ORDINANCE NO. 238

AN ORDINANCE of the City of Kent, Washington, establishing a new chapter of the Kent City Code relating to the licensing and regulation of amusement devices and arcades; establishing license fees; providing penalties for violation of the City Code; and repealing Ordinance No. 2355, and Code provisions.

WHEREAS, Ordinance 1666, codified as Chapter 5.20 Kent City Code (KCC), relating to licensing of shuffleboards and music machines, was repealed by Ordinance 2044; and

WHEREAS, Ordinances 2043 and 2044, codified as Chapter 5.18 KCC, relating to licensing of novelty amusement devices was repealed by Ordinance 2355; and

WHEREAS, it is desirable that Kent City Code provisions relating to licensing amusement devices for revenue be enacted to provide for clear and comprehensive licensing of such devices and amusement arcades; NOW, THEREFORE,

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

Section 1. A new Chapter 5.19 is added to the Kent City Code, as follows:

“Chapter 5.19. AMUSEMENT DEVICES.

“5.19.010. DEFINITIONS. As used in this chapter, the following definitions apply:

A. 'Amusement device' means any machine or device which provides recreation or entertainment for which a charge is made for use or play, and includes, but is not limited to, pool and billiard tables, shuffleboards, music machines, video games, pinball games, mechanical bulls and other riding devices, televisions and devices for display of pictures or views on film; provided, that it does not mean or include any machine or device used exclusively for the vending of merchandise.
B. 'Owner' of an amusement device means a person who has legal title to the device, or a person who as purchaser is entitled to possession under a retained title contract, conditional sales agreement, vendor's lien agreement, or other legal purchase agreement.

C. 'Person' means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, or other legal entity or group of persons however organized.

"5.19.020. LICENSE REQUIRED.
It is unlawful for any person to own any amusement device, which is available for use by the public, without first obtaining and displaying amusement device license issued in accordance with the provisions of this chapter. The license shall be attached to the amusement device, at all times when in use or play or available for use or play, so that it is readily visible.

"5.19.030. LICENSE FEES.
The license fee for any amusement device shall be Fifty Dollars ($50.00) per year.

"5.19.040. MASTER ARCADE LICENSE.
A. In addition to the license and fees required in KCC 5.19.030, there is hereby established a master license, to be known as a Master Arcade License. The fee for a master arcade license shall be Five Hundred Dollars ($500.00) per year.

B. It is unlawful for any person to operate more than ten (10) amusement devices at one location without having first obtained a master arcade license issued in accordance with the provisions of this chapter.

C. Master arcade license shall be publicly displayed on the premises during the time of arcade operations.

D. Master arcade licenses expire annually on December 31st.

"5.19.050. LICENSE EXPIRATION.
Amusement device licenses expire annually on December 31st.

"5.19.055. CITY FEE EXEMPTION.
City facilities, and amusement devices owned by the City and operated at City facilities, are exempt from the fees required by KCC 5.19.030 and KCC 5.19.040.
5.19.060. APPLICATIONS FOR LICENSES.

A. The applications for licenses shall be made to the City Treasurer or such person as may be designated by the City Treasurer, in such form and containing such information as the City Treasurer may require and on forms to be furnished by the City to the applicant. Said application forms shall contain among others, the following information:

(1) the name of the applicant and persons who have an interest in the business or entity of such applicant.

(2) the residence and business address of the applicant and owner or owners.

(3) whether any such license previously issued by the City or any other governmental entity has ever been suspended, revoked or cancelled; if so, for what cause and the dates and circumstances thereof.

(4) for an applicant for a master arcade license, whether the applicant, or owner or owners, has been convicted of any felony or any misdemeanor or gross misdemeanor involving moral turpitude or minors within five years of the application.

B. Upon receipt of a completed application form, the City Treasurer shall cause to be made an investigation as to all matters contained in said application and incidental thereto.

C. Applications for master arcade license shall be forwarded to the Chief of Police of the City to make an investigation concerning KCC 5.19.060(A)(4). The Chief of Police shall, within 30 days after such request by the Treasurer, furnish a written report to the Treasurer containing the results of his investigation and shall make therein his recommendation whether or not such license should be granted.

D. Upon the completion of the Treasurer's investigation, and review of the recommendation of the Chief of Police, and determination that all matters contained in the application are true and correct and that this chapter has been complied with, then the City Treasurer should issue such license applied for in accordance with the provisions with this chapter, provided, however, that the applicable license fees, together with any delinquent fees that may then be due shall first be paid to the City Treasurer.
E. No license shall be granted to any person, who within five years of the application for such license, has been convicted of any felony or of any misdemeanor, or gross misdemeanor involving moral turpitude or minors.

F. The City Treasurer shall notify an applicant, upon denial of a license, of such denial, and the right to appeal pursuant to KCC 5.19.070. Notice shall be by United States mail, postage prepaid, to the business address of the applicant, and shall be effective on the date of deposit in the mails.

5.19.070. APPEAL OF DENIAL
An applicant shall be given a hearing before the City Council upon application therefore, made within fourteen calendar days of notice of license denial, to then present such reasons as the applicant may have that the City Treasurer should reconsider the action of license denial.

5.19.080. PRORATION OF ANNUAL LICENSE FEE.
The license fee or master arcade license fee shall be one-half of the annual license fee should the amusement device or arcade be operated only during the last six months of an annual license period.

"5.19.090. TRANSFER OR REPLACEMENT OF LICENSES.
A. In the event an amusement device which has been properly licensed is replaced during the license period by another amusement device, a license transfer fee of Ten Dollars ($10.00) 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.

B. In the event an amusement device license or master arcade license is destroyed, defaced or otherwise unreadable, a replacement license shall be obtained for a license replacement fee of Ten Dollars ($10.00).

"5.19.100. SEIZURE PROCEDURE.
A. Any device found in violation of KCC 5.19.020 shall be subject to confiscation by the Chief of Police and/or his designate, which shall include all members of the Kent Police Department.

B. No amusement device so confiscated shall be returned to the owner or licensee thereof until all applicable license or replacement fees have been paid together with any costs incurred by the City as a result of such confiscation.
C. No device which carries a Federal Gambling Stamp shall be licensed or authorized under the provisions of this Ordinance.

"5.19.110. VIOLATION - PENALTY.
Any person violating any of the provisions of this Ordinance shall be punishable by a fine of up to Five Hundred Dollars ($500.00) or imprisonment in the City Jail for a period of up to one hundred eighty (180) days, or by both such fine and imprisonment.

"5.19.112. SEVERABILITY.
Should any provision of this Chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 2. REPEALER. Ordinance 2355 and Code Chapters 5.18 and 5.20 of the Kent City Code be and the same hereby are repealed in their entirety.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law. Licenses issued prior to the effective date of this ordinance shall remain in force and effect until December 31, 1982.

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 6 day of ____, 1982.

APPROVED the 7 day of ____, 1982.
PUBLISHED the 10th day of Aug., 1982.

I hereby certify that this is a true copy of Ordinance No. 2381, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK