

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1998 - 368

| CLEARANCES | | Date | Date Received in Council Office | Agenda Date | Assigned To |
|----------------|-----------|----------|--|-------------|-----------------|
| Orig. Dept.: | Executive | 10/14/98 | RECEIVED OCT 14 1998 WHATCOM COUNTY COUNCIL | 10/13/98 | Regular Council |
| Division Head: | | | | | |
| Dept. Head: | | | | | |
| Prosecutor: | | | | | |
| Budget: | | | | | |
| Executive: | | | | | |

SUBJECT:

An Emergency Ordinance regarding adult entertainment in Whatcom County

ATTACHMENTS

SUMMARY STATEMENT:

| | | |
|----------------------------|--|-----------------|
| Related County Contract #: | Should the Clerk schedule a hearing? (Y/N) | Requested Date: |
|----------------------------|--|-----------------|

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

1998 - 368 10/13/98: Introduced and Adopted, 7-0 Ord. #98-070

Related File Numbers:

Ordinance or Resolution Number (this item only):

ORD.# 98-070

EMERGENCY ORDINANCE NO. 98-070

An Ordinance of Whatcom County relating to land use and zoning of places of adult entertainment, adult theater, and adult use establishments, and to licensing of adult entertainment, adult theater and adult use establishments; establishing a moratorium on acceptance of applications for, and issuance of, use permits and building permits for adult entertainment, adult theater, and adult use establishments; establishing a moratorium on acceptance of applications for, and issuance of, business licenses for adult entertainment, adult theater, and adult use establishments; and declaring an emergency.

WHEREAS, based upon information, the Whatcom County Council finds that the use of property to operate, conduct or maintain adult entertainment, adult theater, and adult use establishments is a use which, because of its very nature, has serious objectionable operational characteristics, which include a wide range of criminal and other unlawful activities that have regularly and historically occurred, including prostitution, narcotics and liquor law violations, breaches of the peace, assaults and sexual conduct involving contact between patrons and between entertainers and patrons, some of whom have been minors; and

WHEREAS, the Whatcom County Planning and Development Services Department is reviewing the Whatcom County Code and Comprehensive Plan for proper operation and siting requirements which presently do not exist; and

WHEREAS, the Growth Management Act requires the County to consider all aspects of zoning and business regulations which include adult entertainment, adult theater and adult use establishments; and

WHEREAS, in the absence of a moratorium, new applications for such businesses and premises could establish vested rights to locate in neighborhoods and places contrary to the intent of Whatcom County to carefully and thoroughly provide for appropriate locations and regulations; and

1 WHEREAS, the County Council therefore finds that the
2 protection of the public health, safety and welfare requires
3 establishment of the said moratorium;

4 NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL DOES ORDAIN AS
5 FOLLOWS:

6 SECTION 1. Moratorium Established.

7 For the life of this ordinance, the County shall
8 review new comprehensive land use plan policies and
9 zoning regulations governing the location of places
10 of adult entertainment, adult theater and adult use
11 establishments. No application for such use permits
12 or building permits for places of adult
13 entertainment, adult theater, and adult use
14 establishments shall be accepted, no use permits or
15 building permits for adult entertainment, adult
16 theater, and adult use establishments shall be
17 issued, no applications for business licenses for
18 adult entertainment, adult theater, and adult use
19 establishments shall be accepted, and no adult
20 entertainment, adult theater, and adult use
21 establishment licenses shall be issued.

22 SECTION 2. SEPA Exemption.

23 Pursuant to Whatcom County Ordinance Code 16.08.065
24 and Washington Administrative Code WAC 197-11-880,
25 the Whatcom County Council finds that an exemption
26 under SEPA for this action is necessary to prevent
27 an imminent threat to public health and safety and
28 to prevent an imminent threat of serious
29 environmental degradation through continued
30 development under the existing regulations. SEPA
31 review of any permanent regulations proposed for
32 replacement of the existing zoning shall be
33 conducted.

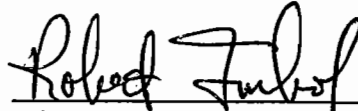
34 BE IT FURTHER ORDAINED AS FOLLOWS:

The Whatcom County Council finds as a fact and declares that a
public emergency exists and that this ordinance is necessary for the
protection of public health, public safety, public property, or the
public peace and shall take effect immediately and shall expire

on the 61st day following the date on which this ordinance becomes
law.


ADOPTED this 13 day of October, 1998.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



ROBERT IMHOF,
Council Chair

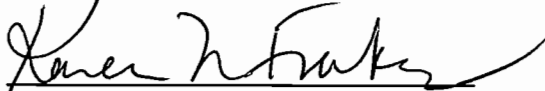
ATTEST



DANA BROWN-DAVIS
Clerk of the Council

() APPROVED () VETOED

APPROVED AS TO FORM:



RANDALL J. WATTS
Chief Civil Deputy
Prosecuting Attorney



PETE KREMEN
Executive

DATE: 10-16-98