

# Ordinance No. 00446

[City Council meeting minutes of April 16 2007](#)

## ORDINANCE NO. 446

An Ordinance of the City Council of the City of Lakewood, Washington, setting forth specific findings in support of the moratorium established under Ordinance No. 398.

WHEREAS, on November 21, 2005, the City Council for the City of Lakewood enacted Ordinance 398, whereby a moratorium was established upon the filing for licenses, permits and approvals for card rooms within the City of Lakewood; and,

WHEREAS, the moratorium established by Ordinance 398 has been extended, effective May 15, 2006, and again on November 6, 2006, for an additional six month period, after the appropriate public hearing was held and findings of fact were made prior to the renewal; and,

WHEREAS, a public hearing was held March 19, 2007 during which public hearing the City Council heard testimony regarding the moratorium from City of Lakewood Community Development Director David Bugher regarding the locations and number of gambling establishments along with a status report of the study engaged in by the City regarding the impact of gambling on the City and received legal advice and a review of case law from the City's legal staff, as well as public testimony in support of the moratorium; and,

WHEREAS, the City Council also heard testimony regarding potential legislation in this area and possible impact on gambling in the City; and

WHEREAS, based upon the testimony and documents reviewed during this public hearing the Lakewood City Council does hereby make findings supporting the moratorium commenced in Ordinance No. 398 and does hereby direct that the moratorium commenced therein remain in effect while the City continues to study possible legislative action and the legal prerequisites and suitability of regulations that might limit or ban gambling within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,

WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The City Council does find that sufficient facts exist, as were found at a public hearing held on March 19, 2007, to continue the moratorium established in Ordinance No. 398 on November 21, 2005 and extended on May 15, 2006 and November 6, 2006. Said moratorium applies to any and all applications for licenses, permits and approvals related to card room businesses within the City of Lakewood. The findings of fact are attached hereto, marked as "Exhibit A," and incorporated herein by this reference.

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 3. Effective Date. That, upon passage and signatures hereon, this Ordinance shall be in full force and effect upon passage and signatures hereon.

ADOPTED by the City Council this 16<sup>th</sup> day of April, 2007.

CITY OF LAKEWOOD

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Claudia B. Thomas, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to Form:

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Heidi Wachter, City Attorney

EXHIBIT A?

### FURTHER FINDINGS OF FACT IN SUPPORT OF MORATORIUM COMMENCED THROUGH ORDINANCE NO. 398

BASED UPON ORDINANCE 398, the public record created prior to adoption of that Ordinance on November 21, 2005, as well as the testimony and documents considered and reviewed during public hearings held on January 17, 2006, October 16, 2006, and March 19, 2007, the City Council for the City of Lakewood does hereby find as follows:

1. The findings of fact contained in Ordinance 398 are hereby affirmed and cited in support of continuing the moratorium therein. The

circumstances that led to the adoption of a moratorium through Ordinance No. 398 have changed in that the regulation of gambling has become the subject of potential legislation this warranting additional study of the issues and consequences involved in such a moratorium. Public hearings in this matter have been held.

2. Concern has been expressed that as jurisdictions surrounding Lakewood ban gambling establishments that those establishment will seek to relocate to the City of Lakewood.
3. In one such neighboring city, Tacoma, legal challenges to the ban have ended, meaning that all gambling establishments in that City must now either relocate or close. The ban in Tacoma leaves few, if any, jurisdictions in Pierce County that allow gambling.
4. The City Council reiterates its concern regarding the consequences of additional gambling establishments relocating to Lakewood and how that might impact the public safety and welfare. This concern is exacerbated with Lakewood being one of the few jurisdictions in Pierce County wherein gambling can be legally located and has been recognized by the State legislature, who, in 2007, considered legislation designed to consider alternative regulation rather than the current "all or nothing" approach. It is therefore found that additional study should be conducted on this issue at the staff level or before the City's Planning Advisory Board to determine what specific impacts will be, how those impacts may be mitigated, and whether a ban or limit upon gambling are viable legal alternatives.
5. The Council has been advised regarding the legal consequences and requirements of limiting gambling establishments or initiating a ban upon gambling establishments within the City. Based upon the knowledge gained thus far and a review of the litigation reported within the Washington State Courts, action in this capacity should also be studied to determine the legality, constitutionality and liability of legislatively enacting a ban or limit upon such establishments.