

ORDINANCE NUMBER <sup>147A</sup> \_\_\_-02

AN ORDINANCE IMPOSING A PROHIBITION ON THE ISSUANCE OF BUILDING PERMITS OR OTHER DEVELOPMENT PERMITS FOR CARD ROOMS WITHIN THE UNINCORPORATED AREAS OF MASON COUNTY

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 room under RCW 9.46, to increase the number of tables a card room may operate and to authorize through legislation house banks or player-funded games (these enhanced card rooms are now known as mini-casinos);

WHEREAS, there has been a substantial increase in the number of applications in Washington for such gambling activities authorized by state law:

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;

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, Mason County has considered over the past two years the issue of gambling uses in the county, and now seeks to develop appropriately related local regulations for these activities;

WHEREAS, Mason County has directed commercial development to existing developed areas of the county where such development will have minimal impact; and has designated locations of Mason County as Urban Growth Areas, where subarea planning efforts are underway to determine the type and arrangement of appropriate land uses within each boundary.

WHEREAS, the Mason County Planning Advisory Commission reviewed a proposed ordinance and formulated their recommendations after a public hearing on October 21, 2002;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed ordinance chapter on November 12, 2002, to consider the recommendations of the Planning Advisory Commission, and the Mason County Department of Community Development and citizens' testimony on the proposed ordinance;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MASON COUNTY DOES HEREBY ESTABLISH as follows:

Section 1. Chapter 5.10, entitled Gambling and Card Room Activities, is added to Title 5, Business Licenses and Regulations, Mason County Code, as follows:

Section 5.10.010 *Authorization.*

In accordance with RCW 9.46, as amended, all forms of gambling authorized by the Washington State Gambling Commission shall be authorized in Mason County unless otherwise prohibited by this Chapter.

Section 5.10.020 *Social Card Games Prohibited.*

No person or persons, firm or corporation, shall conduct or allow any premises or facilities owned by or under control of such person, persons, firm, or corporation to be used for the conduct of any social card game as defined in RCW 9.46.0282. Provided however, this section shall not apply to social card games regulated by the Washington State Gambling Commission pursuant to RCW 9.46.0351.

Section 5.10.030. *Severability.*

Should any section, paragraph, sentence, clause, or phrase of this Chapter or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Chapter or its application to other persons or circumstances.

Section 2. Termination of Moratorium. The moratorium on the issuance of building permits or other development permits for card rooms within unincorporated areas of Mason County, set forth and continued on August 20, 2002 to the date of December 17, 2002, shall terminate on the effective date of this ordinance.


Section 3. Effective Date. This Ordinance shall take effect and be enforced on this day.


WHEREAS, the Mason County Board of County Commissioners has approved findings of fact to support its decision as ATTACHMENT A;

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby adopts the ordinance which adds a new Chapter 5.10 Gambling and Card Room Activities to Mason County Code Title 5 Business Licenses and Regulations, as described above.

DATED this 12th day of November, 2002.

**Board of Commissioners  
Mason County, Washington**

  
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Wesley E. Johnson, Chair

  
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Herb Baze, Commissioner

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Bob Holter, Commissioner

ATTEST:

  
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Clerk of the Board

APPROVED AS TO FORM :

  
\_\_\_\_\_  
Prosecuting Attorney

DPA  
1-22-03

**ORDINANCE PROHIBITING THE ISSUANCE OF BUILDING PERMITS  
OR OTHER DEVELOPMENT PERMITS FOR CARD ROOMS  
WITHIN THE UNINCORPORATED AREAS OF MASON COUNTY**

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**MASON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 12, 2002**

**FINDINGS OF FACT**

1. Under consideration is the proposed ordinance which adds a new Chapter 5.10 Gambling and Card Room Activities to Mason County Code Title 5 Business Licenses and Regulations.
2. The Washington State Legislature and the Washington State Gambling Commission made changes in the laws regulating the operation of licensed card room under RCW 9.46 (these enhanced card rooms are now known as mini-casinos), which have lead to an increase in the number and size of proposals for such gambling facilities in Washington.
3. State law pursuant to RCW 9.46.295 allows for Mason County to prohibit such facilities, and a moratorium was adopted by Mason County in February 2000 and has been continued to December 17, 2002, allow time for the county to complete its planning efforts.
4. The location of such card rooms will most likely be within Mason County urban growth areas, but such planning decisions for development review within the Allyn, Belfair, and Shelton UGAs are still underway. The Mason County Development Regulations (Ord. No. 82-96) does not contain standards for the review such social card room establishments.
5. Mason County finds that establishing a new Chapter 5.10 Gambling and Card Room Activities to Mason County Code Title 5 Business Licenses and Regulations, would provide the regulatory basis to allow gambling activities for charitable and non-profit organizations as authorized by the State Gambling Commission but prohibit the establishment of social card games that serve as a commercial stimulant to businesses in the unincorporated areas of Mason County.
6. At a public hearing on October 21, 2002, the Mason County Planning Advisory Commission discussed this proposed ordinance chapter and adopted a motion to recommend approval of the proposed ordinance.
7. At this County Commissioners public meeting, the Department of Community Development proposed the ordinance text Chapter 5.10 Gambling and Card Room Activities be added to Mason County Code Title 5 Business Licenses and Regulations. The Commissioners discussed the effects of the proposed ordinance and the possibility of amendment if an urban growth area subarea plan proposes an area for social card games within a development zone in the urban growth area.

From the preceding findings, the Mason County Board of Commissioners hereby adopts the ordinance which adds a new Chapter 5.10 Gambling and Card Room Activities to Mason County Code Title 5 Business Licenses and Regulations, that prohibits the issuance of building permits or other development permits for card rooms within the unincorporated areas of Mason County.

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Chair, Mason County Board of Commissioners

Date