

Ordinance No. 00363

[Council meeting minutes of Nov 15 2004](#)

ORDINANCE NO. 363

An Ordinance of the City Council of the City of Lakewood, Washington, repealing the moratorium established pursuant to Ordinance No. 297 and previously extended pursuant to Ordinance Nos. 309, 318, 342 and 356

WHEREAS, on January 6, 2003, the City Council for the City of Lakewood enacted Ordinance No. 297, whereby a moratorium was established upon the filing for licenses, permits and approvals for sexually oriented businesses within the City of Lakewood; and,

WHEREAS, at the time of the enactment of Ordinance No. 297 the City faced pending litigation regarding its previously established zoning code and comprehensive plan regulations related to sexually oriented businesses; and,

WHEREAS, Ordinance No. 297 was continued for additional six month periods through Ordinance Nos. 309, 318, 342 and 356; and,

WHEREAS, upon passage of each Ordinance extending this moratorium the City found that it might incur additional liabilities if it were to allow new sexually oriented adult entertainment businesses to establish themselves during the pendency of the litigation and while zoning and land use regulations were being studied and drafted; and,

WHEREAS, in Ordinance No. 358, adopted on November 1, 2004, the City Council for the City of Lakewood adopted zoning and land use regulations related to Sexually Oriented Businesses, clarifying the issues related to such land uses and ending the need for a moratorium upon the issuance of licenses, permits and approvals related to such businesses.

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

Section 1. Moratorium Repealed. With the passage of Ordinance No. 358, the moratorium created in Ordinance no. 297 and previously extended in Ordinance Nos. 309, 318, 342 and 356 is no longer necessary and is hereby repealed.

Section 2. Severability. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 5. Effective Date. That, upon passage and signatures hereon, this Ordinance and the repeal of Ordinance No. 356 shall be in full force and effect on the 15th day of November, 2004, and shall continue in effect as provided herein.

PASSED by the City Council this 15th day of November, 2004.

Attest:

Douglas R. Richardson, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney