

REPEALED

ORDINANCE NO. 135

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 SAME; EXTENDING THE MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR, AND ISSUANCE OF, PERMITS FOR SUCH ENTERPRISES; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to RCW 35.02.137, the City Council adopted Resolution No. 29, which established a moratorium relating to adult entertainment permits and licenses during the period between the incorporation election and the official date of incorporation; and

WHEREAS, following incorporation, the City Council adopted Ordinance No. 59 which extended the moratorium established by Resolution No. 29 for an additional 180 days in order to provide the City with the benefit of the research and work program conducted by King County in regard to regulating adult enterprises which was then in progress; and

WHEREAS, to date, King County has not concluded its work program and, pending completion, has adopted a moratorium on the issuance of any business licenses or permits related to adult enterprises; and

WHEREAS, following public hearings, the City Council adopted Ordinance No. 78, and subsequently Ordinance 117 to extend the City's moratorium on adult enterprises; and

WHEREAS, on August 11, 1997 the City Council conducted a public hearing on the City's moratorium and upon conclusion of the hearing made the following findings:

- a. The Findings of Fact previously set forth in Ordinance No. 117 are still applicable;
- b. Although Staff has completed initial drafts of adult entertainment regulations, the extension of a moratorium on adult uses for an additional period of time will provide staff, the Planning Commission, and the City Council with an opportunity to more thoroughly address the issue of appropriate adult entertainment regulation in Shoreline as part of the comprehensive planning process;
- c. The extension of the moratorium on adult entertainment uses will allow the City additional time to await the decision on the request for reconsideration of the State Supreme Court's decision in regard to the City of Bellevue's adult

entertainment ordinance, which decision may provide guidance to the City of Shoreline in drafting Shoreline's adult entertainment regulations; and

WHEREAS, the City Council finds that the protection of the public health, safety and welfare requires the extension of the current moratorium,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Finding of Fact. Based upon the public testimony and other evidence presented, and the Findings of Fact previously set forth in Ordinance No.'s 59, 78, and 117, the City Council now makes the following Findings of Fact: that an extension of the moratorium on adult enterprises will provide the City Council with an opportunity to more thoroughly address the issues related to the regulation of adult entertainment in Shoreline as part of the City's comprehensive planning process.

Section 2. Moratorium Extended. The moratorium adopted in Ordinance No. 117 upon the filing 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 is extended, as hereafter set forth, for a period of 180 days. 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 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. Effective Period of Moratorium. This moratorium shall be effective immediately upon the expiration of the moratorium established by Ordinance No. 117, September 10, 1997, and shall thereafter continue in effect for 180 days.

Section 5. 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 6. 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.

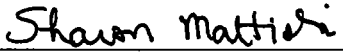
Section 7. Declaration of Emergency/Effective Date/Publication. Based on the findings contained in Section 1, of this Ordinance, the City Council finds that an emergency exists and that unless this Ordinance takes effect immediately, adult use establishments with harmful secondary effects may seek to gain licensing or building permit approval before a constitutionally sufficient permanent ordinance is enacted. This Ordinance is necessary for the immediate preservation of public peace, health, or safety, or for the support of City government and shall take effect and be in full force immediately upon its adoption. The City shall publish a summary of this Ordinance consisting of its title in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON AUGUST 11, 1997.




Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce L. Disend
City Attorney

Date of Publication: August 15, 1997
Effective Date: August 11, 1997