

**ORDINANCE NO. 147**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, EXTENDING FOR SIX ADDITIONAL MONTHS THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS FOR ADULT ENTERTAINMENT BUSINESSES, ADOPTING FINDINGS OF FACT AND DECLARING AN EMERGENCY.**

WHEREAS, the City of University Place is a new city incorporated on August 31, 1995;  
and

WHEREAS, the Planning Commission is in the process of developing a land use element of the Comprehensive Plan which in compliance with federal law will consider appropriate locations within the City of University Place where adult entertainment establishments may be located; 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 already 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

WHEREAS, 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 the appropriate locations within the City where adult entertainment businesses should be located; and

WHEREAS, the moratorium adopted in Ordinance No. 70 and amended in Ordinance No 90 may have inadvertently expired without extension; and

WHEREAS, the moratorium adopted in Ordinance No. 70 does not recognize the definitions of adult entertainment which were subsequently adopted by the Council in Ordinance No. 102; and

WHEREAS, to avoid any uncertainty occasioned by the above, the City Council finds that an emergency exists and that public health, public safety, the protection of public property and public peace require that the City Council take immediate action to avoid the establishment of any adult entertainment businesses within the City until the City Council can adopt a zoning ordinance which permits such uses but does so in a manner which mitigates the undesirable secondary effects of such establishments.

**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 for six additional months.

Section 2. Term of Moratorium. This moratorium extension shall become effective immediately upon passage of this ordinance and shall continue in effect for six months from the date of passage 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 Findings of Fact. Council readopts the Findings of Fact set forth in Section 1 of Ordinance No. 133.


Section 4. 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 on December 20, 1995. They will develop recommendations on the Land Use, Community Character, Housing, and Parks and Open Space Elements of the Comprehensive Plan for consideration by the City Council in late, 1997. Work includes developing policies and land use designations to determine where different uses, including adult entertainment should be located. After establishing locational criteria, staff will conduct research and draft zoning regulations for adult entertainment. An environmental impact statement on the Comprehensive Plan also must be completed. City Council will consider the zoning regulations in late 1997 after Planning Commissions Comprehensive Plan recommendation is completed. after completion of the public and environmental review process. Staff will also have developed business licensing regulations for adult entertainment businesses including performer and manager licenses.

The City has filed an amicus brief in DCR, Inc. v. Pierce County. The City will continue to cooperate with other cities and counties in petitioning the courts to clarify the extent to which governmental entities can regulate adult entertainment establishments.

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. Effective Date. This ordinance, passed by a majority plus one of the whole membership of the city council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

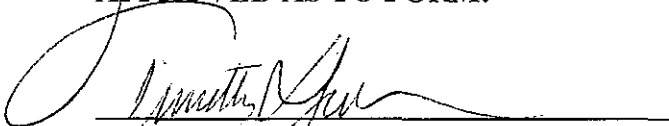
**PASSED BY THE CITY COUNCIL ON JUNE 2, 1997.**

  
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Linda Bird, Mayor

**ATTEST:**

  
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Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
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Timothy X. Sullivan, City Attorney

**Date of Publication: June 5, 1997**  
**Effective Date: June 10, 1997**