September 12, 1974

TO: All Council Members
FROM: Mayor Isabel Hogan
SUBJECT: Veto of Ordinance #1880

I veto and return without signature Ordinance #1880 passed by the Kent City Council August 19, 1974 for the following reasons:

(1) King County law enforcement officers have recommended that commercial gambling and gambling devices not be allowed.

(2) The State Gambling Commission licenses the operation of gambling activities. There is no local control of the number of operators.

(3) Control and surveillance of gambling activities is the responsibility of the local police personnel. There no indication that revenues generated will offset the costs of additional police personnel.

(4) Previous council action (Ordinance #1753, December, 1971) restricted activity to bingo, raffles, and amusement games; no severe hardship would result by denying gambling in this community.

(5) Further consideration of gambling activity could be deferred pending the county-wide advisory ballot September 17, 1974.

/ldl
ORDINANCE NO. 1880

AN ORDINANCE relating to gambling, levying a tax, prohibiting certain forms of gambling, authorizing contracts with King County, providing penalties, and repealing any and all ordinances in conflict therewith.

THE CITY OF KENT, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. In accordance with Chapter 218 Laws of Washington, 1973 First Extraordinary Session, as amended, there is hereby levied upon all persons, associations and organizations who have been duly licensed by the Washington State Gambling Commission to conduct or operate

(1) Any bingo games, raffles and amusement games, a tax rate of ten percent of the gross revenue received therefrom less the amount paid for or as prizes;

(2) Any punchboards or pulltabs, a tax rate of five percent of the gross receipts from such punchboards or pulltabs.

Section 2. The conduct or operation of games in non-profit organizations and cardrooms as a commercial stimulant is hereby prohibited.

Section 3. The administration and collection of the tax imposed by this ordinance shall be by the Finance Director and pursuant to the rules and regulations of the Washington State Gambling Commission. The City Council shall adopt and publish such rules and regulations as may be reasonably necessary to enable the collection of the tax imposed herein.
Section 4. For the purpose of identifying who shall be subject to the tax imposed by this ordinance, any person, association, or individual intending to conduct or operate any gambling activity authorized by Chapter 218, Laws of Washington, 1973 First Extra-ordinary Session, as amended, shall, prior to commencement of any such activity, file with the Finance Director a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with said Chapter 218, as amended.

Thereafter, for any period covered by such state license or any renewal thereof, any person, association or organization, shall on or before the fifteenth day of the month following the end of the quarterly period in which the tax accrued, file with the Finance Director a sworn statement, on a form to be provided and prescribed by the City Council for the purpose of ascertaining the tax due for the preceding quarterly period.

Section 5. The tax imposed by this ordinance shall be due and payable in quarterly installments, and remittance therefor shall accompany each return and be made on or before the fifteenth day of the month next succeeding the quarterly period in which the tax accrued.

For each payment due, if such payment is not made by the due date thereof, there shall be added a penalty as follows:

(1) If paid on or before the final day of the month next succeeding the quarterly period in which the tax accrued, ten percent with a minimum penalty of five dollars.

(2) If paid prior to the fifteenth day of the second month next succeeding the quarterly period in which the tax accrued, fifteen percent with a minimum penalty of ten dollars.

(3) Failure to make payment by the fifteenth day of the second month next succeeding the quarterly period in which the tax accrued shall be deemed to be both a criminal and civil violation of this section.
Section 6. Any person who shall fail or refuse to pay the tax as herein before required, or who shall willfully disobey any rule or regulation promulgated by the City Council hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than ninety days or by a fine of not more than two hundred fifty dollars or both. Any such fine shall be in addition to the tax required. Officers, directors and managers of any organization conducting gambling activities shall be jointly and severally liable for the payment of said tax and for the payment of any fine imposed hereunder.

Section 7. The Mayor and City Clerk hereby authorized to enter into any contract or agreements with King County for the collection and distribution of the tax imposed by this ordinance.

Section 8. It shall be the responsibility of all officers, directors and managers of any organization conducting any gambling activities subject to taxation under this ordinance to make available at all reasonable times such financial records as the Mayor, his authorized representative or law enforcement representative of the City of Kent may require in order to determine full compliance with this ordinance.

Section 9. Should any section, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional, whether because of conflict with general law or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. Ordinance #1753, Ordinance #1838, and Ordinance #1851, and all ordinances or parts of ordinances in conflict herewith are repealed.

PASSED BY THE CITY COUNCIL this 9 day of 1974.

ISABEL HOGAN, MAYOR
ATTEST:

__________________________
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
DONALD E. MIRK, CITY ATTORNEY

PASSED THE ____ day of August, 1974.
APPROVED THE ____ day of August, 1974.
PUBLISHED THE ____ day of August, 1974.

I hereby certify that this is a true copy of Ordinance No. 1880, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

__________________________ (SEAL)
MARIE JENSEN, CITY CLERK

Ordinance 1880 was returned to the Council on Oct 7, 1974, with the Mayor's veto message. The Council did not reconsider the Ordinance, but chose to let the Mayor's veto stand.
Not ruled in accordance with City Attorney's instructions.