

ORDINANCE NO. 1692 (#11-2022)

AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODES § 8.01.078 (GRASS OR WEEDS), 8.03.010 (NUISANCE AND NON-COMPLYING CONDITIONS – UNCUT WEEDS, GRASS, AND UNSANITARY ARTICLES AND CONDITIONS), AND REPEALING JACKSONVILLE MUNICIPAL CODE § 8.08.010 (NON-COMPLYING CONDITIONS FOR GRASS, WEEDS, AND VEGETATION); DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

WHEREAS, City officials believe certain parts of the Jacksonville Municipal Code regarding grass, weeds, and vegetation are conflicting and out-of-date. As a result, the City Council believes the following amended provisions and additional requirements are necessary to update and amend the Jacksonville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF JACKSONVILLE, ARKANSAS:

SECTION ONE: JMC § 8.01.078 (Grass Or Weeds) shall be amended to read as follows:

All real property, fences, exterior structures, including adjacent rights-of-way, shall be maintained free from noxious grass, weeds, plant growth, undergrowth, and/or vegetation. 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 eighteen (18") 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, not previously subdivided, that has been continuously maintained in a natural vegetative state.

SECTION TWO: JMC § 8.03.010 (Nuisances and Non-Complying Conditions—Uncut Weeds, Grass, and Unsanitary Articles and Conditions) shall be amended to read as follows:

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

ORDINANCE NO. 1692 (#11-2022)

Page 2

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 JMC § 8.01.078.

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, §§ 8.01.025 and 8.01.026, 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.

SECTION THREE: JMC § 8.08.010 (Non-Complying Conditions for Grass, Weeds, and Vegetation) shall hereby be repealed in its entirety.

SECTION FOUR: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FIVE: This Ordinance shall take effect immediately upon passage and publication, as provided by and subject to the requirements of applicable law.

APPROVED AND ADOPTED THIS 7TH DAY OF APRIL 2022.

CITY OF JACKSONVILLE, ARKANSAS

BOB JOHNSON, MAYOR

ATTEST:

APPROVED AS TO FORM:

SUSAN L. DAVITT, CITY CLERK

STEPHANIE FRIEDMAN, CITY ATTORNEY