

CITY OF LYNNWOOD

ORDINANCE NO. 1223

AN ORDINANCE AMENDING ORDINANCES NO. 818 AND 1199 AND CHAPTER 5.60 OF THE LYNNWOOD MUNICIPAL CODE AND REGULATING AND ESTABLISHING LICENSE FEES FOR AMUSEMENT CENTERS, OPERATORS AND DEVICES.

WHEREAS, the City Council has reviewed the present amusement center license fees and has determined the necessity to adjust these fees in relationship to costs incurred and the services performed by the city departments and make other clarification in Amusement Center Regulations and Licenses, now, therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. That Section 15 of Ordinance 818 and Lynnwood Municipal Code, Chapter 5.60.010, which reads as follows:

"Section 15. New Section. The following is enacted and added to Title 5, Business Regulations and licenses.

1. License Required: AMUSEMENT CENTERS.

It shall be unlawful for any person, firm or corporation to conduct or operate an amusement arcade, penny arcade, shooting gallery, or other commercial amusement place in the City of Lynnwood without first obtaining a license pursuant to the provision of this title.

The term amusement center shall include any place operated principally for use of amusement devices, including billiard or pool halls; amusement center shall not be construed to mean any place operated as a bowling alley and duly licensed pursuant to provisions of this chapter; nor shall such term be construed to mean any carnival, circus, rodeo, parade, or skating rink.

2. License Fee: The license fee for each amusement center or other commercial amusement place shall be and is hereby fixed in the sum of \$150.00 per annum."

SHALL BE AND IS HEREBY AMENDED TO READ AS FOLLOWS:

"5.60.010

1. License Required: AMUSEMENT CENTERS.

It shall be unlawful for any person, firm or corporation to conduct or operate an amusement arcade, penny arcade, shooting gallery, or other commercial amusement place in the City of Lynnwood without first obtaining a license pursuant to the provision of this title.

Amusement Center includes any place or business in which there are fourteen (14) or more amusement devices for purposes of play, use or operation.

2. License Fee: The license fee for each amusement center shall be and is hereby fixed in the sum of \$300.00 per annum.

SECTION 2. That Section 16 of Ordinance 818, which reads as follows:

"Section 16. New Section. The following is enacted and added to Title 5, Business Regulations and licenses.

"AMUSEMENT DEVICES.

1. Definition. For the purposes of this chapter, the following word or words shall have the meaning as hereinafter set forth: "Amusement Device" shall mean any machine or device requiring the deposit of money or other things of value 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 device used exclusively for the vending of merchandise. Amusement device shall include, but not be limited to the following: billiard tables, flipper machines, juke boxes, shuffleboards, stationary rides.

"Operator" shall mean any person, firm or corporation who owns, leases or rents to or places with others for use of play any amusement device.

2. An "Amusement Device License" shall be required for any operator owning, renting or placing with another for use or play any amusement device.

Each Amusement Device License shall be issued for a

particular device, and shall have printed thereon the number of the certificate issued to said machine by the Tax Commission of the State of Washington or other identifying number. Such license shall not be transferrable from one amusement device to another or from one person or 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.

3. Fee on Owners and Operators. The license fee on amusement devices herein established and imposed is a fee on the business of the owner of such device who operates such devices or allows their operation in the City of Lynnwood and is a fee to the extent that business is exercised in the City of Lynnwood; this Section specifically prescribes a fee on owners of such devices, where the owner leases or rents such devices for use in the City of Lynnwood; this Section should not be construed to impose a fee on persons or entities who pay rent or lease for rental purposes such amusement devices.
4. Operator's License: An "Operator's License" shall be required for any person to be or become an operator, except that a person, firm or corporation which obtains an amusement center license and owns fourteen (14) or more machines located therein shall not be required to acquire the operator's license.
5. License Required: Any place of business in which there is displayed, exhibited or exposed or permitted to be displayed, exhibited or exposed for purposes or play, use, or operation of any amusement device shall comply with licensing provisions pursuant to this title.

No more than thirteen (13) amusement devices may be exhibited or displayed or located for use in any place of business unless that place of business is licensed to do business as an amusement center.

6. License Fees: The licence fees for amusement devices, and the operation thereof, shall be and are hereby fixed as follows:

Operator's License	\$100.00 per annum
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Amusement License Device:

- (a) For each device requiring a quarter or more to operate or more than \$.25 per hour to use -----\$25.00 per annum
- (b) Less than a quarter-----\$10.00 per annum"

SHALL BE AND THE SAME IS HEREBY AMENDED TO READ:

"Section 16.

"AMUSEMENT DEVICES.

1. Definition. For the purposes of this chapter, the following word or words shall have the meaning as hereinafter set forth: "Amusement Device" shall mean any machine or device requiring the deposit or payment of money or other things of value 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 device used exclusively for the vending of merchandise. Amusement device shall include, but not be limited to the following: billiard tables, pool tables flipper machines, juke boxes, shuffleboards, stationary rides, video machines.

"Operator" shall mean any person, firm or corporation whose business establishment has amusement device(s) for purposes of play, use or operation.

2. An "Amusement Device License" shall be required for any operator who owns or any person, firm or corporation renting or placing with another for use or play, any amusement device.

An Amusement Device License shall be issued for each number of amusement devices placed for operation in a business. Such license shall be transferable from one amusement device to another within that business; provided the total number of devices placed for operation shall not at any time exceed the number of amusement device licenses issued to that business.

12:00 midnight and 12.00 noon following on Monday through Friday, and between the hours of 2:00 A.M. and 12:00 Noon following on Saturday and Sunday.

EXCEPTION: Those establishments which devote at least 60% of the total floor area for restaurant purposes or whose premises are restricted to adults only may open for business one hour earlier on weekdays and weekends.

SHALL BE AND IS HEREBY AMENDED TO READ AS FOLLOWS:

5.60.09

"It shall be unlawful for any amusement center licensed hereunder or required to be licensed hereunder to conduct business or be open for business between the hours of 12:00 midnight and 12:00 noon following on Monday through Friday, and between the hours of 2:00 A.M. and 12:00 Noon following on Saturday and Sunday.

EXCEPTION: (1) Those establishments which devote at least 60% of the total floor area for restaurant purposes may open for business one hour earlier on weekdays and weekends.

(2) Those establishments which have a Class H or a combined Class B C E & F retailer's license by the State of Washington for the sale of liquor shall not be limited in the hours of operation of amusement devices which are located within the area of the establishment having such liquor license; provided all amusement devices on the premises both inside and outside the liquor licensed area shall be considered for amusement center licensing purposes."

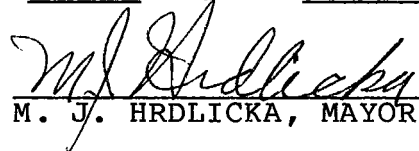
SECTION 4. There shall be enacted and added to the Lynnwood Municipal Code Chapter 5.60 a new section to read as follows:

"Master License: Any person, firm or corporation who leases or rents to or places with others for use of play any amusement device shall be required to pay a Master License fee of \$300.00 per annum."

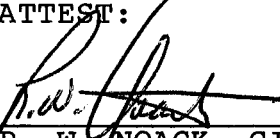
SECTION 4. Severability: If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutinality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 5. This ordinance shall take effect and be in full force January 1, 1982.

PASSED this 23rd day of November, 1981, and signed in authentication of its passage this 23rd day of November, 1981.


M. J. HRDLICKA, MAYOR

ATTEST:


R. W. NOACK, CITY CLERK
APPROVED AS TO FORM:


J. GAYLORD RIACH, CITY ATTORNEY