



**CITY OF KIRKLAND**  
**Police Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3400  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Mike St. Jean, Lieutenant  
Eric Olsen, Chief of Police

**Date:** June 9, 2011

**Subject:** Kirkland Municipal Code 7.48.010 – Regulation of Gambling

**RECOMMENDATION:**

It is recommended that the City Council approve the attached ordinance amending the Kirkland Municipal Code Section 7.48.010, which deals with the regulation of gambling.

**BACKGROUND DISCUSSION:**

The Kirkland Police Department and the Kirkland Attorney's Office have reviewed Kirkland Municipal Code 7.48, Gambling Restrictions-Tax.

Upon reviewing this KMC, it was determined that one of the existing RCW's that had been amended in 7.48.010 needs to be renumbered. A new RCW was also found that needs to be included in 7.48.010 as having been adopted by reference.

The recommended changes to 7.48.010 are as follows:

RCW 9.46.0355 Promotional contests of chance authorized  
This needs to be renumbered to RCW 9.46.0356

RCW 9.46.1962 Cheating in the second degree  
This is an RCW that needs to be added to the KMC.

We are requesting City Council pass the attached ordinance in order to update KMC 7.48.010 with the above listed changes.

ORDINANCE No. 4311

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING.

WHEREAS, the City Council adopted Ordinance 3692 in 1999 to adopt by reference certain statutes in RCW Chapter 9.46 regulating gambling and to provide that violations of those would constitute a violation of KMC 7.48.010 with the same maximum penalties that could be imposed under those statutes; and

WHEREAS, one statute adopted needs to be renumbered and one new statute has been added to RCW Chapter 9.46, which should be added to KMC 7.48.010,

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 7.48.010 is hereby amended to read as follows:

**7.48.010 Regulation of gambling.**

(a) The following statutes of the state, as now existing or as may be hereafter amended, are adopted by reference. Any violation of these statutes is a violation of this section, carrying the same maximum penalties as could be imposed under state statutes:

- RCW 9.46.010 Legislative declaration.
- RCW 9.46.0201 "Amusement game."
- RCW 9.46.0205 "Bingo."
- RCW 9.46.0209 "Bona fide charitable or nonprofit organization."
- RCW 9.46.0213 "Bookmaking."
- RCW 9.46.0217 "Commercial stimulant."
- RCW 9.46.0221 "Commission."
- RCW 9.46.0225 "Contest of chance."
- RCW 9.46.0229 "Fishing derby."
- RCW 9.46.0233 "Fund raising event."
- RCW 9.46.0237 "Gambling."
- RCW 9.46.0241 "Gambling device."
- RCW 9.46.0245 "Gambling information."
- RCW 9.46.0249 "Gambling premises."
- RCW 9.46.0253 "Gambling record."
- RCW 9.46.0257 "Lottery."
- RCW 9.46.0261 "Member," "bona fide member."
- RCW 9.46.0265 "Player."
- RCW 9.46.0269 "Professional gambling."
- RCW 9.46.0273 "Punch boards," "pull-tabs."
- RCW 9.46.0277 "Raffle."
- RCW 9.46.0282 "Social card game."
- RCW 9.46.0285 "Thing of value."
- RCW 9.46.0289 "Whoever," "person."

- RCW 9.46.0305 Dice or coin contests for music, food, or beverage payment.
- RCW 9.46.0311 Charitable, nonprofit organizations—Authorized gambling activities.
- RCW 9.46.0315 Raffles—No license required, when.
- RCW 9.46.0321 Bingo, raffles, amusement games —No license required, when.
- RCW 9.46.0325 Social card games, punch boards, pull-tabs authorized.
- RCW 9.46.0331 Amusement games authorized.
- RCW 9.46.0335 Sports pools authorized.
- RCW 9.46.0341 Golfing sweepstakes authorized.
- RCW 9.46.0345 Bowling sweepstakes authorized.
- RCW 9.46.0351 Social card, dice games—Use of premises of charitable, nonprofit organizations.
- RCW 9.46.03565** Promotional contests of chance authorized.
- RCW 9.46.0361 Turkey shoots authorized.
- RCW 9.46.039 Greyhound racing prohibited.
- RCW 9.46.110 Taxation of gambling activities—Limitations—Restrictions on punch-boards and pull-tabs—Lien.
- RCW 9.46.120 Restrictions on management or operation personnel—Restriction on leased premises.
- RCW 9.46.130 Inspection and audit of premises, paraphernalia, books and records —Reports for the commission.
- RCW 9.46.150 Injunctions—Voiding of licenses, permits, or certificates.
- RCW 9.46.155 Applicants and licensees—Bribes to public officials, employees, agents—Penalty.
- RCW 9.46.160 Conducting activity without license.
- RCW 9.46.185 Causing person to violate rule or regulation.
- RCW 9.46.190 Violations relating to fraud or deceit.
- RCW 9.46.195 Obstruction of public servant—Penalty.
- RCW 9.46.196 Cheating.
- RCW 9.46.1962 Cheating in the second degree.**
- RCW 9.46.198 Working in gambling activity without license as violation—Penalty.
- RCW 9.46.200 Action for money damages due to violation—Interest—Attorneys' fees—Evidence for exoneration.
- RCW 9.46.217 Gambling records—Penalty—Exceptions.
- RCW 9.46.222 Professional gambling in the third degree.
- RCW 9.46.225 Professional gambling—penalties not applicable to authorized activities.
- RCW 9.46.231 Gambling devices, real and personal property—Seizure and forfeiture.
- RCW 9.46.235 Slot machines, antique—Defenses concerning—Presumption created.
- RCW 9.46.240 Gambling information, transmitting or receiving.

RCW 9.46.250 Gambling property or premises—Common nuisances, abatement—Termination of mortgage, contract, or leasehold interest, licenses—Enforcement.

RCW 9.46.260 Proof of possession as evidence of knowledge of its character.

RCW 9.46.293 Fishing derbies exempted.

RCW 9.46.295 Licenses, scope of authority—Exception.

RCW 9.46.350 Civil action to collect fees, interest, penalties, or tax—Writ of attachment—Records as evidence.

RCW 9.46.400 Wildlife raffle.

(b) All nonprohibited gambling activities shall be subject to the tax rates imposed by Section 7.48.020 of this chapter.

(c) No person shall commence any nonprohibited gambling activity within the city until he has filed with the city a notice of intention to do so, giving the date upon which the activity is expected to commence. A copy of the current State Gambling Commission license pursuant to which the gambling activity is to be conducted, or authority to conduct such activity without a license, shall be attached to the notice.

(d) Violation of subsection (c) of this section is a gross misdemeanor.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this Section, 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 \_\_\_\_ day of \_\_\_\_\_, 2011.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney