

ORDINANCE 3372

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 7.48.010 of the Kirkland Municipal Code is hereby repealed.

Section 2. There is hereby created a new section to be known as Section 7.48.010 and to read as follows:

7.48.010 Gambling Activities Prohibited.

A. The following statutes of the State of Washington, as now existing or as may be hereafter amended, are adopted by reference pursuant to the authority contained in RCW 35A.12.140:

- RCW 9.46.010 Legislative declaration.
- RCW 9.46.0201 "Amusement game."
- RCW 9.46.0205 "Bingo."
- RCW 9.46.0209 "Bona fide charitable or nonprofit organization."
- RCW 9.46.0213 "Bookmaking."
- RCW 9.46.0217 "Commercial stimulant."
- RCW 9.46.0221 "Commission."
- RCW 9.46.0225 "Contest of change."
- RCW 9.46.0229 "Fishing derby."
- RCW 9.46.0233 "Fund raising event."
- RCW 9.46.0237 "Gambling."
- RCW 9.46.0241 "Gambling device."
- RCW 9.46.0245 "Gambling information."
- RCW 9.46.0249 "Gambling premises."
- RCW 9.46.0253 "Gambling record."
- RCW 9.46.0257 "Lottery."
- RCW 9.46.0261 "Member," "bona fide member."
- RCW 9.46.0265 "Player."
- RCW 9.46.0269 "Professional gambling."
- RCW 9.46.0273 "Punch boards," "pull-tabs."
- RCW 9.46.0277 "Raffle."
- RCW 9.46.0281 "Social card game."

RCW 9.46.0285 "Thing of value."
 RCW 9.46.0289 "Whoever," "person."
 RCW 9.46.0305 Dice or coin contests
 for music, food, or
 beverage payment.
 RCW 9.46.0311 Charitable, nonprofit
 organizations -
 Authorized gambling
 activities.
 RCW 9.46.0315 Raffles - No license
 required, when.
 RCW 9.46.0321 Bingo, raffles,
 amusement games - No
 license required,
 when.
 RCW 9.46.0325 Social card games,
 punch boards, pull-
 tabs authorized.
 RCW 9.46.0331 Amusement games
 authorized.
 RCW 9.46.0335 Sports pools
 authorized.
 RCW 9.46.0341 Golfing sweepstakes
 authorized.
 RCW 9.46.0345 Bowling sweepstakes
 authorized.
 RCW 9.46.0351 Social card, dice
 games - Use of
 premises of
 charitable, nonprofit
 organizations.
 RCW 9.46.0355 Promotional contests
 of change authorized.
 RCW 9.46.0361 Turkey shoots
 authorized.
 RCW 9.46.110 Taxation of gambling
 activities -
 Limitations -
 Restrictions on
 punch-boards and pull
 tabs.
 RCW 9.46.120 Restrictions as to
 management or
 operation personnel -
 Restriction as to
 leased premises.
 RCW 9.46.130 Inspection and audit
 of premises,
 paraphernalia, books,
 and records - Reports
 for the commission
 RCW 9.46.150 Injunctions - Voiding
 of licenses, permits,
 or certificates.

- RCW 9.46.195 Obstruction of public servant in administration or enforcement as violation - Penalty.
- RCW 9.46.210 Enforcement - Commission as a law enforcement agency.
- RCW 9.46.230 Seizure and disposition of gambling devises - Owning, buying, selling, etc., gambling devices or records - Penalties.
- RCW 9.46.240 Gambling information, transmitting or receiving as violation - Penalty.
- RCW 9.46.250 Gambling property or premises - Common nuisances, abatement - Termination of mortgage, contract, or leasehold interest, licenses - Enforcement.
- RCW 9.46.260 Proof of possession as evidence of knowledge of its character.
- RCW 9.46.270 Chapter as exclusive authority for taxation of gambling activities.
- RCW 9.46.295 Licenses as legal authority to engage in activities for which issued - Exception.

B. All nonprohibited gambling activities shall be subject to the tax rates imposed by section 7.48.020 of this Chapter.

C. No person shall commence any nonprohibited gambling activity within the City until he has filed with the City, a Notice of Intention to do so. A copy of the current State Gambling Commission license pursuant to which the gambling activity is to be conducted, or authority to conduct such activity

pursuant to paragraph A of this section without a license, shall be attached to the notice.

D. Violation of paragraph C of this Section is a gross misdemeanor.

Section 3. There is hereby created a new section to be known as Section 7.48.015 and to read as follows:

7.48.015 Unlawful Practices. In addition to the unlawful offenses contained in the state laws adopted by reference in Section 7.48.010, the following practices shall be unlawful within the City of Kirkland, and each violation thereof constitutes a gross misdemeanor:

A. Violating or knowingly causing, aiding, abetting or conspiring with another to cause any person, association, business or organization to violate any provision of this Chapter;

B. Operating, participating in, or causing another to participate in, any activity authorized in accordance with RCW Chapter 9.46 directly or indirectly and, in the course of such operation or participation to:

1. Employ any device, method, game, or artifice to defraud, or

2. Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which the statement is made, or

3. Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person.

Section 4. Subparagraph d of Section 7.48.020 of the Kirkland Municipal Code is amended as follows:

d. The tax levied in subsections (a) through (c) of this section as to bingo, raffles, and amusement games will be waived pursuant to RCW 9.46.110 only when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization, as defined in this Chapter, REW-9-46-020(3) which organization has ~~paid~~ no paid operating or management personnel and has no gross income from bingo, raffles, or amusement games or any combination thereof, ~~not~~ exceeding five thousand dollars per year less the amount paid for or as prizes;

Section 5. Section 7.48.040 is amended as follows:

7.48.040 Violation is a gross misdemeanor.


Any person who engages in or carries on any gambling activity subject to the provisions of this Chapter of the Kirkland Municipal Code without having complied with all of the provisions of this Chapter, unless the penalty has already been provided, shall be guilty of a gross misdemeanor. Each day during which such noncompliance occurs shall be considered a separate violation.

Section 6. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in summary form attached to the original of this Ordinance and by this reference approved by the City Council, as required by law.


Passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of June, 1993.

Signed in authentication thereof this 15th
day of June, 1993.




MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney

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SUMMARY OF ORDINANCE 3372

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING.

Section 1. Repeals section 7.48.010 of the Kirkland Municipal Code.

Section 2. Creates a new section 7.48.010 defining prohibited gambling activities by adopting by reference various sections of the Revised Code of Washington, Chapter 9.46 which includes definitions, a listing of various prohibited and non-prohibited gambling activities and penalties for violation of particular prohibited activities. In addition, it provides for tax and licensing requirements on all non-prohibited gambling activities and penalty for failure to do so.

Section 3. Adds a new section 7.48.015 which provides for offenses for unlawful practices in addition to those adopted by reference and the penalty for the same.

Section 4. Modifies subparagraph (d) of section 7.48.020 to be consistent with other modifications.

Section 5. Defines the penalty for violation of this Chapter as a gross misdemeanor.


Section 6. Contains a savings clause.

Section 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council, pursuant to section 1.08.017 Kirkland Municipal Code, and establishes the effective date as five days after publication of the summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland.

This Ordinance was passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of June, 1993.

I certify that the foregoing is a summary of Ordinance 3372, approved by the Kirkland City Council for summary publication.



City Clerk