

Resolution No. 2006-02

[City Council meeting minutes of Jan 17 2006](#)

RESOLUTION NO. 2006-02

A Resolution 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, pursuant to RCW 35A.63.220, a moratorium may be commenced without a public hearing so long as a public hearing is held within sixty (60) days after commencement of the moratorium and findings of fact are found at the subsequent public hearing that support the moratorium; and,

WHEREAS, a valid moratorium may thereafter be extended for one or more additional six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and,

WHEREAS, a public hearing regarding the moratorium commenced in Ordinance No. 398 was scheduled and held before the Lakewood City Council on Tuesday, January 17, 2006, at 7 p.m. in the City Council Chambers of the City of Lakewood; and,

WHEREAS, during the 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 in the City and received legal advice and a review of case law from the City's legal staff; 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 studies 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 RESOLVE 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 January 17, 2006, to continue the moratorium established in Ordinance No. 398 on November 21, 2005. Said moratorium applies to any 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 Resolution shall be in full force and effect upon passage and signatures hereon.

RESOLVED by the City Council this 17th day January, 2006.

CITY OF LAKEWOOD

Claudia Thomas, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Wachter, City Attorney

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?ATTACHMENT A?

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 a public hearing held on January 17, 2006, 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 not changed, although the City Council has conducted additional study of the issues and consequences involved in such a moratorium and has held a public hearing in this matter.
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. 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. 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 is a viable legislative alternative.

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.