

ORDINANCE NO. 395

AN ORDINANCE adopting provisions for licensing and regulating the operation of amusement devises; establishing fees; and defining penalties for violations.

WHEREAS, the Gig Harbor City Council repealed the original Ordinance No. 2 by Ordinance No. 394, and,

WHEREAS, the City Council determined it necessary to continue the licensing and regulating of amusement devises; NOW THEREFORE,

The City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Definitions. For the purposes of this chapter, words and phrases shall have the following meanings:

- A. AMUSEMENT DEVISE shall mean any machine or device designated to be operated or used for playing a game upon the insertion or payment of a coin or trade check or other thing of value, or upon payment of a fee, and which is based on skill and is played or operated only for amusement and entertainment of the player, but shall not mean or include any machine or devise used exclusively for the vending of merchandise.
- B. OPERATOR shall mean any person who leases or rents to or places with others any amusement devise.
- C. LOCATION OWNER shall mean any person who displays amusement devises and avails them to the public for use, play, or operation.
- D. PERSON shall mean and include any individual, corporation, partnership, or association.

Section 2. Location License.

- A. A location amusement devise license shall be required for each place in which there is displayed, exhibited, or exposed or permitted to be displayed, exhibited or exposed for purposes of use, play or operation, any amusement devise, which license shall indicate thereon the number of such devises which may be exhibited or displayed for use or play. Application for such license shall be made at Gig Harbor City Hall. A license shall be received before locating an amusement devise.

B. Any holder of a location license may own any amusement device located at the place covered by such location license. But any such person who has an arrangement or understanding with any other holder of a location license whereby exchanges or trades of amusement devices are made between such persons, who during any license period transfers from one location to another, any amusement device, shall be deemed to be an operator and shall be required to have an amusement device license as provided in this chapter.

Section 3. Amusement Device License.

A. An amusement device license shall be required for any operator renting or placing with another for use or play or for any person exhibiting for use or play, any amusement device. Application for such a license shall be made before operating an amusement device.

B. Such license shall not be transferable from one amusement device to another or from one person to another. Any amusement device license which shall be changed, mutilated, erased or in any manner defaced shall be void and any amusement device which the same shall purport to license shall be deemed an unlicensed machine.

Section 4. Existing Operators and Location Owners.

Every operator of an amusement device, and every owner of a location where an amusement device is operated at the effective date of this ordinance shall apply for the appropriate license within five (5) business days after the effective date of this ordinance. Application shall be made at Gig Harbor City Hall.

Section 5. Certain Devices Prohibited.

It shall be unlawful to sell, operate, or use or permit to be operated or used, or to process, exhibit or display with intent that the same shall be sold, operated, or used, any device wherein the element of chance or a combination of the elements of chance or skill is involved or any other device customarily used for gambling, or which tends to promote or encourage gambling; and nothing contained in this chapter is intended to legalize or authorize the licensing or the operation of slot machines or other gambling devices or games. Devices defined in RCW 9.46.020(9) shall be deemed gambling devices.

Section 6. License Fees.

The license fees for amusement devices, the location and operation thereof, shall be and are hereby fixed as follows:

A. Location Amusement Device License.
For each location . . . \$10.00 per month for each amusement device collected semi-annual.

B. Amusement Device License . . . \$200.00 per annum.

Licenses shall be revoked for failure to pay the license fees. License fees shall be paid in advance of operating or locating amusement devices.

Section 7. Penalties for Chapter Violations.

It shall be the duty of all persons leasing, renting, placing, or operating on location any amusement device to comply with the provisions of this chapter. Failure to comply shall be a violation of this ordinance and shall result in the assessment of one or all of the following penalties:

- A. The amusement device operator or location owner acting in violation of this ordinance shall be liable for and assessed a penalty by the City of Gig Harbor in the amount of FIVE DOLLARS (\$5.00) a calendar day for each and every day of violation. The penalty assessed shall accumulate until the amusement device is removed from use by the public or until the date application for license is made.
- B. In addition to the above, the City of Gig Harbor shall suspend the business license of the amusement device operator, or location owner who does not pay the penalty assessed and apply for appropriate license within thirty (30) calendar days after receiving written notice from the City of Gig Harbor.
- C. A new business license shall not issue until the penalty assessed is paid in full and a new business license fee is paid.
- D. A business license shall not be suspended under this ordinance unless and until ordered by the City Council at a regular meeting of the City Council held at least fifteen (15) calendar days after sending written notice to the business owner of the date of the meeting at which the City Council will consider the suspension of the business owner's license.

Section 8. Effective Date.

This Ordinance is effective and in full force five (5) days following its approval, passage, and publication by law.

PASSED by the City Council and APPROVED by the Mayor at a regular meeting this 12th day of April, 1982.


RUTH M. BOGUE - Mayor

ATTEST:



JEFF SNIDER
Administrator/Clerk