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Moratorium on Adult
Entertainment

CITY OF REDMOND
REDMOND, WASHINGTON

ORDINANCE NO. 1828

AN ORDINANCE OF THE CITY OF REDMOND,
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 January 17, 1995, 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 No. 1822; 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 March 7, 1995, the City Council held a public hearing on the adult entertainment moratorium during which time it heard testimony from City staff; now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN 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. 1822.

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 Redmond, 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 theft and robberies;
 - b. increase in crimes against the person such as rapes and indecent liberties;
 - 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 such as sale of controlled substances, prostitution, and exploitation of minors.
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 less likely to uphold or respect community standards;
- g. excessive noise associated with adult businesses;
- h. litter associated with adult businesses;
- i. exposure and visibility of adult businesses to school-age children is detrimental to quality of residential life;
- j. adult businesses adversely affect the family orientation of a neighborhood;
- k. 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;
- l. 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;

- m. 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 Redmond. 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. Therefore, the moratorium initially established by Ordinance No. 1822 shall continue in effect for the time period established by said ordinance.

- B. Existing City Ordinances. At the present time, the City's ordinances do not appear to adequately address the siting or operation of adult entertainment businesses or uses. There also appears to be a constitutional deficiency in the city's current regulations in the number of sites available for location of adult uses. As a result, if an adult entertainment business were to attempt to locate or operate in the City of Redmond, 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. It also would be useless in providing regulation as to the location of such uses. 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.

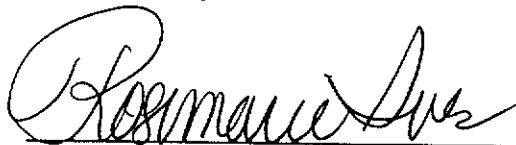
Section 2. Moratorium to Remain in Effect. The moratorium upon the acceptance and issuance of applications for the location and operation of adult entertainment establishments adopted by Ordinance No. 1822 of the City of Redmond shall remain in effect for the period prescribed therein or until the Council adopts new adult entertainment regulations, whichever is sooner. The Planning Department and Planning Commission are directed to draft, consider and bring forth adult entertainment regulations for consideration by the City Council no later than November 15, 1995.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

PASSED by the City Council and APPROVED by the Mayor this 7th day of March, 1995.

APPROVED:



MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: *James E. Haney*
James E. Haney

FILED WITH THE CITY CLERK: 3/1/95
PASSED BY THE CITY COUNCIL: 3/7/95
PUBLISHED: 3/15/95
EFFECTIVE DATE: 3/20/95
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