

201172-71  
ORDINANCE No. 115916

*Law Department*

COUNCIL BILL No. 108872

The City of

AN ORDINANCE relating to gambling, allowing punchboards and pull-tabs within Seattle as commercial stimulants; imposing a tax thereon measured by five percent of gross receipts; providing for monthly reporting and increased delinquency penalties; granting rule-making authority; and repealing Seattle Municipal Code Sections 5.52.010 and Subsection F of Section 12A.22.010; and adding a new Section 5.52.060.

Honorable President:

Your Committee on \_\_\_\_\_

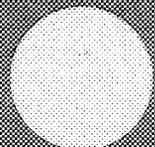
to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. \_\_\_\_\_

|  |                                 |
|--|---------------------------------|
| Introduced:<br><u>10-28-91</u>         | By:<br><u>Sibonga</u>           |
| Referred:<br><u>10-28-91</u>           | To:<br><u>Budget</u>            |
| Referred:                              | To:                             |
| Referred:                              | To:                             |
| Reported:<br>NOV 1 8 1991              | Second Reading:<br>NOV 1 8 1991 |
| Third Reading:<br>NOV 1 8 1991         | Signed:<br>NOV 1 8 1991         |
| Presented to Mayor:<br>NOV 1 8 1991    | Approved:<br>NOV 20 1991        |
| Returned to City Clerk:<br>NOV 20 1991 | Published:                      |
| Vetoed by Mayor:                       | Veto Published:                 |
| Passed over Veto:                      | Veto Sustained:                 |

Full Council

Department



# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

Committee on \_\_\_\_\_

was referred the within Council Bill No. \_\_\_\_\_

that we have considered the same and respectfully recommend that the same:

*All Council Vote 5-4 Benson, Donaldson, Noland & Frankel*

\_\_\_\_\_  
Committee Chair

ORDINANCE 115916

1  
2 AN ORDINANCE relating to gambling, allowing punchboards and  
3 pull-tabs within Seattle as commercial stimulants; imposing  
4 a tax thereon measured by five percent of gross receipts;  
5 providing for monthly reporting and increased delinquency  
6 penalties; granting rule-making authority; and repealing  
7 Seattle Municipal Code Sections 5.52.010 and Subsection F  
8 of Section 12A.22.010; and adding a new Section 5.52.060.

9 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

10 Section 1. Subsection F of Seattle Municipal Code Section  
11 12A.22.010 (Subsection F of Ordinance 102843, Section 12A.36  
12 .050) and Seattle Municipal Code Section 12A.22.120 (Ordinance  
13 102843, Section 12A.36.200, as last amended by Ordinance 104087,  
14 Section 1) are each repealed.

15 Section 2. Seattle Municipal Code Section 5.52.010  
16 (Ordinance 102459, Section 1, as last amended by Ordinance  
17 107278, Section 1) is further amended as follows:

18 5.52.010 Tax levied.

19 A. In accordance with RCW Chapter 9.46, as amended, there  
20 is levied upon all persons, corporations, associations, or  
21 organizations conducting or operating within the City any of the  
22 following gambling activities ((enumerated in this chapter and))  
23 authorized by RCW ((9.46.030)) 9.46.110, as amended, and RCW  
24 9.46.033 ((including gambling activities conducted in connection  
25 with a fund-raising event as defined by RCW 9.46.020)) a tax as  
26 follows:

27 (1) ((As of September 21, 1977)) For the conduct of  
28 amusement games, a tax in an amount equal to two percent (2%) of  
the gross revenue, less the amount paid for as prizes; and

(2) For punchboards and pull-tabs, a tax equal to  
five percent (5%) of the gross receipts.

B. In accordance with RCW Chapter 9.46, as amended, as to  
bona fide charitable or nonprofit organizations, as defined in  
RCW 9.46.0209, there is levied a tax as follows:

1 (1) Upon and for the conduct of bingo games as  
2 defined in RCW 9.46.0205 and raffles, as defined in RCW  
3 9.46.0277, a tax in an amount equal to ten percent of the gross  
4 revenue, less the amount paid for as prizes, received therefrom;  
5 and

6 (2) Upon and for the conduct of a fund-raising event,  
7 as defined in RCW 9.46.0233, a tax in an amount equal to ten  
8 percent of the gross revenue, less the amount paid for as prizes  
9 received therefrom;

10 C. ((Provided,))

11 (1) N((n))o tax shall be imposed on bingo ((raffles))  
12 or amusement games when such activity or any combination thereof  
13 is conducted by a bona fide charitable or nonprofit organization  
14 as defined in RCW ((9-46-020(3))) 9.46.0209, which organization  
15 has no paid operating or management personnel and has gross  
16 income from bingo ((raffles)) or amusement games or any  
17 combination thereof, less the amount paid for or as prizes, not  
18 exceeding Five Thousand Dollars (\$5,000.00) per year;

19 (2) N((n))o tax shall be imposed on the first Ten  
20 Thousand Dollars (\$10,000) of net proceeds from raffles  
21 conducted by any bona fide charitable or nonprofit organization  
22 as defined in this chapter; and

23 (3) ((Provided, further, that)) T((t))he conduct of  
24 amusement games at the Seattle Center pursuant to a concession  
25 agreement with the City shall be exempt from the tax imposed by  
26 this chapter.

27 Section 3. Seattle Municipal Code Section 5.52.020  
28 (Ordinance 102459, Section 2, as last amended by Ordinance  
107278, Section 2) is further amended as follows:

5.52.020 Filing of intent to conduct activity -- Payments  
-- Late Fees.

A. Any person, corporation, association, organization, or

1 bona fide charitable or nonprofit organization intending to  
2 conduct or operate in the City any such gambling activity or  
3 fund-raising event as authorized by or under RCW Chapter 9.46  
4 ((9-46-030)), as amended, and subject to the tax imposed by this  
5 ((chapter)) Section 5.52.010 shall, prior to the commencement of  
6 any such activity, file with the Director of Licenses and  
7 Consumer Affairs a sworn declaration of intent to conduct or  
8 operate such activity together with a copy of the license  
9 therefor issued in accordance with said Chapter ((218-Laws-of  
10 Washington,--1973-1st-Ex--Sess.,--as--amended)), if such is  
11 required, and thereafter for any period covered by such license,  
12 or any renewal thereof, or by such statement of intent, shall on  
13 or before the fifteenth day of the month next succeeding the end  
14 of the ((quarterly)) period in which the tax accrued, file with  
15 the Director of Licenses and Consumer Affairs a sworn return on  
16 a form to be provided and prescribed by the Director of Licenses  
17 and Consumer Affairs, and containing such information as the  
18 Director of Licenses and Consumer Affairs shall prescribe for  
19 the purpose of ascertaining the tax due for the preceding  
20 quarterly period.

21 B. As used in this chapter, the term "quarterly period"  
22 shall mean the periods January-February-March, April-May-June,  
23 July-August-September, October-November-December and shall begin  
24 the first day of the first month and include the last day of the  
25 third month within each such period. The term, "monthly," shall  
26 mean the period beginning with the first day of each calendar  
27 month and include the last day of that month.

28 C. The tax imposed by Section 5.52.010 A(2) for  
29 punchboards and pulltabs ((this--chapter)) shall be due and  
30 payable in ((quarterly)) monthly installments; all other taxes  
31 shall be due and payable for each quarterly period. ((and))  
32 R((r))emittance of the tax ((therefor)) shall accompany each

1 return and be made on or before the fifteenth day of the month  
2 next succeeding the (~~quarterly~~) period in which the tax  
3 accrued.

4 D. For each payment due, if such payment is not made  
5 within sixteen (16) days from the due date thereof, there shall  
6 be added a penalty as follows:

7 Seventeen (17) to forty (40) days' delinquency, ten percent  
8 (10%) with a minimum penalty of (~~Two~~) Five Dollars (~~((\$2700+))~~  
9 (\$5.00); forty-one (41) to seventy (70) days' delinquency,  
10 fifteen percent (15%) with a minimum penalty of (~~Four~~) Fifteen  
11 Dollars (~~((\$4700+))~~) (\$15.00); seventy-one (71) or more days'  
12 delinquency, twenty percent (~~(21%)~~) (20%) with a minimum  
13 penalty of (~~Seven~~) Twenty-Five Dollars (~~((\$7000+))~~) (\$25.00).

14 Section 4. There is added to Seattle Municipal Code  
15 Chapter 5.52 (Ordinance 102459, as amended), a new section  
16 5.52.060 as follows:

17 **5.52.060 Rule-making Authority**

18 The Director of Licenses and Consumer Affairs shall have  
19 the power from time to time to promulgate rules and regulations  
20 to implement this chapter, including the adoption by reference  
21 of provisions of state law or the Washington Administrative Code  
22 relating to gambling; the waiver of delinquency penalties for  
23 delayed reporting of the gambling tax when occurring due to  
24 causes beyond the taxpayer's control or due to excusable  
25 neglect; and the allocation of gross revenues among taxing  
26 jurisdictions when raffles or other gambling activity occur in  
27 Seattle and elsewhere.  
28

(To be used for all Ordinances except Emergency.)

Section <sup>5</sup>..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 18<sup>th</sup> day of November, 1991,  
and signed by me in open session in authentication of its passage this 18<sup>th</sup> day of  
November, 1991.

*[Signature]*  
President..... of the City Council.

Approved by me this 20<sup>th</sup> day of November, 1991.

*[Signature]*  
Mayor.

Filed by me this 20<sup>th</sup> day of November, 1991.

*[Signature]*  
Attest:.....  
City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Signature]*  
Deputy Clerk.

11302  
City of Seattle

**STATE OF WASHINGTON - KING COUNTY**

—ss.

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115916

was published on  
11/25/91

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

C. Trent

11/25/91 Subscribed and sworn to before me on  
Valerie M. O'Leary

Notary Public for the State of Washington,  
residing in Seattle



