

ORDINANCE NO. 84-00

MORATORIUM AND DECLARING THAT THIS MORATORIUM BECOMES AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR OTHER DEVELOPMENT PERMITS FOR CARD ROOMS WITHIN THE UNINCORPORATED AREAS OF MASON COUNTY TO BE EFFECTIVE FOR A PERIOD OF SIX MONTHS; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM AND DECLARING THAT THIS MORATORIUM BECOMES EFFECTIVE IMMEDIATELY UPON ADOPTION.

WHEREAS, beginning in 1996, a series of changes were made by the Washington State Legislature and the Washington State Gambling Commission in the operation of licensed card rooms under RCW 9.46 by increasing the number of tables a card room may operate from five to fifteen, and in 1997 house banks or player-funded banking games were authorized through legislation; and

WHEREAS, these enhanced card rooms are now known in the media as mini-casinos; and

WHEREAS, there has been a substantial increase in the number of applications for such gambling uses in Washington State; and

WHEREAS, RCW 9.46.295 states that cities and counties may absolutely prohibit gambling activities authorized by state law, while RCW 9.46.285 sets forth the state's exclusive authority to regulate gambling establishments; and

WHEREAS, applications have been received for enhanced card rooms to be located in Olympia, Lacey, and Tumwater; and

WHEREAS, the Washington State Gambling Commission allows applicants to switch locations unless a moratorium is in place; and

WHEREAS, the City of Tumwater and eight other jurisdictions have adopted moratoria on the establishment, location, or permitting of card rooms; and

WHEREAS, forty-two jurisdictions have adopted ordinances prohibiting gambling activities; and

WHEREAS, the adoption of moratoria ordinances and ordinances prohibiting card rooms in other jurisdictions potentially shifts card room activity to jurisdictions without such ordinances; and

WHEREAS, in light of the potential for enhanced card room permit applications for the unincorporated areas of Mason County and the possibility of changes in the regulations of permits for certain gambling activities by the State of Washington, the County should be afforded time to review the issue of gambling uses, to assess impacts of such uses on the community, and to develop appropriate related local regulations; and

WHEREAS, RCW 36.70A.390 authorizes counties to adopt a moratorium on such development and to hold a public hearing on the moratorium within 60 days of the commencement of the moratorium; and

WHEREAS, a moratorium was implemented on February 22, 2000 with the adoption of Ordinance No. 15-00; and

WHEREAS, a public hearing was held on April 4, 2000 as required by RCW 36.70A.390; and

WHEREAS, more time is needed to complete the ordinance and present it through the public process;

WHEREAS, RCW 36.70A.390 provides for the renewal of a moratorium adopted under this section if a subsequent public hearing is held and findings of fact are made prior to each renewal.

WHEREAS, the Mason County Board of Commissioners finds that the best interests of the County would be served if the Board imposed a moratorium barring the permitting of card rooms, gambling establishments, and game parlors with any social card games until such matter has been carefully reviewed and the necessary code provisions are ready for adoption; and

WHEREAS, the Board finds that the moratorium imposed by this ordinance is necessary for the protection of the public health, safety, property, or peace.

NOW, THEREFORE, THE MASON COUNTY BOARD OF COMMISSIONERS, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

- * The Mason County Board of Commissioners hereby amend Ordinance No. 15-00 to extend by six months the effective period of the moratorium whereby the county imposed a moratorium on the establishment, location, or permitting of card rooms, gambling establishments, and game parlors with any social card games with the unincorporated area of Mason County. During the term, unless earlier terminated by ordinance, the County will not accept applications for building permits or other relevant permits for the location of or establishment of card rooms, gambling establishments, and game parlors with any social card games in the County.
- * The six-month extension becomes effective immediately upon adoption of this ordinance unless repealed, extended, or modified by the Board pursuant to RCW 36.70.390.

* Pursuant to RCW36.70A.390, the Board of County Commissioners will hold a public hearing on this moratorium on Tuesday, October 3, 2000, at 9:30am. Immediately after the public hearing the Board shall adopt finding of fact on the subject of this moratorium.

ADOPTED THIS 22nd Day of August, 2000

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Rebecca D Rogers
CLERK OF THE BOARD

John Boland
CHAIRPERSON

APPROVED AS TO FORM:

Mark P. ..., CH-PPA
DEPUTY PROS. ATTORNEY

Cynthia Olsen
COMMISSIONER

Mary G. Cady
COMMISSIONER