

FILED

JAN 26 1973

ARNOLD R. KNIGHT, CLERK

By Brenda Engeler D.C.

ORDINANCE NO. 165-73

A ZONING ORDINANCE PROHIBITING THE USE, OCCUPANCY AND MAINTENANCE OF MOBILE HOMES IN SPECIFIED AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF COTTER, ARKANSAS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND FOR OTHER PURPOSES.

WHEREAS, a petition was submitted to the City Council of the City of Cotter, Arkansas on December 6, 1972 containing the signatures of owners of at least two-thirds in number and at least three-fourths in value of real property/situated within the corporate limits in an area hereinafter described of the City of Cotter, Arkansas for the zoning of a certain area within said City to prohibit Mobile Homes therein; and

WHEREAS, the City Council of the City of Cotter, Arkansas submitted said petition to the City of Cotter Planning Commission which met and recommended that Mobile Homes be prohibited within the boundaries of the lands within the City of Cotter hereinafter set forth and presented their recommendations to the City Council of the City of Cotter, Arkansas at its regular meeting held December 20, 1972 at which time the City Council voted to accept said recommendations of the City of Cotter Planning Commission;

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

SECTION 1: For the purpose of this ordinance, the following terms shall be deemed and construed to have the meaning respectively ascribed to them in this Section unless from the particular context it clearly appears that some other meaning is intended:

PERSON - The word "Person" shall mean and include both the singular and plural and shall also mean and include any individual, firm, corporation, partnership, association, club, society or any other organization.

MOBILE HOME - Shall mean and include any structure, which could be used as a year-round dwelling unit, vehicular in design, which may, during the period of time from its inception, be or have been driven, towed or propelled from one location to another, whether or not the same be supported by wheels or on a foundation.

SECTION 2: The following described area within the corporate limits of the City of Cotter, Baxter County, Arkansas, as shown by the recorded Plats of the Incorporated Town of Cotter, Arkansas and of Cotter Heights and Reddick's Addition to the Incorporated Town of Cotter, Arkansas, all as recorded in the Plat Books of the Circuit

Clerk and Ex-Officio Recorder of Baxter County, Arkansas, is hereby zoned to prohibit the use, occupancy and maintenance of Mobile Homes thereon:

All of Cotter Heights; also all that part of the City of Cotter as shown on the recorded plat of the Incorporated town of Cotter, Arkansas lying North and East of a line beginning at a point on the Bank of White River which would be intersected by Sixth Street if said Sixth Street were extended Northerly to said River, from said point of beginning run South along such line and along Sixth Street to Combs Avenue, run thence Easterly along Combs Avenue to Seventh Street, run thence South along Seventh Street to South Avenue, run thence Easterly along South Avenue to the West line of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 19 North, Range 14 West; also all that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 19 North, Range 14 west lying within the Corporate Limits of the City of Cotter, Arkansas; also Lots 84, 85, 218 thru 233, 237 thru 247 in Reddicks Addition to the Incorporated Town of Cotter, Arkansas, which is now within the boundaries of the City of Cotter, Arkansas.

SECTION 3: It shall be unlawful for any person to erect, place, locate, move onto, or spot a Mobile Home upon the lands described in SECTION "2" above.

SECTION 4: This ordinance shall not be construed to prohibit the setting aside within said described lands a parcel or parcels of lands under single ownership as a Mobile Home Park or Parks or Trailer Park or Parks, planned and improved for the placement of Mobile Homes for non-transient use and for which permit is issued by the City Council of the City of Cotter, Arkansas.

SECTION 5: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25.00 nor more than \$250.00 for each violation. Each and every day that such violation is permitted to exist shall constitute a separate offense.

SECTION 6: If any part, phrase or paragraph of this Ordinance shall be held to be unlawful by a Court of competent jurisdiction other portions of the within ordinance shall not be affected thereby but shall remain in full force and affect.

SECTION 7: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8: It is found and declared that there is an immediate need for this ordinance in order to insure the coordinated, adjusted and harmonious development of that part of the City of Cotter, Arkansas,

described in SECTION "2" hereof and the passage hereof being necessary for the preservation of the public peace, health, safety and general welfare, and an emergency thus existing, this ordinance shall take effect upon its passage and publication.

PASSED AND APPROVED this 17 day of January, 1973.



MAYOR

(Recorder acting as Mayor in absence of Mayor)

ATTEST:



RECORDER

(Recorder in absence of Mayor)

CERTIFICATE OF RECORD

THE STATE OF ARKANSAS)
COUNTY OF BAXTER) ss.

I, Arnold R. Knight

Circuit Clerk and Ex-Officio

Recorder for the county aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 26 day of January A. D. 1973 at 10 o'clock A M., and the same is now duly recorded, with the acknowledgment and certificate thereon in "Record Book M" Page 127

IN WITNESS WHEREOF, I, have hereunto set my hand and affixed the seal of said Court, this 26 day of Jan 1973

Arnold R. Knight

Clerk and Ex-Officio Recorder

By Edna Knight D.C.