

ORDINANCE NO. 78

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, RELATING TO LAND USE AND ZONING OF PLACES OF ADULT ENTERTAINMENT, ADULT THEATERS, AND ADULT USE ESTABLISHMENTS, AND TO LICENSING OF ADULT ENTERTAINMENT, ADULT THEATERS AND ADULT USE ESTABLISHMENTS; RENEWING THE MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR, AND ISSUANCE OF, PERMITS FOR ADULT ENTERTAINMENT, ADULT THEATERS, AND ADULT USE ESTABLISHMENTS; AND RENEWING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR, AND ISSUANCE OF LICENSES FOR ADULT USE ESTABLISHMENTS; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to RCW 35.02.137, the City Council adopted Resolution No. 29, which established a moratorium during the interim period prior to incorporation on the filing of applications with the County relating to adult entertainment permits and licenses; and

WHEREAS, in Ordinance No. 59 adopted on October 9, 1995 the City Council extended the moratorium established by Resolution No. 29 so that the City of Shoreline would have the benefit of the research and direction which the King County Council was about to provide when the King County Council considered land use and zoning for adult entertainment establishments within the County and appropriate business licensing regulations for adult entertainment establishments and employees thereof; and

WHEREAS, in Ordinance No. 11647, adopted January 12, 1995, King County adopted a moratorium on the issuance or acceptance for any building permit application for any "adult use establishment" or "adult use facility" as those terms are defined in King County Code 21A.06.03; and

WHEREAS, in Ordinance No. 11647 the King County Council also adopted a moratorium on the issuance of any business license for and the acceptance of any business license application for any place of adult entertainment, panoram, or peep show as those terms are defined in King County Code 6.08.010; provided, that the licensing moratorium shall not prohibit license renewals for adult use establishments lawfully in existence as of the effective date of that ordinance; and

WHEREAS, in Ordinance No. 11825, adopted June 12, 1995, the Metropolitan King County Council extended for an additional six months the moratorium adopted in Ordinance No. 11647; and

WHEREAS, in Ordinance No. 12085, adopted December 18, 1995, the Metropolitan King County Council extended for an additional six months the moratorium adopted in Ordinance No. 11825; and

WHEREAS, as a newly incorporated City of Shoreline wishes to avail itself of the research which King County is conducting pursuant to Ordinance Nos. 11647, 11825 and 12085 on the siting of adult entertainment uses; and

WHEREAS, based upon a wide range of evidence presented to other jurisdictions, including but not limited to the testimony of law enforcement officers and members of the public, information, documents and materials submitted to and reviewed by the City Council, the King County Council, and by the governing bodies of other cities within the region, the City Council finds that the use of property to operate, conduct or maintain adult entertainment, adult theater, and adult use establishments is a use which, although afforded some constitutional protection, often creates or enhances undesirable secondary effects, which include a wide range of criminal and other unlawful activities that have regularly and historically occurred, including prostitution, narcotics and liquor law violations, breaches of the peace, assaults and sexual conduct involving contact between patrons and between entertainers and patrons, some of whom have been minors; and

WHEREAS, the City needs the opportunity to more thoroughly consider all aspects of zoning and business regulations relating to adult entertainment, adult theater and adult use establishments; and

WHEREAS, through the retention of consultants with specific expertise on various plan elements, the creation of a Planning Commission, and otherwise, the City will shortly embark on developing its first Comprehensive Plan which will assist in determining appropriate locations and regulations relating to adult and other uses; and

WHEREAS, the City Council held a public hearing on this matter on March 25, 1996; and

WHEREAS, the City Council therefore finds that the protection of the public health, safety and welfare requires establishment of said moratorium; now, therefore,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Finding of Fact. Based upon the public testimony and other evidence presented, the City Council now makes the following Findings of Fact. The imposition of a moratorium on adult entertainment uses for a short period of time will provide the City Council with an opportunity to more thoroughly address the issue of appropriate adult entertainment regulation in Shoreline as part of the soon to be initiated comprehensive planning process.

Section 2. Moratorium Renewed. The moratorium adopted in Ordinance No. 59 is hereby renewed for a period of twelve months upon the filing with the City of Shoreline of any and all applications for licenses, use permits or building permits for public places of amusements which offer adult entertainment, other places of adult entertainment, adult theaters, and adult use establishments. No use permits or building permits for any such use or establishment shall be issued. No applications for business licenses for any such use or establishment shall be accepted, and no licenses required for any such use or establishment, or for any person working therein, shall be issued. Provided, that this licensing moratorium shall prohibit neither license renewals for adult use establishments lawfully in existence as of the effective date of this ordinance nor the issuance of or renewal of any manager, entertainer or other license required by any person working in an adult use establishment lawfully in existence as of the effective date of this ordinance.

Section 3. Definitions. Places of adult entertainment, adult theaters, adult use establishments and similar terms shall be defined as now or hereafter defined in King County Ordinance 9915, King County Code Chapter 6.08 and the City of Shoreline ordinances adopting or relating to the same. In the event of conflict, the more recently adopted enactment shall control.

Section 4. Declaration of Emergency and Effective Date. Based on the findings contained in Section 1 of this ordinance the City Council finds that an emergency exists and that unless this ordinance takes effect immediately adult use establishment with harmful secondary effects may seek to gain licensing or building permit approval before a constitutionally sufficient permanent ordinance is enacted following the studies noted in King County Ordinance Nos. 11825, 11647 and 12085 and consideration by the Planning Commission and City Council. This ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of City government and its existing public institutions and shall take effect and be in full force immediately upon its adoption.

Section 5. Effective Period of Moratorium. This moratorium shall be effective immediately upon adoption of this ordinance and shall continue in effect for one year from the effective date of the ordinance.

Section 6. SEPA Exemption. Pursuant to City Ordinance and Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA is necessary to prevent an imminent threat of serious environmental degradation through continued development under current regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium.

Section 7. Work Plan. Pursuant to RCW 35A.63.220, the City of Shoreline hereby adopts the following work plan to develop land use, zoning and business license regulations for adult entertainment uses so that the moratorium can be lifted upon passage by the City Council of the implementing regulations.

Staff will begin in March 1996 to work on the following items: establish stakeholder review group; review and analysis of past legal decisions on adult entertainment ordinances, on the King County Adult Entertainment ordinance, on King County Comprehensive Plan and County-wide Planning Policies; review and identification of harmful primary and secondary harmful effects; review of alternative methods of addressing harmful effects; investigate approaches to regulation of Adult Entertainment establishments; determine methods of siting and review land use within the City of Shoreline; determine economic feasibility of siting methods; review issuance of business licenses and building permits; write the ordinance and conduct State Environmental Policy Act review; refer to Planning Commission and hold a public hearing; establish an adoption process with the City Council. A draft ordinance will be available for Council review by March 15, 1997.


Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL ON MARCH 25, 1996.



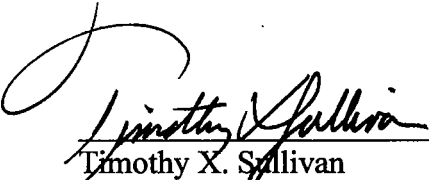
Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan
City Attorney

Date of Publication: March 29, 1996
Effective Date: March 25, 1996