

City Council of Jacksonville, Arkansas

A G E N D A

Regular City Council Meeting

October 17, 2019 6:00 p.m.

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15. GENERAL:		
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CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
OCTOBER 3, 2019
6:00 P.M. - 6:26 P.M.

REGULAR CITY COUNCIL MEETING - CITY HALL - #1 MUNICIPAL DRIVE

The City Council of the City of Jacksonville, Arkansas met in regular session on October 3, 2019 at the regular meeting place of the City Council. Councilman Ray delivered the invocation and Mayor Johnson led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: City Council Members: Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Twitty, Smith, and Collins answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT NINE (9) ABSENT (1).

Others present for the meeting were: City Attorney Stephanie Friedman, Public Works Director Jim Oakley, IT Director Scott Roethlisberger, CDBG Director Theresa Watson, Police Chief John Franklin, Fire Chief Alan Laughy, Parks and Recreation Director Kevin House, Human Resource Director Charlette Nelson, Planning Commission Chairman Jim Moore, Assistant Finance Director Laura Collie, Addie Gibson, Police Captain Kim Lett, Director of Downtown Planning and Development Bob Price, Dejuana Sipes, Jeff Twitty, Patrick Thomas, Johnny Simpson, Water Department Superintendent Short, Rachel Richter, interested citizens, and members of the press.

PRESENTATION OF MINUTES:

Mayor Johnson presented the minutes of the regular City Council meeting of September 19, 2019 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

Councilman Bolden moved, seconded by Councilman Sipes that the minutes of the regularly scheduled City Council meeting of 5 September 2019 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

Councilman Ray moved, seconded by Councilman Bolden to approve the regular monthly report for September 2019.

PERMITS/LICENSE ISSUED		INSPECTIONS PERFORMED	
Building Permits	13	Building Inspections	42
Business Licenses	0	Electrical	38
		Plumbing	46
		HVACR	20

ROLL CALL: Councilmen: Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Twitty, Smith, and Collins voted AYE. MOTION CARRIED.

WASTEWATER DEPARTMENTS:

WATER DEPARTMENT: RESOLUTION 788 (#11-2019)

A RESOLUTION APPROVING SECOND ADDENDUM TO WATER PURCHASE CONTRACT BETWEEN LONOKE WHITE PUBLIC WATER AUTHORITY OF THE STATE OF ARKANSAS AND THE CITY OF JACKSONVILLE, ARKANSAS; AUTHORIZING THE MAYOR TO EXECUTE SUCH ADDENDUM; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

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Council Member Ray moved, seconded by Council Member Bolden to read Resolution 788 (#11-2019) MOTION CARRIED. Whereupon City Attorney Friedman read Resolution 788 (#11-2019).

Council Member Ray moved, seconded by Council Member Bolden to adopt Resolution 788 (#11-2019) in its entirety.

Water Department Superintendent Jake Short informed the City Council that this is a housekeeping measure. He related that Jacksonville is one of eight members of the Lonoke White Public Authority; explaining that the project consists of a water intake structure and water treatment facility at Greers Ferry Lake and also over 50 miles of transmission mains. He stated that the project was financed through Arkansas Natural Resource Commission and USDA Rural Development. He noted that Lonoke White is currently in the process of refinancing the bonds on the USDA side; this addendum removes any language that points back to USDA Rural Development, while all other provisions stay the same.

At this time, MOTION CARRIED.

FIRE DEPARTMENT:
POLICE DEPARTMENT:
STREET DEPARTMENT:
SANITATION DEPARTMENT:
PARKS & RECREATION:
PLANNING COMMISSION:

COMMITTEE(S): a. Request by Council Member Barbara Mashburn to form a Used Car Lot Committee

Council Member Mashburn related that need to regulate placement and number of cars on used car lots, noting the obstruction of traffic.

Council Member Bolden volunteered to serve, adding that it should be opened to have owners of used car lots as committee members.

Council Member Sansing volunteered.

b. Ordinance 1584 (#06-2018) Out of State property owners maintaining a local registered agent

Council Member Collins stated that the Committee is ongoing and the next meeting will be October 22nd at 5:00 p.m.

c. Request to form Committee to research Step-Pay proposal for all City employees for 2020

Council Member Bolden volunteered, and Mayor Johnson stated that he would like to have Department head or their representatives serve as well.

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GENERAL: a. ORDINANCE 1615 (#22-2019)

AN ORDINANCE APPROVING THE DETACHMENT OF LANDS FROM THE CITY OF JACKSONVILLE TO BE ANNEXED INTO THE CITY OF SHERWOOD; AND, FOR OTHER PURPOSES.

Councilman Elliott moved, seconded by Councilman Sansing to place Ordinance 1615 on **FIRST READING. ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Twitty, Smith, and Collins voted AYE. **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Ordinance 1615.

Councilman Ray moved, seconded by Councilman Sansing to approve Ordinance 1615 on **FIRST READING** and **SUSPEND THE RULES** to place Ordinance 1615 on **SECOND READING. ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Twitty, Smith, and Collins voted AYE. **MOTION CARRIED.**

Councilman Ray moved, seconded by Councilman Bolden to further **SUSPEND THE RULES** and place Ordinance 1615 on **THIRD AND FINAL READING. ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Twitty, Smith, and Collins voted AYE. **MOTION CARRIED.**

Councilman Ray moved, seconded by Councilman Bolden to **APPROVE AND ADOPT** Ordinance 1615. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Twitty, Smith, and Collins voted AYE. **MOTION CARRIED.**

ORDINANCE 1615 (#22-2019) APPROVED AND ADOPTED THIS 3rd DAY OF OCTOBER, 2019.

b. RESOLUTION 789 (#12-2019)

A RESOLUTION IN SUPPORT OF AND AUTHORIZING EXECUTION OF SALE DOCUMENTS FROM THE CITY OF JACKSONVILLE FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN (GENERAL LOCATION - 212 EAST MAIN STREET); AND, FOR OTHER PURPOSES.

Mayor Johnson noted that a new copy of Resolution 789 is at each Council Member's workstation, explaining that the buyer's name has been corrected.

Council Member Ray moved, seconded by Council Member Mashburn to read Resolution 789 (#12-2019). MOTION CARRIED.

Council Member Ray moved, seconded by Council Member Bolden to adopt Resolution 789 (#12-2019).

Mayor Johnson explained that there is a small piece of land off the edge of the Bridge, next to Jacksonville Starter across the street, saying that it is actually part of four or five lots. He related that as the Bridge came across, things moved around, so what we decided to do is that it would be fair if we got it appraised and paid what it appraised for as well as paying for the appraisal and closing cost.

Council Member Sipes requested that the amounts be disclosed within the Ordinance when the City is buying or selling property.

At this time, MOTION CARRIED.

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Mayor Johnson stated that the City has a lot of land that is being mowed, and we are looking at putting that land on Land.gov, people would bid on the property or lots. He stated that this would save the City the trouble of having to get an appraisal and lessen the properties having to be mowed by the City.

c. APPEAL HEARING 201 North First Street conditional use as a Used Auto Sales

Mayor Johnson announced that the City received a request from the petitioner's attorney to delay the appeal hearing due to a conflict in scheduling from October 3rd to the next regularly scheduled City Council meeting of October 17th. He stated that after discussion with City Attorney Friedman, it is recommended that we send this back to the Planning Commission for them to rehear it.

Council Member Twitty moved, seconded by Council Member Collins to send the appeal hearing for 201 North First Street back to the Planning Commission. MOTION CARRIED.

d. Revenue Brain Storming

Discussion ensued and it was the general consensus of the City Council to host a town hall meeting to include the public.

APPOINTMENTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

ANNOUNCEMENTS: Rachel Richter addressed the City Council regarding proper procedure, questioning what happens if a member of the City Council does not follow proper procedure and no action is taken.

Mayor Johnson stated that action can be taken by this body or the Prosecuting Attorney, adding that it depends on the infraction.

Ms. Richter stated it is pertaining to proper procedure as far as City Council and how procedure is supposed to be enacted, as far as City Council meeting.

City Attorney Friedman questioned if she was talking about what happens in a City Council meeting or which procedure.

Ms. Richter stated that what she is talking about is, there is a certain procedure that has to happen in order to have a City Council meeting. When this procedure is deflected from, is that actually something that can be of consequence? Is that something that someone can be admonished for?

Mayor Johnson questioned if she was talking about a Council Member that doesn't follow Robert's Rules of Order during the meeting or that we don't

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follow our own rules? He noted that tonight he changed how people sign up to speak for or against Ordinances and Resolutions. He added that he is not sure what she is referring to.

Ms. Richter stated that she is referring to is established pattern and how City Council meetings are supposed to be done. Everybody's got a book, for instance, Robert's Rules of Order - that is how that is supposed to be done. What happens when City Council Members deviate from that?

City Attorney Friedman stated that she is aware they have adopted Robert's Rules through an ordinance, but that is not binding, it's not the same as a State Statute. So, if a Council Member doesn't follow Robert's Rules, questioning if she is talking about a criminal sanction or a civil penalty or... it is kind of hard to answer without proper...

Ms. Richter stated that at the very least, a civil consequence.

Council Member Mashburn stated it would be up to the Prosecuting Attorney.

City Attorney Friedman stated that if it is just Robert's Rules, those are not governing the law in a court room, if that is what you mean.

Mayor Johnson stated that it is not a criminal offense to break Robert's Rules of Order.

Council Member Bolden stated that Robert's Rules of Order are the foundation for the meeting.

Ms. Richter stated that it answers her question.

Mayor Johnson invited her to make an appointment if she would like to speak to him in his office.

Planning Commission Chairman Jim Moore stated that he was unaware that this was going to happen and was under the impression that the appeal hearing was going to be tabled to the next City Council meeting. He stated that since the item has been sent back to the Planning Commission that the City provide Police protection for that meeting.

Mayor Johnson stated that he believes their attorney will be present.

Council Member Twitty announced that the Bean and Cornbread Senior Center Luncheon Fundraiser will be held October 22nd from 9:00 a.m. to 2:00 p.m., noting that she had tickets if anyone wished to attend. She stated that the Senior Center will also be hosting their Health Fair that day with door prizes and raffle tickets for two Southwest airline tickets.

Mayor Johnson announced that the 1st Annual Drug and Alcohol Awareness Day will be October 5th at Dupree Park from 1:00 p.m. to 5:00 p.m.

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Council Member Bolden announced that October is Cancer Awareness Month.

Mayor Johnson announced that the Chamber of Commerce is having Casino Night October 25th at the Southern Oaks Country Club. He then announced that FestiVille was a great success this year.

ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 6:26 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR BOB JOHNSON

000006



To: Mayor Johnson/City council
 From: Keyana Neal/Code Enforcement

Please find below the Monthly Recap Report for the Code Enforcement Dept
 for the Month of **Sep-19**

	John	Eddie	Charlie	Totals
Assigned Calls	68	79	6	153
Self Initiated Calls	205	130	3	338
Follow Ups	121	178	1	300
Meetings / Court Hearings Attend	0	0	0	0
Warnings Issued	24	42	1	67
Tickets Issued	0	0	0	0
Notices/Letters Written	8	101	0	109
Vehicles Tagged	3	2	0	5
Vehicles Towed	0	0	0	0
Lots Posted	2	0	0	2
Signs Removed	64	3	0	67
Trash Cans Tagged	6	20	0	26
Basketball Goals	0	0	0	0
Structures Inspected	0	6	2	8
Rentals Inspected	0	0	0	0
Properties Red Tagged	0	0	2	2
Search Warrants Served	0	0	0	0
Structures Rehabbed	0	0	0	0
Structures Condemned	0	0	0	0
Houses Demo by City	0	0	0	0
Houses Demo by Owner	0	0	0	0
Parking Violations	0	0	0	0
Grass Letters	108	61	23	192
Grass Mowed				63
Postage		279 pieces		\$139.50

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City of Jacksonville
Code Enforcement Department
1400 Marshall Rd.
Jacksonville, AR 72076
501-982-0688



To: Mayor Johnson/City Council
From: Manny Browder/Code Enforcement

**Please find below the Monthly Recap Report for the Code Enforcement Dept
for the Month of **Sep-19****

Assigned Calls	153
Self Initiated Calls	338
Follow Ups	300
Meetings/Court Hearings Attended	0
Warnings Issued	67
Tickets Issued	0
Notices / Letters Written	109
Vehicles Tagged	5
Vehicles Towed	0
Lots Posted	2
Signs Removed	67
Trash Cans Tagged	26
Basketball Goals	0
Structures Inspected	8
Rentals Inspected	0
Properties Red Tagged	2
Search Warrants Served	0
Structures Rehabbed	0
Structures Condemned	0
Houses Demo by City	0
Houses Demo by Owner	0
Parking Violations	0
Grass Letters	192
Grass Mowed	63

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JACKSONVILLE POLICE DEPARTMENT

COURAGE • INTEGRITY • PROFESSIONALISM

John C. Franklin
Chief of Police

1400 Marshall Rd.
Jacksonville, AR 72076
(501) 982-3191

October 8, 2019

To: Mayor Bob Johnson & Jacksonville City Council Members

From: Chief John Franklin

Re: JPD September 2019 Monthly Report

The following report of activities for the Jacksonville Police Department submitted for the month of September 2019:

<u>Topic</u>	<u>2019</u>	<u>2018</u>
Total Complaint Calls	3232	3744
Homicide Reported	0	1
Homicide Cleared	0	1
Rape/Sex Assault Reported	3	1
Rape/Sex Assault Cleared	0	1
Robbery Reported	8	4
Robbery Cleared	1	2
Felony Assaults Reported	13	16
Felony Assaults Cleared	7	11
Burglary Reported	29	25
Burglary Cleared	6	3
Theft Reported	91	78
Theft Cleared	36	26
Vehicle Theft Reported	17	12
Vehicle Theft Cleared	3	3

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Felony Cases Reported	179	132
Felony Cases Closed	157	136
Misd Cases Reported	308	303
Misd Cases Closed	308	316

Respectfully,



**John C. Franklin
Chief of Police
Jacksonville Police Department**

JCF/sb

CITY OF JACKSONVILLE ANIMAL SHELTER MONTHLY REPORT

REPORTING PERIOD: September-19

	DOG	CAT	TOTAL	
ON HAND (BEGIN REPORTING PERIOD)	38	45	83	
RECEIVED	58	49	107	
ADOPTED	36	27	63	
RETURNED TO OWNER	28	1	29	
EUTHANIZED	3	16	19	
DIED/ESCAPED/STOLEN	2	3	5	
D.O.A.			46	
ON HAND (END REPORTING PERIOD)	27	47	74	
CITY LICENSE ISSUED			10	
INSPECTIONS			3	
RESCUES			0	
CRUELTY INVESTIGATIONS			3	
BITE CASES:				
ANIMAL-HUMAN			0	
ANIMAL-ANIMAL			0	
WARNING LETTERS:				
RUNNING AT LARGE			14	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			18	
CRUELTY			7	
UNSANITARY CONDITIONS			0	
NUISANCE			5	
FAILURE TO STERILIZE			0	
CITATIONS:				
RUNNING AT LARGE			1	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			0	
CRUELTY			0	
UNSANITARY CONDITIONS			0	
WARNING			0	
PIT BULL			1	
WARRANTS			0	
REVENUES: ADOPTION FEE WAIVED/DONATED STERILIZATIONS - 60			\$ 3,300.00	
ADOPTION FEES/FINES			\$ 710.00	
CONTRIBUTIONS			\$ -	
TOTAL			\$ 710.00	
OVERTIME HOURS PERFORMED:			9.75	
VEHICLES:				
UNITS:	# 162	# 163	#170	#172
BEGINNING MILEAGE	105,872	147,172	73,658	121,485
ENDING MILEAGE	106,747	147,206	74,747	122,419
MILES DRIVEN	875	34	1098	934

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JACKSONVILLE
FIRE & RESCUE SERVICES
PRIDE of the City!

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

Alan Laughy, Chief

14 October 2019

Honorable Bob Johnson
Members of the Council
City of Jacksonville

Gentlemen & Ladies:

I respectfully submit a report of Emergency Response Activity for the month of **September 2019**.

National Emergency Medical Service Information System (NEMSIS)

Ambulance Responses classified as:

Transported Runs 258

Non-Transported Runs 144

National Fire Incident Reporting System (NFIRS)

Estimated fire loss for the month: \$650.00

Savings total for the month: \$375,000.00

Rescue (395)

EMS Incident (394)
Electrical Rescue (1)

Service Call (37)

Person in Distress (1)
Smoke, Odor Problem (2)
Public Service Assistance (30)
Unauthorized Burning (4)

False Alarm (23)

System or Detector Malfunction (5)
Unintentional System/Detector (17)
Malicious, Mischievous False Alarm (1)

Fire (10)

Structure Fire (2)
Fire Mobile Home (1)
Vehicle Fire (4)
Natural Vegetation (2)
Outside Rubbish Fire (1)

Hazardous Condition, No Fire (3)

Combustible/Flammable Spills/Leaks (1)
Electrical Wiring/Equip Problem (2)

Good Intent Call (13)

Dispatched and Canceled En Route (5)
Wrong Location, No Emergency Found (3)
Steam, Gas Mistaken for Smoke (5)

Special Incident Type (3)

Illegal Burning (2)
Smell of Gas (1)

Respectfully,

Captain Danny Akines, Acting Battalion Chief
Jacksonville Fire & Rescue Services

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ORDINANCE NO. 1616 (#23 - 2019)

AN ORDINANCE AMENDING JMC TITLE 14 REGARDING PARKS & RECREATION REGULATIONS FOR PARKS' FACILITIES WITHIN THE CITY OF JACKSONVILLE; AND, FOR OTHER PURPOSES.

WHEREAS, Little Rock Air Force Base has requested space at certain Parks & Recreation locations to hold banquets and events related to Thunder Over the Rock; and,

WHEREAS, to properly provide appropriate regulations and address the request, the City Council has determined that updating provisions of the Parks & Recreation Code are required to enhance the opportunity presented to the City of Jacksonville and to foster our community's relationship with the Air Force Base.

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

SECTION ONE: JMC § 14.10.050 (E) (USE OF OR POSSESSION OF ALCOHOL BEVERAGES) shall be amended and include the following:

JMC § 14.10.050 Prohibited Acts.

Use of or Possession of Alcohol Beverages. Except as specifically allowed by this section, it shall be unlawful for any person to sell, distribute, consume or possess any alcoholic beverage in any open container within a City Park. Any person or legal entity that is allowed to sell or dispense alcoholic beverages pursuant to this section shall comply with all applicable federal, state and local laws related to the sale or dispensing of alcoholic beverages. City Council is authorized to promulgate written administrative procedures to implement this section and any alcohol event permits authorized herein.

City-owned property. It shall be unlawful for any person to sell, dispense, possess or consume any alcoholic beverages on any property owned by the city, except as follows:

1. Within the rental event space at the Community Center, or within Dupree Park, consumption during an event for which the entire facility is rented. A fundraising event sponsored by a governmental or other public entity or a not-for-profit entity that charges admission for the event, but does not charge for the purchase of the alcoholic beverages, is not considered the sale of alcoholic beverages. The rental agreement may

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specify such terms and conditions as may be required by the City in its sole discretion as owner of the property.

2. An alcohol event permit application must be submitted by the event organizer, on the form provided by Jacksonville Parks & Recreation Commission, along with payment of the fee set forth by Jacksonville Parks & Recreation Commission.

3. The alcohol event permit application shall be reviewed by the appropriate departments of the City to ensure protection of the public health, safety and general welfare. In addition to normal concerns of each such department, particular attention will be given to traffic flow and control, auto and pedestrian safety, noise and the effect that the use and activity will have on surrounding uses, particularly where the adjoining or nearby use is residential.

The alcohol event permit may be approved or denied by the Jacksonville Parks & Recreation Commission based on compliance with this subsection. The Jacksonville Parks & Recreation Commission may impose additional special conditions as deemed necessary to protect the public health, safety and general welfare.

Each alcohol event permit issued shall be subject to the following conditions, requirements and limitations, as well as any other special conditions stated in the permit.

1. A sufficient number of off-duty law enforcement officers and EMS personnel, as determined by the City, shall be employed by the permittee to provide security, crowd control and emergency medical services for the event.

2. The permittee shall indemnify the City, its elected and appointed officers, employees, and agents from any claim for personal injury, including death, or property damage, including destruction, associated with the event. This indemnification shall be in the form of an insurance policy acceptable to the Jacksonville Parks & Recreation Commission, that names the City as an additional insured and is endorsed to provide a separate aggregate of a minimum of \$1,000,000.00 for the event. In addition, the permittee shall procure a liquor liability policy with not less than \$1,000,000.00 of coverage that also names the City as an additional insured.

The event may be open to the public only during such hours as the City deems appropriate in its sole discretion.

The sale, dispensing and consumption of beer, wine, and other alcoholic beverages shall occur only within the rented area as agreed upon.

Ordinance No. 1616 (#23-2019)

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Nor shall the event organizer allow alcoholic beverages sold inside the secured area to be taken out of, or consumed outside of, the secured area.

Alcohol event permits, generally. An application for an alcohol event permit may not be submitted more than six months prior to the first day of the event. If the Jacksonville Parks & Recreation Commission determines that an event is creating a clear and present danger of a riot or other general public disorder, or substantial injury to persons or to property, the Jacksonville Parks & Recreation Commission may require the immediate cessation of the sale, dispensing, consumption and possession of alcoholic beverages or may require the immediate cessation of the event. In addition, if the Parks & Recreation Director finds that the requirements or conditions of an alcohol event permit have been violated, and not cured within a reasonable time after reasonable notice to the permit holder, the Jacksonville Parks & Recreation Commission may require the immediate cessation of the sale, dispensing, consumption and possession of alcoholic beverages or may require the immediate cessation of the event.

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

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

APPROVED AND ADOPTED THIS _____ DAY OF OCTOBER, 2019.

CITY OF JACKSONVILLE, ARKANSAS

BOB JOHNSON, MAYOR

ATTEST:

APPROVED AS TO FORM:

SUSAN DAVITT, CITY CLERK

STEPHANIE FRIEDMAN, CITY ATTORNEY

000015

ORDINANCE NO. 1617 (#24-2019)

AN ORDINANCE CONCERNING NOISE PREVENTION AND PROHIBITING THE PRACTICE KNOWN AS "JAKE-BRAKING" (MOTOR-BRAKING). PROVIDING FOR PENALTIES FOR SUCH, AND DECLARING AN EMERGENCY.

WHEREAS, it is the finding of the City Council of the City of Jacksonville, Arkansas that numerous complaints have been made regarding the practice of "jake-braking" by large trucks and that the noise created by this process is disruptive to businesses and residents with homes situated near the city's major highways.

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

SECTION ONE: It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City of Jacksonville, Arkansas any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise engage in what is known as "jake-braking." However, it is an affirmative defense to a violation of this ordinance that motor-braking was used on an emergency basis to avoid damage to property, or a personal injury.

SECTION TWO: Any person, firm or corporation violating this Ordinance shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding \$200.00 for each offense.

SECTION THREE: Enforcement of this Ordinance shall be delayed until signs have been posted on all major roadways entering or bypassing the City of Jacksonville, Arkansas. Said signs shall be posted on or near said roadways stating in language similar to:

"NO JAKE-BRAKING BY ORDER OF ORDINANCE NO. 1617, UNLESS FOR EMERGENCY PURPOSES."

SECTION FOUR: Should any section, clause, or provision of this Ordinance pursuant thereto be declared invalid by a Court of competent jurisdiction, such a ruling shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared invalid.

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SECTION FIVE: Whereas present traffic and noise in areas covered by this Ordinance are inadequate to control peace of the citizens of Jacksonville, Arkansas, and because it is of the utmost importance to provide for the health, safety of the citizens of Jacksonville, Arkansas, an emergency is declared to exist. Therefore, this Ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED AND ADOPTED THIS _____ DAY OF OCTOBER, 2019.

CITY OF JACKSONVILLE, ARKANSAS

BOB JOHNSON, MAYOR

ATTEST:

APPROVED AS TO FORM:

SUSAN DAVITT, CITY CLERK

STEPHANIE FRIEDMAN, CITY ATTORNEY