

**ORDINANCE NO. 75**

**AN ORDINANCE AMENDING ORDINANCE 65,  
TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen, by Ordinance No. 65, did amend ordinance 61, and did adopt the document known as the City of Goshen Subdivision Regulations; and

WHEREAS, after due notice as required by law, the Goshen Planning Commission has heard all persons desiring to be heard regarding the amendments contained herein; and

WHEREAS, all comments, views, suggestions and recommendations have been considered and addressed, and minor changes made as deemed appropriate; and

WHEREAS, after conducting its public hearing in accordance with law, the Goshen Planning Commission reviewed the attached amendments and made certain recommendations regarding them to the City Council.

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

SECTION 1: That the document entitled: "City of Goshen Subdivision Regulations" adopted by Ordinance No. 65 on August 8, 2006, is amended as reflected in the attached Amendment 5 to Goshen Subdivision Regulations. All provisions of the regulations unchanged by this Ordinance are readopted, but the effective date of those provisions shall be unaffected hereby.

SECTION 2: That the City Attorney and Recorder are directed to include the above referenced amendments into the current subdivision regulations and incorporate them into the document known as the "City of Goshen Subdivision Regulations" and shall also reflect the effective date of this Ordinance.

SECTION 3: That all regulations and ordinances adopted and in effect prior to the effective date of this Ordinance, are amended as necessary to give effect to this ordinance.

SECTION 4. EMERGENCY CLAUSE: Because of the issue of fire code enforcement is important, because the current ordinance has confusing language regarding the person signing plats as relates to fire code issues and because the current ordinance does not make a provision for obtaining technical assistance to assist city officials in applying provisions of the fire code, therefore making it very difficult for the citizens of Goshen to make appropriate choices on fire code issues, it is viewed that an immediate solution is necessary thereby creating an emergency. It is hereby declared that based on the conditions set forth herein, an emergency exists and this

Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

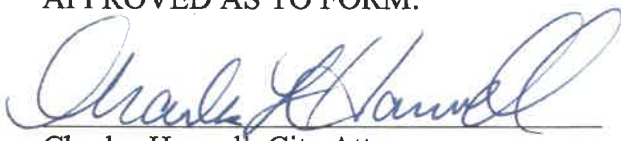
PASSED AND APPROVED this 11<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Joe Benson, Mayor

ATTEST:

  
\_\_\_\_\_  
Cheryl Whillock, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Names Of Those Voting NAY

Max Poye  
Andy Bethell  
Jamie Boyd  
Dr. Brian Buell  
J.J. Lockhart

Absent

Paula Anderson

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Max Poye  
Andy Bethell  
Jamie Boyd  
Dr. Brian Buell  
J.J. Lockhart

Names Of Those Voting NAY

Absent

Paula Anderson

AMENDMENT 5 TO GOSHEN SUBDIVISION REGULATIONS

1. Current language of Section 2-10(e) is deleted. In its place, the following shall be inserted:

This Certificate of Final Plat Approval shall be shown on both the final plat and the restrictive covenants or bill of assurances as follows:

Certificate of Final Plat Approval. Pursuant to the Arkansas State Fire Code, this document is given final approval by the City Fire Code Enforcement Official. All of the conditions of approval having been completed, this document is hereby accepted and this certificate executed under the authority of said Arkansas State Fire Code.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
City Fire Code Enforcement Official

2. Current language of Section 2-12 (c) is deleted. In its place, the following shall be inserted:

The City Fire Code Enforcement Official or the planning commission may cause the developer's engineer and/or surveyor to check the final plat for correctness, charging the cost to the developer if the plat is found to be in error, and the preparer fails to make the necessary corrections. In addition, the City Fire Code Enforcement Official or the planning commission, in their discretion, may have an independent engineer review all engineering plans and specifications at the developer's expense. This shall include, without limitation, all issues related to fire code enforcement.