

ORDINANCE NO. 2764

AN ORDINANCE AMENDING CHAPTER 3.18 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "GAMBLING TAX"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 3.18 of the Moses Lake Municipal Code entitled "Gambling Tax" is amended as follows:

3.18.450 Notice of Violation and Order to Pay to Correct:

- A. General. If the Finance Director determines that any person is violating any of the provisions of this Chapter including but not limited to payment of taxes with the office of the Finance Director, he or she may issue a Notice of Violation and Order to Pay or Correct. This Notice will specifically indicate the following:
1. The name and address of the person(s) charged with the violation.
 2. The street address or description of the location of the site on which the violation has been determined to exist.
 3. The amount necessary to cure the violation, including payment of taxes and penalties,
 4. The date by which the payment is to be made.
 5. A statement that the civil penalties established in 1.20-050(5) shall be assessed against the person(s) cited if the payment is not made within the specified time or the violation is not cured.
- B. Appeals: Any Notice of Violation and Order to Pay issued by the Finance Director shall be appealable to the Hearing Examiner under Chapter 20.03.
- C. Penalties:
1. Any violation for which a Notice of Violation and Order to Pay or Correct has been issued but which has not been paid or corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the day the payment was to be made. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to bar further operation of a business, trade, or occupation in violation of this chapter.
 2. If a penalty has been assessed pursuant to 1.20, a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.
- D. If the Finance Director determines that the violator continues to operate a business, trade, or profession after the Notice of Violation and Order to Pay or Correct has been issued and payment has not been received within the time specified, the Finance Director shall issue a notice of termination of utility service to any property permitting such business, trade, or profession to operate in violation of this chapter. Such notice of termination of utility service shall be issued pursuant to Chapter 13.12 and the procedures therein shall be followed. The Finance Director may refer the matter to the City Attorney for civil enforcement by injunction or other appropriate action.
- E. Compromise, Settlement, and Disposition of Disputes or Litigation: The Finance Director and the City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on May 12, 2015.



Dick Deane, Mayor

ATTEST:



W. Robert Taylor, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney