

ORDINANCE NO. 171

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, EXTENDING UNTIL MAY 19, 1998, THE CITY'S MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS FOR ADULT ENTERTAINMENT BUSINESSES WHICH WAS ADOPTED BY ORDINANCE NO. 127 AND EXTENDED BY ORDINANCE NO. 147

WHEREAS, the City of University Place newly incorporated on August 31, 1995, and its Planning Commission is in the process of developing a Comprehensive Plan under State Growth Management regulations and is considering, in compliance with federal law, appropriate locations within the City of University Place where adult entertainment establishments may be located as part of the land use element; and

WHEREAS, the City Council held a public hearing on an adult entertainment moratorium ordinance on May 6, 1996, at which the City Council entered findings of fact about the difficulties other cities have had in policing adult entertainment establishments and the undesirable secondary impacts on neighborhoods and nearby businesses associated with the operation of adult entertainment establishments; and

WHEREAS, the City Council has adopted a work plan for the City to come into compliance with federal and state law requirements relating to the siting and business license issues associated with adult entertainment establishments, and the City Council is working diligently on adopting the necessary controls necessary to regulate adult entertainment within federal and state constitutional requirements; and

WHEREAS, the City Council has already adopted adult entertainment business license regulations but the Council has not yet received Planning Commission recommendations regarding appropriate locations within the City where adult entertainment businesses should be located; and

WHEREAS, to avoid any uncertainty occasioned by the above, the City Council finds that to ensure protection of public health, public safety, public property and public peace, the City Council should extend the moratorium to avoid the establishment of any adult entertainment businesses within the City until it receives the final report of the Planning Commission as to appropriate site locations for adult entertainment establishments within the city which will mitigate any undesirable secondary effects of such establishments; now therefore,

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

Section 1. Extending Moratorium. The moratorium established by Ordinance No. 127 on the acceptance of, processing of, or granting of approvals for licenses, permits and approvals necessary for adult businesses and adult use facilities, as those terms are defined and used in Ordinance No. 102 and in Pierce County Zoning Code (Chapter 18A.15) and for adult cabaret or live entertainment businesses, as those terms are commonly understood or defined in either the Pierce County Zoning Code or Ordinance No. 100 is hereby extended until May 19, 1998.

Section 2. Term of Moratorium. This moratorium extension shall become effective immediately upon passage of this ordinance and shall continue in effect until May 19, 1998, unless repealed, extended or modified by the City Council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220.

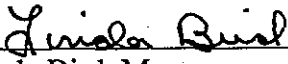
Section 3. Adopting a Revised Work Plan. Staff and the Planning Commission began work on the Comprehensive Plan update under the State Growth Management Act in March, 1996, pursuant to a schedule approved by the City Council. The Commission will issue a Draft Comprehensive Plan and Draft Environmental Impact Statement by the end of November, 1997 and hold a public hearing on December 10, 1997. The Commission's recommendation and public comments will be forwarded to the City Council by the end of January, 1997 for review and adoption beginning in February, 1998. Work includes developing policies and land use designations to determine where different uses, including adult entertainment should be located. After location criteria have been approved, zoning regulations for adult entertainment must be recommended by the Planning Commission and adopted by the City Council. Work is anticipated to be completed by June, 1998.

Section 4. Readopting Findings of Fact. The City Council readopts by reference the Findings of Fact adopted in Section 1 of Ordinance No. 133.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON NOVEMBER 17, 1997.



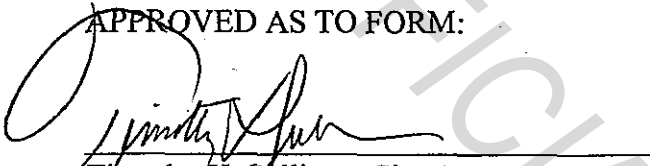
Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 11/19/97

Effective Date: 11/24/97