

ORDINANCE NO. 1696 (#15-2022)

AN ORDINANCE AMENDING AND REVISING VARIOUS JACKSONVILLE MUNICIPAL CODES CONCERNING BUSINESS LICENSES, PROPERTY MAINTENANCE, AND BUILDING CODES; AND DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

WHEREAS, City officials believe certain parts of the Jacksonville Municipal Code regarding business licenses, property maintenance, and building codes are conflicting and out-of-date.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 OF THE CITY OF JACKSONVILLE, ARKANSAS:

SECTION ONE: JMC § 5.04.100 (Business Privilege License Schedule) shall now include the following:

22) Apartment Communities / Management Companies\$100.00

SECTION TWO: JMC § 8.01.002 (Applicability) shall be amended to read as follows:

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 International 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.

SECTION THREE: JMC § 16.04.010 (Adopted) shall be amended to read as follows:

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:

2012 International Building Code or Current Edition

2012 International Residential Code or Current Edition

2009 International Energy Conservation Code or Current Edition

2021 International Property Maintenance Code or Current Edition

Arkansas Fire Prevention Code-Vols. 1 & 2, and 3 2007 or Current 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

International Mechanical Code 2018 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, Engineering or Building Inspector, and, where applicable, the Fire Marshal.

SECTION FOUR: JMC § 8.01.016 (Citations and Enforcement) shall be amended to the following:

In addition to powers granted Code Enforcement Officer(s), Fire Marshal, 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.

SECTION FIVE: JMC § 8.03.005 (Nuisances and Non-Complying Conditions – Citations) shall read as follows:

In addition to powers granted Code Enforcement Officer(s), Fire Marshal, 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.

SECTION SIX: JMC § 8.01.037 (Destruction and Removal or Repair by Owner/Occupant/Interested Party) shall read as follows:

The Owner(s)/Occupants/Interested Party(ies) of any structure that has been condemned by Ordinance or Resolution of the City Council due to the building being so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, shall demolish and remove such structure within Thirty (30) days; or if such structure is capable of being made safe by repairs, shall repair and make safe and sanitary, or shall board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Code Enforcement Office.

No person shall be allowed to repair or refurbish a condemned structure without approval of Code Enforcement and the issuance of a Building Permit by the Engineering Office that requires all non-complying condition and repairs to be completed within the timeframe approved by the City Council. It is the responsibility of the Owner and/or Occupant to secure any extension of time to allow the repair or refurbishment of a condemned structure from the City Council.

SECTION SEVEN: JMC § 8.01.038 (Destruction and Removal by City) shall read as follows:

If the condemned structure has not been torn down and removed, or otherwise abated, within Thirty (30) 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).

SECTION EIGHT: JMC § 8.01.044 (Costs and Penalties for Violation of Code) shall read as follows:

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 Thirty (30) 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 8.01.034 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 Thirty (30) 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.

SECTION NINE: JMC § 8.01.049 (Relief from Personal Liability) shall read as follows:

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.

SECTION TEN: JMC § 8.01.079 (Rodent Harborage) shall read as follows:

All structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. Responsibilities for extermination are described as follows:

- (A) **Owner:** The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
- (B) **Single Occupant:** The occupant of a one-family dwelling or of a single-tenant non-residential structure shall be responsible for the pest elimination on the premises.
- (C) **Multiple-Occupancy:** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a non-residential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such

infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

(D) Occupant: The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for the pest elimination.

SECTION ELEVEN: JMC § 8.01.081 (Accessory Structures and Buildings), previously JMC § 8.08.080, shall be developed and shall read as follows:

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.

All fencing, screening, walls, or other such construction shall be in compliance with the terms of JMC § 8.05, which prohibits the use of barbed wire, razor wire, or other sharp materials in the construction of fencing, screening, or walls.

SECTION TWELVE: JMC § 8.01.082 (Motor Vehicles) shall be developed and read as follows:

Except as provided for in other regulations, no inoperable or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth. For specific requirements related to the removal of wrecked or inoperable vehicles, refer to subsection 8.03.014.

Exception: A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

SECTION THIRTEEN: JMC § 8.01.083 (Defacement of Property) shall be developed read as follows:

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION FOURTEEN: JMC § 8.01.084 (Exterior Structure Requirements), previously JMC § 8.08.070, shall be developed read as follows:

The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to public health, safety or welfare. This shall include, but not limited to the following:

- (A) **Protective Treatment:** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated, and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (B) **Premises Identification:** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not be less than 3 inches in height with a minimum stroke width of 0.5 inches.
- (C) **Structural Members:** All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (D) **Foundation Walls:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of rodents and other pests.
- (E) **Exterior Walls:** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (F) **Roofs and Drainage:** The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (G) **Decorative Features:** All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (H) **Overhang Extensions:** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

- (I) **Stairways, Decks, Porches, and Balconies:** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting such loads.
- (J) **Chimneys and Towers:** All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment.
- (K) **Handrails and Guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (L) **Windows, Skylights, and Doorframes:** Every windows, skylight, door and frame shall be kept in sound condition, good repair, and weather tight.
- (M) **Window Glazing:** All glazing materials shall be maintained free from cracks and holes.
- (N) **Openable Windows:** Every window, other than a fixed window, shall be easily opened and capable of being held in position by window hardware.
- (O) **Insect Screens:** Any and all residential property and residential apartments which are not serviced by a central heat and air conditioning unit or units shall be required to have insect screens to provide for ventilation or habitable areas. Such insect screens shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging door shall have a self-closing device in good working condition.
- (P) **Doors:** All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door. Locks on means of egress shall be in accordance with Subsection 8.
- (Q) **Building Security:** Doors, windows, or hatchways for dwelling units, room units, or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
 - 1. **Doors** – Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a single cylinder deadbolt lock meeting specifications set forth herein. Such deadbolt lock shall be operated only by the turning of a knob on the inside or a key on the outside and shall have a lock throw of not less than 1 inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to the manufacturer’s specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

2. **Windows** – Operable windows located in whole or in part within 6 feet (1828mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with window sash locking devices.

(R) **Windows:** Operable windows located in whole or in part within 6 feet (1828mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with a window sash locking device.

(S) **Gates:** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION FIFTEEN: JMC § 8.01.085 (Interior Structure Requirements) shall be developed and read as follows:

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(A) **Structural Members:** All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

(B) **Interior Surfaces:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(C) **Stairs and Walking Surfaces:** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(D) **Handrails and Guardrails:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(E) **Interior Doors:** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION SIXTEEN: JMC § 8.01.086 (Handrails and Guardrails) shall be developed and read as follows:

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION SEVENTEEN: JMC § 8.01.087 (Lighting in Common Halls and Stairwells (Multi-Family) shall be developed and read as follows:

Every common hall and stairwell in residential occupancies, other than one and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 sq feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times, the building space served by the means of egress, will be occupied with a minimum of 1 footcandle (11 lux) at floors, landing, and treads.

SECTION EIGHTEEN: JMC § 8.01.088 (Water System Requirements) shall be developed and read as follows:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water.

SECTION NINETEEN: JMC § 8.01.089 (Sanitary System Requirements) shall be developed and read as follows:

- (A) All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (B) Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

SECTION TWENTY: JMC § 8.01.090 (Heating Facilities: Residential Occupancies) shall be developed and read as follows:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees Fahrenheit or 18 degrees Celsius in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space

heating to meet the requirements of this section.

SECTION TWENTY-ONE: JMC § 8.01.091 (Cooling Facilities: Rental, Leased, or Multi-Family Properties) shall be developed and read as follows:

All leased, rental, and multi-family properties shall maintain cooling facilities in a safe working condition and shall be capable of performing the intended function to the extent the system served the premises at the time the landlord and tenant entered into the lease agreement in accordance with A.C.A. §18-17-502.

SECTION TWENTY-TWO: JMC § 8.01.092 (Notice to Nonresident Owners) previously JMC § 8.08.050, shall be developed and shall read as follows:

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 §8.01.025 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 section 8.01.025 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 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.

SECTION TWENTY-THREE: JMC § 8.03.003 (Nuisances and Non-Complying Conditions Illustrative Enumeration of a Nuisance or Non-Complying Condition) shall be amended to include the following:

- (R) Outside storage of household furniture manufactured for indoor use including, but not limited to, mattresses, box springs, upholstered couches/sofas, dressers, recliners, tables, desks, bed frames, chairs, and parts thereof. This does not include furniture or other items manufactured for outdoor use kept on a covered front porch, a deck, patio, or porch at the rear of the structure.
- (S) Outside storage of appliances including, but not limited to, dishwashers, stoves, ovens, televisions, refrigerators, freezers, computers, electronic equipment, kitchen accessories, sinks, plumbing fixtures, and/or parts thereof. This does not include freezers or refrigerators that are **in use** and are not visible from the road or street, unless they are in a covered carport.
- (T) Any outdoor storage, collection or keeping of items on a carport.

Exceptions:

- a. Building materials that are temporarily stored as part of or in conjunction with an active building permit for construction or remodeling, provided the building materials are stored against a permanent wall.
 - b. The parking of operable or motorized lawn equipment, lawn hand tools, or other equipment used for lawn maintenance stored against a permanent wall.
 - c. Plastic or metal containers stored in an orderly manner in a single row against a permanent wall. Stacked storage containers' height cannot exceed or be taller than 50% or (1/2) the wall in height.
- (U) Any use of tarpaulins, blankets, plastic or fabric sheets or similar covering materials to cover items on a carport.
 - (V) Storage of scrap metals and dismantled equipment in residential zones.
 - (W) Items not manufactured for outdoor use.
 - (X) Unauthorized, excessive or improper accumulation or storage of used or scrap tires.

SECTION TWENTY-FOUR: JMC § 8.03.014 (Nuisances and Non-Complying Conditions—Parking and Storage of Inoperable Motor Vehicles—Private Property) shall read as follows:

In accordance with JMC §8.01.082, No person shall leave, park, store, or permit the leaving, parking, or storing of any inoperable motor vehicle(s) and /or parts thereof upon any private property within the City. Upon discovery of such, the Code Enforcement Office shall take the following actions:

- (A) **Removal of Inoperable Vehicles Near Public Streets:** If an owner or occupant of property within the City shall neglect or refuse to remove an inoperable motor vehicle that is parked, kept, or stored near a public street without proper authority, a Code Enforcement Officer may cause the removal of the inoperable motor vehicle, provided that a **Notice of Violation** is affixed to the vehicle for a period of no less than 72 hours, which shall state that the vehicle is a nuisance and order the property owner, occupant, or whoever has an interest in the vehicle to remove

it from the property. If the vehicle is found on private property with one or more occupiable structures, a copy of the notice shall additionally be placed on one of the structures.

For purposes of this section, a vehicle shall be deemed “near” a public street if it can be seen with the unaided eye from a public street.

- (B) **Removal of Other Inoperable Motor Vehicles:** If an owner or occupant of property within the City shall neglect or refuse to remove an inoperable motor vehicle that is parked, kept, or stored without proper authority but away from public streets, a Code Enforcement Officer may cause the removal of the inoperable motor vehicle, provided that a **Notice of Violation** is affixed to the vehicle for a period of no less than 30 days, which shall state that the vehicle is a nuisance and order the property owner, occupant, or whoever has an interest in the vehicle to remove it from the property. If the vehicle is found on private property with one or more occupiable structures, a copy of the notice shall additionally be placed on one of the structures.
- (C) **Appeals:** In the event a responsible party fails to timely remove said motor vehicles, 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 Officers shall take all necessary steps to have the non-complying condition (i.e. motor vehicle, parts, etc.) removed from said real property.
- (D) **Removal of 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.

- (E) **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.

SECTION TWENTY-FIVE: JMC § 8.03.016 (Nuisances and Non-Complying Conditions—Inoperable Motor Vehicles) shall read as follows:

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 of JMC §8.01.082 and, if necessary, abated as provided below.

SECTION TWENTY-SIX: JMC § 8.03.031 (Nuisances and Non-Complying Conditions—Definitions) shall read as follows:

For purposes of this article, the following terms are defined as follows:

- (A) **Unsafe Structures** means 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** means 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** means 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.
- (D) **Unsafe Equipment** means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (E) **Unlawful Structure** means one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(F) **Dangerous Structure or Premises** means any structure or premises that has any or all of the conditions or defects described as follows shall be considered dangerous and a nuisance:

1. Any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to approved building or fire code of this jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit, or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse or become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or not so anchored, attached or fastened in place as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enable persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of this jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of the inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Enforcement Office to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Enforcement Office to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

SECTION TWENTY-SEVEN: JMC § 8.03.039 (Closing of Vacant Structures) shall be developed and read as follows:

If a structure is vacant and unfit for human habitation and occupancy as defined by section 8.03.031, and is not in danger of structural collapse, the Code Enforcement Office is authorized to post a placard of “Nuisance Structure” and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner’s authorized agent to close up the premises within the time specified in the order, the Code Enforcement Office shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate in accordance with §8.03.011.

SECTION TWENTY-EIGHT: JMC § 8.10.010 (Fencing/Barrier Requirements) shall read as follows:

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

SECTION TWENTY-NINE: JMC § 8.10.020 (Maintenance Requirements) shall read as follows:

Swimming pools shall be maintained in a clean and sanitary condition and in good repair so as to not constitute a nuisance as defined under §8.03.003

SECTION THIRTY: JMC § 9.36.010 (Terms of Violations) shall read as follows:

The creation of any unreasonably loud, disturbing and unnecessary noises in the City of Jacksonville is prohibited. Noises of such character, intensity, and duration, as to be

detrimental to the life or health of any individual, or in the disturbance of public peace and welfare, are prohibited.

SECTION THIRTY-ONE: JMC § 9.36.020 (Acts Declared Loud and Raucous Noise) shall read as follows:

(A) No person shall make, continue or cause to be made or continued any such noise as, but not limited to, the following:

1. The loud playing of radios, phonographs, televisions, tape decks, amplifiers, loudspeakers, musical instruments, vehicle alarm systems, or other devices not enumerated here but cause loud or irritating noises which are plainly audible from a distance of fifty (50) feet from its source in such manner as to annoy or disturb the quiet comfort or repose of persons in any office, hospital or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity, particularly between the hours of 10:00pm and 7:00am.
2. Using or operating for any commercial or noncommercial purpose any loudspeaker, public address system, or similar device such that the sound there from creates a noise disturbance across a real property boundary or within a noise sensitive zone;
3. Owning, possessing, or harboring any animal(s) and / or bird(s) which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a disturbance across a residential real property boundary or within a noise sensitive zone;
4. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.

(B) Noise Sensitive Zones- It is unlawful for any person to create any noise which causes the noise level at any school, hospital or similar health care institution, church, or library while the same is in use, which unreasonably interferes with the usage of such institutions or which unreasonably disturbs or annoys patients in a hospital, convalescent home, or similar health care institution, provided conspicuous signs are displayed in three (3) separate locations within one-tenth (1/10) of a mile of the institution or facility indicating a quiet zone.

(C) Adequate Mufflers or Sound Dissipative Devices-

1. Every motor vehicle shall, at all times, be equipped with a factory installed muffler or one duplicating factory specifications, in good working order and in constant operation, to prevent excessive or unusual noise and annoying smoke.
2. No person shall use on a motor vehicle upon the public roads, highways, streets, or alleys of this City, nor shall any person sell for use on a motor vehicle upon the public roads, highways, streets, or alleys of this City, a muffler, other than as defined in section (1) of this Code, cutout, bypass, similar device, or any type of device which produces excessive or unusual noise or smoke.

3. No person shall remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motor cycle.

(D) Horns and Warning Devices-

1. The sounding of any horn(s) and/or warning device(s) on any vehicle, motorcycle, business, or other such device for any unreasonable period of time may constitute a violation if not being utilized as a warning device during an emergency or as a warning to impending danger, injury, or damage.

(E) Sound Devices on Premises-

It shall be unlawful for any person to maintain and operate in any place or on any premises in the city, without a permit from the Mayor or his/her designee, any loud-speaking device for the purpose of playing music, making commercial announcements or for emitting any sounds whereby such sounds will be cast upon the public streets and places or shall so be placed and operated that such sounds coming therefrom can be heard to the annoyance, distraction or inconvenience of travelers upon any street or public place or of persons in the neighboring dwelling or premises.

(F) Radios, Stereos, MP3's, iPods, Other Musical Devices, Televisions, and/or Musical Instruments- Playing any radio, stereo, MP3 player, iPods, other musical devices, televisions, and/or musical instruments designed to produce or reproduce sound in such a manner or with such volume as to disturb the quiet or comfort of persons nearby in any dwelling, care facility, commercial facility, residence, school, or public facility in the vicinity is a violation herein. The operation of any such device, electronic and/or instrument between the hours of 10:00pm and 7:00am or any time so as to be plainly audible as assessed in accordance with this Chapter shall be prima facie evidence of a violation of this Ordinance.

(G) Shouting, Singing, and or Speech-Shouting, singing, speaking, whistling, and/or yelling, particularly during the hours of 10:00pm and 7:00am, or at any time or place so as to annoy or disturb the quiet or comfort of persons nearby or in any dwelling, care facility, residence, school, or public facility in the vicinity is a violation herein. Such shall, when plainly audible in accordance with this Chapter, shall be prima facie evidence of a violation of this Ordinance.

(H) Noisy Outdoor Amusements Must Close- It shall be unlawful for the owner of, or any person employed at, any place where an outdoor amusement is operated to operate or conduct such business between the hours of 10:00pm and 7:00am of each day whereby the noise emitting therefrom shall disturb the peace and quiet of the inhabitants or occupants of any occupied building.

- (I) Waste and Trash Retrieval and Commercial/Industrial Operations-The loading, unloading, operation, or repair of any commercial or personal waste or trash receptacles and/or any commercial or industrial equipment during the hours of 10:00pm and 7:00 am, which causes such a noise level as to annoy or disturb the quiet or comfort of person(s) nearby in any dwelling, care facility, commercial facility, residence, school, or public facility in the vicinity is a violation herein. Such shall, when plainly audible as assessed in accordance with this Chapter, shall be prima facie evidence of a violation of this Ordinance.

SECTION THIRTY-TWO: JMC § 9.36.040 (Exemptions) shall read as follows:

The following activities are exempt from the provisions of this Chapter:

- A. Activities conducted by public officials, employees, and/or representatives on public parks, playgrounds, property, and public or private school grounds, including but not limited to, school athletic and school entertainment events conducted during the hours 7:00am and 10:00 pm.
- B. Activities conducted by youth athletic leagues on private or public parks, playgrounds, or property during the hours 7:00am and 10:00pm.
- C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events conducted during the hours of 7:00am to 10:00pm, provided the events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to staging such events.
- D. Activities and emissions of noise from Firing/Shooting Range(s) as authorized and created during regular business hours, including those emitted during tournaments and other competitive activities at the Range(s);
- E. Any mechanical device, apparatus, or equipment which emits a sound, including, but not limited to, an alarm, siren, bell, or whistle, related to, used for, or connected with any emergency machinery, vehicles, work or alarm, provided the sounding of this mechanical device, apparatus, or equipment on or near any building or motor vehicle shall terminate its operation within Ten (10) minutes of its being activated at or near a location;
- F. Noise sources associated with or vibration created by construction repair, remodeling or grading of any real property or during authorized seismic surveys, provided the activities do not take place between the hours 10:00pm and 7:00am, on weekdays and Saturdays or at any time on Sunday or a legal holiday except in compliance with applicable provisions of this Code.
- G. Noise sources associated with maintenance of property provided the activities take place between the hours of 7:00am and 10:00pm on any day;
- H. Any activity to extent regulation thereof has been preempted by state or federal law;
- I. The Little Rock Air Force Base; and/or;
- J. Noise associated with aircraft outside a regularly established airport field or landing place as permitted by the City Council pursuant to applicable provisions of the Code.

SECTION THIRTY-THREE: JMC § 9.36.050 (Enforcement and Penalties) shall read as follows:

The Code Enforcement Office and/or the Police Department shall be responsible for the enforcement of this Chapter.

A. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and punished by a fine no less Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00), and each occurrence shall constitute a separate offense.

B. In addition, any violation of this Chapter may be deemed a nuisance and the imposition of any fine hereunder shall not abrogate the right of the City to cause the abatement of any nuisance, including the use of injunctive relief.

SECTION THIRTY-FOUR: Chapter 8.08 is hereby reserved and archived.

SECTION THIRTY-FIVE: All Ordinances or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

SECTION THIRTY-SIX: This Ordinance, necessary for the improvement of public facilities and the health, safety, and welfare of the citizens of Jacksonville, should be implemented immediately. Therefore, an emergency is hereby declared, and this Ordinance shall be in force and effect from and after its date of passage.

APPROVED AND ADOPTED THIS 7TH DAY OF JULY 2022.

CITY OF JACKSONVILLE, ARKANSAS

BOB JOHNSON, MAYOR

ATTEST:

APPROVED AS TO FORM:

SUSAN DAVITT, CITY CLERK

STEPHANIE FRIEDMAN, CITY ATTORNEY