

## GENERAL PROVISIONS

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## Title 1

### Chapter 1.01 CODE ADOPTION

#### Sections:

- 1.01.010 Adoption
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#### 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 1592**, passed **December 20, 2018**. All other ordinances passed subsequent to Ordinance 1582 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 be 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" mean 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 affect 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

1.12.020 Effect on elections

#### 1.12.010 Redistricting

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; repealed by Ord. 1435, 2011)

a) It is hereby declared and found that Five (5) Wards shall exist within the City of Jacksonville, Arkansas, providing physical boundaries as more particularly described as follows:

**Ward One** - Bordered on the North by Foxdell Circle, then on the South by Brewer Street, North First, and the area between Center Street, E. Main, and South Oak, it is encompassed by the Union Pacific Railroad and Hwy. 67/167 on its Eastern and Western borders (respectively).

**Ward Two** - Bordered on the North by N. Bailey Street, Brewer Street, and the Union Pacific Railroad, it extends to the Southern and Eastern City limits and to South Road, Ray Road, and Stanphil Road on its Western border.

**Ward Three** - Bordered on the North by W. Main Street, it extends to the Southern City limits, to Spring Street, South Road, Ray Road, and Stanphil Road on its Eastern border and Hwy. 67/167 on its Western border.

**Ward Four** - Bordered on the North by Little Rock Air Force Base's southern border, it extends to the Southern and Western City limits to Hwy. 67/167, N. James Street, Bailey Street, and Brewer Street on its Eastern border.

**GENERAL PROVISIONS**

**CITY WARDS**

**Ward Five** - Extending to the Northern and Western City limits, it extends to the Southern border of Little Rock Air Force Base to Hwy. 67/167, then to the Eastern City limits North of Foxdell Circle.

b) A map of said Wards shall be maintained and available in the City Clerk's Office reflecting the physical boundaries of the Five (5) Wards, a copy of which is attached hereto and made a part hereof, marked and identified as Exhibit A.

(Ord. 1435 Sec. 2, 2011)

**1.12.020 Effect on elections**

It is hereby declared by the Jacksonville City Council that the Ward Redistricting Plan adopted herein shall in no manner affect or apply to existing terms of office for the current members of the Jacksonville City Council. Said Ward Redistricting Plan adopted herein shall be utilized in City-wide elections held in the calendar year 2012 forward until and unless otherwise amended and modified in accordance with State statute.

(Ord. 184 Sec. 2, 1966 repealed by Ordinance. 1435 Sec. 3, 2011)

## 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)



## GENERAL PROVISIONS

### 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.