ORDINANCE NO. 1665

AN ORDINANCE of the City of Kent, Washington, repealing Kent City Ordinances 1609; 0.706 and any amendments thereto; 0.1067, and any amendments thereto; 797, and any amendments thereto, and creating a new ordinance for the licensing of novelty devices; providing for a license fee therefor; prohibiting the transfer thereof; and providing a penalty for the violation of said new ordinance.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Kent City Ordinances 1609; 0.706, as amended by Kent City Ordinance 0.1067, and Kent City Ordinance 797, codified as Kent Ordinances 6.8.04 through 6.8.16, and any amendments thereto, are hereby repealed in their entirety.

Section 2. NOVELTY AMUSEMENT DEVICES DEFINED.
The words "Novelty Devices" shall include any coin-operated machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand propelled, designed to be used in whole or in part as an instrument or instrumentality for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose, and payment is made by the insertion of a coin, by the player or players for such use or play, or which is maintained commercially for such purpose gratuitously as an attraction or stimulant to trade or patronage in such other line of business or endeavor which is maintained at the location of such novelty amusement device, and which is not in anywise used for the purpose of awarding any money or object of value to the player or players, and which does not contain any mechanism which varies the change of winning free games or the number of free games which may be won, depending on the number of coins inserted into the device.

Section 3. LICENSE REQUIRED - OPERATION NEAR SCHOOLS PROHIBITED.
No novelty amusement device shall be operated or kept for operation in the City of Kent unless licenses for the operation thereof have been taken out as hereinafter provided; provided,
however, that in no event shall any novelty amusement device be operated within five hundred feet of any school.

Section 4. OPERATION WITHOUT OWNER'S LICENSE AND PAYMENT OF ADDITIONAL FEE PROHIBITED.

No owner, operator, or other person, in charge of any place of business shall operate, or permit to be in such place of business for operation, any Novelty Amusement Device unless the same shall be the property of a person, corporation or co-partnership holding an owner's license to operate the same as provided for herein, and unless there shall have been paid the additional license fees for the device and the location as provided herein; and there shall be attached to each such novelty amusement device evidence that such novelty amusement device is the property of a holder of an owner's annual license and that the license fees for the device provided for herein have been paid. The annual owner's license fee shall be $250.00, and shall be paid on or before August 1st of each year.

Section 5. PROCEDURE FOR APPLICATION FOR OWNER'S LICENSE.

Applications for owner's licenses provided for herein shall be filed with the City Treasurer, accompanied by the fee provided for herein. In the event any owner's license applied for shall be refused, the amount of the license fee shall be refunded to the applicant.

Section 6. ADDITIONAL LICENSE REQUIRED FOR EACH DEVICE.

Every novelty amusement device operated by an owner licensed hereunder shall be subject to an additional license fee of $10.00 per year. This fee shall be payable yearly, beginning on or before August 1st of each year. A stamp tag in a form to be determined by the City of Kent shall be affixed to each novelty amusement device license hereunder.

Section 7. RESIDENCE REQUIREMENT.

No novelty amusement device owner's license shall be issued to any person, corporation or co-partnership, unless the person, shareholders of any corporation or partners of any partnership shall be individuals of good moral character, and shall have been residents of the State of Washington for at least five (5) years prior to the application for such license. No novelty amusement device owner's license shall be issued to any person, corporation, or co-partnership if said person, any of the shareholders of said corporation, or any of the partners of any such
co-partnership, shall have been convicted of a felony or any
crime involving moral turpitude in the State of Washington or
elsewhere. All applicants for novelty amusement device owner's
licenses shall be approved by the Chief of the City of Kent Police
Department, subject to review by the City Council of the City of
Kent.

Section 8. FINANCIAL INTEREST LOCATION PROHIBITED.

No manufacturer of amusement devices, or representative
of such manufacturer, and no holder of an owner's license who
leases, rents or places with others any novelty amusement devices,
shall have any financial interest in the premises or business
located thereon, which are licensed as a novelty amusement device
location. Financial interest shall mean any direct or indirect
ownership of said premises or business through corporate stock
ownership, partnership, trust or otherwise and no such manufacturer
or representative or holder of an owner's license shall advance
any money, gift, or make any loan to the owner of such premises
or business located thereon.

Section 9. APPLICATION FOR LICENSE FOR INDIVIDUAL DEVICES.
The applications for licenses provided for herein for
individual novelty amusement devices shall be made to the City
Treasurer before said novelty amusement devices are placed for
operation. Upon application and payment of such license fee,
the City Treasurer shall issue a license for each separate novelty
amusement device only to holders of the owner's license provided
for herein. Licenses shall be issued to applicants holding
novelty amusement device owner's license only upon
payment in
advance of (amount equal to one quarter of) the annual novelty
amusement device license fee.

Section 10. REVOCATION OF LICENSES - NOTICE OF REVOCATION
SUSPENSION OF OPERATION REQUIRED - LOCATION
OF DEVICES DETERMINED BY THE CHIEF OF POLICE
HEARING ON DENIAL BY CITY COUNCIL.

The City Council shall have the right to revoke any and
all licenses issued hereunder should said City Council be satis-
fied that the licensee or person operating any of the novelty
amusement devices is doing so in contravention of the spirit and
letter of this chapter; provided, however, that the City Council
shall give thirty (30) days written notice to said licensee or
person operating said novelty amusement device to appear before
said Council or such person as it designates, at a time and place to be designated in the notice given by said Department to show cause, if any there be, why said license or licenses should not be revoked.

Upon receiving such notice, as mentioned in the preceding paragraph, the licensee or person owning the novelty amusement device in controversy shall suspend operation of all novelty amusement devices in his possession or under his control pending the outcome and action of the City Council, pursuant to the hearing provided for.

The Chief of Police shall have the right to approve the place or places wherein such novelty amusement devices may be operated, and it shall be unlawful to operate any such novelty amusement device any place where the said Chief of Police shall refuse the same to be operated; provided, however, should any person feel that the denial of the use of such novelty amusement device in his place be without justification, that he be given a hearing before the City Council, upon application therefor, to then present such reasons as he may have that the Chief of Police should reconsider his action.

Section 11. UNLICENSED DEVICES – ILLEGAL – SEIZURE PROCEDURE.

It shall be unlawful to operate or place for operation within the City of Kent, any novelty or amusement device which has not been licensed by said City. It shall be the duty of the Chief of Police and all members of the Kent Police Department to search for and seize all such unlicensed amusement or novelty devices and take the same before the Municipal Court of the City of Kent for appropriate disposition. No device which carries a Federal gambling stamp shall be licensed or authorized under the provisions of this chapter or allowed to be operated within the city limits.

Section 12. VIOLATION – PENALTY.

Any person, partnership, firm, association or corporation violating any of the provisions of this Ordinance shall be punishable by a fine of up to Three Hundred Dollars ($300.00) or imprisonment in the City Jail for a period up to ninety (90) days, or by both such fine and imprisonment.

Section 13. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, such decision shall not
affect the validity of the remaining portions of this Ordinance.

Section 14. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, City Clerk

APPROVED AS TO FORM:

DONALD E. MIRK, City Attorney

PASSED the 15th day of June, 1970.
APPROVED the 17th day of June, 1970.
PUBLISHED the 21st day of June, 1970.

I hereby certify that this is a true copy of Ordinance No. 1665, passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, City Clerk