



ORDINANCE NO. 2982

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CONDUCT OF AMUSEMENT GAMES IN THE CITY; AMENDING SECTIONS 10.30.030 AND 10.30.040 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, in Chapter 9.46 RCW, the State legislature preempted the field of regulating gambling activity, except that the State legislature authorized cities to prohibit absolutely within the city any or all gambling activities authorized by the legislature; and

WHEREAS, in Chapter 10.30 of the Lynnwood Municipal Code, the City has exercised its authority to prohibit absolutely certain gambling activities, including the conduct and operation of amusement games; and

WHEREAS, in Chapter 9.46 RCW, the State regulates the form of gambling activity known as "amusement games," as defined in RCW 9.46.0201, and also authorizes the Washington State Gambling Commission to adopt additional regulations governing the conduct and operation of amusement games; and

WHEREAS, pursuant to Chapter 9.46 RCW, the Washington State Gambling Commission has adopted such regulations addressing the conduct and operation of amusement games, which regulations include but are not limited to those codified at Chapter 230-13 of the Washington Administrative Code; and

WHEREAS, based on the nature of amusement games as defined by state law and the comprehensive scope of the state regulation of amusement games, among other things, the City Council has determined that it is in the best interests of the City to allow the conduct and operation of amusement games within the City; now, therefore

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

Section 1. Section 10.30.030 of the Lynnwood Municipal Code is amended to read as follows:

10.30.030 Unlawful practice.

In addition to the unlawful offenses contained in the state laws adopted by reference in LMC 10.30.010, and in accordance with RCW 9.46.295, (1) engaging in or conducting gambling activities, (2) possessing or permitting gambling devices to be used or placed in any building, or (3) permitting a building to be used or intended to be used for gambling or gambling activity, ~~or (4) operating or conducting amusement games~~ shall be unlawful within the city, and each violation thereof constitute a gross misdemeanor, except it shall not be unlawful:

A. To engage in activities, authorized by Chapter 9.46 RCW, as now or hereafter amended, which activities are exempted from regulation or licensing by said Chapter 9.46 RCW;

B. For bona fide charitable or nonprofit organizations to conduct activities authorized by Chapter 9.46 RCW, as now or hereafter amended, when licensed, conducted or operated pursuant to state law, including rules and regulations of the Washington State Gambling Commission;

C. For any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on premises to utilize punch boards and pull tabs as a commercial stimulant to such business, when licensed, conducted and operated pursuant to state law, including rules and regulations of the Washington State Gambling Commission; or

D. To operate, conduct or engage in amusement games, when licensed, conducted, and operated in accordance with state law, including rules and regulations of the Washington State Gambling Commission.

Section 2. Section 10.30.040 of the Lynnwood Municipal Code is amended to read as follows:

10.30.040 Nuisances defined.

The conducting of bingo games, amusement games, or raffle, as defined in this chapter, without a license or beyond the scope of a license as required under state law or the conduct of any gambling activity, ~~or operating or conducting amusement games prohibited by this chapter~~, is declared a common nuisance and shall be subject to abatement by injunction or as otherwise provided by law. All gambling devices in such cases are common nuisances and shall be subject to seizure immediately upon detection and to confiscation and destruction by order of a superior court or district court, except when in the possession of officers enforcing this chapter. No property right in any such

gambling device shall exist or be recognized in any person, except the possessory right of officers in enforcing this chapter.

Section 3. If any section, subsection, sentence, 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 constitutionality of any other section, subsection, sentence, phrase or word of this Ordinance.

Section 4. This Ordinance or an approved summary thereof consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five days following its publication.

PASSED BY THE CITY COUNCIL this 8th day of April, 2012.

APPROVED:

"Ordinance deemed valid without Mayor's approval pursuant to RCW 35.A.12.130"

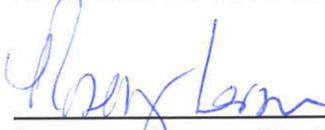
Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 04/03/2013
PASSED BY THE CITY COUNCIL: 04/08/2013
PUBLISHED: 04/18/2013
EFFECTIVE DATE: 04/23/2013
ORDINANCE NUMBER: 2982



On the, 8th day of April, 2013 the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2982. A summary of the content of said ordinance, consisting of the title, provides as follows:

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AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CONDUCT OF AMUSEMENT GAMES IN THE CITY; AMENDING SECTIONS 10.30.030 AND 10.30.040 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.

DATED this 18th day of April, 2013.



Lorenzo Hines, Finance Director



CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 2982 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CONDUCT OF AMUSEMENT GAMES IN THE CITY; AMENDING SECTIONS 10.30.030 AND 10.30.040 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on the 18th day of April, 2013



Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington