

ORDINANCE NO. 244

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING A MORATORIUM ON THE FILING AND ACCEPTANCE OF DEVELOPMENT APPLICATIONS FOR, AND THE LOCATION OF, LAND USES OPERATING OR CONDUCTING SOCIAL CARD GAMES, EXEMPTING LAND USES FOR WHICH A DEVELOPMENT APPLICATION WAS PENDING UPON THE EFFECTIVE DATE OF THIS ORDINANCE OR WHICH WERE LEGALLY IN EXISTENCE AT SUCH TIME, PROHIBITING EXPANSION OF SUCH USES, SETTING THE DATE FOR A PUBLIC HEARING ON THE MORATORIUM, PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT UNTIL JANUARY 18, 2000, PROVIDING THAT VIOLATION OF THE MORATORIUM IS A GROSS MISDEMEANOR SUBJECT TO A \$5,000 FINE AND ONE YEAR IN JAIL, DECLARING AN EMERGENCY, AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the state legislature and state Gambling Commission have recently expanded the ability of gambling licensees to conduct social card games as a commercial stimulant for the licensee's business, and

WHEREAS, the City Council is concerned about the proliferation of gambling establishments which, under the expanded authority granted by the state legislature and state Gambling Commission, may now operate up to 15 tables of social card games per establishment, and

WHEREAS, the City's current zoning regulations do not address gambling establishments in a comprehensive fashion and may allow such establishments to be located in areas where the kind of impacts associated with gambling, particularly gambling featuring 15 tables of social card games, will be detrimental to the community and not in keeping with the character of the zoning district, and

WHEREAS, the City needs time to consider zoning regulations which would deal appropriately with such expanded gambling establishments and the City Council has therefore decided to impose a moratorium in order to study the issue and to adopt appropriate regulations,
NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Moratorium Established. From and after the effective date of this ordinance, the City shall not allow the filing of or accept any application for a building permit, tenant improvement, subdivision, short subdivision, site plan review, or any other development approval established by the University Place Municipal Code and for any building, land structure or land use in which a social card game or games are or are proposed to be operated or conducted. From and after the effective date of this ordinance, no new land use which operates or conducts social card games shall be located within the City and no existing land use which does not already operate or conduct such social card games may begin operating or conducting the same. As used in this section, the term "social card game" is defined as provided in RCW 9.46.0282 and is intended to apply to all such games, regardless of the number of tables per establishment.

Section 2. Exemption – Vested Rights. Applications which are legally vested as of the effective date of this ordinance shall continue to be processed as provided in the University Place Municipal Code and according to the land use regulations in effect on the date of vesting.

All land uses operating social card games under licenses which have been issued or which have been applied for from the state Gambling Commission as of the effective date of this ordinance and which are approved pursuant to vested applications as provided in this section, and all land uses operating social card games which are currently in existence within the City, which were legally established under the land use regulations in effect at the time of establishment, and which have current gambling licenses issued by the state Gambling Commission, may continue to operate at the levels authorized by their current or currently applied for gambling license. All such land uses operating social card games shall be considered legal nonconforming uses under this ordinance and shall not be expanded or intensified by the addition of tables at which social card games are played beyond the number authorized by the current or currently applied for gambling license.

Section 3. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, a public hearing shall be held on August 2, 1999, for the purpose of taking testimony and adopting written findings and conclusions justifying the moratorium established by this ordinance.


Section 4. Effective Period of Moratorium. The moratorium adopted by this ordinance shall become effective immediately upon adoption and shall remain in effect through January 18, 2000, subject to the adoption of findings and conclusions as provided in Section 3 above. This moratorium shall also terminate upon the adoption of permanent regulations governing the location of gambling establishments operating social card games. This moratorium may be extended as provided in RCW 36.70A.390 and RCW 35A.63.220.

Section 5. Penalty for Violation. Any person violating any provision of this ordinance shall have committed a gross misdemeanor and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000, or imprisonment for a term not to exceed one year, or by both such fine and imprisonment.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date and Declaration of Emergency. The City Council hereby finds and declares that an emergency exists, pursuant to RCW 23.21C110 and WAC 197-11-880 which necessitates that this ordinance become effective immediately in order to avoid an imminent threat to the public health, safety and welfare to prevent an imminent danger to public or private property and an imminent threat of serious environmental degradation. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance, consisting of the title, at the earliest possible publication date.

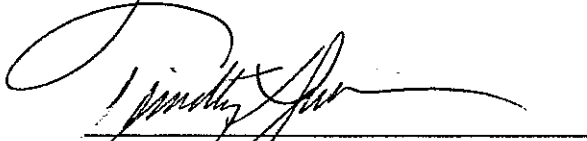
PASSED BY THE CITY COUNCIL ON JULY 19, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Passed by the City Council: July 19, 1999

Published: July 23, 1999

Effective Date: July 19, 1999