

ORDINANCE NO. 90

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE NO. 70 WHICH ESTABLISHED A MORATORIUM ON THE FILING OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS FOR ADULT ENTERTAINMENT BUSINESSES AND DECLARED AN EMERGENCY BY ADDING A NEW SECTION 3 TO ORDINANCE NO. 70 ENTITLED WORK PLAN AND BY RENUMBERING THE REMAINING SECTIONS, DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of University Place incorporated on August 31, 1995.

WHEREAS, the city is in the process of preparing a comprehensive plan, a zoning code, and land use regulations which conform with the State Growth Management Act; and

WHEREAS, the city will also develop business licensing and regulations for adult entertainment businesses; and

WHEREAS, based on testimony taken at a public hearing on May 6, 1996, the City Council finds that the city needs more time to consider properly and carefully the location and regulation of adult entertainment businesses; and

WHEREAS, based on a wide range of testimony and documents presented in the record by law enforcement officers and the public at the public hearings held by the City Council in 1995 and again in 1996 and based on the record of difficulties encountered by other cities in policing adult entertainment establishments, the city council finds that adult entertainment businesses, although afforded some constitutional protection, often result in undesirable secondary effects, including criminal and other unlawful activities such as prostitution, narcotics and liquor law violations, breaches of the peace, assault, and sexual contact between entertainers and patrons; and

WHEREAS, based on documents presented in the record, the city council finds that indiscriminate and unregulated locations of adult entertainment result in the diminution of real estate property values; and

WHEREAS, the city council finds that the city's land use integrity and the State Growth Management Act planning process will suffer significant harm unless applications for licenses, permits and approvals for adult entertainment businesses are halted until the planning process is completed; and

WHEREAS, the city council finds that protection of the health, safety and welfare supports continuation of a moratorium on applications for licenses, permits and approvals for adult entertainment businesses; and

WHEREAS, RCW 35A.63.220 authorizes the city both to impose and continue a moratorium on development permits and approvals for adult entertainment businesses; now, therefore

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

Section 1. Amending Ordinance No. 70 by adding a new Section 3 Work Plan.
Ordinance No. 70 is hereby amended by adding a new Section 3 Work Plan 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, 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, 1997 after completion of the public and environmental review process. Staff will also develop business licensing regulations for adult entertainment businesses including performer and manager licenses.

Section 2. Renumbering Section 3 Severability and Section 4 Effective Date of Ordinance No. 70. Section 3 Severability and Section 4 Effective Date of Ordinance No. 70 are hereby renumbered to be Sections 4 and 5, respectively.

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.

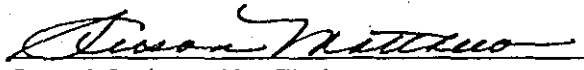
Section 4. Effective Date. This ordinance, passed by a majority plus one of the whole membership of the city council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

PASSED BY THE CITY COUNCIL ON MAY 6, 1996



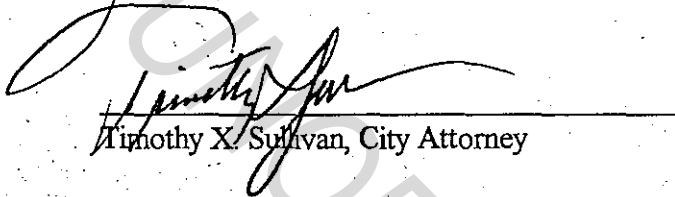
Mayor Ron Williams

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 5-8-96

Effective Date: 5-6-96

OFFICIAL DOCUMENT