ORDINANCE NO. 2355

AN ORDINANCE of the City of Kent, Washington, repealing Kent City Ordinance 2043; creating a new ordinance for the licensing and regulation of novelty amusement devices; providing for a license fee therefore; providing for revocation of licenses; and providing penalties for violations of the Ordinance.

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

Section 1. NOVELTY AMUSEMENT DEVICES DEFINED. The words "Novelty Devices" shall include any coin operated machine, 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 some other line of business or endeavor which is maintained at the location of such novelty amusement device, and which is not in any way 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 chance of winning free games or the number of free games which may be won, depending on the number of coins inserted into the device.

The "Novelty Devices" shall also include such games as pool, shuffleboard, etc., where the right to play is determined not by insertion of a coin or coins into the device, but rather by payment of a specified amount of money for the right to play for a specified period of time and shall also include music machines.

Section 2. LICENSE REQUIRED. No novelty amusement device shall be operated or kept for operation in the City of Kent unless a license for the operation thereof shall have been taken out as hereinafter provided.
Section 3. LICENSE REQUIRED FOR EACH DEVICE. Every novelty amusement device shall be subject to a license fee of $10.00. This fee shall be payable on or before August 1, 1982 for a period ending December 31, 1982. The stamp tag which is presently affixed to each novelty amusement device licensed hereunder shall mature December 31, 1982.

In the event a novelty amusement device which has been properly licensed is replaced during the license period by another novelty amusement device, a license transfer fee of $5.00 shall be paid. Application for a license transfer and payment of the transfer fee shall be accomplished in the same manner as for original applications.

Section 4. APPLICATION FOR LICENSE FOR NOVELTY DEVICES. The applications for licenses provided for herein for novelty amusement devices shall be made to the City Treasurer and all license fees paid before such novelty amusement devices are placed for operation. Upon application and payment of such license fee, the City Treasurer shall issue a license and stamp tag for each novelty amusement device.

Section 5. 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 satisfied 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 the Council to show cause, if any there be, why said license or licenses should not be revoked.

Upon receiving such notice, 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 6. 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 as provided herein. Any such unlicensed device shall be subject to confiscation by the Chief of Police and/or his designate, which shall include all members of the Kent Police Department.

No novelty device so confiscated shall be returned to the owner or licensee thereof until all applicable license fees have been paid together with any costs incurred by the City as a result of such confiscation.

No device which carries a Federal Gambling Stamp shall be licensed or authorized under the provisions of this Ordinance.

Section 7. REPEALER. Ordinances 2043 and 2044 of the City of Kent be and the same hereby are repealed in their entirety.

Section 8. 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 of up to ninety (90) days, or by both such fine and imprisonment.

Section 9. 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 10. This Ordinance shall have an effective date
of June 21, 1982 following its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

BARBARA HEAVEY, ACTING CITY ATTORNEY

PASSED the 21st day of June, 1982.
APPROVED the 22nd day of June, 1982.
PUBLISHED the 25th day of June, 1982.

I hereby certify that this is a true copy of Ordinance No. 23-55, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

(SEAL)