

ORDINANCE NO. 133

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, ADOPTING FINDINGS OF FACT IN SUPPORT OF
THE CITY'S SIX MONTH MORATORIUM ON THE
ACCEPTANCE OF APPLICATIONS FOR LICENSES, PERMIT
AND APPROVALS FOR ADULT ENTERTAINMENT BUSINESSES
AND AMENDING ORDINANCE NOS. 70 AND 90 BY AMENDING
THE WORK PLAN**

WHEREAS, the City Council of the City of University Place, Washington, on December 11, 1996, declared an emergency and adopted an immediate moratorium on the acceptance of applications for licenses, permits and approvals for adult entertainment businesses; and

WHEREAS, said moratorium (Ordinance No. 127) is to be effective for a period of six (6) months from the date of passage unless repealed, extended or modified by the City Council after subsequent public hearing and entry of appropriate Findings of Fact; and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 adopted a work plan on May 6 (Ordinance No. 90) 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 by March, 1997; and

WHEREAS, the City Council has completed part of that work program by adopting business licensing regulations for adult entertainment establishments but the City Council has not yet received a recommendation from the Planning Commission about the siting of adult entertainment uses within the community; Now, Therefore,

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

Section 1. Adopting Findings of Fact. Based on public testimony and other evidence presented to it on May 6, June 17, 1996, January 6, 1997 and other occasions, and on the evidence considered by other cities which have investigated the impacts of adult entertainment businesses, the City Council makes the following findings of fact:

A. The Council readopts the Findings of Fact declared in Ordinance No. 90.

B. The Council finds that the Planning Commission is simultaneously pressed with the obligations of writing a Growth Management Act Comprehensive Plan, devising zoning and development regulations to meet the challenges of the Telecommunications Act of 1996, responding to the Bridgeport Way design charette and considering the City's needs for parks and open spaces.

C. The Council finds after a joint meeting with the Planning Commission on December 9, that the Commission has been diligently attempting to discharge the duties given it by the City Council but that the urgent needs of a new City to devise sign codes, development application procedures in compliance with ESHB 1724 and other regulatory changes, on top of the duties set forth in paragraph B above, have delayed the schedule for completion of the Comprehensive Plan. The Planning Commission needs more time to complete the multiple tasks which must be accomplished in a newly incorporated city.

D. The Council finds that the Planning Commission will be unable to complete adult entertainment zoning recommendations until May, 1997 and therefore the March, 1997 deadline set in the previously adopted work plan for the Planning Commission to make a recommendation for adult entertainment zoning needs to be extended.

Section 2. Amending Ordinances Nos. 70 and 90 by Adopting a Revised Work Plan. Section 3 of Ordinance No. 70 and Section 1 of Ordinance No. 90 are hereby amended to read as follows:

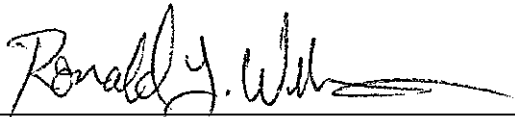
Staff and the Planning Commission began work on the Comprehensive Plan update under the State Growth Management Act in March, 1996 pursuant to a schedule approved by the City Council on December 20, 1995. They will develop recommendations on the Land Use, Community Character, Housing, and Parks and Open Space Elements of the Comprehensive Plan for consideration by the City Council in January late, 1997. -Work includes developing policies, a Parks, Open Space and Recreation Master Plan, 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. City Council will consider the zoning regulations in March June, 1997 after Planning Commission's 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 3. 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 4. Effective Date and Publication. 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 days after publication.

PASSED BY THE CITY COUNCIL ON JANUARY 6, 1997.



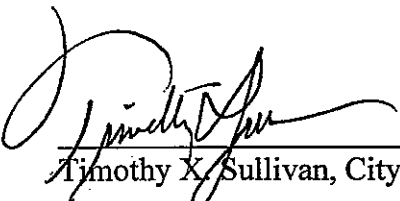
Ronald L. Williams, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: January 10, 1997
Effective Date: January 15, 1997