

ORDINANCE NO. O-02- 170**AN ORDINANCE DECLARING A MORATORIUM ON SEXUALLY ORIENTED BUSINESSES AND FOR OTHER PURPOSES.**

WHEREAS, the City of Conway zoning ordinance contains no references to sexually oriented businesses either as to their approved or restricted use in various zones in the city; and

WHEREAS, sexually oriented businesses are opening in other cities without the typical prerequisite of alcohol availability; and

WHEREAS, other cities, notably Fort Smith, Arkansas, have paid hundreds of thousands of dollars in damages due to court challenges of attempts to prohibit sexually oriented businesses from operating inside city limits; and

WHEREAS, any attempt by the City of Conway to regulate such businesses must prudently observe the court rulings in regard to the zoning and regulation of such businesses as well as determine the appropriate areas and zones in which such businesses can be legally sited with little or no detriment to the property values or the community or neighborhood character of other land uses; and

WHEREAS, sexually oriented businesses can open at any time in Conway in advance of the drafting of appropriate ordinances governing such; and

WHEREAS, any attempt by the City of Conway to regulate or oppose the opening of a sexually oriented business without specific reference to such in the current zoning ordinance would put the city at risk of paying hundreds of thousands of dollars in damages from court challenges due to the city's attempts at prohibiting such businesses from its corporate limits;

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

Section 1. A moratorium on the opening of sexually-oriented businesses is declared for a period of twelve (12) months from the date of the passage of this ordinance for the purposes of the study of, the drafting of, the gathering of public commentary on, and the adoption of appropriate and legal zoning regulations governing sexually-oriented businesses within the City of Conway.

Section 2. A sexually-oriented business is defined as an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude model studio or sexual-encounter center.

Section 3. The Quorum Court of Faulkner County is encouraged to consider a similar ordinance and potential regulations as areas immediately outside of the City of Conway in the county jurisdiction would also be prone to the inappropriate location of such businesses before the county can approve regulations governing their location.

Section 4. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 5. Because time and study is needed to seek public comment, and to draft and adopt appropriate zoning ordinance amendments addressing sexually-oriented businesses, this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 14th day of May 2002.

APPROVED:

Tab Townsell
Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk Michael O. Garrett