

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2254

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING PORTIONS OF ORDINANCE 1179 CODIFIED IN SNOHOMISH MUNICIPAL CODE (SMC) CHAPTER 5.52 ENTITLED “GAMBLING, BINGO, RAFFLES AND GAMES OF AMUSEMENT”, SECTION 5.52.020 “DEFINITIONS” RELATING TO AMUSEMENT GAMES; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, gambling, bingo, raffles, and games of amusement are regulated under Chapter 5.52 of the Snohomish Municipal Code; and

WHEREAS, the City sponsors or approves community-wide celebrations from time to time with planned events and activities, including games of amusement; and

WHEREAS, current provisions of Chapter 5.52 restrict who may manage, operate, and receive proceeds from games of amusement in the City; and

WHEREAS, the City Council deems it appropriate to allow contracted operators of games of amusement for community-wide events where the City retains approval authority; and

WHEREAS, the City Council finds that the amendments contained in this Ordinance will benefit and promote public health, safety, and welfare; and

WHEREAS, the City Planner, acting as the SEPA Responsible Official, determined this proposed legislation is not a development regulation as defined by the Growth Management Act, and also determined that it is procedural in nature and therefore exempt from threshold determination and EIS requirements under Chapter 43.21C RCW;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC section 5.52.020 entitled “Definitions” is amended to read as follows:

5.52.020 Definitions. As used in this chapter:

- A. “Contest of chance” means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein;
- B. “Gambling” A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include pari-mutuel betting as authorized by RCW 67.16, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements

to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health, or accident insurance;

- C. “Thing of value” means any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;
- D. “Bingo” means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week or if an agricultural fair authorized under RCW 15.76 and 36.37, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under RCW 15.76 and 36.37, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting the said game;
- E. “Raffle” means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game;
- F. “Amusement game” means a game played for entertainment in which:
 - 1. The contestant actively participates,
 - 2. The outcome depends in a material degree upon the skill of the contestant,
 - 3. Only merchandise prizes are awarded,
 - 4. The outcome is not in the control of the operator,
 - 5. The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game, and
 - 6. Said game is conducted by, sponsored by, or on behalf of a bona fide charitable or nonprofit organization, said game is part of a community-wide civic festival held not more than once annually and sponsored or approved by the City, and said game is conducted with the written approval of the City Manager.

- G. "Bona fide charitable or nonprofit organization" means any organization duly existing under the provisions of RCW 24.12, 24.20, or 24.28, any agricultural fair authorized under the provisions of RCW 15.76 or 36.37, or any nonprofit corporation duly existing under the provisions of RCW 24.03 for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, which has been organized and is operated primarily for purposes other than the operation of bingo games, raffles, amusement games, and which received not more than twenty thousand dollars or twenty-five percent of its gross receipts, whichever is the greater, in any calendar year from the operation of bingo, raffles, amusement games; but these limitations on receipts shall not apply to any organization which conducts only one raffle per calendar year, the total gross income from which does not exceed twenty thousand dollars, and which does not conduct bingo games and/or amusement games; provided, that the money or gross receipt limitations hereinabove set forth in this subsection shall not include the amount of cash prizes actually paid out in the operation of bingo games or the actual costs to an organization of any prizes given in the conduct of a raffle. The fact that contribution to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section;
- H. "Whoever" and "person" include natural persons, corporations and partnerships, and associations of persons; and when any corporate officer, director, or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him;
- I. "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of August 20, 1974, except that such definition may be revised by the Washington State Gambling Commission pursuant to rules and regulations promulgated by said commission;
- J. "Gross revenue or income" is defined as the total sum of money or value received from the particular activity before any deductions on account of operational and maintenance expenses or any expense whatsoever, and without any deduction on account of losses;
- K. "Fishing derby" means a fishing contest, with the payment or giving of an entry fee or other consideration by some or all of the contestants; wherein the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value; the prize or prizes is or are awarded based upon the lawful catching of fish by any one or more of the contestants; and when such contest is conducted by a bona fide charitable or nonprofit organization;
- L. "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg," which constitutes gambling and contains each of the following characteristics:
1. There are two or more participants and each of them is a player, and

2. A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player, and
3. No organization, corporation, or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players; provided, that this item shall not preclude a player from collecting or obtaining his winnings, and
4. No organization, corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing; provided, that this item shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the state gambling commission, and
5. The type of card game is one specifically approved by the state gambling commission, and
6. The extent of wagers, money, or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the state gambling commission.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect 5 days after its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 2nd day of April 2013.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
TORCHIE COREY, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____