

ORDINANCE 1160

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE RIGHT TO CONDUCT SOCIAL CARD GAMES WITHIN THE CITY, AND AMENDING SECTION 5.06.020 OF THE LACEY MUNICIPAL CODE RELATING TO THE PERIOD OF TIME WITHIN WHICH VESTED RIGHTS MAY BE ACTED UPON AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, The Council by passage of Ordinance No. 1120 prohibited the conduct of social card games within the City as defined in RCW 9.46.0282 but made an exception for those establishments which had acquired vested rights either by having previously operated a social card game within the City, or by having filed a completed application for the conduct of such social card games, and

WHEREAS, such Ordinance set a period of eighteen (18) months for those establishments that had filed a completed application to preserve their vested rights by actually conducting social card games within such time frame, and

WHEREAS, on the strength of the passage of Ordinance 1120, Hawks Prairie Casino has constructed a new building for the conduct of social card games while continuing to process its application for proper licensing from the Washington State Gambling Commission, and

WHEREAS, the owners of the proposed Hawks Prairie Casino have acted with due diligence and in good faith, however, final action has not been taken on the application and a certificate of occupancy has not as yet been issued for the new building, and

WHEREAS, the owners of the proposed Hawks Prairie Casino have requested the City Council to extend the time in which they can open for operation of social card games in order to comply with the terms of the Ordinance, and

WHEREAS, the granting of such additional time is consistent with the action of the Council in passing Ordinance No. 1120 and failure to grant such request would substantially damage those who have developed the project on the strength of the passage of Ordinance 1120, and those who have been offered employment at the proposed business,

NOW, THEREFORE

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

Section 1. Section 5.06.020 of the Lacey Municipal Code is hereby amended to read as follows:

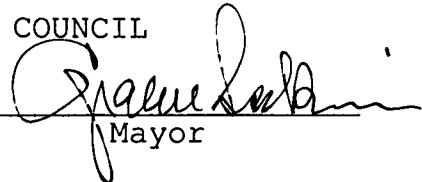
5.06.020 Exception - vested rights. Nothing in Section 5.06.010 hereof shall be construed to prohibit the conduct of social card games at those locations within the city vested with such right at the time of passage of Ordinance 1120. All vested rights held by virtue of having previously operated a social card game within the city or by having filed a completed application for the conduct of such social card games shall end and be null and void if such location is not used for the conduct of social card games for a period of ~~eighteen months~~ two (2) years, regardless of whether the owner or person, persons, firm or corporation in control of such location intends to abandon such use or not. The period of ~~eighteen months~~ two (2) years shall commence to run from ~~the date of passage of Ordinance 1120~~ December 11, 1999 for any location which claims vested rights but is not presently operating an establishment for the conduct of social card games. The period of ~~eighteen months~~ two (2) years for any establishment operating social card games on the date of passage of Ordinance 1120 shall commence on the date such conduct ceases.

Section 2. The Summary attached hereto is hereby approved for publication.

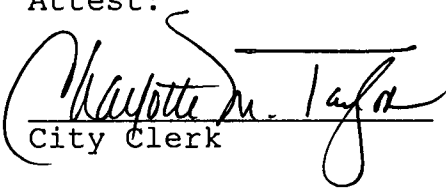
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 14th day of June, 2001.

CITY COUNCIL

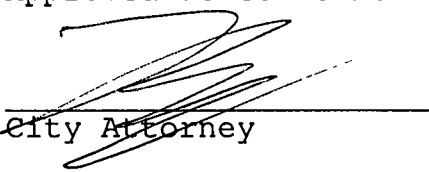
By:


Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Published: June 18, 2001

Monday, June 18,

SUMMARY FOR PUBLICATION

ORDINANCE 1160

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on *June 14*, 2001, Ordinance No. 1160, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE RIGHT TO CONDUCT SOCIAL CARD GAMES WITHIN THE CITY, AND AMENDING SECTION 5.06.020 OF THE LACEY MUNICIPAL CODE RELATING TO THE PERIOD OF TIME WITHIN WHICH VESTED RIGHTS MAY BE ACTED UPON AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance sets forth the facts demonstrating that the owners of the proposed Hawks Prairie Casino have proceeded in good faith on the strength of the City Council's passage of Ordinance 1120 to take all reasonable steps to secure all necessary State licenses and construction approvals to open the business and conduct social card games. Ordinance 1120 allowed proposed establishments who had filed completed applications for the conduct of social card games to operate those card games. However, that Ordinance provided eighteen (18) months for such establishments to commence operation.
2. The Ordinance further sets forth the fact that the owners of the proposed Hawks Prairie Casino have constructed the facilities, extended many offers of employment and have requested an extension of the time for commencing the operation of social card games.
3. The Ordinance extends the time in which the proposed Hawks Prairie Casino will need to be operational in order to qualify to operate social card games within the City from the earlier stated eighteen (18) months to a period of two (2) years from the effective date of Ordinance No. 1120.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: Monday, June 18, 2001.