

Resolution No. 1999-33

[Council Meeting Minutes 99/10/04](#)

RESOLUTION NO. 1999-33

A RESOLUTION of the City Council of the City of Lakewood, Washington, extending the moratorium on the filing of applications for licenses, permits and approvals for gambling activities within the City

WHEREAS, following the incorporation of the City of Lakewood, 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 moratorium (following a public hearing) was established on April 5, 1999, with the passage of Resolution No. 1999-13; and,

WHEREAS, said RCW 35A.63.220 provides that the moratorium may be extended for periods up to six months, and that a public hearing shall be held in connection therewith; and,

WHEREAS, the issues warranting the moratorium initially have not yet been resolved so that the moratorium needs to be extended if the stratus quo is to be preserved pending the determination of the unresolved issues; and,

WHEREAS, a public hearing has been held on October 4, 1999, at which public hearing all persons wishing to speak to the issue of the moratorium and its extension were allowed to speak and give their views.

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

Section 1. Moratorium Extended. Pursuant to RCW 35A.63.220, the moratorium established by Resolution No. 1999-13, 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 is hereby extended for a period of six (6) months, expiring on April 5, 2000, provided that this moratorium automatically expire upon adoption of the City of Lakewood's permanent (not interim) comprehensive plan.

Section 2. 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 Resolution No. 1999-13.

Section 3. 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 4. 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 day of , 1999.

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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