



Legislation Text

File #: ORD-78:2083, **Version:** 1

AN ORDINANCE TO AMEND SECTION 2-3.2 OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS REFERRING TO APPEALS FROM DECISIONS OF THE COMMISSIONS AND BOARDS DIRECTLY TO THE CITY COUNCIL; SETTING OUT PROCEDURES AND FOR OTHER PURPOSES

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

That Section 2-3.2 shall be amended as follows:

Section 1: Appeals to the City Council of decisions of commissions and boards shall be in writing signed by the party appealing, dated and filed with the City Clerk within thirty (30) days following the decision of the board and/or commission. The appeal shall set forth the objection to the decision rendered by said commission and/or board. Decisions shall be considered final if no appeal is perfected within the thirty day period.

Section 2: Appeals shall be heard by the City Council meeting in official session. The City Council may call a special meeting to hear said appeal.

Section 3: The City Council shall notify the party appealing by certified mail, return receipt requested, of the date of hearing the appeal. The notice shall contain the following statements:

- (a) The appealing party shall be entitled to counsel at the hearing;
- (b) The appealing party shall be able to confront the members of the board and/or commission or any witnesses of the board and/or commission;
- (c) The appealing party may introduce any evidence which the appealing party has in his possession;
- (d) The rules of evidence and the rules of procedure established for the judicial system of the State of Arkansas shall not be applicable at said hearing;
- (e) The appealing party shall be entitled, upon request, to a written statement from the City Council which shall state the facts and reasons for denying the appealing party's appeal if same is denied.

Section 4: The City Council shall either approve or reject the appealed decision by a majority vote. Failure to act on the appeal within sixty days after same is failed will be deemed approval of the decision of the board and/or commission. Decisions not approved by the City Council may be resubmitted through proper channels not less than six months following the council's action or sooner if there is a material change in circumstances or conditions.

Section 5: All ordinances and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: It is found and declared by the City Council that the present ordinance providing for appeals to the City Council is deficient and that same needs to be rewritten so that the citizens of Jonesboro are able to take their grievances to the City Council without having to evoke a jurisdiction of the Courts and therefore, this ordinance is necessary for the preservation of the public peace health and safety, an emergency is hereby

declared to exist and this ordinance shall take effect and be in full force from and after its passage and approval.

PASSED and ADOPTED this 6th day of March, 1978.