

H4

DEC 13 2022

Ordinance 997

An ordinance repealing in its entirety
Chapter 7.16 Amusement Devices

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 7.16.010, Definitions, is amended to read as follows:

~~“Amusement device” means any machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand-propelled, designed to be used or used in whole or in part as an instrument or instrumentality for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose, and payment is made by the insertion of a coin, or otherwise, by the player or players for such use or play, or which is maintained commercially for such purpose gratuitously as an attraction or stimulant to trade or patronage in such other line of business or endeavor in which such person is engaged; provided, that such “amusement device” specifically shall not relate to bowling alleys, penny amusement devices, punch boards, billiard and pool tables nor to coin-operated machines devoted primarily to playing music from records.~~
Hereby repealed in its entirety

Section 7.16.020, Ownership of amusement devices, is amended to read as follows:

~~No owner or operator or person in charge of any place of business shall operate or permit to be in such place of business for operation, any amusement device unless the same shall be the property of a person, corporation or copartnership holding a license; and there shall be conspicuously attached to each such amusement device evidence that such amusement device is the property of a holder of an owner’s annual license and that the additional license provided for herein has been paid.~~
Hereby repealed in its entirety

Section 7.16.030, License - Application, is amended to read as follows:

~~Application for licenses provided for herein shall be filed with the Board of County Commissioners accompanied by the fee provided for herein. Upon granting a license applied for, the Board of County Commissioners shall forthwith transmit the amount of the license fee to the County Treasurer to be by him paid into the general fund of the County. In the event any owner’s license applied for shall be refused by the Board of County Commissioners, the amount of the license fee shall be refunded to the applicant. Except as provided in this section, no refund shall be made for any license fees paid hereunder. Licenses issued shall not be transferable nor assigned, save that the owner’s license may be assigned or transferred with the written consent of the Board of County Commissioners.~~
Hereby repealed in its entirety

Section 7.16.040, Licensee – Good moral character, is amended to read as follows:

~~No license for any amusement device shall be issued by the Board of County Commissioners except to a person of good moral character. If the applicant shall be a partnership or corporation the identity of all persons having any interest therein shall be disclosed in full upon such application. The determination of the eligibility of persons within the purport of this section shall be in the sole judgment of the Board.~~
Hereby repealed in its entirety

Section 7.16.050, License fees, is amended to read as follows:

~~No amusement device shall be operated or kept for operation unless a license fee is paid thereon as follows:~~

~~———— (1) For miniature bowling devices and shuffleboards: the sum shown on the Consolidated Fee Schedule (Chapter 5.100 CCC);~~

~~———— (2) For amusement devices other than bowling devices and shuffleboards:~~

~~———— (a) *Owner's License Fee.* For devices owned by a licensee other than the owner or proprietor of the premises at which such device is kept or used: the sum shown on the Consolidated Fee Schedule (Chapter 5.100 CCC);~~

~~———— (b) *Proprietor's License Fee.* Device owned by a licensee who also owns or is proprietor of such premises, the sum shown on the Consolidated Fee Schedule (Chapter 5.100 CCC).
Hereby repealed in its entirety~~

Section 7.16.060, Annual payment, is amended to read as follows:

~~Such license fees herein required shall be payable annually, the license year being deemed to commence on May 1, 1951, and on the first day of May of each succeeding year.~~

~~Hereby repealed in its entirety~~

Section 7.16.070, License application submitted to County Auditor, is amended to read as follows:

~~Applications for licenses provided for herein for individual amusement devices shall be made to the County Auditor before said amusement devices are placed for operation.~~

~~Hereby repealed in its entirety~~

Section 7.16.080, Revocation, is amended to read as follows:

~~The Board of County Commissioners of Clallam County shall have the right to revoke any and all licenses issued hereunder should said Board be satisfied that the licensee or person operating any of the amusement devices is doing so in contravention of the spirit and letter of this chapter; provided, however, that said Board shall give 30 days' written notice to said licensee or person operating said amusement device to appear before said Board at a time and place to be designated in the notice given by said Board, to show cause if there be any, why said license or licenses should not be revoked.~~

~~———— Upon receiving such notice as mentioned in the preceding paragraph, the licensee or person operating the amusement device in controversy shall suspend operation of all amusement devices in his possession or under his control pending the outcome and action of the Board pursuant to the hearing provided for.~~

~~———— The Board of County Commissioners shall further have the right to designate the place or places wherein such amusement devices may be operated, and it shall be unlawful to operate any such amusement device in any place where said Board shall refuse the same to be operated; provided, however should any person feel that the denial of the use of such amusement device in his place be without justification, that he be given a hearing before said Board upon application therefor to then present such reasons as he may have that said Board should reconsider its action and to also be informed by said Board of its reason for the denial.~~

~~———— Nothing in the above provisions regarding notice and hearing is intended or shall be construed to be in derogation of the criminal laws of the State of Washington respecting gambling or gambling devices and said machines and devices shall be displayed, operated and used for amusement only and no consideration, prize or award shall be offered or accepted for skill or score in the use thereof;~~

~~provided, that immediate and uninterrupted free replay by the same player of said machine or device if tallied automatically by the machine or device itself shall not be deemed such consideration, prize or award.~~

~~Hereby repealed in its entirety~~

Section 7.16.090, Proximity to school, is amended to read as follows:

~~No amusement device shall be kept, displayed or operated within 500 feet of any school.~~

~~Hereby repealed in its entirety~~

Section 7.16.100, Age restriction, is amended to read as follows:

~~It shall be unlawful for any person to permit or allow any such device or machine in his possession or under his control to be played or operated by any person under the age of eighteen (18) years, and every person or employee in charge of any place of business wherein such device is being operated or offered for operation shall be conclusively presumed to be in control of such device.~~

~~Hereby repealed in its entirety~~

Section 7.16.110, Enforcement, is amended to read as follows:

~~Inasmuch as this chapter is for the benefit of the life, health, welfare, safety and convenience of the inhabitants of Clallam County and is passed under the power given by the State Constitution to the County Commissioners, it is hereby made a misdemeanor to violate any of the provisions of this chapter or any amendments thereto, and such violations shall be punished as provided by the statutes of the State of Washington for the commission of a misdemeanor, and any such machine or device used or operated in violation of this chapter or of the gambling laws of the State of Washington further shall be confiscated.~~

~~Hereby repealed in its entirety~~

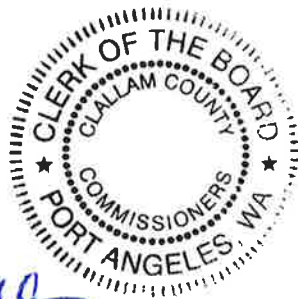
Section 7.16.120, Severability, is amended to read as follows:

~~All provisions of existing ordinances, orders or resolutions regulating such amusement devices as are defined in CCC 7.16.010 and herein licensed shall be repealed, void and inoperative from the date this chapter takes effect, such ordinances, orders or resolutions being herein included by reference as though fully set forth.~~

~~Hereby repealed in its entirety~~

ADOPTED this 13 day of December 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS



ATTEST:

Loni Gores
Loni Gores, CMC, Clerk of the Board

Mark Ozias
Mark Ozias, Chair

Excused
Randy Johnson

Bill Peach
Bill Peach