

ORDINANCE NO. 127

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON ESTABLISHING A MORATORIUM ON THE
ACCEPTANCE OF APPLICATIONS FOR LICENSES, PERMITS
AND APPROVALS FOR ADULT ENTERTAINMENT
BUSINESSES 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; Now, Therefore,

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

Section 1. Moratorium Established. A moratorium is established 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.


Section 2. Term of Moratorium. The moratorium imposed in this ordinance 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. Setting a Public Hearing. The City Clerk is directed to set a public hearing before the City Council within sixty (60) days of the passage of this Ordinance for the consideration by the City Council of Findings of Fact in compliance with RCW 35A.63.220.

Section 4. 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.

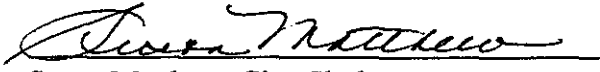
Section 4. Effective Date. This ordinance, passed by a majority plus one of the whole membership of the city council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

PASSED BY THE CITY COUNCIL ON DECEMBER 11, 1996



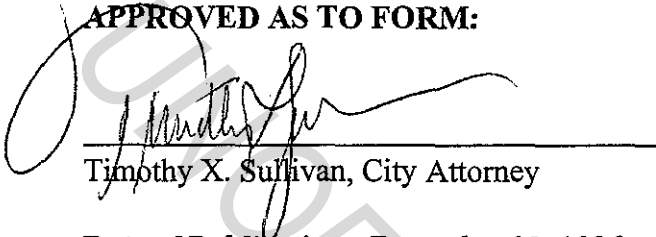
Mayor Ronald L. Williams

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: December 13, 1996

Effective Date: December 11, 1996

OFFICIAL DOCUMENT