

**ORDINANCE NO. 70**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ESTABLISHING A MORATORIUM ON THE FILING OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS FOR ADULT ENTERTAINMENT BUSINESSES, AND DECLARING AN EMERGENCY.**

WHEREAS, the City was incorporated on August 31, 1995.

WHEREAS, in conformance with the State Growth Management Act, the city is in the process of preparing and adopting a comprehensive plan, a zoning code, and land use regulations pursuant to that code; and

WHEREAS, the city intends to develop licensing and business regulations for adult entertainment businesses once the comprehensive plan and zoning code has been enacted; and

WHEREAS, 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 to the record by law enforcement officers and the public, 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 to 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 establishment of a moratorium on applications for licenses, permits and approvals for adult entertainment businesses; and

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

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

Section 1. Moratorium Established. A moratorium is imposed upon the filing with the city or the courts of any applications for licenses, permits and approvals for adult businesses and adult use facilities, as those terms are defined and used in the Pierce County Zoning Code (Chapter 18A.15) and for adult cabaret or live entertainment businesses, as those terms are commonly understood or defined in the Pierce County Zoning Code (Chapter 18A.15)

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 one year 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. 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 SEPTEMBER 18, 1995**

  
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Mayor Stanley L. K. Fleraming

**ATTEST:**

  
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Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
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Robert J. Backstein, City Attorney

**Date of Publication: September 20, 1995**  
**Effective Date: September 18, 1995**