

# Resolution No. 1999-13

[\(Council Minutes 99/04/05\)](#)

## RESOLUTION NO. 1999-13

A RESOLUTION of the City Council of the City of Lakewood, Washington, extending the moratorium established by Resolution No. 1998-36 on the filing of applications for licenses, permits and approvals for gambling activities within the City

WHEREAS, in order to address a number of zoning and land use issues involved in the City, following its incorporation, 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 has reviewed and applied interim zoning codes and land use regulations, the City has become 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 has been 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, pursuant to the provisions of RCW 35A.63.220, which authorizes interim moratoria, the City of Lakewood has imposed a moratorium on new applications for gambling activities within the City with the passage of Resolution No. 1998-36; and,

WHEREAS, since the City is not yet completed with its study of issues and questions relating to the location of gambling activities within the City, it is appropriate to extend the moratorium established by Resolution No 1998-36; and,

WHEREAS, pursuant to the provisions of RCW 35A.63.220 a public hearing was held on the 5th day of April, 1999, to hear the comments and statements of persons wishing to speak to the issue of the extension of the moratorium; and,

WHEREAS, based thereon, it is appropriate that the moratorium be extended.

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

**Section 1. MORATORIUM EXTENDED.** 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 EXTENSION.** The moratorium shall be extended 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. 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 the City's moratorium or extensions thereof.

Section 4. 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. EFFECTIVE DATE. That this Resolution and the moratorium extension provided for herein shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 5th day of April, 1999.

CITY OF LAKEWOOD

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Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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