

Introduced by: Brown,
Nash
Date: Mar. 7, 1989
Hearing: Apr. 4, 1989
Vote: 9 Yes, 4 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 89-16

PROHIBITING THE CONDUCT OF GAMES OF CHANCE AND CONTESTS OF SKILL BY OPERATORS AND LIMITING THE CONDUCT OF SUCH ACTIVITIES WITHIN THE KENAI PENINSULA BOROUGH TO A PERSON HOLDING A PERMIT UNDER AS 5.15.100.

WHEREAS, Chapter 5.15 of the Alaska Statutes provides for the issuance of permits for the conduct of games of chance and contests of skill by the person holding the permit; and

WHEREAS, that chapter also provides for the licensing of operators to conduct the games under a permit issued to another person; and

WHEREAS, that chapter also provides that municipalities may prohibit operators from conducting those activities; and

WHEREAS, the conduct of these games by operators within the boundaries of the Kenai Peninsula Borough should be prohibited except for certain limited circumstances;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Title 11 of the Borough Code is amended by adding a new Chapter 11.10 to be entitled "Gambling" to read as follows:

11.10.010 Prohibition of professional operations. Pursuant to AS 5.15.124, activities authorized to be conducted under Chapter 5.15 of the Alaska Statutes entitled "Games of Chance and Contests of Skill" shall not be conducted in the Borough by a person who is an "operator" as that term is defined by AS 5.15.210 or who is required by law to obtain a license as an operator.

11.10.020 Exceptions. This ordinance shall not apply within the boundaries of a city within the Borough where the city has issued a permit or exemption permit allowing the holder of a valid operator's license issued pursuant to AS 5.15.100(c) to conduct an activity permitted under AS 5.15.100(b) or where the municipality has specifically adopted an ordinance allowing conduct of these activities by an operator.

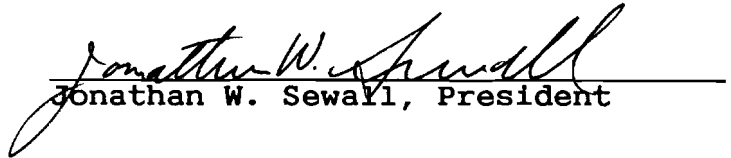
11.10.030 Penalty. Persons who violate this chapter shall be guilty of a misdemeanor and upon conviction shall be fined \$1,000 for each violation. Each and every day that activities are conducted in violation of this chapter shall be deemed a separate and distinct violation. A civil penalty of \$1000 is imposed for each violation should the Borough elect not to prosecute the violation as a misdemeanor.

Section 2. That this ordinance shall take effect 10 days after its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 4th DAY OF April, 1989.

ATTEST:


Borough Clerk


Jonathan W. Sewall, President