

City Council of Jacksonville, Arkansas

A G E N D A

Regular City Council Meeting

July 6, 2023 6:00 p.m.

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**CITY OF JACKSONVILLE  
 RESCHEDULED CITY COUNCIL MEETING  
 JUNE 8, 2023  
 6:00 P.M. - 6:28 P.M.**

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

The City Council of the City of Jacksonville, Arkansas met in a rescheduled session on June 8, 2023 at the regular meeting place of the City Council. Council Member Bolden delivered the invocation and Mayor Elmore led a standing audience in the "Pledge of Allegiance" to the flag.

**ROLL CALL:** City Council Members: Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains answered ROLL CALL. Mayor Elmore also answered ROLL CALL declaring a quorum. PRESENT NINE (9) ABSENT ONE (1). Council Member Mashburn was absent.

Others present for the meeting were: City Attorney Stephanie Friedman, Finance Director Cheryl Erkel, Police Chief Brett Hibbs, Parks and Recreation Director Kevin House, City Engineer Adam Whitlow, CDBG Director Michelle Spencer, IT Director Emily Osment, Reginald Ford, and Rick Kron.

**PRESENTATION OF MINUTES:** Mayor Elmore presented the minutes of the regularly scheduled City Council meeting of May 18, 2023 for approval and/or correction at the next regularly scheduled City Council meeting.

**APPROVAL AND/OR CORRECTION OF MINUTES:**

Council Member Bolden moved, seconded by Council Member Twitty that the minutes of the regularly scheduled City Council meeting of May 4, 2023 be APPROVED. MOTION CARRIED.

**CONSENT AGENDA: REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT**

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report for May 2023.

**MAY**

<b>PERMITS/LICENSE ISSUED</b>		<b>INSPECTIONS PERFORMED</b>	
Building Permits	23	Building Inspections	43
Business License	-	Electrical	72
		Plumbing	79
		HVACR	28

**REGULAR MONTHLY REPORT/POLICE DEPARTMENT**

Council Member Ray moved, seconded by Council Member Bolden to approve the Regular Monthly Report for May 2023 regarding annual crime statistical comparisons.

**REGULAR MONTHLY REPORT/CODE ENFORCEMENT**

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report as presented for May 2023.

Assigned Calls	94		
Self-Initiated Calls	264		
Follow Up Inspections	482	Demolition by City	0
Complied after Notice	174	Demolition by Owner	2
Three Day Notice	40	Parking Violations	1

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Seven Day Letter	399	Garbage Cans Tagged	0
Citation Letters Mailed	5	Basketball Goals	2
Citations Issued	12	Structures Inspected	840
Vehicles Tagged	25	Apartment Complexes Inspected	1
Vehicles Towed	5	Red Tags Issued	6
Unsafe Structures Tagged	0	Search Warrants	2
Structures Condemned	0	Grass Mowed	44
Structures Rehabbed	1	Signs Removed	38

**ROLL CALL: Council Member: Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains voted AYE. MOTION CARRIED.**

**WATER DEPARTMENT:**

**WASTEWATER DEPARTMENT:**

**FIRE DEPARTMENT:**

**POLICE DEPARTMENT:**

**STREET DEPARTMENT:**

**SANITATION DEPARTMENT:**

**PARKS & RECREATION:**

**PLANNING COMMISSION:**

**COMMITTEE(S):**

**GENERAL: Ordinances waiving competitive bidding for Dupree Park improvements**

Parks and Recreation Director Kevin House stated these ordinances are either for the low bids, or are ones they need in order to keep the ballfield lighting warranty. He listed what he is still waiting for prices on is a metal storage building, the Festiville pavilion that is damaged, and batting cages. He explained that everything presented tonight is to get the ballfields reopened so they can start using the park again. When Council Member Kinman inquired about insurance, he replied that they are paying 100% of these costs and confirmed with Finance Director Cheryl Erkel today that they have already received \$1.25 million. He related how insurance is going to pay from the estimates, and once it is approved by Council, he will upload it to the agent, then the agent will send the remaining balance. He detailed that the eight ordinances are for different contractors needed for fencing, two different lighting, a general contractor, benches, picnic tables, trashcans, foul poles, etc. to get the Park back in operation. He assured if he was not confident in these contractors, they would not be on the list. He noted if they order today, it will be ten weeks for the sports lighting and twelve to fourteen weeks for fencing. He related that Entergy has the same timeline so they know when to be finished. When Council Member Twitty inquired, he confirmed the City has used each of these contractors in the past and he is comfortable with every one of them. He shared his goal for completion is fourteen weeks from approval, since they are ten weeks out to get some materials, but will prep, so as soon as the materials are delivered, it should be a three-to-four-week process. When Council Member Kinman questioned the fence height, he shared it will all be twelve feet so they are uniform. He brought up that insurance is going to pay for the replacement of the playground equipment that was destroyed, even though they were in the process of putting in a new inclusive one. He mentioned the plan was to

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relocate the existing equipment within the other parks, but insurance is going to pay \$205,000.00 for it. He stated if there is anything, such as \$30,000.00 concrete work that needs to be done that may not be covered, they have an extra \$200,000.00 coming from the insurance.

Council Member Bolden moved, seconded by Council Member Twitty to place Ordinance 1729, 1730, 1731, 1732, 1733, 1734, 1735, and 1736 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1729.**

**ORDINANCE 1729 (#13-2023)**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR FENCE REPAIRS TO DUPREE PARK SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

City Attorney Friedman then read the heading of Ordinance 1730.

**ORDINANCE 1730 (#14-2023)**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK SCOREBOARD FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

City Attorney Friedman then read the heading of Ordinance 1731.

**ORDINANCE 1731 (#15-2023)**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK BACKSTOP FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

When Council Member Rains inquired, Director House clarified this is for materials only, because United Fence will be the ones to install the net backstop. He confirmed the insurance deductible is \$100,000.00, but FEMA will pay 75% of it. He shared they have site visits with FEMA on June 27<sup>th</sup>. He further clarified that FEMA will not pay anything until insurance denies it, so they have to run through insurance first and the only thing they will not pay for is tree removal and asphalt damage, which will be done inhouse. He confirmed they will be able to turn in the tree removal to FEMA to be reimbursed for it.

City Attorney Friedman then read the heading of Ordinance 1732.

**ORDINANCE 1732 (#16-2023)**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK BLEACHERS FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

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When Council Member Moss requested further clarification, Director House responded that the City will pay \$25,000.00 of the insurance deductible.

City Attorney Friedman then read the heading of Ordinance 1733.

ORDINANCE 1733 (#17-2023)

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK ELECTRIC SERVICES, LIGHTING, AND FIBERGLASS POLES FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

City Attorney Friedman then read the heading of Ordinance 1734.

ORDINANCE 1734 (#18-2023)

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK LIGHTING FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

City Attorney Friedman then read the heading of Ordinance 1735.

ORDINANCE 1735 (#19-2023)

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK PAVILIONS, BATHROOMS, CONCESSION STAND, BLEACHER AND DUGOUT COVERS, ROOFING, AND VARIOUS OTHER REPAIRS FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

When Council Member Kinman inquired, Director House replied that Houses Construction Company is his brother who has done a lot of work for the previous Public Works Director Jim Oakley and for the Parks and Recreation Department. He confirmed any time he is used, whether it is a \$3,000.00 job or this job, there are always multiple bids.

City Attorney Friedman then read the heading of Ordinance 1736.

ORDINANCE 1736 (#20-2023)

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR REPAIRS TO THE DUPREE PARK PICNIC TABLES, FOUL POLES, AND TRASHCANS FOR DAMAGE SUSTAINED DURING THE TORNADO ON MARCH 31, 2023; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Director House stated this is not a formal quote, but individual pricing for everything from this contractor. He explained they are the cheapest he could find for park amenities, such as foul poles, trashcans, picnic tables, etc.

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He surmised the total of these ordinances equal to just under \$3.5 million, which was he and the Mayor's original assumption when they first saw the damage. He reiterated there are still a few prices he needs to get, and if those need competitive bidding waived, he will bring them back to Council.

Council Member Twitty moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1729, 1730, 1731, 1732, 1733, 1734, 1735, and 1736 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1729, 1730, 1731, 1732, 1733, 1734, 1735, and 1736 on **SECOND READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1729, 1730, 1731, 1732, 1733, 1734, 1735, and 1736 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1729, 1730, 1731, 1732, 1733, 1734, 1735, and 1736 on **THIRD AND FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Sansing moved, seconded by Council Member Bolden to **APPROVE AND ADOPT** Ordinance 1729, 1730, 1731, 1732, 1733, 1734, 1735, and 1736 in their entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Sansing moved, seconded by Council Member Twitty that the **EMERGENCY CLAUSES** be approved and adopted. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

**ORDINANCE 1729 (#13-2023), ORDINANCE 1730 (#14-2023), ORDINANCE 1731 (#15-2023), ORDINANCE 1732 (#16-2023), ORDINANCE 1733 (#17-2023), ORDINANCE 1734 (#18-2023), ORDINANCE 1735 (#19-2023), AND ORDINANCE 1736 (#20-2023) APPROVED AND ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2023.**

**APPOINTMENTS:**

**UNFINISHED BUSINESS:**

**ANNOUNCEMENTS: Juneteenth Celebration**

Council Member Bolden stated the Martin Luther King Commission will be having a Juneteenth celebration, where they will be handing out food and have entertainment, on Municipal Drive June 19<sup>th</sup>. He shared the history of Juneteenth as being when the African Americans in the state of Texas realized they were free.

**Follow-up on Sunnyside Lots Sale**

When Council Member Dietz inquired, Mayor Elmore stated all of the lots that were purchased by individuals from the area have all come in and paid. He explained the others being purchased by Arkansas Home Builders are in process. He confirmed the City no longer has to mow them.

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**City Council Meeting Rescheduled**

Mayor Elmore stated that next Thursday would have been our regularly scheduled City Council meeting, but it took place tonight instead because it would be in the middle of the Municipal League Summer Session, which several of them will be at. He confirmed Council will not be meeting next week.

**Free Legal Clinic**

Council Member Rains stated there will be a free legal clinic for citizens who were involved in the tornado June 24<sup>th</sup> from 9:00 a.m. to 4:30 p.m. at the Community Center. She explained they will be providing financial recovery assistance, criminal records sealing, wills, powers of attorney, FEMA and housing questions, concerns, and issues, along with Medicaid state benefits and resources. She related it is being put on by the Arkansas Appleseed Legal Justice Center.

**Code Enforcement May Monthly Report**

Council Member Dietz pointed out that in May, Code Enforcement inspected 840 structures, mowed a lot of yards, and had compliance after notice. He noted that they are having to work triple hard to even keep up, recalling he has never seen this many structures inspected.

**Communications Director Introduction**

Mayor Elmore introduced the new Communications Director Emily Sundermeier.

**ADJOURNMENT: Without objection, Mayor Elmore adjourned the meeting at approximately 6:28 p.m. MOTION CARRIED.**

Respectfully,

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Susan L. Davitt  
City Clerk-Treasurer

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MAYOR JEFF ELMORE

# CITY OF JACKSONVILLE



To: Mayor Elmore, Jacksonville City Council  
From: Engineering Department

Please find below the consent agenda for the Engineering Department

## ENGINEERING REPORT FOR JUNE 2023

### PERMITS/LICENSE ISSUED

Building Permits	16
Business License	

### INSPECTIONS PERFORMED

Building Inspections	55
Electrical	58
Plumbing	45
HVACR	31

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**CITY OF JACKSONVILLE ANIMAL SHELTER  
MONTHLY REPORT**

REPORTING PERIOD: May-23

	DOG	CAT	TOTAL	
ON HAND (BEGIN REPORTING PERIOD)	76	0	76	
RECEIVED	82	45	127	
ADOPTED	30	12	42	
ADOPTED BUT NOT RELEASED	0	0	0	
RESCUE	6	8	14	
FOSTER	15	1	16	
RETURNED TO OWNER	19	1	20	
EUTHANIZED	6	2	8	
DIED/ESCAPED/STOLEN	2	1	3	
D.O.A.			22	
ON HAND (END REPORTING PERIOD)	80	20	100	
CITY LICENSE ISSUED			4	
INSPECTIONS			0	
CRUELTY INVESTIGATIONS			0	
BITE CASES:				
	ANIMAL-HUMAN		3	
	ANIMAL-ANIMAL		1	
WARNING LETTERS:				
	RUNNING AT LARGE		12	
	NUMBER OF ANIMALS		0	
	RABIES VACCINATION/CITY LICENSE		12	
	CRUELTY		1	
	UNSANITARY CONDITIONS		0	
	NUISANCE		2	
	BANNED BREEDS		1	
	FAILURE TO STERILIZE		0	
CITATIONS:				
	RUNNING AT LARGE		11	
	NUISANCE		0	
	NUMBER OF ANIMALS		0	
	RABIES VACCINATION/CITY LICENSE		24	
	CRUELTY		1	
	UNSANITARY CONDITIONS		0	
	WARNING		0	
	BANNED BREEDS		8	
WARRANTS			0	
REVENUES:				
	TOTAL ADOPTIONS (INCLUDING DONATED)		42	
	City Adoptions		10	
	Adoptions paid for by special contribution		2310	
	JFOTA Adoptions		0	
	ADOPTION FEES	\$	550.00	
	SPAY/NEUTER FOR ADOPTED DOGS	\$	2,310.00	
	Paid by the City of Jacksonville	\$	550.00	
	Paid for by JFOTA	\$	165.00	
	FINES	\$	1,485.00	
	CONTRIBUTIONS	\$	2,243.00	
	<b>TOTAL</b>	\$	4,278.00	
	<b>Vet Bills paid by city not spay/neuter</b>	\$	16,091.04	
	<b>Vet Bills paid by JFOTA not spay/neuter</b>	\$	5,000.00	
OVERTIME HOURS PERFORMED:			96	
VEHICLES:				
UNITS:	#169	#164	#170	#172
BEGINNING MILEAGE	50,807	10,837	117,419	142,238
ENDING MILEAGE		12,821	118,329	142,745
MILES DRIVEN	0	1,984	910	507

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## **ORDINANCE NO. 1737 (#21-2023)**

### **AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODES § 8.01.078 (GRASS OR WEEDS).**

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**WHEREAS**, City officials believe certain parts of the Jacksonville Municipal Code regarding grass, weeds, and vegetation are out-of-date with 2021 International Property Maintenance Code maintained by the International Code Council. As a result, the City Council believes the following amended provisions and additional requirements are necessary to update and amend the Jacksonville Municipal Code.

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

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

All real property, fences, exterior structures, including adjacent rights-of-way shall be maintained free from noxious vegetation, weeds, meadows, or plant growth in excess of eight inches (8") in height in all residential districts, in excess of eight inches (8") in height on lots in all commercial zone districts and industrial zone districts on which a structure is located, and in excess of eighteen (18") in height on lots in all commercial zone districts and industrial zone districts upon which a structure is not located. For purposes of this Code, weeds shall be defined as all vegetation other than trees and shrubs; however, this term shall not include gardens or cultivated flowers maintained in flowerbeds. For the purposes of this Code, gardens shall be defined as a plot of ground, located behind the primary frontline of a property, where plants are grown for produce; and flowerbeds shall be defined as a plot of ground, separated from surrounding ground cover by landscape edging or a border, where flowers or shrubs are grown. Flowerbeds must contain a weed barrier or mulch and be located behind the eleven foot (11') City right-of-way easement.

Exceptions: The restrictions noted above will not apply to undeveloped land that has not been previously subdivided and has been continuously maintained in a natural vegetative state, or to areas specifically designated or certified by the State or the United States as agricultural, wetlands, open spaces, natural or wild flower areas, or other designated preservation areas.

Upon the passing of this Ordinance, property owners not in compliance with the aforementioned Code shall file a request for an exemption with Code Enforcement within sixty (60) days.

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**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 passage and publication, as provided by and subject to the requirements of applicable law.

**APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.**

**CITY OF JACKSONVILLE, ARKANSAS**

\_\_\_\_\_  
**JEFF ELMORE, MAYOR**

**ATTEST:  
AS TO FORM:**

**APPROVED**

\_\_\_\_\_  
**SUSAN M. DAVITT, CITY CLERK  
FRIEDMAN, CITY ATTORNEY**

**STEPHANIE**

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**ORDINANCE NO. 1738 (#22-2023)**

**AN ORDINANCE ESTABLISHING REGULATIONS COVERING VACANT BUILDINGS, CREATING JACKSONVILLE MUNICIPAL CODE CHAPTER 8.06 (VACANT BUILDINGS).**

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**WHEREAS**, the public health, welfare and safety are adversely affected by vacant buildings within the City of Jacksonville; and

**WHEREAS**, vacant buildings are detrimental to surrounding buildings and neighborhoods; and

**WHEREAS**, vacant buildings hinder investment, yield a fraction of the standard property tax, and suppress proximal property values; and

**WHEREAS**, vacant buildings provide havens for drug activities and homes for vermin; and

**WHEREAS**, a significant number of vacant building owners within the City of Jacksonville do not reside in Pulaski County; therefore, the negative impact on the City is of no consequence to the vacant building owner(s); and

**WHEREAS**, under severe weather conditions and in the absence of monitoring, vacant buildings pose a threat to the utility infrastructure through potential fire, ruptured gas, and/or ruptured water pipes; and

**WHEREAS**, identifying the number and location of vacant buildings in the city is the first step in reducing imminent and future harmful effects to the structures present;

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

**SECTION ONE:** Chapter 8.06 of the Jacksonville Municipal Code is to read as follows:

**CHAPTER 8.06  
VACANT BUILDINGS**

Sections:

- 8.06.010 Purpose
- 8.06.020 Applicability
- 8.06.030 Definitions
- 8.06.040 Monitoring, Inspection, and Condition Standards
- 8.06.050 Agent-Responsible Person Required for Vacant Building

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- 8.06.060 Registration and Registration Fee of Vacant Building
- 8.06.070 Violation and Penalties
- 8.06.080 Exemptions
- 8.06.090 Challenges

### **8.06.010 Purpose**

The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the city. Vacant buildings are detrimental to surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the city. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the city, as is the general community character in which the vacant buildings are located.

### **8.06.020 Applicability**

The provisions of this article shall apply to all matters relating to vacant buildings. When or if the provisions of this article conflict with other provisions of the Code of Ordinances or a technical code adopted by the city, then the more restrictive provision shall govern.

### **8.06.030 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

- A. *Vacant building* means a building, structure or dwelling that has been unoccupied for more than six (6) consecutive months, or a commercial tenant space greater than ten thousand (10,000) square feet in an otherwise occupied building, that has been left unoccupied for more than six (6) consecutive months with the following determinant criterion utilized to verify property vacancy:
  - i. Overgrown or neglected vegetation;
  - ii. The accumulation of hazardous, noxious or unsafe substances or materials on property;
  - iii. The accumulation of newspapers, circulars, flyers or mail on the property;
  - iv. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
  - v. Doors to the property that are broken off, unhinged or continuously unlocked;
  - vi. Statement of neighbors regarding lack of activity;
  - vii. Disconnection of gas, electric or water utility services to the property.
- B. *Actively for sale or lease* means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Jacksonville or actively marketing the property on the internet, social media sites, etc., it being offered for sale or lease at a cost of no more

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than twenty-five (25) percent over market rate as determined by the Pulaski County Assessor, and the building is in reasonable condition for sale or lease, including, but not limited to: no trash has collected inside or outside the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

- C. *Third party inspector* means a private business or firm including, but not limited to, real estate agencies, appraisers, title companies, lawyer, general contractors, insurance adjusters with expertise for inspection of vacant buildings.

#### **8.06.040 Monitoring, Inspection, and Condition Standards.**

- A. The Code Enforcement Department or authorized city designee may inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon consent of the owner, or owner's designee, the Code Official, shall inspect all interior portions of a vacant building. If consent is not granted, the premises may only be entered in the event of an emergency or upon the issuance of an administrative warrant.
- B. Once a building/structure/unit or residence (hereafter referred to as building) is registered as a vacant building, the vacant building may be inspected annually for as long as it is considered vacant, with consent of the owner, if an emergency situation is declared, or upon the issuance of an administrative warrant.
- C. The vacant building shall be secured; the exterior building and premises shall be maintained in accordance with all City requirements.
- D. The vacant building shall be in reasonable condition and not be a safety or health hazard to the public.

#### **8.06.050 Agent-Responsible Person Required for Vacant Building**

- A. *Property manager.* Any owner of a vacant building residing outside of Pulaski County, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in Pulaski County acting as a property manager. The property manager, including family members or designated individuals, shall have charge, care and control over the vacant building.
- B. *Corporate or partnership owners.* Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care and control over the vacant building. The designated member, partner or employee shall reside in or have an office located in Pulaski County, or shall be required to have a licensed property manager residing or having an office located in Pulaski County, or other designated individual who does not manage any other real estate for a fee, and who resides in Pulaski County, acting as a property manager. The property manager or other designated individual shall have the charge, care and control over the vacant building.

#### **8.06.060 Registration and Registration Fee of Vacant Building**

- A. *Registration of building.* There are two (2) ways to register a building as vacant.

1. The owner shall register with the Jacksonville Code Enforcement Department not later than thirty (30) days after the building becomes vacant, as defined.

The registration of the building shall include, (a) the site address, (b) the name of the current owner or owners, current address of the owner(s), (c) tax parcel number, (d) a description of the condition of the building, (e) plans for future use (intended to eliminate the vacancy), (f) the responsible person or agent and the contact information for same, and (g) other applicable information as the code enforcement department may require. If any information changes the registrant is responsible for informing the Code Enforcement Department of the changes in a prompt manner.

2. The Code Enforcement Department shall investigate any property that may be subject to registration. Based upon the investigation, the Code Enforcement Officer may register the property as a vacant building subject to this article.
  - a. *Notice of registration.* Within five (5) business days of registration by a Code Enforcement Officer, he shall notify the record owner(s) of the property of the registration by certified and regular delivery mail to the last known address for the owner(s) listed in the deed records of Pulaski County, Arkansas. If notice by mail cannot be accomplished, notice of the registration shall be by publication in a newspaper with circulation in the city.
  - b. When it appears a property registered by a Code Enforcement Officer as provided in paragraph (a) is no longer vacant, the inspector will so indicate in the Code Enforcement Department records.
  - c. All vacant structures shall be registered by October 15<sup>th</sup>, 2023.
- B. *Registration fee.* An annual registration fee of one hundred dollars (\$100.00) for each residential vacant building and two hundred fifty dollars (\$250.00) for each commercial vacant building shall be assessed, which is due and shall be paid at the time of registration. If Code Enforcement registers the building as vacant, the fee shall be due no later than thirty (30) days after the building is registered as vacant or the owner(s) receives notice, whichever is later. All vacant building registration fees are due on or before October 15th as long as the building remains vacant; not to exceed one (1) vacancy registration payment per calendar year.

#### **8.06.070 Violation and Penalties.**

- A. If the registration fee is not paid on or before October 15th, the owner(s) shall be in violation of this article, and may be summoned before the Jacksonville District Court, where, upon a finding of guilt, the court shall impose a fine not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00).
- B. A lien for the unpaid registration fee shall be placed against the property on which the vacant building is sited. The Code Enforcement Department, through the City Attorney, shall cause to be filed, in the deed records of Pulaski County, a notice of the lien in the amount of the past due and unpaid registration fee, with instructions on how the lien may be discharged.

- C. The unpaid registration fee shall constitute a debt owed to the City of Jacksonville and may be collected by the City through civil action filed in a court of competent jurisdiction, or by foreclosure of the lien created in subsection (b).

**8.06.080 Exemptions.**

- A. The following are exempt from registration:
  - 1. Buildings owned by another government entity.
  - 2. Buildings which are vacant due to fire damage, or by act of God, or other casualty rendering the structure unsafe for occupancy. The owner(s) shall promptly take steps to repair or demolish the structure in accordance with JMC § 8.01.037.
- B. The following properties shall be registered as vacant, but are exempt from paying a registration fee:
  - 1. A building actively being marketed for sale or lease,
  - 2. A building under reconstruction or renovation with a current permit, or
  - 3. A building involved in probate, or the owner is incapacitated. After a period of twelve (12) months, this exemption sunsets and the property registered unless another exemption applies.

**8.06.090 Challenges.**

A challenge to Code Enforcement’s decision to register a building or the twenty-five (25) percent over market rate (from the “actively for sale or lease” definition) may be challenged before the Board of Adjustment, in accordance with JMC § 8.01.050, et al.

**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 passage and publication, as provided by and subject to the requirements of applicable law.

**APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.**

**CITY OF JACKSONVILLE, ARKANSAS**

\_\_\_\_\_  
**JEFF ELMORE, MAYOR**

**000015**



**ATTEST:**

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**SUSAN M. DAVITT, CITY CLERK**

**APPROVED AS TO FORM:**

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**STEPHANIE FRIEDMAN, CITY ATTORNEY**

**000016**