

**ORDINANCE NO. 39**

**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 council was elected in April, 1995 and the city will be incorporated on August 31, 1995; and

WHEREAS, due to the short period of time between election of the city council and incorporation of the city, the City has adopted by reference an interim zoning code that is substantially similar to the Pierce County zoning code, leaving for future and more careful consideration many zoning and land use issues, including the location of adult businesses and adult use facilities ("adult entertainment businesses"); and

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

WHEREAS, the city has been unable to develop licensing and business regulations for adult entertainment businesses due to the volume of work involved in preparing to incorporate and start the city; 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 other cities and counties 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, assaults and sexual contact between entertainers and patrons; 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 and 36.70A.390 authorize the city to adopt a moratorium on development permits and approvals for adult entertainment businesses and thereafter to hold a public hearing on the moratorium within 60 days of the commencement of the moratorium; 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, which was adopted by City Ordinance No. 23, and for adult entertainment businesses, as that term is commonly understood.

Section 2. 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 JULY 24, 1995.**

  
Stanley L. K. Flemming, Mayor

ATTEST:

  
Susan Matthew, City Clerk

APPROVED AS TO FORM:

  
Bob Backstein, City Attorney

Date of Publication: July 26, 1995  
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