

ORDINANCE NO. 718

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A ONE-YEAR MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, BUILDING PERMITS AND LICENSES FOR ADULT ENTERTAINMENT USES AND BUSINESSES, AS REQUIRED BY RCW 36.70A.390.

WHEREAS, on February 12, 1996, the City Council imposed a one-year moratorium on the City's acceptance and approval of applications for use permits, building permits and licenses for adult entertainment uses and businesses, all as provided in Ordinance 714; and

WHEREAS, RCW 36.70A.390 requires that the City Council hold a public hearing on the moratorium within 60 days of its adoption, and that immediately thereafter, the City Council must adopt findings of fact to justify the continued imposition of the moratorium;

WHEREAS, on April 8, 1996, the City Council held a public hearing on the adult entertainment moratorium during which time it heard testimony from City staff; now, therefore,

BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section 1. As required by RCW 36.70A.390, the City Council hereby adopts the following findings of fact to support the continued imposition of the City's one-year moratorium on the acceptance and approval of applications for adult entertainment businesses and licenses, all as provided in Ordinance No.714.

A. Secondary Effects of Adult Entertainment Businesses and Uses. The City Council is not aware of the operation of any adult entertainment use or business in the City of Gig Harbor, however, other cities in the United States have found that adult entertainment businesses and uses in their jurisdictions have secondary land use impacts which necessitated the adoption of regulatory ordinances to ameliorate the deleterious effects of these types of uses or businesses. These cities have documented the following non-exhaustive list of secondary land use impacts associated with adult entertainment uses and businesses:

1. Incidence of Crime.
 - a) increase in property crimes such as robberies;
 - b) increase in crimes against the person such as rapes;

- c) adult businesses require more police response and protection, thereby reducing the availability of police services to other areas of the city;
- d) increase in other types of crimes.

2. Impacts on Property Values.

- a) adult businesses cause "blight;"
- b) adult businesses cause skid-row effect;
- c) residents or shoppers in the city will move or shop elsewhere if adult entertainment uses are allowed to locate in close proximity to residential uses, churches, parks, schools and other public facilities;
- d) location of adult entertainment uses in close proximity to residential uses, churches, parks, schools and other public facilities will reduce retail trade to commercial uses in the vicinity, reducing tax revenues to the City;
- e) increased traffic;
- f) patrons of adult businesses are undesirable;
- g) excessive noise associated with adult businesses;
- h) litter associated with adult businesses;
- l) exposure and visibility of adult businesses to school-age children is detrimental to quality of residential life;
- l) adult businesses adversely affect the family orientation of a neighborhood;
- j) location of adult businesses within walking distance of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches;
- k) location of adult businesses on the main commercial thoroughfares of the City gives an impression of legitimacy to, and causes a loss of sensitivity to the adverse effect of

pornography upon children, established family relations, respect for the marital relationship and the concept of non-aggressive consensual sexual relations;

- l) location of adult businesses in close proximity to residential uses, churches, parks, schools and other public facilities will cause a degradation of the community standard of morality, because pornographic material has a degrading effect upon the relationship between spouses.

The City Council finds that because the above secondary land use impacts have been associated with adult entertainment businesses and uses in other cities, there is sufficient reason for the Council to believe that these impacts may also accompany the operation of any adult entertainment business or use in the City of Gig Harbor. Therefore, the Council finds the imposition of a moratorium for the purpose of studying these secondary land use impacts and the manner in which the uses and businesses should be regulated is necessary now, before any adult entertainment use or business either locates or attempts to operate in the City.

- B. Existing City Ordinances. At the present time, the City's ordinances do not specifically address the siting or operation of adult entertainment businesses or uses. As a result, if an adult entertainment business were to attempt to locate or operate in the City of Gig Harbor, the City's existing regulations would not adequately address the above secondary land use impacts, which other cities have found to be associated with the business or use. The City Council finds that in the interests of the public health, safety and welfare, there is a need to study these businesses and uses, and to determine the appropriate manner of regulating any secondary impacts.
- C. Need to Preserve the Status Quo. Since there is a possibility that an adult entertainment business or use could attempt to locate or operate within the City before the City has adequate time to study and adopt the appropriate regulations, the moratorium is necessary to preserve the status quo. The City Council finds that the proper time to develop and adopt adult entertainment regulations is prior to the location and operation of an adult entertainment business or use in the City, so that any vested rights will not be affected.

Section 2. On February 12, 1996, the City Council adopted Ordinance No. 714, which required that the Planning Commission develop a work plan for the development of proposed regulations for adult entertainment uses and adult entertainment businesses. On February 29, 1996, the Planning Commission agreed on a work plan, which is described in the memo to the Gig Harbor City council from the City Attorney, dated March 1, 1996, and

attached hereto as Exhibit A. The City Council hereby accepts the Planning Commission's work plan.

Section 3 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4 - Effective Date. This ordinance was passed on its day of introduction pursuant to Gig Harbor Municipal Code, Section 1.08.020 B, upon the unanimous, affirmative vote of the City Council, and will become effective immediately.

PASSED by the Council of the City of Gig Harbor, this 8th day of April, 1996.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST:

MARK E. HOPPEN
City Administrator/Clerk

Filed with City Clerk: 3/18/96
Passed by City Council: 4/8/96
Date Published: 4/17/96
Date Effective: 4/22/96

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the 8th day of April, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. 718. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A ONE-YEAR MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, BUILDING PERMITS AND LICENSES FOR ADULT ENTERTAINMENT USES AND BUSINESSES, AS REQUIRED BY RCW 36.70A.390.

The full text of this Ordinance will be mailed upon request.

DATED this 8th day of April, 1996.

CITY ADMINISTRATOR, MARK HOPPEN