

ORDINANCE NO. 143

AN ORDINANCE, regulating Punchboards, Raffles and similar devices, requiring licenses, providing fees for the distribution, use and operation thereof and prescribing penalties for violations.

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

Section 1. DEFINITIONS. As used in this ordinance, the following words shall have the meaning ascribed to them herein:

(a) "City" shall mean the City of Bellevue, Washington, and each reference to any city agent, official or employee shall refer to the agents, officials and/or employees of such city.

(b) "Distributor" shall mean any person, firm or corporation selling, delivering or otherwise offering or attempting to offer, sell or deliver any punchboard, raffle, or similar device, with or without merchandise prizes, to an operator as defined herein, or to whom gross operating income accrues as the result of the sale or operation within the City of Bellevue of punchboards, raffles or similar devices, "Distributor" shall include any operator who manufactures or fabricates or purchases a punchboard from other than a licensed distributor and who offers or exposes the same for use to the public within the City.

(c) "Operator" shall mean any person, firm or corporation owning, operating, possessing or exposing any punchboard, raffle or similar device for the use of the general public or any class or group thereof within the City.

(d) "Punchboard" shall mean any appliance, game, contrivance, spindle or other trade stimulating device used or instrumental in the distribution of goods, wares or merchandise, or the payment of money, rights of value, prizes or premiums, contingent upon and involving the element of luck, lot or chance.

(e) "Perpetual type punchboard" shall mean punchboard which is operated by use of one or more levers which, when tripped, move the objects used in determining the winning participant into a visual tabulating space from a reservoir of such objects in the board or device.

(f) "Raffle" shall mean any device, system or practice designed to distribute money, merchandise, goods, wares or rights to things of value, to the holder or holders of a certain ticket or tickets, chance or chances, stub or stubs, wherein the winner is determined by lot, drawing or other chance.

Section 2. Every distributor shall pay an annual license fee in the sum of \$100.00 payable annually in advance, to the City Clerk, and upon payment thereof such distributor shall be issued a Distributor's License and number, provided, however, that such distributor has first made written application to the City Manager for the issuance of such Distributor's License and has been found by the City Manager not to have been convicted of a felony or to have been in violation of this or other ordinances of the City of Bellevue. Such license shall be for the calendar year and fees for the issuance of a license for less than a full year shall be at the rate of \$25.00 for each quarter, or portion thereof, remaining of the year. Such quarters shall be deemed to start on the 1st day of January, April, July and October, respectively. Such Distributor's License and number shall not be transferable, nor shall any fees paid therefore be refundable or returnable in the event of cancellation or surrender of such license.

Section 3. Every operator shall pay an annual license fee in the sum of \$10.00 annually, in advance, to the City Clerk and upon such payment shall be issued, by the City Clerk, an Operator's License and number which shall be posted in a conspicuous place on the licensee's place of business at

which any punchboard, raffle or similar device is offered for sale to, or use by, the public; provided that such Operator's License and number shall be issued only after written application therefor has been made to the City Manager and the City Manager shall have found that such applicant has not been convicted of a felony and shall not have been found in violation of this or other ordinances of the City of Bellevue. The license shall be issued for the calendar year and the amount of the license fee therefor shall be at the rate of \$2.50 for each quarter, or portion thereof, remaining in the year and said quarters shall be deemed to start on the 1st day of January, April, July and October, respectively. A separate license shall be required for each separate place of business even though owned or operated by the same licensee.

Section 4. In addition to the procurement of annual license, suitable stamps in the form prescribed by the City Clerk shall be purchased by the wholesale Distributor and shall be affixed to each such punchboard or device as is described in Section 1 hereof before such device may be leased, displayed, used, delivered or sold in the City of Bellevue. The fee for each such stamp shall be an amount equal to 4% of the maximum potential value or yield of any such device. Such value shall be determined by multiplying the number of tickets or slips used in or on each device by the money purchase price of each such ticket or slip, irrespective of the method of attachment of each to the device and irrespective of the fact that such device could become fully expended prior to the sale of all the chances or tickets.

"Perpetual type" punchboards shall be assessed a license fee of \$2.50 per month for each 5% of sale price on each board in lieu of the stamp tax hereinabove provided.

Section 5. The stamp, as affixed by the City Clerk to each punchboard, shall disclose the date the stamp is affixed. The stamp shall be so cancelled or mutilated or marked as to make it impossible to remove or to transfer such stamp from one punchboard to another. It shall be the duty of the operator when purchasing the said punchboard to examine the same and to require that the distributor's license number so designated appear on the punchboard.

Section 6. The stamping of all punchboards under the terms of this ordinance shall be provided by the City Clerk in such manner and form as shall be prescribed by the City Manager and shall be sold only to persons licensed under Section 2 hereof.

Section 7. It shall be the duty of the Chief of Police and the Police Officers of the City, as well as the City Collector, to examine from time to time all punchboards or similar devices found or displayed within the City and to determine:

- (a) Whether such devices are being operated and displayed by persons duly licensed hereunder as sellers.
- (b) Whether such devices have affixed thereto the necessary and proper amount of stamps required by this ordinance.
- (c) Whether such device has stamped thereon the distributor's license number designated as such as required by this ordinance.

In addition to any other penalties herein provided, the proper officers of the City shall, if any such punchboards are found to be unlicensed or improperly stamped, or if any insufficient amount of stamps be affixed thereto, seize such device and all merchandise displayed thereon or in connection therewith. All sums of money received by the City from the sale or disposal of such punchboards or the merchandise seized or confiscated in connection therewith, shall be paid into the General Fund of the City.

Section 8. Bona fide religious and charitable organizations, fraternal organizations, or service clubs regularly functioning in the City owning, operating or exposing for public use and participation any punchboards or raffles shall be required to pay a license fee of one dollar (\$1.00) per punchboard or raffle so owned, operated or exposed to the public, which license fee shall be paid to the City Treasurer prior to exposing the said raffle or punchboard to the public, and the City Clerk shall issue a receipt therefore identifying with particularity the punchboard or raffle for which the said license fee has been paid, which license fee shall be in lieu of the Annual


Operator's License as required of operators, as herein defined and provided, and also in lieu of the additional license fees represented by stamps as provided for operators in Section 3 hereof; Provided, that nothing contained herein shall be construed to in any way impair the right of the City, through its duly constituted officers, to require any such religious, charitable or fraternal organization or service club to obtain a distributor's license and pay the distributor's license fee therefore if such organization or service club attempts to, or does, function as a distributor within the definition of that term as herein defined in Section 2 hereof, whether or not in so functioning the said organization or service club is furthering charitable, beneficial, religious, fraternal or service purposes or objects.

Section 9. Any distributor failing to comply with any of the terms of this ordinance or violating any of the terms thereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00) or by imprisonment for a term of not to exceed ninety (90) days, or by both such fine and imprisonment, Every sale of a punchboard to any person, firm or corporation not licensed as an operator, or sold without proper stamps affixed thereto as herein provided, or without proper identification numbers shall be deemed a separate offense hereunder.

Section 10. Any operator failing to comply with the terms of this ordinance or violating any of the terms thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00) or by imprisonment of not to exceed ninety (90) days, or by both such fine and imprisonment. A non-compliance or violation hereunder shall be deemed a separate offense as to each individual punchboard or raffle so owned, operated or displayed.

Section 11. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council on this 14 day of February, 1956, and signed in authentication thereof this 14 day of February, 1956.

  
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Mayor

  
\_\_\_\_\_  
Councilman

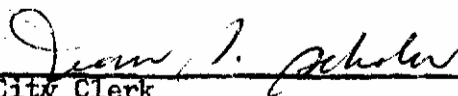
\_\_\_\_\_  
Councilman

Approved as to form:

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

(SEAL)

ATTEST:

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

Date of Publication:

Feb. 16, 1956.

FILED  
CITY OF BELLEVUE  
DATE Feb. 15, 1956  
CITY CLERK 