

ORDINANCE NO. 765

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO AND REGULATING AND REQUIRING LICENSING AND THE PAYMENT OF FEES FOR THE USE AND OPERATION OF AMUSEMENT DEVICES, CIGARETTE VENDING MACHINES, & JUKE BOXES AND RECORD PLAYERS, DEFINING OFFENSES AND PRESCRIBING PENALTIES.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

Section 1. The term "amusement device" shall mean any machine, table, board, or other device designed to be operated or played upon the payment by insertion or otherwise of cash or other valuable consideration and shall be construed to include iron claw machines, cranes, shuffleboards, miniature bowling machines, and other devices of like kind but not including pinball machines and marble games.

Section 2. The term "cigarette vending machines" shall mean any automatic vending machines used for the sale of cigarettes and matches and controlled by the insertion of a coin or coins. It shall not include machines or devices used solely for the vending of service, food or confections.

Section 3. The term "juke box" or "record player" shall mean any machine or instrument designed to be operated or played upon the payment by insertion or otherwise of cash or other valuable consideration and used for the reproduction of music, and shall include all other devices of like kind, nature or purpose and apply wherever the public makes the selection of music to be played.

Section 4. The term "distributor" shall mean any person, firm or corporation who leases, rents to, or places with others for operation, any amusement device, record player or vending machine as herein defined.

Section 5. The term "operator" shall mean any person, firm or corporation who possesses or exhibits for use, play or operation any amusement device, vending machine or record player not owned by such person, firm or corporation.

Section 6. The term owner and operator shall mean any person, firm or corporation who possesses or exhibits for use, play or operation any amusement device, vending machine or record player owned by such person, firm or corporation.

Section 7. LICENSE FEES:

(A) Every distributor of amusement devices, or owners or operators of such devices, shall pay an annual license fee in the sum of \$15.00 payable annually in advance to the City Clerk of said City. In addition, any such distributor, owner, operator, or other person shall pay additional fee of \$5.00 per machine per year, payable annually in advance the same as the master license.

(B) Every distributor, owner or operator of cigarette vending machines doing business as such within the City of Kirkland shall pay an annual license fee in the sum of \$100.00 master license payable annually in advance to the City Clerk of the City of Kirkland. And also, any distributor, owner, operator or user of such cigarette vending machines shall pay an additional sum of \$10.00 per machine per year, payable annually in advance to the City Clerk of Kirkland.

(C) Every distributor, owner, operator or user of juke boxes or record players as defined herein shall pay an annual master license fee of \$100.00 per year payable in advance to the City Clerk of Kirkland, and an additional sum of \$25.00 per machine per year payable in advance annually to the City Clerk of Kirkland.

Section 8. Any person, firm, corporation or association displaying for public patronage or keeping for operation any cigarette vending machine, juke box, record player, or mechanical amusement device as defined herein and required therefore to obtain a license shall make application to the City Clerk of Kirkland, Washington, and the application for such license shall contain the following information:

- (A) Name and address of the applicant, age, date and place of birth
- (B) Prior convictions of applicant, if any
- (C) Place where machine or device is to be displayed or operated and the business conducted at that place
- (D) Description of machine to be covered by the license, mechanical features, name of manufacturer, serial number

Section 9. No license shall be issued to any applicant unless he shall be over 21 years of age and a citizen of the United States.

Section 10. Applications for license shall be made out in duplicate and one copy referred to the Chief of Police of the City of Kirkland. The Chief of Police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and either approve or disapprove the application. No license shall be issued to any applicant unless it is approved by the Chief of Police as provided.

Section 11. Every distributor, owner and operator licensed hereunder shall exhibit his license or other evidence of compliance with this ordinance upon request of any officer or member of the Police Department of the City of Kirkland.

Section 12. No licensee shall move his place of business to another location within the City of Kirkland unless approval for the move is received from the City Clerk and the Chief of Police.

Section 13. When the business of a distributor, owner or operator is sold or transferred, the license of such person or firm may be transferred with the consent of the Chief of Police.

Section 14. No person, firm, corporation, association, or other operator holding a license under this ordinance shall permit persons under 21 years of age to play or operate any cigarette vending machine or mechanical amusement device as defined herein.

Section 15. The license fees provided herein shall be a civil debt to the City of Kirkland owed by the person liable under the provisions of this ordinance and may be enforced by civil action in addition to the other remedies provided herein.

Section 16. Any license issued hereunder may be revoked by Resolution passed by a majority of the members of the City Council present at the meeting wherein such resolution is presented. In the event of revocation the Resolution shall provide for a refund to the licensee of a pro-rata share of the license fee representing the portion of the year for which said license is revoked or invalidated.

Section 17. The violation of any of the terms of this ordinance shall be a misdemeanor and shall subject the offender to the payment of a fine not to exceed \$300.00 or imprisonment not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation is committed, continued or permitted shall be deemed a separate offense.

Section 18. All monies derived from the enforcement of this ordinance shall be placed in the Current Expense Fund of the City of Kirkland.

Section 19. All ordinances or parts of ordinances of the City of Kirkland in conflict herewith are hereby repealed.

Section 20. EFFECT OF PARTIAL INVALIDITY:

If any provision, section or classification of this ordinance shall be held void or unconstitutional, all other parts, provisions and sections of this ordinance not expressly so held to be void and unconstitutional shall continue in full force and effect.

Section 21. This ordinance shall be in full force and effect from and after its passage by the Council, approval by the Mayor, and posting according to law, provided that the first licenses to be issued hereunder

shall be for the period July 1, 1959, to December 31, 1959, and thereafter shall be issued for a period of one (1) year. The first licenses issued herein for the last half of 1959 shall be at a pro-rata charge of 50 per cent of the fees stated herein but thereafter, each year or portion thereof shall be at the full rate as provided under the terms of this ordinance.

Introduced the 18th day of May, 1959.

Passed and approved the 1st day of June, 1959.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 765 and entitled "An Ordinance as above."

  
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City Clerk