

ORDINANCE NO. 816

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUSINESS LICENSES AND LAND USE PERMITS/APPROVALS, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND THE ISSUANCE OF BUSINESS LICENSES OR LAND USE/DEVELOPMENT APPROVALS/PERMITS FOR FOOD OR DRINK ESTABLISHMENTS CONDUCTING COMMERCIAL STIMULANT CARD GAMES AND DECLARING AN EMERGENCY.

WHEREAS, RCW 9.24.295 authorizes cities such as the City of Gig Harbor to prohibit any or all the gambling activities authorized under chapter 9.46 RCW; and

WHEREAS, the City is prohibited from adopting regulations inconsistent with chapter 9.46 RCW; and

WHEREAS, the State Legislature and State Gambling Commission have recently expanded the ability of gambling licensees to conduct social card games as a commercial stimulant for the licensee's business; and

WHEREAS, the Washington State Legislature is currently considering amendments to chapter 9.46 RCW, and on April 15, 1999, the Governor called for a moratorium on new minicasinios before such amendments are adopted; and

WHEREAS, a number of food or drink establishments conducting commercial stimulant card games have opened recently in the Puget Sound area; and

WHEREAS, other cities in the surrounding Seattle-Tacoma Metropolitan region and elsewhere in the state have adopted ordinances relating to food or drink establishments conducting commercial stimulant card games based on the impacts of such uses; and

WHEREAS, there is the possibility that the City could, in the near future, receive applications for business license and development/land use approval/permits for such establishments that would significantly increase the number of such uses located within the City; and

WHEREAS, the City's current zoning and business licensing regulations do not address gambling establishments in a comprehensive fashion and may allow such establishments to be located in areas where the impacts associated with gambling may be detrimental to the community; and

WHEREAS, the citizens of Gig Harbor would be well served if the City more fully addressed and understood the potential effects of these uses upon neighboring properties and the community as a whole; and

WHEREAS, the City needs time to review existing information on the effects of these uses and to evaluate whether such gambling activities should be permitted in the future, and if so, to review the Gig Harbor Municipal Code in a comprehensive fashion to determine whether it sufficiently addresses the impacts of such uses, and if not, to adopt appropriate regulations; and

WHEREAS, RCW 35A.63.220 authorizes cities to enact moratoria to preserve the status quo while new plans or regulations are considered and prepared; and

WHEREAS, the City Council finds that the protection of the health, safety and welfare supports imposing a moratorium on food and drink establishments conducting commercial stimulant card games and barring the acceptance of all applications for issuance of any business license, or building, land use or development permit or approval under the Gig Harbor Municipal Code for these establishments until additional review has been completed and any necessary code revisions have been adopted by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO ORDAIN AS FOLLOWS:

Section 1. Definitions. For the purpose of this ordinance, the following definitions shall apply:

A. **"Commercial stimulant"** shall have the definition set forth in RCW 9.46.0217, which is hereby adopted by reference.

B. **"Gambling"** shall have the definition set forth in RCW 9.46.0237, which is hereby adopted by reference.

C. **"Social Card Game"** shall have the definition set forth in RCW 9.46.0282, which is hereby adopted by reference.

Section 2. Moratorium Established. A moratorium is hereby established upon the filing of business license applications, building permits or any other development permit or approval required for a food and drink establishment conducting social card. A moratorium is hereby established upon the filing of any business license application, building permit or any other development permit or approval required for the expansion of a food and drink establishment conducting social card games. No such application shall be accepted by the City during the effective period of this moratorium.

Section 3. Duration. The moratorium imposed by this Ordinance shall commence on the date of adoption of this Ordinance. As long as the City holds its public hearing and adopts findings of facts and conclusions in support of the moratorium (as contemplated by Section 4herein), the moratorium shall terminate six (6) months after the date of adoption of this Ordinance, or at the time that the City's comprehensive review and possible amendment/adoption of regulations have been completed, whichever is sooner. The Council shall make this decision

to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 4. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption. The Council has scheduled a public hearing for June 14, 1999. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium, and either justify its continued imposition or cancel the moratorium.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Adoption of Statutes by Reference. Pursuant to RCW 35A. 12.140, copies of the statutes referenced in Section 1 are attached to this Ordinance.

Section 7. Effective Date and Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of business licenses, building permits or other types of land use/development permits/approvals, such applications could become vested under regulations subject to immediate change by the City in this comprehensive review and regulation amendment/adoption process. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

FILED WITH THE CITY CLERK: 5/19/99
PASSED BY THE CITY COUNCIL: 5/24/99
PUBLISHED: 6/16/99
EFFECTIVE DATE: 5/24/99
ORDINANCE NO. 816

SUMMARY OF ORDINANCE NO. 816

of the City of Gig Harbor, Washington

On the 24th day of May, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. 816. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUSINESS LICENSES AND LAND USE PERMITS/APPROVALS, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND THE ISSUANCE OF BUSINESS LICENSES OR LAND USE/DEVELOPMENT APPROVALS/ PERMITS FOR FOOD OR DRINK ESTABLISHMENTS CONDUCTING COMMERCIAL STIMULANT CARD AND DECLARING AN EMERGENCY.

The full text of this Ordinance will be mailed upon request.

DATED this 25th day of May 1999.

MOLLY M. TOWLSEE, CITY CLERK