

ORDINANCE 4294

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING OF AMUSEMENT DEVICES.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 7.12.010 is hereby amended to read as follows:

7.12.010 Definitions.

(a) "Amusement device" means any machine, table, board, or other device designed to be operated or played upon the payment by insertion or otherwise of cash or other valuable consideration and includes but is not limited to iron claw machines, cranes, shuffleboards, miniature bowling machines, pool, bumper pool or billiard tables, and other devices of like kind, including pinball machines, ~~and flipper machines~~ and video games except those that may now or hereafter be deemed "gambling devices" pursuant to RCW Chapter 9.46.

(b) "Cigarette vending machines" means any automatic vending machines used for the sale of cigarettes and matches and controlled by the insertion of ~~a coin or coins~~ money. It does not include machines or devices used solely for the vending of service, food or confections.

(c) "Distributor" means any person, firm or corporation who leases, rents to, or places with others for operation, any amusement device, juke box, record player or vending machine as herein defined.

(d) "Juke box" or "record player" means any machine or instrument designed to be operated or played upon the payment by insertion or otherwise of cash or other valuable consideration and used for the reproduction of music, and shall include all other devices of like kind, nature or purpose and apply wherever the public makes the selection of music to be played.

(e) "Operator" means any person, firm or corporation who possesses or exhibits for use, play or operation any amusement device, vending machine or record player not owned by such person, firm or corporation.

(f) "Owner and operator" means any person, firm or corporation who possesses or exhibits for use, play or operation any amusement device, vending machine or record player owned by such person, firm or corporation.

Section 2. Kirkland Municipal Code ("KMC") Section 7.12.020 is hereby amended to read as follows:

7.12.020 License fees.

(a) Amusement Devices. Any distributor, owner or operator of an amusement device shall pay a license fee of fifty dollars per machine per year, payable annually in advance to the director of finance at the time of issuance or renewal of the distributor's, owner's or operator's business license.

(b) Every distributor, owner or operator of cigarette vending machines doing business as such within the city shall pay an annual license fee in the sum of fifty dollars for a master license payable annually in advance to the director of finance. Also, any distributor, owner, operator or user of such cigarette vending machines shall pay an additional sum of ten dollars per machine per year, payable annually in advance to the director of finance. Payment shall be made at the time of the issuance or renewal of the distributor's, owner's or operator's business license.

It is further required that each cigarette vending machine in the city shall be equipped with an electric lock or device to be operated by the owner and/or employees only.

(c) Juke Box or Record Player.

(1) Every "distributor" (as defined in Section 7.12.010(c)) shall pay to the city an annual master license fee of one hundred dollars per year payable in advance at the time of issuance or renewal of the distributor's business license;

(2) Every "operator" (as defined in Section 7.12.010(e)) shall pay to the city an annual machine license fee of twenty-five dollars per machine per year payable in advance at the time of issuance or renewal of the operator's business license;

(3) Every "owner and operator" (as defined in Section 7.12.010(f)) shall pay to the city an annual machine license fee of twenty-five dollars per year, in advance at the time of issuance or renewal of the owner and operator's business license.

Section 3. Kirkland Municipal Code ("KMC") Section 7.12.050 is hereby repealed. A new KMC Section 7.12.050 is hereby adopted to read as follows:

7.12.050 Terms and rates of licenses.

Licenses issued under this chapter shall be issued by the Finance Director with the applicant's business license and shall renew and expire at the same time as the applicant's business license. In the event an applicant for a license under this chapter already has a city business license, the initial term of the license under this chapter shall expire at the same time as the business license.

Section 4. Kirkland Municipal Code ("KMC") Section 7.12.060 is hereby repealed.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 6. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of March, 2011.


Signed in authentication thereof this 15th day of March, 2011.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney