 136, unless otherwise specified by Manager.

(2) The Manager shall inspect the facilities of any Industrial User to ascertain whether the provisions of this Code are being met and all requirements complied with. Persons or occupants of the premises where wastewater is created or discharged shall allow Manager or his representative ready access at all reasonable times to all parts of said premises for purposes of inspection, sampling, records examination and copying, or in performance of their duties. A reasonable time shall be considered any time in which the facility is discharging industrial wastewater. Manager shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, or metering operations. All permitted Industrial Users will be inspected by Manager a minimum of one time per year.

(3) The Manager and Industrial Users shall comply with the monitoring requirements in 40 CFR 403.12(g), (2), (3) & (4).

(4) Each Industrial User must notify the Manager of any significant changes to the User's operations or system which might alter the nature, quality or volume of its wastewater at least Thirty (30) days prior to obtaining a building permit or the commencement of internal plumbing changes and/or the introduction of new chemical components used in the production of products. **(Ord. 1360 Sec. 1, 2009)**

13.24.21 Pretreatment

Industrial Users shall provide necessary wastewater treatment as required to comply with this Code and shall achieve compliance with any applicable Federal Categorical Pretreatment Standard(s) within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to Manager shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to Manager for review and approval before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from responsibility of modifying or replacing facility as necessary to produce an effluent acceptable to Manager in compliance with this Code. Any subsequent changes in pretreatment facilitates or method of operation shall be reported to and accepted by Manager prior to the Industrial User's initiation of said changes. For information concerning the City of Jacksonville's ADEQ approved Pretreatment program, a copy is available for review at the Wastewater utility office. **(Ord. 1360 Sec. 1, 2009)**

13.24.22 Confidential Information

(1) Information and data regarding the Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring, and inspections shall be available to the public or other governmental agency without restriction, unless the Industrial User specifically request(s) and is able to demonstrate, to the satisfaction of Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as a trade secret of the Industrial User.

(2) The Industrial User must request in writing that Manager deem specific information confidential. The Industrial User must submit said information separate from any other information, labeled "Confidential". Manager will notify the Industrial User within a reasonable time of receiving the information if such can be held confidential. Information accepted by Manager as confidential shall not be transmitted to any governmental agency or to the general public by Manager until and unless a ten day notification is given to the Industrial User.

(3) Information accepted as confidential shall not be made available to the general public, but shall be made available upon written request to governmental agencies for uses related to this Code, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal Permit, or the Pretreatment Program: However, such portions of the report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing said report. Wastewater constituents and characteristics will not be recognized as confidential information. **(Ord. 1360 Sec. 1, 2009)**

13.24.23 Extra Strength Surcharge

Any Industrial or Commercial User discharging wastewater into the sanitary sewer which exhibits none of the characteristics prohibited in Section 13.24.09, other than excessive BOD5, TSS, and/or oil and grease (O&G), shall pretreat the wastewater so that BOD5 and TSS

concentrations do not exceed 250 mg/L and so that any O&G concentration does not exceed 100 mg/L. Manager may accept waste which exceeds these amounts for treatment, provided the following conditions are met:

(a) Waste will not cause damage to the collection system, including a sewer line blockage; and/or,
(b) Waste will not impair or interfere with the POTW wastewater treatment plant; and/or,
(c) Waste does not cause or contribute to the POTW wastewater exceeding 250 mg/L BOD5 or TSS and O&G exceeding 100 mg/L; and/or,
(d) Industrial or Commercial User will pay all extra strength surcharge(s) as provided by this Code.

(2) The extra strength surcharge for discharge of excessive BOD_5, TSS, and O&G shall be determined using the following formula:

(pollutant - allowance)(8.34)(flow in million gallons)(cost factor)=extra strength surcharge

(a) Value for the pollutant shall be the average concentration of all samples (IUs and JWU) for that pollutant during the month that the IUSM report has been submitted, (Value for the pollutant shall be the average of all samples for that pollutant for the past twelve (12) months or the past eight (8) samples whichever is larger), unless the Industrial or Commercial User has significantly altered the character and nature of the wastewater to such an extent that some of the values to be included in the average are not representative of current discharge conditions. Only BOD5, TSS, and O&G are acceptable pollutants for use in this formula.
(b) Allowance for BOD5 and TSS shall be 250 mg/L, and allowance for O&G shall be 100 mg/L.
(c) The flow shall be the discharge flow from the Industrial or Commercial User expressed in million gallons for the month billed for the extra strength surcharge.
(d) The cost factor for BOD5, TSS, and O&G shall be contained in a separate provision and shall be expressed in cost per pound of pollutant.

(Ord. 1360 Sec. 1, 2009)

13.24.24 Report on Hazardous Waste Activity

(1) Any User that discharges to POTW any substances which, if otherwise disposed of, would be listed or characterized as hazardous waste under Section 3001 of RCRA shall report such to Manager, EPA Region VI Waste Management Division Director, and Arkansas Department of Environmental Quality's RCRA Division within one hundred and eighty (180) days of the effective date of this Code. This report shall contain the following information:

(a) Name of the waste discharge;
(b) EPA hazardous waste number for hazardous wastes as listed under 40 CFR Chapter 1, Subpart D;
(c) Type of discharge (continuous, batch, or other);
(d) Hazardous constituents contained in the listed waste (if known);
(e) Volume and concentration of the waste (if known); and/or,
(f) Estimation of the volume of hazardous wastes expected to be discharged during the next twelve (12) months.

Industrial and Commercial Users who begin discharging after the effective date of this Code and whose discharge contains materials described above will be required to submit a report on hazardous waste activity within one hundred and eighty (180) days of commencement of discharge.

(2) Any existing Industrial or Commercial User that is submitting this information as part of a report required by this Code or their Industrial Wastewater Discharge Permit will not be required to submit this report. **(Ord. 1360 Sec. 1, 2009)**

13.24.25 Powers and Authorities of Inspectors

(1) Manager or other duly authorized employees of the Utility or City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in compliance with the provisions of this Code. Manager or his representatives have no authority to inquire into processes including metallurgical, chemical or refining, ceramic, paper, or other industries beyond the point necessary and having a direct bearing on the kind and source of discharge to sanitary sewer or waterways or facilities for waste treatment.

(2) While performing necessary work on private property referred to in Section 13.24.21, Manager or duly authorized employees of Utility shall observe all safety rules applicable to the premises established by the Industrial or Commercial User. Utility shall indemnify the Industrial or Commercial User against loss or damage to property by Utility employees from gauging, inspection, and sampling of operations, except as those losses as may be caused by negligence or failure of the Industrial or Commercial User to maintain safe conditions.

(3) Manager and other duly authorized employees of Utility bearing proper credentials and identification shall be permitted to enter all private properties through which the Utility holds an easement for the inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Utility's equipment and property within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to any private property involved. **(Ord. 1360 Sec. 1, 2009)**

13.24.26 Rule Making Authority

In addition to the provisions of this Code, the Jacksonville Sewer Commission is specifically authorized to make all other rules and regulations necessary for the construction, use, and operation of the sanitary sewers to be connected to or connecting into the Utility. Such rules and regulations so made and adopted at a regular meeting of the Sewer Commission shall become effective upon said approval of a majority of those Commissioners present at said meeting.
(Ord. 1360 Sec. 1, 2009)

13.24.27 Users Outside the City of Jacksonville

Any Industrial or Commercial User of the Utility located outside the city limits of the City of Jacksonville shall be required to agree, by written contract, to abide by the conditions set forth in this Code, Utility regulations, permit requirements, and any subsequent amendments thereto.

All municipalities which discharge to the City of Jacksonville POTW shall agree by written contract to adopt a Code section which meets the requirements of 40 CFR 403, General Pretreatment Regulations, and is at least as stringent as conditions set forth in this Code. This

agreement must also contain a provision that allows for adoption of any and all rules and/or regulations promulgated by the Jacksonville Sewer Commission as delegated to the Jacksonville Wastewater Utility, regarding the powers of enforcement for the provisions of all laws, rules, and/or regulations adopted in accordance with this Code. **(Ord. 1360 Sec. 1, 2009)**

13.24.28 Enforcement

(1) Manager may suspend wastewater treatment services or an Industrial Wastewater Discharge Permit when such suspension is necessary, in the opinion of Manager, to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons and/or the environment, or causes or will cause interference to the Utility or causes or will cause a violation of any condition of the Utility's NPDES Permit.

(2) Any Industrial or Commercial User who violates any provisions of the following conditions of this Code or any applicable State and Federal Regulation is subject to revocation and/or termination of its Industrial Wastewater Discharge Permit:

(a) Failure of Industrial or Commercial User to factually report wastewater constituents and characteristics of a discharge;
(b) Failure of Industrial or Commercial User to report significant changes in operation or wastewater constituents and characteristics;
(c) Refusal of reasonable access to the Industrial or Commercial User's property under conditions outlined in this Code;
(d) Knowingly submitting false or misleading information in any report required by Utility under conditions provided in this Code; and/or,
(e) Violations of any condition or limitation contained in Industrial or Commercial User's Industrial Wastewater Discharge Permit.

(3) The Jacksonville Sewer Commission will develop an enforcement response plan and policy outlining methods and procedures for use by Manager and/or Utility employees to enforce the provisions of this Code or any applicable regulation.

(4) If any Industrial or Commercial User discharges sewage, industrial wastes, or other waste into POTW contrary to provisions of this Code, Federal, or State Pretreatment Requirement, or any other applicable provision or directive, the Commission may commence an action for appropriate legal or equitable relief, notwithstanding the provisions contained herein.

(5) The Manager will annually publish in the largest daily newspaper published in Jacksonville a list of Industrial Users which have been in Significant Non-Compliance during the previous twelve months. This publication will be made in February. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D), or (H) of this Section and shall mean:

A. Chronic Violations of wastewater discharge permit limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six-(6) month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2 B; [Note: Required Streamlining Rule Change, see 40 CFR 403.3(l)]

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33 %) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH); [Note: Required Streamlining Rule Change, see 40 CFR 408.3(l)]

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limits, or narrative standard) that (the Manager) determines has caused, alone or in combination with other discharges, Interferences or Pass Through, including endangering the health of POTW personnel or the general public; [Required Streamlining Rule Change see 40 CFR 403.3(i)}

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in [the Manager's] exercise of the emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date; a compliant schedule milestone contained in an individual wastewater discharge permit, or a general permit, or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five days (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, provide self-monitoring reports and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; and/or,

H. Any other violation(s), which may include a violation Best Management Practices, which [the Manager} determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 1360 Sec. 1, 2009)

13.24.29 Penalties

(1) Any User found to have violated a provision of this Code or any applicable provision or directive of any orders, rules, regulations, and permits issued hereunder shall be fined not less than $25.00 nor more than $1000.00, or the maximum allowed by Arkansas Law, whichever is greater, for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Code section or Industrial Wastewater Discharge Permit, or who falsifies,

tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code section, shall, upon conviction, be punished by a fine of not more than $1000.00, or the maximum allowed by Arkansas Law, whichever is lower, and/or by imprisonment for not more than six (6) months.

(3) Any person who violates any provision of this Code section or any orders, rules, regulations, and permits issued hereunder, shall be liable civilly to a penalty not to exceed $1000.00 or the maximum allowed by Arkansas Law. Each day on which a violation shall occur or continue shall be deemed separate and distinct offense. Any such penalties imposed under the provisions of this paragraph shall not be construed as liquidated damages, and shall accrue in addition to any liability for any consequential damages or additional operating expense incurred by Utility resulting from the violation for which the penalty is imposed. Consequential damages shall include but not be limited to, fines, penalties, and costs incurred and imposed upon the City or by other public authorities.

(4) When the Manager finds that a user has violated, or continues to violate, any provision of this Ordinance, an individual wastewater industrial discharge permit, or a general permit or order issued hereunder or any Pretreatment Standard or Requirement, the Manager may fine such User in amount not to exceed One Thousand Dollars ($1000.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(5) When the manager finds that a User has violated or continues to violate, any provision of this ordinance, an individual industrial wastewater permit (or a general permit) or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may petition the City of Jacksonville, District Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual industrial wastewater discharge permit (or general permit) order, or other requirement imposed by this ordinance on activities of the User. The Manager may also seek such other action as is appropriate for legal and and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User

(6) The remedies provided for in this ordinance are not exclusive. The Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant, Further, the Manager is empowered to take more than one enforcement action against any noncompliant User.
(Ord. 1360 Sec. 1, 2009)

Chapter 13.34

PRIVATE FIRE SERVICE CONNECTIONS

Sections:

13.34.01 Charges
13.34.02 Payment Schedule

13.34.01 Charges

The following schedule of annual charges for private fire protection connections shall be paid to the Jacksonville Water Commission:

Each Automatic Sprinkler System - 1,000 Head or Less,	Inside City Charges	Outside City Charges
Subject to a Minimum Charge of	$ 144.00	$ 216.00
All Additional Heads, Each at	$ 0.10	$ 0.15

(Ord. 592 Sec. 1(part), 1980)

13.34.02 Payment Schedule

Bills shall be rendered on a semi-annual basis on the first day of January and July each year for the succeeding six months service. (Ord. 592 Sec. 1 (part), 1980)

TITLE 13 FOOTNOTES

1. Current water and sewer rates and charges are on file in the City Clerk's office. For provisions regarding the water and sewer department budget, see Ch. 3.16.

2. For statutory provisions authorizing the construction or acquisition of waterworks, see ACA 14-54-702: for statutory provisions empowering cities to open, construct and maintain sewers and drains, see ACA 14-54-601; for provisions governing waterworks generally, see ACA 14-234-101 et seq.; for provisions governing sewage systems generally, see ACA 14-235-201-et seq.

3. For statutory provisions authorizing the city board of health to compel property owners to connect with the sewer system, see ACA 14-235-302.

4. For statutory provisions authorizing the City Council to establish, and maintain uniform sewer rates, see ACA 14-235-223; for provisions authorizing the Council to set water rates, see ACA 14-234-214.

Title 14

PARKS AND RECREATION

Chapters:

14.04 Parks and Recreation Commission
14.08 Park Regulations

Chapter 14.04

PARKS AND RECREATION COMMISSION

Sections:

14.04.010	**Short title**
14.04.020	**Definitions**
14.04.030	**Establishment - Membership - Qualifications Compensation**
14.04.040	**Members Appointment - Vacancy filling**
14.04.050	**Officers – Election**
14.04.060	**Quorum**
14.04.070	**Meetings - Absence from - Member retirement**
14.04.080	**Director – Duties**
14.04.090	**Powers and duties**
14.04.100	**Officers - Terms of office**
14.04.110	**Meetings - When - Special meetings**
14.04.120	**Subcommittees**
14.04.130	**Meetings - Order of Business**
14.04.140	**Chairman – Duties**
14.04.150	**Vice Chairman – Duties**
14.04.160	**Executive Secretary – Duties**
14.04.170	**Annual Report**
14.04.180	**Information folder**
14.04.190	**Budget recommendation**
14.04.200	**Meetings – Attendance**
14.04.210	**Voting**
14.04.220	**Additional rules promulgation**
14.04.230	**Park & Recreation Department – Created**
14.04.240	**Park & Recreation Director – Appointment**
14.04.250	**Park & Recreation Director - Powers & Duties**
14.04.260	**Funds appropriation**
14.04.270	**Enforcement**

14.04.010 Short titles

This chapter shall be commonly known and cited as the "Park and Recreation Ordinance." (Ord. 190 Sec. 1, 1967)

14.04.020 Definitions

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future. Words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. **"City"** is the City of Jacksonville.

B. **"Director"** is a person so designated and in charge of the parks and recreation department or any subdivision thereof, including those in charge of any park area and its activities.

C. **"Park"** is a park, reservation, playground, recreation center or any other area in the City owned or used by the City and devoted to active or passive recreation, including all planted expressways, parkways, triangles and traffic circles maintained by the City, except the parkway strips between curb and sidewalks along the several streets and highways of the City.

D. **"Person"** is any person, firm, partnership, corporation, association, company or organization of any kind.
(Ord. 190 Sec. 2, 1967)

14.04.030 Establishment - Membership - Qualifications - Compensation

The Jacksonville Parks and Recreation Commission was established in 1967. The Parks and Recreation Commission shall consist of seven (7) members. The members shall be qualified voters of the City and shall serve without compensation.
(Ord. 499 Sec. 1, 1978; Ord. 289 Sec. 1,2, 1973; Ord. 190 Sec. 3, 1967; Ord. 858, 1987)

14.04.040 Members - Appointment - Vacancy filling

Members shall be appointed by the Mayor and vote of the duly elected members of the City Council and shall hold office for a term of five years; provided, however, that those commissioners first appointed and confirmed shall serve for terms of one, two, three, four and five years, each to be designated by the Mayor and City Council and upon expiration of their respective terms, commissioners appointed by the Mayor and approved by a majority of the City Council shall each be appointed for a term of five (5) years. In the event of a vacancy occurring on the Commission, it shall be filled by appointment by the Mayor subject to approval of majority vote of the duly elected and qualified members of the City Council. Each commissioner shall file the oath required by law in the State of public officials. Any commissioner appointed by the provisions of this section may be removed for cause upon a two-thirds' vote of the duly select and qualified members of the Council; provided further, that if a replacement has not been designated upon the end of a member's term, then that member shall continue his membership until replaced; provided, that no member shall be qualified/allowed to serve more than two consecutive terms. However, in the event said member is first appointed to fulfill less than six (6) months of an unexpired term, that period of appointment shall not be held against him/her in the determination of eligibility for continued service on the Commission.
(Ord. 1078 Sec. 1, 1997; Ord. 499 Sec. 3, 1978; Ord. 489 Sec. 1, 1978; Ord. 190 Sec. 3(1)(a)(2,4), 1967)

14.04.050 Officers - Election

The Commission shall elect a chairman, a vice chairman and a vice chairman for parks and recreation. No chairman or vice chairman shall serve more than two (2) consecutive terms as hereinafter provided for in Section 14.04.100. (Ord. 190 Sec. 3(1)(b), 1967)

14.04.060 Quorum

A majority of members constitutes a quorum.
(Ord. 190 Sec. 3 (1) (c) 1967)

14.04.070 Meetings - Absence from - Member retirement

Absence from three consecutive meetings without consent of the Commission chairman shall be deemed to constitute the retirement of such member and such fact shall be certified to the Mayor as hereinafter provided in Section 14.04.200. (Ord. 190 Sec. 3 (1) (d), 1967)

14.04.080 Director - Duties

The director of Parks and Recreation shall perform the duties of executive secretary to the Commission and shall be in attendance at all meetings of the Park and Recreation Commission.
(Ord. 190 Sec. 3(1) (e), 1967)

14.04.090 Powers and Duties

The Park and Recreation Commission shall take the following powers and perform the following duties:

A. It shall act in all matters pertaining to Parks and Recreation and have such power and authority therein to act in the best public interest, convenience and necessity. It shall acquaint itself with and make a continuous study and inspection of the complete Park and Recreation system of the City and shall advise with the City Council from time to time as to the present and further maintenance, operation, planning, acquisition, development, enlargement and public use policy of the City Park and Recreation system.

B. It shall study and encourage the development of Park and Recreation areas and study and encourage the development of wholesome recreation for all residents of the City.

C. The commissioners herein under appointed shall have full and complete authority to build, manage, operate, maintain and keep in a good state of repair any municipal buildings deemed necessary to carry on a recreation park for said municipality, including the right to control and permit or refuse to permit such public gatherings or other meetings or affairs as the commission sees fit and deem to be to the best interests of the City.

D. It shall advise with the director of Park and Recreation on problems of development of recreation areas, facilities, programs and improved recreation services.

E. It shall have periodic inventories made of recreation services that exist or may be needed and interpret the needs of the public to the City Council and to the director of Park and Recreation.

F. It shall recommend the adoption of standards on areas, facilities, programs and financial support.

G. It shall aid in coordinating the recreation service with the programs of other governmental agencies and voluntary organizations.

H. It shall interpret the policies and functions of the Park and Recreation Department to the public.

I. It shall review, study and make recommendations to the director of Park and Recreation for the preparation of the annual budget for the Park and Recreation Department.

J. It shall advise the director of Park and Recreation the development of long-range capital improvement programs and, when in its opinion the need exists for additional Park and Recreation facilities, grounds or premises it shall make appropriate recommendations to the City Council. It may also recommend the acquisition of additional parks, park and recreational equipment and supplies.

K. The Commissioners hereunder shall have, in addition to other powers, enumerated herein, the exclusive right and power to make purchases of all supplies, apparatus and other property and things requisite and necessary for the management and operation of the recreational parks, including the construction of the same and repairs and additions thereto.

L. It shall follow the rules and regulations prescribed by the Council for the conduct of its business.

M. It shall make recommendations to the City Council regarding Park and Recreation matters that it considers advisable.

N. It shall establish rules and regulations prescribed by the Council governing the administration of the Park and Recreation program and the use of Park and Recreation facilities.

0. It may solicit for the city gifts revenues, bequests or endowments of money or property as donations or grants from persons, firms or corporations, subject to the approval and acceptance by the City Council.

P. It may from time to time recommend to the City Council amendments or changes to the Ordinance codified in this Chapter.

Q. It shall, whenever in its opinion it is desirable or necessary establish operating hours during which buildings, structures, facilities athletic areas or other improvements on park areas shall be operated, recommend to the City Council such hours of operation, and if approved by the Council, such hours shall be posted on the entrance of such buildings, facilities, etc. and shall be deemed as the official hours of operation.

R. The Commissioners hereunder appointed shall have the authority to utilize all revenues derived from the operation of the recreational park in the use of the recreational park. All funds derived from the use of the recreational park shall be segregated into a park fund, which fund shall be used exclusively in the operation of the recreational park by the Commissioners. Monies in said fund shall not be mingled with other funds of the City and shall be handled exclusively by the Commissioners. Said Commissioners shall each furnish to the City a five thousand dollar ($5,000.00) surety bond that will serve to insure the City against any misappropriation or mishandling of funds. The surety on said bonds shall be paid for from monies in the park fund. The Commissioners shall receive no salary for their services, but shall be reimbursed from the park fund for actual expenses incurred in the performance of their duties

(Ord. 190 Sec. 3(2), 1967)

14.04.100 Officers - Terms of office

A. Designation. The officers of the Park and Recreation Commission shall be a chairman, a vice chairman for parks and a vice chairman for recreation and an executive secretary.

B. Term of Office. The term of office for the chairman, vice chairman for parks and vice chairman for recreation shall begin on the first day of January of each year and shall end on the thirty-first day of December. The executive secretary shall serve as prescribed in Section 14.04.160.

(Ord. 190 Sec. 3(3)(a), 1967)

14.04.110 Meetings - When - Special meetings

A. Regular Meetings. The Park and Recreation Commission shall meet on the second Tuesday of each month in the City Recreation Center unless another time, date and place is designated by the chairman and all members are notified at least one day in advance.

B. Special Meetings. Special meetings may be called by the chairman or by written request sent to the secretary by three members of the commission.

C. Quorum. A majority of members constitutes a quorum.

(Ord. 663 Sec. 1, l982)

14.04.120 Subcommittees

A. Appointment. The Park and Recreation Commission, by a majority vote of the quorum present at any regular or special meeting, may appoint to sub-committees such members and citizens as they see fit to serve the purposes of the Park and Recreation Commission.

B. Termination. These committees may be dissolved in a like manner.

(Ord. 190 Sec. 3(3)(c), 1967)

14.04.130 Meetings - Order of business

The following order of business shall be observed at all regular and special meetings unless set aside by a majority vote:

A. Call to order;
B. Reading of minutes of previous meetings;
C. Appointment of committees;
D. Reports of officers and committees;
E. Communications, other reports, public hearings, etc.;
F. Unfinished business;
G. New business;
H. Adjournment.
(Ord. 190 Sec. 3(3)(d), 1967)

14.04.140 Chairman - Duties

The chairman shall perform the usual duties of such office. He shall preside at all meetings when he is present and shall represent the Park and Recreation Commission at public functions.
(Ord. 190 Sec. 3(3)(e)(1), 1967)

14.04.150 Vice chairman - Duties

The vice chairman shall assist the chairman in directing the affairs of the commission and he shall act in his absence.
(Ord. 190 Sec. 3(3)(e)(2), 1967)

14.04.160 Executive Secretary - Duties

The executive secretary shall be responsible for carrying out all directions submitted to him by the Park and Recreation Commission. He shall be responsible for providing the Park and Recreation Commission with all information, which it requires, and for seeing that its policies, when properly approved, are adhered to. He shall report to the commission as required, not less than monthly, on all activities of the Park and Recreation Department. He shall read once a year, at the first regular meeting following the appointment of officers, the Park and Recreation Ordinance. (Ord. 190 Sec. 3(3)(e)(3), 1967)

14.04.170 Annual report

The Park and Recreation Commission shall publish and present annually to the City Council and interested citizens of Jacksonville a report on the manner in which Municipal Park and Recreation program has been conducted. This report shall be presented after the completion of each fiscal year. Preparation of the report shall be under the direction of the executive secretary. (Ord. 190 Sec. 3(3)(f)(1), 1967)

14.04.180 Information folder

The Park and Recreation Commission shall from time to time publish an information folder explaining the program and the facilities available through the Park and Recreation Department.
(Ord. 190 Sec. 3(3)(f)(2), 1967)

14.04.190 Budget recommendations

The Park and Recreation Commission shall annually present complete budget recommendations to the Mayor and City Council.
(Ord. 190 Sec. 3(3)(f)(3), 1967)

14.04.200 Meetings - Attendance

Any member of the Park and Recreation Commission who fails to attend three consecutive regular meetings without being excused by the Commission Chairman shall be certified to the Mayor as having retired under the provisions of Section 14.04.070.
(Ord. 190 Sec. 3(3)(g), 1967)

14.04.210 Voting

All questions presented for a vote of the Park and Recreation Commission shall be decided by a simple majority of those present.
(Ord. 190 Sec. 3(3)(h) 1967)

14.04.220 Additional rules promulgation

The Park and Recreation Commission shall have authority to adopt such additional rules that are not in conflict with this chapter that it deems necessary to carry out the purposes and intent of this chapter.
(Ord. 190 Sec. 3(3)(i), 1967)

14.04.230 Park and Recreation Department - Created

There is created a Park and Recreation Department for the City.
(Ord. 130 Sec. 4(1), 1967)

14.04.240 Park and Recreation Director - Appointment

The Mayor shall appoint, after considering the recommendations of the Park and Recreation Commission, a director of Park and Recreation to administer the Parks and Recreation program of the City.
(Ord. 190 Sec. 4(2), 1967)

14.04.250 Park and Recreation Director - Powers and duties

The director of Park and Recreation shall:

A. Be the chief administrative officer of the Park and Recreation Department of the City subject to the defection of the Mayor and as such shall be in immediate charge of the care, maintenance and operation of the various parks and recreation facilities contained therein of the City. He shall be in charge of the operation of any nursery which may be maintained by the City for the growing and furnishing of plants, trees, shrubs, grass and other growing vegetation for use in the city parks. He shall consult the City Engineer, from time to time, with reference to construction, maintenance and furnishing of utilities to and within the City parks;

B. Attend meetings of the Park and Recreation Commission and shall serve as its executive secretary without vote and shall advise with the Park and Recreation Commission pertaining to the planning, development and operation of the parks and recreation facilities of the City;

C. Recommend for employment required personnel according to the standard procedures as set forth by the City and, upon employment, shall supervise them in the performance of their various duties;

D. Administer, operate and maintain existing park and recreation areas and facilities and plan for the acquisition, development and operation of proposed facilities in accordance with the policies recommended by the Park and Recreation Commission and as approved by the Mayor and the City Council;

E. Inform the general public of the services and facilities being provided by the Park and Recreation Department;

F. Solicit suggestions from the general public to improve or increase the effectiveness of the services;

G. Cooperate with governmental and voluntary organizations and agencies in the furtherance of recreation opportunities.

H. Prepare manuals, bulletins and reviews on parks and recreation problems as required;

I Provide upon request assistance of technical nature to community agencies and organizations having problems relating to park and recreation areas, facilities and programs;

J. Conduct studies of local conditions and needs for park and recreational services and assist with recruitment and training of recreational personnel.

K. Prepare a budget request to the Mayor.
(Ord. 190 Sec. 4(3), 1967)

14.04.260 Funds appropriation

The City Council may appropriate funds from the general revenue fund of the City or from such other funds as the City may have available at the time to make up deficits or to provide such funds as may be necessary to carry on the operations of the said recreational park. The City Council may at any time appropriate such funds as it deems necessary from the general revenue fund or such other funds that the City may have available for the purpose of maintaining and operating the Recreational Park. (Ord. 190 Sec. 5, 1967)

14.04.270 Enforcement

A. **Officials.** The director, park attendant, Police Department and park ranger shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter and/or the rules and regulations prescribed thereunder.

B. **Ejectment**. The director, park attendant, Police Department and any park ranger shall have the authority to eject from the park any person acting in violation of this chapter and/or rules and regulations prescribed thereunder.

C. Seizure of Property. The director, park attendant, Police Department and any park ranger shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter and/or rules and regulations prescribed thereunder.

D. Fireworks. Unless authorized by the Parks and Recreation Commission or director, all fireworks displays and the shooting of fireworks on city park lands is illegal and constitutes a violation of this chapter punishable as set forth in Chapter 1.20.

E. Park Hours. All city parks shall be open to the public effective at seven o'clock a.m. on each day of the year and shall be closed to the public effective at eleven o'clock p.m. on each day of the year except for that period of time from September 1st to May 31st of each year, during which period of time the parks shall be closed to the public effective at ten o'clock p.m. Any person failing to observe these hours without authorization from the commission or director is deemed to have violated this chapter and is subject to the penalties prescribed in Chapter 1.20. Parents or guardians of any minor failing to observe closing hours shall be so notified.

(Ord. 204 Sec. 1, 1968; Ord. 190 Sec. 6, 1967)

Chapter 14.08

PARK REGULATIONS

Sections:

14.08.010 Resolution acceptance
14.08.020 Rules and regulations generally
14.08.030 Certain vehicles on park roads prohibited
14.08.040 Speed limit on park roads
14.08.050 Disturbing vegetation prohibited - Exception
14.08.060 Discharging firearms or fireworks – Permission required
14.08.070 Defacing park property prohibited
14.08.080 Lakes and ponds - Prohibited acts
14.08.090 Disturbing animals prohibited
14.08.100 Distribution and posting of handbills prohibited
14.08.110 Soliciting and peddling - Permission required
14.08.120 Speeches or lectures - Permit required
14.08.130 Assembly during certain hours prohibited Exception

14.08.010 Resolution acceptance

A resolution adopted by the Jacksonville Parks and Recreation Commission on August 20, 1963, entitled "Resolution of the Jacksonville Parks and Recreation Commission Recommending the Establishment of Rules and Regulations for the Jacksonville Municipal Parks," is accepted as the report and recommendations of said commission respecting the matters therein set forth. (Ord. 144 Sec. 1, 1963)

14.08.020 Rules and regulations generally

The provisions contained in Sections 14.08.030 through 14.08.130 are known as the rules and regulations of the Jacksonville Municipal Parks and shall have the same force and effect as other laws of this City. (Ord. 144 Sec. 2(part), 1963)

14.08.030 Certain vehicles on park roads prohibited

When signs are erected giving notice thereof, it shall be unlawful for a person to drive or cause to be driven any truck larger than three-fourths of ton, whether loaded or unloaded, and/or any tractor on any of the roads within the public parks of this City unless the vehicle is on a delivery to or from the park or is engaged in work actually being done within the said park. (Ord. 144 Sec. 2(A), 1963)

14.08.040 Speed limit on park roads

When signs are erected giving notice thereof, it shall be unlawful for a person to drive or cause to be driven any motor vehicle at a speed faster than fifteen miles per hour on any roads within the public park unless the vehicle is an emergency vehicle on a mission to or from the park. (Ord. 144 Sec. 2(B), 1963)

14.08.050 Disturbing vegetation Prohibited - Exception

A. It is unlawful for any person to cut, pull, tear or otherwise displace or disturb any trees, shrubs, vines, ferns, wild flowers or other vegetation, whether wild or cultivated, which may now or hereafter grow or be found within the public parks in the City.

B. The terms of this section shall not be construed to apply to any landscape gardener or other person duly authorized by the Parks & Recreation Commission to improve or beautify the parks by the transplantation or removal of any tree, vine, shrub or flower contained therein.
(Ord. 144 Sec. 2(C), 1963)

14.08.060 Discharging firearms or fireworks- Permission required

No person shall discharge any firearms or fireworks in any Municipal Park within the City without authority of the Parks and Recreation Commission having first been obtained.
(Ord. 144 Sec. 2(D), 1963)

14.08.070 Defacing park property prohibited

No person shall write upon or mark or deface in any manner or use in an improper way any water closet, park seat, fence or building or anything pertaining to the City park or parks.
(Ord. 144 Sec. 2(E), 1963)

14.08.080 Lakes and ponds - Prohibited acts

No persons shall throw or drop stones, sticks or rubbish of any kind in the lakes or ponds within the City park or parks, nor bathe nor wade therein. (Ord. 144 Sec. 2(F), 1963)

14.08.090 Disturbing animals prohibited

No person shall chase, shoot at, set snares for or catch or injure any rabbits, squirrels, birds, fish or any other animals, wild or tame, belonging to the park or parks or kept therein.
(Ord. 144 Sec. 2(G), 1963)

14.08.100 Distribution and posting of handbills prohibited

No person shall paste, affix or inscribe any handbill, poster, card, devise or inscription or advertisement upon or against any building, tree, fence, structure or property of any city park or distribute the same therein. (Ord. 144 Sec. 2(H), 1963)

14.08.110 Soliciting and peddling - Permission required

No person shall set up any table or booth for the sale of articles nor peddle any articles whatsoever within the city park without the authority to do so having first been obtained from the Parks and Recreation Commission. (Ord. 144 Sec. 2(I), 1963)

14.08.120 Speeches or lectures - Permit required

No person shall render any music, vocal or instrumental, or deliver an oration, speech, address or lecture in the park or parks without a permit for such purpose having first been obtained from the Parks and Recreation Commission. (Ord. 144 Sec. 2(J), 1963)

14.08.130 Assembly during certain hours prohibited - Exception

A. No person(s) shall enter, park a motor vehicle, loiter, or assemble for any purpose whatsoever in a public park(s) within the City of Jacksonville between the hours of 10:00 p.m. and 8:00 a.m. unless granted specific permission to do so by the Parks and Recreation Department through the Director and/or his/her authorized representative(s).

However, no person(s) shall enter, park a motor vehicle, loiter, or assemble for any purpose whatsoever in the Department's Northlake and Galloway Residential Parks from One (1) hour before Sunset to One (1) hour after Sunrise unless said activity(ies) has/have been approved by the Parks and Recreation Department through the Director and/or his/her authorized representative(s).

B. This Section is not to be construed to prohibit the lawful attendance and/or assembly at an officially sponsored or authorized event(s) from which prior approval has been obtained from the Parks and Recreation Department through the Director and/or his/her authorized representative(s).
(Ord. 144 Sec. 2(K), 1963; Ord. 1389 Sec. 1, 2009)

TITLE 14 FOOTNOTES

1. For Code provisions prohibiting the harassment of or injury to wildlife in public parks, see Ch. 6.12.

2. For statutory provisions authorizing cities of the first and second class to establish a Park Commission, see ACA 14-269-201 et seq.

3. For statutory provisions requiring the Recreation Commission to adopt rules and regulations for the operation and management of municipal parks, see ACA 14-269-204.

Title 15

FLOOD DAMAGE PREVENTION

Chapters:

15.04	**General Provisions**
15.08	**Definitions**
15.12	**Provisions for Flood Hazard Reduction**
15.16	**Administration**
15.20	**Stormwater Pollution Prevention**

Chapter 15.04

GENERAL PROVISIONS

Sections:

15.04.010 Findings of facts
15.04.020 Statement of purpose
15.04.030 Methods of reducing flood losses
15.04.040 Lands to which this title applies
15.04.050 Basis for establishing areas of special flood hazard
15.04.060 Establishment of development permits
15.04.070 Compliance
15.04.080 Abrogation and greater restrictions
15.04.090 Interpretation
15.04.100 Warning and disclaimer of liability

15.04.010 Findings of facts

A. The flood hazard areas of Jacksonville, Arkansas are subject to periodic inundation, which could result in property, health, and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which causes an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed, or otherwise protected from flood damage.

(Ord. 447 Art. 1 Sec. A, 1977)

15.04.020 Statement of purpose

It is the purpose of this title to promote the public health, safety and general welfare and to minimize public and private issues due to flood conditions in specific areas by provisions designed to:

A. Protect property and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Ensure that potential buyers are notified that property is in a flood area.
(Ord. 447 Art. 1 Sec. B, 1977)

15.04.030 Methods of reducing flood losses

In order to accomplish its purpose, this title uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times floods, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
(Ord. 447 Art. 1 Sec. C, 1977)

15.04.040 Lands to which this title applies

This title shall apply to all areas of special flood hazard within the jurisdiction of Jacksonville, Arkansas.
(Ord. 447 Art. 3 Sec. A, 1977)

15.04.050 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Jacksonville, Arkansas" dated September 1977; with accompanying flood insurance rate maps and flood hazard boundary-floodway maps and any revision thereto are hereby adopted by reference and declared to be a part of this title.
(Ord. 447 Art. 3 Sec. B, 1977)

15.04.060 Establishment of development permits

A development permit shall be required to ensure conformance with the provisions of this title.
(Ord. 447 Art. 3 Sec. C, 1977)

15.04.070 Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this title and other applicable regulations.
(Ord. 447 Art. 3 Sec. D, 1977)

15.04.080 Abrogation and greater restrictions

This title is not intended to repeal, abrogate, or impair, any existing easements, covenants, or deed restrictions. However, where the ordinance codified in this title and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 447 Art. 3 Sec. E, 1977)

15.04.090 Interpretation

In the interpretation and application of this title, all provisions shall be:

(1) considered as minimum requirements;

(2) liberally constructed in favor of the governing body; and

(3) deemed neither to limit nor repeal any other powers granted under State Statutes.

(Ord. 447 Art. 3 Sec. F, 1977)

15.04.100 Warning and disclaimer of liability

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This title shall not create liability on the part of Jacksonville, Arkansas, or any officer or employee thereof for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 447 Art. 3 Sec. G, 1977)

Chapter 15.08

DEFINITIONS

Sections:

15.08.010 Interpretation
15.08.020 Appeal
15.08.030 Area of shallow flooding
15.08.040 Area of special flood hazard
15.08.050 Base flood
15.08.055 Critical Feature
15.08.060 Development
15.08.065 Elevated Building
15.08.066 Existing Construction
15.08.070 Existing mobile home park or mobile home subdivision
15.08.080 Expansion to existing mobile home park or subdivision
15.08.090 Flood or flooding
15.08.100 Flood hazard boundary map (FHBM)
15.08.110 Flood insurance rate map (FIRM)
15.08.120 Flood insurance study
15.08.125 Floodplain or Flood prone Area
15.08.126 Flood Protection System
15.08.130 Floodway
15.08.135 Functionally Dependent Use
15.08.140 Habitable floor
15.08.145 Highest Adjacent Grade
15.08.146 Levee
15.08.147 Levee System
15.08.148 Lowest Floor
15.08.149 Manufactured Home
15.08.150 Mean sea level
15.08.160 Mobile home
15.08.170 New mobile home park or mobile home subdivision
15.08.180 Start of construction
15.08.190 Structure
15.08.200 Substantial improvement
15.08.210 Variance
15.08.215 Violation
15.08.220 Water Surface Elevation

15.08.010 Interpretation

Unless specifically defined in this chapter, words or phrases used in this title shall be interpreted to give them the meaning they have in common usage and to give this title its most reasonable application. (Ord. 447 Art. 2(part), 1977)

15.08.020 Appeal

"Appeal" means a request for a review of the City Engineer's interpretation of any provisions of this title or a request for a variance. (Ord. 447 Art. 2(part), 1977)

15.08.030 Area of shallow flooding

"Area of shallow flooding" means a designated AD zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. (Ord. 447 Art. 2(part), 1977)

15.08.040 Area of special flood hazard

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (Ord. 447 Art. 2(part), 1977)

15.08.050 Base flood

"Base flood" means the flood having a one percent chance of being qualified or exceeded in any given year.
(Ord. 447 Art. 2(part), 1977)

15.08.055 Critical Feature

"Critical Feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (Ord. 853 Sec.1, Art. 2, 1987)

15.08.060 Development

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. (Ord. 447 Art. 2(part), 1977)

15.08.065 Elevated Building

"Elevated Building" means a non basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately

anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base floor. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated buildings" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated buildings" also includes a building otherwise meeting the definitions of "elevated buildings", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.066 Existing Construction

"Existing Construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".
(Ord. 853 Sec. 1, Art 2, 1987)

15.08.070 Existing mobile home park or mobile home subdivision

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the point of a concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this title. (Ord 447 Art. 2(Part), 1977)

15.08.080 Expansion to an existing mobile home park or mobile home subdivision

"Expansion to an existing mobile home park or mobile home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed. (Including the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets).
(Ord. 447 Art. 2(part), 1977)

15.08.090 Flood or flooding

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters;

B. The unusual and rapid accumulation or runoff of surface waters from any source.

(Ord. 447 Art. 2(part), 1977)

15.08.100 Flood hazard boundary map (FHBM)

"Flood hazard boundary map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A. (Ord. 447 Art. 2(part), 1977)

15.08.110 Flood insurance rate map (FIRM)

"Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
(Ord. 447 Art. 2(part), 1977)

15.08.120 Flood insurance study

"Flood insurance study" is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the flood hazard boundary roadway map.
(Ord 447 Art. 2(part), 1977)

15.08.125 Floodplain or flood-prone area

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding). (Ord. 853 Sec. 1, Art. 2, 1987)

15.08.126 Flood protection system

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.130 Floodway

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Ord. 447 Art. 2(part), 1977)

15.08.135 Functionally dependent use

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. (Ord. 853 Art. 2, 1987)

15.08.140 Habitable floor

"Habitable floor" means any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation, or combination thereof. A floor used for storage purposes only is not a "habitable floor." (Ord. 447 Art. 2(part), 1977)

15.08.145 Highest adjacent grade

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Ord. 853 Sec. 1, Art. 2, 1987)

15.08.146 Levee

"Levee" means a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.147 Levee system

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.148 Lowest floor

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.149 Manufactured home

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailer, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (Ord. 853 Sec. 1, Art. 2, 1987)

15.08.150 Mean sea level

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of

1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.160 Mobile home

"Mobile" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. (Ord. 447 Art. 2(part), 1977)

15.08.170 New mobile home park or mobile home subdivision

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sales for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this title.
(Ord. 447 Art. 2(part), 1977)

15.08.180 Start of construction

"Start of construction," means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footing or any work beyond the stage of excavation. "Permanent construction" does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction," means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
(Ord. 447 Art. 2(part), 1977)

15.08.190 Structure

"Structure" means a walled and roofed building that is principally above ground, as well as a mobile home.
(Ord. 447 Art. 2(part), 1977)

15.08.200 Substantial improvement

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either, **(1)** before the improvement or repair is started, or, **(2)** if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either **(1)** any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or **(2)** any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 447 Art. 2 (part), 1977)

15.08.210 Variance

"Variance" is a grant of relief to a person from the requirements of this title when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited in this title. (Ord. 447 Art. 2(part), 1977)

15.08.215 Violation

"Violation" means the failure of a structure or other development to be fully compliant with the City's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
(Ord. 853 Sec. 1, Art. 2, 1987)

15.08.220 Water Surface Elevation

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.
(Ord. 853 Sec. 1, Art. 2, 1987)

Chapter 15.12

PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

15.12.010 General Standards
15.12.020 Specific Standards
15.12.030 Residential Construction
15.12.040 Commercial - Nonresidential Construction
15.12.050 Mobile Homes
15.12.060 Floodways
15.12.070 Standards for areas of shallow flooding (AD Zones)
15.12.080 Subdivision Proposal Standards

15.12.010 General Standards

In all areas of special flood hazards the following provisions are required:

A. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

D. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

E. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters; and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 447 Art. 5, Sec. A, 1977; Ord. 853, 1987)

15.12.020 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section D(4), the following provisions are required:

(Ord. 447 Art. 5 Sec. B(part), 1977; Ord. 853, 1987)

15.12.030 Residential Construction

New construction or substantial improvements of any residential structure shall have the lowest floor, including basement level, elevated a minimum of one foot (1') above the base flood elevation of the area. A registered professional engineer, architect, or land surveyor shall submit a certification to the City Engineer that the standard of this section, as proposed in Section 15.16.030A is satisfied.

(Ord. 1048 Sec. 1(part), 1995; Ord. 447 Art. 5 Sec. B (1), 1977)

15.12.040 Commercial - Nonresidential Construction

New construction or substantial improvements of any commercial, industrial, or other nonresidential structure(s) shall have the lowest floor, including basement level, elevated to a minimum of one foot (1') above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic roads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the City Engineer.

(Ord. 447 Art. 5 Sec. B(2), 1977; Ord. 853, 1977; Ord. 1048 Sec. 1(part), 1995)

Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and emit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 853, 1987)

15.12.050 Manufactured Homes

a. Require that all manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section B (1).

c. Require that all manufactured homes to be placed or substantially improved within Zones Al-30, AH and AE on the community's FIRM be elevated an a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of Section B (4) of this Article.

(Ord. 853, 1987)

15.12.060 Floodways

Floodways located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

3. The placement of any mobile homes, except in an existing mobile home park or subdivision shall be prohibited.

(Ord. 447 Art. 5 Sec. B (4), 1977; Ord. 853, 1987)

15.12.070 Standards for areas of shallow flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply;

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

2. All new construction and substantial improvements of nonresidential structures;

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified) or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (l) (a), are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. 853, 1987)

15.12.080 Subdivision Proposal Standards

1. All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Article 1, Sections B, C, and D of this Ordinance.

2. All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B, or Article 4, Section B(8) of this Ordinance.

4. All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. 853, 1987)

6. If property is to be filled and/or raised so as to meet and/or exceed the base flood elevation level, a developer shall submit all required forms to FEMA and provide proof of submittal at any presentation requesting final plat approval.
(Ord. 1048 Sec. 1(part) 1995)

Chapter 15.16

ADMINISTRATION

Sections:

15.16.010 Designation of City Engineer
15.16.020 Duties and responsibilities of the City Engineer
15.16.030 Permit procedure - Application
15.16.040 Permit procedure - Approval or denial
15.16.050 Variance procedures
15.16.060 Prerequisites for granting variances

15.16.010 Designation of City Engineer

The City Engineer is appointed to administer and implement the provisions of this title. (Ord. 447 Art. 4 Sec. A, 1977)

15.16.020 Duties and responsibilities of the City Engineer

Duties and responsibilities of the City Engineer shall include, but not be limited to:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this title;

B. Review, approve, or deny all application for development permits require by Section 15.04.060.

C. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

D. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.16.050B;

E. Notify adjacent communities and Metroplan prior to an alteration or relocation of any watercourse, and submit evidence of such notification to the Federal Insurance Administration.

F. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

(Ord. 447 Art. 4 Sec. B, 1977)

15.16.030 Permit procedure - Application

Application for a development permit shall be presented to the City Engineer on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the locations, dimensional and elevation of proposed landscape alterations, existing and proposed structures and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;
B. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
C. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Section 15.12.040;
D. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(Ord. 447 Art. 4 Sec. C (1), 1977)

15.16.040 Permit procedure - Approval or denial

Approval or denial of a development permit by the City Engineer shall be based on all of the provisions of this title and the following relevant factors:

A. The danger to life and property due to flooding or erosion damage;
B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
C. The danger that materials may be swept onto other lands to the injury of others;
D. The compatibility of the proposed use with existing and anticipated development;
E. The safety of access to the property in times of flood for ordinary and emergency vehicles;
F. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
G. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, it applicable, expected at the site;
H. The necessity to the facility of a waterfront location, where applicable;
I. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
J. The relationship of the proposed use to the comprehensive plan for that area.

(Ord. 447 Art. 4 Sec. C (2), 1977)

15.16.050 Variance procedures

A. The Planning Commission as established by Jacksonville, Arkansas, shall hear and render judgment on requests for variances from the requirements of this title.
B. The Planning Commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this title.

C. Any person or persons aggrieved by the decision of the Planning Commission may appeal such decision in the courts of competent jurisdiction.

D. The City Engineer shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

F. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 15.16.040 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variances increases.

G. Upon consideration of the factors noted above and the intent of this title, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this title (Section 15.04.030).

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 447 Art. 4 Sec. D (1-8), 1977)

15.16.060 Prerequisites for granting variances

A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

B. Variances shall only be issued upon:

1. a showing of good and sufficient cause,

2. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation at a specific elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 447 Art. 4 Sec. D (9), 1977)

Chapter 15.20

STORMWATER POLLUTION PREVENTION

Sections:

15.20.010	**General Provisions**
15.20.020	**Prohibitions and Requirements**
15.20.030	**Stormwater Discharges from Construction**
15.20.040	**Enforcement**
15.20.050	**Fees**
Appendix	**Erosion and Sediment Control Guideline**

15.20.010 GENERAL PROVISIONS

A. The purposes and objectives of this Article are as follows:

(1) To maintain and improve the quality of water impacted by the storm drainage system within the City of Jacksonville Arkansas;

(2) To prevent the discharge of contaminated stormwater runoff and illicit discharges from industrial, commercial, residential, and construction sites into the storm drainage system within the within the City Limits of Jacksonville Arkansas;

(3) To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system;

(4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;

(5) To facilitate compliance with state and federal standards by owners of construction sites within the City Limits of Jacksonville, Arkansas; and,

(6) To enable the City to comply with all federal and state laws and regulations applicable to the National Pollutant Discharge Elimination System (NPDES) permitting requirements for stormwater discharges.

B. Administration

Except as otherwise provided herein or by the City Council, the City Planner and/or the City Engineer and the Code Enforcement Office shall administer, implement, and enforce the provisions of this Program.

C. Abbreviations

The following abbreviations when and if used in this herein shall have the designated meanings:

ADEQ – Arkansas Department of Environmental Quality
BMP - Best Management Practices
CFR - Code of Federal Regulations
EPA - U.S. Environmental Protection Agency
HHW - Household Hazardous Waste
MS4 - Municipal Separate Storm Sewer System
NPDES - National Pollutant Discharge Elimination System
SWP3 - Stormwater Pollution Prevention Plan

D. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases when and if as used, herein, shall have the meanings hereinafter designated.

(1) Best Management Practices (BMP's) refers to management practices and methods to control pollutants in stormwater. BMP's are of two types: "source controls" (nonstructural) and "treatment controls" (structural). Source controls are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with stormwater. Treatment controls remove pollutants from stormwater. The selection, application, and maintenance of BMP's must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system. Specific BMP's shall be imposed by the City and are discussed further in Appendix A.

(2) City means urban settlement with large population.

(3) Clearing means the act of cutting, removing from the ground, burning, damaging or destroying trees, stumps, hedge, brush, roots, logs, or scalping existing vegetation.

(4) Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit.

(5) Construction Site means any location where construction activity occurs.

(6) Construction Spoil means material of any nature removed or displaced during the construction or grading process.

(7) Contaminated means containing harmful quantities of pollutants.

(8) Contractor means any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor, or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors, and material suppliers delivering materials to the site.

(9) Discharge means any addition or releases of any pollutant, stormwater or any other substance whatsoever into storm drainage system.

(10) Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.

(11) Domestic Sewage means sewage originating primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.
(12) Earthwork means the disturbance of soils on a site associated with clearing, grading, or excavation activities.
(13) Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.
(14) Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.
(15) Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of Two (2) or more fertilizers.
(16) Fire Protection Water means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.
(17) Garbage means putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.
(18) Groundwater means any water residing below the surface of the ground or percolating into or out of the ground.
(19) Harmful Quantity means the amount of any substance that will cause an adverse impact to storm drainage system or will contribute to the failure of the City to meet the water quality based on Requirements of the NPDES permit for discharges from the MS4.
(20) Hazardous Substance means any substance listed in Table 302.4 of 40 CFR Part 302.
(21) Hazardous Waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
(22) Household Hazardous Waste (HHW) means any material generated in a household (including single and multiple residences) that would be classified as hazardous.
(23) Illegal Discharge see illicit discharge below.
(24) Illicit Discharge means any discharge to the storm drainage system that is prohibited under this program.
(25) Illicit Connection means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system.
(26) Industrial Waste (or commercial waste) means any wastes produced as a byproduct of any industrial, institutional, or commercial process or operation, other than domestic sewage.

(27) Land Alteration means the process of grading, clearing, filling, excavating, quarrying, tunneling, trenching, construction, or similar activities

(28) Mechanical Fluid means any fluid used in the operation and maintenance of machinery, vehicles and any other equipment, including lubricants, antifreeze, petroleum products, oil and fuel.

(29) Mobile Commercial Cosmetic Cleaning (or mobile washing) means power washing, steam cleaning, and any other method of mobile cosmetic cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

(30) Municipal Separate Storm Sewer System (MS4) means the system of conveyances, including roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the City and designed or used for collecting or conveying stormwater, and not used for collecting or conveying sanitary sewage.

(31) NPDES means the National Pollutant Discharge Elimination System.

(32) NPDES Permit means a permit issued by EPA that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(33) Notice of Violation means a written notice detailing any violations of this program and any action expected of the violators.

(34) Oil means any kind of oil in any form, including, but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

(35) Open Drainage Channel means a ditch or depression, natural or constructed that may intercept and/ or carry stormwater runoff.

(36) Owner means the person who owns a facility, part of a facility, or land.

(37) Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

(38) Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest.

(39) Pet Waste (or Animal Waste) means excrement and other waste from domestic animals.

(40) Petroleum Product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

(41) Pollutant means any substance attributable to water pollution, including but not limited to rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, pet waste, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil and sediment.

(42) Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(43) Potable Water means water that has been treated to drinking water standards and is safe for human consumption.

(44) Private Drainage System means all privately or other publicly owned ground, surfaces, structures or systems, that contribute to or convey stormwater, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface.

(45) Public Improvement Plans means engineering drawings subject to approval by the City Planner and/ or the City Engineer for the construction of public improvements.

(46) Qualified Person means a person who possesses the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements & generally accepted industry standards for such activity.

(47) Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the storm drainage system.

(48) Rubbish means non-putrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

(49) Sediment means soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

(50) Septic Tank Waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and aerated tanks and shall also include decentralized sewer systems.

(51) Shall means mandatory; **may** means discretionary.
(52) Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
(53) Solid Waste means any garbage, rubbish, refuse and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations, and residential, community and institutional activities.
(54) State means The State of Arkansas.
(55) Storm Drainage System means all surfaces, structures, and systems that contribute to or convey stormwater, including private drainage systems, the MS4, surface water, groundwater, Waters of the State and Waters of the United States.
(56) Stormwater means runoff resulting from precipitation.
(57) Stormwater Pollution Prevention Plan (SWP3) means a document that describes the Best Management Practices to be implemented at a site, to prevent or reduce the discharge of pollutants.
(58) Subdivision Development includes activities associated with the platting or division of any parcel of land into two or more lots or tracts and includes all construction activity taking place thereon.
(59) Surface Water means water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channeled flow, and runoff.
(60) Uncontaminated means not containing harmful quantities of pollutants.
(61) Used Oil (or Used Motor Oil) means any oil that as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.
(62) Utility Agency means private utility companies, engaged in the construction or maintenance of utility distribution lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television, and communication services.
(63) Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
(64) Water of the State (or water) means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.
(65) Water Quality Standard means the designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by State or Federal regulatory standards to be necessary to protect those uses.

(66) Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

(67) Wetland means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(68) Yard Waste means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

(Ord. 1367 Sec. 1, 2009)

15.20.020 PROHIBITIONS AND REQUIREMENTS

A. Prohibitions

(1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed herein. Common stormwater contaminants include trash, yard waste, lawn chemicals, pet waste, wastewater, oils, petroleum products, cleaning products, paint products, hazardous waste, and sediment.

(2) Any discharge is prohibited if the discharge in question has been determined by the City Planner and/or the City Engineer to be a source of pollutants to the storm drainage system.

(3) The construction, use, maintenance or continued existences of illicit connections to the storm drain system are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(5) No person shall maliciously destroy or interfere with BMP's implemented pursuant to this program.

B. Exemptions

The following non-stormwater discharges are deemed acceptable and are not a violation:

(1) A discharge authorized by an NPDES permit;

(2) Uncontaminated waterline flushing and other infrequent discharges from potable water sources;

(3) Infrequent uncontaminated discharge from landscape irrigation or lawn watering;

(4) Discharge from the occasional non-commercial washing of vehicles;

(5) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps, and air conditioning condensation drains;

(6) Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater, and springs;

(7) Diverted stream flows and natural riparian habitat or wetland flows; and/or,

(8) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

C. Requirements Applicable to Certain Dischargers

(1) Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(2) Minimization of Irrigation Runoff. A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

(3) Cleaning of Paved Surfaces Required. The owner of any paved parking lot or paved private drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment, or debris is a violation of this program. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Program.

(4) Maintenance of Equipment. Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

(5) Materials Storage. In addition to any other requirements of the City, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(6) Pet Waste. Pet waste should be monitored so as to prevent discharge to a storm drainage system.

(7) Pesticides, Herbicides and Fertilizers. Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(8) Prohibition on Use of Pesticides and Fungicides Banned from Manufacture. Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any Federal, or State regulation is prohibited.

(9) Open Drainage Channel Maintenance. Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

D. Release Reporting and Cleanup

Any person responsible for a known or suspected release of materials which are resulting in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. In the event of such a release of non-hazardous materials, said person shall notify the City Planner and/or City Engineer no later than 4:00 p.m. of the next business day.

E. Authorization to Adopt and Impose Best Management Practices
The Technical Coordinator may adopt and impose requirements identifying Best Management Practices for any activity, operation, or facility which may cause a discharge of pollutants to the storm drainage system. Where specific BMP's are required, every person undertaking such activity, operation, or owning such a facility shall implement and maintain these BMP's at their own expense. (Ord. 1360 Sec. 2, 2009)

15.20.030 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

A. General Requirements for Construction Sites.

(1) The owner of a site of construction activity shall be responsible for compliance with the requirements of this program All sites, in accordance with State Law, must post appropriate notices, and keep such logs and records as required by ADEQ.

(2) Waste Disposal. Solid waste, industrial waste, yard waste and any other pollutants or waste on any construction site shall be controlled through the use of Best Management Practices. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited.

(3) Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials is prohibited.

(4) Erosion and Sediment Control. Best Management Practices shall be implemented to prevent the release of sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.

(5) During construction; Developers, property owners, builders, and Contractors shall be required to keep streets, gutters, inlets, drainage pipes, swales, ditches, drainage channels, emergency drainage swales and all drainage devices and structures clean and free from debris, sedimentation, soil, and any deleterious materials. Barriers shall be placed around area inlets prior to and subsequent to placement of pavement. Any failure to meet this requirement shall, upon sufficient notice and failure to immediately correct the notified condition, constitute grounds for initiation of enforcement action, including, but not limited to, stopping all work until correction is completed.

(6) Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this program, in the course of maintenance, reconstruction or any other construction activity on the site.

(7) Developers, builders, property owners, or their legal agents, upon receipt of notice by the City of Jacksonville that repair or maintenance is required within a channel lying within their property shall be responsible for effecting such repair or maintenance within the time specified, or the City shall have repair and maintenance performed at the expense of the property owner unless it can be proven that the damage was caused by another entity.

(8) All SWP3's filed with the City Planner and/or City Engineer shall be accompanied by a certification by a qualified person that said SWP3 complies with this program; the rules and regulations of ADEQ; and any regulations promulgated hereto.

B. Construction Sites Requiring a SWP3
This provision applies to all construction sites where construction on a site will disturb soil or remove vegetation of 1000 sq. ft. or more during the life of the construction project; this shall include a single lot in a subdivision regardless of size. A Stormwater Pollution Prevention Plan (SWP3) for the project must be provided and implemented by the construction site owner as follows:

(1) The area disturbed shall be assumed to include the entire property area unless all applicable plans specifically exclude certain areas from disturbance.

(2) The SWP3 must be provided by the owner and filed with the City Planner and/or City Engineer for sites subject to review by the Planning Board such will not be approved for construction until a duly certified SWP3 has been filed with the City Planner and/or City Engineer.

(3) The City Planner and/or City Engineer may require revisions to the SWP3. Construction activity, including any soil disturbance or removal of vegetation, shall not commence on the site until a duly certified SWP3 has been filed with the City Planner and/or City Engineer.

(4) The owner shall bear the responsibility for implementation of the SWP3 and notification of all contractors and utility agencies on the site.

C. Subdivision Developments Requiring a SWP3
Where construction of a subdivision development will disturb soil or remove vegetation on one (1) or more acres of land during the life of the development project, an approved Stormwater Pollution Prevention Plan (SWP3) for the project must be provided and implemented by the subdivision owner and/or the developer as follows:

(1) The area disturbed shall be assumed to include the entire platted area.

(2) An SWP3 must be provided by the subdivision owner and/or the developer.

(3) An SWP3 must be provided for all phases of development, including sanitary sewer construction, storm drainage system construction, waterline, street and sidewalk construction, general grading and the construction of individual homes. The subdivision owner will not be required to provide an SWP3 for the activities of utility agencies within the subdivision.

(4) The subdivision owner shall provide a copy of the SWP3 to all utility agencies prior to their working within the subdivision.

(5) The subdivision owner shall bear the responsibility for implementation of the approved SWP3 for all construction activity within the development, excluding construction managed by utility agencies.

(6) The subsequent owner of an individual lot bears the responsibility for continued implementation of the approved SWP3 for all construction activity within or related to the individual lot, excluding construction managed by utility agencies.

D. Stormwater Pollution Prevention Plans
Preparation and implementation of Stormwater Pollution Prevention Plans for construction activity shall comply with the following:

(1) Preparation:

(a) The SWP3 shall be prepared under the direction of a qualified person.
(b) The SWP3 shall provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.
(c) The SWP3 shall identify existing natural resources such as streams, forest cover, and other established vegetative cover.
(d) The SWP3 shall specify and provide detail for all BMP’s necessary to meet the requirements of this program, including any applicable BMP’s that have been adopted and imposed by the City Planner and/or City Engineer.
(e) The SWP3 shall specify when each BMP will be installed, and for how long it will be maintained within the construction sequence. Multiple plans may be required for major phases of construction such as rough grading, building construction and final grading.
(f) The SWP3 shall delineate all anticipated disturbed areas and specify the vegetative cover that must be established in those areas to achieve final stabilization.

(2) Implementation:

(a) BMP's shall be installed and maintained by qualified persons. The owner and/or the developer or their representative shall be able to produce upon the City Planner and/or City Engineer request a copy of the SWP3 on site and shall be prepared to respond to unforeseen maintenance of specific BMP's.

(b) The owner and/or the developer or their representative shall inspect all BMP's at least twice per month and within Twenty-four (24) hours after a rainfall of One half inch (1/2") or more as measured at the site or generally reported in the area.

(c) Based on inspections performed by the owner and/or the developer or the City Planner and/or City Engineer modifications to the SWP3 will be necessary if at any time the specified BMP's do not meet the objectives of this program. In this case, the owner/developer or authorized representative shall meet with the City Planner and/or City Engineer to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, except in circumstances necessitating more timely attention, and shall be recorded on the owner and/or the developers' copy of the SWP3.

E. Requirements for Utility Construction:

(1) Utility agencies shall be responsible for compliance with the requirements of this program.

(2) Utility agencies shall develop and implement Best Management Practices (BMP's) to prevent the discharge of pollutants on any site of utility construction within the designated area(s) in the City. In addition, the City Planner and/or City Engineer may adopt and impose BMP's on utility construction activity.

(3) Utility agencies shall implement BMP's to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.

(4) Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner and/or the developer a copy of any SWP3's for the project. Any disturbance to BMP's resulting from utility construction shall be repaired immediately by the utility company in compliance with the SWP3.

Temporary Structural Best Management Practices (BMPs):

The following are City of Jacksonville preferred BMPs for temporary control of sedimentation during construction. More information can be found at the following EPA website: http://www.epa.gov/npdes/menuofbmps/con_site.htm

Silt fence: Silt fences shall be constructed near the perimeter of a disturbed area to intercept sediment while allowing water to percolate through. Silt fences may not be used where there is a concentration of water in a channel or other drainage. The following criteria are applicable:
Drainage area: Two (2) acres maximum per run (installation) of fabric
Height: Thirty Inches (30”) minimum
Material: Burlap, polypropylene fabric or nylon reinforced polyester netting.
Support: Wooden stakes or steel fence posts at Eight Feet (8’) maximum spacing.
Straw bale dikes: Straw bale dikes shall not be used in lieu of silt fence to protect extensive areas. Approved uses include ditch sediment sumps, support for silt fence in areas where floodwater overtopping might be possible and for protection of grated inlets prior to paving.

Area inlet protection: Fiber rolls or similar barriers shall be placed around area inlets to prevent silt from entering the stormwater collection system. Such protection shall be installed around inlets prior to, and also subsequent to, paving around the inlets when construction activities may deposit mud and silt on the newly place pavement.

Entrances: A stabilized construction entrance shall be built to reduce or eliminate the tracking or flowing of sediment onto public rights of way. This entrance shall be the full width of the road or access structure leading to the site and have to be at least Fifty Feet (50’) long with Six Inch (6”) thick aggregate. The entrance shall be maintained at all times.
Stone outlets: A stone outlet structure shall be constructed in areas where the entire drainage area to the structure is not stabilized or where there is a need to dispose runoff at a protected outlet or where concentrated flow for the duration of the period of construction needs to be diffused.

Temporary sedimentation basin: Stormwater detention facilities may be used temporarily as sediment basins.
A temporary outlet structure for the stormwater detention facility to work as a sediment pond shall be constructed.
At the end of the construction activity, the Developer shall make sure that the outlet structure shall meet the design requirements of a stormwater detention facility.
Condition of the detention facility that is used as a sediment pond during construction shall meet the following requirements at the time of acceptance:
It shall be completely cleaned by the Developer and be rid of any immediate maintenance.

Permanent Structural Best Management Practices (BMPs):
The following are City of Jacksonville preferred BMPs for permanent control of sedimentation following development construction. More information can be found at the following EPA website: http://www.epa.gov/npdes/menuofbmps/con_site.htm

Depending on the project layout, a diversion shall be constructed across a slope less than Fifteen Percent (15%) to:
Prevent runoff from higher areas having a potential for causing erosion and thereby interfere with the establishment of vegetation on lower areas.
Reduce the length of slopes to minimize soil loss.
Diversions need be constructed only below stabilized or protected areas.
Outlets from diversions shall be constructed to discharge in such a manner as not to cause erosion.
Outlets shall be constructed and stabilized prior to the operation of diversion.
Storm drain outlet protection shall be provided when converting pipe flow to channel flow. The reduction in velocity shall be consistent with the roughness
coefficient of the receiving waterway. The reduction in velocity may be accomplished by:

Providing mortared rip-rap stabilization;
Providing energy dissipaters;
Providing permanent vegetation, depending on the site-specific needs.

F. Grading Plans
(1) General requirements
Persons engaged in land alteration activities regulated by this program shall take measures to protect neighboring public and private properties from damage by such activities. The requirements of this program, however, are not intended to prevent the reasonable use of properties.

(a) The responsible party shall be liable for all fines levied or remedial action required under this program. Each violation shall be considered a separate offense.

(b) Any person who engages in land alteration activities regulated herein without a grading plan, shall be required to restore the land, to the maximum extent practicable to its original condition.

(c) There shall be on the project site at all times an agent who is a competent superintendent capable of reading and thoroughly understanding plans, specifications, and requirements. The job superintendent shall have full authority to issue orders or direction to employees working on site, without delay and to promptly supply such materials, labor, equipment, tools, and incidentals as may be required to complete the work in a proper manner. If no superintendent is on site, the City Planner and/or City Engineer may issue the notice of violation and stop work order to the person conducting the violation.

(2) Grading Plan Required

(a) Any person proposing to engage in clearing, filling, cutting, quarrying, construction or similar activities on any piece of disturbed land of One Thousand Square Feet (1000 SF) or larger, including a single lot in a subdivision regardless of size shall file a grading and drainage plan with the City Planner and/or City Engineer, which shall include a certification by a qualified person that such complies with this program, the rules and regulations of ADEQ and any regulations promulgated hereto. No land shall be altered or cleared to the extent regulated in this program unless a plan has been filed. The City Planner and/or City Engineer may require revisions to said plan Grading plans are not applicable to dirt pits, gravel pits, or quarries which are governed by State Laws; however, a SWP3 is still required.

Clearing and grading for streets and drainage improvements may be done on residential subdivisions provided the preliminary plat and construction plans have been approved by the Planning Board and the City Planner and/or City Engineer complies with this program or any regulations promulgated hereto. In those cases where filling or cutting in areas with no trees is to be done, the area is to be graded suitable for mowing and shall be revegetated.

(b) A grading plan is required for land alteration activities specified in this program. However, all construction work shall include appropriate drainage and erosion control measures to protect neighboring properties. All land alteration in properties within the designated floodplain requires a grading plan without exception.

(c) Stockpiling of construction spoil material at particular locations for a limited time period is permitted, not to exceed Six (6) months. Grading and replanting of grassed areas is required upon removal of stockpile.

(3) Exemptions

A grading plan shall not be required for: emergency work or repairs to protect health, safety and welfare of the public.

(4) Contents of grading and drainage plans

The grading and drainage plan shall identify the following:

(a) Acreage should be included in the proposed project.

(b) Land areas to be disturbed.

(c) Stages of grading showing the limits of sections to be graded and indicating the approximate order of development.

(d) The height and slope of cuts and fills. Cross sections shall be required every One Hundred Feet (100’) on property where the depth of excavation or fills exceeds Five Feet (5’), showing original and final grades and will include visual aids to show how the final development, including planting and landscaping will look. A grading plan showing existing and proposed contours with a maximum Two feet (2’) contour interval for slopes less than Ten Percent (10%) and a maximum Five Feet (5’) contour interval for slopes greater than Ten Percent (10%) can be shown as an alternate to cross-sections every Fifty feet (50’).

(e) Provisions for collecting and discharging surface water.

(f) Erosion and sediment measures, including structural and vegetative measures.

(g) Seal, Certificate of Authority and signature of a registered engineer qualified under state regulations to certify that the grading and drainage plan complies with this program the regulations of ADEQ and any regulations promulgated hereto.

(h) A vicinity drawing showing location of property lines, location and names of all existing or platted streets or other public ways within or immediately adjacent to the tract on topographic mapping or approved equal.

(i) Location of all known existing sewers, water mains, culverts and underground utilities within the tract and immediately adjacent thereto; location of existing permanent buildings on or immediate adjacent to the site if right of entry can be obtained.

(j) Identification of rights-of-way or easements affecting the property.

(k) A plan of the site at a minimum scale of One inch (1”) equals One Hundred feet (100’) or less, i.e. 1” = 50’ or 1” = 30’, etc.

(l) Such other information as may be required by the City Planner and/or City Engineer shall include, but not be limited to, the following:

1. Address and telephone number of owner, permit applicant, and the designated agent responsible for maintenance of erosion and sediment control measures.

2. The approximate location and width of existing and proposed streets.

3. The locations and dimensions of all proposed or existing lots.

4. The locations and dimensions of all parcels of land proposed to be set aside for parks, playgrounds, natural condition perimeters, public use, or for the use of property owners in proposed development.

5. Existing and proposed topography at a maximum of Two-foot (2’) contour intervals.

6. An approximate timing schedule, indicating the anticipated starting and completion dates of the development: a timing schedule for the sequence of grading and application of erosion and sediment control measures.
7. Square Footage should be included for the proposed project.
8. If there are any visible surface indications that unusual materials or soils that would cause street or lot instability, such as non-vertical tree growth, old slides, seepage, or depressions in the soil exists, they should be noted and accompanied by the engineer's recommendation for correcting such problem areas.
9. If there are any surface indications that local material is not suitable for fills, those areas to be filled with outside material and should be identified and the type and source of the fill noted.
10. Specification of measures to control runoff, erosion and sedimentation during the process of construction, noting those areas where control of runoff will be required during construction and indicating what will be used, such as straw bales, sediment basins, silt dams, silt fencing, check dams, lateral hillside ditches, catch basins, etc.
11. Measures to protect neighboring built-up areas and city property during process of construction, noting work to be performed, such as cleaning existing ditches, storm culverts and catch basins or raising existing curbs in neighboring areas.
12. Provisions to stabilize soils and slopes after completion of streets, sewers and other improvements, noting on the grading plan when and where ground cover will be planted, also noting any other means to be used such as placement of stone embankments and riprap or construction of retaining walls.
13. All fill areas shall be compacted to Ninety-five Percent (95%) standard proctor density unless otherwise approved in writing by the City Planner and/or City Engineer.
14. The grading and drainage plan shall include areas of tree protection, erosion and sediment control provisions meeting standards established in the appendix attached hereto and/ or promulgated by the City Planner and/or City Engineer.

(m) The City Planner and/or City Engineer may allow minor modifications of the plan to alleviate particular problems during the process of construction. In reviewing request for modifications, the City Planner and/or City Engineer may require from the applicant's engineer appropriate reports and data sufficient to make a decision on the request.

(n) Groups of trees and individual trees that are not to be removed and required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose. The fencing shall be placed and maintained by the owner until all exterior construction except landscaping has been completed. Individual trees to be preserved outside the protected area shall be fenced at the critical root zone and shall be flagged with bright orange vinyl tape wrapped around the main trunk at a height of Four (4) feet or more such that the tape is clearly visible to workers on foot or operating equipment.

(o) Major changes to grading plans shall only be permitted by the City Planner and/or City Engineer upon consultation with other interested departments and agencies. Examples of major changes are those that substantially increase the height of cuts, the area of clearing or grading, or impact on neighboring properties. More than Twenty percent (20%) increase in height, area or impact will normally be considered a major change. Examples of increased impact include reductions in buffer area, increased runoff onto adjacent properties and increased site area that is visible from adjacent properties or public streets.

(5) Grading and drainage plan requirements. Preparation of grading and drainage plans shall follow the appendix attached hereto and other regulations promulgated by the City Planner and/or City Engineer.
(6) Grading plans shall also conform to the Phase ll Stormwater Regulations as established by United States Environmental Protection Agency's regulations, Region VI published in the July 6, 1998 Federal Register or its latest revisions.
(7) A copy of all documents filed with the ADEQ shall also be filed with the City Planner and/or City Engineer.
(8) No more than **Five (5) tons of sediment per acre** shall be released over a Twelve (12) month period using the Universal Soil Loss Equation for Construction Sites.
(Ord. 1367 Sec. 3, 2009)

15.20.040 ENFORCEMENT
A. Enforcement Personnel Authorized
The following personnel employed by the City shall have the power to issue Notices of Violations and implement other enforcement actions under this program

(1) The City Planner and/or City Engineer.

(2) The Jacksonville Police and Code Enforcement shall have the authority to issue any misdemeanor citations.

B. Right of Entry and Sampling

(1) Whenever the City Planner and/or City Engineer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this program, he shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this program. In the event that the owner or occupant refuses entry after a request to enter has been made, the City Planner and/or City Engineer is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(2) The City Planner and/or City Engineer shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges.

C. Enforcement Procedures

(1) Issuance of Notice of Violation:

If site deficiencies are noted, the owner and/or the developer or authorized agent shall be given a notice of violation. The notice of violation shall be specific as to the noted violation, corrective measures to be taken, and a time frame allowed to complete the work.

(2) Compliance Review

At the end of the time period specified above, a follow-up site inspection shall take place to determine whether compliance has been achieved. Depending on that determination, the following actions may occur:

(a) Site Violations Corrected - If all previous site violations have been corrected, the City Planner and/or City Engineer shall issue a Report stating such.

(b) Previous Violations Not Corrected - If previously noted violations have not been satisfactorily corrected, then further actions may be initiated as outlined in the following section.

D. Enforcement Actions

(1) Performance Bonds. Where necessary for the reasonable implementation of this program, the City Planner and/or City Engineer may, by written notice, order any owner and/or developer of a construction site or subdivision development to file a satisfactory bond, payable to the City of Jacksonville, in a sum not to exceed a value determined by the City Planner and/or City Engineer to be necessary to achieve consistent compliance with this program. This person may protest the amount of the performance bond to the appropriate District Court. The written protest must be received within the District Court Office within Fifteen (15) days of the date of the notification. A hearing on the matter will be scheduled before the District Court, and appeals from any ruling by the City Judge shall be directed to the Pulaski County Circuit Court.

E. Criminal Penalties
If any violation is also considered a violation of State Law then such may be punishable as set out in ACA § 8-4-105.

F. Any other action by the City Planner and/or City Engineer may be appealed to the appropriate District Court as stated above.

G. Other Legal Action
Notwithstanding other remedies or procedures available to City, if any person discharges into the storm drainage system in a manner that is contrary to these provisions, the City Attorney may commence an action for appropriate legal and equitable relief, including damages costs and attorney's fees, in any court of competent jurisdiction. The City may seek a preliminary or permanent injunction or both to restrain and/or compel the activities on the part of the violator.

H. Applicability
This program is effective for the MS4 areas or designated areas of the Stormwater Pollution Prevention Plan.
(Ord. 1367 Sec. 4, 2009)

15.20.050 FEES
A. Stormwater Permit shall be issued without cost.

B. Violations – For violations assessed, the amount of fines assessed against any violator can range from ***Fifty Dollars ($50.00) to One Thousand Dollars ($1000.00) per violation.*** Said amount(s) shall be compounded daily until deficiencies are corrected.
Furthermore, any costs incurred by the City of Jacksonville utilizing the services of the City Engineer/Planner will constitute a fee of no less than ***One Hundred Dollars ($100.00) per hour*** to be paid by the filer of any plan.
(Ord. 1367 Sec. 5, 2009)

Title 16

BUILDINGS AND CONSTRUCTION

Chapters:

16.04	**Building Code**
16.05	**Regulation of House Construction**
16.08	**Electrical Code**
16.12	**Plumbing Code Gas Code**
16.16	**Housing Code**
16.20	**Jacksonville Landscaping Development Code**

Chapter 16.04

BUILDING CODE

Sections:

16.04.010 Adopted
16.04.020 Enforcement
16.04.030 Definition
16.04.040 Modifications
16.04.050 Appeals
16.04.060 Building permit fees

16.04.010 Adopted

There is adopted by the City Council, for the purpose of prescribing and governing regulations in the building, construction, and safety industry, the following codes and provisions reference below are hereby adopted, incorporated, and are to be controlling within the City of Jacksonville:

Standard Building Code (Southern Standard)-1991 Edition
Arkansas Fire Prevention Code-Vols. 1 & 2, and 3 2007 or Current Edition
Standard Housing Code - 1988 Edition
Standard Unsafe Building Abatement Code - 1985 Edition
National Fire Prevention Association (N.F.P.A.) Life Safety Code
Arkansas State Fuel Gas Code – 2008 or Current Edition
Arkansas Mechanical Code – 2003 or Current Edition
Arkansas Plumbing Code – 2006 or Current Edition
National Electric Code – 2008 or Current Edition

Provisions for applicable other Code(s) adopted or referenced herein shall always reference the most recent and current edition of said Code(s), whether specified or not. Multiple copies of all such applicable Code(s) shall be on file in the Office of the City Clerk, the Code Enforcement Office, and, where applicable, the Fire Marshal.
(Ord. 252 Sec. 1, 1972; Ord. 348 Sec. 1, 1975; Ord. 1010 Sec. 1, 1993; Ordinance. 1381 Sec. 3, 2009)

16.04.020 Enforcement

A. Any and all Code provisions in this and other applicable sections shall be enforceable by the Code Enforcement Officer and/or Fire Marshall/Inspector or their authorized agent(s).

B. Permit for Occupancy; any renovation, reconstruction, construction, or development of a building for public use and/or occupancy shall receive a permit for occupancy issued by the Code Enforcement Officer and the Fire Marshall (or their authorized agent(s) prior to occupancy.)
(Ord. 252 Sec. 2, 1972; Ord. 1010 Sec. 2, 1993)

16.04.030 Definition

Wherever the word "municipality" is used in the Code adopted, it shall be held to mean the City of Jacksonville, Arkansas. (Ord. 252 Sec. 3, 1972)

16.04.040 Modifications

The enforcing officer shall have the power to modify any of the provisions of the Building Code upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the Code; provided, that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the enforcing officer thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. 252 Sec. 4, 1972)

16.04.050 Appeals

Whenever the enforcing officer disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the enforcing officer to the City Council within thirty days from the date of the decision appealed. (Ord. 252 Sec. 5, 1972)

16.04.060 Building permit fees

Fees for building permits shall be based on the estimated value of the construction, including material and labor as follows:

A. All construction shall be of a permanent character. The fees for such permit shall be according to the following:

1. $10.00 minimum, to cover up to the first $1,000.00 of evaluation of construction; and,

2. $ 2.00 per $1,000.00 valuation or part thereof in excess of the first $1,000.00.

B. All construction shall be presumed to be of the minimum value of $35.00 per square foot of the heated and cooled area covered by the floor plan.

C. In cases of a difference of opinion between the builder and the City Engineer, all construction shall be presumed to be of the value of thirty dollars ($30.00) per square foot of the area covered by the floor plan, which shall include such accessories as carports, garages, storage rooms, porches and steps, until final inspection proves otherwise.

(Ord. 388 Sec. 1, 2, 1976; Ord. 218 Sec. 3, 1969; Ord. 159 Sec. 3, 1965; Ord. 717 Sec. 1(part), 1983; Ord. 903 Sec. 1(part), 1989; Ord. 1010 Sec. 3, 1993)

Chapter 16.05

REGULATION OF HOUSE CONSTRUCTION

Sections:

16.05.010 Finished floor elevation

16.05.010 Finished floor elevation

A. The finished floor elevation of all houses after approval and passage of the ordinance codified in this Sec. shall be six inches above the top of the curb elevation, measured from the highest point on the curb on which the lot fronts. This criterion will be true on all construction in the city limits of Jacksonville, Arkansas, with the following exceptions:

1. That the lots in a subdivision have been designed by an engineer so that the finished floor elevation will be above the one-hundred-year floodplain;

2. That the house is above a potential flood of an eight inch rain in an one-hour period; this is using the rational formula with a C. of 0.7;

3. Written permission from the City Engineer which states that the proposed house elevation is above the one-hundred-year floodplain;

4. Finished ground elevation under homes constructed by pier and beam shall be two inches above the finished elevation of the exterior ground.

B. Above referenced exceptions must be obtained before construction is started.

(Ord. 460 Sec. 1, 1977)

Chapter 16.08

ELECTRICAL CODE

Sections:

16.08.010 Electrician's license - Required - Exceptions Securing permits
16.08.020 Electrician's license - Examination - Renewals
16.08.030 Electrical industry - Classification of branches
16.08.040 Out of town contractors Qualifications
16.08.050 Electrical contractors defined - Requirements
16.08.060 Master electrician - Defined - Requirements
16.08.070 Journeyman electrician - Defined - Requirements
16.08.080 Apprentice electrician - Defined - Restrictions
16.08.090 Licensed persons - Conformance with regulations required
16.08.100 Electrical contractor - Bond required - Surety
16.08.110 License - Nontransferrability - Suspension or revocation
16.08.120 License - Work after expiration prohibited
16.08.130 License - Display

16.08.140 License - Misuse prohibited
16.08.150 Electrical construction permits – Licensing prerequisite site
16.08.160 Exceptions to chapter provisions
16.08.170 Inspector - Appointment
16.08.180 Inspector - Records - Approval of work
16.08.190 Inspector - Interior wiring - Tests
16.08.200 Inspector - Right of entry - Enforcement powers
16.08.210 Inspector - Unsafe wiring - Time limit for correcting condition
16.08.220 Interference or hindrance of inspector unlawful
16.08.230 Installations to be done in conformance with Code
16.08.240 Installation equipment - Approval and label required
16.08.250 Apparatus not to be sold if considered hazardous
16.08.260 Conductor installation methods
16.08.270 Work execution - neatness required
16.08.280 Wiring - Installation method
16.08.290 Wiring - Commercial buildings - Sales and display room
16.08.300 Wiring - Residences - Wire size - Grounding
16.08.310 Wiring - Commercial buildings - Storerooms and hallways
16.08.320 Outlet boxes - Conductors
16.08.330 Electrical signs - Circuit
16.08.340 Attics - Cable placement
16.08.350 Overhead wiring - Wire size
16.08.360 Ground wire - Requirements
16.08.370 Wiring under floor - Conduit size
16.08.380 Direct burial cable and wire
16.08.390 Convenience outlets for ironing boards
16.08.400 Distribution panels and cabinets
16.08.410 Multiple meter installations and service switch banks
16.08.420 Service entrance switches and wires - Size
16.08.430 Multiple meter installations - Markings
16.08.440 Service entrance switches and meter loop location
16.08.450 Services from meter to point of service entrance - Installation
16.08.460 Service drop point of attachment - Height
16.08.470 Service drop point of attachment - Mast riser
16.08.480 Remodeling jobs - Load division - Meter relocation
16.08.490 Job completion requirements
16.08.500 Conductor capacity - Meter loops
16.08.510 Neutral conductors - Color coding and tagging
16.08.520 Air conditioner, electric range and dryer installation
16.08.530 Conductors - Through brick or masonite - Nipple size.
16.08.540 Aluminum conductor use
16.08.550 Electrical business - Compliance with provisions required

16.08.560 Failure to make application for work inspection-Fee
16.08.570 Permit applications - Required information
16.08.580 Permit applications - Fee schedule
16.08.590 Special equipment or apparatus inspection fee
16.08.600 Additional inspection trips due to applicant error - Fee
16.08.610 Conductor installation - Multiple parties - Fee payment
16.08.620 Rough inspection
16.08.630 Final inspection
16.08.640 Chapter provisions not to relieve certain responsibilities - City non liability
16.08.650 Furnishing current - Clearance from inspector required
16.08.660 Inspector - Current turn-off authority

16.08.010 Electrician's license - Required - Exceptions - Securing permit

A. No person, member and/or employee of a firm or corporation shall engage in the business of installing, altering or repairing any electrical wiring, fixtures, devices or equipment operating at a potential of thirty volts or more in the City unless such persons have been duly examined and have been issued a license to engage in said business, such license to have been issued by the board of electrical examiners. Permits to perform electrical work shall be issued by the City Clerk's office only to the persons, members, and/or employees of a firm or corporation holding such licenses.

B. The above paragraph will not prohibit any person who is employed by a manufacturing firm within the city limits as a maintenance electrician from making necessary repairs, alterations, or installations on the premises of said manufacturing firm.

C. Any person, member and/or employee of a firm or corporation holding himself or itself out as licensee to do electrical work or engage in the electrical business of any one or more branches of the electrical industry as hereinafter defined without first successfully passing an examination given by the board and securing a license in the manner hereinafter set forth is upon conviction thereof guilty of a misdemeanor.

(Ord. 201 Sec. 4, 1968)

16.08.020 Electrician's license - Examination – Renewals

Every person, member and/or employee of a partnership, firm or corporation desiring to engage in the electrical business as hereinafter defined shall, before engaging in such business successfully pass an examination upon his qualifications. Such examination shall be prepared, conducted and held by the board of electrical examiners. All applicants desiring to take such examination shall apply in writing to the secretary of the board of

electrical examiners, at least fifteen days before such examinations are to be held, for the privilege of taking such an examination and shall pay to the office of the City Clerk an examination fee in the sum as hereinafter set forth and shall exhibit a receipt for such fee to the secretary of the board of electrical examiners before he is allowed to take such examination. The board shall fix the time and place for the examination of applicants and if the board finds upon examination that any applicant has a reasonable knowledge of the natural and practical laws and functions of electricity, the safe, correct and approved manner of installing devices, apparatus and instrumentalities for electric light, heat, power and signaling purposes and the ordinances of the city governing the installation of electrical devices, apparatus and instrumentalities, then the board shall issue to such person the license for which he has applied, which license shall indicate thereon his qualifications and the fact that he has successfully completed and passed the examination given by the board for his particular type of electrical work. All such licenses shall expire on the thirty-first day of December of each year and all duly licensed persons who apply for renewal of such license within thirty-one days after the expiration date thereof shall be granted new licenses without further examination upon the payment of the fee hereinafter mentioned for renewal. If such renewal is not applied for on or before the thirty-first day of January succeeding the period of the license, the applicant shall be reexamined by the board and shall be required to pay the examination fees for such examination as hereinafter prescribed. If the thirty-first falls on a nonworking day, final date for payment shall be the next regular working day. Any license for such work issued prior to March 21, 1968 shall be null and void and the holder of such license shall not be entitled to a renewal thereof until he has successfully passed the examination for the license provided and held by the board of electrical examiners and has paid the fee therefore. (Ord. 201 Sec. 5, 1968)

16.08.030 Electrical industry - Classification of branches

The classification of the various branches of the electrical industry and qualifications required of applicants for each classification shall be as follows-in Sections 16.08.040 through 16.08.080. (Ord. 201 Sec. 6(part), 1968)

16.08.040 Out-of-town contractors - Qualifications

A. No out-of-town person, firm or corporation shall be permitted to install, alter or repair any electrical wiring, fixtures, devices or equipment operating at a potential of thirty volts or more in the City unless the following conditions are met:

1. He must present evidence that he is a licensed electrical contractor and either holds a master electrician's license or employs a master electrician licensed by the board of an Arkansas city that gives reciprocity to electrical contractors licensed by the City.

2. He must present evidence that all journeymen electricians employed by him to do work within the city limits are licensed by the board of an Arkansas city that gives reciprocity to electrical contractors licensed by the City.

3. He must pay to the City Clerk an electrical contractor's license fee of fifty dollars.

4. He must file a bond in accordance with Section 16.08.100.

B. Any person meeting the above requirements shall be issued a license for his classification by the board of electrical examiners of the City upon payment of the renewal fee herein prescribed.

C. All persons who cannot meet the above requirements must take and pass the local examination for a master and/or journeyman electrician's license.

(Ord. 336 Sec. 1, 1974; Ord. 201 Sec. 6-A, 1968)

16.08.050 Electrical contractors - Defined - Requirements

A. "Electrical contractor" is defined to be a person, member and/or employee of a firm, partnership or corporation engaged in the business of performing electrical work as hereinafter described for the qualifications of a master electrician. Such contractor shall possess the same qualifications as that of master electrician and shall hold a license of the same and/or have in his employment a person with a master electrician's license. Each electrical contractor shall pay a license fee of fifty dollars annually, payable on or before January 31st of each year.

B. All electrical contractors shall be registered in a book to be kept in the City Clerk's office, giving their name, residence, and place of business.

C. No licensed master electrician can represent more than one firm at a time. The actual work shall be done by a qualified master or journeyman electrician.

(Ord. 201 Sec. 6-B, 1968)

16.08.060 Master electrician - Defined - Requirements

A. A "master electrician" is defined to include any individual who possesses the necessary qualifications, training and technical knowledge to plan, lay out and supervise the installation, maintenance, and extension of electrical conductors and equipment.

B. He shall be a person of not less than twenty-one years of age and a person of good moral character.

C. He must have had at least six years experience, two years of which were as an electrician installing wires, conductors, and electrical equipment used inside buildings for the transmission of electrical current for electric light, heat, or power purposes.

D. The examination fee for a master electrician shall be seven dollars and fifty cents. Renewal fee for master electrician shall be two dollars and fifty cents.

E. Any person showing proof of the above qualifications and further showing proof that they have been operating in the capacity of master electrician in the City for one year prior to March 21, 1968, shall be issued a license for the same upon making application within thirty days after March 21, 1968, without examination by the board.

(Ord. 201 Sec. 6-C, 1968)

16.08.070 Journeyman electrician - Defined - Requirements

A. "Journeyman electricians is defined to include any individual who possesses the necessary qualifications, training and technical knowledge to install, maintain and extend electrical conductors and equipment; further, he shall be capable of doing such work in accordance with plans and specifications furnished him in accordance with standards rules and regulations governing such work.

B. He shall have had at least four years experience installing wires, conductors and electrical equipment used inside of buildings for the transmission of electrical current for electrical light, heat or power purposes.

C. Those working as journeyman on the date of March 21, 1968, shall be eligible to take the examination within thirty days after the passage of the ordinance codified in this chapter. The examination fee for journeyman electricians shall be five dollars. The renewal fee for journeyman electricians shall be two dollars.

D. A journeyman electrician will be allowed to work until the next examination provided he has paid his fee and filed his application.

E. Any person showing proof of the above qualifications and further showing proof that they have been operating in the capacity of journeyman electrician in the City for one year prior to March 21, 1968, shall be issued a license for same upon making application within thirty days after March 21, 1968 without examination by the board.

(Ord. 201 Sec. 6-D, 1968)

16.08.080 Apprentice electrician - Defined - Restrictions

"Apprentice electrician" is defined to be a person working or serving to learn or be skilled in any branch of the electrical trade. Said apprentice cannot perform the actual work of installing, repairing or maintaining electrical wiring and equipment unless under the direct supervision of a master or journeyman electrician. Any person classified as an apprentice shall not be less than sixteen years of age and not more than thirty-two years of age. An apprentice is not required to be licensed under this chapter, but his employer must register his name with the City Inspector. (Ord. 201 Sec. 6, 1968)

16.08.090 Licensed persons - Conformance with regulations required

Every person, firm, or corporation holding a license issued by the board pursuant to the terms and provisions of this chapter shall conform strictly with the ordinances of the City governing the installation, repair, construction, and inspection of electrical work in the City. (Ord. 201 Sec. 7, 1968)

16.08.100 Electrical contractor - Bond required - Surety

Every person, firm or corporation doing business in the City as a licensed electrical contractor shall file with the office of the City Clerk a bond in the penal sum of one thousand dollars with a recognized insurance company as surety. The bond and surety shall be approved by the City Clerk, the condition of said bond being that the City, for the use of itself or a citizen of said City damaged by improper electrical work and conditioned that the principal shall strictly comply with the ordinances of the city governing such work and that the principal will do or suffer no work to be done without a permit and will report work done for inspection by the inspection department in conformity with the laws and ordinances of the City. (Ord. 201 Sec. 8, 1968)

16.08.110 License - Nontransferrability - Suspension or revocation

License certificates issued by the board shall not be assignable or transferable. Any license issued may he suspended or revoked by the board for any violation of the terms of this chapter or any ordinance governing the installation or inspection of electrical work or any rules and regulations promulgated by the board after a hearing to be held at the convenience of the board. (Ord. 201 Sec. 9(part), 1968)

16.08.120 License - Work after expiration prohibited

It is unlawful for any person, firm, partnership, or corporation licensed under this chapter to do any electrical work covered by this chapter after the expiration of the license or to perform any such work without a valid license from the City. (Ord. 201 Sec. 9(part), 1968)

16.08.130 License - Display

Every person, firm, or corporation licensed under this chapter shall display such license in his or its place of business. (Ord. 201 Sec. 10, 1968)

16.08.140 License - Misuse prohibited

It is unlawful for any person, firm or corporation licensed under this chapter to alter, transfer, lend or rent his or its license certificate or use a license not his or its own. It is also unlawful for any person to falsely represent himself or themselves to be licensed under this chapter or to wrongfully use a license issued by the board of electrical examiners. (Ord. 201 Sec. 11, 1968)

16.08.150 Electrical construction permit - License prerequisite

The City Clerk is prohibited to issue electrical construction permits to any person, firm or corporation other than these licensed under this chapter except in the event that said person, firm or corporation has a permanent employee who is a licensed journeyman electrician to install or maintain electrical wires or apparatus in or upon their own premises. (Ord. 201 Sec. 12, 1968)

16.08.160 Exceptions to chapter provisions

Nothing in this chapter shall be construed or interpreted as applying to any firm or corporation or employee thereof engaged in providing communication facilities to the public through a central office operated by it, or a firm or corporation or employees thereof engaged in the generation of electric current for distributing electric energy for light, heat or power or electrically operated transportation. (Ord. 201 Sec. 13, 1968)

16.08.170 Inspector - Appointment

There is created the office of Electrical Inspector who shall be appointed by the Mayor subject to the confirmation of the City Council. The Electrical Inspector shall have had at least two years experience as an electrician, shall be of good moral character and shall be versed in the approved methods of electrical construction for safety of life and property. (Ord. 105 Sec. 2, 1960)

16.08.180 Inspector - Records - Approval of work

It shall be the duty of the office of the City Inspector to see that all provisions of the ordinances, rules, and regulations of the Electric Code of the City are fully complied with. He shall inspect all the electrical work done within the corporate limits for lighting, power or heating and shall keep proper and permanent records of such inspections. He shall report the results of inspections to the general or electrical contractor or to the owner or occupant of the building or structure in or on which the electrical work is being done or has been done. He shall cause to be corrected any deviation from the requirements of this chapter or he shall issue approval in writing when said requirements are found to be satisfied. (Ord. 201 Sec. 14(a), 1968)

16.08.190 Inspector - Interior wiring - Tests

It shall be the duty of the City Inspector or his authorized assistants to inspect all interior wires and wiring and all electrical apparatus conducting or utilizing electrical current for any purpose whatsoever within the limits of the City. He shall be empowered to make such test as he may deem necessary to ascertain the condition of such wiring or appliances and he shall have the right to remove or compel the removal of any obstructions such as lathe, plastering, ceiling, or flooring which may hinder a full and complete inspection of such wires or apparatus. He may remove or

compel the removal of conductors which are enclosed in conduit or otherwise inaccessible for complete inspection. When said conductors or appliances are not in accordance with the requirements of this chapter or are found to be unsafe to life or property, he shall have the right to condemn such conductors or appliances as hereinafter provided. (Ord. 201 Sec. 14(b), 1968)

16.08.200 Inspector - Right of entry - Enforcement powers

The City Inspector or his authorized assistants shall have the right to enter any building, manhole, subway, or premises in accordance with the provisions of Chapter 1.16, in the discharging of his duties or for the purpose of making any inspection or tests of any electrical apparatus contained therein. He shall have the power to make arrests for the violation of any of the provisions of this chapter and to compel the suspension of any electrical work being done in a manner prohibited by this chapter.
(Ord. 201 Sec. 14(c), 1968)

16.08.210 Inspector - Unsafe wiring - Time limit for correcting condition

The City Inspector is empowered to inspect or reinspect at his option all interior wiring and apparatus conducting or using electrical current for lights, heat or power. When the conductors or apparatus are found to be unsafe to life or property, he shall notify the persons, firm, or corporation owning, using, or operating them to place the same in a safe and secure condition within forty-eight hours or within such further time as the City Inspector determines is necessary. (Ord. 201 Sec. 14(d), 1968)

16.08.220 Interference or hindrance of inspector unlawful

It is unlawful for any person, firm, or corporation to hinder or interfere with the City Inspector or any of his authorized assistants in the discharge of the duties under this chapter.
(Ord. 201 Sec. 14(e), 1968)

16.08.230 Installations to be done in conformance with Code

Any and all electric work for light, heat, power or any other purpose placed in or on any building or structure in the city limits shall be installed in conformity with the rules and regulations as laid down in the current edition of the National Electric Code, as approved by the American Engineering Standards Committee and in conformity to the additional rules and regulations as set forth in this chapter. Where local rules and regulations are set forth in this chapter they shall take preference over any rules conflicting therewith.
(Ord. 256 Sec. 1, 1972; Ord. 201 Sec. 15(a), 1968)

16.08.240 Installation equipment - Approval and label required

Any and all materials, devices, equipment or any and all items necessary for the installation of electrical systems shall be approved and/or bear the label of the Underwriters' Laboratories, Inc., which laboratories shall be accepted as the authority for any and all approved items, provided the class of material used is listed by the Underwriters' Laboratories, Inc.
(Ord. 201 Sec. 15(b), 1968)

16.08.250 Apparatus not to be sold if considered hazardous

No electrical apparatus, fittings or material shall be used or placed on sale when the City Inspector considers it a fire hazard or hazardous to life and property. (Ord. 201 Sec. 15(c), 1968)

16.08.260 Conductor installation methods

All electrical conductors operating at a difference of potential of thirty volts or more and installed in or on any building or structure in the City shall be installed in one of the following approved methods, i.e., rigid metal conduit, flexible steel conduit, metal molding, steel tube, approved metal duct, fiber conduit, flexible steel armored cable, non-metallic sheeted cable.
(Ord. 201 Sec. 15(d), 1968)

16.08.270 Work execution - Neatness required

All electrical work of any kind and all systems shall satisfactorily fulfill the purpose for which they are installed and all work shall be executed in a neat and workmanlike manner. Slipshod or work not in keeping with good electrical practice shall be classified as defective and shall be immediately corrected by persons causing the same. (Ord. 201 Sec. 16(a), 1968)

16.08.280 Wiring - Installation method

All wiring for lights, power and heat in the defined fire district, except for single family residences, apartments and townhouse units of two stories or less (basement excluded) but specifically including theaters, churches, auditoriums, garages, gasoline filling stations, hotels, office buildings, schools and other buildings normally used for public purposes wherever located, shall be installed in approved rigid metal conduit, steel tube or flexible steel conduit, commonly known as Greenfield, approved metal ducts and metal molding.
(Ord. 233 Sec. 1, 1971; Ord. 201 Sec. 16(b), 1968)

16.08.290 Wiring - Commercial buildings - Sales and display rooms

All light wiring in commercial buildings in sales and display roams shall be installed with wire not smaller than No. 12 copper or No. 10 copper-clad, allowing four outlets to the circuit. Window

lights shall be installed with not over six outlets per circuit, No. 12 copper wire or No. 10 copper-clad wire, provided this number of outlets does not overload the circuit.
(Ord. 233 Sec. 2, 1971; Ord. 201 Sec. 16(c), 1968)

16.08.300 Wiring - Residences - Wire size - Grounding

All wiring for lights, power and heat for apartment buildings, single family residences and townhouses of two stories or less (basement excluded) shall be installed with wire not smaller than No. 12 copper or No. 10 copper-clad, allowing eight outlets per circuit except in the kitchen, where only four outlets per circuit shall be allowed. No. 14 copper wire will be allowed on switch legs only. All receptacles shall be of the grounded type and all circuits shall be provided with a third wire for a continuous ground all the way back to the point of grounding at the service. Aluminum Ramex (non-metallic sheathed cable No. 10 or larger) shall be allowed in structures covered by this Sec.
(Ord. 311 Sec. 1, 1974; Ord. 233 Sec. 3, 1971; Ord. 201 Sec. 16(d), 1968)

16.08.310 Wiring - Commercial buildings - Storerooms and hallways

Storerooms, stock rooms, toilets, and hallways in commercial buildings may have eight outlets per circuit on No. 12 wire, provided this number of outlets does not overload the circuit.
(Ord. 201 Sec. 16(e), 1968)

16.08.320 Outlet boxes - Conductors

When necessary, outlet boxes shall be fitted with plaster rings. The number of conductors in boxes shall be governed by Article 370 as set forth in the National Electrical Code.
(Ord. 256 Sec. 2, 1972; Ord. 201 Sec. 16(f), 1968)

16.08.330 Electrical signs - Circuit

Electrical signs on new or old wiring two hundred watts or over must be on separate circuit. Signs not exceeding two hundred watts may be connected to a light circuit, provided that the circuit is not overloaded. (Ord. 201 Sec. 16(g), 1968)

16.08.340 Attics - Cable placement

All attics on old jobs must be left open and adequate provision made for inspections. In attics where the distance between the ceiling joists and bottom of the rafters is four feet or less, cable must be run on top of the joists or lower edges of roof rafters. Where cable is run parallel to joists, it shall be secured at intervals not exceeding four and one-half feet. Where cable is run across joists, it shall he secured on every other joist.
(Ord. 201 Sec. 16(h), 1968)

16.08.350 Overhead wiring - Wire size

Overhead wires running between main buildings and outbuildings shall not be smaller than No. 12 wire and shall be supported by approved supports in an approved manner.
(Ord. 201 Sec. 16(i), 1968)

16.08.360 Ground wire - Requirements

Ground wire shall not he smaller than No. 8 gauge copper. Ground wire shall be connected to a driven ground or a water pipe if same is within twenty-five feet of the main service switch and is accessible. Driven ground must be three-quarter inch pipe to approved grounding device. Aluminum conductor must not be used for grounding conductor. (Ord. 201 Sec. 16(j), 1968)

16.08.370 Wiring under floor - Conduit size

All wiring installed in or under concrete or other type of floor laid on earth shall be done with galvanized conduit not smaller than three-quarter inch and wire approved for this purpose used. (Ord. 201 Sec. 16(k), 1968)

16.08.380 Direct burial cable and wire

The use of approved non-metallic direct burial cable and wire will be permitted when outside of buildings and concrete aprons, provided when in rocky soil it will be bedded in sand and when necessary protected by a treated board. All direct burial cable and wire shall have approved overload protection. Approved non-metallic direct burial cable and wire will be permitted for underground services. (Ord. 201 Sec. 16(1), 1968)

16.08.390 Convenience outlets for ironing boards

All convenience outlets for ironing boards must be installed outside the ironing board cabinet. (Ord. 201 Sec. 16(m), 1968)

16.08.400 Distribution panels and cabinets

All distribution panels and cabinets shall be of the dead front type. (Ord. 201 Sec. 16(n), 1968)

16.08.410 Multiple meter installations and service switch banks

All multiple meter installations or service switch boards of more then six shall be protected by a main service fused switch or break. The main switch or breaker shall be of the approved type.
(Ord. 201 Sec. 16(o), 1968; Ord. 717 Sec. 2 (part), 1983)

16.08.420 Service entrance switches and wires - Size

A. The table governing the size of service entrance switches and service wires according to number of circuits used is as follows:

No. Circuit	2 or 3 Wire	Size Service Switch	Size Service Wires
1-2	2	30 amp.	2 No. 8
7-8-9-10-11-12	3	50 amp.	3 No. 6
3-4-5-6	3	30 amp.	3 No. 8
13 and over, according to load.			

B. With respect to residences, a main line switch shall be required on all wiring including those of less than six circuits. All main line switches must be located either below or to one side of the meter socket and both main line switch and socket must be located on the outside of the building. A distribution panel with proper circuit overload protection devices shall be furnished on all installations, whether residential, commercial or otherwise.

(Ord. 256 Sec. 3, 1972; Ord. 201 Sec. 16(p), 1968)

16.08.430 Multiple meter installations - Markings

Apartment houses or other multiple meter installations shall have plainly marked the number of the apartment or sufficient load designation marking shall be permanent.

(Ord. 201 Sec. 16(q), 1968)

16.08.440 Service entrance switches and meter loop location

Service entrance switches and meter loops shall be located in readily accessible places. Height of meter sockets shall not be less than five and one-half feet and not more than six and one-half feet to the bottom of the socket. Service entrance switches where accessible to other than authorized persons shall not be lower than five feet to the bottom of the switch.

(Ord. 201 Sec. 16(r)(part), 1968)

16.08.450 Services from meter to point of service entrance - Installation

Services from meter to point of service entrance shall be installed in rigid steel conduit. Services from service entrance switch to distribution cabinets shall be installed in rigid steel conduit. Services from service entrance switch to distribution cabinets shall be installed in rigid steel conduit, steel tube, and flexible steel conduit known as Greenfield or Romex.

(Ord. 201 Sec. 16(r)(part), 1968)

16.08.460 Service drop point of attachment - Height

The point of attachment of a service drop to a building or other structure shall be not less than ten feet above finished grade and shall be at a height to permit a minimum clearance for service drop conductors of ten feet above sidewalks and eighteen feet above driveways, alleys, and public roads. The attachment should not be more than thirty feet above the ground unless a greater height is necessary for proper clearance. Where it is impractical to get the point of attachment high enough to obtain the above clearances, the clearance over residential driveways may be reduced, provided a clearance of ten feet over sidewalks, eighteen feet over alleys and public roads, and a minimum of twelve feet over residential driveways is obtained.
(Ord. 201 Sec. 16(r) (part), 1968)

16.08.470 Service drop point of attachment - Mast riser

In the event a mast type riser is required to attain the height required in Sec. 16.08.460, it shall be of such construction and so supported that it will withstand the strain imposed by the service drop. Raceway fittings shall be of a type approved for the purpose.
(Ord. 201 Sec. 16(r) (part), 1968)

16.08.480 Remodeling jobs - Load division - Meter relocation

On all remodeling jobs where the load is to be divided and put on two or more meters, the meters must be relocated according to the above rules and shall be fed from a common service. This rule applies only to dwelling and apartment houses.
(Ord. 201 Sec. 16(s), 1968)

16.08.490 Job completion requirements

No job shall be considered as being completely rough-in until all joints have been soldered, rubber and friction taped, or approved connectors used and pigtails provided for the hanging of fixtures. (Ord. 201, Sec. 16(t), 1968)

16.08.500 Conductor capacity - Meter loops

A. No conductor with a capacity of less than No. 8 copper or No. 6 aluminum shall be installed in meter loops.

B. A sticker with name of company doing work shall be placed on each wiring job.

(Ord. 201 Sec. 16(u), 1968)

16.08.510 Neutral conductors - Color coding and tagging

All neutral conductors size No. 4 and smaller must be color coded in white. All neutral conductors larger than size No. 4 and all high legs must be tagged for identification.
(Ord. 201 Sec. 16(v), 1968)

16.08.520 Air conditioner, electric range and dryer installation

Air conditioners installed on old or remodeling jobs must be fed off the load side of the meter socket with proper size breaker panel. The breaker panel must be installed in sight of the air conditioning unit. Window units are expressly excluded. Electrical ranges and dryers, an old or remodeling job, must be fed off the load side of the meter socket with proper size breaker. Installation of electrical ranges must conform to Table 220-5 of the National Electric Code. (Ord. 201 Sec. 16(w), 1968)

16.08.530 Conductors-Through brick or masonite-Nipple Size

When it is necessary to run a conductor from porch lights and outlets through brick or masonite, a nipple of the proper size must be used. (Ord. 201 Sec. 16(x), 1968)

16.08.540 Aluminum conductor use

Only those meter sockets that are specifically authorized for use with aluminum conductor will be allowed on all installations involving the use of such aluminum conductor in the authorization for the use of the socket with aluminum conductor must be printed on the socket itself. (Ord. 201 Sec. 16(y), 1968)

16.08.550 Electrical business-Compliance with provisions required

Any person, firm or corporation before conducting or managing a business for installing any electrical wires or electrical apparatus to convey electrical current for light, heat or powers shall comply with this chapter. (Ord. 201 Sec. 17(a), 1968)

16.08.560 Failure to make application for work inspection - Fee

In case it is discovered that any electrical work has been installed or put to use for which no application for inspection has been made, there shall be a charge of five dollars which shall be in addition to the regular inspection fee covering such work, and no additional permits shall be granted until all fees are paid.
(Ord. 201 Sec. 17(b), 1968)

16.08.570 Permit applications-Required information

Applications for permits shall give the exact address by street and number, approximate date inspection is desired, the name of master electrician in charge of the work and a complete description of extent of the installation. A special notation must be made on permits that include the use of aluminum cable or conductor.
(Ord. 201 Sec. 17(c), 1968)

16.08.580 Permit applications - Fee schedule

A. All applications for permits shall be accompanied by the inspection fees as hereinafter provided for.

B. Applications for permits shall be made according to the following table of charges:

OUTLETS

1	to	8	outlets	$2.50
9	to	12	outlets	3.00
13	to	20	outlets	3.75
21	to	30	outlets	4.25
31	to	40	outlets	5.00
41	to	50	outlets	5.50
51	to	60	outlets	6.00
61	to	70	outlets	6.50
71	to	80	outlets	9.00
81	to	90	outlets	10.00
91	to	100	outlets	11.00
101	to	110	outlets	12.00
111	to	120	outlets	13.00
121	to	130	outlets	14.00
131	to	140	outlets	15.00
141	to	150	outlets	16.00
151	to	165	outlets	17.50
166	to	180	outlets	18.50
181	to	200	outlets	19.50
201	to	220	outlets	20.50
221	to	240	outlets	21.50
241	to	260	outlets	22.50
261	to	280	outlets	23.50
281	to	300	outlets	24.50
301	to	325	outlets	25.50
326	to	350	outlets	26.50
351	to	375	outlets	27.50
376	to	400	outlets	28.50

over 400, add $4.00 for each 50 or fraction over 100.

LIGHTS

1	to	8	lights	$3.00
9	to	15	lights	3.50
16	to	30	lights	4.50
31	to	45	lights	6.00
46	to	60	lights	6.50
61	to	75	lights	7.00
76	to	90	lights	7.50
91	to	105	lights	8.00
106	to	125	lights	10.00

126	to	130	lights	10.50
131	to	175	lights	11.50
176	to	225	lights	12.50
226	to	275	lights	13.50
276	to	326	lights	14.50
327	to	400	lights	15.50

Over 400, add $4.00 for each 75 or fraction over 125.

MOTORS

1/8	to	1	H.P.	$3.00
2	to	4	H.P.	4.00
4	to	10	H.P.	5.00
10	to	15	H.P.	6.00
16	to	20	H.P.	7.00
21 and over, each motor must be listed separately				8.00

MISCELLANEOUS

Signs	$4.00
Rectifiers for charging batteries for autos	3.00
Overhauling electric wiring	4.00
Motion picture machines	3.00
All miscellaneous appliances	2.00
New meter loop on old jobs	4.00
Range	4.00
Hot water heaters and other heating appliances	4.00
Reinspection fee	5.00
X-ray machines	4.00

Reinspection fees of $5.00 will be assessed for those inspections conducted inside the city limits and $10.00 for those outside the city limits.
(Ord 903, Sec. 2, (part), 1989; Ord. 1010 Sec. 4, 1993)

C. Fractional horsepower motors may be grouped for their total horsepower and may be paid for as one unit.

D. Festoon or temporary decorative wiring fee is one dollar for each circuit and one dollar for each fifty lights.

E. For outdoor sales and display lots, the above rule shall apply. (Ord. 201 Sec. 17(d), (e) (part), 1968)

F. In addition to the above charges, there shall be a $5.00 inspection fee per inspection visit. Any inspection requiring travel outside city limits shall be $10.00 per inspection. Said fee shall be included in the permit fee and paid prior to issuance.
(Ord. 717 Sec. 3, 1983; Ord. 903 Sec. 2 (part), 1989)

16.08.590 Special equipment or apparatus inspection fee

For special equipment or apparatus for which no inspection fees are fixed by this chapter, a charge of one dollar per one thousand watts or less consumed by such equipment or apparatus shall be made. (Ord. 201 Sec. 17(e) (part), 1968)

16.08.600 Additional inspection trips due to applicant error

In the event an inspector is required to make more than one (1) visit for the purpose of reinspection of work due to violation of Code regulations or rules, wrong address, or any other irregularities caused by the master electrician or his agents, a charge of ***$5.00 per visit*** shall be made for each additional required visit within the city limits or ***$10.00 for each additional visit*** outside the city limits.
(Ord. 201 Sec. 17(e) (part), 1968; Ord. 903, Sec. 2(part), 1989)

16.08.610 Conductor installation - Multiple parties - Fee payment

On installations where several persons are concerned with the installation of electric conductors, each party shall be required to pay the fees as established for such work.
(Ord. 201 Sec. 17(f), 1968)

16.08.620 Rough inspection

Before any interior electrical wiring is concealed from view, or in case said wiring is in conduit, before said conduits are concealed from view, the person, firm or corporation installing the same shall give a written notice to the City Inspector who shall, as soon as possible alter the receipt of the notice, inspect the work. No such work shall be concealed from view before the expiration of twenty-four hours from the receipt of the notice unless the City Inspector or his authorized assistant takes his inspection and approves the work before the expiration of the said twenty-four hours. (Ord. 201 Sec. 17(g), 1968)

16.08.630 Final inspection

Before any electrical current is used upon any electrical wiring of any character, written notice shall be served upon the City Inspector who shall as soon as possible make a final inspection of the wiring, if the installation has been constructed in accordance with the rules and requirements of this chapter, he shall issue a certificate of inspection which shall contain a general description of the installation and the date of the inspection. No current shall be used prior to the issuance of the certificate, provided that the inspector may issue a temporary permit for the use of electrical current during the course of construction or alteration of a building.
(Ord. 201 Sec. 17(h), 1968)

16.08.640 Chapter provisions not to relieve certain responsibilities - City non liability

This chapter shall not be construed to relieve from or lessen the responsibilities of any person, firm or corporation owning, operating or installing electrical wires, appliances, apparatus, construction or equipment, for the damage to property or persons injured by any defect therein; nor shall the City or any agent thereof be deemed to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the City Inspector. (Ord. 201 Sec. 17(i), 1968)

16.08.650 Furnishing current - Clearance from inspector required

It is unlawful for any person, firm or corporation operating in the City to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature or description, without first obtaining a clearance from the City Inspector stating that such wiring is approved and permit a has been issued for the use of current. (Ord. 201 Sec. 18(a), 1968)

16.08.660 Inspector - Current turn-off authority

The City Inspector is authorized and empowered to cause the turning on of all electric current from all outdoor conductors or apparatus which are deemed by him to be in an unsafe condition or which have not been installed in conformity with the provisions of this chapter. No person, firm or corporation or agent thereof shall supply or cause to be supplied any electric current to conductors or apparatus which have been deemed by the City Inspector to be in an unsafe condition or which have not been installed in conformity with the provisions of this chapter and from which the said City Inspector has caused the electric current to be turned off.
(Ord. 201 Sec. 18(b), 1968)

Chapter 16.12

PLUMBING CODE - GAS CODE

Sections:

16.12.010 Adopted
16.12.020 Definitions
16.12.030 Applications and permits
16.12.040 Inspection and supervision
16.12.050 Bond required

16.12.010 Adopted

The Arkansas State Plumbing Code and Arkansas Gas Code are adopted by the City and any and all work, installation, repair and inspection of plumbing and gas fittings shall be done in conformity with the rules and regulations as laid down in the current editions of the above two codes. Where local rules and regulations are set forth in this chapter, they shall take preference over any rules conflicting therewith. (Ord. 397 Sec. 1, 1976)

16.12.020 Definitions

For the purpose of this chapter, the following words are defined:

A. **"Gas fitter"** includes any person who engages in the business of gas fitting and the installation of gas piping.

B. **"Plumbing"** means, but it not limited to, the following:

1. All piping, fixtures, appliances and appurtenances in connection with the water supply, drainage and gas systems within a building or structure and to a point three to five feet outside the building or structure;

2. The construction and connection of any water supply or drainage system used for the purpose of filling, filtering or draining a fixed or permanent type swimming pool constructed for private, public or commercial use;

3. Water services piping from a point three to five feet outside the building structure to the water meter or other water utility terminal and the connecting of domestic hot water storage tanks, water softeners, and water heaters within the water supply system;

4. Water pressure systems other than public utilities systems;

5. A plumbing and drainage system so designed and went piping so installed, as to keep the air within the system in free circulation and movement, and to prevent within margin of safety unequal air pressure of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building;

6. The Construction and installation of gas piping materials done in any building, structure or on any property maintained and/or owned by the City.

(Ord. 397 Sec. 2, 5(part), 1976)

16.12.030 Applications and permits

A. Before beginning any plumbing work in the City, the person installing the same shall apply to the City Clerk and obtain a permit to do such work. A permit shall be issued to homeowners to do plumbing work or gas fitting in his home of residence, providing the individual does the work himself.

B. Application for permits shall be made on suitable forms provided by the City Clerk. The application shall be accompanied by fees in accordance with the following schedule:

Water closet	$2.00
Bathtub	2.00
Sink or lavatory	2.00
Dishwasher	2.00
Garbage disposal unit	2.00
Drinking fountain	2.00
Floor drain	2.00
Shower unit	2.00
Urinal	2.00
Washing machine (fixed)	4.00
Gas connection	4.00
Hot water heater	2.00
Other fixtures	2.00

A $5.00 per inspection fee for any inspections given inside the city limits and a $16.00 per inspection fee for any inspections provided outside the city limits.

In the event an inspector is required to make more than one (1) visit for the purpose of reinspection of work due to violation of Code rules or regulations, wrong address, or any other irregularities caused by the master plumber or his agents, a charge of **$5.00 shall be made for each additional visit** inside the city limits and **$10.00 for each additional visit outside** the City.

(Ord. 409 Sec. 1, 1976; Ord. 397 Sec. 4, 1976; Ord. 903 Sec. 3, 1989; Ord. 943 Sec. 3, 1991)

16.12.040 Inspection and supervision

A. The City Inspector shall have experience in the business of plumbing and gas fitting to the extent that enables him to know when plumbing and gas fitting is installed in accordance with the provisions of the Code of the City and State. He shall not be connected in any way with any person, firm or corporation directly or indirectly engaged in the business of plumbing, gas fitting or gas or plumbing supplies.

B. It shall be the duty of the City Inspector to enforce all provisions of this chapter, and the City Inspector is granted the authority to enter all buildings in the City in the performance of his duties.

C. There shall be two tests and inspections made by the plumbing inspector, who shall be notified by the master plumber when the work is ready for inspection, as follows:

1. The soil and vent pipes for two stories must be tested by water from the end of the pipe to its termination above the roof, or by ten pounds of air in the presence of the plumbing inspector. Such tests include all drains, soil and vent lines, the lead branches, traps and ferrule joints.

2. When all plumbing has been completed, the City Inspector shall be notified by the master plumber that the work is ready for final inspection. The City Inspector shall make a final inspection, and if the work complies with the Codes and ordinances, he shall issue a certificate of acceptance. The master plumber shall be present at the final inspection and shall see that the premises are open and available to the City Inspector. If the work does not comply with the codes and ordinances, the City Inspector shall notify the master plumber at once to rectify the same. The City Inspector shall be notified when the work has been rectified and ready for reinspection.

(Ord. 397 Sec. 3, 1976)

16.12.050 Bond required

Every master plumber or gas fitter doing business in the City shall execute and deliver to the City a bond with a surety bonding company in the sum of one thousand dollars to indemnify the City or any citizen for any damage caused by the failure of such master plumber or gas fitter to comply strictly with the provisions of this chapter. No plumbing or gas-fitting permit shall be issued to any master plumber or gas fitter unless this bond has been delivered to the City and is in full force and effect.

(Ord. 397 Sec. 5 (part), 1976)

Chapter 16.16

HOUSING CODE

Sections:

16.16.010 Adopted
16.16.020 Filed

16.16.010 Adopted

"The Housing Code" as defined and set forth in the Jacksonville Housing Code booklet is adopted and enacted as the Housing Code for the City of Jacksonville as fully as if set out here in its entirety. (Ord. 610 Sec. 1(part), 1980)

16.16.020 Filed

Pursuant to Arkansas Code Annotated 14-55-207 three (3) copies of the Housing Code are on file at the Jacksonville Municipal Clerk's Office for inspection and view by the public.
(Ord. 610 Sec. 1(part), 1980)

TITLE 16 FOOTNOTES

Deleted by Ordinance 1010 Section V, 1993.

Chapter 16.20

JACKSONVILLE LANDSCAPING DEVELOPMENT CODE

Sections:

16.20.010	Purpose
16.20.020	Definitions
16.20.030	Landscape Design Plan
16.20.033	Preservation Goals
16.20.034	Landscape Design Review
16.20.035	General Site Development
16.20.036	Screening Requirements
16.20.037	Ground Cover Requirements
16.20.040	Landscape Requirements per Zone Classifications
16.20.042	Residential Zones R-3 and R-7
16.20.044	Commercial Zones
16.20.045	Manufacturing Zones
16.20.047	Protection of Landscaping
16.20.048	Sight Distance Requirements
16.20.049	Flexibility in Applying Standards
16.20.050	Plant Material Selection Requirements
16.20.060	Removal of Waste Materials
16.20.062	Cash Bond Required for Postponed Improvements
16.20.070	Maintenance Requirements
16.20.080	Public Rights-of-Way
16.20.090	Enforcement and Penalties

16.16.010 Purpose

This Ordinance and its applicable regulations are to preserve, protect, and enhance the aesthetic, ecological, and safety environments of the City of Jacksonville. Properly landscaped areas absorb carbon dioxide and supply oxygen, buffer and screen adjacent properties, improve the appearance of property abutting incompatible land uses, promote aesthetically pleasing appearances and character of neighborhoods, developments, and portions of the City, promote natural percolation of storm water and improvement of air quality, protect soil erosion, provide shade and facilitate safe movement of traffic in vehicular use areas, reduce hazards associated with flooding, and reduce the negative effects of dust, glare, heat, noise, and other objectionable activities generated by some land uses.

It is hoped that, with passage of this Ordinance, there will be an improved appearance, quality, and quantity of landscaped areas throughout the City of Jacksonville.
(Ord. 1205 Sec. 1, 2003)

16.20.020 Definitions

The following phrases, terms, and words, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

Berm(s) An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer(s) A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to encourage preservation of large trees on a site, facilitate effective drainage and erosion control, reduce or eliminate public view of cuts and fills, and/or separate and/or screen incompatible land uses.

Building Landscape Area(s) The on-site landscape area, which separates, parking from building, created and maintained to improve the appearance of the building from the street and parking areas.

Commercial Zone(s) Zoning classifications primarily used for commercial business purposes commonly referred to as C-1, C-2, C-3, and C-4.

Curb Cut(s) Any access area to be a parking lot from any alley, highway, right-of-way, road, street, or from any other parking lot.

Deciduous A plant or tree, which loses its foliage on an annual basis.

Evergreen A plant or tree, which does not commonly lose its foliage on an annual basis.

Fence(s) A border or boundary item constructed of approved materials such as masonry (brick, stone, etc.), wood, iron (decorative fencing material only), metal (chain link), PVC (fencing industry material only), or a combination thereof used upon private and public property to border and/or enclose a particular area/boundary. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

Grass (es) All species normally grown as permanent lawns in the area reasonably free of disease, pests, and weeds.

Ground Cover(s) Plant material that reaches a maximum height of not more than eighteen (18) inches in height and may be used in lieu of grass.

Landscape Area(s) Any landscape area within the perimeter of the parking area, excluding the building landscape area. Its primary purpose is to provide a break in the mass of the parking area and to control traffic circulation on the site.

Irrigation An adequate supply of water, which can be made available to landscape, plant material and grassy areas.

Landscape An area within the boundaries of a given property which consist of a combination of planting materials and inorganic materials including, but not limited to, flowers, grass, ground cover, shrubs, trees, native plant materials, planters, stones, brick, concrete, water elements, and other landscaping materials elements meant to enhance the appearance of the property.

Landscape Design Plan A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to include North arrow, proper scale, and key, including all dimensions, easements, setbacks, property lines, and including the elements of design as outlined by Jacksonville Municipal Code 16.20.030.

Major Renovation When the costs of renovation of the property involved is equal to or exceeds more than Twenty-five Percent (25%) of the assessed value of the property according to the records of the Pulaski County Assessor's Office. At no time, however, shall an individual, business, or corporation be required to expend more than Seven Percent (7%) of the overall renovation construction costs to comply with the terms of this Chapter.

Manufacturing Zone(s) Zoning classifications primarily used for industrial and manufacturing purposes commonly referred to as M-1 and M-2.

Off-Street Parking A space on private land accessible from a usable alley or street not less than Nine feet (9’) wide and Eighteen feet (18’) long, together with the necessary maneuvering room within the private property.

Ornamental Tree(s) A tree planted primarily for its ornamental value and/or screening purposes, which are commonly smaller at maturity than other trees.

Parking Area/Lot(s) Space on private land accessible from a usable alley or street designated, intended, required, and used for the circulation, display, maintenance, operation, parking, repair, service, and/or storage, temporary or permanent, of vehicles, which shall include, but not be limited to, an automobile, boat, business, car, motorcycle, trailer, tractor, truck, or other such equipment which are self-powered. All parking surfaces must be

dust-free and constructed of asphalt, concrete, masonry materials, and/or a combination thereof, together with appropriate designed and constructed curb and gutter to surround the exterior borders in question and any interior borders therein.

Perimeter landscape Strip A landscaped areas which separates the vehicular use area from adjoining property and/or public right-of-way, designed to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other uses and/or activities from the public right-of-way and abutting properties.

Property Line/Boundary The legal boundary between Two (2) lots or parcels of land. For purposes of this Ordinance, this phrase shall also include property lease lines that separate independent uses or activities on a lot or parcel of land.

Residential Zone(s) Zoning classifications primarily used for multi-family residential purposes commonly referred to (for purposes of this Ordinance only) as R-3 and R-7.

Screen/Screening The use of natural or man-made topography, berms, fences, ground covers, grassy areas, shrubs, trees, and/or walls or any combination thereof, which partially or completely blocks the view of one area from the other and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

Shrub(s)/Hedges Self-supporting, woody, deciduous or evergreen species of plants with a minimum height of Eighteen inches (18”) at installation.

Street(s) Any dedicated or private avenue, boulevard, expressway, freeway, highway, lane, roadway, or thoroughfare commonly used for vehicular traffic.

Tree(s) A deciduous or evergreen plant species of an upright, woody, nature having a single main stem or several main stems and which, at maturity, shall attain a height and crown spread of no less than Fifteen feet (15’). Trees having an average mature crown spread of less than Fifteen feet (15’) may be substituted by grouping the same so as to create the equivalent of Fifteen feet (15’) crown spread. All trees shall have a minimum caliper of Two inches (2”) at the point One foot (1’) above ground at the time of planting.

Undisturbed A land area which is intended to remain in a natural state, including topography, trees, and vegetation. Enhancements, such as additional landscaping, replacement of underbrush and other treatment, may be made only if approved by the City.

Vehicular Use Area(s) That area of private development subject to vehicle traffic, including access ways, driveways, loading and service areas used for parking, maneuvering, or storage of vehicles, boats, portable construction equipment. All private lands upon which vehicles travel over as a function of its primary use.

Wall(s) Opaque barriers intended to control access, mark a boundary, screen a view, or prevent intrusion. All walls shall be able to withstand normal wear functioning as a barrier designed and constructed in a sound manner and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.
(Ord. 1205 Sec. 2, 2003)

16.20.030 Landscape Design Plan

Two (2) copies of a Landscape Design Plan (LDP) shall be submitted to and approved by the City Engineer before the construction, development, expansion, or major renovation of an area as outlined in this Ordinance in zoning classifications R-3, R-7, C-1, C-3, C-4, M-1, and M-2.

A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to included North arrow, proper scale, and key, including all dimension, easements, setbacks, and property lines, reflecting and including the following requirements.

(A) Location of the proposed building(s), building expansion(s), entire off-street parking and vehicular use area with designated spaces (including disabled parking), curbs and proposed curb cuts, driveways, sidewalks, and overall site development plan in conjunction with adjacent land uses and related buildings, streets, and existing traffic control devices;

(B) Detailed Planting Plan regarding materials and plant species to be utilized throughout the Plan, including both existing and new items;

(C) Specification of plan species, including common names, numbers, locations, and spacing of existing and proposed plant(s), shrubs, trees, and other natural landscaping features, and approximate size and height of all such plan materials and species at the time of installation;

(D) Proposed treatment of all ground surfaces including, but not limited to, bed designs, bark, grasses, gravel, ground covers, asphalt, brick, concrete, dirt, etc; and,

(E) Irrigation, drainage, and other water systems to be utilized;

(F) Designation and location of existing utilities and proposed connections, including fire hydrants to service the property; and,

(G) Other applicable plans and materials to be utilized for Screening, Lighting, and Fencing.

(Ord. 1205, Sec. 3, 2003)

16.20.033 Preservation Goals

The preservation of existing plant materials, such as specimen trees, should be incorporated into the Landscape Design Plan (LDP). In instances where healthy plant material(s) exist on a site prior to its development, Applicant shall work diligently to include and adjust the application of the above-mentioned standards to the existing plant life on site. Preservation of existing trees is encouraged.

Maintenance of existing and newly installed plants and landscaping design elements is also vital to the Landscape Design. Measures must be taken during construction and after planting to insure reasonable continued good health for the plants included in the Plan.

(Ord. 1205, Sec. 4, (part) 2003)

16.20.034 Landscape Design Review

Upon submission of all necessary elements to the Landscape Design Plan(s) to the City Engineer, the Plan shall be reviewed and returned to the applicant. If the Plan is found to be in compliance with the requirements of this Article, then the City Engineer shall grant landscape approval. Plans found not in compliance with the provisions contained within this Ordinance shall be returned to applicant with comments regarding the areas

of non-compliance. Corrected Plans may be resubmitted for additional review, and landscape approval may be issued when full compliance is satisfied.

Approval of Plans not in full compliance with the terms of this Ordinance shall only occur through a majority vote of those quorum members present at a Jacksonville Planning Commission meeting.
(Ord. 1205, Sec. 4, (part) 2003)

16.20.035 General Site Development Landscaping Requirements
Landscaping treatment should be fully integrated into the overall site development, first taking into account requirements for grading, drainage, storm-water detention, buffers, utilities, buildings and retention of existing trees.
(Ord. 1205, Sec. 5, (part) 2003)

16.20.036 Screening Requirements
The grading and landscaping of a site shall be accomplished in such a way as to screen dumpster areas, outside storage areas, and certain other such activities external to buildings on the site from street view and abutting development of dissimilar use (i.e., commercial adjacent to residential, etc.). Existing and planted vegetation, berms, fences, walls and other landscaping devices may be used to achieve the required screening in accordance with minimum standards as outlined under the terms of this Ordinance.

Species and Spacing Requirements. Screening standards described above are intended to apply during all seasons of the year. A minimum of Fifty percent (50%) of the trees and a minimum of Seventy-five percent (75%) of the shrubs to be used for screening purposes shall be evergreen varieties. Recommended maximum spacing of Fifteen feet (15’) for trees and Three feet (3’) for shrubs should be utilized for One Hundred percent (100%) screening of the view.
(Ord. 1205 Sec. 5, (part), 2003)

16.20.037 Ground Cover Requirements
All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials.
(Ord. 1205 Sec. 5, (part), 2003)

16.20.040 Landscape Requirements Per Zone Classification
Under the terms of this Ordinance, all landscape development shall comply with the following applicable provisions of this Section.
(Ord. 1205, Sec. 6, (part) 2003)

16.20.042 Residential Zones (R-3 and R-7)

Multi-family Residential and Manufactured Housing Parks zones will follow the same landscape development provisions as those detailed in Jacksonville Municipal Code § 16.20.044.
(Ord. 1205 Sec. 6, (part), 2003)

16.20.044 Commercial(All zones)

All commercial zone development will adhere to the following requirements:

1. Perimeter Planting Strips

(a) A perimeter planting strip shall be required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street, highway or freeway. This strip shall be at least Six feet (6’) wide, and small or irregular shaped spaces can receive a variance for this request down to a minimum of Four feet (4’) as approved by the Planning Commission.

(b) One (1) tree and Four (4) shrubs or vines for every Forty (40) linear feet shall be planted in the perimeter planting strip. The width of driveways crossing the perimeter strip shall be subtracted from the length of the perimeter strip for purposes of complying with this provision.

(C) Where a fence or wall is utilized in a perimeter planting strip adjacent to a street, Four (4) shrubs or vines shall be planed every Forty (40) linear feet along the fence or wall.

(d) Where a fence or wall is utilized in a perimeter planning strip, the fence or wall must be constructed with the face toward the adjacent property with any supporting structure members screened from view of the adjoining property.

(e) Where the perimeter strip is part of a Twenty feet (20’) or wider buffer area that is to be maintained in a natural state with dense undergrowth, up to One hundred percent (100%) of the shrubbery requirement may be waived.

(f) In all applications, a property owner/developer shall lose no more than Eight Percent (8%) of the affected real estate for purposes of providing perimeter planting strips.

2. Interior Landscaping Requirements

(a) Interior landscape plantings shall comprise of at least Six percent (6%) of any vehicular use area containing more than Fifteen (15) parking spaces.

(b) The minimum size of an interior planting area shall be One Hundred (100) Square Feet. At least One-third (1/3) of the total interior planting area shall be provided in individual areas of Two Hundred (200) Square Feet or greater.

(c) One (1) tree will be required for every Fifteen (15) parking spaces.

3. Building Landscaping

(a) Landscape areas shall be provided between the vehicular use area used for public parking and the building they serve. (This would exclude truck loading of service areas not opened the public hearing at approximately for public parking). These areas shall be in aggregate equal to an equivalent planter strip Four feet (4’) wide along the vehicular use area.

(b) The size and location of planter areas and the placement of trees and shrubs within these planter areas should be freely adapted to meet local site conditions.

4. Ground Cover Requirements

All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials. (Ord. 1205, Sec. 6, (part) 2003)

16.20.045 Manufacturing (All zones)

Manufacturing Zone Development will be required to meet all landscaping requirements of Jacksonville Municipal Code § 16.20.044 with the following exceptions:

(1) All manufacturing facilities and properties visible from street frontage must be landscaped and developed in such a manner as to comply with applicable terms of this Ordinance from the street to the building setback lines;

(2) Manufacturing compounds, facilities, and yards enclosed by fencing and used for storing materials, manufactured products, equipment, and truck loading and unloading shall be excluded from landscaping requirements unless otherwise desired; and,

(3) Manufacturing sites adjacent to other manufacturing sites shall not be required to provide perimeter landscaping strips behind the building setback lines between said properties unless so desired.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.047 Protection of Landscaping

Raised concrete curbing or other approved devices shall be placed around the base of each landscaped area to protect plantings from automobile and pedestrian traffic. Such curbing should be offset Two (2) feet from planting areas abutting parked vehicles in order to protect plantings from vehicle front-end overhang and vehicle doors opening into planter areas.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.048 Sight Distance Requirements

Plant materials and other landscaping elements in areas of traffic sight distance shall be designed to maintain adequate sight distance for vehicular and pedestrian traffic. Shrubs, fences, and wall in these areas should be less than Thirty inches (30”) of height above the grade of the vehicular use area, while trees in these areas should be regularly pruned to eliminate sight distance interruption below Eight feet (8’) from the ground.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.49 Flexibility in Applying Standards

It is the intent of these provisions to allow reasonable and appropriate flexibility for adapting landscaping design standards described in this article to the specific conditions of an individual site. (Ord. 1205, Sec. 6, (part) 2003)

16.20.050 Plant Material Selection Requirements

Plant materials used for compliance with the provisions of this Ordinance should conform to the “American Standards for Nursery Stock, Volume One – Latest Edition”, Grade No. 1, American Association of Nurseryman, Inc., or subsequent editions thereto. Plant materials should be selected from the lists included in Appendix D under the following guidelines:

(a) It is the intent of this Ordinance to be flexible; thus, any person, firm, or corporation may select plants not listed in Appendix D for landscaping and screening purposes as long as plants substituted are able to withstand harsh weather conditions, comply with all other provisions of this Ordinance, and are approved by the City Engineer prior to planting; and,

(b) Trees, grasses, and shrubs planted in public rights-of-way must be approved by the City Engineer prior to planting.

(Ord. 1205, Sec. 7, (part) 2003)

16.20.060 Removal of Waste Materials

During the course of construction and planting, excess and waste materials shall be continuously and all reasonable precautions taken to avoid damage to existing structures, plants, and grass. When all work is completed, the contractor shall leave the site in a neat and orderly condition.

(Ord. 1205, Sec. 8, (part) 2003)

16.20.062 Cash Bond Required for Postponed Improvements

When in the judgment of the designated agents, under the provisions of this Ordinance the then-current season of the year is not conducive to sustaining life for trees and plants required hereunder for commercial, multi-family residential, and manufacturing developments or zones, compliance with these provisions may be postponed for not more than One (1) year. At the option of the City, by and through the City Engineer or the Planning Commission, a cash or surety bond in favor of the City in an amount equal to the estimated cost of the postponed improvements shall be posted by the owner or developer, and a temporary conditional certificate of occupancy may be issued upon said posting of said cash or surety bond.

Estimates of landscaping cost may be prepared by the project architect or engineer, by a landscaping architect, or by a landscape contractor. Failure to complete such postponed landscaping within any such One (1) year postponement period shall affect any automatic forfeiture of the cash or surety bond; provided however, such forfeiture shall not relieve the owner or developer of complying with the provisions of this article. The forfeiture may be delayed or set aside for no more than One (1) year if it is determined by the City that such delay is excusable or justified. It shall be the responsibility of the applicant to establish valid reasons for such postponement. In all circumstances, only One (1) extension may be permitted, and the maximum period for said extension shall be One (1) year.

(Ord. 1205, Sec. 9, (part) 2003)

16.20.070 Maintenance Requirements

The developer, applicant, his/her/their successor, and/or the property owner shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all plantings on the private property of the development. Plant

materials, which are installed for compliance with the terms of this Ordinance, both on private property and the right-of-way, which exhibit evidence of insect pests, disease and/or damage, shall be appropriately treated and dead plant materials replaced in a timely fashion.

The property owner of land abutting a construction public right-of-way area between the property line and the curb/street shall be required to regularly weed, mow, prune, and maintain plantings in compliance with good horticultural practices.

If the owner neglects or refuses to remove, abate, or eliminate any such condition or conditions as are provided for in this article so as to constitute a nuisance under this or any other City ordinance, after having been given Seven (7) days' notice in writing to do so, it is presumed that the owner is in violation of this Section and guilty of a misdemeanor.
(Ord. 1205, Sec. 10, (part) 2003)

16.20.080 Public Rights-of-Way

This Article does not require that landscaping must be undertaken in public rights-of-way except the seeding or planting and maintenance of appropriate ground cover. However, should any person desire to make other landscape improvements within the public rights-of-way, then all other provisions of this Ordinance shall be enforced and all plantings in compliance with the terms of this Ordinance.
(Ord. 1205, Sec. 11, (part) 2003)

16.20.090 Enforcement and Penalties

(A) Any applicant, business, corporation, entity, individual, partnership, and/or person are expected to fully comply with the terms and conditions required by this Ordinance.

Those found in violation of the terms of this Ordinance shall be notified of said violation(s) in the following manner:

> **(1)** Upon discovery of said violation(s), the City Engineer and/or his designated representative(s) shall notify the responsible party(ies) in writing outlining the terms of non-compliance and providing a specified reasonable time frame in which to have said condition(s) brought into compliance with the terms of this Ordinance and/or post the appropriate cash/surety under the terms and conditions outlined in Jacksonville Municipal Code § 16.20.062. Notification mailed by postage prepaid, first class, will be deemed sufficient notice under the terms of this Ordinance;

(2) Upon expiration of the designated time frame or when notified by the responsible party that sufficient work has been completed, the City Engineer and/or his designated representative shall inspect said property for compliance with the terms of this Ordinance. If all repairs have been properly and timely made, the matter will be closed the public hearing at approximately. Should the non-conforming condition exist, the City Engineer and/or his designated representative may, with good cause, extend the time period by no more than Seven (7) calendar days to allow completion of the necessary work and/or for the responsible party(ies) to post the appropriate cash/surety bond under Jacksonville Municipal Code § 16.20.062. A second inspection will be required before approval is granted.

(3) Should non-compliance continue after the second and/or subsequent inspection(s), the City Engineer shall notify the Code Enforcement Officer(s) and have the responsible party(ies) cited for violation of the terms of this Ordinance.

(B) Any non-compliance responsible party(ies) shall be cited into the Jacksonville District Court, and each day a non-conforming condition exists shall constitute a separate violation.

(C) Should any such citation result in a plea/finding of guilt/conviction in the Jacksonville District Court, the responsible party(ies) will be responsible for payment of applicable court cost and may be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00) per violation of the terms of this Ordinance.
(Ord. 1205, Sec. 12, (part) 2003)

APPENDIX D

TREE SPECIES

The following lists of trees are those, which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list along with the secondary list are those trees, which may be planted in the required landscaping area. Additional selective trees may be substituted when proven to be hearty to this region.

COMMON NAME	SCIENTIFIC NAME
Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus Parvifolia]
Flowering Braford Pear	Pyrus Calleryana "Bradford"
Ginkgo (male)	Ginkgo biloba
Honey Locust	Gleditsia triacanthos
Loblolly Pine	Pinus Taeda
Pin Oak	Quercus palustris
Sawtooth Oak	Quercus acutissima
Sugar Hackberry	Celtis lacvigata
Willow Oak	Quercus phellos

Secondary List: The following list of trees are those which have been found to be the next best suited to this area but require increased maintenance:

COMMON NAME	SCIENTIFIC NAME
American Holly	Ilex opaca
Crab Apple	Malus spp.
Crepe Myrtle	Lagerstoemia indica
Dogwood	Conus florida
Hawthorn	Crataegus opaca
Redbud	Cercis Canadensis
River Birch	Betula nigra
Southern Magnolia	Magnolia grandiflora
Swamp Red Maple	Acer rubrum
Water Oak	Quercus nigra
Weeping Willow	Salix babylonica

SHRUBS

Primary list: The following lists of shrubs are those, which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list along with the secondary list are those shrubs, which may be planted in the required landscaping area. Additional selective shrubs may be substituted when proven to be hearty to this region:

COMMON NAME	SCIENTIFIC NAME
Evergreen Hollies	Ilex species
Nandina	Nandina domestica

Secondary List: The following list of shrubs are those, which have been found to be the next best suited to this area but require increased maintenance.

COMMON NAME	SCIENTIFIC NAME
Abelia	Abelia grandiflora
Boxwood	Buxus sempervirens
Chinese Photinia	Photinia serrulata

GRASSES

The following grasses may be used to comply with this Ordinance.

Mayer Z-52 Zoysia
Emerald Zoysia
Bermuda grass
Bermuda grass hybrids
Centipede
St. Augustine

The grasses listed in this subsection are the most commonly used grasses adjacent to vehicular use areas.

GROUND COVERS

Primary List: The following list of ground covers are those which have been found to be best suited to this area and yet requiring the least amount of maintenance. The list, along with the secondary list, are those ground covers, which may be planted in the required landscaping area. Additional selective ground covers may be substituted when proven to be hearty to this region:

COMMON NAME	SCIENTIFIC NAME
Dwarf Nandina	N. domestica “Harbour Dwarf”
Junipers	Juniperus species
Liriope	Liriope Muscari
Memorial Rose	Rosa Wichuraiana
Mondo Grass	Ophiopogon japonicus
Periwinkle	Vinca Minor
Spreading Euonymus	E. fortunci “Radicans”

Secondary List: The following list of ground covers are those which have been found to be the next best suited to this area but require increased maintenance.

COMMON NAME	SCIENTIFIC NAME
Carolina Jessamine	Gelsemium sempervirens
Dwarf Bamboo	Arundinaria pygmaea
English Ivy	Hedera Helix
Honeysuckle	Lonicera sempervirens

Title 16

BUILDINGS AND CONSTRUCTION

Chapters:

16.04	Building Code
16.05	Regulation of House Construction
16.08	Electrical Code
16.12	Plumbing Code Gas Code
16.16	Housing Code
16.20	Jacksonville Landscaping Development Code

BUILDINGS AND CONSTRUCTION

Chapter 16.04

BUILDING CODE

Sections:

16.04.010	**Adopted.**
16.04.020	**Enforcement.**
16.04.030	**Definition.**
16.04.040	**Modifications.**
16.04.050	**Appeals.**
16.04.060	**Building permit fees.**

16.04.010 Adopted

There is adopted by the City Council, for the purpose of prescribing and governing regulations in the building, construction, and safety industry, the following codes and provisions contained herein are hereby adopted, incorporated, and are to be controlling within the City of Jacksonville:

Standard Building Code (Southern Standard)-1991 Edition
Arkansas Fire Prevention Code-Vols. 1 & 2, 1991 Edition
Arkansas State Gas Code - 1991 Edition
Arkansas State Plumbing Code - 1991 Edition
Standard Housing Code - 1988 Edition
Standard Unsafe Building Abatement Code - 1985 Edition
National Fire Prevention Association (N.F.P.A.) Life Safety Code
National Electrical Code - 1993 Edition

Multiple copies shall be kept on file in the office of the City Clerk, Code Enforcement Officer, and Fire Marshall/Inspector.
(Ord. 252 Sec. 1, 1972; Ord. 348 Sec. 1, 1975; Ord. 1010 Sec. 1, 1993)

16.04.020 Enforcement

A. Any and all Code provisions in this and other applicable sections shall be enforceable by the Code Enforcement Officer and/or Fire Marshall/Inspector or their authorized agent(s).

B. Permit for Occupancy; Any renovation, reconstruction, construction, or development of a building for public use and/or occupancy shall receive a permit for occupancy issued by the Code Enforcement Officer and the Fire Marshall (or their authorized agent(s) prior to occupancy.)
(Ord. 252 Sec. 2, 1972; Ord. 1010 Sec. 2, 1993)

16.04.030 Definition

Wherever the word "municipality" is used in the Code adopted, it shall be held to mean the City of Jacksonville, Arkansas. (Ord. 252 Sec. 3, 1972)

16.04.040 Modifications

The enforcing officer shall have the power to modify any of the provisions of the Building Code upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the Code; provided, that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the enforcing officer thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. 252 Sec. 4, 1972)

16.04.050 Appeals

Whenever the enforcing officer disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the enforcing officer to the City Council within thirty days from the date of the decision appealed. (Ord. 252 Sec. 5, 1972)

16.04.060 Building permit fees

Fees for building permits shall be based on the estimated value of the construction, including material and labor as follows:

A. All construction shall be of a permanent character. The fees for such permit shall be according to the following:

1. $10.00 minimum, to cover up to the first $1,000.00 of evaluation of construction; and,

2. $ 2.00 per $1,000.00 valuation or part thereof in excess of the first $1,000.00.

B. All construction shall be presumed to be of the minimum value of $35.00 per square foot of the heated and cooled area covered by the floor plan.

C. In cases of a difference of opinion between the builder and the City Engineer, all construction shall be presumed to be of the value of thirty dollars ($30.00) per square foot of the area covered by the floor plan, which shall include such accessories as carports, garages, storage rooms, porches and steps, until final inspection proves otherwise.

(Ord. 388 Sec. 1, 2, 1976; Ord. 218 Sec. 3, 1969; Ord. 159 Sec. 3, 1965; Ord. 717 Sec. 1(part), 1983; Ord. 903 Sec. 1(part), 1989; Ord. 1010 Sec. 3, 1993)

Chapter 16.05

REGULATION OF HOUSE CONSTRUCTION

Sections:

16.05.010 Finished floor elevation.

16.05.010 Finished floor elevation

A. The finished floor elevation of all houses after approval and passage of the ordinance codified in this Sec. shall be six inches above the top of the curb elevation, measured from the highest point on the curb on which the lot fronts. This criteria will be true on all construction in the city limits of Jacksonville, Arkansas, with the following exceptions:

1. That the lots in a subdivision have been designed by an engineer so that the finished floor elevation will be above the one-hundred-year floodplain;

2. That the house is above a potential flood of an eight inch rain in a one-hour period; this is using the rational formula with a C. of 0.7;

3. Written permission from the City Engineer which states that the proposed house elevation is above the one-hundred-year floodplain;

4. Finished ground elevation under homes constructed by pier and beam shall be two inches above the finished elevation of the exterior ground.

B. Above referenced exceptions must be obtained before construction is started.

(Ord. 460 Sec. 1, 1977)

Chapter 16.08

ELECTRICAL CODE

Sections:

16.08.010 Electrician's license - Required - Exceptions Securing permits.
16.08.020 Electrician's license - Examination - Renewals.
16.08.030 Electrical industry - Classification of branches.
16.08.040 Out of town contractors Qualifications.
16.08.050 Electrical contractors defined - Requirements;
16.08.060 Master electrician - Defined - Requirements.
16.08.070 Journeyman electrician - Defined - Requirements.
16.08.080 Apprentice electrician - Defined - Restrictions.
16.08.090 Licensed persons - Conformance with regulations

required.
16.08.100 Electrical contractor - Bond required - Surety.
16.08.110 License - Nontransferrability - Suspension or revocation.
16.08.120 License - Work after expiration prohibited.
16.08.130 License - Display.

16.08.140 License - Misuse prohibited.
16.08.150 Electrical construction permit – Licensing prerequisite-site.
16.08.160 Exceptions to chapter provisions.
16.08.170 Inspector - Appointment.
16.08.180 Inspector - Records - Approval of work.
16.08.190 Inspector - Interior wiring - Tests.
16.08.200 Inspector - Right of entry - Enforcement powers.
16.08.210 Inspector - Unsafe wiring - Time limit for correcting condition.
16.08.220 Interference or hindrance of inspector unlawful.
16.08.230 Installations to be done in conformance with Code.
16.08.240 Installation equipment - Approval and label required.
16.08.250 Apparatus not to be sold if considered hazardous.
16.08.260 Conductor installation methods.
16.08.270 Work execution - neatness required.
16.08.280 Wiring - Installation method.
16.08.290 Wiring - Commercial buildings - Sales and display room.
16.08.300 Wiring - Residences - Wire size - Grounding.
16.08.310 Wiring - Commercial buildings - Storerooms and hallways.
16.08.320 Outlet boxes - Conductors.
16.08.330 Electrical signs - Circuit.
16.08.340 Attics - Cable placement.
16.08.350 Overhead wiring - Wire size.
16.08.360 Ground wire - Requirements.
16.08.370 Wiring under floor - Conduit size.
16.08.380 Direct burial cable and wire.
16.08.390 Convenience outlets for ironing boards.
16.08.400 Distribution panels and cabinets.
16.08.410 Multiple meter installations and service switch banks.
16.08.420 Service entrance switches and wires - Size.
16.08.430 Multiple meter installations - Markings.
16.08.440 Service entrance switches and meter loop location.
16.08.450 Services from meter to point of service entrance - Installation.
16.08.460 Service drop point of attachment - Height.
16.08.470 Service drop point of attachment - Mast riser.
16.08.480 Remodeling jobs - Load division - Meter relocation.
16.08.490 Job completion requirements.
16.08.500 Conductor capacity - Meter loops.

16.08.510 Neutral conductors - Color coding and tagging.
16.08.520 Air conditioner, electric range and dryer installation.
16.08.530 Conductors - Through brick or masonite - Nipple size.
16.08.540 Aluminum conductor use.
16.08.550 Electrical business - Compliance with provisions required.

16.08.560 Failure to make application for work inspection-Fee.
16.08.570 Permit applications - Required information.
16.08.580 Permit applications - Fee schedule.
16.08.590 Special equipment or apparatus inspection fee.
16.08.600 Additional inspection trips due to applicant error - Fee.
16.08.610 Conductor installation - Multiple parties - Fee payment.
16.08.620 Rough inspection.
16.08.630 Final inspection.
16.08.640 Chapter provisions not to relieve certain responsibilities - City non liability.
16.08.650 Furnishing current - Clearance from inspector required.
16.08.660 Inspector - Current turn-off authority.

16.08.010 Electrician's license - Required - Exceptions - Securing permit

A. No person, member and/or employee of a firm or corporation shall engage in the business of installing, altering or repairing any electrical wiring, fixtures, devices or equipment operating at a potential of thirty volts or more in the City unless such persons have been duly examined and have been issued a license to engage in said business, such license to have been issued by the board of electrical examiners. Permits to perform electrical work shall be issued by the City Clerk's office only to the persons, members and/or employees of a firm or corporation holding such licenses.

B. The above paragraph will not prohibit any person who is employed by a manufacturing firm within the city limits as a maintenance electrician from making necessary repairs, alterations or installations on the premises of said manufacturing firm.

C. Any person, member and/or employee of a firm or corporation holding himself or itself out as licensee to do electrical work or engage in the electrical business of any one or more branches of the electrical industry as hereinafter defined without first successfully passing an examination given by the board and securing a license in the manner hereinafter set forth is upon conviction thereof guilty of a misdemeanor.

(Ord. 201 Sec. 4, 1968)

16.08.020 Electrician's license - Examination – Renewals

Every person, member and/or employee of a partnership, firm or corporation desiring to engage in the electrical business as hereinafter defined shall, before engaging in such business successfully pass an examination upon his qualifications. Such examination shall be prepared, conducted and held by the board of electrical examiners. All applicants desiring to take such examination shall apply in writing to the secretary of the board of

electrical examiners, at least fifteen days before such examinations are to be held, for the privilege of taking such an examination and shall pay to the office of the City Clerk an examination fee in the sum as hereinafter set forth and shall exhibit a receipt for such fee to the secretary of the board of electrical examiners before he is allowed to take such examination. The board shall fix the time and place for the examination of applicants and if the board finds upon examination that any applicant has a reasonable knowledge of the natural and practical laws and functions of electricity, the safe, correct and approved manner of installing devices, apparatus and instrumentalities for electric light, heat, power and signaling purposes and the ordinances of the city governing the installation of electrical devices, apparatus and instrumentalities, then the board shall issue to such person the license for which he has applied, which license shall indicate thereon his qualifications and the fact that he has successfully completed and passed the examination given by the board for his particular type of electrical work. All such licenses shall expire on the thirty-first day of December of each year and all duly licensed persons who apply for renewal of such license within thirty-one days after the expiration date thereof shall be granted new licenses without further examination upon the payment of the fee hereinafter mentioned for renewal. If such renewal is not applied for on or before the thirty-first day of January succeeding the period of the license, the applicant shall be reexamined by the board and shall be required to pay the examination fees for such examination as hereinafter prescribed. If the thirty-first falls on a nonworking day, final date for payment shall be the next regular working day. Any license for such work issued prior to March 21, 1968 shall be null and void and the holder of such license shall not be entitled to a renewal thereof until he has successfully passed the examination for the license provided and held by the board of electrical examiners and has paid the fee therefore. (Ord. 201 Sec. 5, 1968)

16.08.030 Electrical industry - Classification of branches

The classification of the various branches of the electrical industry and qualifications required of applicants for each classification shall be as follows-in Sections 16.08.040 through 16.08.080. (Ord. 201 Sec. 6(part), 1968)

16.08.040 Out-of-town contractors - Qualifications

A. No out-of-town person, firm or corporation shall be permitted to install, alter or repair any electrical wiring, fixtures, devices or equipment operating at a potential of thirty volts or more in the City unless the following conditions are met:

1. He must present evidence that he is a licensed electric contractor and either holds a master electrician's license or employs a master electrician licensed by the board of an Arkansas city that gives reciprocity to electrical contractors licensed by the City.

2. He must present evidence that all journeymen electricians employed by him to do work within the city limits are licensed by the board of an Arkansas city that gives reciprocity to electrical contractors licensed by the City.

3. He must pay to the City Clerk an electrical contractor's license fee of fifty dollars.

4. He must file a bond in accordance with Section 16.08.100.

B. Any person meeting the above requirements shall be issued a license for his classification by the board of electrical examiners of the City upon payment of the renewal fee herein prescribed.

C. All persons who cannot meet the above requirements must take and pass the local examination for a master and/or journeyman electrician's license.

(Ord. 336 Sec. 1, 1974; Ord. 201 Sec. 6-A, 1968)

16.08.050 Electrical contractors - Defined - Requirements

A. "Electrical contractor" is defined to be a person, member and/or employee of a firm, partnership or corporation engaged in the business of performing electrical work as hereinafter described for the qualifications of a master electrician. Such contractor shall possess the same qualifications as that of master electrician and shall hold a license of the same and/or have in his employment a person with a master electrician's license. Each electrical contractor shall pay a license fee of fifty dollars annually, payable on or before January 31st of each year.

B. All electrical contractors shall be registered in a book to be kept in the City Clerk's office, giving their name, residence and place of business.

C. No licensed master electrician can represent more than one firm at a time. The actual work shall be done by a qualified master or journeyman electrician.

(Ord. 201 Sec. 6-B, 1968)

16.08.060 Master electrician - Defined - Requirements

A. A "master electrician" is defined to include any individual who possesses the necessary qualifications, training and technical knowledge to plan, lay out and supervise the installation, maintenance and extension of electrical conductors and equipment.

B. He shall be a person of not less than twenty-one years of age and a person of good moral character.

C. He must have had at least six years experience, two years of which were as an electrician installing wires, conductors and electrical equipment used inside buildings for the transmission of electrical current for electric light, heat or power purposes.

D. The examination fee for a master electrician shall be seven dollars and fifty cents. Renewal fee for master electrician shall be two dollars and fifty cents.

E. Any person showing proof of the above qualifications and further showing proof that they have been operating in the capacity of master electrician in the City for one year prior to March 21, 1968, shall be issued a license for the same upon making application within thirty days after March 21, 1968, without examination by the board.

(Ord. 201 Sec. 6-C, 1968)

16.08.070 Journeyman electrician - Defined - Requirements

A. "Journeyman electricians is defined to include any individual who possesses the necessary qualifications, training and technical knowledge to install, maintain and extend electrical conductors and equipment; further, he shall be capable of doing such work in accordance with plans and specifications furnished him in accordance with standards rules and regulations governing such work.

B. He shall have had at least four years experience installing wires, conductors and electrical equipment used inside of buildings for the transmission of electrical current for electrical light, heat or power purposes.

C. Those working as journeyman on the date of March 21, 1968, shall be eligible to take the examination within thirty days after the passage of the ordinance codified in this chapter. The examination fee for journeyman electricians shall be five dollars. The renewal fee for journeyman electricians shall be two dollars.

D. A journeyman electrician will be allowed to work until the next examination provided he has paid his fee and filed his application.

E. Any person showing proof of the above qualifications and further showing proof that they have been operating in the capacity of

journeyman electrician in the City for one year prior to March 21, 1968, shall be issued a license for same upon making application within thirty days after March 21, 1968 without examination by the board.
(Ord. 201 Sec. 6-D, 1968)

16.08.080 Apprentice electrician - Defined - Restrictions

"Apprentice electrician" is defined to be a person working or serving to learn or be skilled in any branch of the electrical trade. Said apprentice cannot perform the actual work of installing, repairing or maintaining electrical wiring and equipment unless under the direct supervision of a master or journeyman electrician. Any person classified as an apprentice shall not be less than sixteen years of age and not more than thirty-two years of age. An apprentice is not required to be licensed under this chapter, but his employer must register his name with the City Inspector. (Ord. 201 Sec. 6, 1968)

16.08.090 Licensed persons - Conformance with regulations required

Every person, firm or corporation holding a license issued by the board pursuant to the terms and provisions of this chapter shall conform strictly with the ordinances of the City governing the installation, repair, construction and inspection of electrical work in the City. (Ord. 201 Sec. 7, 1968)

16.08.100 Electrical contractor - Bond required - Surety

Every person, firm or corporation doing business in the City as a licensed electrical contractor shall file with the office of the City Clerk a bond in the penal sum of one thousand dollars with a recognized insurance company as surety. The bond and surety shall be approved by the City Clerk, the condition of said bond being that the City, for the use of itself or a citizen of said City damaged by improper electrical work and conditioned that the principal shall strictly comply with the ordinances of the city governing such work and that the principal will do or suffer no work to be done without a permit and will report work done for inspection by the inspection department in conformity with the laws and ordinances of the City. (Ord. 201 Sec. 8, 1968)

16.08.110 License - Nontransferrability - Suspension or revocation

License certificates issued by the board shall not be assignable or transferable. Any license issued may he suspended or revoked by the board for any violation of the terms of this chapter or any ordinance governing the installation or inspection of electrical work or any rules and regulations promulgated by the board after a hearing to be held at the convenience of the board. (Ord. 201 Sec. 9(part), 1968)

16.08.120 License - Work after expiration prohibited

It is unlawful for any person, firm, partnership or corporation

licensed under this chapter to do any electrical work covered by this chapter after the expiration of the license or to perform any such work without a valid license from the City.
(Ord. 201 Sec. 9(part), 1968)

16.08.130 License - Display

Every person, firm or corporation licensed under this chapter shall display such license in his or its place of business.
(Ord. 201 Sec. 10, 1968)

16.08.140 License - Misuse prohibited

It is unlawful for any person, firm or corporation licensed under this chapter to alter, transfer, lend or rent his or its license certificate or use a license not his or its own. It is also unlawful for any person to falsely represent himself or themselves to be licensed under this chapter or to wrongfully use a license issued by the board of electrical examiners.
(Ord. 201 Sec. 11, 1968)

16.08.150 Electrical construction permit - License prerequisite

The City Clerk is prohibited to issue electrical construction permits to any person, firm or corporation other than these licensed under this chapter except in the event that said person, firm or corporation has a permanent employee who is a licensed journeyman electrician to install or maintain electrical wires or apparatus in or upon their own premises. (Ord. 201 Sec. 12, 1968)

16.08.160 Exceptions to chapter provisions

Nothing in this chapter shall be construed or interpreted as applying to any firm or corporation or employee thereof engaged in providing communication facilities to the public through a central office operated by it, or a firm or corporation or employees thereof engaged in the generation of electric current for distributing electric energy for light, heat or power or electrically operated transportation. (Ord. 201 Sec. 13, 1968)

16.08.170 Inspector - Appointment

There is created the office of Electrical Inspector who shall be appointed by the Mayor subject to the confirmation of the City Council. The Electrical Inspector shall have had at least two years experience as an electrician, shall be of good moral character and shall be versed in the approved methods of electrical construction for safety of life and property. (Ord. 105 Sec. 2, 1960)

16.08.180 Inspector - Records - Approval of work

It shall be the duty of the office of the City Inspector to see that all provisions of the ordinances, rules and regulations of the Electric Code of the City are fully complied with. He shall inspect all the electrical work done within the corporate limits for

lighting, power or heating and shall keep proper and permanent records of such inspections. He shall report the results of inspections to the general or electrical contractor or to the owner or occupant of the building or structure in or on which the electrical work is being done or has been done. He shall cause to be corrected any deviation from the requirements of this chapter or he shall issue approval in writing when said requirements are found to be satisfied. (Ord. 201 Sec. 14(a), 1968)

16.08.190 Inspector - Interior wiring - Tests

It shall be the duty of the City Inspector or his authorized assistants to inspect all interior wires and wiring and all electrical apparatus conducting or utilizing electrical current for any purpose whatsoever within the limits of the City. He shall be empowered to make such test as he may deem necessary to ascertain the condition of such wiring or appliances and he shall have the right to remove or compel the removal of any obstructions such as lathe, plastering, ceiling or flooring which may hinder a full and complete inspection of such wires or apparatus. He may remove or

compel the removal of conductors which are enclosed in conduit or otherwise inaccessible for complete inspection. When said conductors or appliances are not in accordance with the requirements of this chapter or are found to be unsafe to life or property, he shall have the right to condemn such conductors or appliances as hereinafter provided. (Ord. 201 Sec. 14(b), 1968)

16.08.200 Inspector - Right of entry - Enforcement powers

The City Inspector or his authorized assistants shall have the right to enter any building, manhole, subway, or premises in accordance with the provisions of Chapter 1.16, in the discharging of his duties or for the purpose of making any inspection or tests of any electrical apparatus contained therein. He shall have the power to make arrests for the violation of any of the provisions of this chapter and to compel the suspension of any electrical work being done in a manner prohibited by this chapter.
(Ord. 201 Sec. 14(c), 1968)

16.08.210 Inspector - Unsafe wiring - Time limit for correcting condition

The City Inspector is empowered to inspect or reinspect at his option all interior wiring and apparatus conducting or using electrical current for lights, heat or power. When the conductors or apparatus are found to be unsafe to life or property, he shall notify the persons, firm or corporation owning, using or operating them to place the same in a safe and secure condition within forty-eight hours or within such further time as the City Inspector determines is necessary. (Ord. 201 Sec. 14(d), 1968)

16.08.220 Interference or hindrance of inspector unlawful

It is unlawful for any person, firm or corporation to hinder or interfere with the City Inspector or any of his authorized assistants in the discharge of the duties under this chapter.
(Ord. 201 Sec. 14(e), 1968)

16.08.230 Installations to be done in conformance with Code

Any and all electric work for light, heat, power or any other purpose placed in or on any building or structure in the city limits shall be installed in conformity with the rules and regulations as laid down in the current edition of the National Electric Code, as approved by the American Engineering Standards Committee and in conformity to the additional rules and regulations as set forth in this chapter. Where local rules and regulations are set forth in this chapter they shall take preference over any rules conflicting therewith.
(Ord. 256 Sec. 1, 1972; Ord. 201 Sec. 15(a), 1968)

16.08.240 Installation equipment - Approval and label required

Any and all materials, devices, equipment or any and all items necessary for the installation of electrical systems shall be approved and/or bear the label of the Underwriters' Laboratories, Inc., which laboratories shall be accepted as the authority for any and all approved items, provided the class of material used is listed by the Underwriters' Laboratories, Inc.
(Ord. 201 Sec. 15(b), 1968)

16.08.250 Apparatus not to be sold if considered hazardous

No electrical apparatus, fittings or material shall be used or placed on sale when the City Inspector considers it a fire hazard or hazardous to life and property. (Ord. 201 Sec. 15(c), 1968)

16.08.260 Conductor installation methods

All electrical conductors operating at a difference of potential of thirty volts or more and installed in or on any building or structure in the City shall be installed in one of the following approved methods, i.e., rigid metal conduit, flexible steel conduit, metal molding, steel tube, approved metal duct, fiber conduit, flexible steel armored cable, non-metallic sheeted cable. (Ord. 201 Sec. 15(d), 1968)

16.08.270 Work execution - Neatness required

All electrical work of any kind and all systems shall satisfactorily fulfill the purpose for which they are installed and

all work shall be executed in a neat and workmanlike manner. Slipshod or work not in keeping with good electrical practice shall be classified as defective and shall be immediately corrected by persons causing the same. (Ord. 201 Sec. 16(a), 1968)

16.08.280 Wiring - Installation method

All wiring for lights, power and heat in the defined fire district, except for single family residences, apartments and townhouse units of two stories or less (basement excluded) but specifically including theaters, churches, auditoriums, garages, gasoline filling stations, hotels, office buildings, schools and other buildings normally used for public purposes wherever located, shall be installed in approved rigid metal conduit, steel tube or flexible steel conduit, commonly known as Greenfield, approved metal ducts and metal molding.
(Ord. 233 Sec. 1, 1971; Ord. 201 Sec. 16(b), 1968)

16.08.290 Wiring - Commercial buildings - Sales and display rooms

All light wiring in commercial buildings in sales and display roams shall be installed with wire not smaller than No. 12 copper or No. 10 copper-clad, allowing four outlets to the circuit. Window

lights shall be installed with not over six outlets per circuit, No. 12 copper wire or No. 10 copper-clad wire, provided this number of outlets does not overload the circuit.
(Ord. 233 Sec. 2, 1971; Ord. 201 Sec. 16(c), 1968)

16.08.300 Wiring - Residences - Wire size - Grounding

All wiring for lights, power and heat for apartment buildings, single family residences and townhouses of two stories or less (basement excluded) shall be installed with wire not smaller than No. 12 copper or No. 10 copper-clad, allowing eight outlets per circuit except in the kitchen, where only four outlets per circuit shall be allowed. No. 14 copper wire will be allowed on switch legs only. All receptacles shall be of the grounded type and all circuits shall be provided with a third wire for a continuous ground all the way back to the point of grounding at the service. Aluminum Ramex (non-metallic sheathed cable No. 10 or larger) shall be allowed in structures covered by this Sec..
(Ord. 311 Sec. 1, 1974; Ord. 233 Sec. 3, 1971; Ord. 201 Sec. 16(d), 1968)

16.08.310 Wiring - Commercial buildings - Storerooms and hallways

Storerooms, stock rooms, toilets and hallways in commercial buildings may have eight outlets per circuit on No. 12 wire, provided this number of outlets does not overload the circuit.
(Ord. 201 Sec. 16(e), 1968)

16.08.320 Outlet boxes - Conductors

When necessary, outlet boxes shall be fitted with plaster rings. The number of conductors in boxes shall be governed by Article 370 as set forth in the National Electrical Code.
(Ord. 256 Sec. 2, 1972; Ord. 201 Sec. 16(f), 1968)

16.08.330 Electrical signs - Circuit

Electrical signs on new or old wiring two hundred watts or over must be on separate circuit. Signs not exceeding two hundred watts may be connected to a light circuit, provided that the circuit is not overloaded. (Ord. 201 Sec. 16(g), 1968)

16.08.340 Attics - Cable placement

All attics on old jobs must be left open and adequate provision made for inspections. In attics where the distance between the ceiling joists and bottom of the rafters is four feet or less, cable must be run on top of the joists or lower edges of roof rafters. Where cable is run parallel to joists, it shall be secured at intervals not exceeding four and one-half feet. Where cable is run across joists, it shall he secured on every other joist.
(Ord. 201 Sec. 16(h), 1968)

16.08.350 Overhead wiring - Wire size

Overhead wires running between main buildings and outbuildings shall not be smaller than No. 12 wire and shall be supported by approved supports in an approved manner.
(Ord. 201 Sec. 16(i), 1968)

16.08.360 Ground wire - Requirements

Ground wire shall not he smaller than No. 8 gauge copper. Ground wire shall be connected to a driven ground or a water pipe if same is within twenty-five feet of the main service switch and is accessible. Driven ground must be three-quarter inch pipe to approved grounding device. Aluminum conductor must not be used for grounding conductor. (Ord. 201 Sec. 16(j), 1968)

16.08.370 Wiring under floor - Conduit size

All wiring installed in or under concrete or other type of floor laid on earth shall be done with galvanized conduit not smaller than three-quarter inch and wire approved for this purpose used. (Ord. 201 Sec. 16(k), 1968)

16.08.380 Direct burial cable and wire

The use of approved non-metallic direct burial cable and wire will be permitted when outside of buildings and concrete aprons, provided when in rocky soil it will be bedded in sand and when necessary protected by a treated board. All direct burial cable and wire shall have approved overload protection. Approved non-metallic direct burial cable and wire will be permitted for underground services. (Ord. 201 Sec. 16(1), 1968)

16.08.390 Convenience outlets for ironing boards

All convenience outlets for ironing boards must be installed outside the ironing board cabinet. (Ord. 201 Sec. 16(m), 1968)

16.08.400 Distribution panels and cabinets

All distribution panels and cabinets shall be of the dead front type. (Ord. 201 Sec. 16(n), 1968)

16.08.410 Multiple meter installations and service switch banks

All multiple meter installations or service switch boards of more then six shall be protected by a main service fused switch or break. The main switch or breaker shall be of the approved type. (Ord. 201 Sec. 16(o), 1968; Ord. 717 Sec. 2 (part), 1983)

16.08.420 Service entrance switches and wires - Size

A. The table governing the size of service entrance switches and service wires according to number of circuits used is as follows:

No. Circuit	2 or 3 Wire	Size Service Switch	Size Service Wires
1-2	2	30 amp.	2 No. 8
7-8-9-10-11-12	3	50 amp.	3 No. 6
3-4-5-6	3	30 amp.	3 No. 8

13 and over, according to load.

B. With respect to residences, a main line switch shall be required on all wiring including those of less than six circuits. All main line switches must be located either below or to one side of the meter socket and both main line switch and socket must be located on the outside of the building. A distribution panel with proper circuit overload protection devices shall be furnished on all installations, whether residential, commercial

or otherwise.
(Ord. 256 Sec. 3, 1972; Ord. 201 Sec. 16(p), 1968)

16.08.430 Multiple meter installations - Markings

Apartment houses or other multiple meter installations shall have plainly marked the number of the apartment or sufficient load designation marking shall be permanent.
(Ord. 201 Sec. 16(q), 1968)

16.08.440 Service entrance switches and meter loop location

Service entrance switches and meter loops shall be located in readily accessible places. Height of meter sockets shall not be less than five and one-half feet and not more than six and one-half feet to the bottom of the socket. Service entrance switches where accessible to other than authorized persons shall not be lower than five feet to the bottom of the switch.
(Ord. 201 Sec. 16(r)(part), 1968)

16.08.450 Services from meter to point of service entrance - Installation

Services from meter to point of service entrance shall be installed in rigid steel conduit. Services from service entrance switch to distribution cabinets shall be installed in rigid steel conduit. Services from service entrance switch to distribution cabinets shall be installed in rigid steel conduit, steel tube and flexible steel conduit known as Greenfield or Romex.
(Ord. 201 Sec. 16(r)(part), 1968)

16.08.460 Service drop point of attachment - Height

The point of attachment of a service drop to a building or other structure shall be not less than ten feet above finished grade and shall be at a height to permit a minimum clearance for service drop conductors of ten feet above sidewalks and eighteen feet above driveways, alleys and public roads. The attachment should not be more than thirty feet above the ground unless a greater height is necessary for proper clearance. Where it is impractical to get the point of attachment high enough to obtain the above clearances, the clearance over residential driveways may be reduced, provided a clearance of ten feet over sidewalks, eighteen feet over alleys and public roads, and a minimum of twelve feet over residential driveways is obtained.
(Ord. 201 Sec. 16(r)(part), 1968)

16.08.470 Service drop point of attachment - Mast riser

In the event a mast type riser is required to attain the height

required in Sec. 16.08.460, it shall be of such construction and so supported that it will withstand the strain imposed by the service drop. Raceway fittings shall be of a type approved for the purpose. (Ord. 201 Sec. 16(r)(part), 1968)

16.08.480 Remodeling jobs - Load division - Meter relocation

On all remodeling jobs where the load is to be divided and put on two or more meters, the meters must be relocated according to the above rules and shall be fed from a common service. This rule applies only to dwelling and apartment houses.
(Ord. 201 Sec. 16(s), 1968)

16.08.490 Job completion requirements

No job shall be considered as being completely rough-in until all joints have been soldered, rubber and friction taped, or approved connectors used and pigtails provided for the hanging of fixtures. (Ord. 201, Sec. 16(t), 1968)

16.08.500 Conductor capacity - Meter loops

A. No conductor with a capacity of less than No. 8 copper or No. 6 aluminum shall be installed in meter loops.

B. A sticker with name of company doing work shall be placed on each wiring job.

(Ord. 201 Sec. 16(u), 1968)

16.08.510 Neutral conductors - Color coding and tagging

All neutral conductors size No. 4 and smaller must be color coded in white. All neutral conductors larger than size No. 4 and all high legs must be tagged for identification.
(Ord. 201 Sec. 16(v), 1968)

16.08.520 Air conditioner, electric range and dryer installation

Air conditioners installed on old or remodeling jobs must be fed off the load side of the meter socket with proper size breaker panel. The breaker panel must be installed in sight of the air conditioning unit. Window units are expressly excluded. Electrical ranges and dryers an old or remodeling jobs must be fed off the load side of the meter socket with proper size breaker. Installation of electrical ranges must conform to Table 220-5 of the National Electric Code. (Ord. 201 Sec. 16(w), 1968)

16.08.530 Conductors-Through brick or masonite-Nipple Size

When it is necessary to run a conductor from porch lights and outlets through brick or masonite, a nipple of the proper size must be used. (Ord. 201 Sec. 16(x), 1968)

16.08.540 Aluminum conductor use

Only those meter sockets that are specifically authorized for use with aluminum conductor will be allowed on all installations involving the use of such aluminum conductor in the authorization for the use of the socket with aluminum conductor must be printed on the socket itself. (Ord. 201 Sec. 16(y), 1968)

16.08.550 Electrical business-Compliance with provisions required

Any person, firm or corporation before conducting or managing a business for installing any electrical wires or electrical apparatus to convey electrical current for light, heat or powers shall comply with this chapter. (Ord. 201 Sec. 17(a), 1968)

16.08.560 Failure to make application for work inspection - Fee

In case it is discovered that any electrical work has been installed or put to use for which no application for inspection has been made, there shall be a charge of five dollars which shall be in addition to the regular inspection fee covering such work, and no additional permits shall be granted until all fees are paid.
(Ord. 201 Sec. 17(b), 1968)

16.08.570 Permit applications-Required information

Applications for permits shall give the exact address by street and number, approximate date inspection is desired, the name of master electrician in charge of the work and a complete description of extent of the installation. A special notation must be made on permits that include the use of aluminum cable or conductor.
(Ord. 201 Sec. 17(c), 1968)

16.08.580 Permit applications - Fee schedule

A. All applications for permits shall be accompanied by the inspection fees as hereinafter provided for.

B. Applications for permits shall be made according to the following table of charges:

OUTLETS

1	to	8	outlets	$2.50
9	to	12	outlets	3.00
13	to	20	outlets	3.75
21	to	30	outlets	4.25
31	to	40	outlets	5.00

41	to	50	outlets	5.50
51	to	60	outlets	6.00
61	to	70	outlets	6.50
71	to	80	outlets	9.00
81	to	90	outlets	10.00
91	to	100	outlets	11.00
101	to	110	outlets	12.00
111	to	120	outlets	13.00
121	to	130	outlets	14.00
131	to	140	outlets	15.00
141	to	150	outlets	16.00
151	to	165	outlets	17.50
166	to	180	outlets	18.50
181	to	200	outlets	19.50
201	to	220	outlets	20.50
221	to	240	outlets	21.50
241	to	260	outlets	22.50
261	to	280	outlets	23.50
281	to	300	outlets	24.50
301	to	325	outlets	25.50
326	to	350	outlets	26.50
351	to	375	outlets	27.50
376	to	400	outlets	28.50

over 400, add $4.00 for each 50 or fraction over 100.

LIGHTS

1	to	8	lights	$3.00
9	to	15	lights	3.50
16	to	30	lights	4.50
31	to	45	lights	6.00
46	to	60	lights	6.50
61	to	75	lights	7.00
76	to	90	lights	7.50
91	to	105	lights	8.00
106	to	125	lights	10.00

126	to	130	lights	10.50
131	to	175	lights	11.50
176	to	225	lights	12.50
226	to	275	lights	13.50
276	to	326	lights	14.50
327	to	400	lights	15.50

Over 400, add $4.00 for each 75 or fraction over 125.

MOTORS

1/8	to	1	H.P.	$3.00

2	to	4	H.P.	4.00
4	to	10	H.P.	5.00
10	to	15	H.P.	6.00
16	to	20	H.P.	7.00
21 and over, each motor must be listed separately				8.00

MISCELLANEOUS

Signs	$4.00
Rectifiers for charging batteries for autos	3.00
Overhauling electric wiring	4.00
Motion picture machines	3.00
All miscellaneous appliances	2.00
New meter loop on old jobs	4.00
Range	4.00
Hot water heaters and other heating appliances	4.00
Reinspection fee	5.00
X-ray machines	4.00

Reinspection fees of $5.00 will be assessed for those inspections conducted inside the city limits and $10.00 for those outside the city limits.
(Ord 903, Sec. 2,(part), 1989; Ord. 1010 Sec. 4, 1993)

C. Fractional horsepower motors may be grouped for their total horsepower and may be paid for as one unit.

D. Festoon or temporary decorative wiring fee is one dollar for each circuit and one dollar for each fifty lights.

E. For outdoor sales and display lots, the above rule shall apply. (Ord. 201 Sec. 17(d),(e)(part), 1968)

F. In addition to the above charges, there shall be a $5.00 inspection fee per inspection visit. Any inspection requiring travel outside city limits shall be $10.00 per inspection. Said fee shall be included in the permit fee and paid prior to issuance.
(Ord. 717 Sec. 3, 1983; Ord. 903 Sec. 2 (part), 1989)

16.08.590 Special equipment or apparatus inspection fee

For special equipment or apparatus for which no inspection fees are fixed by this chapter, a charge of one dollar per one thousand watts or less consumed by such equipment or apparatus shall be made.
(Ord. 201 Sec. 17(e)(part), 1968)

16.08.600 Additional inspection trips due to applicant error

In the event an inspector is required to make more than one (1) visit for the purpose of reinspection of work due to violation of

Code regulations or rules, wrong address, or any other irregularities caused by the master electrician or his agents, a charge of $5.00 per visit shall be made for each additional required visit within the city limits or $10.00 for each additional visit outside the city limits.
(Ord. 201 Sec. 17(e)(part), 1968; Ord. 903, Sec. 2(part), 1989)

16.08.610 Conductor installation - Multiple parties - Fee payment

On installations where several persons are concerned with the installation of electric conductors, each party shall be required to pay the fees as established for such work.
(Ord. 201 Sec. 17(f), 1968)

16.08.620 Rough inspection

Before any interior electrical wiring is concealed from view, or in case said wiring is in conduit, before said conduits are concealed from view, the person, firm or corporation installing the same shall give a written notice to the City Inspector who shall, as soon as possible alter the receipt of the notice, inspect the work. No such work shall be concealed from view before the expiration of twenty-four hours from the receipt of the notice unless the City Inspector or his authorized assistant takes his inspection and approves the work before the expiration of the said twenty-four hours. (Ord. 201 Sec. 17(g), 1968)

16.08.630 Final inspection

Before any electrical current is used upon any electrical wiring of any character, written notice shall be served upon the City Inspector who shall as soon as possible make a final inspection of the wiring, if the installation has been constructed in accordance with the rules and requirements of this chapter, he shall issue a certificate of inspection which shall contain a general description of the installation and the date of the inspection. No current shall be used prior to the issuance of the certificate, provided that the inspector may issue a temporary permit for the use of electrical current during the course of construction or alteration of a building.
(Ord. 201 Sec. 17(h), 1968)

16.08.640 Chapter provisions not to relieve certain responsibilities - City non liability

This chapter shall not be construed to relieve from or lessen the responsibilities of any person, firm or corporation owning, operating or installing electrical wires, appliances, apparatus, construction or equipment, for the damage to property or persons injured by any defect therein; nor shall the City or any agent

thereof be deemed to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the City Inspector. (Ord. 201 Sec. 17(i), 1968)

16.08.650 Furnishing current - Clearance from inspector required

It is unlawful for any person, firm or corporation operating in the City to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature or description, without first obtaining a clearance from the City Inspector stating that such wiring is approved and permit a has been issued for the use of current. (Ord. 201 Sec. 18(a), 1968)

16.08.660 Inspector - Current turn-off authority

The City Inspector is authorized and empowered to cause the turning on of all electric current from all outdoor conductors or apparatus which are deemed by him to be in an unsafe condition or which have not been installed in conformity with the provisions of this chapter. No person, firm or corporation or agent thereof shall supply or cause to be supplied any electric current to conductors or apparatus which have been deemed by the City Inspector to be in an unsafe condition or which have not been installed in conformity with the provisions of this chapter and from which the said City Inspector has caused the electric current to be turned off.
(Ord. 201 Sec. 18(b), 1968)

Chapter 16.12

PLUMBING CODE - GAS CODE

Sections:

16.12.010 Adopted.
16.12.020 Definitions

16.12.030 Applications and permits.
16.12.040 Inspection and supervision.
16.12.050 Bond required.

16.12.010 Adopted

The Arkansas State Plumbing Code and Arkansas Gas Code are adopted by the City and any and all work, installation, repair and inspection of plumbing and gas fittings shall be done in conformity with the rules and regulations as laid down in the current editions of the above two codes. Where local rules and regulations are set forth in this chapter, they shall take preference over any rules conflicting therewith. (Ord. 397 Sec. 1, 1976)

16.12.020 Definitions

For the purpose of this chapter, the following words are defined:

A. **"Gas fitter"** includes any person who engages in the business of gas fitting and the installation of gas piping.

B. **"Plumbing"** means, but it not limited to, the following:

1. All piping, fixtures, appliances and appurtenances in connection with the water supply, drainage and gas systems within a building or structure and to a point three to five feet outside the building or structure;

2. The construction and connection of any water supply or drainage system used for the purpose of filling, filtering or draining a fixed or permanent type swimming pool constructed for private, public or commercial use;

3. Water services piping from a point three to five feet outside the building structure to the water meter or other water utility terminal and the connecting of domestic hot water storage tanks, water softeners, and water heaters within the water supply system;

4. Water pressure systems other than public utilities systems;

5. A plumbing and drainage system so designed and went piping so installed, as to keep the air within the system in free circulation and movement, and to prevent within margin of safety unequal air pressure of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building;

6. The Construction and installation of gas piping materials done in any building, structure or on any property maintained and/or owned by the City.

(Ord. 397 Sec. 2, 5(part), 1976)

16.12.030 Applications and permits

A. Before beginning any plumbing work in the City, the person installing the same shall apply to the City Clerk and obtain a permit to do such work. A permit shall be issued to homeowners to do plumbing work or gas fitting in his home of residence, providing the individual does the work himself.

B. Application for permits shall be made on suitable forms provided by the City Clerk. The application shall be accompanied by fees in accordance with the following schedule:

Water closet.....	$2.00
Bathtub.....	2.00
Sink or lavatory.....	2.00
Dishwasher.....	2.00
Garbage disposal unit.....	2.00
Drinking fountain.....	2.00
Floor drain.....	2.00
Shower unit.....	2.00
Urinal.....	2.00
Washing machine (fixed).....	4.00
Gas connection.....	4.00
Hot water heater.....	2.00
Other fixtures.....	2.00

A $5.00 per inspection fee for any inspections given inside the city limits and a $16.00 per inspection fee for any inspections provided outside the city limits.

In the event an inspector is required to make more than one (1) visit for the purpose of reinspection of work due to violation of Code rules or regulations, wrong address, or any other irregularities caused by the master plumber or his agents, a charge of **$5.00 shall be made for each additional visit** inside the city limits and **$10.00 for each additional visit outside** the City.
(Ord. 409 Sec. 1, 1976; Ord. 397 Sec. 4, 1976; Ord. 903 Sec. 3, 1989; Ord. 943 Sec. 3, 1991)

16.12.040 Inspection and supervision

A. The City Inspector shall have experience in the business of plumbing and gas fitting to the extent that enables him to know when plumbing and gas fitting is installed in accordance with the provisions of the Code of the City and State. He shall not be connected in any way with any person, firm or corporation directly or indirectly engaged in the business of plumbing, gas fitting or gas or plumbing supplies.

B. It shall be the duty of the City Inspector to enforce all

provisions of this chapter, and the City Inspector is granted the authority to enter all buildings in the City in the performance of his duties.

C. There shall be two tests and inspections made by the plumbing inspector, who shall be notified by the master plumber when the work is ready for inspection, as follows:

1. The soil and vent pipes for two stories must be tested by water from the end of the pipe to its termination above the roof, or by ten pounds of air in the presence of the plumbing inspector. Such tests include all drains, soil and vent lines, the lead branches, traps and ferrule joints.

2. When all plumbing has been completed, the City Inspector shall be notified by the master plumber that the work is ready for final inspection. The City Inspector shall make a final inspection, and if the work complies with the Codes and ordinances, he shall issue a certificate of acceptance. The master plumber shall be present at the final inspection and shall see that the premises are open and available to the City Inspector. If the work does not comply with the codes and ordinances, the City Inspector shall notify the master plumber at once to rectify the same. The City Inspector shall be notified when the work has been rectified and ready for reinspection.

(Ord. 397 Sec. 3, 1976)

16.12.050 Bond required

Every master plumber or gas fitter doing business in the City shall execute and deliver to the City a bond with a surety bonding company in the sum of one thousand dollars to indemnify the City or any citizen for any damage caused by the failure of such master plumber or gas fitter to comply strictly with the provisions of this chapter. No plumbing or gas-fitting permit shall be issued to any master plumber or gas fitter unless this bond has been delivered to the City and is in full force and effect.

(Ord. 397 Sec. 5 (part), 1976)

Chapter 16.16

HOUSING CODE

Sections:

16.16.010 Adopted.
16.16.020 Filed.

16.16.010 Adopted

"The Housing Code" as defined and set forth in the Jacksonville Housing Code booklet is adopted and enacted as the Housing Code for the City of Jacksonville as fully as if set out here in its entirety. (Ord. 610 Sec. 1(part), 1980)

16.16.020 Filed

Pursuant to Arkansas Code Annotated 14-55-207 three (3) copies of the Housing Code are on file at the Jacksonville Municipal Clerk's Office for inspection and view by the public.
(Ord. 610 Sec. 1(part), 1980)

TITLE 16 FOOTNOTES

Deleted by Ordinance 1010 Section V, 1993.

Chapter 16.20

JACKSONVILLE LANDSCAPING DEVELOPMENT CODE

Sections:

16.20.010 Purpose.
16.20.020 Definitions.
16.20.030 Landscape Design Plan.
16.20.033 Preservation Goals.
16.20.034 Landscape Design Review.
16.20.035 General Site Development.
16.20.036 Screening Requirements.
16.20.037 Ground Cover Requirements.
16.20.040 Landscape Requirements per Zone Classifications.
16.20.042 Residential Zones R-3 and R-7.
16.20.044 Commercial Zones.
16.20.045 Manufacturing Zones.
16.20.047 Protection of Landscaping.
16.20.048 Sight Distance Requirements.
16.20.049 Flexibility in Applying Standards.
16.20.050 Plant Material Selection Requirements.
16.20.060 Removal of Waste Materials.
16.20.062 Cash Bond Required for Postponed Improvements.
16.20.070 Maintenance Requirements.
16.20.080 Public Rights-of-Way.
16.20.090 Enforcement and Penalties.

16.16.010 Purpose

This Ordinance and its applicable regulations are to preserve, protect, and enhance the aesthetic, ecological, and safety environments of the City of Jacksonville. Properly landscaped areas absorb carbon dioxide and supply oxygen, buffer and screen adjacent properties, improve the appearance of property abutting incompatible land uses, promote aesthetically pleasing appearances and character of neighborhoods, developments, and portions of the City, promote natural percolation of storm water and improvement of air quality, protect soil erosion, provide shade and facilitate safe movement of traffic in vehicular use areas, reduce hazards associated with flooding, and reduce the negative effects of dust, glare, heat, noise, and other objectionable activities generated by some land uses.

It is hoped that, with passage of this Ordinance, there will be an improved appearance, quality, and quantity of landscaped areas throughout the City of Jacksonville.
(Ord. 1205 Sec. 1, 2003)

16.20.020 Definitions

The following phrases, terms, and words, when used in this Ordinance, shall have the meaning ascribed to them in this Section,

except where the context clearly indicates a different meaning.

Berm(s) An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer(s) A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to encourage preservation of large trees on a site, facilitate effective drainage and erosion control, reduce or eliminate public view of cuts and fills, and/or separate and/or screen incompatible land uses.

Building Landscape Area(s) The on-site landscape area, which separates, parking from building, created and maintained to improve the appearance of the building from the street and parking areas.

Commercial Zone(s) Zoning classifications primarily used for commercial business purposes commonly referred to as C-1, C-2, C-3, and C-4.

Curb Cut(s) Any access area to be a parking lot from any alley, highway, right-of-way, road, street, or from any other parking lot.

Deciduous A plant or tree, which loses its foliage on an annual basis.

Evergreen A plant or tree, which does not commonly lose its foliage on an annual basis.

Fence(s) A border or boundary item constructed of approved materials such as masonry (brick, stone, etc.), wood, iron (decorative fencing material only), metal (chain link), PVC (fencing industry material only), or a combination thereof used upon private and public property to border and/or enclose a particular area/boundary. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

Grass(es) All species normally grown as permanent lawns in the area reasonably free of disease, pests, and weeds.

Ground Cover(s) Plant material that reaches a maximum height of not more than eighteen (18) inches in height and may be used in lieu of grass.

Landscape Area(s) Any landscape area within the perimeter of the parking area, excluding the building landscape area. Its primary purpose is to provide a break in the mass of the parking area and to control traffic circulation on the site.

Irrigation An adequate supply of water, which can be made available to landscape, plant material and grassy areas.

Landscape An area within the boundaries of a given property which consist of a combination of planting materials and inorganic materials including, but not limited to, flowers, grass, ground cover, shrubs, trees, native plant materials, planters, stones, brick, concrete, water elements, and other landscaping materials elements meant to enhance the appearance of the property.

Landscape Design Plan A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to include North arrow, proper scale, and key, including all dimensions, easements, setbacks, property lines, and including the elements of design as outlined by Jacksonville Municipal Code 16.20.030.

Major Renovation When the costs of renovation of the property involved is equal to or exceeds more than Twenty-five Percent (25%) of the assessed value of the property according to the records of the Pulaski County Assessor's Office. At no time, however, shall an individual, business, or corporation be required to expend more than Seven Percent (7%) of the overall renovation construction costs to comply with the terms of this Chapter.

Manufacturing Zone(s) Zoning classifications primarily used for industrial and manufacturing purposes commonly referred to as M-1 and M-2.

Off-Street Parking A space on private land accessible from a usable alley or street not less than Nine feet (9’) wide and Eighteen feet (18’) long, together with the necessary maneuvering room within the private property.

Ornamental Tree(s) A tree planted primarily for its ornamental value and/or screening purposes, which are commonly smaller at maturity than other trees.

Parking Area/Lot(s) Space on private land accessible from a usable alley or street designated, intended, required, and used for the circulation, display, maintenance, operation, parking, repair, service, and/or storage, temporary or permanent, of vehicles, which shall include, but not be limited to, an automobile, boat,

business, car, motorcycle, trailer, tractor, truck, or other such equipment which are self-powered. All parking surfaces must be

dust-free and constructed of asphalt, concrete, masonry materials, and/or a combination thereof, together with appropriate designed and constructed curb and gutter to surround the exterior borders in question and any interior borders therein.

Perimeter landscape Strip A landscaped areas which separates the vehicular use area from adjoining property and/or public right-of-way, designed to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other uses and/or activities from the public right-of-way and abutting properties.

Property Line/Boundary The legal boundary between Two (2) lots or parcels of land. For purposes of this Ordinance, this phrase shall also include property lease lines that separate independent uses or activities on a lot or parcel of land.

Residential Zone(s) Zoning classifications primarily used for multi-family residential purposes commonly referred to (for purposes of this Ordinance only) as R-3 and R-7.

Screen/Screening The use of natural or man-made topography, berms, fences, ground covers, grassy areas, shrubs, trees, and/or walls or any combination thereof, which partially or completely blocks the view of one area from the other and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

Shrub(s)/Hedges Self-supporting, woody, deciduous or evergreen species of plants with a minimum height of Eighteen inches (18”) at installation.

Street(s) Any dedicated or private avenue, boulevard, expressway, freeway, highway, lane, roadway, or thoroughfare commonly used for vehicular traffic.

Tree(s) A deciduous or evergreen plant species of an upright, woody, nature having a single main stem or several main stems and which, at maturity, shall attain a height and crown spread of no less than Fifteen feet (15’). Trees having an average mature crown spread of less than Fifteen feet (15’) may be substituted by grouping the same so as to create the equivalent of Fifteen feet (15’) crown spread. All trees shall have a minimum caliper of Two

inches (2″) at the point One foot (1′) above ground at the time of planting.

Undisturbed A land area which is intended to remain in a natural state, including topography, trees, and vegetation. Enhancements, such as additional landscaping, replacement of underbrush and other treatment, may be made only if approved by the City.

Vehicular Use Area(s) That area of private development subject to vehicle traffic, including access ways, driveways, loading and service areas used for parking, maneuvering, or storage of vehicles, boats, portable construction equipment. All private lands upon which vehicles travel over as a function of its primary use.

Wall(s) Opaque barriers intended to control access, mark a boundary, screen a view, or prevent intrusion. All walls shall be able to withstand normal wear functioning as a barrier designed and constructed in a sound manner and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.
(Ord. 1205 Sec. 2, 2003)

16.20.030 Landscape Design Plan
Two (2) copies of a Landscape Design Plan (LDP) shall be submitted to and approved by the City Engineer before the construction, development, expansion, or major renovation of an area as outlined in this Ordinance in zoning classifications R-3, R-7, C-1, C-3, C-4, M-1, and M-2.

A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to included North arrow, proper scale, and key, including all dimension, easements, setbacks, and property lines, reflecting and including the following requirements.

(A) Location of the proposed building(s), building expansion(s), entire off-street parking and vehicular use area with designated spaces (including disabled parking), curbs and proposed curb cuts, driveways, sidewalks, and overall site development plan in conjunction with adjacent land uses and related buildings, streets, and existing traffic control devices;

(B) Detailed Planting Plan regarding materials and plant

species to be utilized throughout the Plan, including both existing and new items;

(C) Specification of plan species, including common names, numbers, locations, and spacing of existing and proposed plant(s), shrubs, trees, and other natural landscaping features, and approximate size and height of all such plan materials and species at the time of installation;

(D) Proposed treatment of all ground surfaces including, but not limited to, bed designs, bark, grasses, gravel, ground covers, asphalt, brick, concrete, dirt, etc; and,

(E) Irrigation, drainage, and other water systems to be utilized;

(F) Designation and location of existing utilities and proposed connections, including fire hydrants to service the property; and,

(G) Other applicable plans and materials to be utilized for Screening, Lighting, and Fencing.

(Ord. 1205, Sec. 3, 2003)

16.20.033 Preservation Goals

The preservation of existing plant materials, such as specimen trees, should be incorporated into the Landscape Design Plan (LDP). In instances where healthy plant material(s) exist on a site prior to its development, Applicant shall work diligently to include and adjust the application of the above-mentioned standards to the existing plant life on site. Preservation of existing trees is encouraged.

Maintenance of existing and newly installed plants and landscaping design elements is also vital to the Landscape Design. Measures must be taken during construction and after planting to insure reasonable continued good health for the plants included in the Plan.

(Ord. 1205, Sec. 4, (part) 2003)

16.20.034 Landscape Design Review

Upon submission of all necessary elements to the Landscape Design Plan(s) to the City Engineer, the Plan shall be reviewed and returned to the applicant. If the Plan is found to be in compliance with the requirements of this Article, then the City Engineer shall grant landscape approval. Plans found not in compliance with the provisions contained within this

Ordinance shall be returned to applicant with comments regarding the areas

of non-compliance. Corrected Plans may be resubmitted for additional review, and landscape approval may be issued when full compliance is satisfied.

Approval of Plans not in full compliance with the terms of this Ordinance shall only occur through a majority vote of those quorum members present at a Jacksonville Planning Commission meeting.
(Ord. 1205, Sec. 4, (part) 2003)

16.20.035 General Site Development Landscaping Requirements
Landscaping treatment should be fully integrated into the overall site development, first taking into account requirements for grading, drainage, storm-water detention, buffers, utilities, buildings and retention of existing trees.
(Ord. 1205, Sec. 5, (part) 2003)

16.20.036 Screening Requirements
The grading and landscaping of a site shall be accomplished in such a way as to screen dumpster areas, outside storage areas, and certain other such activities external to buildings on the site from street view and abutting development of dissimilar use (i.e., commercial adjacent to residential, etc.). Existing and planted vegetation, berms, fences, walls and other landscaping devices may be used to achieve the required screening in accordance with minimum standards as outlined under the terms of this Ordinance.

Species and Spacing Requirements. Screening standards described above are intended to apply during all seasons of the year. A minimum of Fifty percent (50%) of the trees and a minimum of Seventy-five percent (75%) of the shrubs to be used for screening purposes shall be evergreen varieties. Recommended maximum spacing of Fifteen feet (15’) for trees and Three feet (3’) for shrubs should be utilized for One Hundred percent (100%) screening of the view.
(Ord. 1205 Sec. 5, (part), 2003)

16.20.037 Ground Cover Requirements
All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials.
(Ord. 1205 Sec. 5, (part), 2003)

16.20.040 Landscape Requirements Per Zone Classification
Under the terms of this Ordinance, all landscape development shall comply with the following applicable provisions of this Section.
(Ord. 1205, Sec. 6, (part) 2003)

16.20.042 Residential Zones (R-3 and R-7)
Multi-family Residential and Manufactured Housing Parks zones will follow the same landscape development provisions as those detailed in Jacksonville Municipal Code § 16.20.044.
(Ord. 1205 Sec. 6, (part), 2003)

16.20.044 Commercial(All zones)
All commercial zone development will adhere to the following requirements:

1. Perimeter Planting Strips

(a) A perimeter planting strip shall be required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street, highway or freeway. This strip shall be at least Six feet (6’) wide, and small or irregular shaped spaces can receive a variance for this request down to a minimum of Four feet (4’) as approved by the Planning Commission.

(b) One (1) tree and Four (4) shrubs or vines for every Forty (40) linear feet shall be planted in the perimeter planting strip. The width of driveways crossing the perimeter strip shall be subtracted from the length of the perimeter strip for purposes of complying with this provision.

(C) Where a fence or wall is utilized in a perimeter planting strip adjacent to a street, Four (4) shrubs or vines shall be planed every Forty (40) linear feet along the fence or wall.

(d) Where a fence or wall is utilized in a perimeter planning strip, the fence or wall must be constructed with the face toward the adjacent property with any supporting structure members screened from view of the adjoining property.

(e) Where the perimeter strip is part of a Twenty feet (20’) or wider buffer area that is to be maintained in a natural state with dense undergrowth, up to One hundred percent (100%) of the shrubbery requirement may be waived.

(f) In all applications, a property owner/developer shall lose no more than Eight Percent (8%) of the affected real estate for purposes of providing perimeter planting strips.

2. Interior Landscaping Requirements

(a) Interior landscape plantings shall comprise of at least Six percent (6%) of any vehicular use area containing more than Fifteen (15) parking spaces.

(b) The minimum size of an interior planting areas shall be One Hundred (100) Square Feet. At least One-third (1/3) of the total interior planting area shall be provided in individual areas of Two Hundred (200) Square Feet or greater.

(c) One (1) tree will be required for every Fifteen (15) parking spaces.

3. Building Landscaping

(a) Landscape areas shall be provided between the vehicular use area used for public parking and the building they serve. (This would exclude truck loading of service areas not opened the public hearing at approximately for public parking). These areas shall be in aggregate equal to an equivalent planter strip Four feet (4') wide along the vehicular use area.

(b) The size and location of planter areas and the placement of trees and shrubs within these planter areas should be freely adapted to meet local site conditions.

4. Ground Cover Requirements

All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials.
(Ord. 1205, Sec. 6, (part) 2003)

16.20.045 Manufacturing (All zones)

Manufacturing Zone Development will be required to meet all landscaping requirements of Jacksonville Municipal Code § 16.20.044 with the following exceptions:

(1) All manufacturing facilities and properties visible from street frontage must be landscaped and developed in such a manner as to comply with applicable terms of this Ordinance from the street to the building setback lines;

(2) Manufacturing compounds, facilities, and yards enclosed by fencing and used for storing materials, manufactured

products, equipment, and truck loading and unloading shall be excluded from landscaping requirements unless otherwise desired; and,

(3) Manufacturing sites adjacent to other manufacturing sites shall not be required to provide perimeter landscaping strips behind the building setback lines between said properties unless so desired.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.047 Protection of Landscaping

Raised concrete curbing or other approved devices shall be placed around the base of each landscaped area to protect plantings from automobile and pedestrian traffic. Such curbing should be offset Two (2) feet from planting areas abutting parked vehicles in order to protect plantings from vehicle front-end overhang and vehicle doors opening into planter areas.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.048 Sight Distance Requirements

Plant materials and other landscaping elements in areas of traffic sight distance shall be designed to maintain adequate sight distance for vehicular and pedestrian traffic. Shrubs, fences, and wall in these areas should be less than Thirty inches (30”) of height above the grade of the vehicular use area, while trees in these areas should be regularly pruned to eliminate sight distance interruption below Eight feet (8’) from the ground.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.49 Flexibility in Applying Standards

It is the intent of these provisions to allow reasonable and appropriate flexibility for adapting landscaping design standards described in this article to the specific conditions of an individual site. (Ord. 1205, Sec. 6, (part) 2003)

16.20.050 Plant Material Selection Requirements

Plant materials used for compliance with the provisions of this Ordinance should conform to the “American Standards for Nursery Stock, Volume One – Latest Edition”, Grade No. 1, American Association of Nurseryman, Inc., or subsequent editions thereto. Plant materials should be selected from the lists included in Appendix D under the following guidelines:

(a) It is the intent of this Ordinance to be flexible; thus, any person, firm, or corporation may select plants not listed in Appendix D for landscaping and screening purposes as long as plants substituted are able to withstand harsh weather conditions, comply with all other

provisions of this Ordinance, and are approved by the City Engineer prior to planting; and,

(b) Trees, grasses, and shrubs planted in public rights-of-way must be approved by the City Engineer prior to planting.
(Ord. 1205, Sec. 7, (part) 2003)

16.20.060 Removal of Waste Materials
During the course of construction and planting, excess and waste materials shall be continuously and all reasonable precautions taken to avoid damage to existing structures, plants, and grass. When all work is completed, the contractor shall leave the site in a neat and orderly condition.
(Ord. 1205, Sec. 8, (part) 2003)

16.20.062 Cash Bond Required for Postponed Improvements
When in the judgment of the designated agents, under the provisions of this Ordinance the then-current season of the year is not conducive to sustaining life for trees and plants required hereunder for commercial, multi-family residential, and manufacturing developments or zones, compliance with these provisions may be postponed for not more than One (1) year. At the option of the City, by and through the City Engineer or the Planning Commission, a cash or surety bond in favor of the City in an amount equal to the estimated cost of the postponed improvements shall be posted by the owner or developer, and a temporary conditional certificate of occupancy may be issued upon said posting of said cash or surety bond.

Estimates of landscaping cost may be prepared by the project architect or engineer, by a landscaping architect, or by a landscape contractor. Failure to complete such postponed landscaping within any such One (1) year postponement period shall effect any automatic forfeiture of the cash or surety bond; provided however, such forfeiture shall not relieve the owner or developer of complying with the provisions of this article. The forfeiture may be delayed or set aside for no more than One (1) year if it is determined by the City that such delay is excusable or justified. It shall be the responsibility of the applicant to establish valid reasons for such postponement. In all circumstances, only One (1) extension may be permitted, and the maximum period for said extension shall be One (1) year.
(Ord. 1205, Sec. 9, (part) 2003)

16.20.070 Maintenance Requirements
The developer, applicant, his/her/their successor, and/or the property owner shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all plantings on the private property of the development. Plant

materials, which are installed for compliance with the terms of this Ordinance, both on private property and the right-of-way, which exhibit evidence of insect pests, disease and/or damage, shall be appropriately treated and dead plant materials replaced in a timely fashion.

The property owner of land abutting a construction public right-of-way area between the property line and the curb/street shall be required to regularly weed, mow, prune, and maintain plantings in compliance with good horticultural practices.

If the owner neglects or refuses to remove, abate, or eliminate any such condition or conditions as are provided for in this article so as to constitute a nuisance under this or any other City ordinance, after having been given Seven (7) days' notice in writing to do so, it is presumed that the owner is in violation of this Section and guilty of a misdemeanor.
(Ord. 1205, Sec. 10, (part) 2003)

16.20.080 Public Rights-of-Way
This Article does not require that landscaping must be undertaken in public rights-of-way except the seeding or planting and maintenance of appropriate ground cover. However, should any person desire to make other landscape improvements within the public rights-of-way, then all other provisions of this Ordinance shall be enforced and all plantings in compliance with the terms of this Ordinance.
(Ord. 1205, Sec. 11, (part) 2003)

16.20.090 Enforcement and Penalties
(A) Any applicant, business, corporation, entity, individual, partnership, and/or person are expected to fully comply with the terms and conditions required by this Ordinance.

Those found in violation of the terms of this Ordinance shall be notified of said violation(s) in the following manner:

> **(1)** Upon discovery of said violation(s), the City Engineer and/or his designated representative(s) shall notify the responsible party(ies) in writing outlining the terms of non-compliance and providing a specified reasonable time frame in which to have said condition(s) brought into compliance with the terms of this Ordinance and/or post the appropriate cash/surety under the terms and conditions outlined in Jacksonville Municipal Code § 16.20.062. Notification mailed by postage prepaid, first class, will be deemed sufficient notice under the terms

of this Ordinance;

(2) Upon expiration of the designated time frame or when notified by the responsible party that sufficient work has been completed, the City Engineer and/or his designated representative shall inspect said property for compliance with the terms of this Ordinance. If all repairs have been properly and timely made, the matter will be closed the public hearing at approximately. Should the non-conforming condition exist, the City Engineer and/or his designated representative may, with good cause, extend the time period by no more than Seven (7) calendar days to allow completion of the necessary work and/or for the responsible party(ies) to post the appropriate cash/surety bond under Jacksonville Municipal Code § 16.20.062. A second inspection will be required before approval is granted.

(3) Should non-compliance continue after the second and/or subsequent inspection(s), the City Engineer shall notify the Code Enforcement Officer(s) and have the responsible party(ies) cited for violation of the terms of this Ordinance.

(B) Any non-compliance responsible party(ies) shall be cited into the Jacksonville District Court, and each day a non-conforming condition exists shall constitute a separate violation.

(C) Should any such citation result in a plea/finding of guilt/conviction in the Jacksonville District Court, the responsible party(ies) will be responsible for payment of applicable court cost and may be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00) per violation of the terms of this Ordinance.
(Ord. 1205, Sec. 12, (part) 2003)

APPENDIX D

TREE SPECIES

The following lists of trees are those, which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list along with the secondary list are those trees, which may be planted in the required landscaping area. Additional selective trees may be substituted when proven to be

hearty to this region.

COMMON NAME	**SCIENTIFIC NAME**
Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus Parvifolia]
Flowering Braford Pear	Pyrus Calleryana "Bradford"
Ginkgo (male)	Ginkgo biloba
Honey Locust	Gleditsia triacanthos
Loblolly Pine	Pinus Taeda
Pin Oak	Quercus palustris
Sawtooth Oak	Quercus acutissima
Sugar Hackberry	Celtis lacvigata
Willow Oak	Quercus phellos

Secondary List: The following list of trees are those which have been found to be the next best suited to this area but require increased maintenance:

COMMON NAME	**SCIENTIFIC NAME**
American Holly	Ilex opaca
Crab Apple	Malus spp.
Crepe Myrtle	Lagerstoemia indica
Dogwood	Conus florida
Hawthorn	Crataegus opaca
Redbud	Cercis Canadensis
River Birch	Betula nigra
Southern Magnolia	Magnolia grandiflora
Swamp Red Maple	Acer rubrum
Water Oak	Quercus nigra
Weeping Willow	Salix babylonica

SHRUBS

Primary list: The following lists of shrubs are those, which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list along with the secondary list are those shrubs, which may be planted in the required landscaping area. Additional selective shrubs may be substituted when proven to be hearty to this region:

COMMON NAME	SCIENTIFIC NAME
Evergreen Hollies	Ilex species
Nandina	Nandina domestica

Secondary List: The following list of shrubs are those, which have been found to be the next best suited to this area but require increased maintenance.

COMMON NAME	SCIENTIFIC NAME
Abelia	Abelia grandiflora
Boxwood	Buxus sempervirens
Chinese Photinia	Photinia serrulata

GRASSES

The following grasses may be used to comply with this Ordinance.

Mayer Z-52 Zoysia
Emerald Zoysia
Bermuda grass
Bermuda grass hybrids
Centipede
St. Augustine

The grasses listed in this subsection are the most commonly used grasses adjacent to vehicular use areas.

GROUND COVERS

Primary List: The following list of ground covers are those which have been found to be best suited to this area and yet requiring the least amount of maintenance. The list, along with the secondary list, are those ground covers, which may be planted in the required landscaping area. Additional selective ground covers may be substituted when proven to be hearty to this region:

COMMON NAME	SCIENTIFIC NAME
Dwarf Nandina	N. domestica “Harbour Dwarf”
Junipers	Juniperus species
Liriope	Liriope Muscari
Memorial Rose	Rosa Wichuraiana
Mondo Grass	Ophiopogon japonicus
Periwinkle	Vinca Minor

Spreading Euonymus	E. fortunci “Radicans”

Secondary List: The following list of ground covers are those which have been found to be the next best suited to this area but require increased maintenance.

COMMON NAME	**SCIENTIFIC NAME**
Carolina Jessamine	Gelsemium sempervirens
Dwarf Bamboo	Arundinaria pygmaea
English Ivy	Hedera Helix
Honeysuckle	Lonicera sempervirens

Chapter 16.20

JACKSONVILLE LANDSCAPING DEVELOPMENT CODE

Sections:

16.20.010 Purpose.
16.20.020 Definitions.
16.20.030 Landscape Design Plan.
16.20.033 Preservation Goals.
16.20.034 Landscape Design Review.
16.20.035 General Site Development.
16.20.036 Screening Requirements.
16.20.037 Ground Cover Requirements.
16.20.040 Landscape Requirements per Zone Classifications.
16.20.042 Residential Zones R-3 and R-7.
16.20.044 Commercial Zones.
16.20.045 Manufacturing Zones.
16.20.047 Protection of Landscaping.
16.20.048 Sight Distance Requirements.
16.20.049 Flexibility in Applying Standards.
16.20.050 Plant Material Selection Requirements.
16.20.060 Removal of Waste Materials.
16.20.062 Cash Bond Required for Postponed Improvements.
16.20.070 Maintenance Requirements.
16.20.080 Public Rights-of-Way.
16.20.090 Enforcement and Penalties.

16.16.010 Purpose

This Ordinance and its applicable regulations are to preserve, protect, and enhance the aesthetic, ecological, and safety environments of the City of Jacksonville. Properly landscaped areas absorb carbon dioxide and supply oxygen, buffer and screen adjacent properties, improve the appearance of property abutting incompatible land uses, promote aesthetically pleasing appearances and character of neighborhoods, developments, and portions of the City, promote natural percolation of storm water and improvement of air quality, protect soil erosion, provide shade and facilitate safe movement of traffic in vehicular use areas, reduce hazards associated with flooding, and reduce the negative effects of dust, glare, heat, noise, and other objectionable activities generated by some land uses.

It is hoped that, with passage of this Ordinance, there will be an improved appearance, quality, and quantity of landscaped areas throughout the City of Jacksonville.
(Ord. 1205 Sec. 1, 2003)

16.20.020 Definitions

The following phrases, terms, and words, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

Berm(s) An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer(s) A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to encourage preservation of large trees on a site, facilitate effective drainage and erosion control, reduce or eliminate public view of cuts and fills, and/or separate and/or screen incompatible land uses.

Building Landscape Area(s) The on-site landscape area, which separates, parking from building, created and maintained to improve the appearance of the building from the street and parking areas.

Commercial Zone(s) Zoning classifications primarily used for commercial business purposes commonly referred to as C-1, C-2, C-3, and C-4.

Curb Cut(s) Any access area to be a parking lot from any alley, highway, right-of-way, road, street, or from any other parking lot.

Deciduous A plant or tree, which loses its foliage on an annual basis.

Evergreen A plant or tree, which does not commonly lose its foliage on an annual basis.

Fence(s) A border or boundary item constructed of approved materials such as masonry (brick, stone, etc.), wood, iron (decorative fencing material only), metal (chain link), PVC (fencing industry material only), or a combination thereof used upon private and public property to border and/or enclose a particular area/boundary. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

Grass (es) All species normally grown as permanent lawns in the area reasonably free of disease, pests, and weeds.

Ground Cover(s) Plant material that reaches a maximum height of not more than eighteen (18) inches in height and may be used in lieu of grass.

Landscape Area(s) Any landscape area within the perimeter of the parking area, excluding the building landscape area. Its primary purpose is to provide a break in the mass of the parking area and to control traffic circulation on the site.

Irrigation An adequate supply of water, which can be made available to landscape, plant material and grassy areas.

Landscape An area within the boundaries of a given property which consist of a combination of planting materials and inorganic materials including, but not limited to, flowers, grass, ground cover, shrubs, trees, native plant materials, planters, stones, brick, concrete, water elements, and other landscaping materials elements meant to enhance the appearance of the property.

Landscape Design Plan A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to include North arrow, proper scale, and key, including all dimensions, easements, setbacks, property lines, and including the elements of design as outlined by Jacksonville Municipal Code 16.20.030.

Major Renovation When the costs of renovation of the property involved is equal to or exceeds more than Twenty-five Percent (25%) of the assessed value of the property according to the records of the Pulaski County Assessor's Office. At no time, however, shall an individual, business, or corporation be required to expend more than Seven Percent (7%) of the overall renovation construction costs to comply with the terms of this Chapter.

Manufacturing Zone(s) Zoning classifications primarily used for industrial and manufacturing purposes commonly referred to as M-1 and M-2.

Off-Street Parking A space on private land accessible from a usable alley or street not less than Nine feet (9’) wide and Eighteen feet (18’) long, together with the necessary maneuvering room within the private property.

Ornamental Tree(s) A tree planted primarily for its ornamental value and/or screening purposes, which are commonly smaller at maturity than other trees.

Parking Area/Lot(s) Space on private land accessible from a usable alley or street designated, intended, required, and used for the circulation, display, maintenance, operation, parking, repair, service, and/or storage, temporary or permanent, of vehicles, which shall include, but not be limited to, an automobile, boat, business, car, motorcycle, trailer, tractor, truck, or other such equipment which are self-powered. All parking surfaces must be

dust-free and constructed of asphalt, concrete, masonry materials, and/or a combination thereof, together with appropriate designed and constructed curb and gutter to surround the exterior borders in question and any interior borders therein.

Perimeter landscape Strip A landscaped areas which separates the vehicular use area from adjoining property and/or public right-of-way, designed to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other uses and/or activities from the public right-of-way and abutting properties.

Property Line/Boundary The legal boundary between Two (2) lots or parcels of land. For purposes of this Ordinance, this phrase shall also include property lease lines that separate independent uses or activities on a lot or parcel of land.

Residential Zone(s) Zoning classifications primarily used for multi-family residential purposes commonly referred to (for purposes of this Ordinance only) as R-3 and R-7.

Screen/Screening The use of natural or man-made topography, berms, fences, ground covers, grassy areas, shrubs, trees, and/or walls or any combination thereof, which partially or completely blocks the view of one area from the other and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

Shrub(s)/Hedges Self-supporting, woody, deciduous or evergreen species of plants with a minimum height of Eighteen inches (18”) at installation.

Street(s) Any dedicated or private avenue, boulevard, expressway, freeway, highway, lane, roadway, or thoroughfare commonly used for vehicular traffic.

Tree(s) A deciduous or evergreen plant species of an upright, woody, nature having a single main stem or several main stems and which, at maturity, shall attain a height and crown spread of no less than Fifteen feet (15’). Trees having an average mature crown spread of less than Fifteen feet (15’) may be substituted by grouping the same so as to create the equivalent of Fifteen feet (15’) crown spread. All trees shall have a minimum caliper of Two inches (2”) at the point One foot (1’) above ground at the time of planting.

Undisturbed A land area which is intended to remain in a natural state, including topography, trees, and vegetation. Enhancements, such as additional landscaping, replacement of underbrush and other treatment, may be made only if approved by the City.

Vehicular Use Area(s) That area of private development subject to vehicle traffic, including access ways, driveways, loading and service areas used for parking, maneuvering, or storage of vehicles, boats, portable construction equipment. All private lands upon which vehicles travel over as a function of its primary use.

Wall(s) Opaque barriers intended to control access, mark a boundary, screen a view, or prevent intrusion. All walls shall be able to withstand normal wear functioning as a barrier designed and constructed in a sound manner and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.
(Ord. 1205 Sec. 2, 2003)

16.20.030 Landscape Design Plan

Two (2) copies of a Landscape Design Plan (LDP) shall be submitted to and approved by the City Engineer before the construction, development, expansion, or major renovation of an area as outlined in this Ordinance in zoning classifications R-3, R-7, C-1, C-3, C-4, M-1, and M-2.

A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to included North arrow, proper scale, and key, including all dimension, easements, setbacks, and property lines, reflecting and including the following requirements.

(A) Location of the proposed building(s), building expansion(s), entire off-street parking and vehicular use area with designated spaces (including disabled parking), curbs and proposed curb cuts, driveways, sidewalks, and overall site development plan in conjunction with adjacent land uses and related buildings, streets, and existing traffic control devices;

(B) Detailed Planting Plan regarding materials and plant species to be utilized throughout the Plan, including both existing and new items;

(C) Specification of plan species, including common names, numbers, locations, and spacing of existing and proposed plant(s), shrubs, trees, and other natural landscaping features, and approximate size and height of all such plan materials and species at the time of installation;

(D) Proposed treatment of all ground surfaces including, but not limited to, bed designs, bark, grasses, gravel, ground covers, asphalt, brick, concrete, dirt, etc; and,

(E) Irrigation, drainage, and other water systems to be utilized;

(F) Designation and location of existing utilities and proposed connections, including fire hydrants to service the property; and,

(G) Other applicable plans and materials to be utilized for Screening, Lighting, and Fencing.

(Ord. 1205, Sec. 3, 2003)

16.20.033 Preservation Goals

The preservation of existing plant materials, such as specimen trees, should be incorporated into the Landscape Design Plan (LDP). In instances where healthy plant material(s) exist on a site prior to its development, Applicant shall work diligently to include and adjust the application of the above-mentioned standards to the existing plant life on site. Preservation of existing trees is encouraged.

Maintenance of existing and newly installed plants and landscaping design elements is also vital to the Landscape Design. Measures must be taken during construction and after planting to insure reasonable continued good health for the plants included in the Plan.

(Ord. 1205, Sec. 4, (part) 2003)

16.20.034 Landscape Design Review

Upon submission of all necessary elements to the Landscape Design Plan(s) to the City Engineer, the Plan shall be reviewed and returned to the applicant. If the Plan is found to be in compliance with the requirements of this Article, then the City Engineer shall grant landscape approval. Plans found not in compliance with the provisions contained within this Ordinance shall be returned to applicant with comments regarding the areas

of non-compliance. Corrected Plans may be resubmitted for additional review, and landscape approval may be issued when full compliance is satisfied.

Approval of Plans not in full compliance with the terms of this Ordinance shall only occur through a majority vote of those quorum members present at a Jacksonville Planning Commission meeting.
(Ord. 1205, Sec. 4, (part) 2003)

16.20.035 General Site Development Landscaping Requirements
Landscaping treatment should be fully integrated into the overall site development, first taking into account requirements for grading, drainage, storm-water detention, buffers, utilities, buildings and retention of existing trees.
(Ord. 1205, Sec. 5, (part) 2003)

16.20.036 Screening Requirements
The grading and landscaping of a site shall be accomplished in such a way as to screen dumpster areas, outside storage areas, and certain other such activities external to buildings on the site from street view and abutting development of dissimilar use (i.e., commercial adjacent to residential, etc.). Existing and planted vegetation, berms, fences, walls and other landscaping devices may be used to achieve the required screening in accordance with minimum standards as outlined under the terms of this Ordinance.

Species and Spacing Requirements. Screening standards described above are intended to apply during all seasons of the year. A minimum of Fifty percent (50%) of the trees and a minimum of Seventy-five percent (75%) of the shrubs to be used for screening purposes shall be evergreen varieties. Recommended maximum spacing of Fifteen feet (15’) for trees and Three feet (3’) for shrubs should be utilized for One Hundred percent (100%) screening of the view.
(Ord. 1205 Sec. 5, (part), 2003)

16.20.037 Ground Cover Requirements
All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials.
(Ord. 1205 Sec. 5, (part), 2003)

16.20.040 Landscape Requirements Per Zone Classification
Under the terms of this Ordinance, all landscape development shall comply with the following applicable provisions of this Section.
(Ord. 1205, Sec. 6, (part) 2003)

16.20.042 Residential Zones (R-3 and R-7)

Multi-family Residential and Manufactured Housing Parks zones will follow the same landscape development provisions as those detailed in Jacksonville Municipal Code § 16.20.044.
(Ord. 1205 Sec. 6, (part), 2003)

16.20.044 Commercial(All zones)

All commercial zone development will adhere to the following requirements:

1. Perimeter Planting Strips

(a) A perimeter planting strip shall be required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street, highway or freeway. This strip shall be at least Six feet (6’) wide, and small or irregular shaped spaces can receive a variance for this request down to a minimum of Four feet (4’) as approved by the Planning Commission.

(b) One (1) tree and Four (4) shrubs or vines for every Forty (40) linear feet shall be planted in the perimeter planting strip. The width of driveways crossing the perimeter strip shall be subtracted from the length of the perimeter strip for purposes of complying with this provision.

(C) Where a fence or wall is utilized in a perimeter planting strip adjacent to a street, Four (4) shrubs or vines shall be planed every Forty (40) linear feet along the fence or wall.

(d) Where a fence or wall is utilized in a perimeter planning strip, the fence or wall must be constructed with the face toward the adjacent property with any supporting structure members screened from view of the adjoining property.

(e) Where the perimeter strip is part of a Twenty feet (20’) or wider buffer area that is to be maintained in a natural state with dense undergrowth, up to One hundred percent (100%) of the shrubbery requirement may be waived.

(f) In all applications, a property owner/developer shall lose no more than Eight Percent (8%) of the affected real estate for purposes of providing perimeter planting strips.

2. Interior Landscaping Requirements

(a) Interior landscape plantings shall comprise of at least Six percent (6%) of any vehicular use area containing more than Fifteen (15) parking spaces.

(b) The minimum size of an interior planting area shall be One Hundred (100) Square Feet. At least One-third (1/3) of the total interior planting area shall be provided in individual areas of Two Hundred (200) Square Feet or greater.

(c) One (1) tree will be required for every Fifteen (15) parking spaces.

3. Building Landscaping

(a) Landscape areas shall be provided between the vehicular use area used for public parking and the building they serve. (This would exclude truck loading of service areas not opened the public hearing at approximately for public parking). These areas shall be in aggregate equal to an equivalent planter strip Four feet (4’) wide along the vehicular use area.

(b) The size and location of planter areas and the placement of trees and shrubs within these planter areas should be freely adapted to meet local site conditions.

4. Ground Cover Requirements

All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.045 Manufacturing (All zones)

Manufacturing Zone Development will be required to meet all landscaping requirements of Jacksonville Municipal Code § 16.20.044 with the following exceptions:

(1) All manufacturing facilities and properties visible from street frontage must be landscaped and developed in such a manner as to comply with applicable terms of this Ordinance from the street to the building setback lines;

(2) Manufacturing compounds, facilities, and yards enclosed by fencing and used for storing materials, manufactured products, equipment, and truck loading and unloading shall be excluded from landscaping requirements unless otherwise desired; and,

(3) Manufacturing sites adjacent to other manufacturing sites shall not be required to provide perimeter landscaping strips behind the building setback lines between said properties unless so desired.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.047 Protection of Landscaping

Raised concrete curbing or other approved devices shall be placed around the base of each landscaped area to protect plantings from automobile and pedestrian traffic. Such curbing should be offset Two (2) feet from planting areas abutting parked vehicles in order
to protect plantings from vehicle front-end overhang and vehicle doors opening into planter areas.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.048 Sight Distance Requirements

Plant materials and other landscaping elements in areas of traffic sight distance shall be designed to maintain adequate sight distance for vehicular and pedestrian traffic. Shrubs, fences, and wall in these areas should be less than Thirty inches (30”) of height above the grade of the vehicular use area, while trees in these areas should be regularly pruned to eliminate sight distance interruption below Eight feet (8’) from the ground.

(Ord. 1205, Sec. 6, (part) 2003)

16.20.49 Flexibility in Applying Standards

It is the intent of these provisions to allow reasonable and appropriate flexibility for adapting landscaping design standards described in this article to the specific conditions of an individual site. (Ord. 1205, Sec. 6, (part) 2003)

16.20.050 Plant Material Selection Requirements

Plant materials used for compliance with the provisions of this Ordinance should conform to the “American Standards for Nursery Stock, Volume One – Latest Edition”, Grade No. 1, American Association of Nurseryman, Inc., or subsequent editions thereto. Plant materials should be selected from the lists included in Appendix D under the following guidelines:

(a) It is the intent of this Ordinance to be flexible; thus, any person, firm, or corporation may select plants not listed in Appendix D for landscaping and screening purposes as long as plants substituted are able to withstand harsh weather conditions, comply with all other provisions of this Ordinance, and are approved by the City Engineer prior to planting; and,

(b) Trees, grasses, and shrubs planted in public rights-of-way must be approved by the City Engineer prior to planting.

(Ord. 1205, Sec. 7, (part) 2003)

16.20.060 Removal of Waste Materials

During the course of construction and planting, excess and waste materials shall be continuously and all reasonable precautions taken to avoid damage to existing structures, plants, and grass. When all work is completed, the contractor shall leave the site in a neat and orderly condition.

(Ord. 1205, Sec. 8, (part) 2003)

16.20.062 Cash Bond Required for Postponed Improvements

When in the judgment of the designated agents, under the provisions of this Ordinance the then-current season of the year is not conducive to sustaining life for trees and plants required hereunder for commercial, multi-family residential, and manufacturing developments or zones, compliance with these provisions may be postponed for not more than One (1) year. At the option of the City, by and through the City Engineer or the Planning Commission, a cash or surety bond in favor of the City in an amount equal to the estimated cost of the postponed improvements shall be posted by the owner or developer, and a temporary conditional certificate of occupancy may be issued upon said posting of said cash or surety bond.

Estimates of landscaping cost may be prepared by the project architect or engineer, by a landscaping architect, or by a landscape contractor. Failure to complete such postponed landscaping within any such One (1) year postponement period shall affect any automatic forfeiture of the cash or surety bond; provided however, such forfeiture shall not relieve the owner or developer of complying with the provisions of this article. The forfeiture may be delayed or set aside for no more than One (1) year if it is determined by the City that such delay is excusable or justified. It shall be the responsibility of the applicant to establish valid reasons for such postponement. In all circumstances, only One (1) extension may be permitted, and the maximum period for said extension shall be One (1) year.

(Ord. 1205, Sec. 9, (part) 2003)

16.20.070 Maintenance Requirements

The developer, applicant, his/her/their successor, and/or the property owner shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all plantings on the private property of the development. Plant

materials, which are installed for compliance with the terms of this Ordinance, both on private property and the right-of-way, which exhibit evidence of insect pests, disease and/or damage, shall be appropriately treated and dead plant materials replaced in a timely fashion.

The property owner of land abutting a construction public right-of-way area between the property line and the curb/street shall be required to regularly weed, mow, prune, and maintain plantings in compliance with good horticultural practices.

If the owner neglects or refuses to remove, abate, or eliminate any such condition or conditions as are provided for in this article so as to constitute a nuisance under this or any other City ordinance, after having been given Seven (7) days' notice in writing to do so, it is presumed that the owner is in violation of this Section and guilty of a misdemeanor.
(Ord. 1205, Sec. 10, (part) 2003)

16.20.080 Public Rights-of-Way

This Article does not require that landscaping must be undertaken in public rights-of-way except the seeding or planting and maintenance of appropriate ground cover. However, should any person desire to make other landscape improvements within the public rights-of-way, then all other provisions of this Ordinance shall be enforced and all plantings in compliance with the terms of this Ordinance.
(Ord. 1205, Sec. 11, (part) 2003)

16.20.090 Enforcement and Penalties

(A) Any applicant, business, corporation, entity, individual, partnership, and/or person are expected to fully comply with the terms and conditions required by this Ordinance.

Those found in violation of the terms of this Ordinance shall be notified of said violation(s) in the following manner:

> **(1)** Upon discovery of said violation(s), the City Engineer and/or his designated representative(s) shall notify the responsible party(ies) in writing outlining the terms of non-compliance and providing a specified reasonable time frame in which to have said condition(s) brought into compliance with the terms of this Ordinance and/or post the appropriate cash/surety under the terms and conditions outlined in Jacksonville Municipal Code § 16.20.062. Notification mailed by postage prepaid, first class, will be deemed sufficient notice under the terms of this Ordinance;

(2) Upon expiration of the designated time frame or when notified by the responsible party that sufficient work has been completed, the City Engineer and/or his designated representative shall inspect said property for compliance with the terms of this Ordinance. If all repairs have been properly and timely made, the matter will be closed the public hearing at approximately. Should the non-conforming condition exist, the City Engineer and/or his designated representative may, with good cause, extend the time period by no more than Seven (7) calendar days to allow completion of the necessary work and/or for the responsible party(ies) to post the appropriate cash/surety bond under Jacksonville Municipal Code § 16.20.062. A second inspection will be required before approval is granted.

(3) Should non-compliance continue after the second and/or subsequent inspection(s), the City Engineer shall notify the Code Enforcement Officer(s) and have the responsible party(ies) cited for violation of the terms of this Ordinance.

(B) Any non-compliance responsible party(ies) shall be cited into the Jacksonville District Court, and each day a non-conforming condition exists shall constitute a separate violation.

(C) Should any such citation result in a plea/finding of guilt/conviction in the Jacksonville District Court, the responsible party(ies) will be responsible for payment of applicable court cost and may be fined no less than Fifty Dollars ($50.00) and no more than Five Hundred Dollars ($500.00) per violation of the terms of this Ordinance.
(Ord. 1205, Sec. 12, (part) 2003)

APPENDIX D

TREE SPECIES

The following lists of trees are those, which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list along with the secondary list are those trees, which may be planted in the required landscaping area. Additional selective trees may be substituted when proven to be hearty to this region.

COMMON NAME	**SCIENTIFIC NAME**
Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus Parvifolia]
Flowering Braford Pear	Pyrus Calleryana "Bradford"
Ginkgo (male)	Ginkgo biloba
Honey Locust	Gleditsia triacanthos
Loblolly Pine	Pinus Taeda
Pin Oak	Quercus palustris
Sawtooth Oak	Quercus acutissima
Sugar Hackberry	Celtis lacvigata
Willow Oak	Quercus phellos

Secondary List: The following list of trees are those which have been found to be the next best suited to this area but require increased maintenance:

COMMON NAME	**SCIENTIFIC NAME**
American Holly	Ilex opaca
Crab Apple	Malus spp.
Crepe Myrtle	Lagerstoemia indica
Dogwood	Conus florida
Hawthorn	Crataegus opaca
Redbud	Cercis Canadensis
River Birch	Betula nigra
Southern Magnolia	Magnolia grandiflora
Swamp Red Maple	Acer rubrum
Water Oak	Quercus nigra
Weeping Willow	Salix babylonica

SHRUBS

Primary list: The following lists of shrubs are those, which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list along with the secondary list are those shrubs, which may be planted in the required landscaping area. Additional selective shrubs may be substituted when proven to be hearty to this region:

COMMON NAME	
Evergreen Hollies	Ilex species
Nandina	Nandina domestica

Secondary List: The following list of shrubs are those, which have been found to be the next best suited to this area but require increased maintenance.

COMMON NAME	
Abelia	Abelia grandiflora
Boxwood	Buxus sempervirens
Chinese Photinia	Photinia serrulata

GRASSES

The following grasses may be used to comply with this Ordinance.

Mayer Z-52 Zoysia
Emerald Zoysia
Bermuda grass
Bermuda grass hybrids
Centipede
St. Augustine

The grasses listed in this subsection are the most commonly used grasses adjacent to vehicular use areas.

GROUND COVERS

Primary List: The following list of ground covers are those which have been found to be best suited to this area and yet requiring the least amount of maintenance. The list, along with the secondary list, are those ground covers, which may be planted in the required landscaping area. Additional selective ground covers may be substituted when proven to be hearty to this region:

COMMON NAME	
Dwarf Nandina	N. domestica “Harbour Dwarf”
Junipers	Juniperus species
Liriope	Liriope Muscari
Memorial Rose	Rosa Wichuraiana
Mondo Grass	Ophiopogon japonicus
Periwinkle	Vinca Minor
Spreading Euonymus	E. fortunci “Radicans”

Secondary List: The following list of ground covers are those which have been found to be the next best suited to this area but require increased maintenance.

COMMON NAME	
Carolina Jessamine	Gelsemium sempervirens
Dwarf Bamboo	Arundinaria pygmaea
English Ivy	Hedera Helix
Honeysuckle	Lonicera sempervirens

Title 17

SUBDIVISIONS

Chapters:

17.04	General Provisions
17.08	Definitions
17.12	Procedure
17.16	Plat Requirements and Fees
17.20	Design Standards
17.24	Improvement Requirements
17.28	Variances and Exceptions
17.32	Violation and Penalty
17.36	Enforcement
17.40	Amendments and Appeals
17.44	Non-residential Subdivisions

Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010 Purpose and authority
17.04.020 Jurisdiction

17.04.010 Purpose and authority

To further promote and secure the health, safety and general welfare of the present and future citizens of the Jacksonville Planning Area, to help insure logical community growth and to assist and cooperate with sub-dividers in planning their subdivisions, the following regulations for the subdividing of land within the Jacksonville Planning area are adopted, in pursuance of the authority granted by ACA 14-56-402 et seq.
(Ord. 154 Sec. 1.1, 1964)

17.04.020 Jurisdiction

These regulations apply to all forms of subdividing and lot-splitting as defined in Chapter 17.08 and are applicable to all lands within the City and certain unincorporated areas of Pulaski, Faulkner and Lonoke Counties within five miles of the City.
(Ord. 154 Sec. 1.2, 1964)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 Alley
17.08.020 Building setback line
17.08.030 Circuit Clerk and ex-officio recorder
17.08.040 City Council
17.08.050 Collector street
17.08.060 Comprehensive plan
17.08.070 County Judge
17.08.080 County Planning Board
17.08.090 County Quorum Court
17.08.100 County tax collector's certificate
17.08.110 Cul-de-sac
17.08.120 Easement
17.08.130 Final plat
17.08.140 Improvements
17.08.150 Jacksonville Planning Area
17.08.160 Local street
17.08.170 Lot
17.08.180 Lot-split
17.08.190 Lot-split plat

17.08.200 Lot-splitting
17.08.210 Major thoroughfare
17.08.220 Planning Commission
17.08.230 Planting screen easement
17.08.240 Preliminary plat
17.08.250 Sketch plat
17.08.260 Street
17.08.270 Subdivider
17.08.280 Subdivision
17.08.290 Zoning ordinance

17.08.010 Alley

"Alley" means minor ways, which are used for utility easements and vehicular service access to the back or side of property abutting on a street. (Ord. 154 Sec. 10(part), 1964)

17.08.020 Building setback line

"Building setback line" means a line parallel to the street right-of-way indicating the limit beyond which buildings or structures may not be erected. (Ord. 154 Sec. 10(part), 1964)

17.08.030 Circuit clerk and ex-officio recorder

"Circuit Clerk and ex-officio recorder" means the circuit clerk and ex-officio recorder of Pulaski, Faulkner or Lonoke County, whichever is applicable to the land under consideration.
(Ord. 154 Sec. 10(part), 1964)

17.08.040 City Council

"City Council" means the elected governing body of Jacksonville, Arkansas. (Ord. 154 Sec. 10(part), 1964)

17.08.050 Collector street

"Collector street" means a street which collects traffic from local streets and carries it to one or more major thoroughfares or to one or more other collector streets.
(Ord. 154 Sec. 10(part), 1964)

17.08.060 Comprehensive plan

"Comprehensive plan" means a plan for the development of the Jacksonville Planning Area prepared in pursuance of the authority granted by ACA 14-56-402 et. seq.
(Ord. 154 Sec. 10(part), 1964)

17.08.070 County Judge

"County Judge" means the County Judge of Pulaski, Faulkner or Lonoke County, whichever applicable.
(Ord. 154 Sec. 10(part), 1964)

17.08.080 County Planning Board

"County Planning Board" means the County Planning Board of Pulaski, Faulkner or Lonoke County, whichever applicable.
(Ord. 154 Sec. 10(part), 1964)

17.08.090 County Quorum Court

"County Quorum Court" means the Quorum Court of Pulaski, Faulkner or Lonoke County, whichever applicable.
(Ord. 154 Sec. 10(part), 1964)

17.08.100 County tax collector's certificate

"County tax collector's certificate" means a statement from the Pulaski, Faulkner or Lonoke County (whichever applicable) tax collector certifying that no property taxes on the land were due and payable as of the date of the certificate, which date shall be not more then seven days in advance of the date of submittal of the final plat to the Planning Commission for approval.
(Ord. 154 Sec. 10(part), 1964)

17.08.110 Cul-de-sac

"Cul-de-sac" means a street having one end open to an intersecting street and being terminated at the other end by a vehicular turnaround. (Ord. 154 Sec. 10(part), 1964)

17.08.120 Easement

"Easement" means a grant by a property owner to the public, a corporation or persons of the use of all or part of a parcel of land for specific purposes. (Ord. 154 Sec. 10(part), 1964)

17.08.130 Final plat

"Final plat" means a map or chart of a land subdivision given in form suitable for filing in the office of the circuit clerk and ex-officio recorder, necessary affidavits, dedications and acceptances and containing a complete engineering description, including references to field markers, sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision. (Ord. 154 Sec. 10(part), 1964)

17.08.140 Improvements

"Improvements" means street grading and surfacing, curbs and gutters, sidewalks, water mains and lines, sanitary and storm sewers, culverts, bridges and other utilities; and related items.
(Ord. 154 Sec. 10(part), 1964)

17.08.150 Jacksonville Planning Area

"Jacksonville Planning Area" means the City of Jacksonville and those unincorporated areas of Pulaski, Faulkner and Lonoke Counties within five miles of the Jacksonville City limits agreed upon by the neighboring municipalities around the City.
(Ord. 154 Sec. 10 (part), 1964)

17.08.160 Local street

"Local street" means a street intended primarily to provide access to abutting property and carrying little or no through traffic. Ordinarily, a street which is not a major thoroughfare or a collector street is a local street.
(Ord. 154 Sec. 10(part), 1964)

17.08.170 Lot

"Lot" means a portion of a subdivision or any parcel of land intended as a unit of transfer of ownership or for development. (Ord. 154 Sec. 10(part), 1964)

17.08.180 Lot-split

"Lot-split" means a subdivision which involves the dividing or re-dividing of a lot or lots within not more than one block of a recorded subdivision and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement.
(Ord. 154 Sec. 10(part), 1964)

17.08.190 Lot-split plat

"Lot-split plat" means a plat describing a lot-split.
(Ord. 154 Sec. 10(part), 1964)

17.08.200 Lot-splitting

"Lot-splitting" means the action of creating a lot-split.
(Ord. 154 Sec. 10(part), 1964)

17.08.210 Major thoroughfare

"Major thoroughfare" means a public way designated as a thoroughfare in the Jacksonville comprehensive plan and/or the major street plan. (Ord. 154 Sec. 10(part), 1964)

17.08.220 Planning Commission

"Planning Commission" means the City Planning Commission of Jacksonville, Arkansas. (Ord. 154 Sec. 10(part), 1964)

17.08.230 Planting screen easement

"Planting screen easement" means a grant by the sub-divider to the public of a strip of land along a property line for the sole purpose of planting and/or maintaining shrubs, plants or trees or the erection of a fence or wall. (Ord. 154 Sec. 10(part), 1964)

17.08.240 Preliminary plat

"Preliminary plat" means the preliminary or tentative plat, plan or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Commission for consideration and preliminary or conditional approval.
(Ord. 154 Sec. 10(part), 1964)

17.08.250 Sketch plat

"Sketch plat" means a plat of a proposed subdivision indicating, in general, the area to be subdivided, the street layout, lots and blocks and the general nature of improvements. (Ord. 154 Sec. 10(part), 1964)

17.08.260 Street

"Street" means a public way from which the principal means of access to abutting property is obtained. (Ord. 154 Sec. 10(part), 1964)

17.08.270 Subdivider

"Subdivider" means any persons partnership, company, or corporation desiring to create and/or creating a subdivision or lot-split as defined in these regulations. (Ord. 154 Sec. 10(part), 1964)

17.08.280 Subdivision

"Subdivision" means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land subdivided. (Ord. 154 Sec. 10(part), 1964)

17.08.290 Zoning ordinance

"Zoning ordinance" means the City of Jacksonville zoning ordinance. (Ord. 154 Sec. 10(part), 1964)

Chapter 17.12

PROCEDURE

Sections:

17.12.010 Subdivision plat - Generally
17.12.020 Sketch plat
17.12.025 Deposit for Incomplete Improvements
17.12.030 Preliminary plat - Procedure and Requirements
17.12.040 Preliminary plat - Review by County Planning Board
17.12.050 Preliminary plat - Reservation of land for public facilities
17.12.060 Preliminary plat - Planning Commission action plat approval
17.12.070 Preliminary plat - Time requirement
17.12.080 Preliminary plat - Distribution of copies
17.12.090 Preliminary plat - Authorization to prepare final plat

17.12.100 Preliminary plat - Completion of improvements
17.12.110 Final plat - Materials to be submitted
17.12.120 Final plat - Time requirement
17.12.125 Deposit for Incomplete Improvements
17.12.130 Final plat - Acceptance of public dedications
17.12.140 Final plat - Submission time limitation
17.12.150 Final plat - Approval for portion of subdivision
17.12.160 Lot-split plat or replat - Approval by Planning Commission agent
17.12.170 Lot-split plat or replat - Referral to Planning Commission
17.12.180 Plat Reports
17.12.190 Plat Reports - Flood Zone Designation

17.12.010 Subdivision plat - Generally

To obtain approval of a proposed subdivision by the Planning Commission, the sub-divider shall prepare and submit to the Planning Commission a sketch plat, a preliminary plat and a final plat of the tract or parcel of land proposed to be subdivided. (Ord. 154 Sec. 2.11, 1964)

17.12.020 Sketch plat

The sketch plat shall be presented to the City Engineer or the designated representative no less than Ten (10) days prior to the Planning Commission meeting at which consideration is requested. The date of submission of the Plat shall be entered thereon by the City. The sketch plat shall include requirements for submission of the Jacksonville Water Commission and Jacksonville Wastewater Commission acceptance and approval of said plans and systems prior to submission of the Final Plat to the Jacksonville Planning Commission, completion of all sidewalks and other improvements as required and/or a satisfactory bond or cash posted with the City of an amount equal to the construction costs of said improvements not completed before Commission approval, appropriate Storm Water Controls implemented to the Best Management Practices possible, and all other such improvement requirements as provided in applicable Codes herein. (Ord. 819 Sec. 1, (part), 1986, Ord. 1299 Sec. 1, 2006)

17.12.030 Preliminary plat - Procedure and Requirements

After the Planning Commission has approved the sketch plat, the property owner may proceed with preparation of the preliminary plat. The preliminary plat, proposed Bill of Assurances (and/or other such covenants), all other materials and information required to be presented with the preliminary plat (as identified by the preliminary plat checklist in JMC §17.16.010 and 17.16.020), and a completed preliminary plat checklist shall be presented to the City Engineer or the designated representative no less than Ten (10) days prior to the Planning Commission meeting at which

consideration is requested. Preliminary improvement plans may also be presented at that time. The date of submission of the Plat shall be entered thereon by the City. The preliminary plat shall include requirements for submission of the Jacksonville Water Commission and Jacksonville Wastewater Commission acceptance and approval of said plans and systems prior to submission of the Final Plat to the Jacksonville Planning Commission, completion of all sidewalks and other improvements as required and/or a satisfactory bond or cash posted with the City of an amount equal to the construction costs of said improvements not completed before Commission approval, appropriate Storm Water Controls implemented to the Best Management Practices possible, and all other such improvement requirements as provided in applicable Codes herein.

(Ord. 819, Sec. 1 (part) 1986; Ord. 1059, Sec. 1 (part) 1996; Ord. 1299 Sec. 2, 2006)

17.12.040 Preliminary plat - Review by County Planning Board

Before the Planning Commission may give conditional approval of a preliminary plat for a subdivision that is located in the unincorporated parts of the Jacksonville Planning Area, the Planning Commission shall submit a copy of the preliminary plat and all necessary supporting documents to the County Planning Board for its consideration and report. Such report shall be made to the Planning Commission within twenty days from the time it is received by the County Planning Board, unless further time is allowed by the Planning Commission. (Ord. 154 Sec. 2.132, 1964)

17.12.050 Preliminary plat - Reservation of land for public facilities

Prior to the conditional approval of the preliminary plat, the Planning Commission may require reservation of appropriate areas for school sites, parks, playgrounds or other public facilities shown on the comprehensive plan for a period of not more than ninety (90) days for the appropriate agency to exercise the option to purchase the reserved land. (Ord. 819 Sec. 1, (part) 1986)

17.12.060 Preliminary plat - Planning Commission action - Plat approval

When the Planning Commission finds that a preliminary plat, together with improvement plans, meets all the requirements of these regulations it shall approve such plat by placing a stamp of preliminary plat approval upon the preliminary plat. The stamp of preliminary plat approval shall read: "This plat has been given preliminary plat approval only, and has not been approved for recording as a public record". Such stamp of approval shall bear the signatures of the Chairman of the Planning Commission and the City Engineer. Where the Planning Commission finds that a preliminary plat meets all of the requirements of these regulations, but improvement plans are not yet complete, it may approve such

plat subject to approval of the improvement plans by the City Engineer within sixty days following plat approval.
(Ord. 154 Sec. 2.134, 1964; Ord. 819 Sec. 1(part), 1986)

17.12.070 Preliminary Plat Time Requirement

The Planning Commission shall take action to approve, approve conditionally or disapprove a preliminary plat within seventy-five (75) days from the date of receipt of all pertinent information required for filing thereof. If such action has not been taken, the preliminary plat shall automatically be brought before the Planning Commission for action at its next regularly scheduled meeting within said time frame so as not to unreasonable delay the property owner. (Ord. 154 Sec. 2.135, 1964; Ord. 1059 Sec. 1 (part) 1996)

17.12.080 Preliminary plat - Distribution of copies

Two copies of the approved or conditionally approved preliminary plat shall be filed in the office of the City Engineer and one copy shall be conveyed to the subdivider.
(Ord. 154 Sec. 2.136, 1964)

17.12.090 Preliminary plat - Authorization to prepare final plat

Receipt of an approved or conditionally approved copy of the preliminary plat together with an approved copy of the improvement plans, shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the final plat, the installation of improvements, and the staking out of lots and blocks. (Ord. 154 Sec. 2.137, 1964)

17.12.100 Preliminary plat - Completion of improvements

The subdivider, after conditional approval of the preliminary plat, shall complete all improvements required under these regulations. (Ord. 154 Sec. 2.138, 1964)

17.12.110 Final plat - Materials to be submitted

A Developer shall present the following materials to the City Engineer or the designated representative **no less than Ten (10) days** prior to the meeting at which consideration is requested. The date of submission of the Plat shall be entered thereon by the City.

1. As built specifications and as built prints in sufficient quantity of the sidewalks, streets, paving, curb and gutter, water, sanitary sewer, drainage plans, and any other such required improvements. The developer shall also submit letters of acceptance and approval of said plans and systems from the Jacksonville Water Department and Jacksonville Wastewater Department prior to submission of the Final Plat to the Jacksonville Planning Commission. The date of submission of the plat shall be entered thereon by the City. The City Engineer shall advise the Planning Commission of acceptable performance by the developer.

2. Improvements to the proposed final platted property including but not limited to, sidewalks, drainage, water sanitary sewer, roadways, landscaping and other improvements as required and/or a satisfactory bond, letter of credit, or cash posted with the City of an amount equal to the construction cost of said improvements not completed before Commission approval, appropriate storm water controls implemented to the best management practices possible, and all other such improvement requirements as provided in applicable Codes herein. Monies deposited shall be processed in the manner prescribed in JMC 17.12.125. (Ord. 1348 Sec. 1, 2008)

3. A set of Plans for all improvements required under specifications and these Regulations, with such plans to bear the written approval of the City Engineer; and,

4. Any proposed protective covenants (if applicable).

(Ord. 819 Sec. 1 (part), 1986; Ord. 1195 Sec. 1, 2003, Ord. 1299 Sec. 3, 2006)

17.12.120 Final Plat Time Requirement

The Planning Commission shall take action to approve, or deny a Final Plat within Sixty (60) days from its date of receipt. If not, said Final Plat shall automatically be placed on the next regularly scheduled Planning Commission agenda and addressed so as not to unreasonable delay any property owner.

(Ord. 154 Sec. 142, 1964; Ord. 1059, Sec. 1(part) 1996, Ord. 1299 Sec. 4, 2006)

17.12.125 Deposit for Incomplete Improvements

Whenever any improvement(s) required under applicable ordinances, regulations, or plans are incomplete, funds in the form of cash, a surety bond, and/or letters of credit from an authorized, licensed, and insured bank(s) and/or financial institution shall be deposited with the City Clerk prior to or upon submission of the request for Final Plat approval. Said funds shall be released and disposed of only upon the following conditions:

a. Completion by Developer, the Bonding Company, the Bank, and/or financial institution involved, of all required improvements within one (1) year of submission/approval of Final Plat; or,
b. Expiration of one (1) year after all required improvements have been completed.

In the event, Developer completes all required improvements, and no claims are made within One (1) year of the improvements completion date, any funds deposited shall be returned to the Developer or no claim made upon the bond and/or letter of credit. In the event the Developer fails to complete the improvements

within the appropriate One (1) year timeframe and no extension for such has been granted for good cause by the City Engineer, all funds shall be released and paid into the General Fund of the City of Jacksonville and/or the City shall make claim upon the bond and/or letter of credit for the cost of completion of and/or repair of all required improvements. Said funds shall be utilized for completion of the appropriate improvements under the directive of the City Engineer, with any remaining balance to be transferred into the City's General Funds to be used for general operating purposes. (Ord. 1195, 2003; Ord. 1348 Sec. 1, 2008)

17.12.130 Final plat - Acceptance of public dedications

Before the final plat is recorded in the Office of the Circuit Clerk and ex officio recorder, the developer shall submit the plat to the City Council if the subdivision is located inside the city limits of Jacksonville, or to the County Judge if the subdivision is located outside the city limits, for it/his acceptance of public dedications. Until the public dedications and improvements have been accepted by the County Judge or the City Council, any plat shall not be eligible to be recorded.
(Ord. 154 Sec. 2.143, 1964)

17.12.140 Final plat - Submission Time Limitation

Submission for Final Plat approval shall occur within one (1) year of the date of Preliminary Plat Approval. If submission does not occur within said time frame, the Preliminary Plat shall be considered abandoned, unless the Planning Commission grants an extension of the time to the petitioning developer for good cause shown. Said extension may allow for waiver of additional filing fees, plat submission, or such other conditions, as the Commission deems appropriate. (Ord. 1048 Sec. (1)part, 1995)

The final plat shall be filed and recorded in the Office of the Circuit Clerk within sixty (60) days of approval by the Planning Commission. If not filed within said timeframe, said approval shall be considered void.
(Ord. 154 Sec. 2.144, 1964, Ord. 1299 Sec. 5, 2006; Ord. 1299 Sec. 5, 2006)

17.12.150 Final plat - Approval for portion of subdivision

If the Developer requests permission to develop only a portion of the property for which the preliminary plat was approved, the Planning Commission may grant approval of a final plat for said portion alone. (Ord. 154 Sec. 2.145, 1964)

17.12.160 Lot-split or replat - Approval by Planning Commission agent

The Planning Commission may empower the City Engineer or other city administrative officer to approve by endorsement on behalf of the Planning Commission, lot-split plats that meet all of the

requirements for the lot-split plats as set forth in these regulations. Replats shall be handled in the same manner as an original plat with particular attention to utility location requirements and drainage to serve new lots.
(Ord. 458 Sec. 1(part), 1977; Ord. 154 Sec. 2.211, 1964)

17.12.170 Lot-split or replat - Referral to Planning Commission

Whenever a developer desires to create a lot-split or replat, he shall present the lot-split plat or replat to the designated agent of the Planning Commission. If the agent disapproves the lot-split or replat because the plat does not meet all the requirements set forth in these regulations for lot-split plat or replat, or if an adjoining property owner protests the lot-split plat or replat within five days after the plat has been presented, then the agent shall refer the lot-split plat or replat to the Planning Commission for consideration.
(Ord. 458 Sec. 1(part), 1977; Ord. 154 Sec. 2.212, 1964)

17.12.180 Plat reports

All lot-split plats or replats approved by the Planning Commission agent shall be reported to the Planning Commission at its next regularly scheduled meeting.
(Ord. 458 Sec. 1(part), 1977; Ord. 154 Sec. 2.213, 1964)

17.12.190 Plat Reports - Flood Zone Designation

Any lot submitted for approval before the Planning Commission located within a designated flood hazard area/zone shall carry a designation of "F" following the lot identification number/symbol.
(Ord. 1048 Sec. 1(part), 1995)

Chapter 17.16

PLAT REQUIREMENTS AND FEES

Sections:

17.16.010 Plat information requirements
17.16.020 Information submissions
17.16.030 Fees

17.16.010 Plat information requirements

In the following table, whenever the letter "X" appears in a column headed by the name of a sketch plat, preliminary plat, final plat and lot-split plat or replat and opposite an item in the "Required Information" column, then the information set forth in the "Required Information" column shall be shown on such designated plat at the time said plat is presented to the City Engineer or other designated agent:

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIREMENTS**
x	x	x	x	**1.** Boundary and written legal description of the property in the proposed subdivision or lot-split/replat.
x	x	x	x	**2.** Names and addresses of the owner(s) and subdivider(s).
x	x	x		**3.** Names of surveyor, engineer or land planner who prepared the drawing.
	x			**4.** Name of engineer who prepared the plans and specifications for the improvements.
x	x	x	x	**5.** Names of adjacent subdivisions and owners of adjacent parcels of un-subdivided land.
x	x	x	x	**6.** Title, including name of subdivision and name of city, county and state.
x	x	x	x	**7.** Acreage in the proposed subdivision or lot-split/replat.
x	x		x	**8.** Location/name and dimension of all existing streets, alleys & utility easements bordering or abutting the proposed subdivision or lot-split/replat.
x	x	x	x	**9.** Date, map scale (written and graphic) and north arrow. Vicinity map with scale not less than one inch = two thousand feet.
x				**10.** General layout of the proposed lots blocks and streets.

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIREMENTS**
	x			**11.** Ground elevation with contours at vertical intervals acceptable to the City Engineer elevations marked on such contours shall be based on mean sea level, but not more than five feet.
x	x		x	**12.** Location of existing bodies of water, waterway courses, structures & other physical features relating thereto.
x	x	x	x	**13.** Any lot submitted for approval before the Planning Commission located within a designated flood hazard area/zone shall carry a designation of "F" following the lot identification number/symbol.
	x	x	x	**14.** Location and dimension of all proposed alleys and easements for public service or utilities.
	x	x		**15.** Location and description of any land to be dedicated or reserved for parks, schools churches or other public purposes.
	x	x		**16.** Lot and/or block numbers in a logical sequence.
	x	x	x	**17.** Dimensions in feet and hundredth parts thereof, bearings & curve data for all lot, block and street lines.
x	x	x	x	**18.** Location and description of all section line corners and government survey monument in or near the subdivision, to at least one of which the subdivision shall be referenced.
	x	x	x	**19.** Building setback lines with dimensions.
		x	x	**20.** Location and description of all subdivision monuments.
				21. deleted (Ord. 1048, 1995)
	x	x		**22.** The following certificates & references:
		x		**a.** Owner's certificate and dedication;
		x		**b.** Engineer's certificate of survey, signed and sealed;

| Sketch plat | Preliminary Plat | Final Plat | Lot-Split Plat or Replat | **REQUIREMENTS**

		x		**c.** Reference to any separate instruments filed of record which directly affect the land subdivided;
x	x	x	x	**d.** Certificate of Planning Commission approval;
		x		**e.** Certificate of City Council and/or county judge acceptance of easements & dedications;
	x			**f.** Any Covenants/Bills of Assurance set to run with any real property development within the City shall be provided to the Planning Commission at the time of submission of the Preliminary Plat.
	x			**23.** Appropriate zoning compliance prior to submission for Preliminary Plat approval.
		x		**24.** All improvements, drainage, sewer, sidewalks, streets, water, and other required installed, operable, approved, and accepted prior to Final Plat approval or a deposit of cash, surety bond, or a sufficient letter of credit in compliance with this Chapter sufficient to cover the costs of construction of any such incomplete improvements required.

(Ord. 1048 Sec. 1, 1995; Ord. 456 Sec. 1, 1977; Ord. 154 Sec. 3.12, 1964; Ord. 1299 Sec. 6, 2006; Ord. 1348 Sec. 1, 2008)

17.16.020 Information submissions

In the following table, whenever the letter "X" appears in a column headed by the name of a sketch plat, preliminary plat, final plat and lot-split plat or replat and opposite an item in the "Required Information" column, then the information set forth in the "Required Information" column shall be shown on such plat at the time the plat is presented to the City Engineer or other designated agent:

Sketch Plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIRED INFORMATION**
x	x			**1.** Three blue-line prints of detailed water line plans, dimensions, and fire hydrant locations.
x	x			**2.** Three blue-line prints of detailed engineering plans and profiles of sanitary sewers and storm drainage improvements.
x	x			**3.** Street sign and street light locations
x			x	**4.** State Health Department approval of the water supply and/or sewerage system if the requirement of the subdivision or lot split/replat is to be met by any other means than by connection to a water supply system or sewerage system operated by a governmental agency.
x	x			**5.** Three blue-line prints of the plan and profile of each proposed street in the subdivision with grade indicated, drawn to a scale acceptable to the City Engineer, on standard plan and profile on sheets twenty four inches wide and thirty inches long. Profiles shall show accurately the profile of the street or alley along the street centerline.
x	x			**6.** Three blue-line prints of the cross section of all proposed streets in the subdivision showing width of roadways and location of sidewalks. **(#7 & 8 deleted Ord 1048)**
x	x		x	**9.** Twelve blue-line prints of any proposed plat drawn to a scale acceptable to and determined by the City Engineer.
x	x			**10.** Three blue-line prints of the preliminary paving, drainage & sanitary sewer lines.
x	x		x	**11.** Shall be included to require the following certificates (and language) on plat submissions to the Planning Commission
x				**12.** Appropriate zoning compliance.
x				**13.** Water & Wastewater Commission plan approval
	x			**14.** Water & Wastewater Commission acceptance and approval.
x				**15.** Storm Water Drainage & Control Plan.
	x			**16.** Storm Water Drainage & Control Improvements

OWNER'S CERTIFICATION:

I (We), as owners(s) of record of the real estate shown and described herein, do hereby certify that I (we) hereby lay off, plat, and subdivide said real estate in accordance with the attached plat.

_____ _____

Owner Date

CERTIFICATE OF SURVEYING ACCURACY:

I hereby certify that this plat correctly represents a boundary survey made by me, and all monuments shown hereon actually exist at the location and in the size, type, and material designated herein.

_____ _____

Owner Registered Land Surveyor No._____

CERTIFICATE OF ENGINEERING ACCURACY:

I hereby certify that this plat correctly represents a plat made by me or under my supervision, and that all engineering requirements of the Jacksonville Municipal Code have been met and/or exceeded.

_____ _____

Owner Professional Engineer No._____

CERTIFICATE OF FINAL PLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submittal of a final plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said code.

_____ _____

Date Jacksonville Planning Commission Chairman

Approved and Accepted by the Jacksonville City Council on this _____, _____, at _____o'clock __.m., has been recorded on this _____ day of _____, _____, in Plat Book _____ at Page _____.

_____ _____

Date Clerk

For Bill of Assurance - Deed Record Book _____at Page ____.

CERTIFICATE OF SKETCH PLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submission of a sketch plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Code.

_____ _____

Date Jacksonville Planning Commission Chairman

CERTIFICATE OF PRELIMINARY PLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submission of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Code.

This Certificate shall expire on _____.

_____ _____

Date Jacksonville Planning Commission Chairman

CERTIFICATE OF LOT SPLIT/REPLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submission of a lot split/replat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Code.

_____ _____

Date Jacksonville Planning Commission Chairman

(Ord. 1048 Sec. 1(part), 1995; Ord. 456 Sec. 1(part), 1977; Ord. 154 Sec. 3.13, 1964, Ord. 1299 Sec. 6, 2006)

17.16.030 Fees

At the time of submitting **each** of the **respective plats** to the secretary of the Planning Commission or other designated agent, the following fees shall be payable to the **City Clerk:**

A. The plat fee shall be **ten dollars per lot**. **Minimum** fee of **two hundred dollars** for zero to twenty lot subdivision; **maximum** fee assessed - **five hundred dollars** for subdivisions with fifty or more lots. **The fee will be equally divided between preliminary and final plat submittal.**

B. The lot-split plat fee shall be fifty dollars.

C. The replat fee shall be fifty dollars.

(Ord. 456 Sec. l(part), 1977; Ord. 154 Sec. 3.2, 1964)

Chapter 17.20

DESIGN STANDARDS

Sections:

17.20.010 Suitability of land
17.20.020 Streets - Relation to adjoining street system
17.20.030 Streets - Alignment
17.20.040 Street - Intersections
17.20.050 Streets - Right-of-Way widths
17.20.060 Cul-de-sac and dead end streets
17.20.070 Access from the rear of through lots
17.20.080 Alleys
17.20.090 Blocks
17.20.100 Lots
17.20.110 Easements - Generally
17.20.120 Easements - Watercourses
17.20.130 Reservation of land for public purposes
17.20.140 Conformance with official plans
17.20.150 Subdivision and Street names
17.20.160 Street names - Suffixes
17.20.170 Street names - Change - Hearing
17.20.180 Street names - Change - Determination
17.20.190 Erosion Control Plan

17.20.010 Suitability of land

Land subject to flooding or topographically unsuitable for residential occupancy and which the Planning Commission considers unsuitable for subdividing shall not be platted for that use or any other use that may increase danger to health, life or property or aggravate erosion or flood hazard. If such land is in the proposed plat, this land shall be set aside for such uses as will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer and approved by the Planning Commission.
(Ord. 154 Sec. 4.1, 1964)

17.20.020 Streets - Relation to adjoining street system

Whenever practicable, there shall be a minimum of six hundred feet between intersections with a major thoroughfare.
(Ord. 154 Sec. 4.21, 1964)

17.20.030 Streets - Alignment

The radii of curvature shall not be less than four hundred feet on the centerline of major thoroughfares, two hundred feet for collector streets and forty-five feet for local streets.
(Ord. 154 Sec. 4.22, 1964)

17.20.040 Streets - Intersections

A. Angle of Intersection. In general, streets shall be laid out to intersect one another at right angles and a curve may be used in approaching an intersection to bring about this result. No street shall intersect another street at an angle of less than sixty degrees.

B. Street Jogs. Street jogs shall be avoided. There shall be a minimum of one hundred twenty-five feet between the center lines of street intersections. The Planning Commission may require that streets be connected by a curve or diagonal line in such manner that a smooth flow of traffic and the elimination of traffic hazards are assured.

(Ord. 154 Sec. 4.23, 1964)

17.20.050 Streets - Right-of-Way widths

A. Where an existing or proposed thoroughfare is shown in the City comprehensive plan, right-of-way widths shall be shown on said plan.

B. Cul-de-sac and loop streets which will intersect no other streets shall have a minimum right-of-way width of fifty feet.

C. All other streets shall have a minimum.- right-of-way width of fifty feet.

(Ord. 154 Sec. 4.24, 1964)

17.20.060 Cul-de-sac and dead-end streets

A. Length of a Cul-de-sac shall be determined by the topography of the area, with general lengths not to exceed seven hundred fifty feet (750') unless special circumstances warrant extension of said distance.

B. Cul-de-sacs and dead end streets shall terminate in a turnaround with a paved radius of not less than forty-seven and one-half feet (47.5') to the back of the curb, applicable to both residential and commercial development.

C. Stub Streets. In the case of dead-end streets which are stub streets designed to provide connections with adjoining un-subdivided areas, the Planning Commission may require:

1. A temporary easement for a turnaround of the nature mentioned above; or

2. A roadway at least twenty-six feet in width and not of excessive length to connect the temporary dead-end street with an existing street; or

3. An appropriate area for a back-around; or

4. The dedication of street right-of-way to be extended to the boundary of adjoining property in order to provide future street.

(Ord. 1048 Sec. 1(part), 1995; Ord. 154 Sec. 4.25, 1964)

17.20.070 Access from the rear of through lots

Where the Planning Commission deems it necessary to control access along a thoroughfare abutting on the rear lot lines of a single tier of lots, it may require the subdivider to dedicate the right of access to the thoroughfare from the rear of the lots. (Ord. 154 Sec. 4.26, 1964)

17.20.080 Alleys

A. **Width** - All alleys shall have a minimum width of twenty feet.

B. **Alignment** - Abrupt changes in alignment or dead-ends shall be avoided.

C. **Radii at Turns** - “T" or "L" shaped alleys shall have a radius of not less than ten feet at the point of intersection.

D. **Opening and Grading** – All alleys shall be opened and to a grade approved by the City or County Engineer.

(Ord. 154 Sec. 4.3, 1964)

17.20.090 Blocks

A. **Width** Blocks shall be two tiers of lots in width except where it is necessary to provide only one tier of lots in order to overcome unusual topography or other physical conditions. Where a single tier of lots is permitted, the Planning Commission may require a planting screen easement along the rear lot lines.

B. **Length** Blocks shall have a minimum length of three hundred feet and a maximum length of one thousand three hundred feet. Measurements shall be between property lines and not between street centerlines.

(Ord. 154 Sec. 4.4, 1964)

17.20.100 Lots

A. Lot dimensions and setback lines shall conform to the zoning ordinance and/or setback ordinance of the City.

B. Side lot lines shall be at right angles on radial to street lines.

C. In subdivisions where each lot is not to be served by a public water supply or sanitary sewers, each lot shall be of sufficient size to conform to the State Board of Health specifications and standards for septic tanks and/or individual water supply systems.

D. When a proposed subdivision involves lots of one-half acre or more in area, consideration shall be given to any resubdividing that might take place, with proper provision being made for such street extension as may be necessary.

(Ord. 154 Sec. 4.5, 1964)

17.20.110 Easements - Generally

Where alleys are not provided or may not be used for that purpose, easements of not less than eight feet on single lots and not less than a total of ten feet on lots back-to-back within any subdivision shall be provided at the rear or side of the lots for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains and lines or other such similar purposes.
(Ord. 154 Sec. 4.61, 1964)

17.20.120 Easements - Watercourses

When a subdivision is traversed by a watercourse, channel, stream or creek, the subdivider shall provide an easement sufficient for maintenance. (Ord. 154 Sec. 4.62, 1964)

17.20.130 Reservation of land for public purposes

The Planning Commission may require the subdivider to reserve for public acquisition that land which is within the boundaries of the proposed subdivision that is indicated for public use on an officially adopted plan. Such reservation may extend over a period of not more than ninety days from the time the public body responsible for the acquisition of said land is notified of the developer's intent. Such notification of intent shall be deemed to have been given at the time of the submission of the preliminary plat. (Ord. 154 Sec. 4.72, 1964)

17.20.140 Conformance with official plans

All subdivision plats shall conform to all official plans currently in effect. (Ord. 154 Sec. 4.71, 1964)

17.20.150 Subdivision and Street names

No subdivision plat shall be accepted and approved which contains any street name or subdivision name that is confusingly similar to an existing street or subdivision name within the city limits. (Ord. 363 Sec. 1(part), 1975)

Partial phasing of phases of subdivision(s) and street name(s) for plat purposes will generally not be allowed, and no subdivision and/or street name shall be modified or changed after final plat approval has been granted by the Planning Commission. Any such change or modification will require addition submission for approval by the Commission.
(Ord. 1048 Sec. 1(part), 1995)

17.20.160 Street names - Suffixes

A. Straight Streets

1. Streets that run east and west or within forty-five degrees of east and west and are more than two blocks in length shall be designated as "Street."

2. Streets that run north and south or within forty-five degrees of north and south and are more than two blocks in length shall be designated as "Drive."

3. Straight streets which are less than three blocks in length, regardless of which direction they run, shall be designated "Lane."

B. Curving Streets

1. All streets that have several curves or at least one sharp curve shall be designated "Road."

2. Streets not over one block long which are circular and which begin on one street and end on the same street or on another nearby street shall be designated "Circle."

C. Cul-de-Sac or Dead-end Streets

Streets which are not over one block long and which end in a cul-de-sac or in a dead-end shall be designated as "Court."

D. Continuous Streets

Continuous streets shall have the same name whether inside or outside the municipality.

E. Street Jogs

Streets that are actually the same street but which are interrupted by a jog of less than one hundred twenty feet between the centerline of the two streets shall be given the same name.

(Ord. 363 Sec. 1(part), 1975)

17.20.170 Street names - Change - Hearing

The Planning Commission shall have the authority, with the consent of the City Council to change the names of existing streets bearing the same name or confusingly similar names. Before changing any street name, fifteen days' public notice shall be given in a newspaper having a general circulation within the City that a public hearing shall be conducted by the Planning Commission for such purpose, and said notice shall designate the date, time and place of said hearing and the streets affected by said hearing. (Ord. 363 Sec. 1(part), 1975)

17.20.180 Street names - Change - Determination

In order to change the name of any street, it must be determined that the public interest, convenience and necessity would best be served by such a name change. The Planning Commission shall consider the length, age and such other factors as may be pertinent in deciding on any street name change. Any such street name change determined by the Planning Commission shall be submitted to the City Council for final approval, and the failure or refusal of the City Council to approve any such street name change within ninety days of the decision of the Planning Commission shall constitute a nullification of the actions of the Planning Commission on such matters. (Ord. 363 Sec. 1(part), 1975)

17.20.190 Erosion Control Plan

Any Contractor, developer, landscaper, individual, or firm involved in excavating or filling operations must submit and adhere to an erosion control plan for approval by the City Engineer prior to the initiation of any such work. Erosion control shall be maintained throughout the length of any such project, and shall be subject to inspection and approval/disapproval by the City Engineer. Erosion control maintenance will be the responsibility of the project contractor/developer until turf is established.
(Ord. 1048 Sec. 1(part), 1995)

Chapter 17.24

IMPROVEMENT REQUIREMENTS

Sections:

17.24.010 Generally
17.24.020 Streets - Requirements
17.24.030 Streets - Installation
17.24.040 Streets - Curb radii
17.24.050 Streets - Pavement - Type
17.24.055 Streets - Required Inspections
17.24.060 Streets - Pavement - Plans on file where
17.24.090 Street signs
17.24.100 Storm drainage and flood plains
17.24.110 Sanitary sewers
17.24.120 Water lines
17.24.130 Monuments

17.24.010 Generally

The subdivider is put on notice that within the subdivision he shall at his own expense pave all streets, install sidewalks, sanitary sewers, street signs and storm drainage improvements as required by these regulations. The City may either require installation of water lines, and/or install water lines at the developer's expense. (Ord. 154 Sec. 5.1, 1964)

17.24.020 Streets - Requirements

All roadways shall be paved with curbs and gutters installed according to the specifications enumerated in Sections 17.24.030 through 17.24.060. (Ord. 154 Sec. 5.21(part), l964)

17.24.030 Streets - Installation

A. Where a proposed development abuts an existing street or streets, in which development no lots are designed to front on or have vehicular access to such street or streets, the developer shall not be responsible for further improvement of the existing street or streets.

B. Where a subdivision abuts an existing street that is designated by the Planning Commission as a major street, with lots platted therein to front on the existing street, or otherwise has lots with driveways opening into said existing street, the subdivider shall:

1. When the subdivision contains lots on both sides of said existing streets he shall install paving for the entire street with minimum widths as specified in the Master Street Plan, or escrow funds in cash money with the City in an amount sufficient to build City improvements.

2. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, in no case less than twenty-five feet measured from the centerline of the existing right-of-ways shall be provided, and he shall either:

a. Install paving for the entire street with curb and gutter in accordance with minimum widths, for the side abutting the development; or

b. Escrow funds in cash money with the City in an amount sufficient to build one-half of said street, according to width specifications and install curbs and gutters on the side of the street being developed.

3. The funds referred to in this section shall be used only for installation of street improvements on the said designated street.

C. Where a frontage road is required on a major street abutting a subdivision, the subdivider shall be required to install paving, including curbs and gutters, on the frontage road in accordance with City specifications.

D. Street widths for streets shall be in accordance with the following dimensions:

1. **Major or collector street** - 36 ft, back of curb to back of curb;

2. **Local street** - twenty-seven feet, back to back;

3. On all other streets, including local streets and multi-family residential areas commercial areas and industrial areas, the required width of paving shall be established by the Planning Commission.

E. **In no case will the developer be allowed to develop or improve one-half of a street.**

(Ord. 374 Sec. 1, 1976; Ord. 819 Sec. 1(part), 1986)

17.24.040 Streets - Curb radii

A. Street intersections involving major streets and highways shall have a minimum street corner radius of twenty feet at the curb line, or edge of pavement if there is no curb.

B. Radius of the curb in a cul-de-sac turnaround shall be not less than 47.5 feet from the back of the curb. Radius of the inner curb shall be such that the width of pavement from back of curb to back of curb shall not be less than thirty-seven feet.

C. Radii of curbs at street corners other than major streets and highways shall not be less than twenty-five (25') feet.

D. All street corner radii shall be shown on street improvement plans.

(Ord. 1048 Sec. 1(part), 1995; Ord. 819 Sec. 1 (part), 1986; Ord. 154 Sec. 5.21(c), 1964)

17.24.050 Streets - Pavement - Type

Street pavement standards shall be as follows:

A. Minimum Standards on Local and Collector Streets.

1. Portland cement concrete pavement five inches thick laid on a subgrade compacted to 90% Standard Proctor Density. Concrete is to be 3500 PSI, five sack mix: or

2. Asphaltic concrete (hot mix - hot laid) pavement two inches thick compacted wearing surface type 2 or 3 on a six-inch stabilized aggregate base course compacted to 100 percent modified proctor density with a six-inch subgrade compacted to a uniform density of 90 percent standard proctor.

The above asphaltic concrete streets shall have a portland cement 24-inch integral curb and gutter.

B. Minimum Standards on Arterial Streets.

1. Portland cement concrete pavement eight inches thick laid on a subgrade compacted to 90 percent standard Proctor density. Concrete is to be 3500 PSI 5-sack mix; or

2. Asphaltic concrete (hot mix - hot laid) pavement two inches thick wearing surface type 2 or 3 on a ten-inch stabilized aggregate base course compacted to 100 percent modified proctor density with six inch uniformly compacted subgrade to 90 percent standard proctor density.

C. Substitution. Substitution of the above standards may be used in a ratio of one inch of hot mix base course - asphaltic concrete (HMAC) replacing two inches of SB-2 material.

D. Additional Standard. In instances where poor subgrade is encountered, the City Engineer may require additional structural thickness and/or approve other mechanical means of achieving a stabilized sub-grade.

(Ord. 455 Sec. 1, 1977; Ord. 154 Sec. 5.21 (d), 1964; Ord. 819 Sec. 1 (part), 1986)

17.24.055 Streets - Required Inspections

During the construction process of streets the following inspections are required and are the responsibility of the owner to have these inspections made and approval received for all three inspections before acceptance of the streets can be made by the City of Jacksonville.

1. Inspection of the sub-grade before base course in installed.

2. Inspection of base course before asphalt is laid.

3. Inspection of asphalt.

These inspections must be made by the City Engineer or the Street Department Superintendent or their designated agent.
(Ord. 612 Sec. 1, 1980)

17.24.060 Streets - Pavements - Plans on file where

Detailed plans, specifications and mode of application shall be on file in the office of the City Engineer for inspection by or use by any persons concerned with such types of pavement.
(Ord. 154 Sec. 5.21 (part), l964)

17.24.090 Street signs

Street signs shall be installed according to the street sign specifications of the City. (Ord. 154 Sec. 5.4. 1964)

17.24.100 Storm drainage and floodplains

A. Generally. All land development shall be related to the surrounding drainage pattern with provisions made for proper storm drainage facilities.

B. Minimum Run-off. Minimum run-off shall be determined by the Rational Method or an equivalent engineering formula approved by the City Engineer. The coefficient shall be a minimum of .6 or higher, and a minimum rainfall rate of four inches per hour. The City Engineer may increase these requirements where lives or property are jeopardized by the minimum standards mentioned above.

C. Acceptance for maintenance. Lands, lakes, ponds, creeks and similar areas shall be accepted by the public for maintenance only if they are related to and may logically become a part of a recreational park, area or similar public use.

D. Water in Stub Streets and Cul-de-sac. In all instances, provisions shall be made for adequate storm drainage and drainage structures to prevent water from standing in the end of stub streets or cul-de-sac.

E. Diversion of Water from Natural Course. If storm water is to be diverted from its natural course, the construction plans shall induce:

1. A sketch showing the existing waterway and the location of the proposed channel change; and

2. A profile of existing water courses.

(Ord. 404 Sec. 1976; Ord. 154 Sec. 5.5, 1964)

17.24.110 Sanitary sewers

Sanitary sewers shall be installed to serve each lot in all subdivisions when connections are to be made immediately to a community disposal system or a public sewerage system. Where such connection to said system is not to be made immediately, plans shall be prepared for future development and installation of a sewerage system to serve each lot. Those parts of such system, which will be in the paved portion of streets and alleys, shall be installed before the area is paved. (Ord. 154 Sec. 5.6, 1964)

17.24.120 Water lines

Water lines shall be installed to serve each lot in all subdivisions. Where connection to a community water system or public water supply is not to be made immediately, plans shall be prepared for future installation of a water distribution system to serve each lot. These parts of such systems, which will be in the paved portion of streets and alleys, shall be installed before the area is paved. The developer shall also connect service lines to the water line and shall completely install the meter setter, meter box and shall make the service line wet before any building permits shall be issued. Any damages to said installation of utility apparatus shall be repaired and paid for by the party causing the damage.

(Ord. 391 Sec. 1, 1976; Ord. 346 Sec. 1, 1975; Ord. 154 Sec. 5.7, 1964)

17.24.130 Monuments

Concrete monuments, four inches in diameter or four inches square and thirty inches long with one-half-inch metal reinforcing rod running the length of the monument shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision. Metal rods, three-fourths inch in diameter and twenty-four inches long placed flush with the ground shall be placed at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision, and at all lot corners. In situations where conditions prohibit the placing of markers in the locations prescribed, offset markers will be permitted. The exact location of all markers shall be shown on the final plat together with accurate interior angles, bearings and distances. (Ord. 154 Sec. 5.8, 1964)

Chapter 17.28

VARIANCES AND EXCEPTIONS

Sections:

17.28.010 Conditions and methods for granting

17.28.010 Conditions and methods for granting

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and County are protected and the general intent and spirit of these regulations are preserved. Such variances may be granted only by the affirmative vote of a majority of the Planning Commission members present. (Ord. 154 Sec. 6, 1964)

Chapter 17.32

VIOLATION AND PENALTY

Sections:

17.32.010 Designated

17.32.010 Designated

Any person, firm or corporation who violates the provisions of these regulations or fails to comply substantially therewith, or who violates or fails to comply substantially with any order or regulation made thereunder, or who builds in violation of any detailed statement or specification or plans submitted and approved thereunder on any certificate or permit issued thereunder is, for each and every violation or substantial noncompliance respectively, guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than two hundred fifty dollars and/or shall be imprisoned for ten to three hundred sixty days. Each and every day that such violation or substantial noncompliance exists is a separate offense.
(Ord. 154 Sec. 7, 1964)

Chapter 17.36

ENFORCEMENT

Sections:

17.36.010 Recording
17.36.020 Buildings
17.36.030 Utilities
17.36.040 Streets

17.36.010 Recording

No deed or other instrument of transfer for land located within the city limits or the unincorporated part of the Jacksonville Planning Area shall be accepted for record by the Circuit Clerk and ex-officio recorder unless:

A. Said deed or other instrument of transfer is to a lot or parcel platted and on file in the office of said recorder; or

B. Said deed or other instrument of transfer is accompanied with a plat approved by the Planning Commission; or

C. Said deed or other instrument of transfer conveys five or more square acres of land.

(Ord. 154 Sec. 9.1, 1964)

17.36.020 Buildings

The building inspector shall not issue building permits for any structure on any lot in a subdivision for which the plat has not been approved and recorded in the manner prescribed herein and further unless said building to be constructed fronts upon a lot on a street shown on an approved land subdivision plat or a street legally established by the City or on a formerly existing public street. (Ord. 611 Sec. 1, 1980)

17.36.030 Utilities

No utility, whether publicly or privately owned, shall provide, extend or authorize the extension of services to any lot, building, structure or location within Jacksonville or the unincorporated part of the Jacksonville Planning Area unless:

A. The lot, building or structure was established before the adoption of land subdivision rules and regulations; or

B. The plat of the location has been approved by the Planning Commission and filed and recorded in the office of the Circuit Clerk and ex-officio recorder; or

C. The plan for the proposed service by the utility has been approved by the Planning Commission as provided for herein.

(Ord. 154 Sec. 9.3, 1964)

17.36.040 Streets

The City is prohibited from accepting, improving, grading, paving or lighting any street and from laying or authorizing the laying of any water mains, sewers or other utilities in any street except an existing public street, a street shown on an approved land subdivision plat or a street legally established by the City.
(Ord. 154 Sec. 9.4, 1964)

Chapter 17.40

AMENDMENTS AND APPEALS

Sections:

17.40.010 Amendments - Statutory - authority
17.40.020 Rules adoption
17.40.030 Appeal Hearing

17.40.010 Amendments - Statutory authority

The City Council may amend these regulations in accordance with ACA 14-56-422-424. (Ord. 154 Sec. 8, 1964)

17.40.020 Rules adoption

The Planning Commission may adopt rules for the administration of these regulations to the extent that such rules are not in conflict with these regulations. (Ord. 154 Sec. 8.2, 1964)

17.40.030 Appeal - Hearing

In the event a subdivision plat is disapproved by the Planning Commission, the applicant may petition the City Council for a hearing upon said Planning Commission action. After said hearing the City Council upon a majority vote of the members may approve the subdivision or take other. (Ord. 154 Sec. 8.3, 1964)

Chapter 17.44

NON-RESIDENTIAL SUBDIVISIONS

Sections:

17.44.010	**General**
17.44.020	**Right-of-Way and pavement width & thickness**
17.44.030	**Street design**
17.44.040	**Industrial**
17.44.050	**Commercial**
17.44.060	**Provisions of open drainage**
17.44.070	**Internal circulation**

17.44.010 General

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern of all proposed non-residential subdivisions are adapted to the uses anticipated and that the prospective physical impact on adjacent areas has been taken into account. The following general principles and standards shall be observed:

1. Commercial/office subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum forty foot buffer strip or a fence not less than six feet in height with a buffer of twenty-five feet. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant material natural to the area shall be provided. No building or outside storage shall be constructed in the buffer area. Parking areas will be allowed in the last twenty feet of the buffer area. The six-foot fence shall be of wood, masonry, or metal construction and shall extend along the entire property line abutting the residential areas as specified above.

2. Industrial subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum fifty-foot buffer strip and a fence not less than six feet in height. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant material natural to the area shall be provided. No building or outside storage shall be constructed in the buffer area. No parking areas will be allowed in the first thirty feet of the buffer area. The six-foot fence shall be of wood, masonry, or metal construction and shall extend along the entire property line abutting the residential areas as specified above.

3. The Planning Commission shall require the subdivider to file a proposed subdivision phasing plan providing for continuity of development and individual phases of reasonable proportions. Single lot final plats and plat which create discontinuity within the development may be prohibited by the Planning Commission.

4. The Planning Commission may at its option, impose special requirements with respect to public utilities, streets, gutters, and sidewalk design and construction to ensure compliance with the purpose and intent of these regulations.
(Ord. 638 Sec. 1(part), 1981)

17.44.020 Right-of-Way and Pavement Width & Thickness

Perimeter streets abutting a proposed commercial subdivision shall be developed in accordance with the Master Street Plan. Where an internalized system of public streets or private service easements is proposed for commercial subdivision, the following design standards shall be observed:

STREET TYPE	MIN. R-O-W Width	MIN. PAVING Width	PAVEMENT THICKNESS	BASE THICKNESS
Commercial St.	60 ft.	40 FT.	2"	8"
Minor Commercial Street (A cul-de-sac not more than 300 ft. long)	50 ft.	27 Ft.	2"	6"
Alley (when required)	20 ft.	17ft.	2"	6"
Industrial St.	60 ft.	36 ft.	3"	10"
Cul-de-sac Turnaround	130 ft. Diameter	100 ft. Diameter	see above	

However no developer will be required to pave more than forty feet or reserve more than one hundred feet of right-of-way.
(Ord. 638 Sec. 1(part), 1981)

17.44.030 Street Design

In general, non-residential subdivisions shall conform to requirements of the Master Street Plan. The following street design standards shall be required for non-residential subdivisions:

1. Street Grades - The maximum allowable grade shall be nine percent on all streets within the subdivision or on a boundary street of a subdivision where there are lots having access from the boundary street.

2. Intersections - The property line radius at street or alley intersections shall be a minimum of fifty feet for industrial and thirty feet for commercial, and if the angle of street or alley intersections is less than ninety degrees, the Planning Commission may require a greater radius.

3. Curb Line - Street or alley intersections shall have at least thirty-foot radius on commercial property. Where the angle of street or alley intersections is less than ninety degrees, the Planning Commission may require both a greater radius, and intersection design sufficient to accommodate turning movements of WB-50 vehicles.

(Ord. 638 Sec. 1(part), 1981)

17.44.040 Industrial

Building Lines and Lot Coverage - Building lines and setback lines shall be a minimum of twenty-five feet from all industrial streets, property lines, and a minimum of seventy feet from all arterial street property lines. The building lines shall be a minimum of twenty feet from all other property lines. One half of any adjacent permanent open space or easement retained by grantor for utility or other purposes or dedicated to the public shall be allowed as part of the required twenty feet building line requirements except that, in no case shall the total separation between buildings on adjacent tracts or lots be less than fifty feet. Building coverage shall not exceed fifty percent of the lot area. (Ord. 638 Sec. 1(part), 1981)

17.44.050 Commercial

Platted Building Line - Front yard building lines for commercial lots shall be at least thirty feet from the street right-of-way to ensure adequate space for landscaping, off-street parking, loading facilities, and internal vehicular movement. Where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a twenty feet front yard setback may be approved by the Planning Commission. Approval of the twenty feet commercial building line shall be permitted on all lots fronting on streets as defined in this ordinance and shall be contingent upon submission of both a site plan dimensioning the Landscaped area and a Bill of Assurance prohibiting use of the yard area for parking. Such landscaped areas may be traversed by not more than two driveways providing access to the sides and rear of the lot. Side yards for commercial property abutting other commercial property shall be fifteen feet.

(Ord. 638 Sec. 1(part), 1981)

17.44.060 Provisions of Open Drainage

The following improvements and requirements are alternatives in lieu of curb and gutter and underground drainage;

1. Pavement width for minor streets shall be a minimum of twenty-eight feet with six-foot paved shoulders. These shoulders shall be designed to meet at least seventy-five percent of the design requirements for the pavement. A double surface treatment may be used for these shoulders.

2. Open drainage ditches will be permitted at street rights-of-way or easements, provided they meet the following requirements:

a. The side slopes shall commence a minimum of four feet from the edge of the paved shoulders.

b. The side slope for both slopes of an earthen ditch shall be at a three to one or lesser slope. For concrete lined or ditches with riprap, a two to one slope is permissible with the approval of the Engineering Department.

c. The maximum high water ditch elevation shall be a minimum of six inches below the bottom of the base of the paved shoulder.

d. Street shoulder right-of-way width shall be a minimum of ten feet beyond the top of the back slope requirements.

e. Concrete head walls riprap and/or flume type structures as required by the Engineering Department shall be required for all underground facilities.

f. Bill of Assurance will require the adjoining property owners to mow and maintain the right-of-way and/or drainage easements adjacent to his property. Upon proper notice, if the property owner does not comply with the notice, the area may be mowed by the City, and the property owner billed as per the procedure on vacant lots within the City.

g. All required drainage ditches shall be designed for appropriate erosion control (such as sodding, ditch checks, riprap, ditch paving, or other accepted engineering practices).

h. In case of open drainage within the street right-of-way the widths shown on part B shall be increased by a minimum of six feet.

(Ord. 638 Sec. l(part), 1981)

17.44.070 Internal Circulation

Where any commercial subdivision has in excess of three hundred feet of frontage on an arterial street, special provisions for internal circulation shall be required to ensure proper in-with egress. Alternative design solutions which may be required by the Planning Commission depending upon the circumstances unique to each situation include provision of public commercial streets, service easements, curb cuts, or some combination thereof.

Service Easements - Where a non-residential subdivision requires the creation of an internalized circulation system to provide access to multiple lots and building cities, the Planning Commission may, at its option, authorize the use of a service easement in lieu of public commercial streets. Requests for such variance shall be submitted in writing by the subdivider when the plat is submitted for preliminary approval and shall present justification for such action. Private service easements shall be built to public street standards except where, in the opinion of the staff and the Planning Commission, a reduced pavement width is deemed sufficient to ensure safe and convenient access to the lots and otherwise fully complies in all respects with the purpose and intent of this ordinance. Design of service easements shall be subject to the review and approval of the City Engineer.
(Ord. 638 Sec. 1(part), 1981)

TITLE 17 FOOTNOTES

1. For statutory provisions governing the planning and regulatory powers of the Planning Commission, see ACA 14-56-401 et seq.

2. For statutory provisions requiring compliance with Planning Commission subdivision regulations, see ACA 14-56-413 et seq.

3. For statutory provisions requiring Planning Commission approval as a condition precedent to filing plats with the county recorder, see ACA 14-56-417 (b)(3)(B).

4. For statutory provisions authorizing the Planning Commission to promulgate regulations governing subdivision development, see ACA 14-56-417 (b)(1)(B).

5. For statutory provisions allowing the minimum requirements regulations to, include installation of streets, sidewalks, water and sewer lines, etc., at the developer's expense, see ACA 14-56-417 (b)(1)(C).

6. For statutory provisions defining the penalty for violation of the planning ordinances and regulations, see ACA 14-56-421.

7. For statutory provisions empowering the Council to enjoin any individual or property owner who is in violation of a planning ordinance, see ACA 14-56-421.

8. For statutory provisions governing the amendment procedure for subdivision ordinances, see ACA 14-56-420; 14-56-1422 for provisions governing appeal to the circuit court, see ACA 14-56-425.

Title 17

SUBDIVISIONS

Chapters:

17.04	General Provisions
17.08	Definitions
17.12	Procedure
17.16	Plat Requirements and Fees
17.20	Design Standards
17.24	Improvement Requirements
17.28	Variances and Exceptions
17.32	Violation and Penalty
17.36	Enforcement
17.40	Amendments and Appeals
17.44	Non-residential Subdivisions

SUBDIVISIONS

Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010 Purpose and authority.
17.04.020 Jurisdiction.

17.04.010 Purpose and authority

To further promote and secure the health, safety and general welfare of the present and future citizens of the Jacksonville Planning Area, to help insure logical community growth and to assist and cooperate with sub-dividers in planning their subdivisions, the following regulations for the subdividing of land within the Jacksonville Planning area are adopted, in pursuance of the authority granted by ACA 14-56-402 et seq.
(Ord. 154 Sec. 1.1, 1964)

17.04.020 Jurisdiction

These regulations apply to all forms of subdividing and lot-splitting as defined in Chapter 17.08 and are applicable to all lands within the City and certain unincorporated areas of Pulaski, Faulkner and Lonoke Counties within five miles of the City.
(Ord. 154 Sec. 1.2, 1964)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 Alley.
17.08.020 Building setback line.
17.08.030 Circuit Clerk and ex-officio recorder.
17.08.040 City Council.
17.08.050 Collector street.
17.08.060 Comprehensive plan.
17.08.070 County Judge.
17.08.080 County Planning Board.
17.08.090 County Quorum Court.
17.08.100 County tax collector's certificate.
17.08.110 Cul-de-sac.
17.08.120 Easement.
17.08.130 Final plat.
17.08.140 Improvements.
17.08.150 Jacksonville Planning Area.
17.08.160 Local street.
17.08.170 Lot.

17.08.180 Lot-split.
17.08.190 Lot-split plat.

17.08.200 Lot-splitting.
17.08.210 Major thoroughfare.
17.08.220 Planning Commission.
17.08.230 Planting screen easement.
17.08.240 Preliminary plat.
17.08.250 Sketch plat.
17.08.260 Street.
17.08.270 Subdivider
17.08.280 Subdivision.
17.08.290 Zoning ordinance.

17.08.010 Alley

"Alley" means minor ways, which are used for utility easements and vehicular service access to the back or side of property abutting on a street. (Ord. 154 Sec. 10(part), 1964)

17.08.020 Building setback line

"Building setback line" means a line parallel to the street right-of-way indicating the limit beyond which buildings or structures may not be erected. (Ord. 154 Sec. 10(part), 1964)

17.08.030 Circuit clerk and ex-officio recorder

"Circuit Clerk and ex-officio recorder" means the circuit clerk and ex-officio recorder of Pulaski, Faulkner or Lonoke County, whichever is applicable to the land under consideration.
(Ord. 154 Sec. 10(part), 1964)

17.08.040 City Council

"City Council" means the elected governing body of Jacksonville, Arkansas. (Ord. 154 Sec. 10(part), 1964)

17.08.050 Collector street

"Collector street" means a street which collects traffic from local streets and carries it to one or more major thoroughfares or to one or more other collector streets.
(Ord. 154 Sec. 10(part), 1964)

17.08.060 Comprehensive plan

"Comprehensive plan" means a plan for the development of the Jacksonville Planning Area prepared in pursuance of the authority

granted by ACA 14-56-402 et. seq.
(Ord. 154 Sec. 10(part), 1964)

17.08.070 County Judge

"County Judge" means the County Judge of Pulaski, Faulkner or Lonoke County, whichever applicable.
(Ord. 154 Sec. 10(part), 1964)

17.08.080 County Planning Board

"County Planning Board" means the County Planning Board of Pulaski, Faulkner or Lonoke County, whichever applicable.
(Ord. 154 Sec. 10(part), 1964)

17.08.090 County Quorum Court

"County Quorum Court" means the Quorum Court of Pulaski, Faulkner or Lonoke County, whichever applicable.
(Ord. 154 Sec. 10(part), 1964)

17.08.100 County tax collector's certificate

"County tax collector's certificate" means a statement from the Pulaski, Faulkner or Lonoke County (whichever applicable) tax collector certifying that no property taxes on the land were due and payable as of the date of the certificate, which date shall be not more then seven days in advance of the date of submittal of the final plat to the Planning Commission for approval.
(Ord. 154 Sec. 10(part), 1964)

17.08.110 Cul-de-sac

"Cul-de-sac" means a street having one end open to an intersecting street and being terminated at the other end by a vehicular turnaround. (Ord. 154 Sec. 10(part), 1964)

17.08.120 Easement

"Easement" means a grant by a property owner to the public, a corporation or persons of the use of all or part of a parcel of land for specific purposes. (Ord. 154 Sec. 10(part), 1964)

17.08.130 Final plat

"Final plat" means a map or chart of a land subdivision given in form suitable for filing in the office of the circuit clerk and ex-officio recorder, necessary affidavits, dedications and acceptances and containing a complete engineering description, including references to field markers, sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision. (Ord. 154 Sec. 10(part), 1964)

17.08.140 Improvements

"Improvements" means street grading and surfacing, curbs and gutters, sidewalks, water mains and lines, sanitary and storm sewers, culverts, bridges and other utilities; and related items. (Ord. 154 Sec. 10(part), 1964)

17.08.150 Jacksonville Planning Area

"Jacksonville Planning Area" means the City of Jacksonville and those unincorporated areas of Pulaski, Faulkner and Lonoke Counties within five miles of the Jacksonville City limits agreed upon by the neighboring municipalities around the City.
(Ord. 154 Sec. 10 (part), 1964)

17.08.160 Local street

"Local street" means a street intended primarily to provide access to abutting property and carrying little or no through traffic. Ordinarily, a street which is not a major thoroughfare or a collector street is a local street.
(Ord. 154 Sec. 10(part), 1964)

17.08.170 Lot

"Lot" means a portion of a subdivision or any parcel of land intended as a unit of transfer of ownership or for development. (Ord. 154 Sec. 10(part), 1964)

17.08.180 Lot-split

"Lot-split" means a subdivision which involves the dividing or re-dividing of a lot or lots within not more than one block of a recorded subdivision and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement.
(Ord. 154 Sec. 10(part), 1964)

17.08.190 Lot-split plat

"Lot-split plat" means a plat describing a lot-split.
(Ord. 154 Sec. 10(part), 1964)

17.08.200 Lot-splitting

"Lot-splitting" means the action of creating a lot-split.
(Ord. 154 Sec. 10(part), 1964)

17.08.210 Major thoroughfare

"Major thoroughfare" means a public way designated as a thoroughfare in the Jacksonville comprehensive plan and/or the major street plan. (Ord. 154 Sec. 10(part), 1964)

17.08.220 Planning Commission

"Planning Commission" means the City Planning Commission of Jacksonville, Arkansas. (Ord. 154 Sec. 10(part), 1964)

17.08.230 Planting screen easement

"Planting screen easement" means a grant by the sub-divider to the public of a strip of land along a property line for the sole purpose of planting and/or maintaining shrubs, plants or trees or the erection of a fence or wall. (Ord. 154 Sec. 10(part), 1964)

17.08.240 Preliminary plat

"Preliminary plat" means the preliminary or tentative plat, plan or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Commission for consideration and preliminary or conditional approval.
(Ord. 154 Sec. 10(part), 1964)

17.08.250 Sketch plat

"Sketch plat" means a plat of a proposed subdivision indicating, in general, the area to be subdivided, the street layout, lots and blocks and the general nature of improvements.
(Ord. 154 Sec. 10(part), 1964)

17.08.260 Street

"Street" means a public way from which the principal means of access to abutting property is obtained.
(Ord. 154 Sec. 10(part), 1964)

17.08.270 Subdivider

"Subdivider" means any persons partnership, company, or corporation desiring to create and/or creating a subdivision or lot-split as defined in these regulations.
(Ord. 154 Sec. 10(part), 1964)

17.08.280 Subdivision

"Subdivision" means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land subdi-

vided. (Ord. 154 Sec. 10(part), 1964)

17.08.290 Zoning ordinance

"Zoning ordinance" means the City of Jacksonville zoning ordinance. (Ord. 154 Sec. 10(part), 1964)

Chapter 17.12

PROCEDURE

Sections:

17.12.010 Subdivision plat - Generally.
17.12.020 Sketch plat.
17.12.025 Deposit for Incomplete Improvements.
17.12.030 Preliminary plat - Procedure and Requirements.
17.12.040 Preliminary plat - Review by County Planning Board.
17.12.050 Preliminary plat - Reservation of land for public facilities.
17.12.060 Preliminary plat - Planning Commission action plat approval.
17.12.070 Preliminary plat - Time requirement.
17.12.080 Preliminary plat - Distribution of copies.
17.12.090 Preliminary plat - Authorization to prepare final plat.

17.12.100 Preliminary plat - Completion of improvements.
17.12.110 Final plat - Materials to be submitted.
17.12.120 Final plat - Time requirement.
17.12.125 Deposit for Incomplete Improvements.
17.12.130 Final plat - Acceptance of public dedications.
17.12.140 Final plat - Submission time limitation.
17.12.150 Final plat - Approval for portion of subdivision.
17.12.160 Lot-split plat or replat - Approval by Planning Commission agent.
17.12.170 Lot-split plat or replat - Referral to Planning Commission.
17.12.180 Plat Reports.
17.12.190 Plat Reports - Flood Zone Designation.

17.12.010 Subdivision plat - Generally

To obtain approval of a proposed subdivision by the Planning Commission, the sub-divider shall prepare and submit to the Planning Commission a sketch plat, a preliminary plat and a final plat of the tract or parcel of land proposed to be subdivided.

(Ord. 154 Sec. 2.11, 1964)

17.12.020 Sketch plat

The sketch plat shall be presented to the City Engineer or the designated representative no less than Ten (10) days prior to the Planning Commission meeting at which consideration is requested. The date of submission of the Plat shall be entered thereon by the City. The sketch plat shall include requirements for submission of the Jacksonville Water Commission and Jacksonville Wastewater Commission acceptance and approval of said plans and systems prior to submission of the Final Plat to the Jacksonville Planning Commission, completion of all sidewalks and other improvements as required and/or a satisfactory bond or cash posted with the City of an amount equal to the construction costs of said improvements not completed before Commission approval, appropriate Storm Water Controls implemented to the Best Management Practices possible, and all other such improvement requirements as provided in applicable Codes herein. (Ord. 819 Sec. 1, (part), 1986, Ord. 1299 Sec. 1, 2006)

17.12.030 Preliminary plat - Procedure and Requirements

After the Planning Commission has approved the sketch plat, the property owner may proceed with preparation of the preliminary plat. The preliminary plat, proposed Bill of Assurances (and/or other such covenants), all other materials and information required to be presented with the preliminary plat (as identified by the preliminary plat checklist in JMC §17.16.010 and 17.16.020), and a completed preliminary plat checklist shall be presented to the City Engineer or the designated representative no less than Ten (10) days prior to the Planning Commission meeting at which

consideration is requested. Preliminary improvement plans may also be presented at that time. The date of submission of the Plat shall be entered thereon by the City. The preliminary plat shall include requirements for submission of the Jacksonville Water Commission and Jacksonville Wastewater Commission acceptance and approval of said plans and systems prior to submission of the Final Plat to the Jacksonville Planning Commission, completion of all sidewalks and other improvements as required and/or a satisfactory bond or cash posted with the City of an amount equal to the construction costs of said improvements not completed before Commission approval, appropriate Storm Water Controls implemented to the Best Management Practices possible, and all other such improvement requirements as provided in applicable Codes herein.

(Ord. 819, Sec. 1 (part) 1986; Ord. 1059, Sec. 1 (part) 1996; Ord. 1299 Sec. 2, 2006)

17.12.040 Preliminary plat - Review by County Planning Board

Before the Planning Commission may give conditional approval of a preliminary plat for a subdivision that is located in the unincorporated parts of the Jacksonville Planning Area, the Planning Commission shall submit a copy of the preliminary plat and all necessary supporting documents to the County Planning Board for its consideration and report. Such report shall be made to the Planning Commission within twenty days from the time it is received by the County Planning Board, unless further time is allowed by the Planning Commission. (Ord. 154 Sec. 2.132, 1964)

17.12.050 Preliminary plat - Reservation of land for public facilities

Prior to the conditional approval of the preliminary plat, the Planning Commission may require reservation of appropriate areas for school sites, parks, playgrounds or other public facilities shown on the comprehensive plan for a period of not more than ninety (90) days for the appropriate agency to exercise the option to purchase the reserved land. (Ord. 819 Sec. 1, (part) 1986)

17.12.060 Preliminary plat - Planning Commission action - Plat approval

When the Planning Commission finds that a preliminary plat, together with improvement plans, meets all the requirements of these regulations, it shall approve such plat by placing a stamp of preliminary plat approval upon the preliminary plat. The stamp of preliminary plat approval shall read: "This plat has been given preliminary plat approval only, and has not been approved for recording as a public record". Such stamp of approval shall bear the signatures of the Chairman of the Planning Commission and the City Engineer. Where the Planning Commission finds that a preliminary plat meets all of the requirements of these regulations, but improvement plans are not yet complete, it may approve such

plat subject to approval of the improvement plans by the City Engineer within sixty days following plat approval.
(Ord. 154 Sec. 2.134, 1964; Ord. 819 Sec. 1(part), 1986)

17.12.070 Preliminary Plat Time Requirement

The Planning Commission shall take action to approve, approve conditionally or disapprove a preliminary plat within seventy-five (75) days from the date of receipt of all pertinent information

required for filing thereof. If such action has not been taken, the preliminary plat shall automatically be brought before the Planning Commission for action at its next regularly scheduled meeting within said time frame so as not to unreasonable delay the property owner. (Ord. 154 Sec. 2.135, 1964; Ord. 1059 Sec. 1 (part) 1996)

17.12.080 Preliminary plat - Distribution of copies

Two copies of the approved or conditionally approved preliminary plat shall be filed in the office of the City Engineer and one copy shall be conveyed to the subdivider.
(Ord. 154 Sec. 2.136, 1964)

17.12.090 Preliminary plat - Authorization to prepare final plat

Receipt of an approved or conditionally approved copy of the preliminary plat together with an approved copy of the improvement plans, shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the final plat, the installation of improvements, and the staking out of lots and blocks. (Ord. 154 Sec. 2.137, 1964)

17.12.100 Preliminary plat - Completion of improvements

The subdivider, after conditional approval of the preliminary plat, shall complete all improvements required under these regulations. (Ord. 154 Sec. 2.138, 1964)

17.12.110 Final plat - Materials to be submitted

A Developer shall present the following materials to the City Engineer or the designated representative **no less than Ten (10) days** prior to the meeting at which consideration is requested. The date of submission of the Plat shall be entered thereon by the City.

1. As built specifications and as built prints in sufficient quantity of the sidewalks, streets, paving, curb and gutter, water, sanitary sewer, drainage plans, and any other such required improvements. The developer shall also submit letters of acceptance and approval of said plans and systems from the Jacksonville Water Department and Jacksonville Wastewater Department prior to submission of the Final Plat to the Jacksonville Planning Commission. The date of submission of the plat shall be entered thereon by the City. The City Engineer shall advise the Planning Commission of acceptable performance by the developer.

2. Improvements to the proposed final platted property

including but not limited to, sidewalks, drainage, water sanitary sewer, roadways, landscaping and other improvements as required and/or a satisfactory bond or cash posted with the City of an amount to the construction cost of said improvements not completed before Commission approval, appropriate storm water controls implemented to the best management practices possible, and all other such improvement requirements as provided in applicable Codes herein. Monies deposited shall be processed in the manner prescribed in JMC 17.12.125.

3. A set of Plans for all improvements required under specifications and these Regulations, with such plans to bear the written approval of the City Engineer; and,

4. Any proposed protective covenants (if applicable).
(Ord. 819 Sec. 1 (part), 1986; Ord. 1195 Sec. 1, 2003, Ord. 1299 Sec. 3, 2006)

17.12.120 Final Plat Time Requirement

The Planning Commission shall take action to approve, or deny a Final Plat within Sixty (60) days from its date of receipt. If not, said Final Plat shall automatically be placed on the next regularly scheduled Planning Commission agenda and addressed so as not to unreasonable delay any property owner.
(Ord. 154 Sec. 142, 1964; Ord. 1059, Sec. 1(part) 1996, Ord. 1299 Sec. 4, 2006)

17.12.125 Deposit for Incomplete Improvements

Whenever any improvement(s) required under applicable ordinances, regulations, or plans are not completed, funds in the from of cash or a surety bond shall be deposited with the City Clerk prior to or upon submission of the requested for Final Plat approval. Said funds shall be released and disposed of only upon the following conditions:

a. Completion by Developer of all required improvements within one (1) year of submission/approval of Final Plat; or
b. Expiration of one (1) year from approval of Final Plat.

In the event, Developer completes all required improvements, the funds deposited shall be returned to the Developer or no claim shall be made upon the bond. In the event the Developer fails to complete the improvements within the appropriate one (1) year time frame and no extension for such has been granted for good cause by the City Engineer, all funds shall be released and paid into the General Fund of the City of Jacksonville or the City shall make claim upon the bond for the costs of the remaining improvements. Said funds shall be utilized for completion of the appropriate

improvements under the directive of the City Engineer, with any remaining balance to be transferred into the City's General Funds to be used for general operating purposes. (Ord. 1195, 2003)

17.12.130 Final plat - Acceptance of public dedications

Before the final plat is recorded in the Office of the Circuit Clerk and ex officio recorder, the developer shall submit the plat to the City Council if the subdivision is located inside the city limits of Jacksonville, or to the County Judge if the subdivision is located outside the city limits, for it/his acceptance of public dedications. Until the public dedications and improvements have been accepted by the County Judge or the City Council, any plat shall not be eligible to be recorded.
(Ord. 154 Sec. 2.143, 1964)

17.12.140 Final plat - Submission Time Limitation

Submission for Final Plat approval shall occur within one (1) year of the date of Preliminary Plat Approval. If submission does not occur within said time frame, the Preliminary Plat shall be considered abandoned, unless the Planning Commission grants an extension of the time to the petitioning developer for good cause shown. Said extension may allow for waiver of additional filing fees, plat submission, or such other conditions, as the Commission deems appropriate. (Ord. 1048 Sec. (1)part, 1995)

The final plat shall be filed and recorded in the Office of the Circuit Clerk within sixty (60) days of approval by the Planning Commission. If not filed within said timeframe, said approval shall be considered void.
(Ord. 154 Sec. 2.144, 1964, Ord. 1299 Sec. 5, 2006; Ord. 1299 Sec. 5, 2006)

17.12.150 Final plat - Approval for portion of subdivision

If the Developer requests permission to develop only a portion of the property for which the preliminary plat was approved, the Planning Commission may grant approval of a final plat for said portion alone. (Ord. 154 Sec. 2.145, 1964)

17.12.160 Lot-split or replat - Approval by Planning Commission agent

The Planning Commission may empower the City Engineer or other city administrative officer to approve by endorsement on behalf of the Planning Commission, lot-split plats that meet all of the requirements for the lot-split plats as set forth in these regulations. Replats shall be handled in the same manner as an original plat with particular attention to utility location requirements and drainage to serve new lots.
(Ord. 458 Sec. 1(part), 1977; Ord. 154 Sec. 2.211, 1964)

17.12.170 Lot-split or replat - Referral to Planning Commission

Whenever a developer desires to create a lot-split or replat, he shall present the lot-split plat or replat to the designated agent of the Planning Commission. If the agent disapproves the lot-split or replat because the plat does not meet all the requirements set forth in these regulations for lot-split plat or replat, or if an adjoining property owner protests the lot-split plat or replat within five days after the plat has been presented, then the agent shall refer the lot-split plat or replat to the Planning Commission for consideration.
(Ord. 458 Sec. 1(part), 1977; Ord. 154 Sec. 2.212, 1964)

17.12.180 Plat reports

All lot-split plats or replats approved by the Planning Commission agent shall be reported to the Planning Commission at its next regularly scheduled meeting.
(Ord. 458 Sec. 1(part), 1977; Ord. 154 Sec. 2.213, 1964)

17.12.190 Plat Reports - Flood Zone Designation

Any lot submitted for approval before the Planning Commission located within a designated flood hazard area/zone shall carry a designation of "F" following the lot identification number/symbol.
(Ord. 1048 Sec. 1(part), 1995)

Chapter 17.16

PLAT REQUIREMENTS AND FEES

Sections:

17.16.010 **Plat information requirements.**
17.16.020 **Information submissions.**
17.16.030 **Fees.**

17.16.010 Plat information requirements

In the following table, whenever the letter "X" appears in a column headed by the name of a sketch plat, preliminary plat, final plat and lot-split plat or replat and opposite an item in the "Required Information" column, then the information set forth in the "Required Information" column shall be shown on such designated plat at the time said plat is presented to the City Engineer or other designated agent:

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIREMENTS**
x	x	x	x	**1.** Boundary and written legal description of the property in the proposed subdivision or lot-split/replat.
x	x	x	x	**2.** Names and addresses of the owner(s) and subdivider(s).
x	x	x		**3.** Names of surveyor, engineer or land planner who prepared the drawing.
	x			**4.** Name of engineer who prepared the plans and specifications for the improvements.
x	x	x	x	**5.** Names of adjacent subdivisions and owners of adjacent parcels of un-subdivided land.

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	REQUIREMENTS
x	x	x	x	**6.** Title, including name of subdivision and name of city, county and state.
x	x	x	x	**7.** Acreage in the proposed subdivision or lot-split/replat.
x	x		x	**8.** Location/name and dimension of all existing streets, alleys & utility easements bordering or abutting the proposed subdivision or lot-split/replat.
x	x	x	x	**9.** Date, map scale (written and graphic) and north arrow. Vicinity map with scale not less than one inch = two thousand feet.
x				**10.** General layout of the proposed lots blocks and streets.

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	REQUIREMENTS
	x			**11.** Ground elevation with contours at vertical intervals acceptable to the City Engineer Elevations marked on such contours shall be based on mean sea level, but not more than five feet.
x	x		x	**12.** Location of existing bodies of water, waterway courses, structures & other physical features relating thereto.
x	x	x	x	**13.** Any lot submitted for approval before the Planning Commission located within a designated flood hazard area/zone shall carry a designation of "F" following the lot identification number/symbol.
	x	x	x	**14.** Location and dimension of all proposed alleys and easements for public service or utilities.
	x	x		**15.** Location and description of any land to be dedicated or reserved for parks, schools churches or other public purposes.
	x	x		**16.** Lot and/or block numbers in a logical sequence.
	x	x	x	**17.** Dimensions in feet and hundredth parts thereof, bearings & curve data for all

				lot, block and street lines.
x	x	x	x	**18.** Location and description of all section line corners and government survey monument in or near the subdivision, to at least one of which the subdivision shall be referenced.
	x	x	x	**19.** Building setback lines with dimensions.
		x	x	**20.** Location and description of all subdivision monuments.
				21. deleted (Ord. 1048, 1995)
	x	x		**22.** The following certificates & references:
		x		**a.** Owner's certificate and dedication;
		x		**b.** Engineer's certificate of survey, signed and sealed;

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIREMENTS**
		x		**c.** Reference to any separate instruments filed of record which directly affect the land subdivided;
x	x	x	x	**d.** Certificate of Planning Commission approval;
		x		**e.** Certificate of City Council and/or county judge acceptance of easements & dedications;
	x			**f.** Any Covenants/Bills of Assurance set to run with any real property development within the City shall be provided to the Planning Commission at the time of submission of the Preliminary Plat.
	x			**23.** Appropriate zoning compliance prior to submission for Preliminary Plat approval.
		x		**24.** All improvements, streets, water, sewer,

sidewalks, and otherwise, installed, approved, and accepted prior to Final Plat approval.

(Ord. 1048 Sec. 1, 1995; Ord. 456 Sec. 1, 1977; Ord. 154 Sec. 3.12, 1964; Ord. 1299 Sec. 6, 2006)

17.16.020 Information submissions

In the following table, whenever the letter "X" appears in a column headed by the name of a sketch plat, preliminary plat, final plat and lot-split plat or replat and opposite an item in the "Required Information" column, then the information set forth in the "Required Information" column shall be shown on such plat at the time the plat is presented to the City Engineer or other designated agent:

Sketch Plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIRED INFORMATION**
x	x			**1.** Three blue-line prints of detailed water line plans, dimensions, and fire hydrant locations.

Sketch plat	Preliminary Plat	Final Plat	Lot-Split Plat or Replat	**REQUIRED INFORMATION**
x	x			**2.** Three blue-line prints of detailed engineering plans and profiles of sanitary sewers and storm drainage improvements.
x	x			**3.** Street sign and street light locations
x		x		**4.** State Health Department approval of the water supply and/or sewerage system if the requirement of the subdivision or lot split/replat is to be met by any other means than by connection to a water supply system or sewerage system operated by a

					governmental agency.
	x	x			**5.** Three blue-line prints of the plan and profile of each proposed street in the subdivision with grade indicated, drawn to a scale acceptable to the City Engineer, on standard plan and profile on sheets twenty four inches wide and thirty inches long. Profiles shall show accurately the profile of the street or alley along the street centerline.
	x	x			**6.** Three blue-line prints of the cross section of all proposed streets in the subdivision showing width of roadways and location of sidewalks. **(#7 & 8 deleted Ord 1048)**
	x	x	x		**9.** Twelve blue-line prints of any proposed plat drawn to a scale acceptable to and determined by the City Engineer.
	x	x			**10.** Three blue-line prints of the preliminary paving, drainage & sanitary sewer lines.
	x	x	x		**11.** Shall be included to require the following certificates (and language) on plat submissions to the Planning Commission
	x				**12.** Appropriate zoning compliance.
	x				**13.** Water & Wastewater Commission plan approval
		x			**14.** Water & Wastewater Commission acceptance and approval.
	x				**15.** Storm Water Drainage & Control Plan.
		x			**16.** Storm Water Drainage & Control Improvements

OWNER'S CERTIFICATION:

I (We), as owners(s) of record of the real estate shown and described herein, do hereby certify that I (we) hereby lay off, plat, and subdivide said real estate in accordance with the attached plat.

_____ _____

Owner Date

CERTIFICATE OF SURVEYING ACCURACY:

I hereby certify that this plat correctly represents a boundary survey made by me, and all monuments shown hereon actually

exist at the location and in the size, type, and material designated herein.

_____ _____

Owner Registered Land Surveyor No._____

CERTIFICATE OF ENGINEERING ACCURACY:

I hereby certify that this plat correctly represents a plat made by me or under my supervision, and that all engineering requirements of the Jacksonville Municipal Code have been met and/or exceeded.

_____ _____

Owner Professional Engineer No._____

CERTIFICATE OF FINAL PLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submittal of a final plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said code.

_____ _____

Date Jacksonville Planning Commission Chairman

Approved and Accepted by the Jacksonville City Council on this _____, _____, at _____o'clock __.m., has been recorded on this _____ day of _____, _____, in Plat Book _____ at Page _____.

_____ _____

Date Clerk

For Bill of Assurance - Deed Record Book _____at Page ____.

CERTIFICATE OF SKETCH PLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submission of a sketch plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Code.

_____ _____

Date Jacksonville Planning Commission Chairman

CERTIFICATE OF PRELIMINARY PLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submission of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Code.

This Certificate shall expire on _____.

_____ _____

Date Jacksonville Planning Commission

Chairman

CERTIFICATE OF LOT SPLIT/REPLAT APPROVAL:

All requirements of the Jacksonville Municipal Code relative to the preparation and submission of a lot split/replat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Code.

_____	_____
Date	Jacksonville Planning Commission Chairman

(Ord. 1048 Sec. 1(part), 1995; Ord. 456 Sec. 1(part), 1977; Ord. 154 Sec. 3.13, 1964, Ord. 1299 Sec. 6, 2006)

17.16.030 Fees

At the time of submitting **each** of the **respective plats** to the secretary of the Planning Commission or other designated agent, the following fees shall be payable to the **City Clerk:**

A. The plat fee shall be **ten dollars per lot**. **Minimum** fee of **two hundred dollars** for zero to twenty lot subdivision; **maximum** fee assessed - **five hundred dollars** for subdivisions with fifty or more lots. **The fee will be equally divided between preliminary and final plat submittal.**

B. The lot-split plat fee shall be fifty dollars.

C. The replat fee shall be fifty dollars.

(Ord. 456 Sec. l(part), 1977; Ord. 154 Sec. 3.2, 1964)

Chapter 17.20

DESIGN STANDARDS

Sections:

17.20.010 Suitability of land.
17.20.020 Streets - Relation to adjoining street system.
17.20.030 Streets - Alignment.
17.20.040 Street - Intersections.
17.20.050 Streets - Right-of-way widths.
17.20.060 Cul-de-sac and dead-end streets.
17.20.070 Access from the rear of through lots.
17.20.080 Alleys.
17.20.090 Blocks.
17.20.100 Lots.
17.20.110 Easements - Generally.
17.20.120 Easements - Watercourses.
17.20.130 Reservation of land for public purposes.
17.20.140 Conformance with official plans.
17.20.150 Subdivision and Street names.
17.20.160 Street names - Suffixes.
17.20.170 Street names - Change - Hearing.
17.20.180 Street names - Change - Determination.
17.20.190 Erosion Control Plan

17.20.010 Suitability of land

Land subject to flooding or topographically unsuitable for residential occupancy and which the Planning Commission considers unsuitable for subdividing shall not be platted for that use or any other use that may increase danger to health, life or property or aggravate erosion or flood hazard. If such land is in the proposed plat, this land shall be set aside for such uses as will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer and approved by the Planning Commission.
(Ord. 154 Sec. 4.1, 1964)

17.20.020 Streets - Relation to adjoining street system

Whenever practicable, there shall be a minimum of six hundred feet between intersections with a major thoroughfare.
(Ord. 154 Sec. 4.21, 1964)

17.20.030 Streets - Alignment

The radii of curvature shall not be less than four hundred feet on the centerline of major thoroughfares, two hundred feet for collector streets and forty-five feet for local streets.
(Ord. 154 Sec. 4.22, 1964)

17.20.040 Streets - Intersections

A. Angle of Intersection. In general, streets shall be laid out to intersect one another at right angles and a curve may be used in approaching an intersection to bring about this result. No street shall intersect another street at an angle of less than sixty degrees.

B. Street Jogs. Street jogs shall be avoided. There shall be a minimum of one hundred twenty-five feet between the center lines of street intersections. The Planning Commission may require that streets be connected by a curve or diagonal line in such manner that a smooth flow of traffic and the elimination of traffic hazards are assured.

(Ord. 154 Sec. 4.23, 1964)

17.20.050 Streets - Right-of-Way widths

A. Where an existing or proposed thoroughfare is shown in the City comprehensive plan, right-of-way widths shall be shown on said plan.

B. Cul-de-sac and loop streets which will intersect no other streets shall have a minimum right-of-way width of fifty feet.

C. All other streets shall have a minimum.- right-of-way width of fifty feet.

(Ord. 154 Sec. 4.24, 1964)

17.20.060 Cul-de-sac and dead-end streets

A. Length of a Cul-de-sac shall be determined by the topography of the area, with general lengths not to exceed seven hundred fifty feet (750') unless special circumstances warrant extension of said distance.

B. Cul-de-sacs and dead end streets shall terminate in a turnaround with a paved radius of not less than forty-seven and one-half feet (47.5') to the back of the curb, applicable to both residential and commercial development.

C. Stub Streets. In the case of dead-end streets which are stub streets designed to provide connections with adjoining un-subdivided areas, the Planning Commission may require:

1. A temporary easement for a turnaround of the nature mentioned above; or

2. A roadway at least twenty-six feet in width and not of excessive length to connect the temporary dead-end street with an existing street; or

3. An appropriate area for a back-around; or

4. The dedication of street right-of-way to be extended to the boundary of adjoining property in order to provide future street.

(Ord. 1048 Sec. 1(part), 1995; Ord. 154 Sec. 4.25, 1964)

17.20.070 Access from the rear of through lots

Where the Planning Commission deems it necessary to control access along a thoroughfare abutting on the rear lot lines of a single tier of lots, it may require the subdivider to dedicate the right of access to the thoroughfare from the rear of the lots. (Ord. 154 Sec. 4.26, 1964)

17.20.080 Alleys

A. **Width** - All alleys shall have a minimum width of twenty feet.

B. **Alignment** - Abrupt changes in alignment or dead-ends shall be avoided.

C. **Radii at Turns** - "T" or "L" shaped alleys shall have a radius of not less than ten feet at the point of intersection.

D. **Opening and Grading** – All alleys shall be opened and to a grade approved by the City or County Engineer.

(Ord. 154 Sec. 4.3, 1964)

17.20.090 Blocks

A. **Width** Blocks shall be two tiers of lots in width except where it is necessary to provide only one tier of lots in order to overcome unusual topography or other physical conditions. Where a single tier of lots is permitted, the Planning Commission may require a planting screen easement along the rear lot lines.

B. **Length** Blocks shall have a minimum length of three hundred feet and a maximum length of one thousand three hundred feet. Measurements shall be between property lines and not between street centerlines.

(Ord. 154 Sec. 4.4, 1964)

17.20.100 Lots

A. Lot dimensions and setback lines shall conform to the zoning ordinance and/or setback ordinance of the City.

B. Side lot lines shall be at right angles on radial to street lines.

C. In subdivisions where each lot is not to be served by a public water supply or sanitary sewers, each lot shall be of sufficient size to conform to the State Board of Health specifications and standards for septic tanks and/or individual water supply systems.

D. When a proposed subdivision involves lots of one-half acre or more in area, consideration shall be given to any

resubdividing that might take place, with proper provision being made for such street extension as may be necessary. (Ord. 154 Sec. 4.5, 1964)

17.20.110 Easements - Generally

Where alleys are not provided or may not be used for that purpose, easements of not less than eight feet on single lots and not less than a total of ten feet on lots back-to-back within any subdivision shall be provided at the rear or side of the lots for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains and lines or other such similar purposes. (Ord. 154 Sec. 4.61, 1964)

17.20.120 Easements - Watercourses

When a subdivision is traversed by a watercourse, channel, stream or creek, the subdivider shall provide an easement sufficient for maintenance. (Ord. 154 Sec. 4.62, 1964)

17.20.130 Reservation of land for public purposes

The Planning Commission may require the subdivider to reserve for public acquisition that land which is within the boundaries of the proposed subdivision that is indicated for public use on an officially adopted plan. Such reservation may extend over a period of not more than ninety days from the time the public body responsible for the acquisition of said land is notified of the developer's intent. Such notification of intent shall be deemed to have been given at the time of the submission of the preliminary plat. (Ord. 154 Sec. 4.72, 1964)

17.20.140 Conformance with official plans

All subdivision plats shall conform to all official plans currently in effect. (Ord. 154 Sec. 4.71, 1964)

17.20.150 Subdivision and Street names

No subdivision plat shall be accepted and approved which contains any street name or subdivision name that is confusingly similar to an existing street or subdivision name within the city limits. (Ord. 363 Sec. 1(part), 1975)

Partial phasing of phases of subdivision(s) and street name(s) for plat purposes will generally not be allowed, and no subdivision and/or street name shall be modified or changed after

final plat approval has been granted by the Planning Commission. Any such change or modification will require addition submission for approval by the Commission.
(Ord. 1048 Sec. 1(part), 1995)

17.20.160 Street names - Suffixes

A. Straight Streets

1. Streets that run east and west or within forty-five degrees of east and west and are more than two blocks in length shall be designated as "Street."

2. Streets that run north and south or within forty-five degrees of north and south and are more than two blocks in length shall be designated as "Drive."

3. Straight streets which are less than three blocks in length, regardless of which direction they run, shall be designated "Lane."

B. Curving Streets

1. All streets that have several curves or at least one sharp curve shall be designated "Road."

2. Streets not over one block long which are circular and which begin on one street and end on the same street or on another nearby street shall be designated "Circle."

C. Cul-de-Sac or Dead-end Streets

Streets which are not over one block long and which end in a cul-de-sac or in a dead-end shall be designated as "Court."

D. Continuous Streets

Continuous streets shall have the same name whether inside or outside the municipality.

E. Street Jogs

Streets that are actually the same street but which are interrupted by a jog of less than one hundred twenty feet between the centerline of the two streets shall be given the same name.
(Ord. 363 Sec. 1(part), 1975)

17.20.170 Street names - Change - Hearing

The Planning Commission shall have the authority, with the consent of the City Council to change the names of existing streets bearing the same name or confusingly similar names. Before changing any street name, fifteen days' public notice shall be given in a newspaper having a general circulation within the City that a

public hearing shall be conducted by the Planning Commission for such purpose, and said notice shall designate the date, time and place of said hearing and the streets affected by said hearing. (Ord. 363 Sec. 1(part), 1975)

17.20.180 Street names - Change - Determination

In order to change the name of any street, it must be determined that the public interest, convenience and necessity would best be served by such a name change. The Planning Commission shall consider the length, age and such other factors as may be pertinent in deciding on any street name change. Any such street name change determined by the Planning Commission shall be submitted to the City Council for final approval, and the failure or refusal of the City Council to approve any such street name change within ninety days of the decision of the Planning Commission shall constitute a nullification of the actions of the Planning Commission on such matters. (Ord. 363 Sec. 1(part), 1975)

17.20.190 Erosion Control Plan

Any Contractor, developer, landscaper, individual, or firm involved in excavating or filling operations must submit and adhere to an erosion control plan for approval by the City Engineer prior to the initiation of any such work. Erosion control shall be maintained throughout the length of any such project, and shall be subject to inspection and approval/disapproval by the City Engineer. Erosion control maintenance will be the responsibility of the project contractor/developer until turf is established. (Ord. 1048 Sec. 1(part), 1995)

Chapter 17.24

IMPROVEMENT REQUIREMENTS

Sections:

17.24.010	**Generally.**
17.24.020	**Streets - Requirements.**
17.24.030	**Streets - Installation.**
17.24.040	**Streets - Curb radii.**
17.24.050	**Streets - Pavement - Type.**
17.24.055	**Streets - Required Inspections.**
17.24.060	**Streets - Pavement - Plans on file where.**
17.24.090	**Street signs.**
17.24.100	**Storm drainage and flood plains.**
17.24.110	**Sanitary sewers.**
17.24.120	**Water lines.**
17.24.130	**Monuments.**

17.24.010 Generally

The subdivider is put on notice that within the subdivision he shall at his own expense pave all streets, install sidewalks, sanitary sewers, street signs and storm drainage improvements as required by these regulations. The City may either require installation of water lines, and/or install water lines at the developer's expense. (Ord. 154 Sec. 5.1, 1964)

17.24.020 Streets - Requirements

All roadways shall be paved with curbs and gutters installed according to the specifications enumerated in Sections 17.24.030 through 17.24.060. (Ord. 154 Sec. 5.21(part), l964)

17.24.030 Streets - Installation

A. Where a proposed development abuts an existing street or streets, in which development no lots are designed to front on or have vehicular access to such street or streets, the

developer shall not be responsible for further improvement of the existing street or streets.

B. Where a subdivision abuts an existing street that is designated by the Planning Commission as a major street, with lots platted therein to front on the existing street, or otherwise has lots with driveways opening into said existing street, the subdivider shall:

1. When the subdivision contains lots on both sides of said existing streets he shall install paving for the entire street with minimum widths as specified in the Master Street Plan, or escrow funds in cash money with the City in an amount sufficient to build City improvements.

2. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, in no case less than twenty-five feet measured from the centerline of the existing right-of-ways shall be provided, and he shall either:

a. Install paving for the entire street with curb and gutter in accordance with minimum widths, for the side abutting the development; or

b. Escrow funds in cash money with the City in an amount sufficient to build one-half of said street, according to width specifications and install curbs and gutters on the side of the street being developed.

3. The funds referred to in this section shall be used only for installation of street improvements on the said designated street.

C. Where a frontage road is required on a major street abutting a subdivision, the subdivider shall be required to install paving, including curbs and gutters, on the frontage road in accordance with City specifications.

D. Street widths for streets shall be in accordance with the following dimensions:

1. **Major or collector street** - 36 ft, back of curb to back of curb;

2. **Local street** - twenty-seven feet, back to back;

3. On all other streets, including local streets and multi-family residential areas commercial areas and industrial areas, the required width of paving shall be established by the Planning Commission.

E. **In no case will the developer be allowed to develop or improve one-half of a street.**

(Ord. 374 Sec. 1, 1976; Ord. 819 Sec. 1(part), 1986)

17.24.040 Streets - Curb radii

A. Street intersections involving major streets and highways shall have a minimum street corner radius of twenty feet at the curb line, or edge of pavement if there is no curb.

B. Radius of the curb in a cul-de-sac turnaround shall be not less than 47.5 feet from the back of the curb. Radius of the inner curb shall be such that the width of pavement from back of curb to back of curb shall not be less than thirty-seven feet.

C. Radii of curbs at street corners other than major streets and highways shall not be less than twenty-five (25') feet.

D. All street corner radii shall be shown on street improvement plans.

(Ord. 1048 Sec. 1(part), 1995; Ord. 819 Sec. 1 (part), 1986; Ord. 154 Sec. 5.21(c), 1964)

17.24.050 Streets - Pavement - Type

Street pavement standards shall be as follows:

A. Minimum Standards on Local and Collector Streets.

1. Portland cement concrete pavement five inches thick laid on a subgrade compacted to 90% Standard Proctor Density. Concrete is to be 3500 PSI, five sack mix: or

2. Asphaltic concrete (hot mix - hot laid) pavement two inches thick compacted wearing surface type 2 or 3 on a six-inch stabilized aggregate base course compacted to 100 percent modified proctor density with a six-inch subgrade compacted to a uniform density of 90 percent standard proctor.

The above asphaltic concrete streets shall have a Portland cement 24-inch integral curb and gutter.

B. Minimum Standards on Arterial Streets.

1. Portland cement concrete pavement eight inches thick laid on a subgrade compacted to 90 percent standard Proctor density. Concrete is to be 3500 PSI 5-sack mix; or

2. Asphaltic concrete (hot mix - hot laid) pavement two inches thick wearing surface type 2 or 3 on a ten-inch stabilized aggregate base course compacted to 100 percent modified proctor density with six inch uniformly compacted subgrade to 90 percent standard proctor density.

C. Substitution. Substitution of the above standards may be used in a ratio of one inch of hot mix base course - asphaltic concrete (HMAC) replacing two inches of SB-2 material.

D. Additional Standard. In instances where poor subgrade is encountered, the City Engineer may require additional structural thickness and/or approve other mechanical means of achieving a stabilized sub-grade.

(Ord. 455 Sec. 1, 1977; Ord. 154 Sec. 5.21 (d), 1964; Ord. 819 Sec. 1 (part), 1986)

17.24.055 Streets - Required Inspections

During the construction process of streets, the following inspections are required and are the responsibility of the owner to have these inspections made and approval received for all three inspections before acceptance of the streets can be made by the City of Jacksonville.

1. Inspection of the sub-grade before base course in installed.

2. Inspection of base course before asphalt is laid.

3. Inspection of asphalt.

These inspections must be made by the City Engineer or the Street Department Superintendent or their designated agent.

(Ord. 612 Sec. 1, 1980)

17.24.060 Streets - Pavements - Plans on file where

Detailed plans, specifications and mode of application shall be on file in the office of the City Engineer for inspection by or use by any persons concerned with such types of pavement.

(Ord. 154 Sec. 5.21 (part), l964)

17.24.90 Street signs

Street signs shall be installed according to the street sign specifications of the City. (Ord. 154 Sec. 5.4. 1964)

17.24.100 Storm drainage and floodplains

A. Generally. All land development shall be related to the surrounding drainage pattern with provisions made for proper storm drainage facilities.

B. Minimum Run-off. Minimum run-off shall be determined by the Rational Method or an equivalent engineering formula approved

by the City Engineer. The coefficient shall be a minimum of .6 or higher, and a minimum rainfall rate of four inches per hour. The City Engineer may increase these requirements where lives or properties are jeopardized by the minimum standards mentioned above.

C. Acceptance for maintenance. Lands, lakes, ponds, creeks and similar areas shall be accepted by the public for maintenance only if they are related to and may logically become a part of a recreational park, area or similar public use.

D. Water in Stub Streets and Cul-de-sac. In all instances, provisions shall be made for adequate storm drainage and drainage structures to prevent water from standing in the end of stub streets or cul-de-sac.

E. Diversion of Water from Natural Course. If storm water is to be diverted from its natural course, the construction plans shall induce:

1. A sketch showing the existing waterway and the location of the proposed channel change; and

2. A profile of existing water courses.

(Ord. 404 Sec. 1976; Ord. 154 Sec. 5.5, 1964)

17.24.110 Sanitary sewers

Sanitary sewers shall be installed to serve each lot in all subdivisions when connections are to be made immediately to a community disposal system or a public sewerage system. Where such connection to said system is not to be made immediately, plans shall be prepared for future development and installation of a sewerage system to serve each lot. Those parts of such system, which will be in the paved portion of streets and alleys, shall be installed before the area is paved. (Ord. 154 Sec. 5.6, 1964)

17.24.120 Water lines

Water lines shall be installed to serve each lot in all subdivisions. Where connection to a community water system or public water supply is not to be made immediately, plans shall be prepared for future installation of a water distribution system to serve each lot. These parts of such systems, which will be in the paved portion of streets and alleys, shall be installed before the area is paved. The developer shall also connect service lines to the water line and shall completely install the meter setter, meter box and shall make the service line wet before any building permits shall be issued. Any damages to said installation of utility apparatus shall be repaired and paid for by the party causing the damage.

(Ord. 391 Sec. 1, 1976; Ord. 346 Sec. 1, 1975; Ord. 154 Sec. 5.7, 1964)

17.24.130 Monuments

Concrete monuments, four inches in diameter or four inches square and thirty inches long with one-half-inch metal reinforcing rod running the length of the monument shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision. Metal rods, three-fourths inch in diameter and twenty-four inches long placed flush with the ground shall be placed at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision, and at all lot corners. In situations where conditions prohibit the placing of markers in the locations prescribed, offset markers will be permitted. The exact location of all markers shall be shown on the final plat together with accurate interior angles, bearings and distances. (Ord. 154 Sec. 5.8, 1964)

Chapter 17.28

VARIANCES AND EXCEPTIONS

Sections:

17.28.010 Conditions and methods for granting.

17.28.010 Conditions and methods for granting

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and County are protected and the general intent and spirit of these regulations are preserved. Such variances may be granted only by the affirmative vote of a majority of the Planning Commission members present. (Ord. 154 Sec. 6, 1964)

SUBDIVISIONS

Chapter 17.32

VIOLATION AND PENALTY

Sections:

17.32.010 Designated.

17.32.010 Designated

Any person, firm or corporation who violates the provisions of these regulations or fails to comply substantially therewith, or who violates or fails to comply substantially with any order or regulation made thereunder, or who builds in violation of any detailed statement or specification or plans submitted and approved thereunder on any certificate or permit issued thereunder is, for each and every violation or substantial noncompliance respectively, guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than two hundred fifty dollars and/or shall be imprisoned for ten to three hundred sixty days. Each and every day that such violation or substantial noncompliance exists is a separate offense.
(Ord. 154 Sec. 7, 1964)

Chapter 17.36

ENFORCEMENT

Sections:

17.36.010 Recording.
17.36.020 Buildings.
17.36.030 Utilities.
17.36.040 Streets.

17.36.010 Recording

No deed or other instrument of transfer for land located within the city limits or the unincorporated part of the Jacksonville Planning Area shall be accepted for record by the Circuit Clerk and ex-officio recorder unless:

A. Said deed or other instrument of transfer is to a lot or parcel platted and on file in the office of said recorder; or

B. Said deed or other instrument of transfer is accompanied with a plat approved by the Planning Commission; or

C. Said deed or other instrument of transfer conveys five or more square acres of land.

(Ord. 154 Sec. 9.1, 1964)

17.36.020 Buildings

The building inspector shall not issue building permits for any structure on any lot in a subdivision for which the plat has not been approved and recorded in the manner prescribed herein and further unless said building to be constructed fronts upon a lot on a street shown on an approved land subdivision plat or a street legally established by the City or on a formerly existing public street. (Ord. 611 Sec. 1, 1980)

17.36.030 Utilities

No utility, whether publicly or privately owned, shall provide, extend or authorize the extension of services to any lot, building, structure or location within Jacksonville or the unincorporated part of the Jacksonville Planning Area unless:

A. The lot, building or structure was established before the adoption of land subdivision rules and regulations; or

B. The plat of the location has been approved by the Planning Commission and filed and recorded in the office of the Circuit Clerk and ex-officio recorder; or

C. The plan for the proposed service by the utility has been approved by the Planning Commission as provided for herein.

(Ord. 154 Sec. 9.3, 1964)

17.36.040 Streets

The City is prohibited from accepting, improving, grading, paving or lighting any street and from laying or authorizing the laying of any water mains, sewers or other utilities in any street except an existing public street, a street shown on an approved land subdivision plat or a street legally established by the City. (Ord. 154 Sec. 9.4, 1964)

Chapter 17.40

AMENDMENTS AND APPEALS

Sections:

17.40.010 **Amendments - Statutory - authority.**
17.40.020 **Rules adoption.**
17.40.030 **Appeal Hearing.**

17.40.010 Amendments - Statutory authority

The City Council may amend these regulations in accordance with ACA 14-56-422-424. (Ord. 154 Sec. 8, 1964)

17.40.020 Rules adoption

The Planning Commission may adopt rules for the administration of these regulations to the extent that such rules are not in conflict with these regulations. (Ord. 154 Sec. 8.2, 1964)

17.40.030 Appeal - Hearing

In the event a subdivision plat is disapproved by the Planning Commission, the applicant may petition the City Council for a hearing upon said Planning Commission action. After said hearing the City Council upon a majority vote of the members may approve the subdivision or take other. (Ord. 154 Sec. 8.3, 1964)

Chapter 17.44

NON-RESIDENTIAL SUBDIVISIONS

Sections:

17.44.010	**General.**
17.44.020	**Right-of-Way and pavement width & thickness.**
17.44.030	**Street design.**
17.44.040	**Industrial.**
17.44.050	**Commercial.**
17.44.060	**Provisions of open drainage.**
17.44.070	**Internal circulation.**

17.44.010 General

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern of all proposed non-residential subdivisions are adapted to the uses anticipated and that the prospective physical impact on adjacent areas has been taken into account. The following general principles and standards shall be observed:

1. Commercial/office subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum forty foot buffer strip or a fence not less than six feet in height with a buffer of twenty-five feet. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant material natural to the

area shall be provided. No building or outside storage shall be constructed in the buffer area. Parking areas will be allowed in the last twenty feet of the buffer area. The six-foot fence shall be of wood, masonry, or metal construction and shall extend along the entire property line abutting the residential areas as specified above.

2. Industrial subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum fifty-foot buffer strip and a fence not less than six feet in height. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant material natural to the area shall be provided. No building or outside storage shall be constructed in the buffer area. No parking areas will be allowed in the first thirty feet of the buffer area. The six-foot fence shall be of wood, masonry, or metal construction and shall extend along the entire property line abutting the residential areas as specified above.

3. The Planning Commission shall require the subdivider to file a proposed subdivision-phasing plan providing for continuity of development and individual phases of reasonable proportions. Single lot final plats and plat, which create discontinuity within the development, may be prohibited by the Planning Commission.

4. The Planning Commission may at its option, impose special requirements with respect to public utilities, streets, gutters, and sidewalk design and construction to ensure compliance with the purpose and intent of these regulations.
(Ord. 638 Sec. 1(part), 1981)

17.44.020 Right-of-Way and Pavement Width & Thickness

Perimeter streets abutting a proposed commercial subdivision shall be developed in accordance with the Master Street Plan. Where an internalized system of public streets or private service easements is proposed for commercial subdivision, the following design standards shall be observed:

STREET TYPE	MIN. R-O-W Width	MIN. PAVING Width	PAVEMENT THICKNESS	BASE THICKNESS
Commercial St.	60 ft.	40 FT.	2"	8"
Minor Commer-				

cial Street (A cul-de-sac not more than 300 ft. long)	50 ft.	27 Ft.	2"	6"
Alley (when required)	20 ft.	17ft.	2"	6"
Industrial St.	60 ft.	36 ft.	3"	10"
Cul-de-sac Turnaround	130 ft. Diameter	100 ft. Diameter	see above	

However, no developer will be required to pave more than forty feet or reserve more than one hundred feet of right-of-way.
(Ord. 638 Sec. 1(part), 1981)

17.44.030 Street Design

In general, non-residential subdivisions shall conform to requirements of the Master Street Plan. The following street design standards shall be required for non-residential subdivisions:

1. Street Grades - The maximum allowable grade shall be nine percent on all streets within the subdivision or on a boundary street of a subdivision where there are lots having access from the boundary street.

2. Intersections - The property line radius at street or alley intersections shall be a minimum of fifty feet for industrial and thirty feet for commercial, and if the angle of street or alley intersections is less than ninety degrees, the Planning Commission may require a greater radius.

3. Curb Line - Street or alley intersections shall have at least thirty-foot radius on commercial property. Where the angle of street or alley intersections is less than ninety degrees, the Planning Commission may require both a greater radius, and intersection design sufficient to accommodate turning movements of WB-50 vehicles.

(Ord. 638 Sec. 1(part), 1981)

17.44.040 Industrial

Building Lines and Lot Coverage - Building lines and setback lines shall be a minimum of twenty-five feet from all industrial streets, property lines, and a minimum of seventy feet from all

arterial street property lines. The building lines shall be a minimum of twenty feet from all other property lines. One half of any adjacent permanent open space or easement retained by grantor for utility or other purposes or dedicated to the public shall be allowed as part of the required twenty feet building line requirements except that, in no case shall the total separation between buildings on adjacent tracts or lots be less than fifty feet. Building coverage shall not exceed fifty percent of the lot area. (Ord. 638 Sec. 1(part), 1981)

17.44.050 Commercial

Platted Building Line - Front yard building lines for commercial lots shall be at least thirty feet from the street right-of-way to ensure adequate space for landscaping, off-street parking, loading facilities, and internal vehicular movement. Where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a twenty feet front yard setback may be approved by the Planning Commission. Approval of the twenty feet commercial building line shall be permitted on all lots fronting on streets as defined in this ordinance and shall be contingent upon submission of both a site plan dimensioning the Landscaped area and a Bill of Assurance prohibiting use of the yard area for parking. Such landscaped areas may be traversed by not more than two driveways providing access to the sides and rear of the lot. Side yards for commercial property abutting other commercial property shall be fifteen feet.
(Ord. 638 Sec. 1(part), 1981)

17.44.060 Provisions of Open Drainage

The following improvements and requirements are alternatives in lieu of curb and gutter and underground drainage;

1. Pavement width for minor streets shall be a minimum of twenty-eight feet with six-foot paved shoulders. These shoulders shall be designed to meet at least seventy-five percent of the design requirements for the pavement. A double surface treatment may be used for these shoulders.

2. Open drainage ditches will be permitted at street rights-of-way or easements, provided they meet the following requirements:

a. The side slopes shall commence a minimum of four feet from the edge of the paved shoulders.

b. The side slope for both slopes of an earthen ditch shall be at a three to one or lesser slope. For concrete lined or ditches with riprap, a two to one slope is permissible with the approval of the Engineering Department.

c. The maximum high water ditch elevation shall be a minimum of six inches below the bottom of the base of the paved shoulder.

d. Street shoulder right-of-way width shall be a minimum of ten feet beyond the top of the back slope requirements.

e. Concrete head walls riprap and/or flume type structures as required by the Engineering Department shall be required for all underground facilities.

f. Bill of Assurance will require the adjoining property owners to mow and maintain the right-of-way and/or drainage easements adjacent to his property. Upon proper notice, if the property owner does not comply with the notice, the area may be mowed by the City, and the property owner billed as per the procedure on vacant lots within the City.

g. All required drainage ditches shall be designed for appropriate erosion control (such as sodding, ditch checks, riprap, ditch paving, or other accepted engineering practices).

h. In case of open drainage within the street right-of-way the widths shown on part B shall be increased by a minimum of six feet.

(Ord. 638 Sec. l(part), 1981)

17.44.070 Internal Circulation

Where any commercial subdivision has in excess of three hundred feet of frontage on an arterial street, special provisions for internal circulation shall be required to ensure proper in-with egress. Alternative design solutions which may be required by the Planning Commission depending upon the circumstances unique to each situation include provision of public commercial streets, service easements, curb cuts, or some combination thereof.

Service Easements - Where a non-residential subdivision

requires the creation of an internalized circulation system to provide access to multiple lots and building cities, the Planning Commission may, at its option, authorize the use of a service easement in lieu of public commercial streets. Requests for such variance shall be submitted in writing by the subdivider when the plat is submitted for preliminary approval and shall present justification for such action. Private service easements shall be built to public street standards except where, in the opinion of the staff and the Planning Commission, a reduced pavement width is deemed sufficient to ensure safe and convenient access to the lots and otherwise fully complies in all respects with the purpose and intent of this ordinance. Design of service easements shall be subject to the review and approval of the City Engineer.
(Ord. 638 Sec. 1(part), 1981)

TITLE 17 FOOTNOTES

1. For statutory provisions governing the planning and regulatory powers of the Planning Commission, see ACA 14-56-401 et seq.

2. For statutory provisions requiring compliance with Planning Commission subdivision regulations, see ACA 14-56-413 et seq.

3. For statutory provisions requiring Planning Commission approval as a condition precedent to filing plats with the county recorder, see ACA 14-56-417 (b)(3)(B).

4. For statutory provisions authorizing the Planning Commission to promulgate regulations governing subdivision development, see ACA 14-56-417 (b)(1)(B).

5. For statutory provisions allowing the minimum requirements regulations to, include installation of streets, sidewalks, water and sewer lines, etc., at the developer's expense, see ACA 14-56-417 (b)(1)(C).

6. For statutory provisions defining the penalty for violation of the planning ordinances and regulations, see ACA 14-56-421.

7. For statutory provisions empowering the Council to enjoin any individual or property owner who is in violation of a planning ordinance, see ACA 14-56-421.

8. For statutory provisions governing the amendment procedure for subdivision ordinances, see ACA 14-56-420; 14-56-1422 for provisions governing appeal to the circuit court, see ACA 14-56-425.

Title 18
ZONING

Chapter:

18.04	General Provisions
18.06	Comprehensive Development Use Plan
18.08	Definitions
18.12	Administration and Enforcement
18.16	Zoning Map
18.18	Panned Unit Developments
18.20	Agricultural District A-1
18.22	AHOD Affordable Housing Overlay District
18.23	Mixed Use Overlay District
18.24	Single-family Residential Districts R-0 and R-1
18.26	One Family District R-1A
18.28	Two-family Residential District R-2
18.32	Multifamily Residential District R-3
18.36	Zero Lotline Single Family District R-4
18.37	Modular Home District R-5
18.38	Manufactured Housing Subdivisions R-6
18.39	Manufactured Housing Parks R-7
18.40	Quiet Business District C-1
18.44	Shopping Center District C-2
18.48	Highway Commercial District C-3
18.52	General Commercial- District C-4
18.54	Alcohol Distributorships C-5
18.56	Light Industrial District M-1
18.60	Heavy Industrial District M-2
18.64	Flood Channel District F-1
18.66	AICUZ Air Installation Compatible Use Zone
18.68	Dimensional Requirements
18.72	Parking
18.76	Signs
18.80	Nonconforming Uses
18.82	Annexed Property
18.84	Exceptions
18.86	Accessory Buildings
18.88	Board of Adjustment
18.92	Amendment Procedure

Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010	**Short title**
18.04.020	**Reduction in lot area**
18.04.030	**Street access**
18.04.040	**Classification of streets**
18.04.050	**Interference with traffic signals**
18.04.060	**Yard requirements of accessory buildings**
18.04.070	**Common walls for accessory buildings**
18.04.080	**Attachment of accessory buildings to principal buildings**
18.04.090	**Distance between buildings**
18.04.100	**Vision clearance at corners**
18.04.110	**Frontage on corner lots and double frontage lots**
18.04.120	**Public utilities facilities location**
18.04.130	**Excavation or removal of soil**
18.04.140	**Unsightly or unsanitary storage**
18.04.150	**Conflict with other laws**
18.04.160	**Conditional Uses**

18.04.010 Short title

The ordinance codified herein, including zoning maps made a part hereof, shall be known as the "Official Zoning Ordinance of the City of Jacksonville, Arkansas" and may be so cited.
(Ord. 213 Sec. 102, 1969)

18.04.020 Reduction in lot area

No lot may be reduced in area below the minimum lot area as specified herein for the district within which said lot is located.
(Ord. 213 Sec. 501, 1969)

18.04.030 Street access

No building shall hereafter be constructed on a lot which does not have frontage on a publicly dedicated, accepted, and maintained street. (Ord. 213 Sec. 502, 1969)

18.04.040 Classification of streets

For the purposes of this title, all streets in the City are divided into three classes as follows:

A. Major streets;
B. Collector streets;
C. Minor streets.

(Ord. 213 Sec. 503, 1969)

18.04.050 Interference with traffic signals

In any district, no outdoor advertising sign or structure or tree or shrub shall protrude over any street so as to create confusion around or otherwise interfere with traffic signals.
(Ord. 213 Sec. 504, 1969)

18.04.060 Yard requirements of accessory buildings

Except as herein provides the minimum yard requirements also apply to accessory buildings. However, accessory buildings may be located to within five feet of a rear or side lot line. (Ord. 213 Sec. 505, 1969)

18.04.070 Common walls for accessory buildings

When accessory buildings for garage and incidental storage purposes are constructed simultaneously on two or more contiguous lots, there may be one or two walls shared in common between two or more buildings, provided that such wall or walls are centered over the common side or rear lot lines. (Ord. 213 Sec. 506, 1969)

18.04.080 Attachment of accessory buildings to principal buildings

When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is attached. (Ord. 213 Sec. 507, 1969)

18.04.090 Distance between buildings

Except as herein provided no accessory building shall be located closer than fifteen feet to a principal building or to any other accessory building. (Ord. 213 Sec. 508, 1969)

18.04.100 Vision clearance at corners

In any residential district no fence, wall, hedge or other structure or planting or other obstruction above a height of three feet shall be erected, placed or maintained within twenty feet of the intersection of the right-of-way lines of two streets or railroads or of a street intersection with a railroad right-of-way. (Ord. 213 Sec. 509, 1969)

18.04.110 Frontage on corner lots and double frontage lots

On lots having frontage on more than one street, the minimum front yard shall be provided for each street, in accordance with the provisions of the title. (Ord. 213 Sec. 510, 1969)

18.04.120 Public utilities facilities location

Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations and standpipes for public water supply may be located in any zone; provided however, the location of such facility shall be a conditional use project to the approval of the Planning Commission and City Council and the following requirements shall be complied with:

A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the above element is a part.

B. Any building or structure, except an enclosing fence, shall be set back at least fifty feet from any property line.

C. Such facilities shall he enclosed by a protective fence.
D. Open spaces on the premises shall be suitably landscaped and maintained.
E. The storage of vehicles and equipment on the premises shall be prohibited.
F. The surrounding area shall not be adversely affected by and shall be protected from noise, odor, glare, dust, fumes, gas, smoke and vibration by such suitable means and conditions as the City Council may specify.
(Ord. 213 Sec. 511, 1969)

18.04.130 Excavation or removal of soil

No person, firm or corporation shall strip, excavate or otherwise remove soil for sale or any other purpose without first obtaining a permit from the building inspector for such stripping, excavating or other means of removal. The building inspector shall issue the required permit only after being satisfied that the resulting change of grade in the affected area will not be against the best interests of the community. The provisions of this section shall not be construed to prohibit excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this title. (Ord. 213 Sec. 512, 1969)

18.04.140 Unsightly or unsanitary storage

No manure, rubbish, salvage materials or miscellaneous refuse may be stored in the open within any residential district when the same may be construed as a menace to public health or safety or may fairly be held to have a depressing influence upon property values in the neighborhood. Regular salvage and junkyards shall be adequately enclosed with a fence and a planting screen shall be required to hide the unsightly storage. Planting screens shall be viburnum michphilla, wax legustrum or similar thick growing plants. (Ord. 213 Sec. 513, 1969)

18.04.150 Conflict with other laws

In their interpretation and application, the provisions of the title shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern. (Ord. 213 Sec. 2601, 1969)

18.04.160 Conditional Uses

Any conditional usage of real property within the City Limits of Jacksonville shall be approved by the Planning Commission. Conditional usages shall be limited to those usages designated as

possible conditional uses in each zoning classification. Said approval authority and jurisdiction shall not in any manner intervene with the authority and jurisdiction granted the Board of Adjustment in addressing request(s) for variances of requirements as reflected by the chart contained in JMC § 18.68.050 (p. 304) or the provisions provided by JMC §§ 18.76.040, 18.76.050, and 18.88.040. (Ord. 1048 Sec. 1(part), 1995; Ord. 1059, Sec. 1 (part) 1996)

Chapter 18.06

COMPREHENSIVE DEVELOPMENT USE PLAN

Sections:

18.06.010 Comprehensive Development Use Plan
18.06.020 Land Use Plan

18.06.010 Comprehensive Development Use Plan

There is hereby adopted and implemented a Comprehensive Development Use Plan for the City of Jacksonville, as detailed and noted on the attachments hereto. All development within the City's planning jurisdiction shall adhere to and comply with the provisions and requirements contained in said plan unless specifically exempted by a majority vote of the Jacksonville Planning Commission or Jacksonville City Council. (Ord. 1226 Sec. 1, 2004; Ord. 1308 Sec. 1, 2007)

18.06.020 Land Use Plan

There is hereby amended the Land Use Plan for the City of Jacksonville, as detailed and noted on the attachments hereto. All development within the City's planning jurisdiction shall adhere to and comply with the provisions and requirements contained in said plan unless specifically exempted by a majority vote of the Jacksonville Planning Commission or Jacksonville City Council. (Ord. 1226 Sec. 2, 2004; Ord. 1308 Sec. 2, 2007)

Chapter 18.08

DEFINITIONS

Sections:

18.08.010	Generally
18.08.020	Accessory building
18.08.030	Accessory use
18.08.040	Advertising sign, outdoor
18.08.050	Advertising structure, outdoor
18.08.060	Alley
18.08.070	Apartment
18.08.080	Apartment house
18.08.090	Basement
18.08.100	Boarding house
18.08.110	Building
18.08.120	Building, alteration of
18.08.130	Building, front line of
18.08.140	Building, height of
18.08.150	Buildings, principal
18.08.160	Business
18.08.170	Carport
18.08.180	Cellar
18.08.190	Clinic
18.08.200	Club
18.08.210	Conforming use
18.08.220	Court
18.08.230	Curb break
18.08.240	Curb level
18.08.241	Day Care Facility
18.08.249	Dwelling (Dwelling Unit)
18.08.250	Dwelling, one-family sitebuilt
18.08.260	Dwelling, two-family sitebuilt
18.08.270	Dwelling, multiples sitebuilt
18.08.280	Family
18.08.290	Floor area
18.08.300	Frontage
18.O8.310	Garage, private
18.08.320	Garage, storage
18.08.330	Garage, public
18.08.340	Group houses
18.08.350	Home occupation
18.08.360	Hotel
18.08.370	House trailer
18.08.380	Junkyard
18.08.390	Lodging house
18.08.400	Lot, corner
18.08.410	Lot, interior
18.08.420	Lot lines
18.08.430	Lot of record
18.08.440	Lot, through

18.08.445 Manufactured Homes
18.08.450 Mobile Homes
18.08.455 Modular Homes
18.08.460 Motel
18.08.470 Nonconforming use
18.08.480 Nursery
18.08.490 Nursery school
18.08.500 Parking area, semi-public
18.08.510 Place
18.08.515 Permanent Foundation
18.08.520 Public utility
18.08.530 Public utility facility
18.08.540 Servants' quarters
18.08.550 Stable, private
18.08.560 Stable, public
18.08.570 Story
18.08.580 Story, half
18.08.590 Street
18.08.600 Structure
18.08.610 Tourist court
18.08.620 Tourist home
18.08.630 Trailer camp
18.08.640 Yard
18.08.650 Yard, front
18.08.660 Yard, rear
18.08.670 Yard, side

18.08.010 Generally

A. For the purpose of this title, certain terms, phrases, words and their derivatives are herewith defined as follows:

B. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. 213 Sec. 201(part), 1969)

18.08.020 Accessory building

"Accessory building" means a subordinate building or portion of a main building, the use of which is clearly incidental to that of the main building. (Ord. 213 Sec. 201(part), 1969)

18.08.030 Accessory use

"Accessory use" means a use subordinate in nature, extent or purpose to the principal use of a building or lot.

(Ord. 213 Sec. 201(part), 1969)

18.08.040 Advertising sign, outdoor

"Outdoor advertising sign" means a structural poster panel or painted sign, either freestanding or attached to the outside of a building for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located. (Ord. 213 Sec. 201(part), 1969)

18.08.050 Advertising structure, outdoor

"Outdoor advertising structure" means anything constructed or erected, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located. (Ord. 213 Sec. 201(part), 1969)

18.08.060 Alley

"Alley" means a way which affords only a secondary means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.070 Apartment

"Apartment" means a portion of a residential building used as a separate housekeeping unit. (Ord. 213 Sec. 201(part), 1969)

18.08.080 Apartment house

For a definition of "apartment house," see Sec. 18.04.270. (Ord. 213 Sec. 201(part), 1969)

18.08.090 Basement

"Basement" means a story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.
(Ord. 213 Sec. 201(part), 1969)

18.08.100 Boardinghouse

"Boardinghouse" means a building other than a hotel where lodging and meals for five or more persons are served for compensation. (Ord. 213 Sec. 201(part), 1969)

18.08.110 Building

"Building" means a structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.
(Ord. 213 Sec. 201(part), 1969)

18.08.120 Building, alteration of

"Alteration of a building" means any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building or movement of a building from one location to another.
(Ord. 213 Sec. 201(part), 1969)

18.08.130 Building, front line of

"Front line of a building" means a line parallel to the street, intersecting the foremost point of the building, excluding steps. (Ord. 213 Sec. 201(part), 1969)

18.08.140 Building, height of

"Height of a building" means the vertical distance measured from the curb level to the highest point of the roof surface, if a flat root, to the deck line of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel rod; provided however, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building. (Ord. 213 Sec. 201((part), 1969)

18.08.150 Building, principal

"Principal building" means a building in which is conducted the main use of the lot on which said building is located.
(Ord. 213 Sec. 201(part), 1969)

18.08.160 Business

"Business" includes the commercial, light industrial and heavy industrial uses and districts as herein defined.
(Ord. 213 Sec. 201(part), 1969)

18.08.170 Carport

For a definition of "carport" see Sec. 18.08.310.
(Ord. 213 Sec. 201(part), 1969)

18.08.180 Cellar

"Cellar" means a story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.
(Ord. 213 Sec. 201(part), 1969)

18.08.190 Clinic

"Clinic" means a building used by a group of doctors for the medical examination or treatment of persons on an out-patient or non-boarding basis only. (Ord. 213 Sec. 201(part), 1969)

18.08.200 Club

"Club" means a building owned, leased or hired by a nonprofit association consisting of bona fide dues paying members, the use of said building being restricted to said members and their guests for charitable, educational or social purposes.
(Ord. 213 Sec. 201(part), 1969)

18.08.210 Conforming use

"Conforming use" means any *lawful* use of a building or lot, which complies, with the provisions of this title.
(Ord. 213 Sec. 201(part), 1969)

18.08.220 Court

"Court" means an open, unoccupied space other than a yard, on the same lot with a building and which is bounded on two or more sides by the building. (Ord. 213 Sec. 201(part), 1969)

18.08.230 Curb break

"Curb break" means any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
(Ord. 213 Sec. 201(part), 1969)

18.08.240 Curb level

"Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb or its equivalent of; the purpose of this title. (Ord. 213 Sec. 201(part), 1969)

18.08.241 Day Care Facility

Any building, lot, or portion thereof used for the care, custody, education, nurturing, and training of children and adults on a daily basis. (Ord. 1045 Sec. 2, 1995)

18.08.249 Dwelling (Dwelling Unit)

Any room or group of rooms, including those contained in manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one (1) family. (Ord. 1149 Sec. 1, 2001)

18.08.250 Dwelling, one-family sitebuilt

"One-family sitebuilt dwelling" means a detached sitebuilt building designed, arranged or used for or occupied exclusively by one family.
(Ord. 213 Sec. 201(part), 1969: Ord. 699 Sec. 1, 1983)

18.08.260 Dwelling, two-family sitebuilt

"Two-family sitebuilt dwelling" means a sitebuilt building designed, arranged or used or occupied exclusively by two families, living independently of each other.
(Ord. 213 Sec. 201(part), 1969: Ord. 699 Sec. 1, 1983)

18.08.270 Dwelling, multiple sitebuilt

"Multiple sitebuilt dwelling" means a sitebuilt building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments and apartment motels.
(Ord. 213 Sec. 201(part), 1969: Ord. 699, Sec. 1, 1983)

18.08.280 Family

"Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, hotel, club, fraternity or sorority house. (Ord. 213 Sec. 201(part), 1969)

18.08.290 Floor area

"Floor area" means the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, meaning from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanine, cellars, basements and similar areas devoted to such uses.
(Ord. 213 Sec. 201(part), 1969)

18.08.300 Frontage

"Frontage" means all the property abutting an one side of a street between two intersecting streets, measured along the street line. (Ord. 213 Sec. 201(part), 1969)

18.08.310 Garage, private

"Private garage" means an accessory building or portion of a principal building used for vehicular storage only and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the occupants of the principal building. The term includes carport and, when related to the contents shall relate to the storage of one or more vehicles.
(Ord. 213 Sec. 201(part), 1969)

18.08.320 Garage, storage

"Storage garage" means a building or portion thereof other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles. (Ord. 213 Sec. 201(part), 1969)

18.08.330 Garage, public

"Public garage" means a building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale. This includes premises commonly known as filling stations or service stations. (Ord. 213 Sec. 201(part), 1969)

18.08.340 Group houses

"Group houses" means a group of detached or semi-detached dwellings facing upon a place as herein defined.
(Ord. 213 Sec. 201(part), 1969)

18.08.350 Home occupation

"Home occupation" means an occupation or profession customarily carried on by the occupant of a dwelling as a secondary use, which is clearly incidental to the use of the dwelling for residential purposes. Home occupations include, in general, education or personal services such as furnished by a tutor, seamstresses etc., when performed by persons occupying the building as a residence.
(Ord. 213 Sec. 201(part), 1969)

18.08.360 Hotel

"Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than fifteen sleeping rooms usually occupied singly and with no provision made for cooking in any individual room or apartment. (Ord. 213 Sec. 201(part), 1969)

18.08.370 House trailer

"House trailer" means a non-self-propelled vehicle containing living or sleeping accommodations, which is designed and used for highway travel. (Ord. 213 Sec. 201(part), 1969)

18.08.380 Junkyard

"Junkyard" means an open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
(Ord. 213 Sec. 201(part), 1969)

18.08.390 Lodging house

"Lodging house" means a building, other than a hotel, where lodging for five or more persons is provided for compensation.
(Ord. 213 Sec. 201, 1969)

18.08.400 Lot, corner

"Corner lot" means a lot situated at the junction of two or more streets. (Ord. 213 Sec. 201(part), 1969)

18.08.410 Lot, interior

"Interior lot" means a lot other than a corner lot.
(Ord. 213 Sec. 201(part), 1969)

18.08.420 Lot lines

"Lot lines" means the lines bounding a lot as defined herein.
(Ord. 213 Sec. 201, 1969)

18.08.430 Lot of record

"Lot of record" means a lot which is part of a subdivision, the map of which has been recorded in the office the Chancery Clerk of Pulaski County. (Ord. 213 Sec. 201(part), 1969)

18.08.440 Lot, through

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 213 Sec. 201(part), 1969)

18.08.445 Manufactured Homes

Manufactured Homes: A structure transportable in two (2) or more sections, which, in traveling mode, are twelve feet (12’) or more in width and/or forty feet (40’) or more in length or, when erected on site, has a minimum of Nine Hundred Sixty interior square feet (960SF). Said structure shall be built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation after being connected to the required utilities so as to operate the plumbing, heating, air conditioning, and/or electrical systems contained therein. This shall include those structure(s) which meet all requirements of this paragraph and of which the manufacturer voluntarily files a certification as required by the Secretary of the Department of Housing and Urban Development, meets the requirements of the National Manufactured Home Association Construction Code, and complies with all applicable federal construction standards. (Ord. 1149 Sec. 1, 2001) A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the H.U.D. construction code. Manufactured homes are further divided into 3 categories. They are:

Single Section Manufactured Home - This home looks for all practical purposes like the pre-1976 mobile home in its shape and configuration. The difference is that it is built to the H.U.D. code assuring a better quality construction. The single sectioned manufactured house is assembled on its own steel structural frame, which can become its permanent foundation and is pulled to the site as one unit.

Multi-Section Manufactured Home - A home built, usually, in two sections that looks for all aesthetic purposes like a site built house. It's pitched roof and siding are of materials customarily used for site constructed homes. The multi-section manufactured home is assembled on its own steel structural frame, which can become its permanent foundation and is pulled to its site in two, three or more sections.

Modular Home (Manufactured) – see **Sec. 18.18.455**
(Ord. 699 Sec. 2, 1983; Ord. 1049 Sec. 1, 2001)

18.08.450 Mobile Home

Mobile Homes: A structure transportable in one (1) section built as a dwelling unit in a factory or plant prior to June 15, 1976, the effective date for the Federal Manufactured Housing Construction Safety Standards Act of 1974, that may or may not comply with the construction provisions of said Act. A mobile home commonly consist of a single section either Twelve feet (12’) or Fourteen feet (14’) in width and exceeds Three hundred twenty square feet (320 SF) interior minimum space. It is designed to be used as a residential dwelling. (Ord. 1149 Sec. 1, 2001)

Its roofing or siding are not of materials customarily used for site constructed homes and is, traditionally, the most common type seen. (It is rectangular, flat-roofed, and metal sided.)
(Ord. 699 Sec. 1, 1983)

18.08.455 Modular Homes

A multi-section dwelling unit constructed partially in a factory setting and partially on-site. Construction of such a swelling is in compliance with Housing and Urban Development guidelines, Federal Housing Administration guidelines, the Southern Building Code, and local housing codes. The structure is placed upon a permanent site-built foundation and, once construction is complete, will have little to no difference in appearance to site-built homes. (Ord. 1149 Sec. 1, 2001)

18.08.460 Motel

For a definition of "motel," see Section 18.08.610.
(Ord. 213 Sec. 201(part), 1969)

18.08.470 Nonconforming use

"Nonconforming use" means any use of a building or lot, which does not comply, with the provisions of this title.
(Ord. 213 Sec. 201(part), 1969)

18.08.480 Nursery

"Nursery" means any building or lot or portion thereof used for the cultivations or growing of plants and including all accessory buildings. (Ord. 213 Sec. 201(part), 1969)

18.08.490 Nursery school

"Nursery school" means any building used routinely for, the daytime care or education of preschool age children and including all accessory buildings and play areas.
(Ord. 213 Sec. 201(part), 1969)

18.08.500 Parking areas semi-public

"Semi-public parking area" means an open area other than a street, alley or place, used for temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers. (Ord. 213 Sec. 201(part), 1969)

18.08.510 Place

"Place" means an open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.515 Permanent Foundation

A foundation consisting of a solid perimeter wall constructed of masonry materials (concrete, concrete blocks, etc.) with concrete footings (pre-cast or poured-in-place) that extends below the frost line. (Ord. 1149, Sec. 1, 2001)

18.08.520 Public utility

"Public utility" means any person, firm or corporation regulated by a city or state regulatory authority, or a governmental agency furnishing water, sewer, electric, gas, telephone, steam and other similar utility services to or for the public.
(Ord. 213 Sec. 201(part), 1969)

18.08.530 Public utility facility

"Public utility facility" means buildings, structures, materials and property owned or operated by any public utility and used for furnishing any utility service.
(Ord. 213 Sec. 201(part), 1969)

18.08.540 Servants' quarters

"Servants' quarters" means an accessory building located on the same lot or grounds with the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
(Ord. 213 Sec. 201(part), 1969)

18.08.550 Stable, private

"Private stable" means a separate accessory building with a capacity for not more than one horse for each three thousand square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and not kept for remuneration, hire or sale.
(Ord. 213 Sec. 201(part), 1969)

18.08.560 Stables public

"Public stable" means a stable other than a private stable. (Ord. 213 Sec. 201(part), 1969)

18.08.570 Story

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. (Ord. 213 Sec. 201(part), 1969)

18.08.580 Story, half

"Half story" means a story under a gables hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story.
(Ord. 213 Sec. 201(part), 1969)

18.08.590 Street

"Street" means a public or private thoroughfare which affords principal means of access to abutting property.
(Ord. 213 Sec. 201(part), 1969)

18.08.600 Structure

"Structure" means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
(Ord. 213 Sec. 201(part), 1969)

18.08.610 Tourist court

"Tourist court" means a group of attached or detached buildings containing individual sleeping or living units for overnight guests, with garage attached or parking facilities conveniently located to each unit. The term includes motel when related to the context specified herein. (Ord. 213 Sec. 201(part), 1969)

18.08.620 Tourist home

"Tourist home" means a dwelling in which overnight sleeping accommodations are provided or offered for not more than five transient guests for compensation.
(Ord. 213 Sec. 201(part), 1969)

18.08.630 Trailer camp

"Trailer camp" means any lot on which are parked two or more trailers, or one or more trailers for a longer period of time than forty-eight hours. (Ord. 213 Sec. 201(part), 1969)

18.08.640 Yard

"Yard" means an open space other than a court, on the same lot with the building, unoccupied and obstructed from the ground upward except as otherwise provided herein.
(Ord. 213 Sec. 201(part), 1969)

18.08.650 Yard, front

"Front yard" means a yard extending across the front of the lot between the inner side yard lines and measured between:

A. The front line of the lot and front line of the building; and

B. The front line of the lot and the nearest line of any open porch or paved terrace.

(Ord. 213 Sec. 201(part), 1969)

18.08.660 Yard, rear

"Rear yard" means a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. (Ord. 213 Sec. 201(part), 1969)

18.08.670 Yard, side

"Side yard" means a yard between the building and the side line of the lot and extending from the front to the rear yard.

(Ord. 213 Sec. 201(part), 1969)

Chapter 18.12

ADMINISTRATION AND ENFORCEMENT

Sections:

18.12.010	**Use of building - conformance with district regulations required**
18.12.020	**Building height - conformance with district regulations required**
18.12.030	**Lot area - conformance with district regulations required**
18.12.040	**Yard or open space - Conformance with district regulations required**
18.12.050	**Number of buildings on lots**
18.12.060	**Enforcing Officer**
18.12.070	**Building permit - Required**
18.12.080	**Building permit - Applications - Plat to accompany**
18.12.090	**Building permit - Period of validity**
18.12.100	**Building permit - Certificate of Occupancy required**
18.12.110	**Certificate of occupancy - Required - Application**
18.12.120	**Certificate of occupancy - Required - When**
18.12.130	**Certificate of occupancy - Statement of provisions compliance**
18.12.140	**Certificate of occupancy - Building permits - Record of issuance**
18.12.150	**Certificate of occupancy - Fee**
18.12.160	**Certificate of occupancy - Conditions for issuance.**
18.12.170	**Penalties**
18.12.180	**Remedies**

18.12.010 Use of building - Conformance with district regulations required

Except as hereinafter provided, no building or other structure shall hereafter be erected, reconstructed or structurally altered nor shall any building or other structure or land be used hereafter for any purpose other than is permitted in the district in which such building or other structure or land is located.
(Ord. 213 Sec. 301, 1969)

18.12.020 Building height - Conformance with district regulations required

Except as hereinafter provided, no building or other structure shall hereafter be erected, reconstructed, or structurally altered to exceed the height or bulk limit herein established for the district in which such building or other structure is located.
(Ord. 213 Sec. 302, 1969)

18.12.030 Lot area - Conformance with district regulations required

Except as hereinafter provided, no lot area shall hereinafter be so reduced or diminished that the yards or other open spaces are smaller than described by this title and no building shall he occupied by more families than prescribed for such building, structure or premises for the district in which it is located. (Ord. 213 Sec. 303, 1969)

18.12.040 Yards or open space - Conformance with district regulations required

Except as hereinafter provided, no yard or other open space provided about any building or other structure for the purpose of cooperating with the provisions of these regulations shall be considered as providing a yard or open space for any other building or structure; provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building or other structure is to be erected. (Ord. 213 Sec. 304, 1969)

18.12.050 Number of buildings on lots

Every building or other structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one building or other structure on one lot, except as hereinafter provided. (Ord. 213 Sec. 305, 1969)

18.12.060 Enforcing officer

The building inspector of the City is authorized and directed to enforce all the provisions of this title and for such purpose, he shall have the powers of a police officer. His duties shall include inspecting premises and issuing building permits and certificates of occupancy for buildings and uses that meet the requirements of this title. (Ord. 213 Sec. 2301, 1969)

18.12.070 Building permit - Required

It is unlawful to commence the excavation or filling of any lot for any construction of any building or to begin construction of any building, or to commence the moving or alteration of any building, or to commence the development of land for a use not requiring a building, until the building inspector has issued a building permit for such work. (Ord. 213 Sec. 2302, 1969)

18.12.080 Building permit - Applications - Plat to accompany

All applications for building permits - shall be accompanied by a plat in duplicate of a dimensioned sketch or to-scale plan signed by the owner or his authorized agent, showing the actual dimensions of the lot to be built upon, the location and size of the building or structure to be erected, the location of adjoining or surrounding buildings or structures and such other information as may be required by the building inspector which is necessary to provide for the enforcement of this title. (Ord. 213 Sec. 2302(part), 1969)

18.12.090 Building permit - Period of validity

Any building permit issued shall become invalid unless the work authorized by it has commenced within six months of its date of issue, or if work authorized by it is suspended or abandoned, for a period of one year. (Ord. 213 Sec. 2302, 1969)

18.12.100 Building permit - Certificate of occupancy required

No building permit or permit for excavation for any building shall be issued before application has been made for certificate of occupancy. (Ord. 213 Sec. 2302(part), 1969)

18.12.110 Certificate of occupancy - Required - Application

No vacant land shall be occupied or used, except for agricultural purposes, and no buildings hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy has been issued within three days after the application has been made, provided conformity with the provisions of this title. (Ord. 213 Sec. 2303(part), 1969)

18.12.120 Certificate of occupancy - Required - When

A certificate of occupancy is required in advance of occupancy or use of:

A. A change of type of occupancy or use of any building or land;

B. Each nonconforming use created by the passage of and subsequent amendments to the ordinance codified in this chapter.

(Ord. 213 Sec. 2303(part), 1969)

18.12.130 Certificate of occupancy - Statement of provisions compliance

A certificate of occupancy shall state that the buildings or proposed use of a building or land complies with all the buildings and health laws and ordinances and with the provisions of this title. (Ord. 213 Sec. 2303(part), 1969)

18.12.140 Certificate of occupancy - Building permits – Record of issuance

It shall be the duty of the building inspector to keep a record of all building permits and certificates of occupancy issued, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved. (Ord. 213 Sec. 2303(part), 1969)

18.12.150 Certificate of occupancy - Fee

No fee shall be charged for a certificate of occupancy. (Ord. 213 Sec. 2303(part), 1969)

18.12.160 Certificate of occupancy - Conditions for issuance

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this title, or unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued. (Ord. 213 Sec. 2303(part), 1969)

18.12.170 Penalties

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be arrested and brought before the court of appropriate jurisdiction and upon conviction be punished by a fine of not more than twenty-five dollars maximum allowed by the City per offense or by imprisonment for not more than thirty days for each violation. Each day's failure to comply with the provisions of this title constitutes a separate violation. Continuing offenses shall be punishable by a fine of not more than fifteen dollars for each day of such violation.
(Ord. 213 Sec. 2304, 1969)

18.12.180 Remedies

In the event any building is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or land is used in violation of this titles the building inspector or any other appropriate city authority or any person who would be damaged by such violation, in addition to the remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land. (Ord. 213 Sec. 2305, 1969)

Chapter 18.16

ZONING MAP

Sections:

18.16.010 Zoning Districts - Established
18.16.020 Zoning Map
18.16.030 Districts - Boundaries

18.16.010 Districts - Established

In order to regulate and restrict the location and use of buildings, structures and land for residential, commercial, industrial or other purposes, and the location of buildings and other structures erected or altered for specified uses, and to regulate and limit the height and bulk of buildings and other structures hereafter erected or altered, and to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the city is divided into districts of which there shall be thirteen, known as:

A-1	Agricultural District - agricultural
R-0	One-Family sitebuilt District - residential
R-1	One-Family sitebuilt District - residential
R-1A	One-Family sitebuilt District - residential
R-2	Two-Family sitebuilt District - residential
R-3	Multi-Family sitebuilt District - residential
R-4	Zero Lotline One-Family sitebuilt District
R-5	Modular Home District
R-6	Manufactured Home Subdivision
R-7	Manufactured Home Park
C-1	Quiet Business District - commercial
C-2	Shopping Center District - commercial
C-3	Highway Commercial District - commercial
C-4	General Commercial District - commercial
M-1	Light Industrial District - industrial
M-2	Heavy Industrial District - industrial
F-1	Flood District - conservation.

(Ord. 454 Sec. 1(part), 1977; Ord. 453 Sec. 1(part), 1977; Ord. 213 Sec. 601, 1969; Ord. 699 Sec. 3, 1983; Ord. 1149 Sec. 2, 2001)

18.16.020 Zoning Map

The districts above and the boundaries of such districts are shown upon the zoning map, which is made a part of this title, being designated as the official zoning map, and said map and all the notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth on said map were all fully described herein, except as hereinafter provided.
(Ord. 238 Sec. 1, 1971; Ord. 213 Sec. 602, 1969)

Various conditional uses as designated in this Ordinance shall be proper uses within the designated zones as noted on the Zoning Map of the City of Jacksonville. (Ord. 1111 Sec. 1-A, 1998)

Also, See Ord. 1149 Sec. 2, 2001

18.16.030 Districts - Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, which is made a part of this title, the following rules shall apply:

A. The district boundaries are the streets or alleys unless otherwise shown, and where the districts designated on the map, which is made a part of this title, are bound approximately by streets or alley lines, said street or alley shall be construed to be the boundary of such district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map which is made a part of this title are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map. Where district lines are fixed by dimensions, individual owners of lots split by such district lines will be permitted a tolerance of twenty-five feet in the use of said lots.

C. Unless otherwise clearly defined by streets, alleys, lots, drainage courses or other definite means, the district boundary lines on the map accompanying and made a part of this title shall be determined by use of the scale contained on such map.

(Ord. 213 Sec. 603, 1969)

Chapter 18.18

PLANNED UNIT DEVELOPMENTS

Sections:

18.18.010 Purpose
18.18.020 Standards
18.18.030 Application and Process
18.18.040 Permitted Uses
18.18.050 Design Regulations
18.18.060 Review Process
18.18.070 Council Approval
18.18.080 Amendments

18.18.010 Purpose

It shall be the purpose of a Planned Unit Development (PUD) zone to promote encouragement, flexibility, and innovation in design of medium to large scale developments and the development of vacant, in-fill parcels in developed portions of the City. A Planned Unit Development (PUD) is a description that provides wider latitude and flexibility of design and uses to achieve the goals stated above, acting as a combination of zoning designation and site plan. Such a designation shall deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate compatibility with surrounding land uses and neighborhood characteristics, and provide greater efficiency in the layout, property uses, and provisions of roads, utilities, and other infrastructure. However, use of a PUD designation may not be used solely as a method of avoidance of more restrictive zoning regulations and provisions.
(Ordinance. 1400 Sec. 1, 2010)

18.18.020 Standards

A) Compliance with the City's Comprehensive Development Use and Land Use Plans.
Any Planned Unit Development (PUD) must meet the spirit and intent of the City's approved Comprehensive Development Use and Land Use Plans. Significant departure of such must be preceded by a request to amend one (1) and/or both Plans;

B) Ownership. The site of the Planned Unit Development must be under single ownership of an entity, individual, or group;

C) Compatibility. The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon any surrounding properties. This will require factual determination(s) that the PUD meets the Review Standards identified herein;

D) **Need.** The Planning Commission shall consider a Planned Unit Development proposal only after determination that, at a minimum, one (1) of the following threshold criteria is met:

1) The PUD will allow the development of an in-fill parcel in a developed portion of the City that could not be made productive under normal zoning regulations;
2) The PUD would further the City's goal of providing housing for all economic segments of the City and its Planning Area;
3) The PUD involves a parcel in which flexibility would allow high quality or innovative urban design not possible under existing zoning regulations;
4) The PUD would aid in the elimination of blight within the City and its Planning Area; and/or,
5) The PUD design results in a minimum of Twenty Percent (20%) of the total development being reserved as permanent open space.

E) **Size.** There will be no minimum size requirement for a PUD submittal. However, the Planning Commission shall consider requests for PUD developments on sites less than One (1) acre only in cases where a clear public interest is addressed and where the proposal meets a specific requirement of the Comprehensive Development Use and/or Land Use Plans;

F) **Concurrency.** The Planning Commission shall consider a PUD request only after determining that adequate public and private utilities are available to the site or can be extended to provide such (after approval) at Applicant's expense; and/or,

G) **Site Plan.** Submission of a detailed Site Plan satisfying the requirements herein will precede consideration of any PUD proposal. If approved, property development must follow the approved Site Plan *exactly*. Failure in this respect will result in automatic reversion of the property to its previous zoning classification.

(Ordinance. 1400 Sec. 2, 2010)

18.18.030 Application and Process

Any Applicant for a PUD permit shall be the owner(s) of the property or the party designated to act as agent for said owner(s). The Applicant shall:

A) Pre-Application Conference. Each prospective Applicant shall confer with the City's Engineering staff in connection with the preparation of the application prior to the formal submission of such. A determination shall be made at that time if the proposed PUD would generally meet the standards outlined herein, with but not limited to, the following information and data considered:

1) Boundaries of the property;
2) Existing easements and covenants affecting the property;
3) Physical characteristics such as drainage, topography, vegetation, and existing structures affecting the property;
4) Development characteristics such as surrounding land uses, existing streets and rights of way, and availability of utilities; and,
5) Elements of the proposed Plan layout such as land uses, open spaces, community facilities, densities, traffic flow, and estimated impact on traffic and adjacent land uses.

B) Sketch Plat Submission. Each prospective Applicant may also elect, though not required, to present a Sketch Plat of the proposed PUD to the Planning Commission for review, thoughts, and/or approval. Submission of a PUD Sketch Plat is strictly to receive comments, suggestions, and thoughts regarding potential issues, problems, or deficiencies. Any Applicant understands and agrees that concurrence with the proposed Sketch Plat by the Planning Commission does not imply approval in any way of the Site Plan(s) submission.

C) Site Plan Submission. No less than Thirty (30) days prior to the Planning Commission meeting at which a proposed Planned Unit Development is to be reviewed, Applicant shall submit the proposed Site Plan to City Engineering Staff. Any such submission shall include, but not be limited to, the following:

1) Site Plan drawn to scale, with survey information prepared and provided by a Professional Surveyor (P.S.) and drainage and utility calculations provided and prepared by a Professional Engineer (P.E.). The stamps of said professionals responsible for the various elements shall be affixed on the drawing;
2) Building footprints for the individual buildings, structures, and improvements to be included in the PUD;
3) Topographic contours at Two foot (2') intervals;
4) All easements, existing and/or proposed;
5) All ingress/egress access, alleys, and drives, parking lots, and any streets or rights of way proposed to be dedicated;

6) Landscaping proposals in concurrence with JMC § 16.20;
7) Open space and community facilities, if any, proposed as part of the PUD;
8) Location of all existing and proposed private and public utilities;
9) Name(s) of the owner(s) of the proposed project and their agent(s), if applicable;
10) Zoning classifications of the proposed PUD, the affected acreage(s), and zoning classifications of adjoining/adjacent property(ies); and,
11) Site improvement drawings as necessary to support proposals outlined in the Site Plan.

(Ordinance. 1400 Sec. 3, 2010)

18.18.040 Permitted Uses

The PUD submission will include a listing of the proposed land uses and the specific amounts of land devoted or affected by each zoning classification(s) or land uses proposed. No other land uses will be allowed unless the property under consideration is rezoned through the appropriate process by the City Council as authorized under Arkansas law.

(Ordinance. 1400 Sec. 4, 2010)

18.18.050 Design Regulations

A. Lot Size and Density. While no minimum district sizes are established, PUD developments cannot exceed density development limitations as outlined under the existing zoning provisions of this Code. In no circumstance shall there be more than Eight (8) residential units per acre unless said development includes multi-family, multi-story housing, at which time a final determination will be made for density of development given factors such as, but not limited to, site analysis, topography, drainage issues and requirements, the amount, location, and proposed use of common open space in the PUD, the physical characteristics of the site, the location, design, usage, and type of housing unit(s), and provisions for buffering and/or green space(s) surrounding or included in the planned development. In commercial and industrial PUDs, density limitations not specifically provided under the City’s zoning provisions shall be determined by the Planning Commission by a review of the above factors in relation to the proposed PUD.

In no circumstances shall there be a variance provided to allow for density development in excess of Ten Percent (10%) of that amount authorized under applicable zoning provisions;

B. Property Owners' Association. A PUD developer shall submit a set of covenants running with the land that provide for an automatic membership in the Property Owners' Association, which will be incorporated as a non-profit organization and shall operate under recorded land agreements designed and intended to exist in perpetuity, through which each property owner in the proposed PUD is automatically subject to a charge for an appropriate proportionate share of the expenses to maintain the common property, open spaces, and/or other activities of the PUD's Association. Once established, the covenants shall continue and remain in force during the entire existence of the PUD;

C. Open Space Reservation. Land not used by building(s), improvement(s), accessory structure(s), and yard(s) but are part of the PUD shall be maintained as Open Space for the purpose of providing park(s), recreational facilities, sidewalk(s), and conservation of visually pleasing elements of the property's natural environment. Prior to the sale of any lot(s), site(s), home(s), or other structure(s), a performance guarantee of sufficient surety as determined by the City shall be posted with the City for completion of said Open Space improvement(s) not yet completed. The Site Plan shall clearly depict the amount of land to be maintained as permanent Open Space;

D. Responsibility for Open Space(s). Nothing in this Ordinance shall be construed as assigning or assuming any responsibility or liability on the part of the City for maintenance of any private Open Space(s), park(s), or recreational facility(ies) within a PUD. A Hold Harmless Clause shall be incorporated in the covenants running with the land to this effect. It shall be further provided, however, that when owner(s) of a PUD desire to dedicate certain land(s) to the City for public parks and recreational facilities and the City accepts such dedicated area(s), the City shall be responsible for the operation and maintenance of said land(s) and improvement(s) so accepted thereon;

E. Common Open Spaces. The size, shape, dimension, and location of the common Open Space(s) shall be considered by the Planning Commission with consideration being given to the size and extent of the proposed PUD and the physical characteristics of the land being developed. Consideration should also be given in providing park(s), recreational facility(ies), and both active and passive, and pedestrian walkway;

Common Open Space(s) shall be guaranteed by a restrictive covenant, describing the Open Space, all applicable restrictions, together with its maintenance and improvement responsibility(ies), all of which shall run with the land for the benefit of the residents of the PUD. Upon filing the final Site Plan, legal documents that will produce such guarantees and covenants will be filed of record with the Pulaski County Circuit Clerk's Office, Real Estate Division, and a file marked copy provided to the City Engineers' office;

F. Preservation and Landscape Plans. In order to minimize the disturbance of the natural environment, a general preservation plan and Landscape Plan shall be required at the time of filing of a Preliminary Plat for the PUD. Said Plan(s) shall show the specific type, size, and nature of the preservation area, the landscaping plans for the specific PUD, and the Planning Commission shall review said Preservation and Landscape Plans in conjunction with review of the Site Plan.

The preservation of the natural amenities within the PUD, including topography, trees, ground cover, natural bodies of water, and other significant natural features, shall be given due consideration in the overall development. Existing trees shall be preserved wherever possible, location of trees shall be considered when planning the common Open Space of the PUD, and location of building(s), improvement(s), and underground services, walks, paved areas, playground(s), parking area(s), finished grade level(s), and all other applicable provisions of the Landscape Development Code *(JMC § 16.20)* shall also be addressed and satisfied. Excessive site clearance of topsoil, trees, and natural features before the commencement of building operations shall be discouraged by the Planning Commission, and all Applicant(s) shall provide evidence to Staff and the Commission as to how these objectives will be met;

G. Transportation. The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor street(s) within the PUD shall not be connected to streets outside the PUD in such a way as to encourage their use by through traffic;

H. Land Subdivision. In the construction and installation of all subdivision improvements in the PUD, said improvements shall conform to all requirements and standards as set forth in the City's subdivision regulations *(JMC § 17, et.al.)* unless exception to the requirements is recommended and approved by the Planning Commission.

If the owner(s) in the future should request that any private street(s) be changed to City street(s), said owner(s) shall bear the full expense of reconstruction or any other modification necessary to bring said street(s) into full compliance applicable to City public streets prior to any such dedication and acceptance. The owner(s) shall also agree that these street(s) shall be dedicated to public use without compensation to the owner(s); and,

I. Supercession. Provisions contained herein do not supersede any state or federal code or regulation, including the Arkansas Fire Code, and the Planning Commission nor the Board of Adjustment is empowered to grant any variance or waiver of such state or federal code or regulation unless specifically empowered to do so in applicable enabling legislation.

(Ordinance. 1400 Sec. 5, 2010)

18.18.060 Review Process

The Planning Commission shall review the proposed PUD after proper submission of all required documents and timely review of such by and through the City Engineering Staff. In reviewing any such submitted proposal, the Planning Commission shall determine that the PUD will, at a minimum, meet One (1) or more of the following:

A. Provide public benefit(s) that would not otherwise be achievable through compliance with applicable normal zoning regulations;
B. Be consistent with the City's Comprehensive Development and Land Use Plans and begin development within the agreed upon timeframe;
C. Not endanger the public health, safety, welfare, and/or benefit;
D. Be of such a character and contain such use(s) that are needed within both the community and the area of the proposed project;
E. Shall not interfere with existing traffic flow in the vicinity and will not lower the level of traffic service(s) on any adjacent street(s);
F. Traffic generation characteristics of proposed PUD use(s) shall be similar to those of use(s) currently existing in the affected area;
G. Shall not represent such a departure in design and intensity of use as to adversely impact the value of adjacent and nearby property(ies); and,
H. Allow the building(s) and improvement(s) within the proposed PUD to maintain similar size and density characteristics as those currently existing in the affected area(s).

(Ordinance. 1400 Sec. 6, 2010)

18.18.070 Council Approval

A. Planned Unit Developments represent zoning districts and shall follow the same amendment procedures as other such zoning districts. PUDs are to be utilized as a "floating zone", to serve areas that will not be pre-designated as planned development districts but rather that each such designation shall result from a specific and separate application for such potential use(s) and amendment(s). Unless otherwise stated in this Code, development standard(s) and land use(s) presented herein or to be amended with the application of such a development shall, if approved, become the standards for the subject property(ies) and shall become a part of the zoning regulations, the Comprehensive Development Plan, and the Land Use Plan; and,

B. All further development of the property(ies) shall conform to the standards adopted for the particular site, regardless of any change in ownership. Approval of the PUD shall run with the land and shall apply to successor owner(s). Any proposed changes to the approved standards shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth in the applicable Code provisions.

(Ordinance. 1400 Sec. 7, 2010)

18.18.080 Amendments

Once Planning Commission and City Council approval have been provided, City Staff may approve minor revisions to the Site Plan if:

A. No proposed change(s) are made to either the ingress/egress of the PUD;
B. Any such change(s) to internal traffic arteries do not alter the overall traffic patterns, street(s) size, or functional classification of said street(s);
C. No new street(s), public or private, are proposed for use or dedication;
D. Overall residential/commercial density is not increased;
E. Overall drainage patterns are not significantly altered;
F. No additional loads are placed on municipal utility service(s);
G. Retail and Commercial Office space is/are not increased by more than Five Percent (5%); and,
H. No Open Space is dedicated for public maintenance.

If disagreement about the administration of the above or if Staff is unsure of the extent of authority granted, Staff shall submit the proposed revisions to the Planning Commission for consideration.

(Ordinance. 1400 Sec. 8, 2010)

Chapter 18.20

AGRICULTURAL DISTRICT A-1

Sections:

18.20.010 Permitted uses
18.20.020 Conditional uses
18.20.040 Dimensional Requirements

18.20.010 Permitted uses

Permitted uses in the A-1 district are:

Single-family residence
General farming
Truck farming
Animal raising
Community facilities
Public building
Schools
Churches
Commercial recreation.

(Ord. 213 Sec. 701, 1969)

18.20.020 Conditional uses

Conditional uses in the A-1 district are:

Public utilities.
Day Care facility.

(Ord. 213 Sec. 702, 1969; Ord. 1045 Sec. 2, 1995)

18.20.020 Conditional uses

For dimensional requirements for the A-1 zoning district, please see Jacksonville Municipal Code § 18.68.050, Chart No. 1

(Ord. 1299 Sec. 8, 2006)

Chapter 18.22

AHOD AFFORDABLE OVERLAY DISTRICT FOR AFFORDABLE HOUSING

Sections:

18.22.010 Applicability and Definitions
18.22.020 Purpose and creation of an Affordable Housing Overlay District (AHOD)
18.22.030 Population and Development Density
18.22.040 Building and Construction Provisions
18.22.050 Conditional, Permissible, Prohibitive, and Restrictive Uses
18.22.060 Enforcement
18.22.070 Penalties

18.22.010 Applicability and Definitions

A. Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this Ordinance shall apply to the future development and use of all real property lying within areas of the City of Jacksonville which meet three or more of the following conditions:

1. No prevalent pattern exists in the design or type of housing located within the specific area in question;
2. No significant inconsistency exists in the monetary value of housing within the area;
3. The number of available habitable houses in the specified area has/have deteriorated to the point that redevelopment of all or part of a neighborhood and/or specific area will best serve the health, safety and welfare of the citizens of Jacksonville;
4. A significant portion of the houses in the specified area are/were deficient in original construction/current condition to the point that redevelopment will best serve the health, safety and welfare of the citizens of Jacksonville; and/or;
5. There has been little to no development/investment in new housing within the specified area.

B. Conditional Uses - All uses of property allowed upon review and approval by the Planning Commission/Board of Adjustment. Applications for conditional uses shall be made in accordance with the provisions of JMC §§ 18.04.160, and shall take into consideration the necessity of said conditional use, the length of time said conditional use will be necessary, and all other appropriate factors surrounding such a proposed use of said real property.

Remains in Existence - In the event a structure is damaged, lost, or destroyed by controlled means, fire, natural disaster, or act(s) of GOD, the use of said property shall be deemed to have remained in existence when the principal purpose and use of said property is not altered by the modifications/reconstruction of said structure(s).

(Ord. 1110, 1998)

18.22.020 Purpose and Creation of an Affordable Housing Overlay District (AHOD)

The purpose of this Ordinance shall be to:

A. enhance the development of affordable housing within the City of Jacksonville;

B. create an Overlay District (OD) within the classifications and designations of zoning provisions within the Jacksonville Municipal Code;

C. provide for the health, safety, and welfare of the citizens through enactment and enforcement of ordinances and regulations in compliance with Arkansas law and the Affordable Housing Overlay District (AHOD) study for the City of Jacksonville, Arkansas;
D. address public concerns created by violations of the OD provisions; and,
E. preserve and enhance economic value of the property within the OD.

(Ord. 1110, 1998)

18.22.030 Population and Development Density

Construction and/or development of residential housing in the affected areas of the AHOD shall provide for greater accessibility to single-family dwellings for members of the Jacksonville community through enhanced use of manufactured, modular, land pre-fabricated housing units for real property that lie(s) within the AHOD.

Future use of properties within the AHOD shall be reviewed for population density concerns to insure the provisions of the Jacksonville Municipal Code and Planning Commission guidelines are addressed as they apply to use provisions as outlined herein.
(Ord. 1110, 1998)

18.22.040 Building and Construction Provisions

Construction and/or rehabilitation of any housing facility shall comply with the provision, guidelines, and directives of the current edition of the Southern Building Code, the Jacksonville Municipal Code, and as outlined in the Jacksonville Planning Commission's regulations regarding construction and use of properties within the AHOD. (Ord. 1110, 1998)

18.22.050 Conditional, Permissible, Prohibitive, and Restrictive Uses

The following conditions, permissible uses, prohibitions, and restrictions shall apply to the future uses of any and all real properties encompassed by the Jacksonville City Limits:

a. Manufactured housing dwellings shall be multi-sectional;
b. Modular housing units shall meet or exceed all existing provisions of the Jacksonville Municipal Code;
c. All dwellings shall be orientated in a manner consistent with the majority of residential units on properties within the immediate area of the property in question;
d. All roofs shall be sloped and similar to existing homes in the area;
e. Manufactured housing dwellings shall be set up and anchored in accordance with the regulations set forth by the Arkansas Manufactured Home Commission;
f. All housing units shall have a continuous masonry foundation underpinning approved by Jacksonville Code Enforcement personnel.

e. The manufactured or modular home shall be the principal structure on the property in question;

h. Each dwelling unit that lies within the AHOD shall have a paved parking area/driveway capable of storing a minimum of two (2) vehicles when possible, with a minimum of Twenty feet (20') width by Forty feet (40') length.

i. The Jacksonville Planning Commission is empowered to promulgate and publish regulations and guidelines to enhance and further explain the provision of this Ordinance. Upon doing so, a copy of said regulations shall be maintained for the public's benefit in the Jacksonville City Clerk's Office, City Engineer's Office, and/or the Code Enforcement Office. (Ord. 1110, 1998)

18.22.060 Enforcement

The provisions of the terms of this Ordinance shall be enforced by Jacksonville Code Enforcement official(s). Enforcement shall follow the outline and scope of Code Enforcement official(s) under the provisions of this Code and State law, with all citations issued under the provisions of this Ordinance addressed in the Jacksonville Municipal Court. (Ord. 1110, 1998)

18.22.070 Penalties

In the event a property owner(s) agent(s), or lessee(s) pleads or is found guilty/nolo contendre of a violation of the terms of this Ordinance, the violator shall be assessed a fine of no less than Twenty-five Dollars ($25.00)_ and court cost for a first offense, no less than Fifty Dollars ($50.00) and court cost for a second offense, and no less than One Hundred Dollars ($100.00) and court cost for a third or subsequent offense(s). Each day a condition prohibited by the terms of this Ordinance.
(Ord. 1110, 1998)

Chapter 18.23

MIXED USE OVERLAY DISTRICT

Sections:

18.23.010 Applicability and Definitions
18.23.020 Purpose
18.23.030 Population and Development Density
18.23.040 Building and Construction Provisions
18.23.050 Conditional, Permissible, Prohibitive
18.23.060 Enforcement and Penalties

18.23.010 Applicability and Definitions

Unless otherwise restricted by applicable laws, legislative action, ordinances, or regulations, the provisions of this Ordinance shall apply to future development and use of all real property lying within the area designated and as more particularly described below: Beginning at the SW corner of the intersection of the East Main Street right-of-way and the Oak Street right-of-way; thence northeast along the south right-of-way line of East Main Street to the northwest right-of-way line of Union Pacific Railroad; thence southwesterly along said right-of-way line to the centerline of Division Street; thence northwesterly along Division Street to the centerline of South Second Street; thence northeasterly along the centerline of South Second Street to the centerline of Mulberry Street; thence west along Mulberry Street to the center line of Warren Street; thence south along Warren Street to the centerline of Lenora Street; thence west along Lenora Street to the centerline of Dupree Drive; thence southeasterly along Dupree Drive to the centerline of Louise Street; thence west along the centerline of Louise Street to South James; thence continue west along the north line of the South ½ of NW ¼ of Section 30, T-3-N, R-10-W, 1466.85'; thence north 798.87'; thence east 490.88' to the west right-of-way line of Hospital Drive; thence north along said right-of-way line to the south line of West Main Street; thence west along the south line of West Main Street to the centerline of Crestview Drive; thence north along the centerline of Crestview Drive to the centerline of Vine Street; thence east along the centerline of Vine Street to the centerline of James Street; thence south along the centerline of James Street to the centerline of Poplar Street; thence east along the centerline of Poplar Street to the east right-of-way of State Highway 161; thence south along the east right-of-way to the centerline of Center Street; thence southeasterly along Center Street to the centerline of Graham Road; thence east along Graham Road to the southeast right-of-way of Elm Street; thence southwest along the southeast right-of-way of Elm Street to the southwest right-of-way of East Main Street; thence northwest along the southwest right-of-way of East Main Street to the southwest corner of Oak Street and East Main Street and the point of beginning.

(General Description: That real property along and within two (2) blocks north and south of Main Street from Sharp Street to Elm Street, Jacksonville, Arkansas) (Ord. 1224 Sec. 1, 2004)

18.23.020 Purpose

The Mixed Use Overlay District (MUOD) is hereby created for the purpose of:

a) Enhancing the development of a revitalization of Main Street;
b) Creation of an Overlay District applicable to the classifications and designations of zoning provision within this Code;

c) Address public concerns created by violations of the MUOD; and,
d) Enhance and preserve economic value and community development within the MUOD.

(Ord. 1224 Sec. 1, 2004)

18.23.030 Population and Development Density

Construction and/or development of a mixture of residential housing and commercial areas within the Mixed Use Overlay District shall provide a greater accessibility to affordable housing and closer proximity to business for those who desire and/or need such housing arrangements. It shall promote ownership of real estate opportunities for small business owners, who can now join business and housing costs within the same property to more efficiently use their assets, and will serve to enhance revitalization of the downtown area.

Future use of properties within the MUOD shall be reviewed for population and business density concerns to insure compliance with concerns and provisions of the Jacksonville Municipal Code, the Building Code, and Arkansas law. (Ord. 1224 Sec. 1, 2004)

18.23.040 Building and Construction Provisions

Construction and/or rehabilitation of any business or housing facility or structure shall comply with all applicable provisions, guidelines, and directives of the current edition of the International Building Code, Jacksonville Municipal Code, and the Planning Commission. (Ord. 1224 Sec. 1, 2004)

18.23.050 Conditional, Permissible, Prohibitive, and Restrictive Uses

The following conditions, permissible uses, prohibitions, and restrictions shall apply:

a) Business locations will be primarily located on ground level of any structure, and residential properties will primarily be located above or between commercial establishments;
b) All construction shall meet or exceed provisions of the Jacksonville Municipal Code;
c) All residential properties shall be oriented in a manner consistent with the majority of residential and commercial properties within the immediate area;
d) Parking shall be provided for residential properties in the following manner and ratio: One and one-half (1.5) parking spaces per residence; and,
e) Parking shall be provided for commercial properties in the following manner and ratio: One (1) parking space for every Two Hundred Square Feet (200 SF) of office/retail space.

(Ord. 1224 Sec. 1, 2004)

18.23.060 Enforcement and Penalties

a) Enforcement:

Terms and conditions of this Ordinance shall be enforced by Jacksonville Code Enforcement Office in a progressive manner. Notification of violations and/or non-compliance shall be in writing and provide the recipient with specific reference(s) to provisions violated. Continued and/or additional violation(s) should result in citation(s) issued to the responsible party(ies), to include but not be limited to the property owner, property manager, agent and/or tenant. Citations shall be presented to and adjudicated in the Jacksonville District Court.

b) Penalties:

In the event a property owner, property manager, agent, and/or tenant pleads or is found guilty of a violation of the terms of this Ordinance, the violator(s) shall be assessed a fine of no less than Twenty-five Dollars ($25.00) and no more than Five Hundred Dollars ($500.00), together with applicable costs, for any such offense. Each day that conditions in violation of the terms of this Ordinance exist shall constitute a separate offense.

(Ord. 1224 Sec. 1, 2004)

Chapter 18.24

SINGLE FAMILY RESIDENTIAL, DISTRICTS R-0 AND R-1

Sections:

18.24.010 Purpose for establishment
18.24.020 Permitted uses
18.24.030 Conditional uses (R-1)
18.24.040 Dimensional requirements
18.24.050 Parking requirements
18.24.060 Signs

18.24.010 Purpose for establishment

The R-0 and R-1 districts are established to permit the developing of single-family site built detached dwellings and certain community facilities in a suitable environment of low density development and to protect and maintain existing low density single-family development.

(Ord. 213 Art. VIII(part), 1969; Ord. 699 Sec. 4, 1983)

18.24.020 Permitted uses

The permitted uses in the R-0 and R-1 districts are:

Single-family, site-built dwellings, including any business occupation conducted entirely within a dwelling and carried on by occupants thereof, which business and occupation is clearly incidental and secondary to the use of the dwelling for dwelling, nor is there any display; no stocking; trade; no outside storage of

equipment; no commodities sold upon the premises and not more than two persons are engaged in such business or occupation following criteria is met: Schools/Institutions of an educational or philanthropic nature. Churches, religious organizations and religious training public parks and recreation facilities/Public utilities rights-of-way day care family homes* - provided the following criteria is met and properly submitted to the City of Jacksonville by the applicant:

1. The applicant will submit with application for day care family home statements from all occupied real property owners either abutting or within 25 feet of the applicant's property that they have no objection to a day care family home. An exception to the above will be made when a collector street separates completely the real properties in issue. When a collector street so separates, no statement of objection will be necessary. By boundaries the City does not exclude easements. Easements will not exclude property from the above rules except: when a collector street or larger is involved. Likewise, the legal description on a deed will be conclusive on the part of the City unless rebutted by a reputable surveyor.

2. Along with the above mentioned statements of no objection the applicant must sign a disclaimer drafted by the City acknowledging that the applicant must submit the statement of no objection annually. The disclaimer will also say that failure to submit such statement of no objection annually will prevent the day care family center from continuing operation.

3. Applicant will also file a certified copy of the Bill of Assurance if their property is in a platted subdivision. This requirement shall also put the applicant on notice that the City will prosecute/or assume any requirements included in the Bill of Assurance of the applicant.

4. Further, applicant must file an application for a license with the State of Arkansas Department of Human Services in order to comply with the requirements of the Jacksonville Application. The regulation of the State of Arkansas Department of Health Service will be considered governing upon the City of Jacksonville.

5. Application for a Day Care family home should be made to the Jacksonville Code Enforcement Officer, with right of review by the Public Works Engineering Director. A further review will be allowed by application under applicable state law to the Jacksonville Board of Adjustment.

*as defined by the State of Arkansas Department of Human Services.
(Ord. 666 Sec. 1, 1982; Ord. 699 Sec. 5, 1983; Ord. 719 Sec. 1(part), 1983)

18.24.030 Conditional uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities; and,
i. Day Care facilities.
j. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 213 Sec. 802, 1969; Ord. 1111 Sec. 1-B, 1998; Ord. 1225 Sec. 1, 2004)

(R-1) Commercial Recreational Facilities only on real property parcels located adjacent to Dupree Park. (Ord. 1045 Sec. 2, 1995)

18.24.040 Dimensional requirements

For dimensional requirements for the R-0 and R-1 districts, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 803, 1969; Ord. 1221 Sec. 1, 2004; Ord. 1299 Sec. 7, 2006)

18.24.050 Parking requirements

For parking requirements for the R-0 and R-1 districts, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 804, 1969)

18.24.060 Signs

For provisions regarding signs in the R-0 and R-1 districts, see Chapter 18.16. (Ord. 213 Sec. 805, 1969)

Chapter 18.26

ONE FAMILY DISTRICT R-1A

Sections:

18.26.010 Purpose for establishment
18.26.020 Permitted uses
18.26.030 Conditional uses
18.26.040 Dimensional requirements
18.26.050 Parking requirements
18.26.060 Signs
18.26.070 Development requirements

18.26.010 Purpose for establishment

The R-1A district will provide for higher density development than R-0 and R-1 districts, yet retaining single-family site built detached housing; thus, reducing land and development costs making single-family site built housing available for lower income and smaller families. (Ord. 454 Sec. 2(part), 1977; Ord. 213 (part), 1969: Ord. 699 Sec. 6, 1983)

18.26.020 Permitted uses

The permitted uses in the R-1A district are:

Any use permitted in R-0 and R-1.
Single-family sitebuilt dwellings,
Churches, and Educational Facilities.

(Ord. 1048 Sec. 1(part), 1995; Ord. 699 Sec. 6, 1983; Ord. 454 Sec. 2(part), 1977; Ord. 213 (part), 1969)

18.26.030 Conditional uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory building and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;

e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities; and,
i. Day Care facilities.
j. Modular Home(s)
k. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 1111 Sec. 1-C, 1998; Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 1149 Sec. 3, 2001; Ord. 1225 Sec. 2, 2004)

18.26.040 Dimensional requirements

For dimensional requirements for the R-1A district, see Chart 1, Chapter 18.68

(Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969; Ord. 1299 Sec. 7, 2006)

18.26.050 Parking requirements

For parking requirements for the R-1A district, see Chart No. 1, Chapter 18.78.

(Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

18.26.060 Signs

Sign provisions are the same as allowed in the R-0 and R-1 districts. (Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

18.26.070 Development requirements

The development requirements covering an R-1A district are as follows:

A. There shall be forty feet of right-of-way required on local streets;
B. Sewer easement paralleling street - ten feet (opposite side of water and gas easement);
C. Electric and telephone easements - rear of lots - five feet.
D. Street surfaces shall be the same as provided for in the present subdivision ordinance;
E. deleted (Ord. 1130, 2000)
F. Maximum acreage to be developed is ten acres per zoning request.

(Ord. 454 Sec. 3, 1977; Ord. 213(part), 1969)

Chapter 18.28

TWO FAMILY RESIDENTIAL DISTRICT R-2

Sections:

18.28.010 Purpose for establishment
18.28.020 Permitted uses
18.28.030 Conditional uses
18.28.040 Dimensional requirements
18.28.050 Parking requirements

18.28.010 Purpose for establishment

The R-2 district is established to permit the developing of single-family and two-family site built dwellings in a spacious environment and to protect existing neighborhoods of single and two-family sitebuilt dwellings.
(Ord. 213 Art. IX(part), 1969; Ord. 699 Sec. 7, 1983)

18.28.020 Permitted uses

The permitted uses in the R-2 district are:

Two-family sitebuilt dwellings.

(Ord. 1048 Sec. 1(part), 1995; Ord. 699 Sec. 7, 1983; Ord. 213 Sec. 901, 1969)

18.28.030 Conditional uses

Conditional uses - The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);

h. Special Event(s) facilities; and,
i. Day Care facilities;
j. Modular Home(s);
k. Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 213 Sec. 902, 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 1111 Sec. 1-E, 1998; Ord. 1149 Sec. 4, 2001; Ord. 1225 Sec. 3, 2004)

18.28.040 Dimensional requirements

For dimensional requirements for the R-2 district, see Chart. No. 1, Chapter 18.68. (Ord. 213 Sec. 903, 1969; Ord. 1299 Sec. 7, 2006)

18.28.050 Parking requirements

For parking requirements for the R-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 904, 1969)

Chapter 18.32

MULTI FAMILY RESIDENTIAL DISTRICT R-3

Sections:

18.32.010 Purpose for establishment
18.32.020 Permitted uses
18.32.030 Conditional uses
18.32.040 Dimensional requirements
18.32.050 Parking requirements
18.32.060 Signs

18.32.010 Purpose for establishment

The R-3 district is designed to provide for areas already developed with high-density multi-family site built dwellings and areas where similar development appears desirable.
(Ord. 213 Art. X(part), 1969; Ord. 699 Sec. 8, 1983)

18.32.020 Permitted uses

Permitted uses in the R-3 district are:

Multi-family site built dwellings
Townhouses
Rooming houses and boardinghouses
Institutions for children or the aged (not including penal or correctional)
Hospitals and clinics
Personal service shops for barbering, beauty culture and physical culture
Private clubs and lodges
Community facilities.

(Ord. 213 Sec. 1001, 1969; Ord. 699 Sec. 8, 1983; Ord. 1048 Sec. 1(part), 1995)

18.32.030 Conditional uses

Conditional uses - The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities;
i. Day Care facilities; and,
j. Modular Home(s);
k. Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 213 Sec. 1002, 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord 1111 Sec. 2-E 1998; Ord. 1149 Sec. 5, 2001; Ord. 1225 Sec. 4, 2004)

18.32.040 Dimensional requirements

For dimensional requirements for the R-3 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1003, 1969; Ord. 1299 Sec. 7, 2006)

18.32.050 Parking requirements

For parking requirements for the R-3 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1004, 1969)

18.32.060 Signs

For provisions regarding signs in the R-3 district, see Chapter 18.76. (Ord. 213 Sec. 1005, 1969)

Chapter 18.36

ZERO LOTLINE, SINGLE-FAMILY DISTRICT R-4

Sections:

18.36.010	**Purpose for Establishment**
18.36.020	**Permitted Uses**
18.36.030	**Conditional Uses**
18.36.040	**Dimensional Requirements**
18.36.050	**Parking Requirements**
18.36.060	**Signs**
18.36.070	**Development Requirements**
18.36.080	**Interior Lots**
18.36.090	**Lot Area**
18.36.100	**Minimum Front Setback**
18.36.110	**Minimum Side Setback**
18.36.120	**Minimum Rear Setback**
18.36.130	**Maximum Height**
18.36.140	**Location of Accessory Buildings**
18.36.150	**Minimum Unit Dwelling**
18.36.160	**Maximum Acreage**
18.36.170	**Maximum Length**
18.36.180	**Off-Street Parking**
18.36.190	**Corner Visibility**
18.36.200	**Streets**
18.36.210	**Sidewalks**
18.36.220	**Firewalls**

18.36.010 Purpose for Establishment

The R-4 Zero Lotline Single Family District is established to permit the development of single-family attached dwellings providing high density development through the abolition of side lotline requirements except where zero lotline housing construction is broken as outlined in the development requirements contained in this chapter. Land development costs will be reduced with said concept of attached housing, allowing single-family dwellings to be more affordable to the individual homeowner(s).
(Ord. 1149 Sec. 6, 2001)

18.36.020 Permitted Use

The permitted use in the R-4 district is:

Attached single-family dwelling(s).

(Ord. 1149 Sec. 6, 2001)

18.36.030 Conditional Uses

The conditional uses in allowed in the R-4 district are:

a. Churches and other religious institutions and their accessory buildings and uses;

b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities; and,
i. Day Care facilities;
j. Modular Home(s);
k. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 1149 Sec. 6, 2001; Ord. 1225 Sec. 5, 2004)

18.36.040 Dimensional Requirements

For dimensional requirements for the R-4 district, see Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 6, 2001; Ord. 1299 Sec. 7, 2006)

18.36.050 Parking Requirements

For parking requirements for the R-4 district, see Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 6, 2001)

18.36.060 Signs

Sign provisions are the same as allowed in R-0 and R-1 districts.

(Ord. 1149 Sec. 6, 2001)

18.36.070 Development Requirements

The development requirements covering an R-4 district are as set forth below.

(Ord. 1149 Sec. 6, 2001)

18.36.080 Interior Lots

Each interior lot for zero lotline housing district shall be not less than Twenty feet (20’) by Thirty –seven feet, six inches (37.6’), except where the end lot is adjacent and lengthwise to a street, in which no building or structure will be permitted within the Twenty-five feet (25’) setback area.
(Ord. 1149 Sec. 6, 2001)

18.36.090 Lot Area

Each interior lot of zero lotline housing shall be not less than One Thousand six hundred square feet (1600 SF) and shall provide not less than Fifty percent (50%) of the lot area as unobstructed open space. Each end lot of a zero lotline housing unit shall be not less than Three thousand square feet (3,000 SF) and shall provide not less than Fifty percent (50%) of the lot area as unobstructed open space.
(Ord. 1149 Sec. 6, 2001)

18.36.100 Minimum Front Setback

Where a zero lotline housing unit fronts onto a street, court, or open space, the minimum setback distance shall be no less than Twenty-five feet (25’) from the front property line. In the case of a lot having frontage on two (2) streets which do not intersect on the lot boundaries, then the front yard requirements shall be met on both streets.
(Ord. 1149 Sec. 6, 2001)

18.36.110 Minimum Side Setback

For the end lot of a zero lotline housing unit, there shall be one (1) side setback of a minimum of Fifteen feet (15’) where needed to maintain a minimum of Thirty feet (30’) spacing between buildings.
(Ord. 1149 Sec. 6, 2001)

18.36.120 Minimum Rear Setback

There shall be a rear yard setback of no less than Twenty-five feet (25’).
(Ord. 1149 Sec. 6, 2001)

18.36.130 Maximum Height

Maximum height requirements are in Chart No. 1, Chapter 18.68.
(Ord. 1149 Sec. 6, 2001)

18.36.140 Location of Accessory Buildings

No accessory building shall be located on any required front or side yard, or within Five feet (5’) of any lotline that is not a street line. Fences up to Ninety-six inches (96”) in height may be erected along any boundary of the end side yards or rear yard from the rear of the lot forward to the rear of the main structure. A fence Sixty inches (60”) in height may be erected along the end side yards from the rear of main structure forward to front building line. Any fence or screen constructed in the required front yard must have Planning Commission approval as to location, height, material, and construction.
(Ord. 1149 Sec. 6, 2001)

18.36.150 Minimum Unit Size

Each single unit dwelling shall contain a gross floor area of not less than Eight hundred square feet (800 SF), excluding steps, porches, carports or garages.
(Ord. 1149 Sec. 6, 2001)

18.36.160 Maximum Acreage

The maximum acreage to be developed shall not exceed a total of Five (5) acres per zoning request.
(Ord. 1149 Sec. 6, 2001)

18.36.170 Maximum Length

There shall be a maximum of Two Hundred feet (200’) allowed of zero lotline housing construction before a break is required, and spacing buildings must meet requirements outlined in this chapter.
(Ord. 1149 Sec. 6, 2001)

18.36.180 Off-Street Parking

Each zero lotline dwelling unit shall have Two (2) off-street parking space provided.
(Ord. 1149 Sec. 6, 2001)

18.36.190 Corner Visibility

On a corner lot of a zero lotline housing district, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of Twenty-five feet (25’) from their intersection, there shall be no obstruction to vision between a height of Two feet (2’) and a height of Ten feet (10’) above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants street lighting poles, and associated appurtenances thereto shall be permitted within this area.
(Ord. 1149 Sec. 6, 2001)

18.36.200 Streets

Streets are to be Twenty-seven feet (27') wide and specifications and/or designs are to meet all existing code requirements.
(Ord. 1149 Sec. 6, 2001)

18.36.210 Sidewalks

Sidewalks shall be required for every zero lotline dwelling, and shall meet all minimum standards required by the sidewalk ordinance. See JMC § 12.24.110 for more detail.
(Ord. 1149 Sec. 6, 2001)

18.36.220 Firewalls

Zero lotline housing units shall be separated with a fire-wall to be inspected and approved by Code Enforcement/Fire Marshall officials in accordance with specifications as provided by the National Fire Safety Code and/or the Southern Building Code regulations.
(Ord. 1149 Sec. 6, 2001)

CHAPTER 18.37

MODULAR HOME DISTRICT R-5

Sections:

18.37.010 Purpose of Establishment
18.37.020 Permitted Uses
18.37.030 Conditional Uses
18.37.040 Dimensional Requirements
18.37.050 Parking Requirements
18.37.060 Signs

18.37.010 Purpose of Establishment

The R-5 district is designed to provide for the development and properly planned use of modular homes and/or subdivisions as affordable residential dwelling(s).
(Ord. 1149 Sec. 7, 2001)

18.37.020 Permitted Uses

Permitted uses in the R-5 district include:

Single-family modular home(s), provided that not more than one (1) home shall be placed on one (1) lot.
(Ord. 1149 Sec. 7, 2001)

18.37.030 Conditional Uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;

g. Bed and Breakfast facilities;
h. Special Event(s) facilities;
i. Day Care facilities; and,
j. An additional manufactured housing unit(s) or modular home(s).

(Ord. 1149 Sec. 7, 2001; Ord. 1314, Sec. 1, 2007)

18.37.040 Dimensional Requirements

Dimensional requirements for the R-5 District see Chart No. 1, Chapter 18.68. (Ord. 1149 Sec. 7, 2001; Ord. 1299 Sec. 7, 2006)

18.37.050 Parking Requirements

Parking requirements for the R-5 District can be found at Chart No. 1, Chapter 18.68. (Ord. 1149 Sec. 7, 2001)

18.37.060 Signs

Signage provisions for the R-5 District can be found in Chapter 18.76 (Ord. 1149 Sec. 7, 2001)

Chapter 18.38

MANUFACTURED HOUSING SUBDIVISION R-6

Sections:

18.38.010 Purpose of Establishment
18.38.020 Permitted Uses
18.38.030 Conditional Uses
18.38.040 Dimensional Requirements
18.38.050 Parking Requirements
18.38.060 Signs

18.38.010 Purpose of Establishment

The R-6 district is designed to provide for the development and properly planned use of manufactured homes and/or subdivisions as affordable residential dwelling(s). (Ord. 1149 Sec. 8, 2001)

18.38.020 Permitted Uses

Permitted uses in the R-6 district include:

Single-family manufactured home(s), provided that not more than one (1) home shall be placed on one (1) lot; and/or Manufactured Home subdivisions with no less than three (3) acres. (Ord. 1149 Sec. 7, 2001)

18.38.030 Conditional Uses

The following uses may be permitted in this zone subject to approval of a conditional use permit and all required showings and conditions there of:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast facilities;
h. Special Event(s) facilities; and,
i. Day Care facilities.
j. An additional manufactured housing unit(s) or modular home(s).

(Ord. 1149 Sec. 7, 2001; Ord. 1314 Sec. 2, 2007)

18.38.040 Dimensional Requirements

Dimensional requirements for the R-6 District see Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 7, 2001; Ord. 1299 Sec. 7, 2006)

All manufactured houses located within the City limits shall be skirted around the base of the housing unit so as to completely enclose the area beneath the unit. Acceptable materials for said enclosure shall include metal or vinyl skirting material(s).
(Ord. 1154 Sec. 21, 2001)

18.38.050 Parking Requirements

Parking requirements for the R-6 District can be found at Chart No. 1, Chapter 18.68.
(Ord. 1149 Sec. 7, 2001)

18.38.060 Signs

Signage provisions the R-6 District can be found in Chapter 18.76. (Ord. 1149 Sec. 7, 2001)

CHAPTER 18.39

MANUFACTURED HOUSING PARKS R-7

Sections:

18.39.010 Purpose of Establishment
18.39.020 Permitted Uses
18.39.030 Conditional Uses
18.39.040 Dimensional Requirements
18.39.050 Parking Requirements
18.39.060 Signs

18.39.010 Purpose of Establishment

The R-7 district is designed to provide for the development and properly planned use of manufactured homes and/or parks as affordable residential dwelling(s) through individual ownership and/or rental properties.
(Ord. 1149 Sec. 8, 2001)

18.39.020 Permitted Uses

Permitted uses in the R-7 district include:

Single-family manufactured home(s), provided that not more than one (1) home shall be placed on one (1) lot; and Manufactured home(s) park(s) with a minimum of Three (3) acres under single ownership.
(Ord. 1149 Sec. 7, 2001)

18.39.030 Conditional Uses

The following uses may be permitted in this zone subject to approval of a conditional use permit and all required showings and conditions there of:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;

f. Residential Care facilities;
g. Bed and Breakfast facilities;
h. Special Event(s) facilities; and,
i. Day Care facilities;
j. An additional manufactured housing unit(s) or modular home(s).

(Ord. 1149, Sec. 7, 2001; Ord. 1314, Sec. 3, 2007)

18.39.040 Dimensional Requirements

All manufactured houses located within the City limits shall be skirted around the base of the housing unit so as to completely enclose the area beneath the unit. Acceptable materials for said enclosure shall include metal or vinyl skirting material(s).
(Ord. 1154, Sec. 21, 2001)

Dimensional requirements for the R-7 District see Chart No. 1, Chapter 18.68.
(Ord. 1149, Sec. 7, 2001; Ord. 1299 Sec. 7, 2006)

18.39.050 Parking Requirements

Parking requirements for the R-7 District can be found at Chart No. 1, Chapter 18.68.
(Ord. 1149 Sec. 7, 2001)

18.39.060 Signs

Signage provisions R-7 District can be found in Chapter 18.76.
(Ord. 1149, Sec. 7, 2001)

Chapter 18.40

QUIET BUSINESS DISTRICT C-1

Sections:

18.40.010 Purpose for establishment
18.40.020 Permitted uses
18.40.030 Conditional uses
18.40.040 Dimensional requirements
18.40.050 Parking requirements
18.40.060 Signs

18.40.010 Purpose for establishment

The C-1 district is designed primarily to provide for office space and light commercial uses, to protect existing office and light commercial development, and to act as a buffer between residential and concentrated commercial and industrial areas.
(Ord. 213 Art, XII (part), 1969)

18.40.020 Permitted uses

Permitted uses in the C-1 district are:

a) Churches and accessory buildings;
b) Schools (public, private and nursery);
c) Community facilities;
d) Public buildings;
e) Public utilities offices and rights-of-way;
f) Professional and general offices;
g) Hospitals and clinics;
h) Funeral homes;
i) Financial institutions;
j) Beauty and barber shops;
k) Laundry pick-up stations;
l) Coin-operated laundries;
m) Pharmacies;
n) Day Care facility.

(Ord. 1048 Sec. 1(part), 1995; Ord. 213 Sec. 1201, 1969)

18.40.030 Conditional uses

Conditional uses in the C-1 district are:

a) Any use permitted in R-0, R-1, R-1A, R-2, R-3, R-4, and R-5;
b) Commercial recreation;
c) Parking lots;
d) Storage Facilities (mini warehouses);
e) Retail consumer;
f) Goods Stores;
g) Restaurants;
h) Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 1225 Sec. 6, 2004; Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2, 1995; Ord. 213 Sec. 1202, 1969)

18.40.040 Dimensional requirements

For dimensional requirements for the C-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1203, 1969; Ord. 1299 Sec. 7, 2006)

18.40.050 Parking requirements

For parking requirements for the C-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1204, 1969)

18.40.060 Signs

For provisions regarding signs in the C-1 district, see Chapter 18.76. (Ord. 213 Sec. 1205, 1969)

Chapter 18.44

SHOPPING CENTER DISTRICT C-2

Sections:

18.44.010 Purpose for establishment
18.44.020 Permitted uses
18.44.030 Conditional uses
18.44.040 Dimensional requirements
18.44.050 Parking and loading
18.44.060 Signs

18.44.010 Purpose for establishment

The C-2 district is designed to accommodate regional and community shopping centers to provide for a wide range of essential commercial services. (Ord. 213 Art. XIII (part), 1969)

18.44.020 Permitted uses

Permitted uses in the C-2 district are:

Churches and accessory buildings
Beauty and barbershops
Day care facility
Public buildings
Public utilities offices and rights-of-way
Private clubs and lodges
Professional and general offices
Financial institutions
Convenience goods and services
Retail consumer goods stores
Restaurants
Indoor theaters
Bowling alleys
Parking lots

(Ord. 1048 Sec. 1(part), 1995; Ord. 213 Sec. 1301, 1969)

18.44.030 Conditional uses

Conditional uses in the C-2 district are:

a) Any use permitted in R-2, R-3, R-4, C-1;
b) Mini-warehouses;
c) Schools (public, private and nursery);
d) Commercial recreation;
e) Service stations;
f) Auto repair;
g) Drive-in restaurant;
h) Public utility facilities;
i) Taverns;
j) Automatic carwash facility;
k) Motor vehicle parts/repair, sales, and/or towing establishment(s);
l) Crematorium;
m) Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2(part), 1995; Ord. 440 Sec. 1, 1977; Ord. 213 Sec. 1302, 1969; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 1, 2003; Ord. 1225 Sec. 7, 2004)

18.44.040 Dimensional requirements

For dimensional requirements for the C-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1303, 1969; Ord. 1299 Sec. 7, 2006)

18.44.050 Parking and loading

For parking and loading provisions regarding the C-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1304, 1969)

18.44.060 Signs

For provisions regarding signs in the C-2 district, see Chapter 18.76. (Ord. 213 Sec. 1305, 1969)

Chapter 18.48

HIGHWAY COMMERCIAL DISTRICT C-3

Sections:

18.48.010 Purpose for establishment
18.48.020 Permitted uses
18.48.030 Conditional uses
18.48.040 Dimensional requirements
18.48.050 Parking and loading
18.48.060 Signs

18.48.010 Purpose for establishment

The C-3 district is designed primarily to facilitate commercial development oriented toward persons traveling by automobile. This district is usually located along U.S., state and interstate highways. (Ord. 213 Art. XIV (part), 1969)

18.48.020 Permitted uses

Permitted uses in the C-3 district are:

Hotels and motels
Drive-in restaurants
Drive-in theaters
Commercial recreation
Auto sales, service and repair
Farm machinery sales service and repair
Mobile home sales
Automatic carwash services
Service stations
Schools (public, private and nursery)
Public utility facility
Mini-warehouses
Motor vehicle parts, repair, and sales establishment(s)

(Ord. 576 Sec. 1(part), 1980; Ord. 1048 Sec. 1(part), 1995; Ord. 1091 Sec. 2, 1998)

18.48.030 Conditional uses

Conditional uses in the C-3 district are:

Any use permitted in R-2, R-3, R-4, R-5, C-1 and C-2
Carnivals, circuses etc.
Taverns
Animal hospitals (without outside run)
Day care facility
Motor vehicle storage and/or towing establishment(s)
Crematorium

(Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 476 Sec. 1, 1978; Ord. 213 Sec. 1402, 1969; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 2, 2003)

18.48.040 Dimensional requirements

For dimensional requirements for the C-3 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1403, 1969; Ord. 1299 Sec. 7, 2006)

18.48.050 Parking and loading

For parking and loading provisions for the C-3 district, see Chart No.1. Chapter 18.68. (Ord. 213 Sec. 1404, 1969)

18.48.060 Signs

For provisions regarding signs in the C-3 district, see Chapter 18.76. (Ord. 213 Sec. 1405, 1969)

Chapter 18.52

GENERAL COMMERCIAL DISTRICT C-4

Sections:

18.52.010 Purpose for establishment
18.52.020 Permitted uses
18.52.030 Conditional uses
18.52.040 Dimensional requirements
18.52.050 Parking and loading
18.52.060 Signs

18.52.010 Purpose for establishment

The C-4 district is designed to accommodate existing developments of mixed commercial and light industrial areas and to provide protection to adjacent residential areas.
(Ord. 213 Art. XV (part), 1969)

18.52.020 Permitted uses

Permitted uses in the C-4 district are:

Animal hospital (without runs)
Furniture stores, retail and wholesale
Paint stores, retail and wholesale
Appliance sales and service, retail and wholesale
Depot, train station, etc.
Heavy commercial uses, including:
Photo-finishing, building materials and services, contractor, printing, exterminating service, dry cleaning, plants, bakery, farm equipment sales
Hotel and motels
Schools (public, private and nursery)
Commercial recreation
Service stations
Auto repair
Drive-in restaurants
Public utility facility
Mini-warehouses

(Ord. 576 Sec. 1(part), 1980; Ord. 1048 Sec. 1 (part), 1995)

18.52.030 Conditional uses

Conditional uses in the C-4 district are:

Any use permitted in R-2, R-3, R-4, R-5, C-1, C-2 and C-3
Taverns
Day care facility
Motor vehicle salvage establishment(s)
Crematorium

(Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2, 1995; Ord. 213 Sec. 1502, 1969; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 3, 2003)

18.52.040 Dimensional requirements

For dimensional requirements for the C-4 district, see Chart No. 1. Chapter 18.68. (Ord. 213 Sec. 1503, 1969; Ord. 1299 Sec. 7, 2006)

18.52.050 Parking and loading

For provisions regarding parking and loading, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1504, 1969)

18.52.060 Signs

For provisions regarding signs in the C-4 district, see Chapter 18.76. (Ord. 213 Sec. 1505, 1969)

Chapter 18.54

ALCOHOL DISTRIBUTORSHIPS C-5

Sections:

18.54.010 Purpose
18.54.020 Permitted uses
18.54.030 Conditional uses
18.54.040 Dimensional Requirements
18.54.050 Parking and loading Requirements
18.54.060 Signs
18.54.070 Landscaping Requirements
18.54.075 Limitations

18.54.010 Purpose

The C-5 zoning district is designed to accommodate existing and/or new development of a mixed highway commercial area for the distribution and/or retail sales of off premises retail and wholesale alcohol and provide for the integrity and protection of residential and commercial zoning districts.

Chapter 18.56

LIGHT INDUSTRIAL DISTRICT M-1

Sections:

18.56.010 Purpose for establishment
18.56.020 Permitted uses
18.56.025 Conditional uses
18.56.030 Prohibited uses
18.56.040 Dimensional requirements
18.56.050 Parking and loading
18.56.060 Signs

18.56.010 Purpose for establishment

The M-1 district is designed primarily to provide an environment for and conducive to the development and protection of modern administrative facilities, research institutions, specialized

manufacturing plants and similar enterprises in an open landscaped development. (Ord. 213 Art. XVI (part), 1969)

18.56.020 Permitted uses

Permitted uses in the M-1 district are:

- Public utilities
- Laboratories, offices and research facilities
- Television, radio broadcasting and receiving facilities
- Restaurants, including drive-ins
- Mobile home sales
- Auto sales and service
- Auto repair, paint and body shops
- Photo-finishing
- Printing
- Exterminating service
- Cleaning plants
- Bakery
- Bottling plant
- Tire recapping
- Lumberyards, building materials
- Contractors services
- Upholstery manufacturing

- Furniture wholesale and manufacturing
- Bookbinders
- Food processing
- Sign painting shop
- Well drilling services
- Sheet metal works
- Assembly plants
- Wood products manufacturing
- Animal hospitals, boarding and runs
- Bus and taxi garaging and maintenance
- Manufacturing and sale of:
  - Instruments for professional, scientific, photographic, optical and similar uses
  - Beauty, barber equipment and supplies
  - Brooms
- Mini-warehouses
- Day care facility
- Motor vehicle salvage establishment(s)
- Crematorium

(Ord. 576 Sec. 1(part), 1980; Ord. 1045 Sec. 2, 1995; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 4, 2003)

18.56.025 Conditional uses

Any use permitted in C-1, C-2, C-3, C-4 and sexually oriented businesses.

(Ord. 1048 Sec. 1(part), 1995; Ord. 1342 Sec. 6, 2008)

18.56.030 Prohibited uses

Residences are specifically prohibited from any industrial district. (Ord. 213 Sec. 1602, 1969)

18.56.040 Dimensional requirements

For dimensional requirements for the M-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1603, 1969; Ord. 1299 Sec. 7, 2006)

18.56.050 Parking and loading

For parking and loading provisions for the M-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1604, 1969)

18.56.060 Signs

For provisions regarding signs in the M-1 district, see Chapter 18.76. (Ord. 213 Sec. 1605, 1969)

Chapter 18.60

HEAVY INDUSTRIAL DISTRICT M-2

Sections:

18.60.010 Purpose for establishment
18.60.020 Permitted uses
18.60.030 Conditional uses
18.60.040 Dimensional requirements
18.60.050 Parking and loading
18.60.060 Signs

18.60.010 Purpose for establishment

The M-2 district is designed to provide areas for those manufacturing and other industrial uses, which may involve objectionable influences and hazards. The regulations are designed to encourage the use of the district by such industries and to provide mutual protection of the permitted uses.
(Ord. 213 Art. XVII (part), 1969)

18.60.020 Permitted uses

Permitted uses in the M-2 district are:

- Any use permitted in the M-1 district
- Mattress manufacturing and rebuilding
- Chemical plants
- Cement plants
- Fuel dealer, including bottled gas
- Manufacturing and sale of:
  - Electrical equipment, machinery and supplies
  - Fountain and beverage equipment
  - Leather products
  - Metal fabrications
  - Aluminum products
  - Mining equipment
  - Paper
  - Rubber products
  - Plywood, furniture and similar wood products
  - Sawmills
  - Boats
  - Home appliances
  - Mobile homes
  - Mini-warehouses
  - Crematorium

(Ord. 576 Sec. 1(part), 1980; Ord. 1216 Sec. 5, 2003)

18.60.030 Conditional uses

Any use permitted in C-1, C-2, C-3, C-4 and M-1
Day care facility, Sexually Oriented Businesses
(Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2, 1995; Ord. 1342 Sec. 7, 2008)

Other industrial uses generally considered more obnoxious than those listed above may be allowed in the M-2 district subject to the approval of the Planning Commission.
(Ord. 213 Sec. 2401, 1969; Ord. 711 Sec. 1, 1983)

18.60.040 Dimensional requirements

For dimensional requirements for the M-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1703, 1969; Ord. 1299 Sec. 7, 2006)

18.60.050 Parking and loading

For provisions regarding parking and leading in the M-2 district, see Chart No. 1. Chapter 18.68.
(Ord. 213 Sec. 1704, 1969)

18.60.060 Signs

For provisions regarding signs in the M-2 district, see Chapter 18.76. (Ord. 213 Sec. 1705, 1969)

Chapter 18.64

FLOOD CHANNEL DISTRICT F-1

Sections:

18.64.010 General regulations
18.64.020 Specific regulations

18.64.010 General regulations

A. General Zoning Districts. All property in flood districts shall be subject to the regulations of the general zoning districts in which they are located.

B. Type of Construction. Any permitted building shall be of a type of construction, which is not appreciably damaged by floodwaters. Any permitted structure shall be firmly anchored to prevent the same from floating away and thus threatening to further restrict bridge openings and other restricted sections of the watercourse.

C. Floatable Materials. It is unlawful to place any materials, which in time of flood might float away and lodge against bridge abutments or otherwise serve materially to restrict the flood discharge capacity of the river channel.

(Ord. 213 Sec. 1801, 1969)

18.64.020 Specific regulations

It is unlawful in an F-1 district to:

A. Construct, reconstruct, move or alter any structure, make any excavation or place any fill or materials which may materially restrict the flood discharge capacity of the river channel. The Planning Commission shall establish the appropriate standards governing permitted ground coverage and spacing of buildings.

B. Construct, reconstruct, move or alter any structure for residential occupancy other than transient facilities, provided that this shall not be interpreted to prevent routine maintenance or internal alterations of residential structures existing at the effective date of the ordinance codified in this title.

Construct, reconstruct, move or alter any enclosed place of public assembly, enclosed recreational facility or transient accommodation, unless the elevation of the lowest enclosed floor, except for elevators, stairwells and appurtenant lobbies, is at least two feet above flood elevation.
(Ord. 213 Sec. 1802, 1969)

Chapter 18.66

AICUZ Air Installation Compatible Use Zone

Sections:

18.66.010 Applicability and definitions
18.66.020 Purpose and creation of an overlay district (OD)
18.66.030 Population and development density
18.66.040 Building and construction provisions
18.66.050 Conditional, permissible, prohibitive, and restrictive uses
18.66.060 Enforcement
18.66.070 Penalties

18.66.010 Applicability and definitions

A) Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this Ordinance shall apply to the future development and use of all real property and Airfield Control Surfaces lying within the Jacksonville Planning jurisdiction, more particularly identified as the Clear Zone, and Accident Potential Zones One and Two (APZ I & II) on the attached AICUZ Map and Land Use Charts and as more particularly described and shown on Exhibit A, attached hereto and made a part hereof. This application will include those properties lying within and outside of the corporate limits of the City of Jacksonville, as authorized under Arkansas law [ACA §§ 14-56-201 et. al., 14-56-301 et. al., 14-56-401 et. al., 14-56-413)(a)(A)]. However, no conditions and/or uses of real property, including, but no limited to, existing recorded subdivision developments within the Overlay District (OD) in existence at the time of passage of this Ordinance for as long as said condition and/or use remains in existence. This would include structure(s) damaged and/or destroyed in the future as long as the principal purpose and use of said property is not altered by the modification/reconstructions of said structure(s).

(B) Definitions:

Hazardous Interference – Any use, condition, or operation which creates a level of disturbance so great as to inhibit, prevent, or prohibit the safe operation of aircraft arriving into or departing from LRAFB.

Low Density – Use of or a condition upon which there exists a small number of residents per property acre in accordance with the recommendations of the AICUZ study.

Remains in Existence: - In the event a structure is damaged, lost, or destroyed by controlled means, fire, natural disaster, or act(s) of GOD, the use of said property shall be deemed to have remained in existence when the principle purpose and use of said property is not altered by the modifications/reconstruction of said structure(s).
(Ord. 1119 Sec. 1, 1999)

18.66.020 Purpose and Creation of an Overlay District (OD)

The purpose of this Ordinance shall be to: a) comply with Arkansas Law (Act 530 of 1995); b) create an Overlay District (OD) within the classifications and designations of zoning provisions within the Jacksonville Municipal Code; c) provide for the health, safety, and welfare of the citizens through enactment and enforcement of ordinances and regulations in compliance with Arkansas law and the Air Installation Compatible Use Zone (AICUZ) study for Little Rock Air Force Base (LRAFB): d) address environmental concerns created by violations of the OD provisions; and, e) preserve and enhance the economic value of the property within the OD.
(Ord. 1119 Sec. 1, 1999)

18.66.030 Population and Development Density

Construct and/or development of residential housing in the affected areas of the OD shall provide for no ore than one (1) single-family dwelling per one (1) acre of real property that lies within the Clear Zone, APZ I and/or APZ II. Future use of properties within the OD shall be reviewed for population density concerns to insure the previsions and recommendations of the AICUZ are addressed as they apply to use provisions as outlined herein, under the terms of the Jacksonville Municipal Code, or under the non-conflicting guidelines of the AICUZ study.
(Ord. 1119 Sec. 1, 1999)

18.66.040 Building and Construction Provisions

Construction and/or development of any facility should comply with the provisions, guidelines, and directives of the current edition of the Southern Building Code for sound Insulation so as to provide for proper sound insulation and protection from decibel (dB) levels exceeding 75 dB in the Clear Zone, APZ I, and APZ II.
(Ord. 1119 Sec. 1, 1999)

18.66.050 Conditional, Permissible, Prohibitive, and Restrictive Uses

The following conditions, permissible uses, and prohibitions, and restrictions shall apply to the future uses of any and all real properties and airfield control surfaces encompassed by the Jacksonville Planning jurisdiction, the Clear Zone, APZ I and APZ II, as shown on the attached Exhibit A:

a) No use shall allow the release into the air of any substance which would create a hazardous impairment and/or interference with the operation of aircraft within the OD (i.e., steam, dust, smoke, etc.);
b) No use shall allow the production of light emissions, either direct or indirect (reflective), that would cause a hazardous interference with pilot vision in the operation of aircraft within the OD;
c) No use shall allow the production of electrical emissions that would cause a hazardous interference with aircraft communications or navigational equipment/systems;
d) No use shall allow the attraction of birds or waterfowl, including but not limited to, the operation of sanitary landfills, the maintenance of feeding stations, or the growth of certain plants and vegetation that would cause a hazardous interference with the operation of aircraft within the OD;
e) No use shall allow for the construction or existence of structures within ten feet (10’) of an aircraft approach/departure surface;
f) No use shall allow for exposure of any person(s) to a noise level greater than DNL 75 dB; and,
g) No use shall violate the height restriction criteria of FAR Part 77, Subpart C, and/or create a hazardous interference with the operation of aircraft within the OD.

For purposes of this Ordinance, these restrictive or prohibitive uses are to apply to all residential and non-residential properties located within the OD. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including but not limited to residential and non-residential zoning provisions, planning provisions, and signage regulations and standards. Please refer to the attached Matrix (incorporated herein) for the OD for more detail in the applicable regulations and standards.

These prohibitions and restrictions are not to be construed so as to preclude or prohibit the normal and reasonable use (or single event usage) of real property and airfield control surfaces within the OD by owner(s), agents, or lessee(s) to include, but not necessarily be limited to, the following: cleaning and burning of trash and yard waste; maintaining stock ponds, vegetable gardens, or landscaping vegetation; maintaining and/or operation of radio and communication equipment within the parameters of FCC rules and regulations; maintaining and/or operation of reasonable exterior lighting on the property; and/or sponsoring an annual public event such as the LRAFB display and demonstration for the operations and use of various aircraft. As long as a use of real property does not provide a hazardous interference with the operation of aircraft within the OD, that use shall not constitute a violation of the terms of this Ordinance.
(Ord. 1119 Sec. 1, 1999)

18.66.060 Enforcement

The provisions of JMC §§ 18.66.040 and 18.66.050 shall be enforced by Jacksonville Code Enforcement official(s). Enforcement shall follow the outline and scope of Code Enforcement official(s) under the provisions of this Code and State law, with all citations issued under the provisions of this Ordinance addressed in the Jacksonville Municipal Court.

Further, the Jacksonville City Clerk shall cause to be filed with the Pulaski County Circuit Clerk, Real Estate Division, and a certified copy of this Ordinance. Said filing shall serve as official notice to all current and future property owners, title insurance officials' mortgage company officials, and other interested parties of the permissive.

Exhibit A
LEGAL DESCRIPTION
AICUZ AREA

Part of the following Sections: 31, 32, & 33, T-4-N, R-10-W; Sections 5 & 6, T-3-N, R-10-W; Section 36, T-4-N, R-11-W; Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, & 17, T-3-N, R-10-W; located partially within the City of Jacksonville and wholly within Pulaski County, Arkansas, more particularly described as follows:

Commencing at the NW corner of Section 33, T-4-N, R-10-W; thence S 89(02' 36" E, 2627.16 feet to the N 1/4 Corner of said Section 33; thence S 52(44' 33" E, 67.61 feet to the Point of Beginning of the AICUZ Area; thence S 18(52' 35" E, 3000.00 feet to the SE Corner of the AICUZ; thence S 71(07' 25" W, 41988.85 feet to the SW Corner of the AICUZ; thence N 18(52' 35" W, 3000.00 feet to the NW Corner of the AICUZ; thence N 71(07" 25" E, 41988.85 feet to the NE Corner of the AICUZ and the Point of Beginning; containing 2891.79 acres, more or less.

Exhibit A (cont.)
AICUZ Area Map

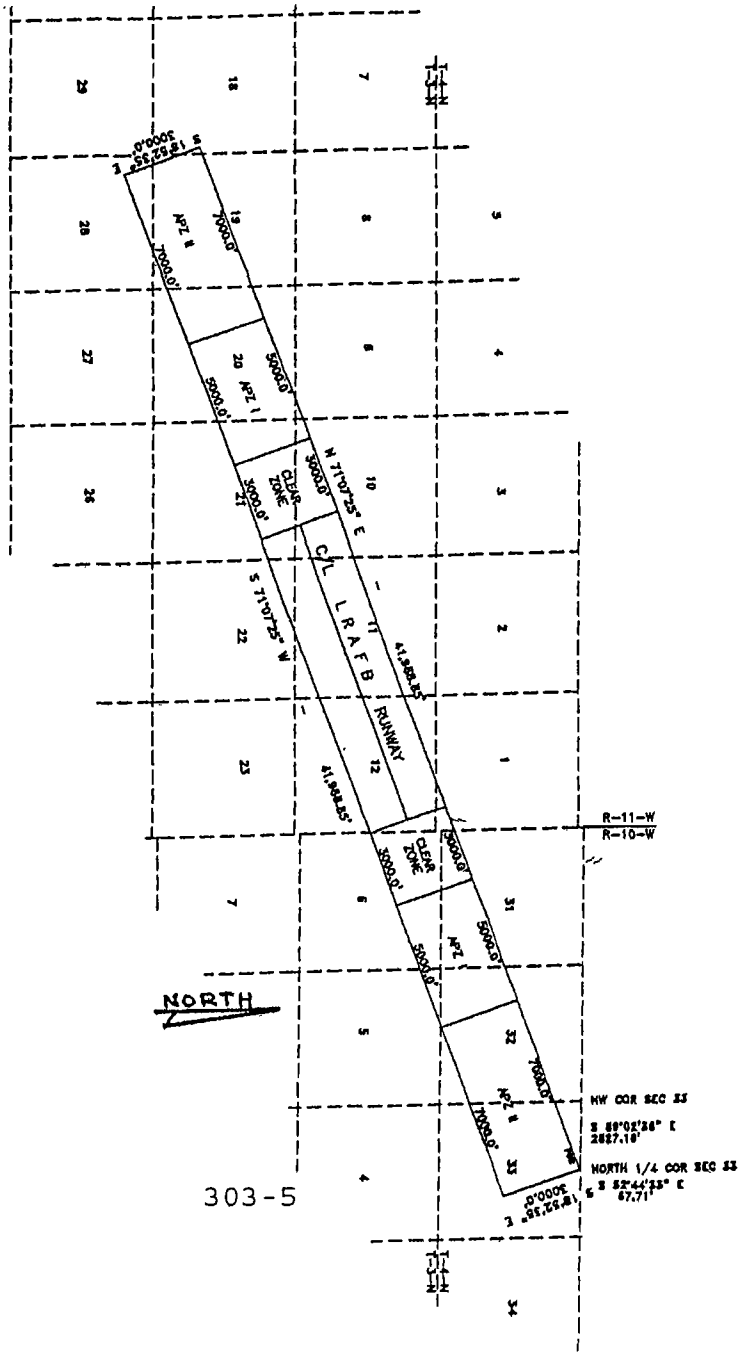

EXHIBIT B
MATRIX
JMC § 18.66.050

GENERALIZED LAND USES	CLEAR ZONE	APZ I	APZ II
Agricultural	Yes[1]	Yes[1]	Yes[1]
Manufacturing	No	Yes[2]	Yes[2]
Public Assembly	No	Yes[2]	Yes[2]
Public and Quasi-Public Service	No	Yes[2]	Yes[2]
Recreation	No	Yes[2]	Yes[2]
Residential	Yes[3]	Yes[3]	Yes[3]
Shopping Districts	No	No	Yes[2]
Trade, Business, and Offices	No	Yes[2]	Yes[2]
Transportation and Utilities	No	Yes[2]	Yes[2]

NOTES:

[1] Limited agricultural uses are permissible as a conditional use, with a low-intensity, non-disruptive crop and operation required.
[2] Low-intensity and low-density uses are permissible as a conditional use of the property.
[3] Recommended density control requirement of one residential structure per one acre of land.

Chapter 18.68

DIMENSIONAL REQUIREMENTS

Sections:

18.68.010 Area requirements.
18.68.020 Lot coverage by structures.
18.68.030 Height of buildings and structures.
18.68.040 Minimum front, side and rear yards.
18.68.050 Chart No. 1 - Dimensional requirements.

18.68.010 Area requirements

A. No building lot in any residential district shall have less frontage width nor less area than that shown in Chart No. 1, Section 18.68.050, dimensional requirements, for the district in which it is located.

B. No dwelling in any residential district shall have less floor area than that shown in Chart No.1, Section 18.68.050, dimensional requirements, for the district in which it is located.

(Ord. 213 Sec. 1901, 1969)

18.68.020 Lot coverage by structures

The total portion of the lot covered by buildings in any district shall not be more than that shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

(Ord. 213 Sec. 1902, 1969)

18.68.030 Height of buildings and structures

Except as hereinafter provided, no building or structure shall exceed the height limits shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

(Ord. 213 Sec. 1903, 1969)

18.68.040 Minimum front, side and rear yards

A. Except as hereinafter provided, no building or structure shall be set back a lesser distance from the street line than shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

B. Except as hereinafter provided, no building or structure shall have a lesser side or rear yard than that shown in Chart No. 1, Section 12.68.050, for the district in which it is located.

(Ord. 213 Sec. 1904, 1969; Ord. 1299 Sec. 7, 2006)

18.68.050 CHART NO. 1-Dimensional requirements.

District	Maximum Height Stories	Ft.	Minimum Required Lot Area (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Minimum Yards Required Front Yard (ft.)	Rear Yard (ft.)	Side Yard (ft.)	Maximum Lot Coverage by Buildings (Percent)	Min. Spaces Required Off-Street Parking	Off-Stre Loadin
AGRICULTURE											
A-1 Agriculture	2 ½	35	43,560	150	120	50	50	15		2	None
RESIDENTIAL											
R-0 Single Family Gated Community						25		Stories 2 ½			
R-0 Single Family	2 ½	35	8,400	70	120	25	25	5 8	35		
R-1 Single Family	2 ½	35	6,000	60	100	25	25	5 8	30	2	None
R-1A Single Family	2 ½	35	5,000	50	100	25	25	6 1/2 fin.	35	2	None
R-2 Two Family	2 ½	35	6,000	60	100	25	25	5 8	50	3	None
R-3 Multi-Family	3	40	2,000 per fam. min. 6,000	60	100	25	25	5 8	50	1 1/2 per apt.	None
R-4 Zero Lotline	2½	35	1,600	20	80	25	25	15ft.1/side	1 home per lot	2	None
R-5 Modular Home District	2 ½	35	6,000	60	100	25	25	5 8	1 trailer per lot	1	None
R-6 Manufactured Housing Subd.	2 ½	35	6,000	60	100	25	25	5 8	8 per acre	1	None
R-7 Manufactured Housing Parks	3	40	3 acres	80		25	25	5 8		11/2 per unit	
COMMERCIAL											
C-1 Quiet Business	2 ½	35	7,200	60		25	25	6	50	1 per 200 sq. ft	None
C-2 Shopping Ctr. Interior Lot			2 acres(Total Center) 15,000			25	20 or 10+ 10 ft. alley	15	25	1 per 200 sq. ft	1 per 10,000 sq ft
C-3 Hwy Commercial	2 ½	35	None			25	10	15	35	1 per 200 sq. ft.	1 per 10,000 sq ft
C-4 General Comm'l	2 ½	35				25	10	15	50	1 per 200 sq. ft.	1 per 10,000 sq ft
INDUSTRIAL											
M-1 Light Industry	3	45	30,000	150		25	25	25		1 per 2 employees	
M-2 Heavy Industry		75				25	75	15		1 per 2 employees	

(Ord. 530 Sec. 1, 1978; Ord. 454 Exhibit A, Chart 1, 1977; Ord. 453 Exhibit A, Chart 1, 1977; Ord. 213 Chart No. 1, 1969; Ord. 1149 Sec. 11, 2001; Ord. 1221 Sec. 2, 2004; Ord. 1299 Sec. 7, 2006)

Chapter 18.72

PARKING

Sections:

18.72.010 Off-street parking requirements
18.72.020 Off-street loading-floor area over ten thousand square feet
18.72.030 Off-street loading-floor area less than ten thousand square feet
18.72.040 Off-street loading-Enlargements
18.72.050 Off-street loading-Size
18.72.060 Off-street loading-Connection to street or alley

18.72.010 Off-street parking requirements

At the time of the erection of any building or structure hereinafter listed or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor, area, seats, beds, members or employees there shall be provided for such new construction, enlargement of increased capacity, off-street automobile parking space in accordance with the following minimum requirements:

	Type of Structure	# Required Parking Spaces
A.	Boarding and rooming houses	1 space for each 2 bedroom
B.	Clubs, lodges and all similar places providing overnight accommodations	2 spaces for each bedroom plus 1 space for each 5 active members
C.	Dwellings	2 spaces per dwelling unit
D.	Hospitals, sanitariums, rest and convalescent homes, homes for the aged and infirm, asylums, orphanages, and all similar institutions	1 space for each 4 beds plus 1 space for each staff or visiting doctor plus 1 space for each 4 employees (include nurses)
E.	Hotels	1 space per 3 guest bedrooms plus 1 additional space for each 5 employees
F.	Motel, tourist courts, tourist homes, trailer courts, camps and parks	1 space for each guest bedroom or trailer space plus 1 additional space for a resident manager or owner

Type of Structure	# of Required Parking Spaces
G. Automotive service and repair establishments	1 space for each regular employee plus 1 space for each 250 square feet of floor area used for mechanical or body repair.
H. Bowling alleys	5 spaces for each alley
I. Churches and other places of worship	1 space for each 4 seats in the main auditorium
J. Food stores of the type customarily termed "super-markets"	1 space for each 75 square feet of floor area, excluding all rooms used for storage only
K. Medical, dental and health offices and clinics	1 space for each 100 square feet of floor area used for office and similar purposes
L. Office buildings, including business, commercial, governmental	1 space for each 200 square feet of floor area used for office or similar purposes
M. Places of public assembly,* including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, auditoriums, dance halls, rooms, theaters, stadiums, gymnasiums, amusement parks, fair-grounds, undertaking establishments & funeral homes, community centers, libraries, museums & all similar places of public assembly	1 space for each 4 fixed seats provided for patron use plus 1 space or each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats

*The Shopping Center Business District (C-2) shall be excluded from this provision.

N. Restaurants, including bars, grills, cafes, taverns, night clubs, lunch counters, diners and all similar dining and/or drinking establishments*	1 space for each 4 fixed seats provided for patron use plus 1 parking space for 75 square feet of floor area provided for patron use, but not containing fixed seats

	Type of Structure	# of Required Parking Spaces
O.	Retail establishments,* excluding food stores of the type customarily termed "supermarkets," but including personal service shops, equipment or repair shops, gasoline service stations, automotive sales establishments, all retail stores or businesses and banks or other financial and lending institutions	1 space for each 100 square feet of first floor area plus 1 space for each 200 square feet of floor area above the first floor, excluding all rooms used for storage only
P.	Schools, including academies, colleges, universities, preparatory schools, public and private schools and all similar institutions of learning	1 space for each 4 seats in assembly hall, or if no assembly hall, then 1 space for each 2 employees, including teachers and administrators
G.	Wholesale, commercial, manufacturing and industrial plants, including warehouses and storage buildings, contractor equipment and building material sales yards, lumber yards, research laboratories, terminal facilities, business service establishments such as blueprinting and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile, commercial or industrial pursuits not catering to the retail trade	1 space for each 2 employee per shift plus 1 space for each company vehicle operating from the premises

The area of each required parking space shall be not less than Nine feet (9’) wide and Eighteen feet (18’) long, together with the necessary maneuvering room within the private property. Each space shall be appropriately dimensioned for automobile parking.

Each required parking space shall be connected with a street or alley by a driveway which offers satisfactory ingress and egress for automobiles. All parking surfaces must be dust-free and constructed of asphalt, concrete, masonry materials, and/or a combination thereof, together with appropriate designed and constructed curb and gutter to surround the exterior borders in question and any interior borders therein.
(Ord. 213 Sec. 2201, 1969; Ord. 1205 Sec. 2, 2003)

18.72.020 Off-street loading-Floor area over ten thousand square feet

There shall be provided at the time of the erection of any hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution by vehicle of materials or merchandise and having a floor area in excess of ten thousand square feet, at least one off-street loading space for each ten thousand square feet of gross floor area or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
(Ord. 213 Sec. 2202(part), 1969)

18.72.030 Off-street loading-Floor area less than ten thousand square feet

There shall be provided at the time of the erection of any commercial or industrial building requiring the receipt or distribution by vehicle of materials or merchandise and having a floor area of less than ten thousand square feet, sufficient off-street loading space so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley. (Ord. 213 Sec. 2202(part), 1969)

18.72.040 Off-street loading - Enlargements

The off-street loading requirements shall also apply at any time any such building is enlarged or increased in capacity by adding floor area and such requirements shall apply to the enlarged or increased portion only. (Ord. 213 Sec. 2202(part), 1969)

18.72.050 Off-street loading - Size

Each off-street loading space shall have minimum dimensions of fourteen feet in height, twelve feet in width, and forty-eight feet in length; when particular loading space will be used exclusively by shorter trucks, the City may reduce the minimum length to thirty-five feet. (Ord. 213 Sec. 2202(part), 1969)

18.72.060 Off-street loading - Connection to street or alley

Each required off-street loading space shall have direct access to a street or alley by a driveway, which offers satisfactory ingress and egress for trucks. (Ord. 213 Sec. 2202(part), 1969)

Chapter 18.76

SIGNS

Sections:

18.76.010 Definitions
18.76.020 General Provisions
18.76.030 Conformance Requirements
18.76.040 Zoning Requirements
18.76.050 Enforcement and Penalties
18.76.060 Non-Conformance
18.76.070 Permits and Procedures
18.76.080 Enforcement and Penalties

18.76.010 Definitions

ABANDONED SIGN: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ADVERTISING DEVICE: Any device, fixture, structure, or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, goods, products, or service to be affixed, constructed, erected, or maintained within the City limits.

ANIMATED SIGN: Any sign which uses movement or change of light to depict action or to create a special effect or scene.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

BANNER: A sign made of lightweight fabric or any non-rigid similar material(s) that is attached to business at two (2) or more edges; designed and designated for such purposes of advertising a business, product, service, etc.

BILLBOARD: An on or off premise sign of large dimensions [no more than One Thousand square feet (1000 SF)] commonly placed and utilized adjacent to commercial highway(s) for purposes of advertisement.

CHANAGEBLE COPY SIGN: A sign upon which the copy changes manually or automatically, through manual, electronic or mechanical means.

CITY: The City of Jacksonville, Arkansas.

CLEARANCE (OF A SIGN): The smallest vertical distance between the grade of the adjacent street or curb and the lowest point of any sign, including framework and embellishments, which extends over that grade.

CONSTRUCTION SIGN: A temporary sign placed upon a building/construction site, which identifies an architect, contractor, financial institution, and/or materials supplier.

DIRECTIONAL SIGN: An on or off premise sign providing directional instructions or information for a business, facility, location, monument, or other designation. Said sign(s) shall be no larger than Six (6) square feet.

ELECTRONIC MESSAGE BOARD: A LED changeable message device/board utilized to advertise, inform, or notify the patrons, public, or others of various events, information, products, or sales available on or off the premises.

FAÇADE: The entire building front of a business, building, or other structure, including the parapet.

FLAGS: A cloth, plastic, or other non-rigid material of local state, or federal government's official patriotic symbol(s) commonly displaced on poles.

FLASHING SIGN: A sign which contains an intermittent or sequential flashing light source, used primarily as attention-seeking device.

FREESTANDING SIGN: A sign constructed, erected, and supported solely upon its own pole, stand, or support structure which is not attached to a building.

GARAGE SALE SIGN: A sign advertising the sale of used goods and personal property at a private residence.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained for public purposes by the city, county, state, or Federal government.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of adjacent street or the surface grade beneath the sign, whichever is less.

ILLUMINATED SIGN: A sign with an artificial light source incorporated internally or externally.

INCIDENTAL SIGN: A sign, emblem, decal, or other device informing the public of goods, facilities, or services available on the premises. Examples include a sign indicating hours of operation, open/close, and/or credit cards accepted by the business.

INFORMATIONAL SIGN: An on or off premises sign which provides facility information no larger than Six square feet (6 SF). These signs are commonly used to display the name of the establishment or incidental information needed regarding that establishment, such as entrance, location, parking, or other such information needed of patrons, members of the public, and/or visitors.

MARQUEE: A permanent roof-like canopy of rigid materials supported by and extending from the facade of a building or structure used for advertising purposes.

NONCONFORMING SIGN: A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. May also include a sign which does not conform to the terms and conditions set forth by the Sign Code but for which the owner has obtained a waiver/variance for such from the Board of Adjustment.

OFF-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, not furnished, manufactured, sold, or available on the premise upon which the sign is located.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN: Any sign or device designed for advertisement purposes moved easily from one location to another and which is not permanently affixed to a building, enclosure, or a structure.

REAL ESTATE SIGN: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RELIGIOUS SIGN: A sign sanctioned and utilized by a local religious entity/organization sponsoring a special event or program in need of advertisement.

RESPONSIBLE PARTY(IES): The person(s) designated as the owner, tenant, and/or entity legally responsible for the property upon which a sign is erected, located or maintained.

SIGN: Any device, fixture, placard, using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, establishment, goods, product, or services.

SUBDIVISION SIGN: A freestanding or wall sign identifying a recognized residential, commercial, or manufacturing complex, development, or subdivision.

WINDOW SIGN: A sign installed inside a window and intended for viewing outside the building or structure.

YARD SIGN: A sign commonly displayed on a temporary basis in a residential or commercial zone. These signs shall not exceed Twenty-four inches by Twenty-four inches (24" by 24") in size.

18.76.020 General Provisions

A. Scope and Prohibition

It shall be unlawful for any advertising device/sign to be affixed, constructed, erected, and/or maintained unless done so in compliance with all provisions, requirements, and terms of this Code.

B. Nuisance

No advertising device/sign shall constitute a hazard, nuisance, or obstruction because of animation, content, flashing, focus, glare, light, noise, placement, and/or unduly disturb the public and/or use of any adjoining property.

C. Obstruction

No advertising device/sign shall be affixed, constructed, erected, and/or maintained so as to be an obstruction of vision near any driveway, parking lot, and/or public roadway. There must be a clear line of vision between three feet (3’) and eight feet (8’) above the existing grade.

D. Construction

No advertising device/sign shall be constructed, erected, or installed without the prior approval of the City Engineer/Code Enforcement Office. Plans of construction and/or erection are to include, but not be limited to, the following information: dimensions and specification of the device/sign and surrounding structure, poles, and/or supporting device(s); location of the device/sign upon the property; and, a list of all materials and appropriate specifications to be utilized in the construction or erection of the device/sign.

E. Maintenance

All advertising devices(s)/sign(s) shall be maintained by the owner, lessee, or responsible party(ies) in a clean, sanitary, and proper state of repair and condition. The advertising devise/sign and any supporting equipment (i,e., poles, facings, landscape beds, etc.) shall be maintained in such a manner as to be clean, sanitary, inoffensive to the public, free of any obnoxious substances, rubbish, grasses, weeds, etc., and maintained so as to prevent decay oxidation, corrosion, and/or deterioration into an improper state of repair.

F. Public Areas

No advertising device/sign will be affixed, constructed, erected, and/or maintained to any other free standing structure in the public right-of-way to a government sign, upon a public bench, building, or other structure, to public utility poles, or to trees. Government signs will be the only devices/signs allowed on or about public property.

G. Permits

No advertising device/sign shall be affixed, constructed, erected, installed, or maintained until a permit to do so has been obtained from the City Engineer/Code Enforcement Office of the City. For special events(s) permits, no more than one (1) organization shall be issued a permit at or for the same period of time.

H. Areas of Signs

The area of an advertising device/sign shall have only one (1) face of any double or multi-faced sign counted in calculating its area. The area of the device/sign shall be measured as follows if the device/sign is composed of one (1) or two (2) individual cabinets:

(1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy upon such embellishments.

(2) If the device/sign is composed of more than two (2) sign cabinets or modules, area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the device/sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

18.76.030 Conformance Requirements

A. Abandoned Signs

It shall be the responsibility of any owner, lessee, and/or tenant to disassemble and remove any advertising device/sign upon the termination of the activity, business, event, issue, product, or sale being promoted by said device. In the event the permittee/responsible party does not remove the device/sign in a timely manner, the City Engineer/Code Enforcement Officer shall notify in writing the permittee of the device/sign of a thirty (30) day time frame in which to disassemble and remove said advertising device. In the event the responsible party fails to do so, the City Engineer/Code Enforcement Office shall issue a second written notice to the permittee granting an additional thirty (30) days in which to disassemble and/or remove the abandoned device/sign. In the event the permittee fails to remove said sign within the additional time frame, the City Engineer/Code Enforcement Officer shall cite said party for violation of this Code and/or remove the non-compliant device/sign. If such occurs, the City shall assess costs and fees for doing so against the responsible party(ies) to be enforced through issuance of a tax lien(s) against any real property said permittee may own within Pulaski County.
(Ord. 1220 Sec. 4, 2004)

B. Animated Signs

No animated advertising device/sign shall be constructed, installed, operated, or maintained so as to constitute a public nuisance and/or safety hazard. Lighting sources and materials utilized shall be of such a nature to prevent glare into or upon traffic areas, shall be maintained so as to not unduly disturb the use of any adjoining property(ies), and shall not cause an obstruction of vision in any manner.

C. Banners

Only two (2) banners shall be allowed per business/entity commercial location. Banners utilized by educational, non-profit, and/or religious organizations within the scope of the terms of this Ordinance may be attached to two (2) or more poles if placed away from the building.

D. Changeable Copy Signs

All changeable copy signs, whether automatic, manual, or electronic, shall be maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction providing a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

E. Construction Signs

Installation of construction signs shall comply with all code provisions, including setbacks and appropriate zoning limitations. These signs may not exceed Thirty-two square feet (32 SF), and a site shall be provided for posting of all appropriate notices and permits. All such boards, signs, and postings shall be removed from the property within five (5) days of the completion of the construction project.

F. Directional Signs

There shall be a maximum of two (2) off-site directional signs granted per business, and businesses located in a common shopping center/property will be required to combine said signs when at all possible. Directional signs shall only be allowed for businesses located upon local streets (defined as such under the City’s Master Street Plan) or along one-way streets within the City. Any placement of off-site directional signs on property not owned by the permittee will require written proof of authority/permission of said real property owner upon which the directional sign is to be placed.

G. Electronic Message Boards

Electronic message boards or centers shall be allowed in all zones except residential. These boards shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as

location, proximity to the residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for an electronic message board.

H. Flashing Sign

Flashing devices/signs shall be allowed in all zones except residential. These devices/signs shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as location, proximity to residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for a flashing device/sign.

I. Freestanding Sign

All freestanding devices/signs shall be constructed and maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction which provides a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

J. Garage Sale/Carport Sale/Yard Sale Signs

Such signs shall not be required to obtain a permit from the City Engineer/Code Enforcement Office. Parties are limited to the placement of such signs no more than three (3) days prior to a sale, and no more than one (1) sign per intersection. All devices/signs will be removed by the responsible party(ies) no later than one (1) day after the sale. Placement of these signs shall not be within the public rights-of-way, upon public signs, upon trees or public utility poles, and/or erected more than once per calendar quarter. All such signs shall be no larger than nine square feet (9 SF), and must be placed in one (1) or two (2) stakes in a freestanding manner so as not to constitute a public nuisance.

K. Informational Sign

Any device/sign utilized for informational purposes shall be limited to Six square feet (6 SF) in size, securely attached, constructed, and/or maintained so as not to constitute a public nuisance or public safety hazard, and shall be incidental to the primary device/sign upon the premises. Placement of these signs will not be allowed in public easement or public property areas unless they are governmental devices/signs.

L. Pennants, Balloons, and Festoons

Any business, entity, or individual utilizing pennants, balloons, and/or festoons placed about or upon their building or property within the City shall maintain said pennants, balloons and festoons in good repair. If the pennants, balloons, and/or festoons fall into disrepair (torn, ripped, damaged, etc.), they must be removed from the property and/or replaced.

M. Political Sign

All political signs placed in residential zones will be no larger than Twenty-five by Twenty-five inches (25″ X 25″). Political signs placed in commercial and/or manufacturing zones will be no larger than Four by Four feet (4′ X 4″) to a maximum of Sixteen square feet (16 SF). No political sign of any size may be placed in public view more than sixty (60) days prior to the date of the election and/or referendum issue at hand. All political signs are to be removed from public view no later than seven (7) days after the date of the election and/or referendum issue at hand, and there shall be no requirement for the City to issue permits for political signs.

N. Portable sign

No portable signs will be allowed within the City of Jacksonville. Any such sign must be fully enclosed, encased, or a frame constructed in such a manner acceptable to the City Engineer/Code Enforcement Office so as to make these signs no longer portable and/or temporary.

O. Real Estate Sign

All signs advertising the availability of particular residential property for sale or rent shall not exceed Twenty-five inches by Twenty-five inches (25″ X 25″). All signs advertising the availability of particular commercial and/or manufacturing property for sale or rent shall not exceed Four feet by Eight feet (4′ X 8′). Placement of additional directional or informational signs may be allowed at strategic points to assist the general public in locating the specific property in question. However, no such directional/informational/real estate signs shall be permanent in nature and/or be allowed within public easements and/or rights-of-way. Further, there is no requirement for the City to issue permits for real estate signs of this nature.

P. Religious/Charitable/Educational Signs

Any device or sign promoting any religious, charitable, and/or educational institution or program shall not exceed Six square feet (6 SF) in size for residential properties and Thirty-two square feet (32 SF) in size for commercial and industrial properties.

Q. Religious/Charitable/Educational Special Events

Permits may be obtained by local religious/charitable/educational institutions, organizations, or programs sponsoring a special event to place yard signs in residential, commercial, and manufacturing zones under the following conditions:

1) A church, institution, and/or group advertises no more than two special events per calendar year;

2) Only one (1) sign is placed per lot;

3) Display of signs occurs no earlier than three (3) weeks prior to the event/program and are removed from public view no later than one (1) week after the event/program;

4) Display of said devices and signs shall be in compliance with all other applicable provision of this Code; and,

5) No such signs shall be placed within public easements, upon rights-of-way, or affixed to any public utility poles or public signs.

R. Shopping Center

A structure or facility housing Three (3) or more businesses utilizing One (1) or more parcels of adjacent real property that share common amenities (parking, driveways, easements, etc.). Excluded from that determination will be any business entity(ies) housed in an out-parcel building upon the shopping center grounds.

18.76.040 Zoning Requirements

Residential Zones R-0, R-1, R-2, R-3, R-4, R-5, R-6, & R-7

No commercial or manufacturing business, product, or entity shall place or allow to be placed devices/signs of its business, product, or entity within a residential zone. Placement of real estate signs, as defined in this Code, is exempted from this prohibition.

Subdivision signs and Apartment Complex Development signs are allowed within the appropriate zones as long as the City Engineer or Code Enforcement Office has approved plans submitted for the construction, design, and placement of said sign. These signs shall not exceed the maximum size of Thirty-two square feet (32 SF).

Commercial Zone C-1 (Quiet Business)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Sixteen square feet (16 SF), the height of the sign shall not exceed the height of the structure of Twenty feet (20’), whichever is lower, and the front edge of the sign shall not exceed beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it has either: a minimum clearance of Five feet (5’) from a point Three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, a minimum setback of Ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, height of the sign may not exceed the height of the structure or Twenty feet (20’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-2 (Shopping Center District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Two Hundred square feet (200 SF), the height of the sign may not exceed Ten feet (10’) above the height of the structure or Forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign not to exceed one hundred square feet (100 SF) in size will be allowed provided the sign:

- **a)** is attached to a Shopping Center sign, which advertises the businesses located within or upon the Shopping Center property;
- **b)** has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line or has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign; and,
- **c)** the height of the sign shall exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-3 (Commercial District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: Has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within the Shopping

Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-4 (Highway Commercial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within a Shopping Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Manufacturing Zones M-1 and M-2 (Industrial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed three hundred square feet (300 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front of the property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

18.76.050 Billboards

A) No billboard will be constructed, erected, and/or maintained within the City unless: Payment of one hundred dollars ($100.00) is received together with a fully completed permit request; and, approval is obtained from a majority of the City’s Board of Adjustment after a duly held meeting addressing the permit request.

B) Any billboard constructed, erected, and/or maintained must comply with the following provisions.

1) Zoning Requirements – Billboards are allowed only in and upon property currently zoned A-1, C-2, C-3, C-4, M-1, and M-2, provided the sign structure is located greater than three hundred feet (300’) from property in any of the following zones: R-0, R-1, R-2, R-3, R-4, R-5, R-6, or R-7.

2) Construction Specifications

a) A sign face of one hundred square feet (100 SF) or more will be supported by a maximum of two (2) structural steel or other durable metal columns/supports.

b) The face, columns, support, and foundation of the billboard will be signed to withstand up to a seventy miles per hour (70mph) wind acting against the full face of the sign.

c) The front edge of a billboard will not be any closer to the front property line than the appropriate setback requirements for the zone in which a billboard is located. The side of the sign will not be any closer than five feet (5’) from the side lot line.

d) The structural integrity of the proposed billboard and supporting structure will be designed and certified by a professional engineer registered in the State of Arkansas.

3) Dimensions – The area of a billboard will not exceed a maximum of eighteen feet (18′) vertically and fifty-five feet (55′) horizontally. No billboard shall exceed forty-five feet (45′) in height. Height measurements will be made from ground level at the base of the sign support nearest the roadway to the top of the supporting structure of the sign face or the top of the column, whichever is higher.

4) Placement – No billboard will be placed within one thousand feet (1,000′) of another billboard, and there will be no more than four (4) billboards per mile on the same side of the roadway. Further, no billboard will be located closer than two hundred fifty feet (250′) of a perpendicular line to the right-of-way of another billboard on the opposite side of the roadway.

5) Limitations - No billboard shall display more than two (2) advertisements per face. Each billboard constructed may have up to two (2) faces.

Please see the Sign Ordinance Specification Chart for further information

18.76.060 Non-Conformance

Any advertising device/sign in existence or under construction at the time of passage of this Ordinance which does not meet the provisions contained herein will be removed and/or repaired within one hundred eighty (180) days of written notification providing the specific deficiencies from the City Engineer/Code Enforcement Office. However, the following provisions do apply:

A) Any non-conforming device/sign previously approved the Board of Adjustment or Planning Commission shall continue to remain in existence for as long as the device/sign is maintained in a suitable and proper condition;

B) Any responsible party maintaining, possessing, and/or utilizing a non-conforming device/sign may file a written request for a variance or waiver with the Board of Adjustment for a determination upon the request. All applicable fees and costs will apply, and no enforcement action will be taken until such time as the Board of Adjustment has rendered a decision on the request; or,

C) When any device/sign falls into a state of disrepair or is deemed structurally unsound/unsafe by the City Engineer, the responsible party must repair and/or remove the device/sign within seven (7) days from the written notice of the City Engineer.

18.76.070 Permits AND Procedures

A) SUBMISSION – Any responsible party requesting a permit for a device/sign shall submit a set of plans and specification, together with a fee of thirty-five dollars ($35.00) per sign to the City Engineer/Code Enforcement Office. The plans and specifications shall detail the device, its location, dimensions, materials, specifications, and other pertinent information.

Upon review, the City Engineer/Code Enforcement Office shall approve or disapprove the plans in writing within ten (10) business days of the submission. If disapproved, stated reasons shall be provided as to the nature of the deficiencies, and the responsible party may re-submit a modified set of plans and specifications. If disapproved, the responsible party may submit a request to the Board of Adjustment for a waiver/variance if desired.

Once approved, a permit shall be issued for the device/sign and an inspection scheduled set for the construction/installation period. A record of such shall be provided to the responsible party and maintained by the City.

B) BOARD OF ADJUSTMENT – Should a variance/waiver be required before a permit can be issued, the responsible party must submit a written request, together with the appropriate fees and costs, to the Board of Adjustment through the City Clerk's Office. The matter shall then be placed on the next regularly scheduled Board of Adjustment meeting. Upon duly published notice and posting of the property in accordance with State law, the request for variance/waiver shall be heard and addressed by the Board of Adjustment at the scheduled time and date. At the meeting, the responsible party and/or a designated representative shall be present to present any information or data in support of his/her/their request.

Further, the Board of Adjustment shall hear from the City Engineer/Code Enforcement Office as the reasons for disapproval of the permit by his/her/their office. Upon obtaining all relevant information, the Board of Adjustment shall approve or disapprove the variance/waiver request.

C) CONDITIONS OF VARIANCE/WAIVERS – While the Board of Adjustment reviews and makes a determination upon a request for variance/waiver, Board members shall take into consideration all relevant factors affecting the decision. These considerations should include, but are not limited to, the proposed location and its proximity to adjoining property, dimensions and specifications of the sign and structural support equipment, lighting factors, proximity to residential property, public nuisance value, pedestrian and traffic safety issues, and, finally, aesthetics.

18.76.080 Enforcement and Penalties

A) ENFORCEMENT – The City Engineer/Code Enforcement Office shall be responsible for the enforcement of the terms and conditions as outlined herein. It is the desire of the City that a progressive from of discipline be used with non-compliant responsible parties, providing them with verbal warnings of no-compliant issues prior to written notice of the non-compliant matters. When either notification is provided, the City shall set a definitive and reasonable time period in which the responsible party should have the non-compliant condition eliminated. Non-compliant matters of public safety will obviously require a quicker response time than those of other non-compliant conditions.

Should the responsible party not eliminate the non-compliant condition after receipt of said verbal and written notice. It is the duty of the City Engineer/Code Enforcement Office to issue a citation to the responsible party and present the matter for adjudication of a violation of this Code by the Jacksonville District Court.

In the event that the City expends public monies to eliminate a non-compliant condition upon private property, it is the responsibility of the City Engineer/Code Enforcement Office to submit an itemized statement for reimbursement of the costs to do so to the responsible party. If the amount is not paid within sixty (60) days from the date of the first such statement, the City Engineer/Code Enforcement Office shall cause to be filed a tax lien against the real property owned by the responsible party within Pulaski County, Arkansas, for collection of said amounts with the party’s taxes each year.

B) Penalties

Should any individual, business, entity, or other such designated responsible party be found by the Jacksonville District Court to be in violation of the terms and conditions as outlined by this Code, the Court shall assess a fine of no more than one hundred dollars ($100.00) per violation per day, together with appropriate court costs. Each day a condition of non-compliance exists constitutes a separate violation and is subject to prosecution.

For second or subsequent violations within the same calendar year, the Court shall assess a fine of no more than five hundred dollars ($500.00) per violation per day, together with appropriate court costs. Again, each day a condition of non-compliance exists constitutes a separate violation subject to prosecution.

(Ord. 838, 1987; Ord.887, 1988; Ord. 1120, 2004; Ord. 1125, 1999; Ord. 1141, 2000; all previous ordinances amended by Ord. 1220, 2004)

ZONING CLASSIFICATION

	A-1	R-0 R-1 R-1A	R-2	R-3	R-4	R-5 R-6 R-7	C-1	C-2	C-3	C-4	M-1	M-2
Max. Size Sq.Ft	32	32	32	32	32	32	16	100	200	200	300	300
Max. Height	30	3	3	3	3	3	20	45	45	45	45	45
Illumi-nated	X	0	0	0	0	0	X	X	X	X	X	X
Non-illumi-nated	X	X	X	X	X	X	X	X	X	X	X	X
Flashing	X	0	0	0	0	0	X	X	X	X	X	X
Engineer Approval Required	X	X	X	X	X	X	X	X	X	X	X	X
Off Site		0	0	0	0	0						
On Site	X	X	X	X	X	X	X	X	X	X	X	X
Permit Fee	R	N	N	N	N	N	R	R	R	R	R	R
Fee Cost	$35	N	N	N	N	N	$35	$35	$35	$35	$35	$35
Billbd. fee	$100	0	0	0	0	0	$100	$100	$100	$100	$100	$100
Min. Spacing Lot	500 Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	2 Per Lot	2 Per Lot	2 Per	2 Per	500	500

NOTE: 0 = Not Allowed, X = Allowed, N = Not Required, R =Required

Chapter 18.80

NONCONFORMING USES

Sections:

18.80.010	**Chapter purpose**
18.80.020	**Nonconforming uses permitted**
18.80.030	**Unsafe structures**
18.80.040	**Construction approved prior to ordinance**
18.80.050	**Restoration**
18.80.060	**Abandonment**
18.80.070	**Changes in use**
18.80.080	**Enlargement of nonconforming use**
18.80.090	**District changes**

18.80.010 Chapter purpose

In order to avoid individual hardship whenever reasonable and not in conflict with the general welfare of the City and for purposes herein outlined, the following provisions apply to all districts. (Ord. 213 Art. IV (part), 1969)

18.80.020 Nonconforming uses permitted

Except as herein specified, the lawful use of any building or land existing at the time of the enactment of the ordinance codified herein may be continued although such use does not conform to the provisions of the ordinance codified herein. (Ord. 213 Sec. 401, 1969)

18.80.030 Unsafe structures

Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
(Ord. 213 Sec. 402, 1969)

18.80.040 Construction approved prior to ordinance

Nothing contained in the ordinance codified herein shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has begun. (Ord. 213 Sec. 403, 1969)

18.80.050 Restoration

No building damaged by fire or other causes to the extent of more than fifty percent of its reasonable value shall be repaired or rebuilt except in conformity with the regulations of the ordinance codified herein. (Ord. 213 Sec. 404, 1969)

18.80.060 Abandonment

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of the ordinance codified herein. This section shall not apply to trailer houses, where the regulation shall be as follows:

When a nonconforming trailer moves from such lot, it shall be considered immediately abandoned and shall not be replaced with another house trailer or re-established for trailer use.
(Ord. 213 Sec. 405, 1969)

18.80.070 Changes in use

No nonconforming use may be changed to another nonconforming use. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
(Ord. 213 Sec. 406, 1969)

18.80.080 Enlargement of nonconforming use

No nonconforming use shall be enlarged or extended in any way.
(Ord. 213 Sec. 407, 1969)

18.80.090 District changes

The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. (Ord. 213 Sec. 408, 1969)

Chapter 18.82

ANNEXED PROPERTY

Sections:

18.82.010 Chapter purpose
18.82.020 Comprehensive plan
18.82.030 Uses pending zoning plan adoption

18.82.010 Chapter purpose

In order to establish the zoning classification of property annexed to the City, the provisions of this chapter apply to all areas hereafter annexed to the City.
(Ord. 362 Sec. 1(part), 1975)

18.82.020 Comprehensive plan

The Planning Commission shall make studies and prepare a comprehensive zoning plan for all annexed areas, and after development of a comprehensive plan, a public hearing shall be conducted and the property shall be zoned by the Planning Commission and City council as soon as shall be practical. If the Planning Commission does not prepare or have prepared such a comprehensive zoning plan within ninety days from the effective date of annexation, the owner or owners of annexed land may have prepared a zoning plan, and it shall be deemed to be the proper and correct zoning of the property upon its being filed with the Commission.
(Ord. 362 Sec. 1(part), 1975)

18.82.030 Uses pending zoning plan adoption

Until the adoption of a zoning plan for annexed property, such property shall be classified according to the use in effect on the effective date of annexation, and such zoning classification shall remain in effect until such time as a different zoning classification is adopted for such property. Pending the adoption of a comprehensive zoning plan for annexed areas, any property owner may make application for a different type of zoning use, and the Commission may proceed to hear such application prior to the development and hearing on a comprehensive plan for the entire annexed area. (Ord. 362 Sec. 1(part), 1975)

Chapter 18.84

EXCEPTIONS

Sections:

18.84.010 Lots of record
18.84.020 Adjoining and vacant lot of record
18.84.030 Front yard setbacks
18.84.040 Group developments
18.84.050 Exceptions to height limits

18.84.060 Area exceptions
18.84.070 Service stations
18.84.080 Churches, schools and fire stations
18.84.081 Mobile home on school ground

18.84.010 Lots of record

Except as herein provided, in any residential district where the owner of a lot, at the time of the adoption of the ordinance codified herein, or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and/or frontage requirements of this title, such lot may be used as a building site for a single-family residence provided that minimum yard, setback and floor area requirements for the district in which said lot is located are maintained.
(Ord. 213 Sec. 2101, 1969)

18.84.020 Adjoining and vacant lots of record

If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of the ordinance codified herein and such lots individually are less than the lot width requirements for the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this title.
(Ord. 213 Sec. 2102, 1969)

18.84.030 Front yard setbacks

The setback requirements of this title for dwellings shall not apply to any lot where the average existing setback on lots located wholly or in part within one hundred feet on each side of said lot within the same block and zoning district and fronting on the same side of the street as such lot is less than the minimum setback required. In such cases, the setback on such lot may be less than required setback but not less than the average of the existing setbacks on the aforementioned lots or within fifteen feet of the street right-of-way, whichever is greater.
(Ord. 213 Sec. 2103, 1969)

18.84.040 Group developments

In the case of group development of two or more dwellings to be constructed on a plat of ground of at least five acres in area not subdivided into customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this title to the individual dwellings in such group developments, upon application to the City Council, the application of the terms of this title may be varied in a manner that will be in harmony with the character of the area and will insure substantially the same

character of occupancy and an average intensity of land use no higher and a standard of open space no lower than permitted by this title in the district in which the proposed group development is to be located. (Ord. 213 Sec. 2104, 1969)

18.84.050 Exceptions to height limits

A. The height limitations of this title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyors, flag poles, masts and aerials, penthouses, scenery lofts, sugar refineries, standpipes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City and Pulaski County.

B. In the thirty-five and forty-five foot height districts, public or semi-public buildings or hospitals may be erected to a height not exceeding seventy-five feet when the front, side and rear yards are increased an additional foot for each foot such buildings exceed thirty-five and forty-five feet respectively in height.

C. One-family dwellings in the thirty-five foot height districts may be increased in height by not more than ten feet when two side yards of not less than twenty feet each are provided. Such dwellings, however, shall not exceed three stories in height.

(Ord. 213 Sec. 2105, 1969)

18.84.060 Area exceptions

A. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one building occupying one lot:

Semi-detached two-family and four-family dwellings and row-houses not more than two rooms deep.

B. The front and side yard requirements for dwellings shall be waived where dwellings are erected above stores.

C. In the case of a court apartment, side yards may be used as rear yards provided that:

1. The required side yard shall be increased by one foot for each entrance or exit opening into or served by such yard;

2. The width of the place or court shall not be less than three times the width of the side yard as required in this provision, provided that open, unenclosed porches may project into the required place or court not more than twenty percent of the width of such place or court;

3. Where a roadway is provided in the place or court the width allowed for such roadway shall be in addition to the required above;

4. All other requirements, including front, side and rear yards shall be complied with in accordance with the district in which such court apartments are locate.

D. In computing the depth of a rear yard for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.

E. An accessory building may occupy not more than six hundred and fifty square feet. An accessory building may be permitted without side or rear yard if located more than one hundred feet from the front or street line. An attached or detached garage may come to within one-half of the required side yard in the zone in which it is erected, provided the front of the garage is seventy-five feet from the front lot line. A Porte Cocere or carport may be built to within one-half of the required side yard, in the district in which it is built.

F. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided however, that role of the above projections shall extend into a court more than six inches nor into a minimum side yard more than twenty-four inches.

G. No cornices shall project over the street line more than five percent of the width of such street, and shall in no case project more than four feet.

H. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a yard not more than five feet or into a court not more than three and one-half feet and the ordinary projections of chimneys and flues may be permitted by the building inspector where same are so placed as not to obstruct the light and ventilation.

(Ord. 213 Sec. 2106, 1969)

18.84.070 Service stations

Service stations or gasoline filling stations shall be so constructed that for driveways parallel to the street boundary line the centerline of the pump shall be at least fifteen feet from the parallel street property line, and if on a corner lot, the end pump shall be at least fifteen feet from the other street property line; for driveways built diagonally across the corner lot, the centerline of pumps shall be at least twenty-five feet from the street corner of the lot and the end pumps shall be at least fifteen feet from the street property lines.

(Ord. 213 Sec. 2107, 1969)

18.84.080 Churches, schools and fire stations

Churches, schools and fire stations shall be permitted in residential districts upon permit granted by the City Council after having advertised for fifteen days and setting a date to hear objections; in the event that twenty percent or more people within a radius of one hundred and sixty feet, excepting alleys and streets, object to proposed permit, then such permit shall not be granted except by favorable vote of two-thirds of all members of City Council.
(Ord. 213 Sec. 2108, 1969)

18.84.081 Mobile Home on School Ground

The County Special School District shall be allowed to place mobile homes on public school grounds located within the City limits, for security purposes. The school board of the County Special School District shall be required to notify the City Inspector of their intentions before a mobile home shall be located on any school property. A limit of one mobile home per school location is allowed.
(Ord. 356 Sec. 1, 1975)

Chapter 18.86

ACCESSORY BUILDINGS

Sections:

18.86.010 Definition of an Accessory Building
18.86.020 Square Foot Limitations
18.86.030 Height Limitations

18.86.010 Definition of an Accessory Building

Accessory Building - any subordinate building of which the use is clearly incidental to that of the principal structure.
(Ord. 854, 1967)

18.86.020 Square Foot Limitations

An accessory building may occupy no more than thirty percent (30%) of the existing rear yard not to exceed six hundred fifty (650) square feet and shall not be built closer than five (5) feet to the owner's property line or in compliance with a subdivision’s Bill of Assurance, whichever is greater. (Ord. 854, 1987)

18.86.030 Height Limitations

An accessory building in a residential area shall not exceed the height of the principal structure or twenty-five (25) feet, ridge height, whichever is less. (Ord. 854, 1987)

Chapter 18.88

BOARD OF ADJUSTMENT

Sections:

18.88.010 Appointment and membership
18.88.020 Authority
18.88.030 Meetings - Notice - Records
18.88.040 Jurisdiction
18.88.050 Appeals

18.88.010 Appointment and Membership

The Board of Adjustment of the City is established. The word "Board" when used in this chapter shall be construed to mean the Board of Adjustment. The Board shall consist of five members who shall be citizens of the City. Three members shall be appointed by a majority vote of the City Planning Commission and shall be selected from the members of the Planning Commission. The Vice Chairman of the Planning Commission shall be one of the three members from said Commission and shall serve as Chairman of the Board of Adjustment. These three members shall serve one-year terms. The remaining two members shall be appointed by the Mayor and approved by the City Council to serve three-year terms. Vacancies shall be filled for an unexpired term only, in case of necessity. Members shall be removed from the Board for cause by action of the Council upon written charges and after a public hearing. The members of the Board shall receive no compensation for their services. The Board shall adopt from time to time such rules and regulations, as it may deem necessary to carry into effect the provisions of this title.
(Ord. 213 Sec. 2401, 1969; Ord. 711 Sec. 1, 1983)

18.88.020 Authority

The Board of Adjustment shall have jurisdiction of certain matters arising in connection with the administration, enforcement, or interpretation of this title as herein provided.
(Ord. 213 Sec. 2402, 1969)

18.88.030 Meetings - Notice - Records

A. Meetings of the Board of Adjustment shall be held at such times as are established by the Board of Adjustment and as such, other times as the majority of the Board may determine. All meetings shall be open to the public. If there is no business scheduled at a regular meeting of the Board, the Chairman has the authority to cancel the meeting and notify all Board members. The Chairman, or in his absence the acting Chairman, may administer oath and compel the attendance of witnesses. The Board shall adopt its own rules and procedures and keep records of its proceedings showing the action of the Board and the vote of each member on each question considered. Records of its examinations and other official action shall be immediately filed in the office of the Board and shall be a public record.
(Ord. 711 Sec. 2, 1983)

B. The City Clerk shall be responsible for keeping, maintaining, and preparing all records for the Jacksonville Board of Adjustment, requesting assistance from other City Department and officials when needed to complete said task(s). The City Clerk's Office shall also be responsible to ensure that publication of meeting notices and variance/waiver request(s) occur in the allotted time(s) and minimum days prior to said meeting/hearing as required by this Code and/or State law.
(Ord. 1082 Sec. 2, 1997)

C. Each session of the Jacksonville Board of Adjustment shall constitute a public meeting with proper public notice of said meeting and the waiver(s) and/or variance request(s) to be addressed at said meeting published in a newspaper of general circulation in the City a minimum of one (1) time at least seven (7) days prior to the scheduled meeting. The Code Enforcement Office shall be responsible to ensure that the affected real property is properly posted with a notice(s) designating the specific request(s) for variance or change and the date, time, and place of the public hearing a minimum of seven (7) days prior to the scheduled meeting. Said notice shall be posted in a highly visible location upon the affected property.
(Ord. 1082 Sec. 2, 1997; Ord. 213 Sec. 2403, 1969; Ord. 698 Sec. 1, 1983)

18.88.040 Jurisdiction

A. The Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision or determination made by the building inspector in the enforcement of this title;

2. To hear and decide upon applications for special exceptions enumerated in this title;

3. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of the ordinance codified herein;

4. To interpret the provisions of this title in such a way as to carry out the intent and purpose of the plan as shown upon the accompanying official zoning map fixing the several districts where layout actually on this ground varies from the street layout on the map.

5. To vary or modify the application of any of the regulations or provisions of this title where there are practical difficulties or unnecessary hardships to carry out the strict letter of this title, so that the spirit of this title shall be observed, public welfare and safety secured and substantial justice done.

6. To permit variances from the sign ordinance as set forth in chapter and Sec. **18.76.040.**

B. In exercising the above powers, the Board may, in conformity with the provisions of this title, reverse or affirm, wholly on in part, or may modify the order, requirement, decision or determination of the building inspector, and to that end shall have all the powers of the building inspector and may issue or direct the issuance of a building permit.

C. A major vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant or on any matter upon which it is required to pass under the provisions of this title.

(Ord. 213 Sec. 2404, 1969; Ord. 872, 1987)

18.88.050 Appeals

A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the building inspector under this title. Appellants shall file with the Board a notice of appeals specifying the grounds thereof, and in addition shall pay a fee in the amount of fifty dollars to cover costs incurred by the Board in processing said appeal and providing for notice of said meeting; provided, that if the minimum charge of fifty dollars is deemed not sufficient to cover the aforementioned costs, the Board is empowered to assess additional fees in order to cover all costs incurred and necessary for the hearing of any appeal as provided herein. The building inspector shall

forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. The final disposition of any such appeal shall be in the form of a decision expressed in a resolution, either reversing, modifying, or affirming, wholly or partially, the Board's decision or determination appealed from.

B. Any person aggrieved at the findings of the Board of Adjustment of the City shall have the right of appeal from the findings of said Board to a court of record having jurisdiction in the manner provided for in the Statutes of Arkansas.

(Ord. 477 Sec. 1, 1978; Ord. 213 Sec. 2405, 1969)

Chapter 18.92

AMENDMENT PROCEDURE

Sections:

18.92.010 City Council powers
18.92.020 Additional changes of previously affected property-time lapse

18.92.010 City Council powers

The City Council may from time to time on its own motion or on petition or on recommendation of the Planning Commission, after public notice and hearing as provided by law, amend, supplement, abridge, modify or repeal the boundaries or regulations herein or subsequently established, after submitting the same to the City Planning Commission for its recommendation and report.

In case, however, of a protest against such change duly signed and acknowledged by the owners of twenty percent or more of the frontage proposed to be changed or of the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed except by a two-thirds vote of all members of the City Council including the Mayor. (Ord. 213 Sec. 2501, 1969)

18.92.020 Additional changes of previously affected property - Time lapse

After any proposed change or amendment to the boundaries or regulations established under Ordinance Nos. 213 and 238 has been considered and acted upon by the Planning Commission or by the City Council, any additional proposed change or amendment to said property affected by the prior action shall not be re-submitted to the Planning Commission or City Council of the City for further consideration until such time as one year has elapsed from the date of the action on such proposed change or amendment to said property by the Planning Commission or the City Council. This in no way

limits the right of the landowner to appeal the action of the Planning Commission to the City Council. For purposes of this section, "said property affected by the prior action" shall mean any tract of land being considered for a change or amendment under Ordinances 213 and 238 of which at least fifty percent (50%) of that land was included in a tract of land that had been up for said change or amendment within the past twelve (12) months before the Planning Commission or the City Council. Once the Planning Commission has made its recommendation as to the approval or denial of the landowner's request, the Planning Commission shall not hear any additional requests, reconsiderations, etc. in regard to that tract for a one-year period of time.
(Ord. 290 Sec. 1, 1973; Ord. 238 Sec. 2, 1971; Ord. 213 Sec. 2502, 1969; Ord. 777, 1986)

TITLE 18 FOOTNOTES

1. The current zoning map is on file in the office of the secretary of the Planning Commission.

2. For provisions giving cities of the first class, zoning and planning powers, see ACA 14-56-301-302 and 14-56-402-404; for provisions governing the zoning ordinance, see ACA 14-56-416.

3. For statutory provision making violation of the zoning ordinance a misdemeanor and providing for injunctive relief from such violations, see ACA 14-56-401 ET. seq.

4. For statutory provision requiring that the zoning ordinance consist of both a map and text, see ACA 14-56-416(a) (z). The zoning map originally adopted by Ord. 213 has been substituted by the map adapted by Ord. 238, which is on file in the office of the secretary of the Planning Commission.

5. For statutory provisions governing mandatory zoning of property for commercial use, see ACA 14-56-401 ET. seq.

6. For statutory provisions authorizing cities to regulate height, bulk, number of stories and size of buildings and open space, see ACA 14-56-416 (a)(3)(A).

7. For statutory provisions authorizing the zoning ordinance to require off-street parking and loading, see ACA 14-56-416 (a) (3) (B).

8. For statutory provisions requiring that the zoning ordinance provide for board of adjustment, see ACA 14-56-416 (b) (1).

9. For statutory provisions governing the adoption and amendment of zoning ordinances, see ACA 14-56-422-424.

Chapter 18.68

DIMENSIONAL REQUIREMENTS

Sections:

18.68.010 Area requirements.
18.68.020 Lot coverage by structures.
18.68.030 Height of buildings and structures.
18.68.040 Minimum front, side and rear yards.
18.68.050 Chart No. 1 - Dimensional requirements.

18.68.010 Area requirements

A. No building lot in any residential district shall have less frontage width nor less area than that shown in Chart No. 1, Section 18.68.050, dimensional requirements, for the district in which it is located.

B. No dwelling in any residential district shall have less floor area than that shown in Chart No.1, Section 18.68.050, dimensional requirements, for the district in which it is located.

(Ord. 213 Sec. 1901, 1969)

18.68.020 Lot coverage by structures

The total portion of the lot covered by buildings in any district shall not be more than that shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

(Ord. 213 Sec. 1902, 1969)

18.68.030 Height of buildings and structures

Except as hereinafter provided, no building or structure shall exceed the height limits shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

(Ord. 213 Sec. 1903, 1969)

18.68.040 Minimum front, side and rear yards

A. Except as hereinafter provided, no building or structure shall be set back a lesser distance from the street line than shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

B. Except as hereinafter provided, no building or structure shall have a lesser side or rear yard than that shown in Chart No. 1, Section 12.68.050, for the district in which it is located.

(Ord. 213 Sec. 1904, 1969; Ord. 1299 Sec. 7, 2006)

18.68.050 CHART NO. 1-Dimensional requirements.

District	Maximum Height Stories	Ft.	Minimum Required Lot Area (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Minimum Yards Required Front Yard (ft.)	Rear Yard (ft.)	Side Yard (ft.)	Maximum Lot Coverage by Buildings (Percent)	Min. Spaces Required Off-Street Parking	Off-Street Loading
AGRICULTURE											
A-1 Agriculture	2 ½	35	43,560	150	120	50	50	15		2	None
RESIDENTIAL											
R-0 Single Family Gated Community						25		Stories 2 ½			
R-0 Single Family	2 ½	35	8,400	70	120	25	25	5 8	35		
R-1 Single Family	2 ½	35	6,000	60	100	25	25	5 8	30	2	None
R-1A Single Family	2 ½	35	5,000	50	100	25	25	6 1/2 fin.	35	2	None
R-2 Two Family	2 ½	35	6,000	60	100	25	25	5 8	50	3	None
R-3 Multi-Family	3	40	2,000 per fam. min. 6,000	60	100	25	25	5 8	50	1 1/2 per apt.	None
R-4 Zero Lotline	2½	35	1,600	20	80	25	25	15ft.1/side		2	None
R-5 Modular Home District	2 ½	35	6,000	60	100	25	25	5 8	1 home per lot	1	None
R-6 Manufactured Housing Subd.	2 ½	35	6,000	60	100	25	25	5 8	1 trailer per lot	1	None
R-7 Manufactured Housing Parks	3	40	3 acres	80		25	25	5 8	8 per acre	11/2 per unit	
COMMERCIAL											
C-1 Quiet Business	2 ½	35	7,200	60		25	25	6	50	1 per 200 sq. ft	None
C-2 Shopping Ctr. Interior Lot			2 acres(Total Center) 15,000			25	20 or 10+ 10 ft. alley	15	25	1 per 200 sq. ft	1 per 10,000 sq ft
C-3 Hwy Commercial	2 ½	35	None			25	10	15	35	1 per 200 sq. ft.	1 per 10,000 sq ft
C-4 General Comm'l	2 ½	35				25	10	15	50	1 per 200 sq. ft.	1 per 10,000 sq ft
INDUSTRIAL											
M-1 Light Industry	3	45	30,000	150		25	25	25		1 per 2 employees	
M-2 Heavy Industry		75				25	75	15		1 per 2 employees	

(Ord. 530 Sec. 1, 1978; Ord. 454 Exhibit A, Chart 1, 1977; Ord. 453 Exhibit A, Chart 1, 1977; Ord. 213 Chart No. 1, 1969; Ord. 1149 Sec. 11, 2001; Ord. 1221 Sec. 2, 2004; Ord. 1299 Sec. 7, 2006)

Chapter 18.06

COMPREHENSIVE DEVELOPMENT USE PLAN

Sections:

18.06.010 **Comprehensive Development Use Plan**
18.06.020 **Land Use Plan**

18.06.010 **Comprehensive Development Use Plan**

There is hereby adopted and implemented a Comprehensive Development Use Plan for the City of Jacksonville, as detailed and noted on the attachments hereto. All development within the City's planning jurisdiction shall adhere to and comply with the provisions and requirements contained in said plan unless specifically exempted by a majority vote of the Jacksonville Planning Commission or Jacksonville City Council. (Ord. 1226 Sec. 1, 2004)

18.06.020 **Land Use Plan**

There is hereby adopted and implemented a Land Use Plan for the City of Jacksonville, as detailed and noted on the attachments hereto. All development within the City's planning jurisdiction shall adhere to and comply with the provisions and requirements contained in said plan unless specifically exempted by a majority vote of the Jacksonville Planning Commission or Jacksonville City Council. (Ord. 1226 Sec. 2, 2004)

Chapter 18.92

AMENDMENT PROCEDURE

Sections:

18.92.010 **City Council powers.**
18.92.020 **Additional changes of previously affected property-time lapse.**

18.92.010 **City Council powers**

The City Council may from time to time on its own motion or on petition or on recommendation of the Planning Commission, after public notice and hearing as provided by law, amend, supplement, abridge, modify or repeal the boundaries or regulations herein or subsequently established, after submitting the same to the City Planning Commission for its recommendation and report.

In case, however, of a protest against such change duly signed and acknowledged by the owners of twenty percent or more of the frontage proposed to be changed or of the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed except by a two-thirds vote of all members of the City Council including the Mayor. (Ord. 213 Sec. 2501, 1969)

18.92.020 **Additional changes of previously affected property - Time lapse**

After any proposed change or amendment to the boundaries or regulations established under Ordinance Nos. 213 and 238 has been considered and acted upon by the Planning Commission or by the City Council, any additional proposed change or amendment to said property affected by the prior action shall not be re-submitted to the Planning Commission or City Council of the City for further consideration until such time as one year has elapsed from the date of the action on such proposed change or amendment to said property by the Planning

Commission or the City Council. This in no way limits the right of the landowner to appeal the action of the Planning Commission to the City Council. For purposes of this section, "said property affected by the prior action" shall mean any tract of land being considered for a change or amendment under Ordinances 213 and 238 of which at least fifty percent (50%) of that land was included in a tract of land that had been up for said change or amendment within the past twelve (12) months before the Planning Commission or the City Council. Once the Planning Commission has made its recommendation as to the approval or denial of the landowner's request, the Planning Commission shall not hear any additional requests, reconsiderations, etc. in regard to that tract for a one-year period of time.

(Ord. 290 Sec. 1, 1973; Ord. 238 Sec. 2, 1971; Ord. 213 Sec. 2502, 1969; Ord. 777, 1986)

Chapter 18.76

SIGNS

Sections:

18.76.010 Definitions.
18.76.020 General Provisions.
18.76.030 Conformance Requirements.
18.76.040 Zoning Requirements.
18.76.050 Enforcement and Penalties.
18.76.060 Non-Conformance.
18.76.070 Permits and Procedures.
18.76.080 Enforcement and Penalties.

18.76.010 Definitions

ABANDONED SIGN: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ADVERTISING DEVICE: Any device, fixture, structure, or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, goods, products, or service to be affixed, constructed, erected, or maintained within the City limits.

ANIMATED SIGN: Any sign which uses movement or change of light to depict action or to create a special effect or scene.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

BANNER: A sign made of lightweight fabric or any non-rigid similar material(s) that is attached to business at two (2) or more edges; designed and designated for such purposes of advertising a business, product, service, etc.

BILLBOARD: An on or off premise sign of large dimensions [no more than One Thousand square feet (1000 SF)] commonly placed and utilized adjacent to commercial highway(s) for purposes of advertisement.

CHANAGEBLE COPY SIGN: A sign upon which the copy changes manually or automatically, through manual, electronic or mechanical means.

CITY: The City of Jacksonville, Arkansas.

CLEARANCE (OF A SIGN): The smallest vertical distance between the grade of the adjacent street or curb and the lowest point of any sign, including framework and embellishments, which extends over that grade.

CONSTRUCTION SIGN: A temporary sign placed upon a building/construction site, which identifies an architect, contractor, financial institution, and/or materials supplier.

DIRECTIONAL SIGN: An on or off premise sign providing directional instructions or information for a business, facility, location, monument, or other designation. Said sign(s) shall be no larger than Six (6) square feet.

ELECTRONIC MESSAGE BOARD: A LED changeable message device/board utilized to advertise, inform, or notify the patrons, public, or others of various events, information, products, or sales available on or off the premises.

FAÇADE: The entire building front of a business, building, or other structure, including the parapet.

FLAGS: A cloth, plastic, or other non-rigid material of local state, or federal government's official patriotic symbol(s) commonly displaced on poles.

FLASHING SIGN: A sign which contains an intermittent or sequential flashing light source, used primarily as attention-seeking device.

FREESTANDING SIGN: A sign constructed, erected, and supported solely upon its own pole, stand, or support structure which is not attached to a building.

GARAGE SALE SIGN: A sign advertising the sale of used goods and personal property at a private residence.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained for public purposes by the city, county, state, or Federal government.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of adjacent street or the surface grade beneath the sign, whichever is less.

ILLUMINATED SIGN: A sign with an artificial light source incorporated internally or externally.

INCIDENTAL SIGN: A sign, emblem, decal, or other device informing the public of goods, facilities, or services available on the premises. Examples include a sign indicating hours of operation, open/close, and/or credit cards accepted by the business.

INFORMATIONAL SIGN: An on or off premises sign which provides facility information no larger than Six square feet (6 SF). These signs are commonly used to display the name of the establishment or incidental information needed regarding that establishment, such as entrance,

location, parking, or other such information needed of patrons, members of the public, and/or visitors.

MARQUEE: A permanent roof-like canopy of rigid materials supported by and extending from the facade of a building or structure used for advertising purposes.

NONCONFORMING SIGN: A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. May also include a sign which does not conform to the terms and conditions set forth by the Sign Code but for which the owner has obtained a waiver/variance for such from the Board of Adjustment.

OFF-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, not furnished, manufactured, sold, or available on the premise upon which the sign is located.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN: Any sign or device designed for advertisement purposes moved easily from one location to another and which is not permanently affixed to a building, enclosure, or a structure.

REAL ESTATE SIGN: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RELIGIOUS SIGN: A sign sanctioned and utilized by a local religious entity/organization sponsoring a special event or program in need of advertisement.

RESPONSIBLE PARTY(IES): The person(s) designated as the owner, tenant, and/or entity legally responsible for the property upon which a sign is erected, located or maintained.

SIGN: Any device, fixture, placard, using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, establishment, goods, product, or services.

SUBDIVISION SIGN: A freestanding or wall sign identifying a recognized residential, commercial, or manufacturing complex, development, or subdivision.

WINDOW SIGN: A sign installed inside a window and intended for viewing outside the building or structure.

YARD SIGN: A sign commonly displayed on a temporary basis in a residential or commercial zone. These signs shall not exceed Twenty-

four inches by Twenty-four inches (24" by 24") in size.

18.76.020 General Provisions

A. Scope and Prohibition

It shall be unlawful for any advertising device/sign to be affixed, constructed, erected, and/or maintained unless done so in compliance with all provisions, requirements, and terms of this Code.

B. Nuisance

No advertising device/sign shall constitute a hazard, nuisance, or obstruction because of animation, content, flashing, focus, glare, light, noise, placement, and/or unduly disturb the public and/or use of any adjoining property.

C. Obstruction

No advertising device/sign shall be affixed, constructed, erected, and/or maintained so as to be an obstruction of vision near any driveway, parking lot, and/or public roadway. There must be a clear line of vision between three feet (3’) and eight feet (8’) above the existing grade.

D. Construction

No advertising device/sign shall be constructed, erected, or installed without the prior approval of the City Engineer/Code Enforcement Office. Plans of construction and/or erection are to include, but not be limited to, the following information: dimensions and specification of the device/sign and surrounding structure, poles, and/or supporting device(s); location of the device/sign upon the property; and, a list of all materials and appropriate specifications to be utilized in the construction or erection of the device/sign.

E. Maintenance

All advertising devices(s)/sign(s) shall be maintained by the owner, lessee, or responsible party(ies) in a clean, sanitary, and proper state of repair and condition. The advertising devise/sign and any supporting equipment (i,e., poles, facings, landscape beds, etc.) shall be maintained in such a manner as to be clean, sanitary, inoffensive to the public, free of any obnoxious substances, rubbish, grasses, weeds, etc., and maintained so as to prevent decay oxidation, corrosion, and/or deterioration into an improper state of repair.

F. Public Areas

No advertising device/sign will be affixed, constructed, erected, and/or maintained to any other free standing structure in the public right-of-way to a government sign, upon a public bench, building, or

other structure, to public utility poles, or to trees. Government signs will be the only devices/signs allowed on or about public property.

G. Permits

No advertising device/sign shall be affixed, constructed, erected, installed, or maintained until a permit to do so has been obtained from the City Engineer/Code Enforcement Office of the City. For special events(s) permits, no more than one (1) organization shall be issued a permit at or for the same period of time.

H. Areas of Signs

The area of an advertising device/sign shall have only one (1) face of any double or multi-faced sign counted in calculating its area. The area of the device/sign shall be measured as follows if the device/sign is composed of one (1) or two (2) individual cabinets:

(1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy upon such embellishments.

(2) If the device/sign is composed of more than two (2) sign cabinets or modules, area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the device/sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

18.76.030 Conformance Requirements

A. Abandoned Signs

It shall be the responsibility of any owner, lessee, and/or tenant to disassemble and remove any advertising device/sign upon the termination of the activity, business, event, issue, product, or sale being promoted by said device. In the event the permittee/responsible party does not remove the device/sign in a timely manner, the City Engineer/Code Enforcement Officer shall notify in writing the permittee of the device/sign of a thirty (30) day time frame in which to disassemble and remove said advertising device. In the event the responsible party fails to do so, the City Engineer/Code Enforcement Office shall issue a second written notice to the permittee granting an additional thirty (30) days in which to disassemble and/or remove the abandoned device/sign. In the event the permittee fails to remove said

sign within the additional time frame, the City Engineer/Code Enforcement Officer shall cite said party for violation of this Code and/or remove the non-compliant device/sign. If such occurs, the City shall assess costs and fees for doing so against the responsible party(ies) to be enforced through issuance of a tax lien(s) against any real property said permittee may own within Pulaski County.
(Ord. 1220 Sec. 4, 2004)

B. Animated Signs

No animated advertising device/sign shall be constructed, installed, operated, or maintained so as to constitute a public nuisance and/or safety hazard. Lighting sources and materials utilized shall be of such a nature to prevent glare into or upon traffic areas, shall be maintained so as to not unduly disturb the use of any adjoining property(ies), and shall not cause an obstruction of vision in any manner.

C. Banners

Only two (2) banners shall be allowed per business/entity commercial location. Banners utilized by educational, non-profit, and/or religious organizations within the scope of the terms of this Ordinance may be attached to two (2) or more poles if placed away from the building.

D. Changeable Copy Signs

All changeable copy signs, whether automatic, manual, or electronic, shall be maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction providing a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

E. Construction Signs

Installation of construction signs shall comply with all code provisions, including setbacks and appropriate zoning limitations. These signs may not exceed Thirty-two square feet (32 SF), and a site shall be provided for posting of all appropriate notices and permits. All such boards, signs, and postings shall be removed from the property within five (5) days of the completion of the construction project.

F. Directional Signs

There shall be a maximum of two (2) off-site directional signs granted per business, and businesses located in a common shopping center/property will be required to combine said signs when at all possible. Directional signs shall only be allowed for businesses located upon local streets (defined as such under the City’s Master Street Plan) or along one-way streets within the City. Any placement of

off-site directional signs on property not owned by the permittee will require written proof of authority/permission of said real property owner upon which the directional sign is to be placed.

G. Electronic Message Boards

Electronic message boards or centers shall be allowed in all zones except residential. These boards shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as

location, proximity to the residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for an electronic message board.

H. Flashing Sign

Flashing devices/signs shall be allowed in all zones except residential. These devices/signs shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as location, proximity to residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for a flashing device/sign.

I. Freestanding Sign

All freestanding devices/signs shall be constructed and maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction which provides a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

J. Garage Sale/Carport Sale/Yard Sale Signs

Such signs shall not be required to obtain a permit from the City Engineer/Code Enforcement Office. Parties are limited to the placement of such signs no more than three (3) days prior to a sale, and no more than one (1) sign per intersection. All devices/signs will be removed by the responsible party(ies) no later than one (1) day after the sale. Placement of these signs shall not be within the public rights-of-way, upon public signs, upon trees or public utility poles, and/or erected more than once per calendar quarter. All such signs shall be no larger than nine square feet (9 SF), and must be placed in one (1) or two (2) stakes in a freestanding manner so as not to constitute a public nuisance.

K. Informational Sign

Any device/sign utilized for informational purposes shall be limited to Six square feet (6 SF) in size, securely attached,

constructed, and/or maintained so as not to constitute a public nuisance or public safety hazard, and shall be incidental to the primary device/sign upon the premises. Placement of these signs will not be allowed in public easement or public property areas unless they are governmental devices/signs.

L. Pennants, Balloons, and Festoons

Any business, entity, or individual utilizing pennants, balloons, and/or festoons placed about or upon their building or property within the City shall maintain said pennants, balloons and festoons in good repair. If the pennants, balloons, and/or festoons fall into disrepair (torn, ripped, damaged, etc.), they must be removed from the property and/or replaced.

M. Political Sign

All political signs placed in residential zones will be no larger than Twenty-five by Twenty-five inches (25″ X 25″). Political signs placed in commercial and/or manufacturing zones will be no larger than Four by Four feet (4′ X 4″) to a maximum of Sixteen square feet (16 SF). No political sign of any size may be placed in public view more than sixty (60) days prior to the date of the election and/or referendum issue at hand. All political signs are to be removed from public view no later than seven (7) days after the date of the election and/or referendum issue at hand, and there shall be no requirement for the City to issue permits for political signs.

N. Portable sign

No portable signs will be allowed within the City of Jacksonville. Any such sign must be fully enclosed, encased, or a frame constructed in such a manner acceptable to the City Engineer/Code Enforcement Office so as to make these signs no longer portable and/or temporary.

O. Real Estate Sign

All signs advertising the availability of particular residential property for sale or rent shall not exceed Twenty-five inches by Twenty-five inches (25″ X 25″). All signs advertising the availability of particular commercial and/or manufacturing property for sale or rent shall not exceed Four feet by Eight feet (4′ X 8′). Placement of additional directional or informational signs may be allowed at strategic points to assist the general public in locating the specific property in question. However, no such directional/informational/real estate signs shall be permanent in nature and/or be allowed within public easements and/or rights-of-way. Further, there is no requirement for the City to issue permits for real estate signs of this nature.

P. Religious/Charitable/Educational Signs

Any device or sign promoting any religious, charitable, and/or educational institution or program shall not exceed Six square feet (6 SF) in size for residential properties and Thirty-two square feet (32 SF) in size for commercial and industrial properties.

Q. Religious/Charitable/Educational Special Events

Permits may be obtained by local religious/charitable/educational institutions, organizations, or programs sponsoring a special event to place yard signs in residential, commercial, and manufacturing zones under the following conditions:

1) A church, institution, and/or group advertises no more than two special events per calendar year;

2) Only one (1) sign is placed per lot;

3) Display of signs occurs no earlier than three (3) weeks prior to the event/program and are removed from public view no later than one (1) week after the event/program;

4) Display of said devices and signs shall be in compliance with all other applicable provision of this Code; and,

5) No such signs shall be placed within public easements, upon rights-of-way, or affixed to any public utility poles or public signs.

R. Shopping Center

A structure or facility housing Three (3) or more businesses utilizing One (1) or more parcels of adjacent real property that share common amenities (parking, driveways, easements, etc.). Excluded from that determination will be any business entity(ies) housed in an out-parcel building upon the shopping center grounds.

18.76.040 Zoning Requirements

Residential Zones R-0, R-1, R-2, R-3, R-4, R-5, R-6, & R-7

No commercial or manufacturing business, product, or entity shall place or allow to be placed devices/signs of its business, product, or entity within a residential zone. Placement of real estate signs, as defined in this Code, is exempted from this prohibition.

Subdivision signs and Apartment Complex Development signs are allowed within the appropriate zones as long as the City Engineer or Code Enforcement Office has approved plans submitted for the construction, design, and placement of said sign. These signs shall not exceed the maximum size of Thirty-two square feet (32 SF).

Commercial Zone C-1 (Quiet Business)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Sixteen square feet (16 SF), the height of the sign shall not exceed the height of the structure of Twenty feet (20’), whichever is lower, and the front edge of the sign

shall not exceed beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it has either: a minimum clearance of Five feet (5’) from a point Three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, a minimum setback of Ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, height of the sign may not exceed the height of the structure or Twenty feet (20’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-2 (Shopping Center District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Two Hundred square feet (200 SF), the height of the sign may not exceed Ten feet (10’) above the height of the structure or Forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign not to exceed one hundred square feet (100 SF) in size will be allowed provided the sign:

- **a)** is attached to a Shopping Center sign, which advertises the businesses located within or upon the Shopping Center property;
- **b)** has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line or has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign; and,
- **c)** the height of the sign shall exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-3 (Commercial District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name,

products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: Has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within the Shopping

Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-4 (Highway Commercial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within a Shopping Center, any sign must be attached to a Shopping

Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Manufacturing Zones M-1 and M-2 (Industrial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed three hundred square feet (300 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front of the property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

18.76.050 Billboards

A) No billboard will be constructed, erected, and/or maintained within the City unless: Payment of one hundred dollars ($100.00) is received together with a fully completed permit request; and, approval is obtained from a majority of the City’s Board of Adjustment after a duly held meeting addressing the permit request.

B) Any billboard constructed, erected, and/or maintained must comply with the following provisions.

1) Zoning Requirements – Billboards are allowed only in and upon property currently zoned A-1, C-2, C-3, C-4, M-1, and M-2, provided the sign structure is located greater than three hundred feet (300’) from property in any of the following zones: R-0, R-1, R-2, R-3, R-4, R-5, R-6, or R-7.

2) Construction Specifications

a) A sign face of one hundred square feet (100 SF) or more will be supported by a maximum of two (2) structural steel or other durable metal columns/supports.

b) The face, columns, support, and foundation of the billboard will be signed to withstand up to a seventy miles per hour (70mph) wind acting against the full face of the sign.

c) The front edge of a billboard will not be any closer to the front property line than the appropriate setback requirements for the zone in which a billboard is located. The side of the sign will not be any closer than five feet (5') from the side lot line.

d) The structural integrity of the proposed billboard and supporting structure will be designed and certified by a professional engineer registered in the State of Arkansas.

3) Dimensions – The area of a billboard will not exceed a maximum of eighteen feet (18') vertically and fifty-five feet (55') horizontally. No billboard shall exceed forty-five feet (45') in height. Height measurements will be made from ground level at the base of the sign support nearest the roadway to the top of the supporting structure of the sign face or the top of the column, whichever is higher.

4) Placement – No billboard will be placed within one thousand feet (1,000') of another billboard, and there will be no more than four (4) billboards per mile on the same side of the roadway. Further, no billboard will be located closer than two hundred fifty feet (250') of a perpendicular line to the right-of-way of another billboard on the opposite side of the roadway.

5) Limitations - No billboard shall display more than two (2) advertisements per face. Each billboard constructed may have up to two (2) faces.

Please see the Sign Ordinance Specification Chart for further information

18.76.060 Non-Conformance

Any advertising device/sign in existence or under construction at the time of passage of this Ordinance which does not meet the provisions contained herein will be removed and/or repaired within

one hundred eighty (180) days of written notification providing the specific deficiencies from the City Engineer/Code Enforcement Office. However, the following provision do apply:

A) Any non-conforming device/sign previously approved the Board of Adjustment or Planning Commission shall continue to remain in existence for as long as the device/sign is maintained in a suitable and proper condition;

B) Any responsible party maintaining, possessing, and/or utilizing a non-conforming device/sign may file a written request for a variance or waiver with the Board of Adjustment for a determination upon the request. All applicable fees and costs will apply, and no enforcement action will be taken until such time as the Board of Adjustment has rendered a decision on the request; or,

C) When any device/sign falls into a state of disrepair or is deemed structurally unsound/unsafe by the City Engineer, the responsible party must repair and/or remove the device/sign within seven (7) days from the written notice of the City Engineer.

18.76.070 Permits AND Procedures

A) SUBMISSION – Any responsible party requesting a permit for a device/sign shall submit a set of plans and specification, together with a fee of thirty-five dollars ($35.00) per sign to the City Engineer/Code Enforcement Office. The plans and specifications shall detail the device, its location, dimensions, materials, specifications, and other pertinent information.

Upon review, the City Engineer/Code Enforcement Office shall approve or disapprove the plans in writing within ten (10) business days of the submission. If disapproved, stated reasons shall be provided as to the nature of the deficiencies, and the responsible party may re-submit a modified set of plans and specifications. If disapproved, the responsible party may submit a request to the Board of Adjustment for a waiver/variance if desired.

Once approved, a permit shall be issued for the device/sign and an inspection scheduled set for the construction/installation period. A record of such shall be provided to the responsible party and maintained by the City.

B) BOARD OF ADJUSTMENT – Should a variance/waiver be required before a permit can be issued, the responsible party must submit a written request, together with the appropriate fees and costs, to the Board of Adjustment through the City Clerk’s Office. The matter

shall then be placed on the next regularly scheduled Board of Adjustment meeting. Upon duly published notice and posting of the property in accordance with State law, the request for variance/waiver shall be heard and addressed by the Board of Adjustment at the scheduled time and date. At the meeting, the responsible party and/or a designated representative shall be present to present any information or data in support of his/her/their request.

Further, the Board of Adjustment shall hear from the City Engineer/Code Enforcement Office as the reasons for disapproval of the permit by his/her/their office. Upon obtaining all relevant information, the Board of Adjustment shall approve or disapprove the variance/waiver request.

C) CONDITIONS OF VARIANCE/WAIVERS – While the Board of Adjustment reviews and makes a determination upon a request for variance/waiver, Board members shall take into consideration all relevant factors affecting the decision. These considerations should include, but are not limited to, the proposed location and its proximity to adjoining property, dimensions and specifications of the sign and structural support equipment, lighting factors, proximity to residential property, public nuisance value, pedestrian and traffic safety issues, and, finally, aesthetics.

18.76.080 Enforcement and Penalties

A) ENFORCEMENT – The City Engineer/Code Enforcement Office shall be responsible for the enforcement of the terms and conditions as outlined herein. It is the desire of the City that a progressive from of discipline be used with non-compliant responsible parties, providing them with verbal warnings of no-compliant issues prior to written notice of the non-compliant matters. When either notification is provided, the City shall set a definitive and reasonable time period in which the responsible party should have the non-compliant condition eliminated. Non-compliant matters of public safety will obviously require a quicker response time than those of other non-compliant conditions.

Should the responsible party not eliminate the non-compliant condition after receipt of said verbal and written notice. It is the duty of the City Engineer/Code Enforcement Office to issue a citation to the responsible party and present the matter for adjudication of a violation of this Code by the Jacksonville District Court.

In the event that the City expends public monies to eliminate a non-compliant condition upon private property, it is the responsibility of the City Engineer/Code Enforcement Office to submit an itemized statement for reimbursement of the costs to do so to the

responsible party. If the amount is not paid within sixty (60) days from the date of the first such statement, the City Engineer/Code Enforcement Office shall cause to be filed a tax lien against the real property owned by the responsible party within Pulaski County, Arkansas, for collection of said amounts with the party's taxes each year.

B) Penalties

Should any individual, business, entity, or other such designated responsible party be found by the Jacksonville District Court to be in violation of the terms and conditions as outlined by this Code, the Court shall assess a fine of no more than one hundred dollars ($100.00) per violation per day, together with appropriate court costs. Each day a condition of non-compliance exists constitutes a separate violation and is subject to prosecution.

For second or subsequent violations within the same calendar year, the Court shall assess a fine of no more than five hundred dollars ($500.00) per violation per day, together with appropriate court costs. Again, each day a condition of non-compliance exists constitutes a separate violation subject to prosecution.

(Ord. 838, 1987; Ord.887, 1988; Ord. 1120, 2004; Ord. 1125, 1999; Ord. 1141, 2000; all previous ordinances amended by Ord. 1220, 2004)

ZONING CLASSIFICATION

	A-1	R-0 R-1 R-1A	R-2	R-3	R-4	R-5 R-6 R-7	C-1	C-2	C-3	C-4	M-1	M-2
Max. Size Sq.Ft	32	32	32	32	32	32	16	100	200	200	300	300
Max. Height	30	3	3	3	3	3	20	45	45	45	45	45
Illumi-nated	X	0	0	0	0	0	X	X	X	X	X	X
Non-illumi-nated	X	X	X	X	X	X	X	X	X	X	X	X
Flashing	X	0	0	0	0	0	X	X	X	X	X	X
Engineer Approval Required	X	X	X	X	X	X	X	X	X	X	X	X
Off Site		0	0	0	0	0						
On Site	X	X	X	X	X	X	X	X	X	X	X	X
Permit Fee	R	N	N	N	N	N	R	R	R	R	R	R
Fee Cost	$35	N	N	N	N	N	$35	$35	$35	$35	$35	$35
Billbd. fee	$100	0	0	0	0	0	$100	$100	$100	$100	$100	$100
Min. Spacing Lot	500 Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	2 Per Lot	2 Per Lot	2 Per	2 Per	500	500

NOTE: 0 = Not Allowed, X = Allowed, N = Not Required, R =Required

Chapter 18.76

SIGNS

Sections:

18.76.010 Definitions
18.76.020 General Provisions
18.76.030 Conformance Requirements
18.76.040 Zoning Requirements
18.76.050 Enforcement and Penalties
18.76.060 Non-Conformance
18.76.070 Permits and Procedures
18.76.080 Enforcement and Penalties

18.76.010 Definitions

ABANDONED SIGN: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ADVERTISING DEVICE: Any device, fixture, structure, or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, goods, products, or service to be affixed, constructed, erected, or maintained within the City limits.

ANIMATED SIGN: Any sign which uses movement or change of light to depict action or to create a special effect or scene.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

BANNER: A sign made of lightweight fabric or any non-rigid similar material(s) that is attached to business at two (2) or more edges; designed and designated for such purposes of advertising a business, product, service, etc.

BILLBOARD: An on or off premise sign of large dimensions [no more than One Thousand square feet (1000 SF)] commonly placed and utilized adjacent to commercial highway(s) for purposes of advertisement.

CHANAGEBLE COPY SIGN: A sign upon which the copy changes manually or automatically, through manual, electronic or mechanical means.

CITY: The City of Jacksonville, Arkansas.

CLEARANCE (OF A SIGN): The smallest vertical distance between the grade of the adjacent street or curb and the lowest point of any sign, including framework and embellishments, which extends over that grade.

CONSTRUCTION SIGN: A temporary sign placed upon a building/construction site, which identifies an architect, contractor, financial institution, and/or materials supplier.

DIRECTIONAL SIGN: An on or off premise sign providing directional instructions or information for a business, facility, location, monument, or other designation. Said sign(s) shall be no larger than Six (6) square feet.

ELECTRONIC MESSAGE BOARD: A LED changeable message device/board utilized to advertise, inform, or notify the patrons, public, or others of various events, information, products, or sales available on or off the premises.

FAÇADE: The entire building front of a business, building, or other structure, including the parapet.

FLAGS: A cloth, plastic, or other non-rigid material of local state, or federal government's official patriotic symbol(s) commonly displaced on poles.

FLASHING SIGN: A sign which contains an intermittent or sequential flashing light source, used primarily as attention-seeking device.

FREESTANDING SIGN: A sign constructed, erected, and supported solely upon its own pole, stand, or support structure which is not attached to a building.

GARAGE SALE SIGN: A sign advertising the sale of used goods and personal property at a private residence.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained for public purposes by the city, county, state, or Federal government.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of adjacent street or the surface grade beneath the sign, whichever is less.

ILLUMINATED SIGN: A sign with an artificial light source incorporated internally or externally.

INCIDENTAL SIGN: A sign, emblem, decal, or other device informing the public of goods, facilities, or services available on the premises. Examples include a sign indicating hours of operation, open/close, and/or credit cards accepted by the business.

INFORMATIONAL SIGN: An on or off premises sign which provides facility information no larger than Six square feet (6 SF). These signs are commonly used to display the name of the establishment or incidental information needed regarding that establishment, such as entrance, location, parking, or other such information needed of patrons, members of the public, and/or visitors.

MARQUEE: A permanent roof-like canopy of rigid materials supported by and extending from the facade of a building or structure used for advertising purposes.

NONCONFORMING SIGN: A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. May also include a sign which does not conform to the terms and conditions set forth by the Sign Code but for which the owner has obtained a waiver/variance for such from the Board of Adjustment.

OFF-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, not furnished, manufactured, sold, or available on the premise upon which the sign is located.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN: Any sign or device designed for advertisement purposes moved easily from one location to another and which is not permanently affixed to a building, enclosure, or a structure.

REAL ESTATE SIGN: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RELIGIOUS SIGN: A sign sanctioned and utilized by a local religious entity/organization sponsoring a special event or program in need of advertisement.

RESPONSIBLE PARTY(IES): The person(s) designated as the owner, tenant, and/or entity legally responsible for the property upon which a sign is erected, located or maintained.

SIGN: Any device, fixture, placard, using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, establishment, goods, product, or services.

SUBDIVISION SIGN: A freestanding or wall sign identifying a recognized residential, commercial, or manufacturing complex, development, or subdivision.

WINDOW SIGN: A sign installed inside a window and intended for viewing outside the building or structure.

YARD SIGN: A sign commonly displayed on a temporary basis in a residential or commercial zone. These signs shall not exceed Twenty-four inches by Twenty-four inches (24" by 24") in size.

18.76.020 General Provisions

A. Scope and Prohibition

It shall be unlawful for any advertising device/sign to be affixed, constructed, erected, and/or maintained unless done so in compliance with all provisions, requirements, and terms of this Code.

B. Nuisance

No advertising device/sign shall constitute a hazard, nuisance, or obstruction because of animation, content, flashing, focus, glare, light, noise, placement, and/or unduly disturb the public and/or use of any adjoining property.

C. Obstruction

No advertising device/sign shall be affixed, constructed, erected, and/or maintained so as to be an obstruction of vision near any driveway, parking lot, and/or public roadway. There must be a clear line of vision between three feet (3’) and eight feet (8’) above the existing grade.

D. Construction

No advertising device/sign shall be constructed, erected, or installed without the prior approval of the City Engineer/Code Enforcement Office. Plans of construction and/or erection are to include, but not be limited to, the following information: dimensions and specification of the device/sign and surrounding structure, poles, and/or supporting device(s); location of the device/sign upon the property; and, a list of all materials and appropriate specifications to be utilized in the construction or erection of the device/sign.

E. Maintenance

All advertising devices(s)/sign(s) shall be maintained by the owner, lessee, or responsible party(ies) in a clean, sanitary, and proper state of repair and condition. The advertising devise/sign and any supporting equipment (i,e., poles, facings, landscape beds, etc.) shall be maintained in such a manner as to be clean, sanitary, inoffensive to the public, free of any obnoxious substances, rubbish, grasses, weeds, etc., and maintained so as to prevent decay oxidation, corrosion, and/or deterioration into an improper state of repair.

F. Public Areas

No advertising device/sign will be affixed, constructed, erected, and/or maintained to any other free standing structure in the public right-of-way to a government sign, upon a public bench, building, or other structure, to public utility poles, or to trees. Government signs will be the only devices/signs allowed on or about public property.

G. Permits

No advertising device/sign shall be affixed, constructed, erected, installed, or maintained until a permit to do so has been obtained from the City Engineer/Code Enforcement Office of the City. For special events(s) permits, no more than one (1) organization shall be issued a permit at or for the same period of time.

H. Areas of Signs

The area of an advertising device/sign shall have only one (1) face of any double or multi-faced sign counted in calculating its area. The area of the device/sign shall be measured as follows if the device/sign is composed of one (1) or two (2) individual cabinets:

(1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy upon such embellishments.

(2) If the device/sign is composed of more than two (2) sign cabinets or modules, area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the device/sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

18.76.030 Conformance Requirements

A. Abandoned Signs

It shall be the responsibility of any owner, lessee, and/or tenant to disassemble and remove any advertising device/sign upon the termination of the activity, business, event, issue, product, or sale being promoted by said device. In the event the permittee/responsible party does not remove the device/sign in a timely manner, the City Engineer/Code Enforcement Officer shall notify in writing the permittee of the device/sign of a thirty (30) day time frame in which to disassemble and remove said advertising device. In the event the responsible party fails to do so, the City Engineer/Code Enforcement Office shall issue a second written notice to the permittee granting an additional thirty (30) days in which to disassemble and/or remove the abandoned device/sign. In the event the permittee fails to remove said sign within the additional time frame, the City Engineer/Code Enforcement Officer shall cite said party for violation of this Code and/or remove the non-compliant device/sign. If such occurs, the City shall assess costs and fees for doing so against the responsible party(ies) to be enforced through issuance of a tax lien(s) against any real property said permittee may own within Pulaski County.
(Ord. 1220 Sec. 4, 2004)

B. Animated Signs

No animated advertising device/sign shall be constructed, installed, operated, or maintained so as to constitute a public nuisance and/or safety hazard. Lighting sources and materials utilized shall be of such a nature to prevent glare into or upon traffic areas, shall be maintained so as to not unduly disturb the use of any adjoining property(ies), and shall not cause an obstruction of vision in any manner.

C. Banners

Only two (2) banners shall be allowed per business/entity commercial location. Banners utilized by educational, non-profit, and/or religious organizations within the scope of the terms of this Ordinance may be attached to two (2) or more poles if placed away from the building.

D. Changeable Copy Signs

All changeable copy signs, whether automatic, manual, or electronic, shall be maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction providing a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

E. Construction Signs

Installation of construction signs shall comply with all code provisions, including setbacks and appropriate zoning limitations. These signs may not exceed Thirty-two square feet (32 SF), and a site shall be provided for posting of all appropriate notices and permits. All such boards, signs, and postings shall be removed from the property within five (5) days of the completion of the construction project.

F. Directional Signs

There shall be a maximum of two (2) off-site directional signs granted per business, and businesses located in a common shopping center/property will be required to combine said signs when at all possible. Directional signs shall only be allowed for businesses located upon local streets (defined as such under the City’s Master Street Plan) or along one-way streets within the City. Any placement of off-site directional signs on property not owned by the permittee will require written proof of authority/permission of said real property owner upon which the directional sign is to be placed.

G. Electronic Message Boards

Electronic message boards or centers shall be allowed in all zones except residential. These boards shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as

location, proximity to the residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for an electronic message board.

H. Flashing Sign

Flashing devices/signs shall be allowed in all zones except residential. These devices/signs shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as location, proximity to residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for a flashing device/sign.

I. Freestanding Sign

All freestanding devices/signs shall be constructed and maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction which provides a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

J. Garage Sale/Carport Sale/Yard Sale Signs

Such signs shall not be required to obtain a permit from the City Engineer/Code Enforcement Office. Parties are limited to the placement of such signs no more than three (3) days prior to a sale, and no more than one (1) sign per intersection. All devices/signs will be removed by the responsible party(ies) no later than one (1) day after the sale. Placement of these signs shall not be within the public rights-of-way, upon public signs, upon trees or public utility poles, and/or erected more than once per calendar quarter. All such signs shall be no larger than nine square feet (9 SF), and must be placed in one (1) or two (2) stakes in a freestanding manner so as not to constitute a public nuisance.

K. Informational Sign

Any device/sign utilized for informational purposes shall be limited to Six square feet (6 SF) in size, securely attached, constructed, and/or maintained so as not to constitute a public nuisance or public safety hazard, and shall be incidental to the primary device/sign upon the premises. Placement of these signs will not be allowed in public easement or public property areas unless they are governmental devices/signs.

L. Pennants, Balloons, and Festoons

Any business, entity, or individual utilizing pennants, balloons, and/or festoons placed about or upon their building or property within the City shall maintain said pennants, balloons and festoons in good repair. If the pennants, balloons, and/or festoons fall into disrepair (torn, ripped, damaged, etc.), they must be removed from the property and/or replaced.

M. Political Sign

All political signs placed in residential zones will be no larger than Twenty-five by Twenty-five inches (25″ X 25″). Political signs placed in commercial and/or manufacturing zones will be no larger than Four by Four feet (4′ X 4″) to a maximum of Sixteen square feet (16 SF). No political sign of any size may be placed in public view more than sixty (60) days prior to the date of the election and/or referendum issue at hand. All political signs are to be removed from public view no later than seven (7) days after the date of the election and/or referendum issue at hand, and there shall be no requirement for the City to issue permits for political signs.

N. Portable sign

No portable signs will be allowed within the City of Jacksonville. Any such sign must be fully enclosed, encased, or a frame constructed in such a manner acceptable to the City Engineer/Code Enforcement Office so as to make these signs no longer portable and/or temporary.

O. Real Estate Sign

All signs advertising the availability of particular residential property for sale or rent shall not exceed Twenty-five inches by Twenty-five inches (25″ X 25″). All signs advertising the availability of particular commercial and/or manufacturing property for sale or rent shall not exceed Four feet by Eight feet (4′ X 8′). Placement of additional directional or informational signs may be allowed at strategic points to assist the general public in locating the specific property in question. However, no such directional/informational/real estate signs shall be permanent in nature and/or be allowed within public easements and/or rights-of-way. Further, there is no requirement for the City to issue permits for real estate signs of this nature.

P. Religious/Charitable/Educational Signs

Any device or sign promoting any religious, charitable, and/or educational institution or program shall not exceed Six square feet (6 SF) in size for residential properties and Thirty-two square feet (32 SF) in size for commercial and industrial properties.

Q. Religious/Charitable/Educational Special Events

Permits may be obtained by local religious/charitable/educational institutions, organizations, or programs sponsoring a special event to place yard signs in residential, commercial, and manufacturing zones under the following conditions:

1) A church, institution, and/or group advertises no more than two special events per calendar year;

2) Only one (1) sign is placed per lot;

3) Display of signs occurs no earlier than three (3) weeks prior to the event/program and are removed from public view no later than one (1) week after the event/program;

4) Display of said devices and signs shall be in compliance with all other applicable provision of this Code; and,

5) No such signs shall be placed within public easements, upon rights-of-way, or affixed to any public utility poles or public signs.

R. Shopping Center

A structure or facility housing Three (3) or more businesses utilizing One (1) or more parcels of adjacent real property that share common amenities (parking, driveways, easements, etc.). Excluded from that determination will be any business entity(ies) housed in an out-parcel building upon the shopping center grounds.

18.76.040 Zoning Requirements

Residential Zones R-0, R-1, R-2, R-3, R-4, R-5, R-6, & R-7

No commercial or manufacturing business, product, or entity shall place or allow to be placed devices/signs of its business, product, or entity within a residential zone. Placement of real estate signs, as defined in this Code, is exempted from this prohibition.

Subdivision signs and Apartment Complex Development signs are allowed within the appropriate zones as long as the City Engineer or Code Enforcement Office has approved plans submitted for the construction, design, and placement of said sign. These signs shall not exceed the maximum size of Thirty-two square feet (32 SF).

Commercial Zone C-1 (Quiet Business)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Sixteen square feet (16 SF), the height of the sign shall not exceed the height of the structure of Twenty feet (20’), whichever is lower, and the front edge of the sign shall not exceed beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it has either: a minimum clearance of Five feet (5’) from a point Three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, a minimum setback of Ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, height of the sign may not exceed the height of the structure or Twenty feet (20’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-2 (Shopping Center District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Two Hundred square feet (200 SF), the height of the sign may not exceed Ten feet (10’) above the height of the structure or Forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign not to exceed one hundred square feet (100 SF) in size will be allowed provided the sign:

- **a)** is attached to a Shopping Center sign, which advertises the businesses located within or upon the Shopping Center property;
- **b)** has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line or has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign; and,
- **c)** the height of the sign shall exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-3 (Commercial District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: Has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within the Shopping

Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-4 (Highway Commercial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within a Shopping Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Manufacturing Zones M-1 and M-2 (Industrial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed three hundred square feet (300 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front of the property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

18.76.050 Billboards

A) No billboard will be constructed, erected, and/or maintained within the City unless: Payment of one hundred dollars ($100.00) is received together with a fully completed permit request; and, approval is obtained from a majority of the City’s Board of Adjustment after a duly held meeting addressing the permit request.

B) Any billboard constructed, erected, and/or maintained must comply with the following provisions.

1) Zoning Requirements – Billboards are allowed only in and upon property currently zoned A-1, C-2, C-3, C-4, M-1, and M-2, provided the sign structure is located greater than three hundred feet (300’) from property in any of the following zones: R-0, R-1, R-2, R-3, R-4, R-5, R-6, or R-7.

2) Construction Specifications

a) A sign face of one hundred square feet (100 SF) or more will be supported by a maximum of two (2) structural steel or other durable metal columns/supports.

b) The face, columns, support, and foundation of the billboard will be signed to withstand up to a seventy miles per hour (70mph) wind acting against the full face of the sign.

c) The front edge of a billboard will not be any closer to the front property line than the appropriate setback requirements for the zone in which a billboard is located. The side of the sign will not be any closer than five feet (5’) from the side lot line.

d) The structural integrity of the proposed billboard and supporting structure will be designed and certified by a professional engineer registered in the State of Arkansas.

3) Dimensions – The area of a billboard will not exceed a maximum of eighteen feet (18′) vertically and fifty-five feet (55′) horizontally. No billboard shall exceed forty-five feet (45′) in height. Height measurements will be made from ground level at the base of the sign support nearest the roadway to the top of the supporting structure of the sign face or the top of the column, whichever is higher.

4) Placement – No billboard will be placed within one thousand feet (1,000′) of another billboard, and there will be no more than four (4) billboards per mile on the same side of the roadway. Further, no billboard will be located closer than two hundred fifty feet (250′) of a perpendicular line to the right-of-way of another billboard on the opposite side of the roadway.

5) Limitations - No billboard shall display more than two (2) advertisements per face. Each billboard constructed may have up to two (2) faces.

Please see the Sign Ordinance Specification Chart for further information

18.76.060 Non-Conformance

Any advertising device/sign in existence or under construction at the time of passage of this Ordinance which does not meet the provisions contained herein will be removed and/or repaired within one hundred eighty (180) days of written notification providing the specific deficiencies from the City Engineer/Code Enforcement Office. However, the following provision do apply:

A) Any non-conforming device/sign previously approved the Board of Adjustment or Planning Commission shall continue to remain in existence for as long as the device/sign is maintained in a suitable and proper condition;

B) Any responsible party maintaining, possessing, and/or utilizing a non-conforming device/sign may file a written request for a variance or waiver with the Board of Adjustment for a determination upon the request. All applicable fees and costs will apply, and no enforcement action will be taken until such time as the Board of Adjustment has rendered a decision on the request; or,

C) When any device/sign falls into a state of disrepair or is deemed structurally unsound/unsafe by the City Engineer, the responsible party must repair and/or remove the device/sign within seven (7) days from the written notice of the City Engineer.

18.76.070 Permits AND Procedures

A) SUBMISSION – Any responsible party requesting a permit for a device/sign shall submit a set of plans and specification, together with a fee of thirty-five dollars ($35.00) per sign to the City Engineer/Code Enforcement Office. The plans and specifications shall detail the device, its location, dimensions, materials, specifications, and other pertinent information.

Upon review, the City Engineer/Code Enforcement Office shall approve or disapprove the plans in writing within ten (10) business days of the submission. If disapproved, stated reasons shall be provided as to the nature of the deficiencies, and the responsible party may re-submit a modified set of plans and specifications. If disapproved, the responsible party may submit a request to the Board of Adjustment for a waiver/variance if desired.

Once approved, a permit shall be issued for the device/sign and an inspection scheduled set for the construction/installation period. A record of such shall be provided to the responsible party and maintained by the City.

B) BOARD OF ADJUSTMENT – Should a variance/waiver be required before a permit can be issued, the responsible party must submit a written request, together with the appropriate fees and costs, to the Board of Adjustment through the City Clerk's Office. The matter shall then be placed on the next regularly scheduled Board of Adjustment meeting. Upon duly published notice and posting of the property in accordance with State law, the request for variance/waiver shall be heard and addressed by the Board of Adjustment at the scheduled time and date. At the meeting, the responsible party and/or a designated representative shall be present to present any information or data in support of his/her/their request.

Further, the Board of Adjustment shall hear from the City Engineer/Code Enforcement Office as the reasons for disapproval of the permit by his/her/their office. Upon obtaining all relevant information, the Board of Adjustment shall approve or disapprove the variance/waiver request.

C) CONDITIONS OF VARIANCE/WAIVERS – While the Board of Adjustment reviews and makes a determination upon a request for variance/waiver, Board members shall take into consideration all relevant factors affecting the decision. These considerations should include, but are not limited to, the proposed location and its proximity to adjoining property, dimensions and specifications of the sign and structural support equipment, lighting factors, proximity to residential property, public nuisance value, pedestrian and traffic safety issues, and, finally, aesthetics.

18.76.080 Enforcement and Penalties

A) ENFORCEMENT – The City Engineer/Code Enforcement Office shall be responsible for the enforcement of the terms and conditions as outlined herein. It is the desire of the City that a progressive from of discipline be used with non-compliant responsible parties, providing them with verbal warnings of no-compliant issues prior to written notice of the non-compliant matters. When either notification is provided, the City shall set a definitive and reasonable time period in which the responsible party should have the non-compliant condition eliminated. Non-compliant matters of public safety will obviously require a quicker response time than those of other non-compliant conditions.

Should the responsible party not eliminate the non-compliant condition after receipt of said verbal and written notice. It is the duty of the City Engineer/Code Enforcement Office to issue a citation to the responsible party and present the matter for adjudication of a violation of this Code by the Jacksonville District Court.

In the event that the City expends public monies to eliminate a non-compliant condition upon private property, it is the responsibility of the City Engineer/Code Enforcement Office to submit an itemized statement for reimbursement of the costs to do so to the responsible party. If the amount is not paid within sixty (60) days from the date of the first such statement, the City Engineer/Code Enforcement Office shall cause to be filed a tax lien against the real property owned by the responsible party within Pulaski County, Arkansas, for collection of said amounts with the party's taxes each year.

B) Penalties

Should any individual, business, entity, or other such designated responsible party be found by the Jacksonville District Court to be in violation of the terms and conditions as outlined by this Code, the Court shall assess a fine of no more than one hundred dollars ($100.00) per violation per day, together with appropriate court costs. Each day a condition of non-compliance exists constitutes a separate violation and is subject to prosecution.

For second or subsequent violations within the same calendar year, the Court shall assess a fine of no more than five hundred dollars ($500.00) per violation per day, together with appropriate court costs. Again, each day a condition of non-compliance exists constitutes a separate violation subject to prosecution.

(Ord. 838, 1987; Ord.887, 1988; Ord. 1120, 2004; Ord. 1125, 1999; Ord. 1141, 2000; all previous ordinances amended by Ord. 1220, 2004)

ZONING CLASSIFICATION

	A-1	R-0 R-1 R-1A	R-2	R-3	R-4	R-5 R-6 R-7	C-1	C-2	C-3	C-4	M-1	M-2
Max. Size Sq.Ft	32	32	32	32	32	32	16	100	200	200	300	300
Max. Height	30	3	3	3	3	3	20	45	45	45	45	45
Illumi-nated	X	0	0	0	0	0	X	X	X	X	X	X
Non-illumi-nated	X	X	X	X	X	X	X	X	X	X	X	X
Flashing	X	0	0	0	0	0	X	X	X	X	X	X
Engineer Approval Required	X	X	X	X	X	X	X	X	X	X	X	X
Off Site		0	0	0	0	0						
On Site	X	X	X	X	X	X	X	X	X	X	X	X
Permit Fee	R	N	N	N	N	N	R	R	R	R	R	R
Fee Cost	$35	N	N	N	N	N	$35	$35	$35	$35	$35	$35
Billbd. fee	$100	0	0	0	0	0	$100	$100	$100	$100	$100	$100
Min. Spacing Lot	500 Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	2 Per Lot	2 Per Lot	2 Per	2 Per	500	500

NOTE: 0 = Not Allowed, X = Allowed, N = Not Required, R =Required

Title 18

ZONING

Chapter:

18.04	General Provisions
18.06	Comprehensive Development Use Plan
18.08	Definitions
18.12	Administration and Enforcement
18.16	Zoning Map
18.20	Agricultural District A-1
18.22	AHOD Affordable Housing Overlay District
18.23	Mixed Use Overlay District
18.24	Single-Family Residential Districts R-0 and R-1
18.26	One-Family District R-1A
18.28	Two-Family Residential District R-2
18.32	Multi-Family Residential District R-3
18.36	Zero Lotline Single Family District R-4
18.37	Modular Home District R-5
18.38	Manufactured Housing Subdivisions R-6
18.39	Manufactured Housing Parks R-7
18.40	Quiet Business District C-1
18.44	Shopping Center District C-2
18.48	Highway Commercial District C-3
18.52	General Commercial- District C-4
18.56	Light Industrial District M-1
18.60	Heavy Industrial District M-2
18.64	Flood Channel District F-1
18.66	AICUZ Air Installation Compatible Use Zone
18.68	Dimensional Requirements
18.72	Parking
18.76	Signs
18.80	Nonconforming Uses
18.82	Annexed Property
18.84	Exceptions
18.86	Accessory Buildings
18.88	Board of Adjustment
18.92	Amendment Procedure

Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010	**Short title.**
18.04.020	**Reduction in lot area.**
18.04.030	**Street access.**
18.04.040	**Classification of streets.**
18.04.050	**Interference with traffic signals.**
18.04.060	**Yard requirements of accessory buildings.**
18.04.070	**Common walls for accessory buildings.**
18.04.080	**Attachment of accessory buildings to principal buildings.**
18.04.090	**Distance between buildings.**
18.04.100	**Vision clearance at corners.**
18.04.110	**Frontage on corner lots and double frontage lots.**
18.04.120	**Public utilities facilities location.**
18.04.130	**Excavation or removal of soil.**
18.04.140	**Unsightly or unsanitary storage.**
18.04.150	**Conflict with other laws.**
18.04.160	**Conditional Uses.**

18.04.010 Short title

The ordinance codified herein, including zoning maps made a part hereof, shall be known as the "Official Zoning Ordinance of the City of Jacksonville, Arkansas" and may be so cited.
(Ord. 213 Sec. 102, 1969)

18.04.020 Reduction in lot area

No lot may be reduced in area below the minimum lot area as specified herein for the district within which said lot is located.
(Ord. 213 Sec. 501, 1969)

18.04.030 Street access

No building shall hereafter be constructed on a lot which does not have frontage on a publicly dedicated, accepted, and maintained street. (Ord. 213 Sec. 502, 1969)

18.04.040 Classification of streets

For the purposes of this title, all streets in the City are divided into three classes as follows:

A. Major streets;
B. Collector streets;
C. Minor streets.

(Ord. 213 Sec. 503, 1969)

18.04.050 Interference with traffic signals

In any district, no outdoor advertising sign, structure, tree, or shrub shall protrude over any street so as to create confusion around or otherwise interfere with traffic signals.
(Ord. 213 Sec. 504, 1969)

18.04.060 Yard requirements of accessory buildings

Except as herein provides the minimum yard requirements also apply to accessory buildings. However, accessory buildings may be located to within five feet of a rear or side lot line.
(Ord. 213 Sec. 505, 1969)

18.04.070 Common walls for accessory buildings

When accessory buildings for garage and incidental storage purposes are constructed simultaneously on two or more contiguous lots, there may be one or two walls shared in common between two or more buildings, provided that such wall or walls are centered over the common side or rear lot lines. (Ord. 213 Sec. 506, 1969)

18.04.080 Attachment of accessory buildings to principal buildings

When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is attached. (Ord. 213 Sec. 507, 1969)

18.04.090 Distance between buildings

Except as herein provided no accessory building shall be located closer than fifteen feet to a principal building or to any other accessory building. (Ord. 213 Sec. 508, 1969)

18.04.100 Vision clearance at corners

In any residential district no fence, wall, hedge or other structure or planting or other obstruction above a height of three feet shall be erected, placed or maintained within twenty feet of the intersection of the right-of-way lines of two streets or railroads or of a street intersection with a railroad right-of-way.
(Ord. 213 Sec. 509, 1969)

18.04.110 Frontage on corner lots and double frontage lots

On lots having frontage on more than one street, the minimum front yard shall be provided for each street, in accordance with the provisions of the title. (Ord. 213 Sec. 510, 1969)

18.04.120 Public utilities facilities location

Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations and standpipes for public water supply may be located in any zone; provided however, the location of such facility shall be a conditional use project to

the approval of the Planning Commission and City Council and the following requirements shall be complied with:

A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the above element is a part.

B. Any building or structure, except an enclosing fence, shall be set back at least fifty feet from any property line.

C. Such facilities shall he enclosed by a protective fence.

D. Open spaces on the premises shall be suitably landscaped and maintained.

E. The storage of vehicles and equipment on the premises shall be prohibited.

F. The surrounding area shall not be adversely affected by and shall be protected from noise, odor, glare, dust, fumes, gas, smoke and vibration by such suitable means and conditions as the City Council may specify.

(Ord. 213 Sec. 511, 1969)

18.04.130 Excavation or removal of soil

No person, firm or corporation shall strip, excavate or otherwise remove soil for sale or any other purpose without first obtaining a permit from the building inspector for such stripping, excavating or other means of removal. The building inspector shall issue the required permit only after being satisfied that the resulting change of grade in the affected area will not be against the best interests of the community. The provisions of this section shall not be construed to prohibit excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this title. (Ord. 213 Sec. 512, 1969)

18.04.140 Unsightly or unsanitary storage

No manure, rubbish, salvage materials or miscellaneous refuse may be stored in the open within any residential district when the same may be construed as a menace to public health or safety or may fairly be held to have a depressing influence upon property values in the neighborhood. Regular salvage and junkyards shall be adequately enclosed with a fence and a planting screen shall be required to hide the unsightly storage. Planting screens shall be viburnum michphilla, wax legustrum or similar thick growing plants. (Ord. 213 Sec. 513, 1969)

18.04.150 Conflict with other laws

In their interpretation and application, the provisions of the

title shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern. (Ord. 213 Sec. 2601, 1969)

18.04.160 Conditional Uses

Any conditional usage of real property within the City Limits of Jacksonville shall be approved by the Planning Commission. Conditional usages shall be limited to those usages designated as

possible conditional uses in each zoning classification. Said approval authority and jurisdiction shall not in any manner intervene with the authority and jurisdiction granted the Board of Adjustment in addressing request(s) for variances of requirements as reflected by the chart contained in JMC § 18.68.050 (p. 304) or the provisions provided by JMC §§ 18.76.040, 18.76.050, and 18.88.040. (Ord. 1048 Sec. 1(part), 1995; Ord. 1059, Sec. 1 (part) 1996)

Chapter 18.06

COMPREHENSIVE DEVELOPMENT USE PLAN

Sections:

18.06.010 Comprehensive Development Use Plan
18.06.020 Land Use Plan

18.06.010 Comprehensive Development Use Plan

There is hereby adopted and implemented a Comprehensive Development Use Plan for the City of Jacksonville, as detailed and noted on the attachments hereto. All development within the City's planning jurisdiction shall adhere to and comply with the provisions and requirements contained in said plan unless specifically exempted by a majority vote of the Jacksonville Planning Commission or Jacksonville City Council. (Ord. 1226 Sec. 1, 2004; Ord. 1308 Sec. 1, 2007)

18.06.020 Land Use Plan

There is hereby amended the Land Use Plan for the City of

Jacksonville, as detailed and noted on the attachments hereto. All development within the City's planning jurisdiction shall adhere to and comply with the provisions and requirements contained in said plan unless specifically exempted by a majority vote of the Jacksonville Planning Commission or Jacksonville City Council. (Ord. 1226 Sec. 2, 2004; Ord. 1308 Sec. 2, 2007)

Chapter 18.08

DEFINITIONS

Sections:

18.08.010	**Generally.**
18.08.020	**Accessory building.**
18.08.030	**Accessory use.**
18.08.040	**Advertising sign, outdoor.**
18.08.050	**Advertising structure, outdoor.**
18.08.060	**Alley.**
18.08.070	**Apartment.**
18.08.080	**Apartment house.**
18.08.090	**Basement.**
18.08.100	**Boarding house.**
18.08.110	**Building.**
18.08.120	**Building, alteration of.**
18.08.130	**Building, front line of.**
18.08.140	**Building, height of.**
18.08.150	**Buildings, principal.**
18.08.160	**Business.**
18.08.170	**Carport.**
18.08.180	**Cellar.**
18.08.190	**Clinic.**
18.08.200	**Club.**
18.08.210	**Conforming use.**
18.08.220	**Court.**
18.08.230	**Curb break.**
18.08.240	**Curb level.**
18.08.241	**Day Care Facility.**
18.08.249	**Dwelling (Dwelling Unit).**

18.08.250 Dwelling, one-family sitebuilt.
18.08.260 Dwelling, two-family sitebuilt.
18.08.270 Dwelling, multiples sitebuilt.
18.08.280 Family.
18.08.290 Floor area.
18.08.300 Frontage.
18.O8.310 Garage, private.
18.08.320 Garage, storage.
18.08.330 Garage, public.
18.08.340 Group houses.
18.08.350 Home occupation.
18.08.360 Hotel.
18.08.370 House trailer.
18.08.380 Junkyard.
18.08.390 Lodging house.
18.08.400 Lot, corner.
18.08.410 Lot, interior.
18.08.420 Lot lines.
18.08.430 Lot of record.
18.08.440 Lot, through.

18.08.445 Manufactured Homes.
18.08.450 Mobile Homes.
18.08.455 Modular Homes.
18.08.460 Motel.
18.08.470 Nonconforming use.
18.08.480 Nursery.
18.08.490 Nursery school.
18.08.500 Parking area, semi-public.
18.08.510 Place.
18.08.515 Permanent Foundation.
18.08.520 Public utility.
18.08.530 Public utility facility.
18.08.540 Servants' quarters.
18.08.550 Stable, private.
18.08.560 Stable, public.
18.08.570 Story.
18.08.580 Story, half.
18.08.590 Street.
18.08.600 Structure.
18.08.610 Tourist court.
18.08.620 Tourist home.
18.08.630 Trailer camp.
18.08.640 Yard.
18.08.650 Yard, front.
18.08.660 Yard, rear.

18.08.670 Yard, side.

18.08.010 Generally

A. For the purpose of this title, certain terms, phrases, words and their derivatives are herewith defined as follows:

B. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. 213 Sec. 201(part), 1969)

18.08.020 Accessory building

"Accessory building" means a subordinate building or portion of a main building, the use of which is clearly incidental to that of the main building. (Ord. 213 Sec. 201(part), 1969)

18.08.030 Accessory use

"Accessory use" means a use subordinate in nature, extent or purpose to the principal use of a building or lot.

(Ord. 213 Sec. 201(part), 1969)

18.08.040 Advertising sign, outdoor

"Outdoor advertising sign" means a structural poster panel or painted sign, either freestanding or attached to the outside of a building for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located. (Ord. 213 Sec. 201(part), 1969)

18.08.050 Advertising structure, outdoor

"Outdoor advertising structure" means anything constructed or erected, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located. (Ord. 213 Sec. 201(part), 1969)

18.08.060 Alley

"Alley" means a way, which affords only a secondary means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.070 Apartment

"Apartment" means a portion of a residential building used as a separate housekeeping unit. (Ord. 213 Sec. 201(part), 1969)

18.08.080 Apartment house

For a definition of "apartment house," see Sec. 18.04.270. (Ord. 213 Sec. 201(part), 1969)

18.08.090 Basement

"Basement" means a story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.
(Ord. 213 Sec. 201(part), 1969)

18.08.100 Boardinghouse

"Boardinghouse" means a building other than a hotel where lodging and meals for five or more persons are served for compensation. (Ord. 213 Sec. 201(part), 1969)

18.08.110 Building

"Building" means a structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.
(Ord. 213 Sec. 201(part), 1969)

18.08.120 Building, alteration of

"Alteration of a building" means any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building or movement of a building from one location to another.
(Ord. 213 Sec. 201(part), 1969)

18.08.130 Building, front line of

"Front line of a building" means a line parallel to the street, intersecting the foremost point of the building, excluding steps. (Ord. 213 Sec. 201(part), 1969)

18.08.140 Building, height of

"Height of a building" means the vertical distance measured from the curb level to the highest point of the roof surface, if a flat root, to the deck line of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel rod; provided however, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building. (Ord. 213 Sec. 201((part), 1969)

18.08.150 Building, principal

"Principal building" means a building in which is conducted

the main use of the lot on which said building is located.
(Ord. 213 Sec. 201(part), 1969)

18.08.160 Business

"Business" includes the commercial, light industrial and heavy industrial uses and districts as herein defined.
(Ord. 213 Sec. 201(part), 1969)

18.08.170 Carport

For a definition of "carport", see Sec. 18.08.310.
(Ord. 213 Sec. 201(part), 1969)

18.08.180 Cellar

"Cellar" means a story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.
(Ord. 213 Sec. 201(part), 1969)

18.08.190 Clinic

"Clinic" means a building used by a group of doctors for the medical examination or treatment of persons on an out-patient or non-boarding basis only. (Ord. 213 Sec. 201(part), 1969)

18.08.200 Club

"Club" means a building owned, leased or hired by a non-profit association consisting of bona fide dues paying members, the use of said building being restricted to said members and their guests for charitable, educational or social purposes.
(Ord. 213 Sec. 201(part), 1969)

18.08.210 Conforming use

"Conforming use" means any *lawful* use of a building or lot, which complies, with the provisions of this title.
(Ord. 213 Sec. 201(part), 1969)

18.08.220 Court

"Court" means an open, unoccupied space other than a yard, on the same lot with a building and which is bounded on two or more sides by the building. (Ord. 213 Sec. 201(part), 1969)

18.08.230 Curb break

"Curb break" means any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
(Ord. 213 Sec. 201(part), 1969)

18.08.240 Curb level

"Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb or its equivalent of; the purpose of this title. (Ord. 213 Sec. 201(part), 1969)

18.08.241 Day Care Facility

Any building, lot, or portion thereof used for the care, custody, education, nurturing, and training of children and adults on a daily basis. (Ord. 1045 Sec. 2, 1995)

18.08.249 Dwelling (Dwelling Unit)

Any room or group of rooms, including those contained in manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one (1) family. (Ord. 1149 Sec. 1, 2001)

18.08.250 Dwelling, one-family sitebuilt

"One-family sitebuilt dwelling" means a detached sitebuilt building designed, arranged or used for or occupied exclusively by one family.
(Ord. 213 Sec. 201(part), 1969: Ord. 699 Sec. 1, 1983)

18.08.260 Dwelling, two-family sitebuilt

"Two-family sitebuilt dwelling" means a sitebuilt building designed, arranged or used or occupied exclusively by two families, living independently of each other.
(Ord. 213 Sec. 201(part), 1969: Ord. 699 Sec. 1, 1983)

18.08.270 Dwelling, multiple sitebuilt

"Multiple sitebuilt dwelling" means a sitebuilt building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments and apartment motels.
(Ord. 213 Sec. 201(part), 1969: Ord. 699, Sec. 1, 1983)

18.08.280 Family

"Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, hotel, club, fraternity or sorority house. (Ord. 213 Sec. 201(part), 1969)

18.08.290 Floor area

"Floor area" means the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, meaning from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanine, cellars, basements and similar areas devoted to such uses.
(Ord. 213 Sec. 201(part), 1969)

18.08.300 Frontage

"Frontage" means all the property abutting an one side of a street between two intersecting streets, measured along the street line. (Ord. 213 Sec. 201(part), 1969)

18.08.310 Garage, private

"Private garage" means an accessory building or portion of a principal building used for vehicular storage only and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the occupants of the principal building. The term includes carport and, when related to the contents shall relate to the storage of one or more vehicles.
(Ord. 213 Sec. 201(part), 1969)

18.08.320 Garage, storage

"Storage garage" means a building or portion thereof other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles. (Ord. 213 Sec. 201(part), 1969)

18.08.330 Garage, public

"Public garage" means a building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale. This includes premises commonly known as filling stations or service stations. (Ord. 213 Sec. 201(part), 1969)

18.08.340 Group houses

"Group houses" means a group of detached or semi-detached dwellings facing upon a place as herein defined.
(Ord. 213 Sec. 201(part), 1969)

18.08.350 Home occupation

"Home occupation" means an occupation or profession customarily carried on by the occupant of a dwelling as a secondary use, which is clearly incidental to the use of the dwelling for residential purposes. Home occupations include, in general, education or personal services such as furnished by a tutor, seamstresses etc., when performed by persons occupying the building as a residence. (Ord. 213 Sec. 201(part), 1969)

18.08.360 Hotel

"Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than fifteen sleeping rooms usually occupied singly and with no provision made for cooking in any individual room or apartment. (Ord. 213 Sec. 201(part), 1969)

18.08.370 House trailer

"House trailer" means a non-self-propelled vehicle containing living or sleeping accommodations, which is designed and used for highway travel. (Ord. 213 Sec. 201(part), 1969)

18.08.380 Junkyard

"Junkyard" means an open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
(Ord. 213 Sec. 201(part), 1969)

18.08.390 Lodging house

"Lodging house" means a building, other than a hotel, where lodging for five or more persons is provided for compensation.
(Ord. 213 Sec. 201, 1969)

18.08.400 Lot, corner

"Corner lot" means a lot situated at the junction of two or more streets. (Ord. 213 Sec. 201(part), 1969)

18.08.410 Lot, interior

"Interior lot" means a lot other than a corner lot.
(Ord. 213 Sec. 201(part), 1969)

18.08.420 Lot lines

"Lot lines" means the lines bounding a lot as defined herein.
(Ord. 213 Sec. 201, 1969)

18.08.430 Lot of record

"Lot of record" means a lot, which is part of a subdivision, the map of which has been recorded in the office the Chancery Clerk of Pulaski County. (Ord. 213 Sec. 201(part), 1969)

18.08.440 Lot, through

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 213 Sec. 201(part), 1969)

18.08.445 Manufactured Homes

Manufactured Homes: A structure transportable in two (2) or more sections, which, in traveling mode, are twelve feet (12') or more in width and/or forty feet (40') or more in length or, when erected on site, has a minimum of Nine Hundred Sixty interior square feet (960SF). Said structure shall be built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation after being connected to the required utilities so as to operate the plumbing, heating, air conditioning, and/or electrical systems contained therein. This shall include those structure(s) which meet all requirements of this paragraph and of which the manufacturer voluntarily files a certification as required by the Secretary of the Department of Housing and Urban Development, meets the requirements of the National Manufactured Home Association Construction Code, and complies with all applicable federal construction standards. (Ord. 1149 Sec. 1, 2001) A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the H.U.D. construction code. Manufactured homes are further divided into 3 categories. They are:

Single Section Manufactured Home - This home looks for all practical purposes like the pre-1976 mobile home in its shape and configuration. The difference is that it is built to the H.U.D. code assuring a better quality construction. The single sectioned manufactured house is assembled on its own steel structural frame, which can become its permanent foundation and is pulled to the site as one unit.

Multi-Section Manufactured Home - A home built, usually, in two sections that looks for all aesthetic purposes like a site built house. It's pitched roof and siding are of materials customarily used for site constructed homes. The multi-section manufactured home is assembled on its own steel structural frame, which can become its permanent foundation and is pulled to its site in two, three or more sections.

Modular Home (Manufactured) – see **Sec. 18.18.455**
(Ord. 699 Sec. 2, 1983; Ord. 1049 Sec. 1, 2001)

18.08.450 Mobile Home

Mobile Homes: A structure transportable in one (1) section built as a dwelling unit in a factory or plant prior to June 15, 1976, the effective date for the Federal Manufactured Housing Construction Safety Standards Act of 1974, that may or may not comply with the construction provisions of said Act. A mobile home commonly consist of a single section either Twelve feet (12’) or Fourteen feet (14’) in width and exceeds Three hundred twenty square feet (320 SF) interior minimum space. It is designed to be used as a residential dwelling. (Ord. 1149 Sec. 1, 2001)

It's roofing or siding are not of materials customarily used for site constructed homes and is, traditionally, the most common type seen. (It is rectangular, flat-roofed, and metal sided.)
(Ord. 699 Sec. 1, 1983)

18.08.455 Modular Homes

A multi-section dwelling unit constructed partially in a factory setting and partially on-site. Construction of such a swelling is in compliance with Housing and Urban Development guidelines, Federal Housing Administration guidelines, the Southern Building Code, and local housing codes. The structure is placed upon a permanent site-built foundation and, once construction is complete, will have little to no difference in appearance to site-built homes. (Ord. 1149 Sec. 1, 2001)

18.08.460 Motel

For a definition of "motel," see Section 18.08.610.
(Ord. 213 Sec. 201(part), 1969)

18.08.470 Nonconforming use

"Nonconforming use" means any use of a building or lot, which does not comply, with the provisions of this title.
(Ord. 213 Sec. 201(part), 1969)

18.08.480 Nursery

"Nursery" means any building or lot or portion thereof used for the cultivations or growing of plants and including all accessory buildings. (Ord. 213 Sec. 201(part), 1969)

18.08.490 Nursery school

"Nursery school" means any building used routinely for, the daytime care or education of preschool age children and including all accessory buildings and play areas.
(Ord. 213 Sec. 201(part), 1969)

18.08.500 Parking areas semi-public

"Semi-public parking area" means an open area other than a street, alley or place, used for temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers. (Ord. 213 Sec. 201(part), 1969)

18.08.510 Place

"Place" means an open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property. (Ord. 213 Sec. 201(part), 1969)

18.08.515 Permanent Foundation

A foundation consisting of a solid perimeter wall constructed of masonry materials (concrete, concrete blocks, etc.) with concrete footings (pre-cast or poured-in-place) that extends below the frost line. (Ord. 1149, Sec. 1, 2001)

18.08.520 Public utility

"Public utility" means any person, firm or corporation regulated by a city or state regulatory authority, or a governmental agency furnishing water, sewer, electric, gas, telephone, steam and other similar utility services to or for the public.
(Ord. 213 Sec. 201(part), 1969)

18.08.530 Public utility facility

"Public utility facility" means buildings, structures, materials and property owned or operated by any public utility and used for furnishing any utility service.
(Ord. 213 Sec. 201(part), 1969)

18.08.540 Servants' quarters

"Servants' quarters" means an accessory building located on the same lot or grounds with the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
(Ord. 213 Sec. 201(part), 1969)

18.08.550 Stable, private

"Private stable" means a separate accessory building with a capacity for not more than one horse for each three thousand square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and not kept for remuneration, hire or sale.

(Ord. 213 Sec. 201(part), 1969)

18.08.560 Stables public

"Public stable" means a stable other than a private stable. (Ord. 213 Sec. 201(part), 1969)

18.08.570 Story

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. (Ord. 213 Sec. 201(part), 1969)

18.08.580 Story, half

"Half story" means a story under a gables hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story.
(Ord. 213 Sec. 201(part), 1969)

18.08.590 Street

"Street" means a public or private thoroughfare, which affords principal means of access to abutting property.
(Ord. 213 Sec. 201(part), 1969)

18.08.600 Structure

"Structure" means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
(Ord. 213 Sec. 201(part), 1969)

18.08.610 Tourist court

"Tourist court" means a group of attached or detached buildings containing individual sleeping or living units for overnight guests, with garage attached or parking facilities conveniently located to each unit. The term includes motel when related to the context specified herein. (Ord. 213 Sec. 201(part), 1969)

18.08.620 Tourist home

"Tourist home" means a dwelling in which overnight sleeping accommodations are provided or offered for not more than five transient guests for compensation.
(Ord. 213 Sec. 201(part), 1969)

18.08.630 Trailer camp

"Trailer camp" means any lot on which are parked two or more trailers, or one or more trailers for a longer period of time than forty-eight hours. (Ord. 213 Sec. 201(part), 1969)

18.08.640 Yard

"Yard" means an open space other than a court, on the same lot with the building, unoccupied and obstructed from the ground upward except as otherwise provided herein.
(Ord. 213 Sec. 201(part), 1969)

18.08.650 Yard, front

"Front yard" means a yard extending across the front of the lot between the inner side yard lines and measured between:

A. The front line of the lot and front line of the building; and

B. The front line of the lot and the nearest line of any open porch or paved terrace.

(Ord. 213 Sec. 201(part), 1969)

18.08.660 Yard, rear

"Rear yard" means a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. (Ord. 213 Sec. 201(part), 1969)

18.08.670 Yard, side

"Side yard" means a yard between the building and the sideline of the lot and extending from the front to the rear yard.
(Ord. 213 Sec. 201(part), 1969)

Chapter 18.12

ADMINISTRATION AND ENFORCEMENT

Sections:

18.12.010	**Use of building - conformance with district regulations required.**
18.12.020	**Building height - conformance with district regulations required.**
18.12.030	**Lot area - conformance with district regulations required.**
18.12.040	**Yard or open space - Conformance with district regulations required.**
18.12.050	**Number of buildings on lots.**
18.12.060	**Enforcing Officer.**
18.12.070	**Building permit - Required.**
18.12.080	**Building permit - Applications - Plat to accompany.**
18.12.090	**Building permit - Period of validity.**
18.12.100	**Building permit - Certificate of Occupancy required.**
18.12.110	**Certificate of occupancy - Required - Application.**
18.12.120	**Certificate of occupancy - Required - When.**
18.12.130	**Certificate of occupancy - Statement of provisions compliance.**
18.12.140	**Certificate o occupancy - Building permits - Record of issuance.**
18.12.150	**Certificate of occupancy - Fee.**
18.12.160	**Certificate of occupancy - Conditions for issuance.**
18.12.170	**Penalties.**
18.12.180	**Remedies.**

18.12.010 Use of building - Conformance with district regulations required

Except as hereinafter provided, no building or other structure shall hereafter be erected, reconstructed or structurally altered nor shall any building or other structure or land be used hereafter for any purpose other than is permitted in the district in which such building or other structure or land is located.
(Ord. 213 Sec. 301, 1969)

18.12.020 Building height - Conformance with district regulations required

Except as hereinafter provided, no building or other structure shall hereafter be erected, reconstructed, or structurally altered to exceed the height or bulk limit herein established for the district in which such building or other structure is located.
(Ord. 213 Sec. 302, 1969)

18.12.030 Lot area - Conformance with district regulations required

Except as hereinafter provided, no lot area shall hereinafter be so reduced or diminished that the yards or other open spaces are smaller than described by this title and no building shall he occupied by more families than prescribed for such building, structure or premises for the district in which it is located.
(Ord. 213 Sec. 303, 1969)

18.12.040 Yards or open space - Conformance with district regulations required

Except as hereinafter provided, no yard or other open space provided about any building or other structure for the purpose of cooperating with the provisions of these regulations shall be considered as providing a yard or open space for any other building or structure; provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building or other structure is to be erected. (Ord. 213 Sec. 304, 1969)

18.12.050 Number of buildings on lots

Every building or other structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one building or other structure on one lot, except as hereinafter provided. (Ord. 213 Sec. 305, 1969)

18.12.060 Enforcing officer

The building inspector of the City is authorized and directed to enforce all the provisions of this title and for such purpose, he

shall have the powers of a police officer. His duties shall include inspecting premises and issuing building permits and certificates of occupancy for buildings and uses that meet the requirements of this title. (Ord. 213 Sec. 2301, 1969)

18.12.070 Building permit - Required

It is unlawful to commence the excavation or filling of any lot for any construction of any building or to begin construction of any building, or to commence the moving or alteration of any building, or to commence the development of land for a use not requiring a building, until the building inspector has issued a building permit for such work. (Ord. 213 Sec. 2302, 1969)

18.12.080 Building permit - Applications - Plat to accompany

All applications for building permits - shall be accompanied by a plat in duplicate of a dimensioned sketch or to-scale plan signed by the owner or his authorized agent, showing the actual dimensions of the lot to be built upon, the location and size of the building or structure to be erected, the location of adjoining or surrounding buildings or structures and such other information as may be required by the building inspector which is necessary to provide for the enforcement of this title. (Ord. 213 Sec. 2302(part), 1969)

18.12.090 Building permit - Period of validity

Any building permit issued shall become invalid unless the work authorized by it has commenced within six months of its date of issue, or if work authorized by it is suspended or abandoned, for a period of one year. (Ord. 213 Sec. 2302, 1969)

18.12.100 Building permit - Certificate of occupancy required

No building permit or permit for excavation for any building shall be issued before application has been made for certificate of occupancy. (Ord. 213 Sec. 2302(part), 1969)

18.12.110 Certificate of occupancy - Required - Application

No vacant land shall be occupied or used, except for agricultural purposes, and no buildings hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy has been issued within three days after the application has been made, provided conformity with the provisions of this title. (Ord. 213 Sec. 2303(part), 1969)

18.12.120 Certificate of occupancy - Required - When

A certificate of occupancy is required in advance of occupancy or use of:

A. A change of type of occupancy or use of any building or

land;

B. Each nonconforming use created by the passage of and subsequent amendments to the ordinance codified in this chapter.

(Ord. 213 Sec. 2303(part), 1969)

18.12.130 Certificate of occupancy - Statement of provisions compliance

A certificate of occupancy shall state that the buildings or proposed use of a building or land complies with all the buildings and health laws and ordinances and with the provisions of this title. (Ord. 213 Sec. 2303(part), 1969)

18.12.140 Certificate of occupancy - Building permits - Record of issuance

It shall be the duty of the building inspector to keep a record of all building permits and certificates of occupancy issued, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved. (Ord. 213 Sec. 2303(part), 1969)

18.12.150 Certificate of occupancy - Fee

No fee shall be charged for a certificate of occupancy. (Ord. 213 Sec. 2303(part), 1969)

18.12.160 Certificate of occupancy - Conditions for issuance

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this title, or unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued. (Ord. 213 Sec. 2303(part), 1969)

18.12.170 Penalties

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be arrested and brought before the court of appropriate jurisdiction and upon conviction be punished by a fine of not more than twenty-five dollars maximum allowed by the City per offense or by imprisonment for not more than thirty days for each violation. Each day's failure to comply with the provisions of this title constitutes a separate violation. Continuing offenses shall be punishable by a fine of not more than fifteen dollars for each day of such violation.

(Ord. 213 Sec. 2304, 1969)

18.12.180 Remedies

In the event any building is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or land is used in violation of this titles the building inspector or any other appropriate city authority or any person who would be damaged by such violation, in addition to the remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land. (Ord. 213 Sec. 2305, 1969)

Chapter 18.16

ZONING MAP

Sections:

18.16.010 Zoning Districts - Established.
18.16.020 Zoning Map.
18.16.030 Districts - Boundaries.

18.16.010 Districts - Established

In order to regulate and restrict the location and use of buildings, structures and land for residential, commercial, industrial or other purposes, and the location of buildings and other structures erected or altered for specified uses, and to regulate and limit the height and bulk of buildings and other structures hereafter erected or altered, and to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the city is divided into districts of which there shall be thirteen, known as:

A-1	Agricultural District - agricultural
R-0	One-Family sitebuilt District - residential
R-1	One-Family sitebuilt District - residential
R-1A	One-Family sitebuilt District - residential
R-2	Two-Family sitebuilt District - residential
R-3	Multi-Family sitebuilt District - residential
R-4	Zero Lotline One-Family sitebuilt District
R-5	Modular Home District
R-6	Manufactured Home Subdivision
R-7	Manufactured Home Park
C-1	Quiet Business District - commercial
C-2	Shopping Center District - commercial
C-3	Highway Commercial District - commercial
C-4	General Commercial District - commercial
M-1	Light Industrial District - industrial

M-2 Heavy Industrial District - industrial
F-1 Flood District - conservation.

(Ord. 454 Sec. 1(part), 1977; Ord. 453 Sec. 1(part), 1977; Ord. 213 Sec. 601, 1969; Ord. 699 Sec. 3, 1983; Ord. 1149 Sec. 2, 2001)

18.16.020 Zoning Map

The districts above and the boundaries of such districts are shown upon the zoning map, which is made a part of this title, being designated as the official zoning map, and said map and all the notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth on said map were all fully described herein, except as hereinafter provided.
(Ord. 238 Sec. 1, 1971; Ord. 213 Sec. 602, 1969)

Various conditional uses as designated in this Ordinance shall be proper uses within the designated zones as noted on the Zoning Map of the City of Jacksonville. (Ord. 1111 Sec. 1-A, 1998)

Also, See Ord. 1149 Sec. 2, 2001

18.16.030 Districts - Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, which is made a part of this title, the following rules shall apply:

A. The district boundaries are the streets or alleys unless otherwise shown, and where the districts designated on the map, which is made a part of this title, are bound approximately by streets or alley lines, said street or alley shall be construed to be the boundary of such district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map which is made a part of this title are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map. Where district lines are fixed by dimensions, individual owners of lots split by such district lines will be permitted a tolerance of twenty-five feet in the

use of said lots.

C. Unless otherwise clearly defined by streets, alleys, lots, drainage courses or other definite means, the district boundary lines on the map accompanying and made a part of this title shall be determined by use of the scale contained on such map.

(Ord. 213 Sec. 603, 1969)

ZONING

Chapter 18.20

AGRICULTURAL DISTRICT A-1

Sections:

18.20.010 **Permitted uses.**
18.20.020 **Conditional uses.**
18.20.040 **Dimensional Requirements.**

18.20.010 Permitted uses

Permitted uses in the A-1 district are:

Single-family residence
General farming
Truck farming
Animal raising
Community facilities
Public building
Schools
Churches
Commercial recreation.

(Ord. 213 Sec. 701, 1969)

18.20.020 Conditional uses

Conditional uses in the A-1 district are:

Public utilities.
Day Care facility.

(Ord. 213 Sec. 702, 1969; Ord. 1045 Sec. 2, 1995)

18.20.020 Conditional uses

For dimensional requirements for the A-1 zoning district, please see Jacksonville Municipal Code § 18.68.050, Chart No. 1

(Ord. 1299 Sec. 8, 2006)

Chapter 18.22

AHOD AFFORDABLE OVERLAY DISTRICT FOR AFFORDABLE HOUSING

Sections:

18.22.010	**Applicability and Definitions.**
18.22.020	**Purpose and creation of an Affordable Housing Overlay District (AHOD).**
18.22.030	**Population and Development Density.**
18.22.040	**Building and Construction Provisions.**
18.22.050	**Conditional, Permissible, Prohibitive, and Restrictive Uses.**
18.22.060	**Enforcement.**
18.22.070	**Penalties.**

18.22.010 Applicability and Definitions

A. Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this

Ordinance shall apply to the future development and use of all real property lying within areas of the City of Jacksonville which meet three or more of the following conditions:

1. No prevalent pattern exists in the design or type of housing located within the specific area in question;
2. No significant inconsistency exists in the monetary value of housing within the area;
3. The number of available habitable houses in the specified area has/have deteriorated to the point that redevelopment of all or part of a neighborhood and/or specific area will best serve the health, safety and welfare of the citizens of Jacksonville;
4. A significant portion of the houses in the specified area are/were deficient in original construction/current condition to the point that redevelopment will best serve the health, safety and welfare of the citizens of Jacksonville; and/or;
5. There has been little to no development/investment in new housing within the specified area.

B. Conditional Uses - All uses of property allowed upon review and approval by the Planning Commission/Board of Adjustment. Applications for conditional uses shall be made in accordance with the provisions of JMC §§ 18.04.160, and shall take into consideration the necessity of said conditional use, the length of time said conditional use will be necessary, and all other appropriate factors surrounding such a proposed use of said real property.

Remains in Existence - In the event a structure is damaged, lost, or destroyed by controlled means, fire, natural disaster, or act(s) of GOD, the use of said property shall be deemed to have remained in existence when the principal purpose and use of said property is not altered by the modifications/reconstruction of said structure(s).

(Ord. 1110, 1998)

18.22.020 Purpose and Creation of an Affordable Housing Overlay District (AHOD)

The purpose of this Ordinance shall be to:

A. enhance the development of affordable housing within the City of Jacksonville;

B. create an Overlay District (OD) within the classifications and designations of zoning provisions within the Jacksonville Municipal Code;

C. provide for the health, safety, and welfare of the citizens through enactment and enforcement of ordinances and regulations in compliance with Arkansas law and the Affordable Housing Overlay District (AHOD) study for the City of Jacksonville, Arkansas;
D. address public concerns created by violations of the OD provisions; and,
E. preserve and enhance economic value of the property within the OD.

(Ord. 1110, 1998)

18.22.030 Population and Development Density

Construction and/or development of residential housing in the affected areas of the AHOD shall provide for greater accessibility to single-family dwellings for members of the Jacksonville community through enhanced use of manufactured, modular, land pre-fabricated housing units for real property that lie(s) within the AHOD.

Future use of properties within the AHOD shall be reviewed for population density concerns to insure the provisions of the Jacksonville Municipal Code and Planning Commission guidelines are addressed as they apply to use provisions as outlined herein.

(Ord. 1110, 1998)

18.22.040 Building and Construction Provisions

Construction and/or rehabilitation of any housing facility shall comply with the provision, guidelines, and directives of the current edition of the Southern Building Code, the Jacksonville Municipal Code, and as outlined in the Jacksonville Planning Commission's regulations regarding construction and use of properties within the AHOD. (Ord. 1110, 1998)

18.22.050 Conditional, Permissible, Prohibitive, and Restrictive Uses

The following conditions, permissible uses, prohibitions, and restrictions shall apply to the future uses of any and all real properties encompassed by the Jacksonville City Limits:

a. Manufactured housing dwellings shall be multi-sectional;
b. Modular housing units shall meet or exceed all existing provisions of the Jacksonville Municipal Code;
c. All dwellings shall be orientated in a manner consistent with the majority of residential units on properties within the immediate area of the property in question;
d. All roofs shall be sloped and similar to existing homes in the area;
e. Manufactured housing dwellings shall be set up and anchored in accordance with the regulations set forth by the Arkansas Manufactured Home Commission;
f. All housing units shall have a continuous masonry foundation underpinning approved by Jacksonville Code Enforcement personnel.

e. The manufactured or modular home shall be the principal structure on the property in question;
h. Each dwelling unit that lies within the AHOD shall have a paved parking area/driveway capable of storing a minimum of two (2) vehicles when possible, with a minimum of Twenty feet (20') width by Forty feet (40') length.
i. The Jacksonville Planning Commission is empowered to promulgate and publish regulations and guidelines to enhance and further explain the provision of this Ordinance. Upon doing so, a copy of said regulations shall be maintained for the public's benefit in the Jacksonville City Clerk's Office, City Engineer's Office, and/or the Code Enforcement Office. (Ord. 1110, 1998)

18.22.060 Enforcement

The provisions of the terms of this Ordinance shall be enforced by Jacksonville Code Enforcement official(s). Enforcement shall follow the outline and scope of Code Enforcement official(s) under the provisions of this Code and State law, with all citations issued under the provisions of this Ordinance addressed in the Jacksonville Municipal Court. (Ord. 1110, 1998)

18.22.070 Penalties

In the event a property owner(s) agent(s), or lessee(s) pleads or is found guilty/nolle contendre of a violation of the terms of this Ordinance, the violator shall be assessed a fine of no less than Twenty-five Dollars ($25.00)_ and court cost for a first offense, no less than Fifty Dollars ($50.00) and court cost for a second offense, and no less than One Hundred Dollars ($100.00) and court cost for a third or subsequent offense(s). Each day a condition prohibited by the terms of this Ordinance.
(Ord. 1110, 1998)

Chapter 18.23

MIXED USE OVERLAY DISTRICT

Sections:

18.23.010 Applicability and Definitions.
18.23.020 Purpose.
18.23.030 Population and Development Density.
18.23.040 Building and Construction Provisions.
18.23.050 Conditional, Permissible, Prohibitive.
18.23.060 Enforcement and Penalties.

18.23.010 Applicability and Definitions

Unless otherwise restricted by applicable laws, legislative action, ordinances, or regulations, the provisions of this Ordinance shall apply to future development and use of all real property lying within the area designated and as more particularly described below: Beginning at the SW corner of the intersection of the East Main Street right-of-way and the Oak Street right-of-way; thence northeast along the south right-of-way line of East Main Street to the northwest right-of-way line of Union Pacific Railroad; thence southwesterly along said right-of-way line to the centerline of Division Street; thence northwesterly along Division Street to the centerline of South Second Street; thence northeasterly along the centerline of South Second Street to the centerline of Mulberry Street; thence west along Mulberry Street to the center line of Warren Street; thence south along Warren Street to the centerline of Lenora Street; thence west along Lenora Street to the centerline of Dupree Drive; thence southeasterly along Dupree Drive to the centerline of Louise Street; thence west along the centerline of Louise Street to South James; thence continue west along the north line of the South ½ of NW ¼ of Section 30, T-3-N, R-10-W, 1466.85'; thence north 798.87'; thence east 490.88' to the west right-of-way line of Hospital Drive; thence north along said right-of-way line to the south line of West Main Street; thence west along the south line of West Main Street to the centerline of Crestview Drive; thence north along the centerline of Crestview Drive to the centerline of Vine Street; thence east along the centerline of Vine Street to the centerline of James Street; thence south along the centerline of James Street to the centerline of Poplar Street; thence east along the centerline of Poplar Street to the east right-of-way of State Highway 161; thence south along the east right-of-way to the centerline of Center Street; thence southeasterly along Center Street to the centerline of Graham Road; thence east along Graham Road to the southeast right-of-way of Elm Street; thence southwest along the southeast right-of-way of Elm Street to the southwest right-of-way of East Main Street; thence northwest along the southwest right-of-way of East Main Street to the southwest corner of Oak Street and East Main Street and the point of beginning.

(General Description: That real property along and within two (2) blocks north and south of Main Street from Sharp Street to Elm Street, Jacksonville, Arkansas) (Ord. 1224 Sec. 1, 2004)

18.23.020 Purpose

The Mixed Use Overlay District (MUOD) is hereby created for the purpose of:

a) Enhancing the development of a revitalization of Main Street;
b) Creation of an Overlay District applicable to the classifications and designations of zoning provision within this Code;

c) Address public concerns created by violations of the MUOD; and,
d) Enhance and preserve economic value and community development within the MUOD.

(Ord. 1224 Sec. 1, 2004)

18.23.030 Population and Development Density

Construction and/or development of a mixture of residential housing and commercial areas within the Mixed Use Overlay District shall provide a greater accessibility to affordable housing and closer proximity to business for those who desire and/or need such housing arrangements. It shall promote ownership of real estate opportunities for small business owners, who can now join business and housing costs within the same property to more efficiently use their assets, and will serve to enhance revitalization of the downtown area.

Future use of properties within the MUOD shall be reviewed for population and business density concerns to insure compliance with concerns and provisions of the Jacksonville Municipal Code, the Building Code, and Arkansas law. (Ord. 1224 Sec. 1, 2004)

18.23.040 Building and Construction Provisions

Construction and/or rehabilitation of any business or housing facility or structure shall comply with all applicable provisions, guidelines, and directives of the current edition of the International Building Code, Jacksonville Municipal Code, and the Planning Commission. (Ord. 1224 Sec. 1, 2004)

18.23.050 Conditional, Permissible, Prohibitive, and Restrictive Uses

The following conditions, permissible uses, prohibitions, and restrictions shall apply:

a) Business locations will be primarily located on ground level of any structure, and residential properties will primarily be located above or between commercial establishments;
b) All construction shall meet or exceed provisions of the Jacksonville Municipal Code;
c) All residential properties shall be oriented in a manner consistent with the majority of residential and commercial

properties within the immediate area;

d) Parking shall be provided for residential properties in the following manner and ratio: One and one-half (1.5) parking spaces per residence; and,

e) Parking shall be provided for commercial properties in the following manner and ratio: One (1) parking space for every Two Hundred Square Feet (200 SF) of office/retail space.

(Ord. 1224 Sec. 1, 2004)

18.23.060 Enforcement and Penalties

a) Enforcement:

Terms and conditions of this Ordinance shall be enforced by Jacksonville Code Enforcement Office in a progressive manner. Notification of violations and/or non-compliance shall be in writing and provide the recipient with specific reference(s) to provisions violated. Continued and/or additional violation(s) should result in citation(s) issued to the responsible party(ies), to include but not be limited to the property owner, property manager, agent and/or tenant. Citations shall be presented to and adjudicated in the Jacksonville District Court.

b) Penalties:

In the event a property owner, property manager, agent, and/or tenant pleads or is found guilty of a violation of the terms of this Ordinance, the violator(s) shall be assessed a fine of no less than Twenty-five Dollars ($25.00) and no more than Five Hundred Dollars ($500.00), together with applicable costs, for any such offense. Each day that conditions in violation of the terms of this Ordinance exist shall constitute a separate offense.

(Ord. 1224 Sec. 1, 2004)

Chapter 18.24

SINGLE-FAMILY RESIDENTIAL, DISTRICTS R-0 AND R-1

Sections:

18.24.010 Purpose for establishment.
18.24.020 Permitted uses.
18.24.030 Conditional uses (R-1).
18.24.040 Dimensional requirements.
18.24.050 Parking requirements.
18.24.060 Signs.

18.24.010 Purpose for establishment

The R-0 and R-1 districts are established to permit the developing of single-family site built detached dwellings and certain community facilities in a suitable environment of low density development and to protect and maintain existing low density single-family development.
(Ord. 213 Art. VIII(part), 1969; Ord. 699 Sec. 4, 1983)

18.24.020 Permitted uses

The permitted uses in the R-0 and R-1 districts are: Single-family, site-built dwellings, including any business occupation conducted entirely within a dwelling and carried on by occupants thereof, which business and occupation is clearly incidental and secondary to the use of the dwelling for dwelling, nor is there any display; no stocking; trade; no outside storage of

equipment; no commodities sold upon the premises and not more than two persons are engaged in such business or occupation following criteria is met: Schools/Institutions of an educational or philanthropic nature. Churches, religious organizations and religious training public parks and recreation facilities/Public utilities rights-of-way day care family homes* - provided the following criteria is met and properly submitted to the City of Jacksonville by the applicant:

1. The applicant will submit with application for day care family home statements from all occupied real property owners either abutting or within 25 feet of the applicant's property that they have no objection to a day care family home. An exception to the above will be made when a collector street separates completely the real properties in issue. When a collector street so separates, no statement of objection will be necessary. By boundaries, the City does not exclude easements. Easements will not exclude property from the above rules except: when a collector street or larger is involved. Likewise, the legal description on a deed will be conclusive on the part of the City unless rebutted by a reputable surveyor.

2. Along with the above mentioned statements of no objection the applicant must sign a disclaimer drafted by the City acknowledging that the applicant must submit the statement of no objection annually. The disclaimer will also say that failure to submit such statement of no objection annually will prevent the day care family center from continuing operation.

3. Applicant will also file a certified copy of the Bill of Assurance if their property is in a platted subdivision. This

requirement shall also put the applicant on notice that the City will prosecute/or assume any requirements included in the Bill of Assurance of the applicant.

4. Further, applicant must file an application for a license with the State of Arkansas Department of Human Services in order to comply with the requirements of the Jacksonville Application. The regulation of the State of Arkansas Department of Health Service will be considered governing upon the City of Jacksonville.

5. Application for a Day Care family home should be made to the Jacksonville Code Enforcement Officer, with right of review by the Public Works Engineering Director. A further review will be allowed by application under applicable state law to the Jacksonville Board of Adjustment.

*as defined by the State of Arkansas Department of Human Services.
(Ord. 666 Sec. 1, 1982; Ord. 699 Sec. 5, 1983; Ord. 719 Sec. 1(part), 1983)

18.24.030 Conditional uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities; and,
i. Day Care facilities.
j. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 213 Sec. 802, 1969; Ord. 1111 Sec. 1-B, 1998; Ord. 1225 Sec. 1, 2004)

(R-1) Commercial Recreational Facilities only on real property parcels located adjacent to Dupree Park. (Ord. 1045 Sec. 2, 1995)

18.24.040 Dimensional requirements

For dimensional requirements for the R-0 and R-1 districts, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 803, 1969; Ord. 1221 Sec. 1, 2004; Ord. 1299 Sec. 7, 2006)

18.24.050 Parking requirements

For parking requirements for the R-0 and R-1 districts, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 804, 1969)

18.24.060 Signs

For provisions regarding signs in the R-0 and R-1 districts, see Chapter 18.16. (Ord. 213 Sec. 805, 1969)

Chapter 18.26

ONE-FAMILY DISTRICT R-1A

Sections:

18.26.010 Purpose for establishment.
18.26.020 Permitted uses.
18.26.030 Conditional uses.
18.26.040 Dimensional requirements.
18.26.050 Parking requirements.
18.26.060 Signs.
18.26.070 Development requirements.

18.26.010 Purpose for establishment

The R-1A district will provide for higher density development than R-0 and R-1 districts, yet retaining single-family site built detached housing; thus, reducing land and development costs making single-family site built housing available for lower income and smaller families. (Ord. 454 Sec. 2(part), 1977; Ord. 213 (part), 1969: Ord. 699 Sec. 6, 1983)

18.26.020 Permitted uses

The permitted uses in the R-1A district are:

Any use permitted in R-0 and R-1.

Single-family sitebuilt dwellings,
Churches, and Educational Facilities.

(Ord. 1048 Sec. 1(part), 1995; Ord. 699 Sec. 6, 1983; Ord. 454 Sec. 2(part), 1977; Ord. 213 (part), 1969)

18.26.030 Conditional uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory building and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;

e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities; and,
i. Day Care facilities.
j. Modular Home(s)
k. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 1111 Sec. 1-C, 1998; Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 1149 Sec. 3, 2001; Ord. 1225 Sec. 2, 2004)

18.26.040 Dimensional requirements

For dimensional requirements for the R-1A district, see Chart 1, Chapter 18.68

(Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969; Ord. 1299 Sec. 7, 2006)

18.26.050 Parking requirements

For parking requirements for the R-1A district, see Chart No. 1, Chapter 18.78.
(Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

18.26.060 Signs

Sign provisions are the same as allowed in the R-0 and R-1 districts. (Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

18.26.070 Development requirements

The development requirements covering an R-1A district are as follows:

A. There shall be forty feet of right-of-way required on local streets;

B. Sewer easement paralleling street - ten feet (opposite side of water and gas easement);

C. Electric and telephone easements - rear of lots - five feet.

D. Street surfaces shall be the same as provided for in the present subdivision ordinance;

E. deleted (Ord. 1130, 2000)

F. Maximum acreage to be developed is ten acres per zoning request.

(Ord. 454 Sec. 3, 1977; Ord. 213(part), 1969)

ZONING

Chapter 18.28

TWO-FAMILY RESIDENTIAL DISTRICT R-2

Sections:

18.28.010 Purpose for establishment.
18.28.020 Permitted uses.
18.28.030 Conditional uses.
18.28.040 Dimensional requirements.
18.28.050 Parking requirements.

18.28.010 Purpose for establishment

The R-2 district is established to permit the developing of single-family and two-family site built dwellings in a spacious environment and to protect existing neighborhoods of single and two-family sitebuilt dwellings.
(Ord. 213 Art. IX(part), 1969; Ord. 699 Sec. 7, 1983)

18.28.020 Permitted uses

The permitted uses in the R-2 district are:

Two-family sitebuilt dwellings.

(Ord. 1048 Sec. 1(part), 1995; Ord. 699 Sec. 7, 1983; Ord. 213 Sec. 901, 1969)

18.28.030 Conditional uses

Conditional uses - The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);

h. Special Event(s) facilities; and,
i. Day Care facilities;
j. Modular Home(s);
k. Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 213 Sec. 902, 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 1111 Sec. 1-E, 1998; Ord. 1149 Sec. 4, 2001; Ord. 1225 Sec. 3, 2004)

18.28.040 Dimensional requirements

For dimensional requirements for the R-2 district, see Chart. No. 1, Chapter 18.68. (Ord. 213 Sec. 903, 1969; Ord. 1299 Sec. 7, 2006)

18.28.050 Parking requirements

For parking requirements for the R-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 904, 1969)

Chapter 18.32

MULTI-FAMILY RESIDENTIAL DISTRICT R-3

Sections:

18.32.010 Purpose for establishment.
18.32.020 Permitted uses.
18.32.030 Conditional uses.
18.32.040 Dimensional requirements.
18.32.050 Parking requirements.
18.32.060 Signs.

18.32.010 Purpose for establishment

The R-3 district is designed to provide for areas already developed with high-density multi-family site built dwellings and areas where similar development appears desirable.
(Ord. 213 Art. X(part), 1969; Ord. 699 Sec. 8, 1983)

18.32.020 Permitted uses

Permitted uses in the R-3 district are:

Multi-family site built dwellings
Townhouses
Rooming houses and boardinghouses
Institutions for children or the aged (not including penal or correctional)
Hospitals and clinics
Personal service shops for barbering, beauty culture and physical culture
Private clubs and lodges
Community facilities.

(Ord. 213 Sec. 1001, 1969; Ord. 699 Sec. 8, 1983; Ord. 1048 Sec. 1(part), 1995)

18.32.030 Conditional uses

Conditional uses - The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
f. Residential Care facilities;
g. Bed and Breakfast house(s);
h. Special Event(s) facilities;
i. Day Care facilities; and,
j. Modular Home(s);
k. Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 213 Sec. 1002, 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord 1111 Sec. 2-E 1998; Ord. 1149 Sec. 5, 2001; Ord. 1225 Sec. 4, 2004)

18.32.040 Dimensional requirements

For dimensional requirements for the R-3 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1003, 1969; Ord. 1299 Sec. 7, 2006)

18.32.050 Parking requirements

For parking requirements for the R-3 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1004, 1969)

18.32.060 Signs

For provisions regarding signs in the R-3 district, see Chapter 18.76. (Ord. 213 Sec. 1005, 1969)

Chapter 18.36

ZERO LOTLINE, SINGLE-FAMILY DISTRICT R-4

Sections:

18.36.010 Purpose for Establishment.
18.36.020 Permitted Uses.
18.36.030 Conditional Uses.
18.36.040 Dimensional Requirements.
18.36.050 Parking Requirements.
18.36.060 Signs.
18.36.070 Development Requirements.
18.36.080 Interior Lots.
18.36.090 Lot Area.
18.36.100 Minimum Front Setback.
18.36.110 Minimum Side Setback.
18.36.120 Minimum Rear Setback.
18.36.130 Maximum Height.
18.36.140 Location of Accessory Buildings.
18.36.150 Minimum Unit Dwelling.
18.36.160 Maximum Acreage.
18.36.170 Maximum Length.
18.36.180 Off-Street Parking.
18.36.190 Corner Visibility.
18.36.200 Streets.
18.36.210 Sidewalks.
18.36.220 Firewalls.

18.36.010 Purpose for Establishment

The R-4 Zero Lotline Single Family District is established to permit the development of single-family attached dwellings providing high density development through the abolition of side lotline requirements except where zero lotline housing construction is broken as outlined in the development requirements contained in this chapter. Land development costs will be reduced with said concept of attached housing, allowing single-family dwellings to be more affordable to the individual homeowner(s).
(Ord. 1149 Sec. 6, 2001)

18.36.020 Permitted Use

The permitted use in the R-4 district is:

Attached single-family dwelling(s).

(Ord. 1149 Sec. 6, 2001)

18.36.030 Conditional Uses

The conditional uses in allowed in the R-4 district are:

a. Churches and other religious institutions and their accessory buildings and uses;

b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;

c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;

d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;

e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;

f. Residential Care facilities;

g. Bed and Breakfast house(s);

h. Special Event(s) facilities; and,

i. Day Care facilities;

j. Modular Home(s);

k. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 1149 Sec. 6, 2001; Ord. 1225 Sec. 5, 2004)

18.36.040 Dimensional Requirements

For dimensional requirements for the R-4 district, see Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 6, 2001; Ord. 1299 Sec. 7, 2006)

18.36.050 Parking Requirements

For parking requirements for the R-4 district, see Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 6, 2001)

18.36.060 Signs

Sign provisions are the same as allowed in R-0 and R-1 districts.

(Ord. 1149 Sec. 6, 2001)

18.36.070 Development Requirements

The development requirements covering an R-4 district are as set forth below.

(Ord. 1149 Sec. 6, 2001)

18.36.080 Interior Lots

Each interior lot for zero lotline housing district shall be not less than Twenty feet (20’) by Thirty –seven feet, six inches (37.6’), except where the end lot is adjacent and lengthwise to a street, in which no building or structure will be permitted within the Twenty-five feet (25’) setback area.
(Ord. 1149 Sec. 6, 2001)

18.36.090 Lot Area

Each interior lot of zero lotline housing shall be not less than One Thousand six hundred square feet (1600 SF) and shall provide not less than Fifty percent (50%) of the lot area as unobstructed open space. Each end lot of a zero lotline housing unit shall be not less than Three thousand square feet (3,000 SF) and shall provide not less than Fifty percent (50%) of the lot area as unobstructed open space.
(Ord. 1149 Sec. 6, 2001)

18.36.100 Minimum Front Setback

Where a zero lotline housing unit fronts onto a street, court, or open space, the minimum setback distance shall be no less than Twenty-five feet (25’) from the front property line. In the case of a lot having frontage on two (2) streets, which do not intersect on the lot boundaries, then the front yard requirements shall be met on both streets.
(Ord. 1149 Sec. 6, 2001)

18.36.110 Minimum Side Setback

For the end lot of a zero lotline housing unit, there shall be one (1) side setback of a minimum of Fifteen feet (15’) where needed to maintain a minimum of Thirty feet (30’) spacing between buildings.
(Ord. 1149 Sec. 6, 2001)

18.36.120 Minimum Rear Setback

There shall be a rear yard setback of no less than Twenty-five feet (25’).
(Ord. 1149 Sec. 6, 2001)

18.36.130 Maximum Height

Maximum height requirements are in Chart No. 1, Chapter 18.68.
(Ord. 1149 Sec. 6, 2001)

18.36.140 Location of Accessory Buildings

No accessory building shall be located on any required front or side yard, or within Five feet (5′) of any lotline that is not a street line. Fences up to Ninety-six inches (96″) in height may be erected along any boundary of the end side yards or rear yard from the rear of the lot forward to the rear of the main structure. A fence Sixty inches (60″) in height may be erected along the end side yards from the rear of main structure forward to front building line. Any fence or screen constructed in the required front yard must have Planning Commission approval as to location, height, material, and construction.
(Ord. 1149 Sec. 6, 2001)

18.36.150 Minimum Unit Size

Each single unit dwelling shall contain a gross floor area of not less than Eight hundred square feet (800 SF), excluding steps, porches, carports or garages.
(Ord. 1149 Sec. 6, 2001)

18.36.160 Maximum Acreage

The maximum acreage to be developed shall not exceed a total of Five (5) acres per zoning request.
(Ord. 1149 Sec. 6, 2001)

18.36.170 Maximum Length

There shall be a maximum of Two Hundred feet (200′) allowed of zero lotline housing construction before a break is required, and spacing buildings must meet requirements outlined in this chapter.
(Ord. 1149 Sec. 6, 2001)

18.36.180 Off-Street Parking

Each zero lotline dwelling unit shall have Two (2) off-street parking space provided.
(Ord. 1149 Sec. 6, 2001)

18.36.190 Corner Visibility

On a corner lot of a zero lotline housing district, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of Twenty-five feet (25′) from their intersection, there shall be no

obstruction to vision between a height of Two feet (2’) and a height of Ten feet (10’) above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants street lighting poles, and associated appurtenances thereto shall be permitted within this area.
(Ord. 1149 Sec. 6, 2001)

18.36.200 Streets

Streets are to be Twenty-seven feet (27’) wide and specifications and/or designs are to meet all existing code requirements.
(Ord. 1149 Sec. 6, 2001)

18.36.210 Sidewalks

Sidewalks shall be required for every zero lotline dwelling, and shall meet all minimum standards required by the sidewalk ordinance. See JMC § 12.24.110 for more detail.
(Ord. 1149 Sec. 6, 2001)

18.36.220 Firewalls

Zero lotline housing units shall be separated with a fire-wall to be inspected and approved by Code Enforcement/Fire Marshall officials in accordance with specifications as provided by the National Fire Safety Code and/or the Southern Building Code regulations.
(Ord. 1149 Sec. 6, 2001)

CHAPTER 18.37

MODULAR HOME DISTRICT R-5

Sections:

18.37.010 Purpose of Establishment.
18.37.020 Permitted Uses.
18.37.030 Conditional Uses.
18.37.040 Dimensional Requirements.
18.37.050 Parking Requirements.
18.37.060 Signs.

18.37.010 Purpose of Establishment

The R-5 district is designed to provide for the development and properly planned use of modular homes and/or subdivisions as affordable residential dwelling(s).
(Ord. 1149 Sec. 7, 2001)

18.37.020 Permitted Uses

Permitted uses in the R-5 district include:

Single-family modular home(s), provided that not more than one (1) home shall be placed on one (1) lot.
(Ord. 1149 Sec. 7, 2001)

18.37.030 Conditional Uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;

c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;

d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;

e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;

f. Residential Care facilities;

g. Bed and Breakfast facilities;

h. Special Event(s) facilities;

i. Day Care facilities; and,

j. An additional manufactured housing unit(s) or modular home(s).

(Ord. 1149 Sec. 7, 2001; Ord. 1314, Sec. 1, 2007)

18.37.040 Dimensional Requirements

Dimensional requirements for the R-5 District, see Chart No. 1, Chapter 18.68. (Ord. 1149 Sec. 7, 2001; Ord. 1299 Sec. 7, 2006)

18.37.050 Parking Requirements

Parking requirements for the R-5 District can be found at Chart No. 1, Chapter 18.68. (Ord. 1149 Sec. 7, 2001)

18.37.060 Signs

Signage provisions for the R-5 District can be found in Chapter 18.76 (Ord. 1149 Sec. 7, 2001)

Chapter 18.38

MANUFACTURED HOUSING SUBDIVISION R-6

Sections:

18.38.010 Purpose of Establishment.
18.38.020 Permitted Uses.
18.38.030 Conditional Uses.
18.38.040 Dimensional Requirements.
18.38.050 Parking Requirements.
18.38.060 Signs.

18.38.010 Purpose of Establishment

The R-6 district is designed to provide for the development and properly planned use of manufactured homes and/or subdivisions as affordable residential dwelling(s). (Ord. 1149 Sec. 8, 2001)

18.38.020 Permitted Uses

Permitted uses in the R-6 district include:

Single-family manufactured home(s), provided that not more than one (1) home shall be placed on one (1) lot; and/or Manufactured Home subdivisions with no less than three (3) acres. (Ord. 1149 Sec. 7, 2001)

18.38.030 Conditional Uses

The following uses may be permitted in this zone subject to approval of a conditional use permit and all required showings and conditions there of:

a. Churches and other religious institutions and their

accessory buildings and uses;

b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;

c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;

d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;

e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;

f. Residential Care facilities;

g. Bed and Breakfast facilities;

h. Special Event(s) facilities; and,

i. Day Care facilities.

j. An additional manufactured housing unit(s) or modular home(s).

(Ord. 1149 Sec. 7, 2001; Ord. 1314 Sec. 2, 2007)

18.38.040 Dimensional Requirements

Dimensional requirements for the R-6 District, see Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 7, 2001; Ord. 1299 Sec. 7, 2006)

All manufactured houses located within the City limits shall be skirted around the base of the housing unit so as to completely enclose the area beneath the unit. Acceptable materials for said enclosure shall include metal or vinyl skirting material(s).

(Ord. 1154 Sec. 21, 2001)

18.38.050 Parking Requirements

Parking requirements for the R-6 District can be found at Chart No. 1, Chapter 18.68.

(Ord. 1149 Sec. 7, 2001)

18.38.060 Signs

Signage provisions the R-6 District can be found in Chapter 18.76. (Ord. 1149 Sec. 7, 2001)

CHAPTER 18.39

MANUFACTURED HOUSING PARKS R-7

Sections:

18.39.010 Purpose of Establishment.
18.39.020 Permitted Uses.
18.39.030 Conditional Uses.
18.39.040 Dimensional Requirements.
18.39.050 Parking Requirements.
18.39.060 Signs.

18.39.010 Purpose of Establishment

The R-7 district is designed to provide for the development and properly planned use of manufactured homes and/or parks as affordable residential dwelling(s) through individual ownership and/or rental properties.
(Ord. 1149 Sec. 8, 2001)

18.39.020 Permitted Uses

Permitted uses in the R-7 district include:

Single-family manufactured home(s), provided that not more than one (1) home shall be placed on one (1) lot; and Manufactured home(s) park(s) with a minimum of Three (3) acres under single ownership.

(Ord. 1149 Sec. 7, 2001)

18.39.030 Conditional Uses

The following uses may be permitted in this zone subject to approval of a conditional use permit and all required showings and conditions there of:

a. Churches and other religious institutions and their accessory buildings and uses;
b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;

f. Residential Care facilities;
g. Bed and Breakfast facilities;
h. Special Event(s) facilities; and,
i. Day Care facilities.
j. An additional manufactured housing unit(s) or modular home(s).

(Ord. 1149, Sec. 7, 2001; Ord. 1314, Sec. 3, 2007)

18.39.040 Dimensional Requirements

All manufactured houses located within the City limits shall be skirted around the base of the housing unit so as to completely enclose the area beneath the unit. Acceptable materials for said enclosure shall include metal or vinyl skirting material(s).

(Ord. 1154, Sec. 21, 2001)

Dimensional requirements for the R-7 District, see Chart No. 1, Chapter 18.68.
(Ord. 1149, Sec. 7, 2001; Ord. 1299 Sec. 7, 2006)

18.39.050 Parking Requirements

Parking requirements for the R-7 District can be found at Chart No. 1, Chapter 18.68.
(Ord. 1149 Sec. 7, 2001)

18.39.060 Signs

Signage provisions R-7 District can be found in Chapter 18.76.
(Ord. 1149, Sec. 7, 2001)

Chapter 18.40

QUIET BUSINESS DISTRICT C-1

Sections:

18.40.010 Purpose for establishment.
18.40.020 Permitted uses.
18.40.030 Conditional uses.
18.40.040 Dimensional requirements.
18.40.050 Parking requirements.
18.40.060 Signs.

18.40.010 Purpose for establishment

The C-1 district is designed primarily to provide for office space and light commercial uses, to protect existing office and light commercial development, and to act as a buffer between residential and concentrated commercial and industrial areas. (Ord. 213 Art, XII(part), 1969)

18.40.020 Permitted uses

Permitted uses in the C-1 district are:

a) Churches and accessory buildings;
b) Schools (public, private and nursery);
c) Community facilities;
d) Public buildings;
e) Public utilities offices and rights-of-way;
f) Professional and general offices;
g) Hospitals and clinics;
h) Funeral homes;
i) Financial institutions;
j) Beauty and barber shops;
k) Laundry pick-up stations;
l) Coin-operated laundries;
m) Pharmacies;
n) Day Care facility.

(Ord. 1048 Sec. 1(part), 1995; Ord. 213 Sec. 1201, 1969)

18.40.030 Conditional uses

Conditional uses in the C-1 district are:

a) Any use permitted in R-0, R-1, R-1A, R-2, R-3, R-4, and R-5;
b) Commercial recreation;
c) Parking lots;
d) Storage Facilities (mini warehouses);
e) Retail consumer;
f) Goods Stores;
g) Restaurants;
h) Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 1225 Sec. 6, 2004; Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2, 1995; Ord. 213 Sec. 1202, 1969)

18.40.040 Dimensional requirements

For dimensional requirements for the C-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1203, 1969; Ord. 1299 Sec. 7, 2006)

18.40.050 Parking requirements

For parking requirements for the C-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1204, 1969)

18.40.060 Signs

For provisions regarding signs in the C-1 district, see Chapter 18.76. (Ord. 213 Sec. 1205, 1969)

Chapter 18.44

SHOPPING CENTER DISTRICT C-2

Sections:

18.44.010 Purpose for establishment.
18.44.020 Permitted uses.
18.44.030 Conditional uses.
18.44.040 Dimensional requirements.
18.44.050 Parking and loading.
18.44.060 Signs.

18.44.010 Purpose for establishment

The C-2 district is designed to accommodate regional and community shopping centers to provide for a wide range of essential commercial services. (Ord. 213 Art. XIII(part), 1969)

18.44.020 Permitted uses

Permitted uses in the C-2 district are:

Churches and accessory buildings
Beauty and barbershops
Day care facility
Public buildings
Public utilities offices and rights-of-way
Private clubs and lodges
Professional and general offices
Financial institutions
Convenience goods and services
Retail consumer goods stores
Restaurants
Indoor theaters
Bowling alleys
Parking lots

(Ord. 1048 Sec. 1(part), 1995; Ord. 213 Sec. 1301, 1969)

18.44.030 Conditional uses

Conditional uses in the C-2 district are:

a) Any use permitted in R-2, R-3, R-4, and C-1;
b) Mini-warehouses;
c) Schools (public, private and nursery);
d) Commercial recreation;
e) Service stations;
f) Auto repair;
g) Drive-in restaurant;
h) Public utility facilities;
i) Taverns;
j) Automatic carwash facility;
k) Motor vehicle parts/repair, sales, and/or towing establishment(s);
l) Crematorium;
m) Mixed Use development in accordance with the Mixed Use Overlay District.

(Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2(part), 1995; Ord. 440 Sec. 1, 1977; Ord. 213 Sec. 1302, 1969; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 1, 2003; Ord. 1225 Sec. 7, 2004)

18.44.040 Dimensional requirements

For dimensional requirements for the C-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1303, 1969; Ord. 1299 Sec. 7, 2006)

18.44.050 Parking and loading

For parking and loading provisions regarding the C-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1304, 1969)

18.44.060 Signs

For provisions regarding signs in the C-2 district, see Chapter 18.76. (Ord. 213 Sec. 1305, 1969)

Chapter 18.48

HIGHWAY COMMERCIAL DISTRICT C-3

Sections:

18.48.010 Purpose for establishment.
18.48.020 Permitted uses.
18.48.030 Conditional uses.
18.48.040 Dimensional requirements.
18.48.050 Parking and loading.
18.48.060 Signs.

18.48.010 Purpose for establishment

The C-3 district is designed primarily to facilitate commercial development oriented toward persons traveling by automobile. This district is usually located along U.S., state and interstate highways. (Ord. 213 Art. XIV (part), 1969)

18.48.020 Permitted uses

Permitted uses in the C-3 district are:

Hotels and motels
Drive-in restaurants
Drive-in theaters
Commercial recreation
Auto sales, service and repair
Farm machinery sales service and repair
Mobile home sales
Automatic carwash services
Service stations
Schools (public, private and nursery)
Public utility facility
Mini-warehouses
Motor vehicle parts, repair, and sales establishment(s)

(Ord. 576 Sec. 1(part), 1980; Ord. 1048 Sec. 1(part), 1995; Ord. 1091 Sec. 2, 1998)

18.48.030 Conditional uses

Conditional uses in the C-3 district are:

Any use permitted in R-2, R-3, R-4, R-5, C-1 and C-2
Carnivals, circuses etc.
Taverns
Animal hospitals (without outside run)
Day care facility
Motor vehicle storage and/or towing establishment(s)
Crematorium

(Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 476 Sec. 1, 1978; Ord. 213 Sec. 1402, 1969; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 2, 2003)

18.48.040 Dimensional requirements

For dimensional requirements for the C-3 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1403, 1969; Ord. 1299 Sec. 7, 2006)

18.48.050 Parking and loading

For parking and loading provisions for the C-3 district, see Chart No.1. Chapter 18.68. (Ord. 213 Sec. 1404, 1969)

18.48.060 Signs

For provisions regarding signs in the C-3 district, see Chapter 18.76. (Ord. 213 Sec. 1405, 1969)

Chapter 18.52

GENERAL COMMERCIAL DISTRICT C-4

Sections:

18.52.010 Purpose for establishment.
18.52.020 Permitted uses.
18.52.030 Conditional uses.
18.52.040 Dimensional requirements.
18.52.050 Parking and loading.
18.52.060 Signs.

18.52.010 Purpose for establishment

The C-4 district is designed to accommodate existing developments of mixed commercial and light industrial areas and to provide protection to adjacent residential areas.
(Ord. 213 Art. XV (part), 1969)

18.52.020 Permitted uses

Permitted uses in the C-4 district are:

Animal hospital (without runs)
Furniture stores, retail and wholesale
Paint stores, retail and wholesale
Appliance sales and service, retail and wholesale
Depot, train station, etc.
Heavy commercial uses, including:
Photo-finishing, building materials and services, contractor, printing, exterminating service, dry cleaning, plants, bakery, farm equipment sales
Hotel and motels
Schools (public, private and nursery)
Commercial recreation
Service stations
Auto repair
Drive-in restaurants
Public utility facility
Mini-warehouses

(Ord. 576 Sec. 1(part), 1980; Ord. 1048 Sec. 1 (part), 1995)

18.52.030 Conditional uses

Conditional uses in the C-4 district are:

Any use permitted in R-2, R-3, R-4, R-5, C-1, C-2 and C-3
Taverns
Day care facility
Motor vehicle salvage establishment(s)

Crematorium

(Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2, 1995; Ord. 213 Sec. 1502, 1969; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 3, 2003)

18.52.040 Dimensional requirements

For dimensional requirements for the C-4 district, see Chart No. 1. Chapter 18.68. (Ord. 213 Sec. 1503, 1969; Ord. 1299 Sec. 7, 2006)

18.52.050 Parking and loading

For provisions regarding parking and loading, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1504, 1969)

18.52.060 Signs

For provisions regarding signs in the C-4 district, see Chapter 18.76. (Ord. 213 Sec. 1505, 1969)

Chapter 18.56

LIGHT INDUSTRIAL DISTRICT M-1

Sections:

18.56.010 Purpose for establishment.
18.56.020 Permitted uses.
18.56.025 Conditional uses.
18.56.030 Prohibited uses.
18.56.040 Dimensional requirements.
18.56.050 Parking and loading.
18.56.060 Signs.

18.56.010 Purpose for establishment

The M-1 district is designed primarily to provide an environment for and conducive to the development and protection of modern administrative facilities, research institutions, specialized manufacturing plants and similar enterprises in an open landscaped development. (Ord. 213 Art. XVI (part), 1969)

18.56.020 Permitted uses

Permitted uses in the M-1 district are:

Public utilities
Laboratories, offices and research facilities
Television, radio broadcasting and receiving facilities
Restaurants, including drive-ins
Mobile home sales
Auto sales and service
Auto repair, paint and body shops
Photo-finishing

Printing
Exterminating service
Cleaning plants
Bakery
Bottling plant
Tire recapping
Lumberyards, building materials
Contractors services
Upholstery manufacturing

Furniture wholesale and manufacturing
Bookbinders
Food processing
Sign painting shop
Well drilling services
Sheet metal works
Assembly plants
Wood products manufacturing
Animal hospitals, boarding and runs
Bus and taxi garaging and maintenance
Manufacturing and sale of:
    Instruments for professional, scientific, photographic, optical and similar uses
    Beauty, barber equipment and supplies
    Brooms
Mini-warehouses
Day care facility
Motor vehicle salvage establishment(s)
Crematorium

(Ord. 576 Sec. 1(part), 1980; Ord. 1045 Sec. 2, 1995; Ord. 1091 Sec. 2, 1998; Ord. 1216 Sec. 4, 2003)

18.56.025 Conditional uses

Any use permitted in C-1, C-2, C-3 and C-4.
(Ord. 1048 Sec. 1(part), 1995)

18.56.030 Prohibited uses

Residences are specifically prohibited from any industrial district. (Ord. 213 Sec. 1602, 1969)

18.56.040 Dimensional requirements

For dimensional requirements for the M-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1603, 1969; Ord. 1299 Sec. 7, 2006)

18.56.050 Parking and loading

For parking and loading provisions for the M-1 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1604, 1969)

18.56.060 Signs

For provisions regarding signs in the M-1 district, see Chapter 18.76. (Ord. 213 Sec. 1605, 1969)

Chapter 18.60

HEAVY INDUSTRIAL DISTRICT M-2

Sections:

18.60.010 Purpose for establishment.
18.60.020 Permitted uses.
18.60.030 Conditional uses.
18.60.040 Dimensional requirements.
18.60.050 Parking and loading.
18.60.060 Signs.

18.60.010 Purpose for establishment

The M-2 district is designed to provide areas for those manufacturing and other industrial uses, which may involve objectionable influences and hazards. The regulations are designed to encourage the use of the district by such industries and to provide mutual protection of the permitted uses.
(Ord. 213 Art. XVII (part), 1969)

18.60.020 Permitted uses

Permitted uses in the M-2 district are:

- Any use permitted in the M-1 district
- Mattress manufacturing and rebuilding
- Chemical plants
- Cement plants
- Fuel dealer, including bottled gas
- Manufacturing and sale of:
  - Electrical equipment, machinery and supplies
  - Fountain and beverage equipment
  - Leather products
  - Metal fabrications
  - Aluminum products

Mining equipment
Paper
Rubber products
Plywood, furniture and similar wood products
Sawmills
Boats
Home appliances
Mobile homes
Mini-warehouses
Crematorium
(Ord. 576 Sec. 1(part), 1980; Ord. 1216 Sec. 5, 2003)

18.60.030 Conditional uses

Any use permitted in C-1, C-2, C-3, C-4 and M-1
Day care facility
(Ord. 1048 Sec. 1(part), 1995; Ord. 1045 Sec. 2, 1995)

Other industrial uses generally considered more obnoxious than those listed above may be allowed in the M-2 district subject to the approval of the Planning Commission.
(Ord. 213 Sec. 2401, 1969; Ord. 711 Sec. 1, 1983)

18.60.040 Dimensional requirements

For dimensional requirements for the M-2 district, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 1703, 1969; Ord. 1299 Sec. 7, 2006)

18.60.050 Parking and loading

For provisions regarding parking and leading in the M-2 district, see Chart No. 1. Chapter 18.68.
(Ord. 213 Sec. 1704, 1969)

18.60.060 Signs

For provisions regarding signs in the M-2 district, see Chapter 18.76. (Ord. 213 Sec. 1705, 1969)

Chapter 18.64

FLOOD CHANNEL DISTRICT F-1

Sections:

18.64.010 General regulations.
18.64.020 Specific regulations.

18.64.010 General regulations

A. General Zoning Districts. All property in flood districts shall be subject to the regulations of the general zoning districts in which they are located.

B. Type of Construction. Any permitted building shall be of a type of construction, which is not appreciably damaged by

floodwaters. Any permitted structure shall be firmly anchored to prevent the same from floating away and thus threatening to further restrict bridge openings and other restricted sections of the watercourse.

C. Floatable Materials. It is unlawful to place any materials, which in time of flood might float away and lodge against bridge abutments or otherwise serve materially to restrict the flood discharge capacity of the river channel.

(Ord. 213 Sec. 1801, 1969)

18.64.020 Specific regulations

It is unlawful in an F-1 district to:

A. Construct, reconstruct, move or alter any structure, make any excavation or place any fill or materials which may materially restrict the flood discharge capacity of the river channel. The Planning Commission shall establish the appropriate standards governing permitted ground coverage and spacing of buildings.

B. Construct, reconstruct, move or alter any structure for residential occupancy other than transient facilities, provided that this shall not be interpreted to prevent routine maintenance or internal alterations of residential structures existing at the effective date of the ordinance codified in this title.

Construct, reconstruct, move or alter any enclosed place of public assembly, enclosed recreational facility or transient accommodation, unless the elevation of the lowest enclosed floor, except for elevators, stairwells and appurtenant lobbies, is at least two feet above flood elevation.

(Ord. 213 Sec. 1802, 1969)

Chapter 18.66

AICUZ Air Installation Compatible Use Zone

Sections:

18.66.010 Applicability and definitions.
18.66.020 Purpose and creation of an overlay district (OD)
18.66.030 Population and development density.
18.66.040 Building and construction provisions.
18.66.050 Conditional, permissible, prohibitive, and restrictive uses
18.66.060 Enforcement.
18.66.070 Penalties.

18.66.010 Applicability and definitions

A) Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this Ordinance shall apply to the future development and use of all real property and Airfield Control Surfaces lying within the Jacksonville Planning jurisdiction, more particularly identified as the Clear Zone, and Accident Potential Zones One and Two (APZ I & II) on the attached AICUZ Map and Land Use Charts and as more particularly described and shown on Exhibit A, attached hereto and made a part hereof. This application will include those properties lying within and outside of the corporate limits of the City of Jacksonville, as authorized under Arkansas law [ACA §§ 14-56-201 et. al., 14-56-301 et. al., 14-56-401 et. al., 14-56-413)(a)(A)]. However, no conditions and/or uses of real property, including, but no limited to, existing recorded subdivision developments within the Overlay District (OD) in existence at the time of passage of this Ordinance for as long as said condition and/or use remains in existence. This would include structure(s) damaged and/or destroyed in the future as long as the principal purpose and use of said property is not altered by the modification/reconstructions of said structure(s).

(B) Definitions:

Hazardous Interference – Any use, condition, or operation which creates a level of disturbance so great as to inhibit, prevent, or prohibit the safe operation of aircraft arriving into or departing from LRAFB.

Low Density – Use of or a condition upon which there exists a small number of residents per property acre in accordance with the recommendations of the AICUZ study.

Remains in Existence: - In the event a structure is damaged, lost, or destroyed by controlled means, fire, natural disaster, or act(s) of GOD, the use of said property shall be deemed to have remained in existence when the principle purpose and use of said property is not altered by the modifications/reconstruction of said structure(s). (Ord. 1119 Sec. 1, 1999)

18.66.020 Purpose and Creation of an Overlay District (OD)

The purpose of this Ordinance shall be to: a) comply with Arkansas Law (Act 530 of 1995); b) create an Overlay District (OD) within the classifications and designations of zoning provisions within the Jacksonville Municipal Code; c) provide for the health, safety, and welfare of the citizens through enactment and enforcement of ordinances and regulations in compliance with Arkansas law and the Air Installation Compatible Use Zone (AICUZ) study for Little Rock Air Force Base (LRAFB): d) address environmental concerns created by violations of the OD provisions; and, e) preserve and enhance the economic value of the property within the OD.

(Ord. 1119 Sec. 1, 1999)

18.66.030 Population and Development Density

Construct and/or development of residential housing in the affected areas of the OD shall provide for no ore than one (1) single-family dwelling per one (1) acre of real property that lies within the Clear Zone, APZ I and/or APZ II. Future use of properties within the OD shall be reviewed for population density concerns to insure the previsions and recommendations of the AICUZ are addressed as they apply to use provisions as outlined herein, under the terms of the Jacksonville Municipal Code, or under the non-conflicting guidelines of the AICUZ study.
(Ord. 1119 Sec. 1, 1999)

18.66.040 Building and Construction Provisions

Construction and/or development of any facility should comply with the provisions, guidelines, and directives of the current edition of the Southern Building Code for sound Insulation so as to provide for proper sound insulation and protection from decibel (dB) levels exceeding 75 dB in the Clear Zone, APZ I, and APZ II.
(Ord. 1119 Sec. 1, 1999)

18.66.050 Conditional, Permissible, Prohibitive, and Restrictive Uses

The following conditions, permissible uses, and prohibitions, and restrictions shall apply to the future uses of any and all real properties and airfield control surfaces encompassed by the Jacksonville Planning jurisdiction, the Clear Zone, APZ I and APZ II, as shown on the attached Exhibit A:

a) No use shall allow the release into the air of any substance, which would create a hazardous impairment and/or interference with the operation of aircraft within the OD (i.e., steam, dust, smoke, etc.);
b) No use shall allow the production of light emissions, either direct or indirect (reflective), that would cause a hazardous interference with pilot vision in the operation of aircraft within the OD;
c) No use shall allow the production of electrical emissions that would cause a hazardous interference with aircraft communications or navigational equipment/systems;
d) No use shall allow the attraction of birds or waterfowl, including but not limited to, the operation of sanitary landfills, the maintenance of feeding stations, or the growth of certain plants and vegetation that would cause a hazardous interference with the operation of aircraft within the OD;

e) No use shall allow for the construction or existence of structures within ten feet (10’) of an aircraft approach/departure surface;
f) No use shall allow for exposure of any person(s) to a noise level greater than DNL 75 dB; and,
g) No use shall violate the height restriction criteria of FAR Part 77, Subpart C, and/or create a hazardous interference with the operation of aircraft within the OD.

For purposes of this Ordinance, these restrictive or prohibitive uses are to apply to all residential and non-residential properties located within the OD. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including but not limited to residential and non-residential zoning provisions, planning provisions, and signage regulations and standards. Please refer to the attached Matrix (incorporated herein) for the OD for more detail in the applicable regulations and standards.

These prohibitions and restrictions are not to be construed so as to preclude or prohibit the normal and reasonable use (or single event usage) of real property and airfield control surfaces within the OD by owner(s), agents, or lessee(s) to include, but not necessarily be limited to, the following: cleaning and burning of trash and yard waste; maintaining stock ponds, vegetable gardens, or landscaping vegetation; maintaining and/or operation of radio and communication equipment within the parameters of FCC rules and regulations; maintaining and/or operation of reasonable exterior lighting on the property; and/or sponsoring an annual public event such as the LRAFB display and demonstration for the operations and use of various aircraft. As long as a use of real property does not provide a hazardous interference with the operation of aircraft within the OD, that use shall not constitute a violation of the terms of this Ordinance.
(Ord. 1119 Sec. 1, 1999)

18.66.60 <u>Enforcement</u>

The provisions of JMC §§ 18.66.040 and 18.66.050 shall be enforced by Jacksonville Code Enforcement official(s). Enforcement shall follow the outline and scope of Code Enforcement official(s) under the provisions of this Code and State law, with all citations issued under the provisions of this Ordinance addressed in the Jacksonville Municipal Court.

Further, the Jacksonville City Clerk shall cause to be filed with the Pulaski County Circuit Clerk, Real Estate Division, a certified copy of this Ordinance. Said filing shall serve as official notice to all current and future property owners, title

insurance officials mortgage company officials, and other interested parties of the permissive.

303-4 AICUZ Insert

303-5 AICUZ Insert

303-6 AICUZ Insert

Chapter 18.68

DIMENSIONAL REQUIREMENTS

Sections:

18.68.010 Area requirements.
18.68.020 Lot coverage by structures.
18.68.030 Height of buildings and structures.
18.68.040 Minimum front, side and rear yards.
18.68.050 Chart No. 1 - Dimensional requirements.

18.68.010 Area requirements

A. No building lot in any residential district shall have less frontage width nor less area than that shown in Chart No. 1, Section 18.68.050, dimensional requirements, for the district in which it is located.

B. No dwelling in any residential district shall have less floor area than that shown in Chart No.1, Section 18.68.050, dimensional requirements, for the district in which it is located.

(Ord. 213 Sec. 1901, 1969)

18.68.020 Lot coverage by structures

The total portion of the lot covered by buildings in any district shall not be more than that shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

(Ord. 213 Sec. 1902, 1969)

18.68.030 Height of buildings and structures

Except as hereinafter provided, no building or structure shall exceed the height limits shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

(Ord. 213 Sec. 1903, 1969)

18.68.040 Minimum front, side and rear yards

A. Except as hereinafter provided, no building or structure shall be set back a lesser distance from the street line than shown in Chart No. 1, Section 18.68.050, for the district in which it is located.

B. Except as hereinafter provided, no building or structure shall have a lesser side or rear yard than that shown in Chart No. 1, Section 12.68.050, for the district in which it is located.

(Ord. 213 Sec. 1904, 1969; Ord. 1299 Sec. 7, 2006)

18.68.050 CHART NO. 1-Dimensional requirements.

	Maximum Height Stories	Minimum Required Lot Area (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Minimum Yards Required Front Yard (ft.)	Rear Yard (ft.)	Side Yard (ft.)	Maxi Cove Buil (Per

District	Ft.									
AGRICULTURE										
A-1 Agriculture	2 ½	35	43,560	150	120	50	50	15		
RESIDENTIAL										
R-0 Single Family Gated Community						25		Stories 2 ½		
R-0 Single Family	2 ½	35	8,400	70	120	25	25	5	8	
R-1 Single Family	2 ½	35	6,000	60	100	25	25	5	8	
R-1A Single Family	2 ½	35	5,000	50	100	25	25	6 1/2 fin.		
R-2 Two Family	2 ½	35	6,000	60	100	25	25	5	8	
R-3 Multi-Family	3	40	2,000 per fam. min. 6,000	60	100	25	25	5	8	
R-4 Zero Lotline	2½	35	1,600	20	80	25	25	15ft.1/side		1 h lot 1 t per
R-5 Modular Home District	2 ½	35	6,000	60	100	25	25	5	8	
R-6 Manufactured Housing Subd.	2 ½	35	6,000	60	100	25	25	5	8	8 p
R-7 Manufactured Housing Parks	3	40	3 acres	80		25	25	5	8	
COMMERCIAL										
C-1 Quiet Business	2 ½	35	7,200	60		25	25	6		
C-2 Shopping Ctr. Interior Lot			2 acres(Total Center) 15,000			25	20 or 10+ 10 ft. alley	15		
C-3 Hwy Commercial	2 ½	35	None			25	10	15		
C-4 General Comm'l	2 ½	35				25	10	15		
INDUSTRIAL										
M-1 Light Industry	3	45	30,000	150		25	25	25		
M-2 Heavy Industry		75				25	75	15		

(Ord. 530 Sec. 1, 1978; Ord. 454 Exhibit A, Chart 1, 1977; Ord. 453 Exhibit A, Chart 1, 1977; Ord. 213 Chart No. 1, 1969; Ord. 1149 Sec. 11, 2001;
Ord. 1221 Sec. 2, 2004; Ord. 1299 Sec. 7, 2006)

Chapter 18.72

PARKING

Sections:

18.72.010 Off-street parking requirements.
18.72.020 Off-street loading-floor area over ten thousand square feet.
18.72.030 Off-street loading-floor area less than ten thousand square feet.
18.72.040 Off-street loading-Enlargements.
18.72.050 Off-street loading-Size.
18.72.060 Off-street loading-Connection to street or alley.

18.72.010 Off-street parking requirements

At the time of the erection of any building or structure hereinafter listed or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor, area, seats, beds, members or employees there shall be provided for such new construction, enlargement of increased capacity, off-street automobile parking space in accordance with the following minimum requirements:

	Type of Structure	# Required Parking Spaces
A.	Boarding and rooming houses	1 space for each 2 bedroom
B.	Clubs, lodges and all similar places providing overnight accommodations	2 spaces for each bedroom plus 1 space for each 5 active members
C.	Dwellings	2 spaces per dwelling unit
D.	Hospitals, sanitariums, rest and convalescent homes, homes for the aged and infirm, asylums, orphanages, and all similar institutions	1 space for each 4 beds plus 1 space for each staff or visiting doctor plus 1 space for each 4 employees (include nurses)
E.	Hotels	1 space per 3 guest bedrooms plus 1 additional space for each 5 employees
F.	Motel, tourist courts, tourist homes, trailer courts, camps and parks	1 space for each guest bedroom or trailer space plus 1 additional space for a resident manager or owner

Type of Structure	# of Required Parking Spaces
G. Automotive service and repair establishments	1 space for each regular employee plus 1 space for each 250 square feet of floor area used for mechanical or body repair.
H. Bowling alleys	5 spaces for each alley
I. Churches and other places of worship	1 space for each 4 seats in the main auditorium
J. Food stores of the type customarily termed "super-markets"	1 space for each 75 square feet of floor area, excluding all rooms used for storage only
K. Medical, dental and health offices and clinics	1 space for each 100 square feet of floor area used for office and similar purposes
L. Office buildings, including business, commercial, governmental	1 space for each 200 square feet of floor area used for office or similar purposes
M. Places of public assembly,* including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, auditoriums, dance halls, rooms, theaters, stadiums, gymnasiums, amusement parks, fair-grounds, undertaking establishments & funeral homes, community centers, libraries, museums & all similar places of public assembly	1 space for each 4 fixed seats provided for patron use plus 1 space or each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats

*The Shopping Center Business District (C-2) shall be excluded from this provision.

N. Restaurants, including bars, grills, cafes, taverns, night clubs, lunch counters, diners and all similar dining and/or	1 space for each 4 fixed seats provided for patron use plus 1 parking space for 75 square feet of floor area

drinking establishments*	provided for patron use, but not containing fixed seats

	Type of Structure	# of Required Parking Spaces
O.	Retail establishments,* excluding food stores of the type customarily termed "supermarkets," but including personal service shops, equipment or repair shops, gasoline service stations, automotive sales establishments, all retail stores or businesses and banks or other financial and lending institutions	1 space for each 100 square feet of first floor area plus 1 space for each 200 square feet of floor area above the first floor, excluding all rooms used for storage only
P.	Schools, including academies, colleges, universities, preparatory schools, public and private schools and all similar institutions of learning	1 space for each 4 seats in assembly hall, or if no assembly hall, then 1 space for each 2 employees, including teachers and administrators
G.	Wholesale, commercial, manufacturing and industrial plants, including warehouses and storage buildings, contractor equipment and building material sales yards, lumber yards, research laboratories, terminal facilities, business service establishments such as blueprinting and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile, commercial or industrial pursuits not catering to the retail trade	1 space for each 2 employee per shift plus 1 space for each company vehicle operating from the premises

The area of each required parking space shall be not less than Nine feet (9’) wide and Eighteen feet (18’) long, together with the necessary maneuvering room within the private property. Each space shall be appropriately dimensioned for automobile parking.

Each required parking space shall be connected with a street or alley by a driveway, which offers satisfactory ingress and egress for automobiles. All parking surfaces must be dust-free and constructed of asphalt, concrete, masonry materials, and/or a combination thereof, together with appropriate designed and constructed curb and gutter to surround the exterior borders in question and any interior borders therein.
(Ord. 213 Sec. 2201, 1969; Ord. 1205 Sec. 2, 2003)

18.72.020 Off-street loading-Floor area over ten thousand square feet

There shall be provided at the time of the erection of any hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution by vehicle of materials or merchandise and having a floor area in excess of ten thousand square feet, at least one off-street loading space for each ten thousand square feet of gross floor area or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
(Ord. 213 Sec. 2202(part), 1969)

18.72.030 Off-street loading-Floor area less than ten thousand square feet

There shall be provided at the time of the erection of any commercial or industrial building requiring the receipt or distribution by vehicle of materials or merchandise and having a floor area of less than ten thousand square feet, sufficient off-street loading space so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley. (Ord. 213 Sec. 2202(part), 1969)

18.72.040 Off-street loading - Enlargements

The off-street loading requirements shall also apply at any time any such building is enlarged or increased in capacity by adding floor area and such requirements shall apply to the enlarged or increased portion only. (Ord. 213 Sec. 2202(part), 1969)

18.72.050 Off-street loading - Size

Each off-street loading space shall have minimum dimensions of fourteen feet in height, twelve feet in width, and forty-eight feet in length; when particular loading space will be used exclusively by shorter trucks, the City may reduce the minimum length to thirty-five feet. (Ord. 213 Sec. 2202(part), 1969)

18.72.060 Off-street loading - Connection to street or alley

Each required off-street loading space shall have direct access to a street or alley by a driveway, which offers satisfactory ingress and egress for trucks. (Ord. 213 Sec. 2202(part), 1969)

Chapter 18.76

SIGNS

Sections:

18.76.010 Definitions.
18.76.020 General Provisions.
18.76.030 Conformance Requirements.
18.76.040 Zoning Requirements.
18.76.050 Enforcement and Penalties.
18.76.060 Non-Conformance.
18.76.070 Permits and Procedures.
18.76.080 Enforcement and Penalties.

18.76.010 Definitions

ABANDONED SIGN: A sign that no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ADVERTISING DEVICE: Any device, fixture, structure, or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, goods, products, or service to be affixed, constructed, erected, or maintained within the City limits.

ANIMATED SIGN: Any sign that uses movement or change of light to depict action or to create a special effect or scene.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

BANNER: A sign made of lightweight fabric or any non-rigid similar material(s) that is attached to business at two (2) or more edges; designed and designated for such purposes of advertising a business, product, service, etc.

BILLBOARD: An on or off premise sign of large dimensions [no more than One Thousand square feet (1000 SF)] commonly placed and utilized adjacent to commercial highway(s) for purposes of advertisement.

CHANGEABLE COPY SIGN: A sign upon which the copy changes manually or automatically, through manual, electronic or mechanical means.

CITY: The City of Jacksonville, Arkansas.

CLEARANCE (OF A SIGN): The smallest vertical distance between the grade of the adjacent street or curb and the lowest point of any sign, including framework and embellishments, which extends over that grade.

CONSTRUCTION SIGN: A temporary sign placed upon a building/construction site, which identifies an architect, contractor, financial institution, and/or materials supplier.

DIRECTIONAL SIGN: An on or off premise sign providing directional instructions or information for a business, facility, location, monument, or other designation. Said sign(s) shall be no larger than Six (6) square feet.

ELECTRONIC MESSAGE BOARD: A LED changeable message device/board utilized to advertise, inform, or notify the patrons, public, or others of various events, information, products, or sales available on or off the premises.

FAÇADE: The entire building front of a business, building, or other structure, including the parapet.

FLAGS: A cloth, plastic, or other non-rigid material of local state, or federal government’s official patriotic symbol(s) commonly displaced on poles.

FLASHING SIGN: A sign which contains an intermittent or sequential flashing light source, used primarily as attention-seeking device.

FREESTANDING SIGN: A sign constructed, erected, and supported solely upon its own pole, stand, or support structure which is not attached to a building.

GARAGE SALE SIGN: A sign advertising the sale of used goods and personal property at a private residence.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained for public purposes by the city, county, state, or Federal government.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of adjacent street or the surface grade beneath the sign, whichever

is less.

ILLUMINATED SIGN: A sign with an artificial light source incorporated internally or externally.

INCIDENTAL SIGN: A sign, emblem, decal, or other device informing the public of goods, facilities, or services available on the premises. Examples include a sign indicating hours of operation, open/close, and/or credit cards accepted by the business.

INFORMATIONAL SIGN: An on or off premises sign which provides facility information no larger than Six square feet (6 SF). These signs are commonly used to display the name of the establishment or incidental information needed regarding that establishment, such as entrance, location, parking, or other such information needed of patrons, members of the public, and/or visitors.

MARQUEE: A permanent roof-like canopy of rigid materials supported by and extending from the facade of a building or structure used for advertising purposes.

NONCONFORMING SIGN: A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. May also include a sign which does not conform to the terms and conditions set forth by the Sign Code but for which the owner has obtained a waiver/variance for such from the Board of Adjustment.

OFF-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, not furnished, manufactured, sold, or available on the premise upon which the sign is located.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN: Any sign or device designed for advertisement purposes moved easily from one location to another and which is not permanently affixed to a building, enclosure, or a structure.

REAL ESTATE SIGN: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RELIGIOUS SIGN: A sign sanctioned and utilized by a local religious entity/organization sponsoring a special event or program in need of advertisement.

RESPONSIBLE PARTY(IES): The person(s) designated as the owner, tenant, and/or entity legally responsible for the property upon which a sign is erected, located or maintained.

SIGN: Any device, fixture, placard, using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, establishment, goods, product, or services.

SUBDIVISION SIGN: A freestanding or wall sign identifying a recognized residential, commercial, or manufacturing complex, development, or subdivision.

WINDOW SIGN: A sign installed inside a window and intended for viewing outside the building or structure.

YARD SIGN: A sign commonly displayed on a temporary basis in a residential or commercial zone. These signs shall not exceed Twenty-four inches by Twenty-four inches (24" by 24") in size.

18.76.020 General Provisions

A. Scope and Prohibition

It shall be unlawful for any advertising device/sign to be affixed, constructed, erected, and/or maintained unless done so in compliance with all provisions, requirements, and terms of this Code.

B. Nuisance

No advertising device/sign shall constitute a hazard, nuisance, or obstruction because of animation, content, flashing, focus, glare, light, noise, placement, and/or unduly disturb the public and/or use of any adjoining property.

C. Obstruction

No advertising device/sign shall be affixed, constructed, erected, and/or maintained so as to be an obstruction of vision near any driveway, parking lot, and/or public roadway. There must be a clear line of vision between three feet (3’) and eight feet (8’) above the existing grade.

D. Construction

No advertising device/sign shall be constructed, erected, or installed without the prior approval of the City Engineer/Code Enforcement Office. Plans of construction and/or erection are to include, but not be limited to, the following information: dimensions and specification of the device/sign and surrounding structure, poles, and/or supporting device(s); location of the

device/sign upon the property; and, a list of all materials and appropriate specifications to be utilized in the construction or erection of the device/sign.

E. Maintenance

All advertising devices(s)/sign(s) shall be maintained by the owner, lessee, or responsible party(ies) in a clean, sanitary, and proper state of repair and condition. The advertising devise/sign and any supporting equipment (i.e., poles, facings, landscape beds, etc.) shall be maintained in such a manner as to be clean, sanitary, inoffensive to the public, free of any obnoxious substances, rubbish, grasses, weeds, etc., and maintained so as to prevent decay oxidation, corrosion, and/or deterioration into an improper state of repair.

F. Public Areas

No advertising device/sign will be affixed, constructed, erected, and/or maintained to any other free standing structure in the public right-of-way to a government sign, upon a public bench, building, or other structure, to public utility poles, or to trees. Government signs will be the only devices/signs allowed on or about public property.

G. Permits

No advertising device/sign shall be affixed, constructed, erected, installed, or maintained until a permit to do so has been obtained from the City Engineer/Code Enforcement Office of the City. For special events(s) permits, no more than one (1) organization shall be issued a permit at or for the same period of time.

H. Areas of Signs

The area of an advertising device/sign shall have only one (1) face of any double or multi-faced sign counted in calculating its area. The area of the device/sign shall be measured as follows if the device/sign is composed of one (1) or two (2) individual cabinets:

(1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy upon such embellishments.

(2) If the device/sign is composed of more than two (2) sign

cabinets or modules, area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the device/sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

18.76.030 Conformance Requirements

A. Abandoned Signs

It shall be the responsibility of any owner, lessee, and/or tenant to disassemble and remove any advertising device/sign upon the termination of the activity, business, event, issue, product, or sale being promoted by said device. In the event the permittee/responsible party does not remove the device/sign in a timely manner, the City Engineer/Code Enforcement Officer shall notify in writing the permittee of the device/sign of a thirty (30) day time frame in which to disassemble and remove said advertising device. In the event the responsible party fails to do so, the City Engineer/Code Enforcement Office shall issue a second written notice to the permittee granting an additional thirty (30) days in which to disassemble and/or remove the abandoned device/sign. In the event the permittee fails to remove said sign within the additional time frame, the City Engineer/Code Enforcement Officer shall cite said party for violation of this Code and/or remove the non-compliant device/sign. If such occurs, the City shall assess costs and fees for doing so against the responsible party(ies) to be enforced through issuance of a tax lien(s) against any real property said permittee may own within Pulaski County.
(Ord. 1220 Sec. 4, 2004)

B. Animated Signs

No animated advertising device/sign shall be constructed, installed, operated, or maintained so as to constitute a public nuisance and/or safety hazard. Lighting sources and materials utilized shall be of such a nature to prevent glare into or upon traffic areas, shall be maintained so as to not unduly disturb the use of any adjoining property(ies), and shall not cause an obstruction of vision in any manner.

C. Banners

Only two (2) banners shall be allowed per business/entity commercial location. Banners utilized by educational, non-profit, and/or religious organizations within the scope of the terms of this Ordinance may be attached to two (2) or more poles if placed away from the building.

D. Changeable Copy Signs

All changeable copy signs, whether automatic, manual, or electronic, shall be maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction providing a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

E. Construction Signs

Installation of construction signs shall comply with all code provisions, including setbacks and appropriate zoning limitations. These signs may not exceed Thirty-two square feet (32 SF), and a site shall be provided for posting of all appropriate notices and permits. All such boards, signs, and postings shall be removed from the property within five (5) days of the completion of the construction project.

F. Directional Signs

There shall be a maximum of two (2) off-site directional signs granted per business, and businesses located in a common shopping center/property will be required to combine said signs when at all possible. Directional signs shall only be allowed for businesses located upon local streets (defined as such under the City's Master Street Plan) or along one-way streets within the City. Any placement of off-site directional signs on property not owned by the permittee will require written proof of authority/permission of said real property owner upon which the directional sign is to be placed.

G. Electronic Message Boards

Electronic message boards or centers shall be allowed in all zones except residential. These boards shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as

location, proximity to the residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for an electronic message board.

H. Flashing Sign

Flashing devices/signs shall be allowed in all zones except residential. These devices/signs shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as location, proximity to residences and other businesses, wattage used in said device, and traffic safety issues

into consideration upon issuance of a permit for a flashing device/sign.

I. Freestanding Sign

All freestanding devices/signs shall be constructed and maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction which provides a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

J. Garage Sale/Carport Sale/Yard Sale Signs

Such signs shall not be required to obtain a permit from the City Engineer/Code Enforcement Office. Parties are limited to the placement of such signs no more than three (3) days prior to a sale, and no more than one (1) sign per intersection. All devices/signs will be removed by the responsible party(ies) no later than one (1) day after the sale. Placement of these signs shall not be within the public rights-of-way, upon public signs, upon trees or public utility poles, and/or erected more than once per calendar quarter. All such signs shall be no larger than nine square feet (9 SF), and must be placed in one (1) or two (2) stakes in a freestanding manner so as not to constitute a public nuisance.

K. Informational Sign

Any device/sign utilized for informational purposes shall be limited to Six square feet (6 SF) in size, securely attached, constructed, and/or maintained so as not to constitute a public nuisance or public safety hazard, and shall be incidental to the primary device/sign upon the premises. Placement of these signs will not be allowed in public easement or public property areas unless they are governmental devices/signs.

L. Pennants, Balloons, and Festoons

Any business, entity, or individual utilizing pennants, balloons, and/or festoons placed about or upon their building or property within the City shall maintain said pennants, balloons and festoons in good repair. If the pennants, balloons, and/or festoons fall into disrepair (torn, ripped, damaged, etc.), they must be removed from the property and/or replaced.

M. Political Sign

All political signs placed in residential zones will be no larger than Twenty-five by Twenty-five inches (25″ X 25″). Political signs placed in commercial and/or manufacturing zones will be no larger than Four by Four feet (4′ X 4″) to a maximum of Sixteen square feet (16 SF). No political sign of any size may be placed in public view more than sixty (60) days prior to the date of

the election and/or referendum issue at hand. All political signs are to be removed from public view no later than seven (7) days after the date of the election and/or referendum issue at hand, and there shall be no requirement for the City to issue permits for political signs.

N. Portable sign

No portable signs will be allowed within the City of Jacksonville. Any such sign must be fully enclosed, encased, or a frame constructed in such a manner acceptable to the City Engineer/Code Enforcement Office so as to make these signs no longer portable and/or temporary.

O. Real Estate Sign

All signs advertising the availability of particular residential property for sale or rent shall not exceed Twenty-five inches by Twenty-five inches (25″ X 25″). All signs advertising the availability of particular commercial and/or manufacturing property for sale or rent shall not exceed Four feet by Eight feet (4′ X 8′). Placement of additional directional or informational signs may be allowed at strategic points to assist the general public in locating the specific property in question. However, no such directional/informational/real estate signs shall be permanent in nature and/or be allowed within public easements and/or rights-of-way. Further, there is no requirement for the City to issue permits for real estate signs of this nature.

P. Religious/Charitable/Educational Signs

Any device or sign promoting any religious, charitable, and/or educational institution or program shall not exceed Six square feet (6 SF) in size for residential properties and Thirty-two square feet (32 SF) in size for commercial and industrial properties.

Q. Religious/Charitable/Educational Special Events

Permits may be obtained by local religious/charitable/educational institutions, organizations, or programs sponsoring a special event to place yard signs in residential, commercial, and manufacturing zones under the following conditions:

1) A church, institution, and/or group advertises no more than two special events per calendar year;

2) Only one (1) sign is placed per lot;

3) Display of signs occurs no earlier than three (3) weeks prior to the event/program and are removed from public view no later than one (1) week after the event/program;

4) Display of said devices and signs shall be in compliance with all other applicable provision of this Code; and,

5) No such signs shall be placed within public easements, upon rights-of-way, or affixed to any public utility poles or public signs.

R. Shopping Center

A structure or facility housing Three (3) or more businesses utilizing One (1) or more parcels of adjacent real property that share common amenities (parking, driveways, easements, etc.). Excluded from that determination will be any business entity(ies) housed in an out-parcel building upon the shopping center grounds.

18.76.040 Zoning Requirements

Residential Zones R-0, R-1, R-2, R-3, R-4, R-5, R-6, & R-7

No commercial or manufacturing business, product, or entity shall place or allow to be placed devices/signs of its business, product, or entity within a residential zone. Placement of real estate signs, as defined in this Code, is exempted from this prohibition.

Subdivision signs and Apartment Complex Development signs are allowed within the appropriate zones as long as the City Engineer or Code Enforcement Office has approved plans submitted for the construction, design, and placement of said sign. These signs shall not exceed the maximum size of Thirty-two square feet (32 SF).

Commercial Zone C-1 (Quiet Business)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Sixteen square feet (16 SF), the height of the sign shall not exceed the height of the structure of Twenty feet (20’), whichever is lower, and the front edge of the sign shall not exceed beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it has either: a minimum clearance of Five feet (5’) from a point Three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, a minimum setback of Ten feet (10’) from the front property line to the leading edge of the sign. In any circumstance, height of the sign may not exceed the height of the structure or Twenty feet (20’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-2 (Shopping Center District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Two Hundred square feet (200 SF), the height of the sign may not exceed Ten feet (10’) above the height of the structure or Forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign not to exceed one hundred square feet (100 SF) in size will be allowed provided the sign:

- **a)** is attached to a Shopping Center sign, which advertises the businesses located within or upon the Shopping Center property;
- **b)** has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line or has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign; and,
- **c)** the height of the sign shall exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-3 (Commercial District)

1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: Has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within the Shopping

Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-4 (Highway Commercial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5’) from a point three feet (3’) above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10’) from the front property line to the leading edge of the sign. However, if the business in question is located within a Shopping Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10’) above the height of the structure or forty-five feet (45’); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Manufacturing Zones M-1 and M-2 (Industrial District)

1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed three hundred square feet (300 SF), the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5') from a point three feet (3') above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front of the property line; or, has a minimum setback of ten feet (10') from the front property line to the leading edge of the sign. In any circumstance, the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'); whichever is lower.

3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

18.76.050 Billboards

A) No billboard will be constructed, erected, and/or maintained within the City unless: Payment of one hundred dollars ($100.00) is received together with a fully completed permit request; and, approval is obtained from a majority of the City's Board of Adjustment after a duly held meeting addressing the permit request.

B) Any billboard constructed, erected, and/or maintained must comply with the following provisions.

1) Zoning Requirements – Billboards are allowed only in and upon property currently zoned A-1, C-2, C-3, C-4, M-1, and M-2, provided the sign structure is located greater than three hundred feet (300') from property in any of the following zones: R-0, R-1, R-2, R-3, R-4, R-5, R-6, or R-7.

2) Construction Specifications

a) A sign face of one hundred square feet (100 SF) or more will be supported by a maximum of two (2) structural steel or other durable metal columns/supports.

b) The face, columns, support, and foundation of the billboard will be signed to withstand up to a seventy miles per hour (70mph) wind acting against the full face of the sign.

c) The front edge of a billboard will not be any closer to

the front property line than the appropriate setback requirements for the zone in which a billboard is located. The side of the sign will not be any closer than five feet (5') from the side lot line.

d) The structural integrity of the proposed billboard and supporting structure will be designed and certified by a professional engineer registered in the State of Arkansas.

3) Dimensions – The area of a billboard will not exceed a maximum of eighteen feet (18') vertically and fifty-five feet (55') horizontally. No billboard shall exceed forty-five feet (45') in height. Height measurements will be made from ground level at the base of the sign support nearest the roadway to the top of the supporting structure of the sign face or the top of the column, whichever is higher.

4) Placement – No billboard will be placed within one thousand feet (1,000') of another billboard, and there will be no more than four (4) billboards per mile on the same side of the roadway. Further, no billboard will be located closer than two hundred fifty feet (250') of a perpendicular line to the right-of-way of another billboard on the opposite side of the roadway.

5) Limitations - No billboard shall display more than two (2) advertisements per face. Each billboard constructed may have up to two (2) faces.

Please see the Sign Ordinance Specification Chart for further information

18.76.060 Non-Conformance

Any advertising device/sign in existence or under construction at the time of passage of this Ordinance which does not meet the provisions contained herein will be removed and/or repaired within one hundred eighty (180) days of written notification providing the specific deficiencies from the City Engineer/Code Enforcement Office.
However, the following provision do apply:

A) Any non-conforming device/sign previously approved the Board of Adjustment or Planning Commission shall continue to

remain in existence for as long as the device/sign is maintained in a suitable and proper condition;

B) Any responsible party maintaining, possessing, and/or utilizing a non-conforming device/sign may file a written request for a variance or waiver with the Board of Adjustment for a determination upon the request. All applicable fees and costs will apply, and no enforcement action will be taken until such time as the Board of Adjustment has rendered a decision on the request; or,

C) When any device/sign falls into a state of disrepair or is deemed structurally unsound/unsafe by the City Engineer, the responsible party must repair and/or remove the device/sign within seven (7) days from the written notice of the City Engineer.

18.76.070 Permits AND Procedures

A) SUBMISSION – Any responsible party requesting a permit for a device/sign shall submit a set of plans and specification, together with a fee of thirty-five dollars ($35.00) per sign to the City Engineer/Code Enforcement Office. The plans and specifications shall detail the device, its location, dimensions, materials, specifications, and other pertinent information.

Upon review, the City Engineer/Code Enforcement Office shall approve or disapprove the plans in writing within ten (10) business days of the submission. If disapproved, stated reasons shall be provided as to the nature of the deficiencies, and the responsible party may re-submit a modified set of plans and specifications. If disapproved, the responsible party may submit a request to the Board of Adjustment for a waiver/variance if desired.

Once approved, a permit shall be issued for the device/sign and an inspection scheduled set for the construction/installation period. A record of such shall be provided to the responsible party and maintained by the City.

B) BOARD OF ADJUSTMENT – Should a variance/waiver be required before a permit can be issued, the responsible party must submit a written request, together with the appropriate fees and costs, to the Board of Adjustment through the City Clerk’s Office. The matter shall then be placed on the next regularly scheduled Board of Adjustment meeting. Upon duly published notice and posting of the property in accordance with State law, the request for variance/waiver shall be heard and addressed by the Board of Adjustment at the scheduled time and

date. At the meeting, the responsible party and/or a designated representative shall be present to present any information or data in support of his/her/their request.

Further, the Board of Adjustment shall hear from the City Engineer/Code Enforcement Office as the reasons for disapproval of the permit by his/her/their office. Upon obtaining all relevant information, the Board of Adjustment shall approve or disapprove the variance/waiver request.

C) CONDITIONS OF VARIANCE/WAIVERS – While the Board of Adjustment reviews and makes a determination upon a request for variance/waiver, Board members shall take into consideration all relevant factors affecting the decision. These considerations should include, but are not limited to, the proposed location and its proximity to adjoining property, dimensions and specifications of the sign and structural support equipment, lighting factors, proximity to residential property, public nuisance value, pedestrian and traffic safety issues, and, finally, aesthetics.

18.76.080 Enforcement and Penalties

A) ENFORCEMENT – The City Engineer/Code Enforcement Office shall be responsible for the enforcement of the terms and conditions as outlined herein. It is the desire of the City that a progressive from of discipline be used with non-compliant responsible parties, providing them with verbal warnings of no-compliant issues prior to written notice of the non-compliant matters. When either notification is provided, the City shall set a definitive and reasonable time period in which the responsible party should have the non-compliant condition eliminated. Non-compliant matters of public safety will obviously require a quicker response time than those of other non-compliant conditions.

Should the responsible party not eliminate the non-compliant condition after receipt of said verbal and written notice. It is the duty of the City Engineer/Code Enforcement Office to issue a citation to the responsible party and present the matter for adjudication of a violation of this Code by the Jacksonville District Court.

In the event that the City expends public monies to eliminate a non-compliant condition upon private property, it is the responsibility of the City Engineer/Code Enforcement Office to submit an itemized statement for reimbursement of the costs to do so to the responsible party. If the amount is not paid within sixty (60) days from the date of the first such statement, the

City Engineer/Code Enforcement Office shall cause to be filed a tax lien against the real property owned by the responsible party within Pulaski County, Arkansas, for collection of said amounts with the party's taxes each year.

B) Penalties

Should any individual, business, entity, or other such designated responsible party be found by the Jacksonville District Court to be in violation of the terms and conditions as outlined by this Code, the Court shall assess a fine of no more than one hundred dollars ($100.00) per violation per day, together with appropriate court costs. Each day a condition of non-compliance exists constitutes a separate violation and is subject to prosecution.

For second or subsequent violations within the same calendar year, the Court shall assess a fine of no more than five hundred dollars ($500.00) per violation per day, together with appropriate court costs. Again, each day a condition of non-compliance exists constitutes a separate violation subject to prosecution.

(Ord. 838, 1987; Ord.887, 1988; Ord. 1120, 2004; Ord. 1125, 1999; Ord. 1141, 2000; all previous ordinances amended by Ord. 1220, 2004)

Z O N I N G C L A S S I F I C A T I O N

A-1	R-0 R-1 R-1A	R-2	R-3	R-4	R-5 R-6 R-7	C-1	C-2	C-3	C-4	M-1	M-2

Max.

Size Sq.Ft	32	32	32	32	32	32	16	100	200	200	300	300
Max. Height	30	3	3	3	3	3	20	45	45	45	45	45
Illumi-nated	X	0	0	0	0	0	X	X	X	X	X	X
Non-illumi-nated	X	X	X	X	X	X	X	X	X	X	X	X
Flashing	X	0	0	0	0	0	X	X	X	X	X	X
Engineer Approval Required	X	X	X	X	X	X	X	X	X	X	X	X
Off Site		0	0	0	0	0						
On Site	X	X	X	X	X	X	X	X	X	X	X	X
Permit Fee	R	N	N	N	N	N	R	R	R	R	R	R
Fee Cost	$35	N	N	N	N	N	$35	$35	$35	$35	$35	$35
Billbd. fee	$100	0	0	0	0	0	$100	$100	$100	$100	$100	$100
Min. Spacing Lot	500 Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	2 Per Lot	2 Per Lot	2 Per	2 Per	500	500

NOTE: 0 = Not Allowed, X = Allowed, N = Not Required, R =Required

Chapter 18.80

NON-CONFORMING USES

Sections:

18.80.010 Chapter purpose.
18.80.020 Nonconforming uses permitted.
18.80.030 Unsafe structures.

18.80.040 Construction approved prior to ordinance.
18.80.050 Restoration.
18.80.060 Abandonment.
18.80.070 Changes in use.
18.80.080 Enlargement of nonconforming use.
18.80.090 District changes.

18.80.010 Chapter purpose

In order to avoid individual hardship whenever reasonable and not in conflict with the general welfare of the City and for purposes herein outlined, the following provisions apply to all districts. (Ord. 213 Art. IV(part), 1969)

18.80.020 Nonconforming uses permitted

Except as herein specified, the lawful use of any building or land existing at the time of the enactment of the ordinance codified herein may be continued although such use does not conform to the provisions of the ordinance codified herein. (Ord. 213 Sec. 401, 1969)

18.80.030 Unsafe structures

Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
(Ord. 213 Sec. 402, 1969)

18.80.040 Construction approved prior to ordinance

Nothing contained in the ordinance codified herein shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has begun. (Ord. 213 Sec. 403, 1969)

18.80.050 Restoration

No building damaged by fire or other causes to the extent of more than fifty percent of its reasonable value shall be repaired or rebuilt except in conformity with the regulations of the ordinance codified herein. (Ord. 213 Sec. 404, 1969)

18.80.060 Abandonment

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of the ordinance codified herein. This section shall not apply to trailer houses, where the regulation shall be as follows:

When a nonconforming trailer moves from such lot, it shall be considered immediately abandoned and shall not be replaced with another house trailer or re-established for trailer use.

(Ord. 213 Sec. 405, 1969)

18.80.070 Changes in use

No nonconforming use may be changed to another nonconforming use. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
(Ord. 213 Sec. 406, 1969)

18.80.080 Enlargement of nonconforming use

No nonconforming use shall be enlarged or extended in any way. (Ord. 213 Sec. 407, 1969)

18.80.090 District changes

The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. (Ord. 213 Sec. 408, 1969)

Chapter 18.82

ANNEXED PROPERTY

Sections:

18.82.010 Chapter purpose.
18.82.020 Comprehensive plan.
18.82.030 Uses pending zoning plan adoption.

18.82.010 Chapter purpose

In order to establish the zoning classification of property annexed to the City, the provisions of this chapter apply to all areas hereafter annexed to the City.
(Ord. 362 Sec. 1(part), 1975)

18.82.020 Comprehensive plan

The Planning Commission shall make studies and prepare a comprehensive zoning plan for all annexed areas, and after development of a comprehensive plan, a public hearing shall be conducted and the property shall be zoned by the Planning Commission and City council as soon as shall be practical. If the Planning Commission does not prepare or have prepared such a comprehensive zoning plan within ninety days from the effective date of annexation, the owner or owners of annexed land may have prepared a zoning plan, and it shall be deemed to be the proper and correct zoning of the property upon its being filed with the Commission.
(Ord. 362 Sec. 1(part), 1975)

18.82.030 Uses pending zoning plan adoption

Until the adoption of a zoning plan for annexed property, such property shall be classified according to the use in effect on the effective date of annexation, and such zoning classification shall remain in effect until such time as a different zoning classification is adopted for such property. Pending the adoption of a comprehensive zoning plan for annexed areas, any property owner may make application for a different type of zoning use, and the Commission may proceed to hear such application prior to the development and hearing on a comprehensive plan for the entire annexed area. (Ord. 362 Sec. 1(part), 1975)

Chapter 18.84

EXCEPTIONS

Sections:

18.84.010 Lots of record.
18.84.020 Adjoining and vacant lot of record.
18.84.030 Front yard setbacks.
18.84.040 Group developments.
18.84.050 Exceptions to height limits.

18.84.060 Area exceptions.
18.84.070 Service stations.
18.84.080 Churches, schools and fire stations.
18.84.081 Mobile home on school ground.

18.84.010 Lots of record

Except as herein provided, in any residential district where the owner of a lot, at the time of the adoption of the ordinance codified herein, or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and/or frontage requirements of this title, such lot may be used as a building site for a single-family residence provided that minimum yard, setback and floor area requirements for the district in which said lot is located are maintained.
(Ord. 213 Sec. 2101, 1969)

18.84.020 Adjoining and vacant lots of record

If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of the ordinance codified herein and such lots individually are less than the lot width requirements for the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this title.
(Ord. 213 Sec. 2102, 1969)

18.84.030 Front yard setbacks

The setback requirements of this title for dwellings shall not apply to any lot where the average existing setback on lots located wholly or in part within one hundred feet on each side of said lot within the same block and zoning district and fronting on the same side of the street as such lot is less than the minimum setback required. In such cases, the setback on such lot may be less than required setback but not less than the average of the existing setbacks on the aforementioned lots or within fifteen feet of the street right-of-way, whichever is greater.
(Ord. 213 Sec. 2103, 1969)

18.84.040 Group developments

In the case of group development of two or more dwellings to be constructed on a plat of ground of at least five acres in area not subdivided into customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this title to the individual dwellings in such group developments, upon application to the City Council, the application of the terms of this title may be varied in a manner that will be in harmony with the character of the area and will insure substantially the same

character of occupancy and an average intensity of land use no higher and a standard of open space no lower than permitted by this title in the district in which the proposed group development is to be located. (Ord. 213 Sec. 2104, 1969)

18.84.050 Exceptions to height limits

A. The height limitations of this title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyors, flag poles, masts and aerials, penthouses, scenery lofts, sugar refineries, standpipes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City and Pulaski County.

B. In the thirty-five and forty-five foot height districts, public or semi-public buildings or hospitals may be erected to a height not exceeding seventy-five feet when the front, side and rear yards are increased an additional foot for each foot such buildings exceed thirty-five and forty-five feet respectively in height.

C. One-family dwellings in the thirty-five foot height districts may be increased in height by not more than ten feet when two side yards of not less than twenty feet each are provided. Such dwellings, however, shall not exceed three stories in height.

(Ord. 213 Sec. 2105, 1969)

18.84.060 Area exceptions

A. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one building occupying one lot:

Semi-detached two-family and four-family dwellings and row-houses not more than two rooms deep.

B. The front and side yard requirements for dwellings shall be waived where dwellings are erected above stores.

C. In the case of a court apartment, side yards may be used as rear yards provided that:

1. The required side yard shall be increased by one foot for each entrance or exit opening into or served by such yard;

2. The width of the place or court shall not be less than three times the width of the side yard as required in this provision, provided that open, unenclosed porches may project into the required place or court not more than twenty percent of the width of such place or

court;

3. Where a roadway is provided in the place or court the width allowed for such roadway shall be in addition to the required above;

4. All other requirements, including front, side and rear yards shall be complied with in accordance with the district in which such court apartments are locate.

D. In computing the depth of a rear yard for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.

E. An accessory building may occupy not more than six hundred and fifty square feet. An accessory building may be permitted without side or rear yard if located more than one hundred feet from the front or street line. An attached or detached garage may come to within one-half of the required side yard in the zone in which it is erected, provided the front of the garage is seventy-five feet from the front lot line. A Porte Cocere or carport may be built to within one-half of the required side yard, in the district in which it is built.

F. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided however, that role of the above projections shall extend into a court more than six inches nor into a minimum side yard more than twenty-four inches.

G. No cornices shall project over the street line more than five percent of the width of such street, and shall in no case project more than four feet.

H. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a yard not more than five feet or into a court not more than three and one-half feet and the ordinary projections of chimneys and flues may be permitted by the building inspector where same are so placed as not to obstruct the light and ventilation.

(Ord. 213 Sec. 2106, 1969)

18.84.070 Service stations

Service stations or gasoline filling stations shall be so constructed that for driveways parallel to the street boundary line the centerline of the pump shall be at least fifteen feet from the parallel street property line, and if on a corner lot, the end pump shall be at least fifteen feet from the other street property line; for driveways built diagonally across the corner lot, the centerline of pumps shall be at least twenty-five feet from the street corner of the lot and the end pumps shall be at least fifteen feet from the

street property lines.
(Ord. 213 Sec. 2107, 1969)

18.84.080 Churches, schools and fire stations

Churches, schools and fire stations shall be permitted in residential districts upon permit granted by the City Council after having advertised for fifteen days and setting a date to hear objections; in the event that twenty percent or more people within a radius of one hundred and sixty feet, excepting alleys and streets, object to proposed permit, then such permit shall not be granted except by favorable vote of two-thirds of all members of City Council.
(Ord. 213 Sec. 2108, 1969)

18.84.081 Mobile Home on School Ground

The County Special School District shall be allowed to place mobile homes on public school grounds located within the City limits, for security purposes. The school board of the County Special School District shall be required to notify the City Inspector of their intentions before a mobile home shall be located on any school property. A limit of one mobile home per school location is allowed.
(Ord. 356 Sec. 1, 1975)

Chapter 18.86

ACCESSORY BUILDINGS

Sections:

18.86.010 Definition of an Accessory Building.
18.86.020 Square Foot Limitations.
18.86.030 Height Limitations.

18.86.010 Definition of an Accessory Building

Accessory Building -- Any subordinate building of which the use is clearly incidental to that of the principal structure.
(Ord. 854, 1967)

18.86.020 Square Foot Limitations

An accessory building may occupy no more than thirty percent (30%) of the existing rear yard not to exceed six hundred fifty (650) square feet and shall not be built closer than five (5) feet to the owner's property line or in compliance with a subdivision's Bill of Assurance, whichever is greater. (Ord. 854, 1987)

18.86.030 Height Limitations

An accessory building in a residential area shall not exceed the height of the principal structure or twenty-five (25) feet, ridge height, whichever is less. (Ord. 854, 1987)

Chapter 18.88

BOARD OF ADJUSTMENT

Sections:

18.88.010 Appointment and membership.
18.88.020 Authority.
18.88.030 Meetings - Notice - Records.
18.88.040 Jurisdiction.
18.88.050 Appeals.

18.88.010 Appointment and Membership

The Board of Adjustment of the City is established. The word "Board" when used in this chapter shall be construed to mean the Board of Adjustment. The Board shall consist of five members who shall be citizens of the City. Three members shall be appointed by a majority vote of the City Planning Commission and shall be selected from the members of the Planning Commission. The Vice Chairman of the Planning Commission shall be one of the three members from said Commission and shall serve as Chairman of the Board of Adjustment. These three members shall serve one-year terms. The remaining two members shall be appointed by the Mayor and approved by the City Council to serve three-year terms. Vacancies shall be filled for an unexpired term only, in case of necessity. Members shall be removed from the Board for cause by action of the Council upon written charges and after a public hearing. The members of the Board shall receive no compensation for their services. The Board shall adopt from time to time such rules and regulations, as it may deem necessary to carry into effect the provisions of this title.
(Ord. 213 Sec. 2401, 1969; Ord. 711 Sec. 1, 1983)

18.88.020 Authority

The Board of Adjustment shall have jurisdiction of certain matters arising in connection with the administration, enforcement, or interpretation of this title as herein provided.
(Ord. 213 Sec. 2402, 1969)

18.88.030 Meetings - Notice - Records

A. Meetings of the Board of Adjustment shall be held at such times as are established by the Board of Adjustment and as such, other times as the majority of the Board may determine. All meetings shall be open to the public. If there is no business scheduled at a regular meeting of the Board, the Chairman has the authority to cancel the meeting and notify all Board members. The Chairman, or in his absence the acting Chairman, may administer oath and compel the attendance of witnesses. The Board shall adopt its own rules and procedures and keep records of its proceedings showing the action of the Board and the vote of each member on each question considered. Records of its examinations and other official action shall be immediately filed in the office of the Board and shall be a public record.

(Ord. 711 Sec. 2, 1983)

B. The City Clerk shall be responsible for keeping, maintaining, and preparing all records for the Jacksonville Board of Adjustment, requesting assistance from other City Department and officials when needed to complete said task(s). The City Clerk's Office shall also be responsible to ensure that publication of meeting notices and variance/waiver request(s) occur in the allotted time(s) and minimum days prior to said meeting/hearing as required by this Code and/or State law.

(Ord. 1082 Sec. 2, 1997)

C. Each session of the Jacksonville Board of Adjustment shall constitute a public meeting with proper public notice of said meeting and the waiver(s) and/or variance request(s) to be addressed at said meeting published in a newspaper of general circulation in the City a minimum of one (1) time at least seven (7) days prior to the scheduled meeting. The Code Enforcement Office shall be responsible to ensure that the affected real property is properly posted with a notice(s) designating the specific request(s) for variance or change and the date, time, and place of the public hearing a minimum of seven (7) days prior to the scheduled meeting. Said notice shall be posted in a highly visible location upon the affected property.

(Ord. 1082 Sec. 2, 1997; Ord. 213 Sec. 2403, 1969; Ord. 698 Sec. 1, 1983)

18.88.040 Jurisdiction

A. The Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision or determination made by the building inspector in the enforcement of this title;

2. To hear and decide upon applications for special exceptions enumerated in this title;

3. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of the ordinance codified herein;

4. To interpret the provisions of this title in such a way as to carry out the intent and purpose of the plan as shown upon the accompanying official zoning map fixing the several districts where layout actually on this ground varies from the street layout on the map.

5. To vary or modify the application of any of the regulations or provisions of this title where there are practical difficulties or unnecessary hardships to carry out the strict letter of this title, so that the spirit of this title shall be observed, public welfare and safety secured and substantial justice done.

6. To permit variances from the sign ordinance as set forth in chapter and Sec. **18.76.040.**

B. In exercising the above powers, the Board may, in conformity with the provisions of this title, reverse or affirm, wholly on in part, or may modify the order, requirement, decision or determination of the building inspector, and to that end shall have all the powers of the building inspector and may issue or direct the issuance of a building permit.

C. A major vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant or on any matter upon which it is required to pass under the provisions of this title.

(Ord. 213 Sec. 2404, 1969; Ord. 872, 1987)

18.88.050 Appeals

A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected

by any decision of the building inspector under this title. Appellants shall file with the Board a notice of appeals specifying the grounds thereof, and in addition shall pay a fee in the amount of fifty dollars to cover costs incurred by the Board in processing said appeal and providing for notice of said meeting; provided, that if the minimum charge of fifty dollars is deemed not sufficient to cover the aforementioned costs, the Board is empowered to assess additional fees in order to cover all costs incurred and necessary for the hearing of any appeal as provided herein. The building inspector shall

forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. The final disposition of any such appeal shall be in the form of a decision expressed in a resolution, either reversing, modifying, or affirming, wholly or partially, the Board's decision or determination appealed from.

B. Any person aggrieved at the findings of the Board of Adjustment of the City shall have the right of appeal from the findings of said Board to a court of record having jurisdiction in the manner provided for in the Statutes of Arkansas.

(Ord. 477 Sec. 1, 1978; Ord. 213 Sec. 2405, 1969)

Chapter 18.92

AMENDMENT PROCEDURE

Sections:

18.92.010 City Council powers.
18.92.020 Additional changes of previously affected property-time lapse.

18.92.010 City Council powers

The City Council may from time to time on its own motion or on petition or on recommendation of the Planning Commission, after public notice and hearing as provided by law, amend, supplement, abridge, modify or repeal the boundaries or regulations herein or subsequently established, after submitting the same to the City Planning Commission for its recommendation and report.

In case, however, of a protest against such change duly signed and acknowledged by the owners of twenty percent or more of the frontage proposed to be changed or of the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed except by a two-thirds vote of all members of the City Council including the Mayor. (Ord. 213 Sec. 2501, 1969)

18.92.020 Additional changes of previously affected property - Time lapse

After any proposed change or amendment to the boundaries or regulations established under Ordinance Nos. 213 and 238 has been considered and acted upon by the Planning Commission or by the City Council, any additional proposed change or amendment to said property affected by the prior action shall not be re-submitted to the Planning Commission or City Council of the City for further consideration until such time as one year has elapsed from the date of the action on such proposed change or amendment to said property by the Planning Commission or the City Council. This in no way

limits the right of the landowner to appeal the action of the Planning Commission to the City Council. For purposes of this section, "said property affected by the prior action" shall mean any tract of land being considered for a change or amendment under Ordinances 213 and 238 of which at least fifty percent (50%) of that land was included in a tract of land that had been up for said change or amendment within the past twelve (12) months before the Planning Commission or the City Council. Once the Planning Commission has made its recommendation as to the approval or denial of the landowner's request, the Planning Commission shall not hear any additional requests, reconsiderations, etc. in regard to that tract for a one-year period of time.

(Ord. 290 Sec. 1, 1973; Ord. 238 Sec. 2, 1971; Ord. 213 Sec. 2502, 1969; Ord. 777, 1986)

TITLE 18 FOOTNOTES

1. The current zoning map is on file in the office of the secretary of the Planning Commission.

2. For provisions giving cities of the first class, zoning and planning powers, see ACA 14-56-301-302 and 14-56-402-404; for provisions governing the zoning ordinance, see ACA 14-56-416.

3. For statutory provision making violation of the zoning ordinance a misdemeanor and providing for injunctive relief from such violations, see ACA 14-56-401 et. seq.

4. For statutory provision requiring that the zoning ordinance consist of both a map and text, see ACA 14-56-416(a)(z). The zoning map originally adopted by Ord. 213 has been substituted by the map adapted by Ord. 238, which is on file in the office of the secretary of the Planning Commission.

5. For statutory provisions governing mandatory zoning of property for commercial use, see ACA 14-56-401 et. seq.

6. For statutory provisions authorizing cities to regulate height, bulk, number of stories and size of buildings and open space, see ACA 14-56-416 (a)(3)(A).

7. For statutory provisions authorizing the zoning ordinance to require off-street parking and loading, see ACA 14-56-416 (a)(3)(B).

8. For statutory provisions requiring that the zoning

ordinance provide for board of adjustment, see ACA 14-56-416 (b)(1).

9. For statutory provisions governing the adoption and amendment of zoning ordinances, see ACA 14-56-422-424.

- A -

ABANDONED REFRIGERATOR
Door hinge removal 8.02.020
Each refrigerator deemed separate offense 8.02.030
Prohibited 8.02.010
Violation, penalty 8.02.040

ABANDONED VEHICLE
Abandonment, public property 8.08.032, 8.03.013
Adoption of State Law 8.08.039
Board of Adjustment 8.08.037
Defined 8.08.030
Exception, Private property 8.08.034
Hearing variance 8.08.036
Notice of non-compliance 8.08.035
Parking & Storage 8.08.033
Removal 8.08.038

ADDRESSING
Assignment of numbers 12.28.020
Street address numbers required 12.28.010
Penalty 12.28.030

ADVERTISING AND PROMOTION COMMISSION
Commission function, powers and duties 2.90.020

AFFORDABLE HOUSING OVERLAY DISTRICT (AHOD)
Applicability & Definitions 18.22.010
Building & Construction provisions 18.22.040
Conditional, Permissible, Prohibitive & Restrictive uses 18.22.050
Enforcement 18.22.060
Penalties 18.22.070
Population & Development density 18.22.030
Purpose & creation of AHOD 18.22.020

AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ)
Applicability and Definitions 18.66.010
Building and Construction provisions 18.66.040
Conditional, Permissible, Prohibitive & Restrictive uses 18.66.050
Enforcement 18.66.060
Penalties 18.66.070
Population & Development density 18.66.030
Purpose & creation of an Overlay District 18.66.020

ALCOHOLIC BEVERAGE
Permit
fee 3.04.030
late penalty 3.04.050
one-half, due when 3.04.040
schedule 3.04.020
fees, taxes, collection, use 3.04.070
permit, tax, supplemental 3.04.060
sales, State permit 3.04.080
selling, dispensing, tax payment required 3.04.010

ANIMALS
Adoption and fees 6.04.100
Cruelty to animals and criminal charges 6.04.070
Dangerous, Vicious animals and Bans 6.04.045
Definitions 6.04.010
Enforcement and Penalties 6.04.120
Impoundment 6.04.080
Licensing 6.04.020
Maintenance of premises 6.04.050
Rabid animals, suspected of 6.04.060
Rabies vaccination 6.04.030
Reclaiming impounded animal 6.04.090
Relinquishment of unwanted animal 6.04.110
Restraint and limitations 6.04.040
Small animals, Livestock and Fowl
See **LIVESTOCK AND FOWL 6.08**
WILD ANIMALS, hunting prohibited 6.12.010
Keeping prohibited 6.12.020

APERS 2.88.050

ARCHITECT
ATTORNEY
AUCTIONEER

AUCTION HOUSE
See **BUSINESS LICENSE** 5.04.100

AUTO See **ZONING**
Dealers see BUSINESS LICENSE 5.04.100
Parts Dealer see BUSINESS LICENSE 5.04.100
Repair Shop see BUSINESS LICENSE 5.04.100
Service Station see BUSINESS LICENSE 5.04.100

- B -

BAKERY BUSINESS LICENSE 5.04.100

BARBER BUSINESS LICENSE 5.04.100
School see BUSINESS LICENSE 5.04.100

BEAUTY OPERATOR
BEAUTY SCHOOL
See BUSINESS LICENSE 5.04.100

BED AND BREAKFAST See ZONING

BEE
Compliance 6.10.030
Keeping Unlawful, Exception 6.10.010
Number of hives allowed 6.10.020

BILLIARD, SNOOKER PARLOR
See BUSINESS LICENSE 5.04.100
Person Defined 5.08.010
Regulations, Violation, Penalty 5.08.030
Sunday Operation Prohibited 5.08.200

BOND
Arterial Street, Boring, Drilling 12.12.015
Bondsman 5.12.060
Electrical contractor 16.08.100
Merchant, Vendor, Itinerant 5.04.150, 5.15.022
Plumber, Gas Fitter 16.12.050

BONDSMAN
Compliance required 5.12.010
Courtroom business solicitation prohibited 5.12.100
Detained person, bondsmen choice, records 5.12.140
License required 5.12.020
Application, filing 5.12.040
Information required 5.12.050
Issuance, validity period, renewal 5.12.070
List keeping required 5.12.130
Moral character, proof required 5.12.030
Suspension, revocation, hearing required 5.12.150
Police station, City jail, authorization required 5.12.090
Solicitor, agent employment prohibited 5.12.120

BOWLING ALLEY BUSINESS LICENSE 5.04.100

BUILDING and CONSTRUCTION
Adopted 16.04.010
Appeals 16.04.050
Enforcement 16.04.020
Fees 16.04.060
Inside fire district 8.12.110
Issuance conditions 12.04.210
Modifications 16.04.040
Municipality defined 16.04.030
Finished house floor elevation 16.05.010
Hazardous, Offenders prosecuted 8.24.010
Moving permit application 12.16.040
fees 12.16.050
requirements 12.16.030
required when 12.16.020
Water/sewer tie-on fees 13.20.010

BUSINESS OR BUSINESS LICENSE
Display required 5.04.050
Due, delinquent, penalty 5.04.070
Engaging in more than one, separate license required 5.04.030
Engaging without payment, penalty 5.04.080
Exempt 5.04.090
Issuance, information required 5.04.040
Issuance prerequisite 5.04.120
License application, false statement prohibited 5.04.210
Non-transferability 5.04.040

Privilege tax period 5.04.020
Required, payment schedule 5.04.010
Regulations, Failure to comply,
  Stop work order notice 5.04.160

- C -

CABINET MAKER
CAFE
CAFETERIA
CARPET CLEANING
See BUSINESS LICENSE 5.04.100

CAT see DOG

CATALOG STORE
CEMENT DELIVERY
CHEMICAL MANUFACTURING
CHIROPRACTOR
See BUSINESS LICENSE 5.04.100

CHURCH see ZONING

CITY ATTORNEY
Hot Check Law prosecution,
  duty 9.24.030
Minimum Salary 2.10.010

CITY CLERK/TREASURER
Office Combined w/Treasurer 2.08.010
Minimum Salary 2.08.020

CIVIL DEFENSE, OFFICE OF
Advisory Council, duties 2.56.040
Definitions 2.56.020
Director
  contractual power 2.56.090
  duties generally 2.56.080
Plan, program preparation 2.56.070
Services, equipment, acceptance
  2.56.100
Liability 2.56.110
Mayor authority 2.56.060
  responsibilities 2.56.050
  Organization 2.56.030
  Policy, purpose 2.56.010

CIVIL SERVICE COMMISSION
Compensation 2.24.020
Consecutive terms prohibited
  2.24.030
Powers and duties 2.24.010

CODE
Adoption 1.01.010
City, defined 1.04.010
City classification 1.08.010
Codification authority 1.01.030
Constitutionality 1.01.100
Construction 1.04.040
Definitions 1.04.010
Effective date 1.01.090
Effect on past action,
  Obligation 1.01.080
General penalty designated 1.20.010
Grammatical interpretation 1.04.020
Law, defined 1.04.010
May, defined 1.04.010
Month, defined 1.04.010
Must, Shall, defined 1.04.010
Oath, defined 1.04.010
References to specific ordinances
  1.01.070
Prohibited acts include causing,
  permitting 1.04.030
Property, defined 1.04.010
References apply to amendments
  1.01.050
Repeal not to revive any ordinance
  1.04.050
Right of entry, designated 1.16.010
Sidewalk, defined 1.04.010
State, defined 1.04.010
Street, defined 1.04.010
Tenant, defined 1.04.010
Title, Chapter, Section 1.01.060
Title, Citation, Reference 1.01.020
Title of Office, defined 1.04.010
Written, defined 1.04010
Year, defined 1.04.010

COMMERCIAL MOTOR VEHICLES
Appeal rights 8.04.050
Definitions 8.04.010
Enclosure requirements 8.04.020
Enforcement & penalties 8.04.040
Plans & Specifications 8.04.030

COMPREHENSIVE DEVELOPMENT PLAN
18.06.010

CONTRACTOR
see BUSINESS LICENSE 5.04.100

COUNCIL, CITY
Court Clerk, appointee confirmation 2.12.020
Effective date/legislation 2.04.025
Finance Director, appointee confirmation 2.70.005
Matters ruled on 2.04.020
Ordinance and resolution readings 2.04.011
Parliamentary procedure required 2.04.010
Regular meetings 2.04.040
Special, when 2.04.020
Public Defender, appointee, confirmation 2.64.020

COUNTY
Defined 1.04.010

COURT, MUNICIPAL
Clerk appointment 2.12.050
Created, Judge election 2.12.010
Judge qualifications, designated 2.12.020
Minimum salary 2.12.030
Probation Officer appointment, office, removal 2.12.060
Rules, regulations, authority 2.12.040

CREMATORIUM
C-2 Conditional Use 18.44.030
C-3 Conditional Use 18.48.030
C-4 Conditional Use 18.52.030
M-2 Permitted Use 18.60.020

CRIMINAL CODE
State, adopted 9.04.010
Violation, Penalty 9.04.020

CURFEW, EMERGENCY
Imposition, mayor authority 9.16.010
Violation, prohibited 9.16.020

CURFEW OF MINORS
Definitions 9.08.020
Construction 9.08.080
Curfew of juveniles 9.08.030
Dates of operation 9.08.090
Established 9.08.010
Enforcement procedure 9.08.060
Exceptions 9.08.040
Parental responsibility 9.08.050
Penalties 9.08.070

- D -

DAYCARE FACILITY see ZONING
Conditional Uses, defined 18.08.241

DENTIST
DEPARTMENT STORE
DOCTOR, MEDICAL
See BUSINESS LICENSE 5.04.100

DOG
Adoption 6.04.100
At large, defined 6.04.010
At large, prohibited 6.04.040
Cruelty to animals 6.04.070
Dangerous, vicious and bans 6.04.045
Definitions 6.04.010
Enforcement and penalties 6.04.120
Euthanization 6.04.120
Impoundment 6.04.080
License regulations 6.04.020
Licensing fee 6.04.020
Number limited, exceptions 6.04.020
Owner, defined 6.04.010
Premises maintenance 6.04.050
Rabies 6.04.030
Reclaiming impounded animals 6.04.090
Vaccination required 6.04.030
Vicious, defined 6.04.010

DRY CLEANING
BUSINESS LICENSE 5.04.100

DWELLING see ZONING

- E -

ELECTRICAL
Air conditioner, appliance installation 16.08.520
Attic cable placement 16.08.340
Business, compliance required 16.08.550
Conductors - aluminum 16.08.540

installation methods 16.08.260
neutral, color coding, tagging 16.08.510
through brick or masonite 16.08.530
Construction, permit, licensing prerequisite 16.08.150
Contractor
bond required, surety 16.08.100
defined, license, registration 16.08.0850
Out of town, qualifications 16.08.040
Current, clearance required 16.08.650
Distribution panels & cabinets 16.08.400
Electrician, apprentice, defined, restrictions 16.08.080
Journeyman, defined, examination fee, exception 16.08.070
License examination, renewal 16.08.020
Required, exception 16.08.010
Master, defined, examination, fee exception 16.08.060
Examiners board established, composition 2.36.010
meetings, quorum 2.36.040
members' removal, license, applicants, examination 2.36.050
terms, rules, regulations 2.36.030
powers, duties, officer, election 2.36.020
Hazardous apparatus sale prohibited 16.08.250
Industry, classification 16.08.030
Inspection, additional trip fees 16.08.600
Failure to make application fee 16.08.560
Final 16.08.630
Liability 16.08.640
Rough 16.08.620
Special equipment, apparatus, fee 16.08.590
Inspector appointment 16.08.170
Current turn-off authority 16.08.660
Duties 16.08.180
Interference with unlawful 16.08.220
Right of entry, enforcement powers 16.08.200
Test, interior-wiring 16.08.190
Unsafe wiring, notice 16.08.210
Installation conformance with code 16.08.230
Equipment, approval required 16.08.240
Multiple parties, fee 16.08.610
Neatness required 16.08.270
Service meter to distribution cabinet 16.08.450
Job completion 16.08.490
License display 16.08.130
Expiration work unlawful 16.08.120
Misuse 16.08.140
Suspension, revocation, nontransferable 6.08.110
Meter loop 16.08.500
Multiple meters 16.08.430
Protection 16.08.410
Outlet boxes 16.08.320
Convenience, for ironing board 16.08.390
Permit application 16.08.570
fee 16.08.580
Regulations, conformance, required 16.08.090
Remodeling jobs 16.08.480
Service drop mast riser 16.08.470
Point of attachment 16.08.460
Service entrance switches
location 16.08.440
requirements 16.08.420
Signs, circuit 16.08.330
Wiring cable, direct burial 16.08.380
commercial buildings sales & display rooms 16.08.290
storerooms & hallways 16.08.310
ground wire 16.08.360
installation method 16.08.280
overhead 16.08.350
residences 16.08.300
Under floor 16.08.370

ELECTRICIAN see ELECTRICAL

EMPLOYEE see PERSONNEL

ENGINEER, CITY see POLICY MANUAL

EXTERMINATOR
BUSINESS LICENSE 5.04.100

- F –

FABRIC SHOP
BUSINESS LICENSE 5.04.100

FALSE ALARMS - NUISANCE
Definitions 9.38.030
Excessive false alarms & fees 9.38.040
Purpose 9.38.010
Violation 9.38.020

FARMERS MARKET
Articles Permitted to be sold 5.50.040
Business prohibitions 5.50.050
Days and hours of operation 5.50.030
Enforcement and penalties 5.50.080
Fee 5.50.070
Farmers Market 5.50.010
Parking and operation 5.50.020
Sanitation requirements 5.50.060

FENCING, MOTOR VEHICLE
Appeal rights 8.04.050
Definitions 8.04.010
Enclosure requirements 8.04.020
Enforcement & penalties 8.04.040
Plans & specifications 8.04.030

FILING, INDEPENDENT CANDIDATES
2.46.010

FIRE DEPARTMENT
Composition 2.20.020
Created 2.20.010
Right-of-way 10.08.010
Volunteer firemen, enlistment 2.20.030
District established 8.12.100
Inspection, bldg., certificate of occupancy 8.12.110
Emergency services 8.48.050
Explosives, flammable liquid storage location, restrictions 8.12.040
Extinguisher, portable, antifreeze solution water 5.28.060
wheeled 5.28.070
defective notification required 5.28.030
test, repairs required 5.28.140
hand wheeled carbon dioxide 5.28.120
dry chemical 5.28.130
foam 5.28.090
loaded stream 5.28.100
hydrostatic pressure test, procedure 5.28.150
maintenance, permit required 5.28.010
soda acid solution 5.28.050
tag attachment, information required 5.28.020
vaporizing liquid 5.28.110
violation, penalty 5.28.160
wetting agent, wheeled 5.28.080
work, regulations, conformance required 5.28.040
Lanes in private property, width requirement 8.12.070
Prevention Code adoption 8.12.010
enforcement authority 8.12.020
modifications approval procedure 8.12.080
disapproval appeals 8.12.090
municipality defined 8.12.030
Protection
application agreements required 2.20.070
approval, disapproval 2.20.050
right 2.20.040
moneys deposited retention, continued service 2.20.060
Scene, persons subject to orders of Chief 9.20.030
Vehicle transporting dangerous substances, routes, explosives 8.12.050
hazardous chemicals 8.12.060

FIREARM see WEAPON

FIREWORKS
Display, permission required 8.16.020, 8.16.030
Sale, discharge prohibited, exceptions 8.16.010

FLOOD
Abrogation, greater restrictions 15.04.080
Appeal, defined 15.08.020
Applicability 15.04.040
Area of shallow flooding,

defined 15.08.030
standards 15.12.070
Area of special flood hazard,
basis for establishment 15.04.050
defined 15.08.040
Base, defined 15.08.050
Compliance required 15.04.070
Construction standards
non-residential 15.12.040
residential 15.12.030
start of defined 15.08.180
Defined 15.08.090
Definitions generally 15.08.010
Designation, Lot 17.12.190
Development, defined 15.08.060
Development permit
application 15.16.030
approval, denial 15.16.040
required 15.04.060
Engineer, City
appointed administrator of
provision 15.16.010
duties, responsibilities 15.16.020
variance records, report 15.16.050
Findings of fact 15.04.010
Floodway
defined 15.08.130
restriction 15.12.060
Habitable floor, defined 15.08.140
Hazard
boundary map, defined 15.08.100
reduction standards
general 15.12.010
specific 15.12.020
Insurance
rate map, defined 15.08.110
study, defined 15.08.120
Interpretation 15.04.090
Loss reduction method 15.04.030
Mean sea level, defined 15.08.150
Mobile home
defined 15.08.160
requirements 15.12.050
Mobile home park, Subdivision
existing defined 15.08.070
expansion to, defined 15.08.080
new, defined 15.08.170
Permit see Development permit
Purpose 15.04.020
Structure, defined 15.08.190
Subdivision standards 15.12.080
Substantial improvement, defined
15.08.200
Variance
defined 15.08.210
prerequisites 15.16.060
Warning, disclaimer of liability
5.04.100

FLORIST See BUSINESS LICENSE 5.04.100

FOOD VENDORS
Enforcement and penalties 5.44.050
Exemptions 5.44.040
Licensure requirements 5.44.020
Physical location and placement
requirements 5.44.030
Purpose 5.44.010

FREEWAY see STREETS

FUNERAL DIRECTOR
FURNITURE REPAIR
See BUSINESS LICENSE 5.04.100

- G -

GARBAGE
Billing Method 8.20.030
fees prescribed 8.20.020
Collection method 8.20.040
Container regulations 8.20.070
Defined 8.20.010
Delinquent penalty, civil suit
8.20.050
Frequency, landowner duty 8.20.060

Hauler, commercial
BUSINESS LICENSE 5.04.155
Landowner, defined 8.20.010
Office, defined 8.20.010
Private hauling, liability 8.20.140
Rubbish, defined 8.20.010
Trash incinerator restrictions
8.32.010
Unlawful acts designated 8.20.120

GAS CODE see PLUMBING GAS CODE

GENERAL PENALTY Designated 1.20.010

GIFT SHOP see BUSINESS LICENSE
5.04.100

GOLF CARTS
Authorized uses 10.30.030
Definitions 10.30.020
Enforcement and Penalties 10.30.050
Purpose created 10.30.010
Violations 10.30.040

GOLF COURSE see BUSINESS LICENSE 5.04.100
GROCERY STORE see BUSINESS LICENSE 5.04.100

- H -

HEALTH CARE
Merger with County Health Department 8.44.010

HEALTH CARE FACILITIES BOARD
Bond issuance authority 2.82.050
Established 2.82.020
Findings 2.82.010
Membership, terms 2.82.030
Organization, rules 2.82.060
Powers 2.82.040

HEATING DEALER
See BUSINESS LICENSE 5.04.100

HISTORIC PRESERVATION
Purpose 9.40.010
Retrieval artifacts/memorabilia penalty 9.40.020
Vandalism of historic site 9.40.030

HOSPITAL see ZONING
Establishment, powers & duties 2.28.010

HOT CHECK LAW
Adoption 9.24.010
Penalty 9.24.020
Prosecution 9.24.030

HOTEL/MOTEL TAX
Payment Schedule 3.06.030
Penalties 3.06.040
Purpose of levy expenditures 3.06.020

- I -

ICE BOX see ABANDONED REFRIGERATOR

IDENTITY THEFT PREVENTION PROGRAM
Access/covered account 3.30.025
Address discrepancies 3.35 ET. Seq.
Credit card payments 3.30.030
Definitions 3.30.010
Findings 3.30.015
Outside Service Providers 3.30.050
Prevention & Mitigation 3.30.040
Process/covered account 3.30.020
Program over site 3.30.045
Red Flags 3.30.035
Updates 3.30.055

INSPECTOR, CITY
Plumbing code authority 16.12.040

INSTRUCTOR
INTERIOR DECORATOR
See BUSINESS LICENSE 5.04.100

INVESTMENT POLICY
Authorized investments 3.10.050
Definitions 3.10.030
Delegation of authority/responsibility 3.10.040
Investment parameters 3.10.070
Investments not authorized 3.10.060
Purpose and Scope 3.10.010
Safekeeping/collateralization 3.10.080
Standards/objectives 3.10.020

ITINERANT MERCHANT
See MERCHANT, VENDOR, ITINERANT
Appeals 5.16.072
Badges 5.16.023
Bond requirements 5.16.022
Definitions 5.16.011
Denial of permit 5.16.025
Enforcement 5.16.060
Exclusions 5.16.050
Notice and hearing 5.16.071
Payment of privilege tax and/or

itinerant merchant permit fee
required 5.16.030
Penalty 5.16.080
Permit revocation 5.16.070

- J -

JUDGE see COURT, MUNICIPAL

- K -

KINDERGARTEN
Business License Tax 5.04.100

- L -

LAND USE PLAN adopted 18.06.020

LANDSCAPING CODE AND REGULATIONS
Cash bond postponed improvements
16.20.062
Commercial zones 16.20.044
Definitions 16.20.020
Design plan 16.20.030
Design review 16.20.034
Enforcement and penalties 16.20.090
Flexibility in applying standards
16.20.49
General site development 16.20.035
Ground cover requirements 16.20.037
Maintenance requirements 16.20.070
Manufacturing zones 16.20.045
Plant materials 16.20.050
Preservation goals 16.20.033
Protection of 16.20.047
Public rights-of-way 16.20.080
Purpose 16.20.010
Removal of waste materials
16.20.060
Requirements per zone 16.20.040
Residential zones 16.20.042
Screening 16.20.036
Sight distance requirements
16.20.048

LAUNDRY See also ZONING
BUSINESS LICENSE Tax 5.04.100

LEGACY DEVELOPMENT
Master Street Plan 12.04.020

LICENSE
Bondsman 5.12.020
Electrician 16.08.010

LIVESTOCK See ANIMAL
Compliance with regulations 6.08.030
Enforcement and Penalties 6.08.220
Diseased animal – keeping prohibited
6.08.180, treatment or disposal
6.08.190
Feed stores and Poultry Houses
6.08.060
Housing and Pens 6.080.70
drainage 6.08.080
lime 6.08.090
Housing, floor space 6.08.040
distance from Business
Establishments and Residences
6.08.050
Impoundment Fees 6.08.160
Impounded notice to owner,
redemption 6.08.130
unclaimed, disposal 6.08.140
Large animals, location
restrictions 6.08.020
Noise 6.08.210
Penalty for violation 6.08.100
Prohibited 6.08.110
Running at large impoundment
required 6.08.150
prohibited 6.08.110
Swine prohibited 6.08.010
Unclaimed – Disposal 6.08.170

- M -

MASTER SIDEWALK PLAN
Definitions 12.06.030
Intent & scope of Plan 12.06.020
Required locations 12.06.060
Responsibility & authority
12.06.040
Specification & standards
12.06.050

MAYOR
Minimum salary 2.06.010
Agreement with County Health
Department authority 8.44.010
Finance Director appointment
2.70.005
Public Defender appointment
2.64.020
Water Shortage, emergency

declaration authority 13.04.010

MAJOR RENOVATIONS see RENOVATIONS

MASTER SIDEWALK PLAN 12.06.020

MASTER STREET PLAN 12.04.020

MERCHANT, VENDOR, ITINERANT
see **ITINERANT MERCHANT**

MINOR see **CURFEW**

MIXED USE OVERLAY DISTRICT
Applicability and definitions 18.23.010
Building and construction provisions 18.23.040
Conditional, permissible, prohibitive 18.23.050
Enforcement and penalties 18.23.060
Population, development & density 18.23.030
Purpose 18.23.020

MOTEL See ZONING
BUSINESS LICENSE 5.04.100

MUNICIPAL OFFICIALS RETIREMENT TRUST 2.88.040

- N -

NEWSPAPER PUBLISHER
BUSINESS LICENSE 5.04.100

NOISE
Acts declared loud & raucous 9.36.020
Enforcement & penalties 9.36.050
Exemptions 9.36.040
Prima Facie Evidence 9.36.030
Terms of violation 9.36.010

NORTH PULASKI WATERWORKS PUBLIC FACILITIES BOARD
Annual reports 13.10.110
Authority to bond and debt 13.10.070
Creation of 13.10.010
General powers 13.10.040
Indemnity 13.10.080
Limitation of powers 13.10.050
Meeting 13.10.090
Members of Board 13.10.020
Organization of Board 13.10.030
Records 13.10.100
Use of funds & revenues 13.10.060

NOVELTY LIGHTERS
Definitions 8.18.020
Enforcement 8.18.040
Exceptions 8.18.030
Penalty 8.18.050
Prohibitions 8.18.010

NUISANCE ABATEMENT
Abatement authority 8.03.037
Administrative Revocation 8.01.020
Appeals 8.01.016
  Actions pending 8.01.054
  Administrative 8.01.050
  Contents 8.01.052
  Timely submission 8.01.051
Applicability 8.01.002
Authority regarding abatement 8.03.006, 8.03.11
Authorizations issued by City Council 8.01.023
Authorization to issue citation 8.03.005
Basketball Goals 8.03.020
Bedroom requirements 8.01.080
Board of Adjustment appeals 8.01.018
Citations 8.01.016
Closing streets 8.01.047
Condemnation 8.03.038
Court action authorized 8.01.045
Definitions 8.01.060
  Nuisance & non-complying 8.03.031
Destruction & Removal 8.01.037
Disposition of proceeds 8.01.039
Emergency Repairs 8.01.048
Enforcement 8.01.003
Fines Cost & Penalties 8.01.015 8.01.044
General 8.01.001
Grading & Drainage 8.01.076
Grass or Weeds 8.01.078
Historic structures & Districts 8.01.007
Identification 8.01.004
Inspections 8.01.011

Keeping condemned structures
Prohibited 8.01.031
Licensing Revocation authority
8.01.019
Liens 8.01.040
Maintenance 8.01.008
Material & Equipment reuse 8.01.013
Minimum maintenance responsibilities
8.01.070, 8.01.071
Modifications 8.01.06
Motor Vehicles
Impediment/City streets, easements
or rights-of-way 8.03.19
Inoperable 8.03.016
Presumption of Inoperability
8.03.017
Parking & Storage 8.03.018
Private property abandoned
8.03.014
Public property abandoned 8.03.013
Removal of 8.03.015
Non-complying conditions-Intent
8.03.002
Enumeration of non-complying
Conditions 8.03.003
Other remedies unaffected 8.03.004
Notice of hearing 8.01.053
Conduct of hearing 8.01.055
Notice of violation 8.01.025
8.01.032
8.01.033 proposed condemnation
8.01.034 certification of costs
Method of service 8.01.026
Notice by mail 8.01.027
Notice rules for weed lots 8.03.012
Orders 8.01.056
Placard 8.03.033 Placard removal
8.03.034
Prohibited occupancy 8.03.035
Property deemed abandoned 8.03.036
Required testing 8.01.012
Requirements not covered by Code
8.01.009
Right of Entry 8.01.010
Rodent Harborage 8.01.079
Rule-making authority 8.01.005
Sanitation 8.01.075
Shopping carts 8.03.021
Sidewalks & driveways 8.01.077
Temporary Emergency Orders 8.01.021
Service of orders 8.01.022
Temporary Safeguards 8.01.046
Transfer of Ownership 8.01.030
8.01.041
Unfit for human habitation 8.03.030
Utility service restrictions 8.01.042
Vacant structures & land 8.01.072
Vacating 8.03.032
Violations 8.01.014

NURSING HOME
BUSINESS LICENSE 5.04.100

- O -

OPTICIAN
OPTOMETRIST
BUSINESS LICENSE 5.04.100

ORDINANCE Defined 1.04.010

- P -

PAINT, PAINT SUPPLY
BUSINESS LICENSE 5.04.100

PARKS, CITY See ZONING
Animals, disturbing prohibited
14.08.090
Assembly prohibited, exception
14.08.130
Defacing park property 14.08.070
Defined 14.04.020
Fireworks, firearms, discharging
permission required 14.08.060
Handbills, distribution, posting
prohibited 14.08.100
Lakes, ponds, prohibited acts
designated 14.08.080
Resolution acceptance 14.08.010
Roads, vehicle prohibited, when
14.08.030
speed limit 14.08.040
Rules, regulations 14.08.020
Soliciting, peddling, permission
14.08.100
Speeches, lectures, permit required
14.08.120
Vegetation, disturbing, prohibited,
exception 14.08.050

PARKING
Business leaving vehicle,

prohibited when 10.16.040
unlawful acts 10.16.030
violation, applicability of state statutes 10.16.050
Drive-in restaurant Defined 10.16.010
Shopping Center Defined 10.16.020
Truck prohibited, when 10.22.010
Violation, penalty 10.22.020

PARK & RECREATION commission
Budget recommendations 14.04.190
Chairman, duties 14.04.140
City defined 14.04.020
Commission, annual report required 14.04.170
Definitions 14.04.020
Director duties 14.04.080
Established, membership, qualifications, compensation 14.04.030
Executive secretary duties 14.04.160
Information folder publication 14.04.180
Meetings
absence, retirement, procedure 14.04.070
attendance required 14.04.200
order of business 14.04.130
regular, special, quorum 14.04.110
members appointment, vacancy filling 14.04.040
Officers
election, term 14.04.050
terms of office 14.04.100
powers, duties 14.04.090
quorum 14.04.060
rules, promulgation 14.04.220
subcommittees, appointment termination 14.04.120
vice-chairman, duties 14.05.150
voting 14.04.210
Department
created 14.04.230
director appointment 14.04.240
powers, duties 14.04.250
funds appropriation 14.04.260
Regulations Enforcement Authority 14.04.270

PAWNBROKER OR PAWNSHOP
Electronic Inventory-Tracking System 5.24.020
Enforcement and Penalties 5.24.070
Information requirements and deadlines 5.24.030
License or permit 5.24.050 and 5.24.060
Records to be kept 5.24.040
Regulations, General Compliance 5.24.010

PERMIT
Building Moving 12.16.020
Dumping 8.20.100
Fire Extinguisher, Portable Maintenance 5.28.010
Park, Speeches, Lectures 4.08.120
Plumbing 16.12.030
Trailer, Tent Camp 5.32.030

PERSONNEL
Policy Manual 2.44.010
Insurance contribution, salary deduction 2.60.020
State, agreement, authorized officers 2.060.010
Tax, City's share 2.60.030
Travel policy 2.44.010

PLANNING COMMISSION
Annual joint meeting with City Council 2.04.050
Created, Composition, Terms, Vacancy 2.32.010
Publication Requirements 2.32.060
Petitioner Presence 2.32.050
Rules, Regulations, Meetings, Quorum 2.32.020
Statutory Authority 2.32.030
Street Name Change Authority 17.20.170
Variances procedures 15.16.050
Zoning Plan Conformance 2.32.040

PLAT see SUBDIVISION

PLUMBING, GAS CODE
Adopted 16.12.010
Bond Required 16.12.050
Definitions 16.12.020
Gas Filter, defined 16.12.020
Inspection, Supervision 16.12.040
Permit, application 16.12.030

Plumbing, defined 16.12.020

POLICE PENSION
Board of Trustees duty, statutory authority 2.40.030
Established 2.40.010
Members, appointment, terms 2.40.020

PREPARED FOODS TAX
Assessment and Collection 3.06.038
Created 3.06.015
Examinations 3.06.036
Payment and Returns 3.06.034
Payment Schedule 3.06.030
Penalties 3.06.040
Permits 3.06.032
Purpose of Levy Expenditures 3.06.020
Revocation or Suspension of Permit 3.06.042
Unpaid 3.06.044
Violations 3.06.046

PRIVILEGE TAX see BUSINESS LICENSE

PROPERTY
Defined 1.04.010
Abandonment of motor vehicles-public property 8.08.032
Accessory buildings 8.08.080
Adoption of State Law 8.08.039
Board of Adjustment determination 8.08.037
Board of Adjustment hearing 8.08.036
Exemptions private property 8.08.034
Exterior structure requirements 8.08.070
General 8.08.004
Inspections 8.08.005 and 8.08.040
Intent 5.08.001
Non-Complying conditions for grass, weeds, & vegetation prohibited 8.08.010
Non-Complying conditions & public nuisances prohibited 8.08.020
Notice of non-compliance 8.08.035
Notice to nonresident owner(s) 8.08.050
Other regulations 8.08.003
Parking & storage - inoperable vehicles private property 8.08.033
Penalty, Fines, and Enforcement procedures 8.08.090
Property maintenance requirements 8.08.060
Relief from personal liability 8.08.007
Removal of abandoned & inoperable vehicles 8.08.038
Right of Entry 8.08.006
Savings clause 8.08.002
Unsanitary and unsightly conditions, defined 8.08.030

PUBLIC DEFENDER
Appointment, Vacancy Filling 2.64.020
Civil Service Inapplicability, duties generally 2.64.030
Funding 2.64.040, 2.64.050
Position created, qualifications 2.64.010
Salary 2.64.040
Services, Procurement procedure 2.64.060

PUBLIC FACILITIES BOARD
Issuance of Bonds 2.84.050
Membership & Terms 2.84.030
Powers 2.84.040

PURCHASING
Expenditures
below 1,000 dollars 3.08.010
between 1,000 & 5,000 3.08.020
above 5,000 dollars and below 10,000 dollars 3.08.025
exceeding 10,000 dollars 3.08.030
Contracts providing major alterations exceeding $20,000 3.08.030
Payment of funds, Approval 3.08.040
Property disposal 3.08.080
Sale and lease of property 3.08.081
Sale, Exchange of supplies w/out bidding 3.08.050

- R -

RAUCOUS NOISE
Violation 9.36.010
Measurement 9.36.020
Penalties 9.36.030

REAL ESTATE BROKER
See BUSINESS LICENSE 5.04.100

RECREATIONAL USE FACILITIES
See ZONING

REFERENDUM
Filing, Time 2.48.010

RENOVATIONS, major 16.20.020

RESIDENTIAL CARE FACILITIES
See ZONING

RESIDENTIAL HOUSING FACILITIES BOARD
Name change 2.84 Public Facilities Board

RESTAURANT See ZONING
See BUSINESS LICENSE 5.04.100

REVERSE INTERNET AUCTION OPTION
Created 3.08.070
Definitions 3.08.070

RIGHT OF ENTRY
Authority Designated 1.16.010

- S -

SAWMILL
See BUSINESS LICENSE 5.04.100

SCHOOL ZONING
SERVICE STATION see ZONING

SEWER See WATER
City Council
  fulfillment of contracts 13.08.020
  management authority, audit investigation 13.08.010
Connection
  fees designated 13.16.070
  mandatory 13.12.010
Department, budget limits 13.16.010
Rates
  compensation 13.16.060
  outside corporate limits 13.16.080
Regulating Use & operation 13.24
System management
  authority 13.08.010
  contracts, fulfillment 13.08.020
  property, disturbing, penalty 13.16.100

SEWER COMMISSION
Created, Membership 2.34.010
Powers, Duties 2.34.020

SHALE WASTE 8.30
  Enforcement & Penalties 8.30.020
  Prohibition of 8.30.010

SHOE REPAIR SHOP
See BUSINESS LICENSE 5.04.100

SIDEWALK See MASTER SIDEWALK PLAN

SIGN
Painting, See BUSINESS LICENSE 5.04.100
Definitions 18.76.010
Conformance 18.76.030
Enforcement and Penalties 18.76.050
General provisions 18.76.020
Non-Conformance 18.76.040
Zoning Requirements 18.76.040

SPECIAL EVENT(S) FACILITIES
See ZONING

SPORTING GOODS
See BUSINESS LICENSE 5.04.100

STREETS and SIDEWALKS
See SUBDIVISION, ZONING
Cutting arterial street boring, drilling, permitted, bond 12.12.015
Prohibited 12.12.010
Fee 12.12.010
Repair deposit amount 12.12.020
Refund, forfeiture 12.12.030
Plat consideration 12.04.200
Street classification
  A1 freeway 12.04.070
  A2 freeway 12.04.080
  A3 freeway 12.04.090
  B1 expressway 12.04.100
  B2 expressway 12.04.110
  B3 expressway 12.04.120
  C1 major thoroughfare 12.04.130
  C2 major thoroughfare 12.04.140
  C3 major thoroughfare 12.04.150

D1 collector 12.04.160
D2 collector 12.04.170
Establishment 12.04.050
Lights, placement 12.20.010
Location determination 12.04.200
Master Street Plan
adoption 12.04.020
plan consideration 12.04.220
purpose 12.04.040
recordation 12.04.230
report acceptance 12.04.010
planning specifications 12.04.060
subdivider conformance 12.04.180
building permit issuance 12.04.210
widening, plat approval, right-of-way dedication required 12.04.190
STORMWATER POLLUTION PREVENTION
Enforcement 15.20.040
Fees 15.20.050
General Provisions 15.20.010
Prohibitions & Requirements 15.20.020
Stormwater Discharge 15.20.030

SUBDIVISIONS
See STREETS AND SIDEWALKS
Alley, defined 17.08.010
minimum requirements 17.20.080
Amendment Authority 17.40.010
Appeal, Hearing 17.040.030
Block Requirements 17.20.090
Building
permit issuance 17.36.020
setback defined 17.08.020
Circuit Clerk defined 17.08.030
Collector Street, defined 17.08.050
Comprehensive Plan, defined 17.08.060
County Judge, defined 17.08.070
planning board, defined 17.08.080
quorum court, defined 17.08.090
tax collector's certificate, defined 17.08.100
Cul-de-sac, defined 17.08.110
Deed, Transfer, Recording 17.36.010
defined 17.08.280
Easement, defined 17.08.120
General 17.20.110
Water courses 17.20.120
Ex-Officio recorder defined 17.08.030
Final Plat, defined 17.08.130
Flood designation 17.12.190
Improvements
defined 17.08.140
generally 17.24.010
Information
required 17.16.010
submittal required 17.16.020
Jacksonville Planning Area 17.08.150
Jurisdiction 17.04.020
Land reservation, public, purpose 17.20.130
suitability 17.20.010
Lot, defined 17.08.170
split, defined 17.08.180
Monuments, Regulations 17.24.130
Split-plat
Approval agent 17.12.160
defined 17.08.190
referral 17.12.170
report 17.12.180
splitting defined 17.08.200
Plan Conformance Required 7.20.140
Planting Screen Easement 17.08.230
Plat, final
acceptance, public dedication 17.12.130
material submittal 17.12.110
portion development, approval 17.12.150
submission, time limit 17.12.140
time limit, Planning Commission action 17.12.120
generally 17.12.010
Preliminary Plat
defined 17.08.240
distribution 17.12.080
improvement, completion 17.12.100
planning commission action, approval 17.12.060
Preparation, final plat,
authorization 17.12.090
procedure 17.12.030
reservation of land, public utilities 17.12.050
review by County Planning Board 17.12.040
Sketch Plat
defined 17.08.250
presentation 17.12.020
submittal, fee 17.16.030
Purpose, Authority 17.04.010
Rules Adoption 17.40.020
Sanitary Sewer 17.24.110

Storm Drainage, Flood Plains
17.24.100
Street
alignment 17.20.030
collector, defined 17.08.030
cul-de-sac, dead-end 17.20.060
curb radii 17.24.040
defined 17.08.260
distance, minimum 17.20.020
improvements, public 17.36.040
installation 17.24.030
intersection requirements
17.20.040
local defined 17.08.160
Pavement
plans, filed where 17.24.060
type 17.24.050
Street
requirements 17.24.020
right-of-way width 17.20.050
sign installation 17.24.090
Street Name change 17.20.180
hearing 17.20.170
generally 17.20.150
suffix 17.20.160
Subdivider, defined 17.08.270
Thoroughfare
access along 17.20.070
Major, defined 17.08.210
Utilities 17.36.030
Variance and Exceptions 17.28.010
Violation and Penalty 17.32.010
Water Lines 17.24.120
Zoning ordinance defined 17.08.290
Zoning ordinance, Setback,
Conformance required 17.20.100

SURVIVOR BENEFITS 2.88.050

SWIMMING POOLS
Drainage requirements 8.10.030
Enforcement 8.10.040
Fencing/Barrier required 8.10.010
Maintenance requirements 8.10.020

- T -

TAXIS AND VEHICLES FOR HIRE
Allowable Charges 5.20.070
Applicant Information required
5.20.040
Applicant Requirements 5.20.050
Business license tax 5.04.100
Business Location & operation
5.20.060
Enforcement and Penalties 5.20.090
Liability insurance requirements
5.20.020
Licensing Period and Fees 5.20.03
Operation declared privilege
5.20.010
Revocation of License 5.20.080

TELECOMMUNICATIONS PROVIDERS
Applicability 5.40.020
Approval procedures 5.40.050
Definitions 5.40.010
Development standards 5.40.030
Nonconforming WCF's 5.40.070
Review process 5.40.040
Shared facilities & collocation
policy: Facility located on
public property 5.40.060

TRAFFIC See VEHICLE
Accident, Duty to stop 10.04.010
Avoiding regulations, Intersection
prohibited 10.14.010
Unsafe Driving
negligent operation 10.12.030
Speed Limit
generally 10.28.010
minimum 10.28.030
violation, penalty 10.28.020
Truck Routes
compliance, exceptions 10.24.020
designated 10.24.010

TRASH AND LITTER 8.08.030

TREASURER, CITY See CLERK, CITY

- U -

UNSANITARY CONDITIONS See PROPERTY

UTILITY See ZONING

- V -

VENDORS
See Itinerant Merchants
See Food Vendors

See Farmers Market

VEHICLE See TRAFFIC
See ABANDONED VEHICLE

VETERINARIAN
See BUSINESS LICENSE 5.04.100

- W -

WARD
Elections, Effect 1.12.020
Redistricting, Map, Plan 1.12.010

WASHATERIA
See BUSINESS LICENSE 5.04.100

WATER See SEWER
Billing procedure, Penalty,
  Service cut-off 13.16.090
Department, budget designated
  13.16.010
Emergency regulation 13.04.010
Meter add-on fees 13.16.015
Pass-Through charges 13.16.016
Rates
  Inside City limits 13.16.010
  Outside City limits 13.16.011
  Outside City bulk users 13.16.012
  Little Rock Air Force Base
    13.16.014
System
  Management authority 13.08.010
  contract fulfillment 13.08.020
  property, distributing, penalty
    13.16.100
Tie-on
  fee required, building permit,
    exception 13.20.010
  meter box installation 13.20.030
  meter installation, repairs
    13.20.020
  time limit 13.20.040

WATERWORKS COMMISSION
Created, Membership 2.33.010
Powers, Duties 2.33.020

WEAPON
Discharge Prohibited 9.12.010

WILDLIFE See ANIMAL

WIRING See ELECTRICAL

WRECKER SERVICE
Arrival Procedures 5.32.060
Equipment, Facility, and Records
  Requirements 5.32.030
Failure to comply or respond 5.32.100
Licensure Requirements 5.32.010
Notification Procedures 5.32.050
Scene procedures and Requirements
  5.32.070
Service Charges 5.32.080
Service Requirements 5.32.020
Unclaimed Vehicles 5.32.090
Wrecker and Towing Availability
  5.32.040

- Z -

ZONING
A-1 (Agricultural) district
  conditional uses 18.20.020
  permitted uses 18.20.010
Alley, defined 18.08.060
Aluminum product manufacturing,
  Sale, M-2 district 19.60.020
Amendment procedure, changes,
  time requirement 18.92.020
  City Council powers 18.92.010
Animal Raising 18.20.010
Annexed Property
  chapter purpose 18.81.010
  classification, comprehensive
    zoning plan by property
      owner 18.81.030
  hearing 18.81.020
Apartment, defined 18.08.070
  House See dwelling, defined
    18.08.080
Appliance
  home, manufacturing, sales,
    M-2 district 18.60.020
  sale, service,C-4 district
    18.52.020
  dimensional requirements generally
    18.68.010
Assembly Plants M-1 district
  18.56.020
Asylum, Off-street parking 18.72.010
Auto
  repair
    C-2 district 18.44.030
    C-4 district 18.52.020

paint, body shop M-1 district 18.56.020
sale repair, service
C-3 district 18.48.020
M-1 district 18.56.020
Automobile, Service, Repair
establishment, off-street parking 18.72.010
Bakery M-1 district 18.56.020
Barbershop
C-1 district 18.40.020
C-2 district 18.44.020
Basement, defined 18.08.090
Beauty equipment, supply
M-1 district 18.56.020
Beauty Shop
C-1 district 18.40.020
C-2 district 18.44.020
Boarding, Rooming, Off-street parking 18.72.010
Board of Adjustment
appeals 18.88.050
appointment 18.88.010
authority 18.88.020
jurisdiction 18.88.040
meeting rules, notice 18.88.030
Boat manufacturing, Sales
M-2 district 18.60.020
Bookbinding M-1 district 18.56.020
Bottling Plant M-1 district 18.36.020
Bowling Alley C-2 district 18.44.020
off-street parking 18.72.010
Broom manufacturing
M-1 district 18.56.020
Building
Accessory attach to principal building, Compliance 18.04.080
Alteration defined 18.08.120
Common walls 18.04.070
Defined 18.08.020
Use, defined 18.08.030
Yard requirements 18.04.060
defined 18.08.110
distance between, equipment 18.04.090
front line, defined 18.08.130
inspector, enforcement authority 18.12.060
materials M-1 district 8.56.020
off-street parking 18.72.010
Permit
application, plat required 18.12.080
certificate of occupancy 18.12.100
required 18.12.070
validity 18.12.090
principal, defined 18.08.150
public
A-1 district 18.20.010
C-1 district 18.40.020
use, district regulations, conformance 18.12.010
Building Height
defined 18.08.140
generally 18.68.030
maintenance, garaging
M-1 district 18.56.020
regulations, conformance required 18.12.020
service establishment, off-street parking 18.72.010
C-1 District
conditional uses 18.40.030
dimensional requirements 18.40.040
mixed use 18.40.030
parking requirements 18.40.050
permitted uses 18.40.020
purpose 18.40.010
sign requirements 18.40.060
C-2 District
conditional uses 18.44.030
dimensional requirements 18.44.040
mixed use 18.44.030
parking, loading requirements 18.44.050
permitted uses 18.44.020
purpose 18.44.010
sign requirements 18.44.060
C-3 District
conditional uses 18.48.030
dimensional requirements 18.48.040
parking, loading requirements 18.48.050
permitted uses 18.48.020
purpose 18.48.010
sign requirements 18.48.060
C-4 District
conditional uses 18.52.030
dimensional requirements 18.52.040
parking, loading requirements 18.52.050
permitted uses 18.52.020
purpose 18.52.010
sign requirements 18.52.060

Camp, off-street parking 18.72.010
Carnival, Circus C-3 18.48.030
Car wash Service
  C-2 district 18.44.030
  C-3 district 18.48.020
Cellar, defined 18.08.180
Cement Plant M-2 district 18.60.020
Certificate of Occupancy
  building permit, issuance record
     18.12.140
  issuance, conditions 18.12.160
  provisions compliance 18.12.130
  required
     application 18.12.110
     when 18.12.120
Chemical Plant M-2 district 18.60.020
Church
  A-1 district 18.20.010
  R-1A district 18.26.020
  C-1 district 18.40.020
  C-2 district 18.44.020
  R-0, R-1 district 18.24.020
Clinic
  C-1 district 18.40.020
  defined 18.08.190
Club
  defined 18.08.200
  off-street parking 18.72.010
  C-1 district 18.40.020
  C-2 district 18.44.020
  R-3 district 18.32.020
Commercial Recreation
  A-1 district 18.20.010
  C-1 district 18.40.030
  C-2 district 18.44.030
  C-3 district 18.48.020
  C-4 district 18.52.020
  R-0 district 18.24.030
  R-1 district 18.24.030
  R-1A district 18.26.030
  R-2 district 18.28.030
  R-3 district 18.32.030
  R-4 district 18.36.030
Community Facility
  A-1 district 18.20.010
  C-1 district 18.40.020
  R-3 district 18.32.020
Conditional Uses
  A-1 district 18.20.020
  C-1 district 18.40.030
  C-2 district 18.44.030
  C-3 district 18.48.030
  C-4 district 18.52.030
  M-1 district 18.56.025
  M-2 district 18.60.030
  R-0, R-1 district 18.24.030
  R-1A district 18.25.030
  R-2 district 18.25.030
  R-3 district 18.32.030
  R-4 district 18.36.030
  R-5 district 18.37.030
  R-6 district 18.38.030
  R-7 district 18.39.030
Conforming Use Defined 18.08.210
Contractor Service M-1 18.56.020
Convalescent, Rest home, parking
  18.72.010
Corner, Vision Clearance 18.04.100
Council, defined 18.04.010
Court, defined 18.08.220
Curb
  break defined 18.08.230
  level, defined 18.08.240
  day care facility
  definitions 18.08.241
Permitted Uses
  C-1 district 18.40.020
  C-2 district 18.44.020
  M-1 district 18.56.020
Conditional Uses
  A-1 18.20.020
  R-0 and R-1 18.24.030
  R-1A 18.26.030
  R-2 18.28.030
  R-3 18.32.030
  R-4 18.36.030
  R-5 18.37.030
  R-6 18.38.030
  R-7 18.39.030
  C-3 18.48.030
  C-4 18.52.030
  M-2 18.60.030
Definitions, Generally 18.08.010
Dental Office, Clinic, Parking
  18.72.010
Development Requirements
  R-1A district 18.25.070
Dimensional Requirements
  C-1 18.40.040
  C-2 18.44.040
  C-3 18.48.240
  C-4 18.52.040
chart no. 1 18.68.050
  M-1 18.56.040

M-2 18.60.040
R-0, R-1 18.24.040
R-1A 18.25.040
R-2 18.28.040
R-3 18.32.040
R-4 18.36.040
R-5 18.37.040
R-6 18.38.040
R-7 18.39.040
Districts
boundaries 18.16.030
established 18.16.010
Dwelling
defined 18.08.249
Multi-family
C-1 district 18.40.030
C-2 district 18.44.030
R-3 district 18.32.020
multiple, defined 18.08.270
off-street parking 18.72.010
one family, defined 18.08.250
Single-family
A-1 district 18.20.010
C-1 district 18.40.030
R-0, R-1 district18.24.020
R-1A district 18.25.020
two-family
defined 18.08.260
R-2 district 18.28.020
Educational facility 18.26.020
Electrical equipment manufacturing
sale M-2 district 18.60.020
exceptions:
area 18.84.060
churches, schools, fire station 18.84.080
Front yard setbacks 18.84.030
Group developments 18.84.040
Height limits 18.84.050
Lots, adjoining, vacant 18.84.020
generally 18.84.010
mobile home 18.84.081
service stations 18.84.070
Exterminating service M-1 18.56.020
Family, defined 18.08.280
Farming A-1 district 18.20.010
Farm machinery sales, Service
repair C-3 district 18.48.020
Financial Institution
C-1 district 18.40.020
C-2 district 18.44.020
Flood District See F-1 district
Floor area, defined 18.08.290
Food Processing M-1 18.56.020
Fountain, Beverage, Equipment,
Manufacturing, Sale, M-2 18.60.020
Frontage, defined 18.08.300
Fuel dealer M-2 district 18.60.020
Funeral home C-1 district 18.40.020
Furniture, Manufacturing, Wholesale,
M-1 district 18.56.020
Garage
private, defined 18.08.310
public, defined 18.08.330
storage, defined 18.08.320
General commercial C-4 18.16.010
Goods, Service, Convenience
permitted use C-2 18.44.020
conditional use C-1 18.40.030
Group house, defined 18.08.340
Health office, Clinic 18.72.010
Heavy commercial uses C-4 18.52.020
Heavy Industrial M-2 district
Highway Commercial C-3 18.16.010
Home occupation, defined 18.08.350
Hospital, animal
without runs C-4 18.32.020
with runs
M-1 district 18.56.020
C-1 district 18.40.020
R-3 district 18.32.020
Hotel
C-3 district 18.48.020
C-4 district 18.52.020
defined 18.08.360
off-street parking 18.72.010
Instrument manufacture, Sale,
M-1 district 18.56.020
Junkyard, defined 18.08.380
Laboratory M-1 district 18.56.020
Laundry, coin-operated C-1 18.40.020
Leather products manufacturing,
Sale, M-2 18.60.020
Light Industrial M-1 District
Lodge
off-street parking 18.72.010
private
C-1 district 18.40.020
C-2 district 18.44.020
R-3 district 18.32.020
lot regulations 18.12.030
reduction, restriction 18.04.020
R-4 district 18.36.090
building, number limited 18.12.050

corner, defined 18.08.400
double, frontage, requirements 18.04.110
coverage, structure 18.68.020
interior, defined 18.08.400
R-4 district 18.36.080
lines, defined 18.08.420
Lumberyard M-1 District 18.56.020
M-1 District
conditional use 18.56.025
dimensional requirements 18.56.040
parking, unloading requirements 18.56.050
permitted uses 18.56.020
prohibited uses 18.56.030
purpose 18.56.010
signs 18.56.060
M-2 District
conditional use 18.60.030
dimensional requirements 18.60.040
parking, loading requirements 18.60.050
permitted uses 18.60.020
purpose 18.60.010
signs 18.60.060
Manufactured homes 18.08.445
Manufacturing plant, off-street parking 18.72.010
Mattress, manufacturing, supplies M-2 18.60.020
Medical office, Clinic, off-street parking 18.72.010
Metal fabrication manufacturing, sale M-2 18.60.020
Mining equipment manufacturing, sale M-2 18.60.020
Mobile home
defined 18.08.450
on school ground 18.84.081
sale C-2 18.48.020
M-1 district 18.56.020
Modular homes 18.08.455
R-1A 18.26.030
R-2 18.28.030
R-3 18.32.030
Motel
C-3 18.48.020
C-4 district 18.52.020
defined 8.08.460
off-street parking 18.72.010
Multi-Family See R-3 District
Nonconforming Use
abandonment, future use, conformance required 18.80.060
changes
district 18.80.090
regulations 18.80.070
chapter purpose 18.80.010
construction approved 18.80.040
enlargement prohibited 18.80.080
permitted 18.80.020
Nursery, defined 18.08.480
Office, Professional, General
C-1 district 18.40.020
C-2 district 18.44.020
Off-Street Loading
C-1 district 18.44.050
C-4 district 18.52.050
enlargements 18.72.040
floor area less than ten thousand feet 18.72.030
over ten thousand feet 18.72.020
M-1 district 18.56.050
M-5 district 18.60.050
size 18.72.050
street, alley connection 18.72.060
off-Street parking
C-1 district 18.40.050
R-0, R-1 district 18.24.050
R-1A district 18.25.050
R-2 district 18.28.050
R-3 district 18.32.050
R-4 district 18.36.050
R-5 district 18.37.050
R-6 district 18.38.050
R-7 district 18.39.050
One-Family site built R-0, R-1 R-1A District
Ordinance conflict, Procedure 18.04.150
Orphanage, off-street parking 18.72.010
Paper manufacturing, sales, M-2 district 18.60.020
Park
off-street parking 18.72.010
recreation facility 18.24.020
Parking Area, Semi-Public, defined 18.08.500
Penalties, Designated 18.12.170
Permanent foundation, defined 18.08.515
Permitted Uses
A-1 district 18.20.010

C-1 district 18.40.020
C-2 district 18.44.020
C-3 district 18.48.020
C-4 district 18.50.020
M-1 district 18.56.020
M-2 district 18.60.020
R-0, R-1 district 18.24.020
R-1A district 18.25.020
R-2 district 18.28.020
R-3 district 18.32.020
R-4 district 18.36.020
R-5 district 18.37.020
R-6 district 18.38.020
R-7 district 18.39.020
Pharmacy
C-1 district 18.40.020
Photo-Finishing
M-1 district 18.56.020
Defined 18.08.510
Places of Public Assembly
off-street parking 18.72.010
Plant, cleaning
M-1 district 18.56.020
commercial, off-street parking 18.72.010
industrial, off-street parking 18.72.010
wholesale, off-street parking 18.72.010
Plywood, Furniture, Manufacturing, Sale, M-2 district 18.68.020
Printing M-1 district 18.56.020
Prohibited uses M-1 zone 18.56.030
Public facility R-2 zone 18.56.030
Quiet Business District See C-1
R-0, R-1 District
conditional uses 18.24.030
dimensional requirements 18.24.040
mixed use district 18.24.030
parking requirements 18.24.050
permitted uses 18.24.020
purpose 18.24.010
sign 18.24.060
R-1A District
any use permitted in R-0,R-1 districts 18.26.020
conditional uses 18.26.030
development requirements 18.26.070
dimensional requirements 18.26.040
established 18.16.010
mixed use 18.26.030
parking requirements 18.26.050
permitted uses 18.26.020
purpose 18.26.010
signs 18.26.060
R-2 District
conditional uses 18.28.030
dimensional requirements 18.28.040
mixed use 18.28.030
parking requirements 18.28.050
permitted uses 18.28.020
purpose 18.28.010
R-3 District
conditional uses 18.32.030
dimensional requirements 18.32.040
mixed use 18.32.030
permitted uses 18.32.020
parking requirements 18.32.050
purpose 18.32.010
signs 18.32.060
R-4 Zero Lotline Single Family
conditional uses 18.36.030
corner visibility 18.36.190
development requirements 18.36.080
dimensional requirements 18.36.040
firewalls 18.36.220
interior lot 18.36.080
location of accessory building 18.36.140
lot area 18.36.090
maximum acreage 18.36.160
maximum height 18.36.130
maximum length 18.36.170
minimum front setback 18.36.100
minimum rear setback 18.36.120
minimum side setback 18.36.110
minimum unit size 18.36.150
mixed use 18.36.030
off-street parking 18.36.180
parking requirements 18.36.050
permitted uses 18.36.020
purpose 18.36.010
sidewalks 18.36.210
sign requirements 18.36.060
streets 18.36.210
R-5 Modular Home District
conditional uses 18.37.030
dimensional requirements 18.37.040
parking requirements 18.37.050
permitted uses 18.37.020
purpose 18.37.010
signs 18.37.060
R-6 Manufactured Housing Subdivision
conditional uses 18.38.020

dimensional requirements 18.38.040
parking requirements 18.38.050
permitted uses 18.38.020
purpose 18.38.010
signs 18.38.060
R-7 Manufactured Housing Parks
conditional uses 18.39.030
dimensional requirements 18.39.040
parking requirements 18.39.050
permitted uses 18.39.020
purpose 18.39.010
signs 18.39.060
Regulations
generally 18.64.010
specific 18.64.020
Remedies, Authority 18.12.180
Research facility 18.56.020
laboratory, parking 18.72.010
Restaurant
C-1 district 18.40.030
C-2 district 18.44.020
drive-in
C-3 district 18.48.020
C-4 district 18.52.020
R-2 district 18.44.030
M-1 district 18.56.020
off-street parking 18.72.010
Restoration regulations 18.80.050
Retail consumer C-1 18.40.030
Retail establishment parking 18.72.010
Rubber products manufacturing, Sale, M-2 District 18.60.020
Sanitarium, 18.72.010
Sawmill manufacturing, Sale, M-2 district 18.60.020
School
A-1 district 18.20.010
R-1A district 18.26.020
R-0 and R-1 18.24.020
C-1 district 18.40.020
C-2 district 18.44.030
C-3 district 18.48.020
C-4 district 18.52.020
nursery, defined 18.08.490
parking 18.72.010
Servant quarters, defined 18.08.540
Service Station
C-2 district 18.44.030
C-3 district 18.48.020
C-4 district 18.52.020
Sheet Metal Works M-1 18.56.020
Shopping Center District C-2 Zone
Short Title 18.04.010
Sign
C-1 district 18.40.060
C-2 district 18.44.060
C-3 district 18.48.060
C-4 district 18.52.060
M-2 district 18.56.060
M-2 district 18.60.060
outdoor advertising 18.08.040
painting shop M-1 18.56.020
permitted advertising, outdoor 18.76.080
C-1 district 18.76.040
C-2 district 18.76.050
C-3 district 18.76.060
C-4 district 18.76.060
M-2 district 18.76.070
R-1,R-2,R-3,R-4 18.76.030
where 18.72.020
political 18.76.090
R-0, R-1 district 18.24.060
R-1A district 18.25.060
R-3 district 18.32.060
R-4 district 18.36.060
R-5 district 18.37.060
R-6 district 18.38.060
R-7 district 18.39.060
regulation, scope 18.76.010
Soil removal regulations 18.04.130
Stable,
private, defined 18.08.550
public, defined 18.08.560
Storage, Unsightly, Unsanitary, prohibited 18.04.140
Store, Furniture, Retail, Wholesale
C-4 district 18.52.020
parking 18.72.010
paint C-4 district 18.52.020
retail C-2 district 18.44.020
Story
defined 18.08.570
half, defined 18.08.580
Street
access required 18.04.030
classification 18.04.040
defined 18.08.590
Structure
defined 18.08.600
outdoor advertising 18.08.050
unsafe, restoration 18.80.030
Tavern

C-2 district 18.44.030
C-3 district 18.48.020
C-4 district 18.52.030
Taxi, maintenance M-1 Zone 18.56.020
Terminal facility, parking 18.72.010
Theater
drive-in C-3 district 18.48.020
Indoor C-2 district 18.44.020
Tire Recapping M-1 District 18.56.020
Tourist
Court defined 18.08.610
parking 18.72.010
home, defined 18.08.620
Townhouse R-3 district 18.22.020
Traffic Signals, Interference
prohibited 18.04.050
Trailer
camp, defined 18.08.630
court, parking 18.72.010
house, defined 18.08.370
Transportation facility C-4 Zone
18.52.020
Upholstery manufacturing M-1 Zone
18.56.020
Utility,
Public, defined 18.08.520
A-1 district 18.20.020
office, C-1 district 18.40.020
R-0, R-1 district 18.24.020,
18.24.030
R-1A district 18.25.030
R-3 district 18.32.030
R-4 district 18.36.030
R-5 district 18.37.030
R-6 district 18.38.030
R-7 district 18.39.030
M-1 district 18.56.020
C-2 district 18.44.030
C-3 district 18.48.020
C-4 district 18.52.020
location specified 18.04.120
Well Drilling Service M-1 district
18.56.020
Wood Product Manufacturing M-1 Zoning
18.56.020
Yard, defined 18.08.640
Front, defined 18.08.650
R-5 district 18.38.100
Rear, defined 18.08.660
regulations, generally 18.68.040
side, defined 18.08.670
Zero Lotline, one-family
district R-4 District.