

Resolution No. 1998-36

[\(Council Minutes 98/10/19\)](#)

RESOLUTION NO. 1998-36

A RESOLUTION of the City Council of the City of Lakewood, Washington, establishing a moratorium on the filing of applications for licenses, permits and approvals for gambling activities within the City and setting a public hearing therefore

WHEREAS, the City of Lakewood became incorporated effective February 28, 1996; and,

WHEREAS, in order to address a number of zoning and land use issues involved in the City, the City of Lakewood City Council adopted interim zoning and land use regulations patterned, to a significant degree, after those of Pierce County, so that many of the regulations would continue to operate unchanged after the incorporation; and,

WHEREAS, as the City is reviewing and applying interim zoning codes and land use regulations, the City is, independently, being aware of the need for further study and review of certain types of land uses within the City; and,

WHEREAS, included among those uses about which the City needs further study are questions relating to the location of gambling activities within the City; and,

WHEREAS, particularly in light of the possibility of changes in the regulation of certain gambling activities by the State of Washington, the need to study the City's position is heightened; and,

WHEREAS, even though section 9.46.285 RCW clearly indicates that Washington State has exclusive authority to regulate gambling establishments in the State, section 9.46.295 RCW states that cities may absolutely prohibit gambling establishments within their jurisdiction, so long as they do not, otherwise, change the scope of licensed gambling activities; and,

WHEREAS, it would, therefore, be appropriate that the City of Lakewood impose a moratorium on new applications for gambling activities within the City, pursuant to the provisions of RCW 35A.63.220, which authorizes interim moratoria; and,

WHEREAS, pursuant to the provisions of RCW 35A.63.220 a public hearing shall be set within sixty (60) days following the establishment of the moratorium; and,

WHEREAS, it is, therefore, appropriate to set a public hearing to consider the moratorium.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES, as Follows:

Section 1. Moratorium Established. A moratorium is hereby established on the filing with the City or the Courts or any jurisdiction for an application for licenses, permits and approvals for gambling activities within the City of Lakewood.

Section 2. Term of Moratorium. The moratorium shall be effective on the date hereof and shall continue for a period of six (6) months unless repealed, extended or modified by the City Council after a public hearing pursuant to RCW 35A.63.220, provided that this moratorium automatically expire upon adoption of the City of Lakewood's permanent (not interim) comprehensive plan.

Section 3. That a public hearing on the proposal to establish a moratorium on the filing with the City or the Courts or any other jurisdiction of any applications for licenses, permits or approvals for gambling activities within the City of Lakewood is hereby

set for 7:00 p.m., or as soon thereafter as the matter may be heard, at the regular meeting of the Lakewood City Council on the 2nd day of November, 1998, at the Lakewood City Council Chambers, 10510 Gravelly Lake Drive S.W., Lakewood, Washington 98499.

Section 4. Existing Businesses Exempt. This moratorium shall not affect any existing businesses in their current level of operations, nor shall it effect any applications for new or modified gambling activities which have vested prior to the effective date of this Resolution.

Section 5. Severability. If any section, sentence, clause or phrase of this Resolution 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 Resolution, nor its application to any other person, property or circumstance.

Section 6. That this Resolution and the moratorium provided for herein shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 19th day of October, 1998.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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