

ORDINANCE O-4423

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING AND AMENDING KIRKLAND MUNICIPAL CODE SECTION 7.48.017 TO CLARIFY THAT SOCIAL CARD GAMES CONDUCTED AS COMMERCIAL STIMULANTS ARE PROHIBITED IN THE CITY OF KIRKLAND, EVEN IF CONDUCTED FOR CHARITABLE PURPOSES.

WHEREAS, as the City Council adopted Ordinance 3687 in 1999 to prohibit social card games being conducted as a commercial stimulant within the City of Kirkland; and

WHEREAS, "social card games" as used in state law and the Kirkland Municipal Code (KMC) constitute gambling and require a license from the Washington State Gambling Commission; and

WHEREAS, the Council believes it is appropriate to clarify that this prohibition applies even if the game is being conducted for charitable purposes;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 7.48.017 is hereby amended to read as follows:

7.48.017 Prohibition of certain card rooms.

(a) Except as authorized in Section 7.48.018, the conduct of a social card game as a commercial stimulant is prohibited within the city of Kirkland. The term "commercial stimulant" means an activity operated in connection with an established business, with the purpose of increasing the volume of sales of food or drink for consumption on that business premises, whether for profit or charitable purposes, except as authorized in RCW 9.46.0351.

This section is an exercise of the city's authority under state law to prohibit gambling activities (see RCW 9.46.295). In turn, a license issued by the state to engage in gambling activities is not legal authority to engage in the conduct of social card games as a commercial stimulant anywhere within the city of Kirkland.

Should there be any change in the terminology used by the state in issuing a gambling license, this section should be liberally construed so as to prohibit that category of gambling activities which is most similar to what is presently licensed as a card game under RCW 9.46.070(2).

(b) Any person who engages in or carries on an activity in violation of this section shall be guilty of a gross misdemeanor. Each day of violation shall be considered a separate crime.

(c) If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section, or the application of the provision to other persons or circumstances, is not affected.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this Section, or the application of the provision to other persons or circumstances is not affected.


Section 3. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of October, 2013.

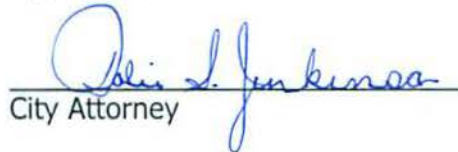
Signed in authentication thereof this 15th day of October, 2013.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney