

AN ORDINANCE TO AMEND ORDINANCE NO. 57, AS AMENDED, TO THE ORDINANCES OF THE CITY OF GOSNELL, ARKANSAS, KNOWN AS "GOSNELL ZONING REGULATIONS" PROVIDING FOR THE REZONING OF PORTIONS OF THE ABANDONED RAILROAD RIGHT-OF-WAY.

WHEREAS, the abandoned railroad right-of-way within the City of Gosnell was previously zoned under the zoning regulations for use as a railroad, and

WHEREAS, in view of the fact that the railroad is not being used as such and the right-of-way has been claimed by adjoining landowners, it is necessary that this property formerly used by the railroad from the East city boundary to the North side of Bevill Street should be zoned to its present and best use for the benefit of the City, and

WHEREAS, a public hearing was held by the Gosnell Planning Commission at its regular meeting on November 5, 1987, to determine the zoning to be given to the abandoned railroad right-of-way, with a recommendation being made by the Gosnell Planning Commission as will hereinafter be specified.

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

SECTION 1: That Ordinance No. 57, as amended, of the Ordinances of the City of Gosnell, Arkansas, known as Gosnell Zoning Regulations, is hereby amended to change the classification of the railroad rightof-way from the East city boundary to Bevill Street as will hereinafter be specified, to-wit:

From the East boundary to existing commercial property fronting on Highway No. 151, it shall be zoned "R-2", Residential.

From the above-described "R-2" Residential property to where the abandoned railroad crosses Highway No. 151, it shall be zoned "C", Commercial.

From Highway No. 151 to Dorris Lane, it shall be zoned "R-2", Residential.

From the North side of Dorris Lane to the North Line of lots facing Terrace Drive, it shall be zoned "R-1", Residential.

From the North Line of lots facing Terrace Drive as zoned above, to Bevill Street, it shall be zoned "C", Commercial.

has no bottom secured to the sides, the sides must be embedded in the ground sufficiently so as to prevent digging from the pen or the enclosure.

(d) "Dangerous or vicious dog" means:

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
2. Any dog which attacks a human being or other domestic animal with provocation; or
3. Any dog known by the owner to be a pit bull terrier, which shall herein be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

SECTION 3: It shall be unlawful for the owner of any dog or other animal to fail to keep the same from running at large in the City. It shall further be unlawful for any owner to keep or harbor a dangerous or vicious animal.

SECTION 4: Nothing in this Ordinance or other Ordinance of the City shall be construed to prevent the immediate destruction by proper animal control officers or police officers of the City of any dangerous or vicious dog or other animal when less drastic methods, such as tranquilizing, are not available or effective.

SECTION 5: Any owner or person found violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$250.00 for such offense.

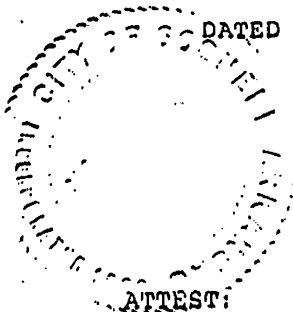
SECTION 6: It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Ordinance be declared invalid, all other provisions thereof, together with the Ordinances which it might amend, shall remain valid and enforceable.

SECTION 7: It is felt that the situation regarding dogs

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The railroad having abandoned this property some time ago and with adjoining landowners having acquired title to the property and desiring to use it for their own benefit, it is necessary that this Ordinance take effect immediately and an emergency is hereby declared so that it shall take effect and be in full force and effect from and after its passage.

DATED this 10th day of November, 1987.



APPROVED:

Carl B. LeBlond
MAYOR

Janice Gray
CLERK