

ORDINANCE NO. 2015-21

**AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES;
ESTABLISHING EXEMPTION FOR WHITE COUNTY FAIR;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the White County County Fair Board has, decades, operated the White County Fair upon the environs of the White County fairgrounds; and

WHEREAS, the encroachment of residential development to the White County Fairgrounds could result in complaints related to noise associated with the operation of the White County Fair during fair week; and

WHEREAS, the Searcy City Council makes the finding that the use of the White County Fairgrounds predates the adoption of noise ordinances adopted by the City of Searcy and that the use of the White County fairgrounds during the week of the White County fair should be, regardless of the application of provisions of the Searcy Code of Ordinances, a non-conforming pre-existing use; and

WHEREAS, the Searcy City Council desired to exempt, specifically, the operations of the White County fair during fair week from certain provisions of the Searcy Code of Ordinances.

NOW, THEREFORE, be it ordained by the City Council of the City of Searcy, Arkansas, to wit:

Section 1. The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding a section to be numbered Section 19-29, which said section reads as follows:

“19-29 Exemption of White County Fair.

1. Findings. The Searcy City Council finds that the operation of the White County Fair, by the White County Fair Board during the week designated by the White County Fair Board as the week of the White County fair is a pre-existing, non-conforming use that pre-dated the adoption of the Searcy Code of Ordinances.
2. Exemption. Notwithstanding any provision herein to the contrary, the activities undertaken at the White County fairgrounds during the week designated by the White County Fair Board as the week of of the White County Fair, and specifically the provisions of Section 19-8, 19-9, 19-10, 19-11, 19-12 and 19-13, are exempted from enforcement by the City of Searcy.
3. Effect Upon Other Activities. The provisions of this Section shall have no effect upon other events undertaken at the White County

fairgrounds or those events not sanctioned by the White County Fair Board.”

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. The provision of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their terms

Emergency Clause. The need to provide for the continued operations of the White County Fair, having been deemed to be an emergency by the City of Searcy, and the foregoing necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage.

Adopted this 14th day of July, 2015.

The City of Searcy, Arkansas:

/s/ David Morris
David Morris, Mayor

Attest:

/s/ Jerry Morris
City Clerk-Treasurer