



# Washington State Gambling Commission

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## Gambling Bans

The Gambling Commission has exclusive authority for licensing and regulating gambling activities ([RCW 9.46.285](#)).

We oversee all gambling in Washington State, except for the State Lottery and horse racing.

Cities and counties may prohibit any or all gambling activities, but may not change the scope of activities allowed by a gambling license ([RCW 9.46.295](#)).

Since house-banked card rooms were introduced in 1997, about 70 jurisdictions have banned card rooms.

Local governments can specify which type of card room they want to ban in their local ordinance (house-banked, poker, and/or charitable/nonprofit).

Authority to zone card rooms in certain areas, and allow existing card rooms but prohibit new ones (grandfathering) has been the subject of much debate and several lawsuits. There have also been several public votes about whether card rooms should be allowed in particular cities.

The Commission's interpretation of the law is that local governments can only "absolutely prohibit" gambling activities; therefore, zoning, partial bans, and some of the other partial approaches are not allowed.

As of March 2012, we were aware of the following restrictions in city/county ordinances relating to card rooms:

- ♣ Bans: 54
- ♣ Zoning Restrictions: 11
- ♣ Grandfather: 4
- ♣ Moratorium: 1
- ♣ Grandfather with sunset clause: 1

[A list of city/county gambling bans](#), which have been reported to us, is posted on our website. For the most current status of an ordinance, you should contact the local jurisdiction.



### Public Initiatives/Votes:

**Tukwila:** In 2010, the City passed a moratorium against new card rooms, while allowing three existing card rooms to operate until January 1, 2016. In November 2011, residents voted to allow card rooms 60% to 40%. In December 2011, the City repealed the ban and the three card rooms continue to operate.

**Lakewood:** From 2005 to 2007, the City had a moratorium against new card rooms, which they renewed at six month increments. During most of 2008, the City had zoning restrictions instead of a moratorium. In late 2008, voters in the City rejected a Citizens' Initiative to ban house-banked card rooms. The proposition failed 60% to 40%. The moratorium was re-instated in 2009. In January 2010, the City did not renew the moratorium and it lapsed. House-banked card rooms continue to operate in Lakewood.

**Kenmore:** In 2004, the City had a public vote where a majority (50.4%) supported the existence of gambling activities. On December 19, 2005, the City passed an ordinance to prohibit card rooms; the ordinance was to take effect on December 29, 2005. Kenmore Lanes filed a suit in federal district court and was granted a temporary restraining order. See court case on the next page. Kenmore Lanes closed its card room in May 2008.

**Richland:** In 2002, the City established a six month moratorium on new card rooms within 500 feet of any school. In September 2002, the City put a Citizens' Initiative on the ballot to ban new house-banked card rooms, but allow existing ones to operate for five years; the measure failed 64% to 36%. The City currently restricts new card rooms to certain zones.

**Tacoma:** In 1999, the City passed an ordinance to ban card rooms effective January 1, 2006. In 2005, the Associated Casino Employees for Survival (ACES) began a petition campaign to ask voters to amend the ordinance. A Pierce County Superior Court Judge ruled the card rooms could remain open until a special election was held so voters could decide if the card rooms should stay open. The election was held in September 2006 and the initiative failed 47% to 53%. The three card rooms operating in Tacoma closed.

## Court Cases:

### Edmonds:

In 2000, citizens in Edmonds presented an Initiative to the City, which the City adopted, to prohibit all commercial social card rooms and grandfather existing card rooms for five years. Marty's Pub, a poker room with 5 tables at the time, planned to open a house-banked card room challenged the ordinance. The Snohomish County Superior Court granted a summary judgment motion in favor of the City. In 2003, the Court of Appeals, Division 1, struck down the City of Edmonds' ordinance which had grandfather and sunset clauses (*Edmonds Shopping Center v. City of Edmonds*, 71 P.3d 233, 117 Wash.App. 344 (Div.1, 2003)). Marty's Pub closed in 2004.

### Pierce County:

In 1999, Pierce County passed an ordinance to prohibit all commercial social card rooms and to grandfather existing card rooms for three years. At that time, there were two house-banked card rooms in Pierce County. One of the card rooms relocated to Long Beach, Washington. The other card room, Paradise Village Bowl, brought a lawsuit about two years after the ordinance was passed. The case went to trial and the jury awarded damages of \$1.5 million to Paradise for wrongful taking. Paradise elected to have the court issue an injunction against enforcement of the ordinance for five years, in lieu of a money judgment. After the jury's verdict, the trial court found separately that the County was stopped from enforcing the ordinance. In 2004, the Court of Appeals overturned this decision, ruling in favor of the County (*Paradise, Inc., D/B/A Paradise Bowling Center and Casino v. Pierce County*, 102 P.3d 173, 124 Wash.App. 759 (Div.1, 2004)). The Washington State Supreme Court declined to review the decision. Paradise Village Bowl closed its card room in 2005.

### Kenmore:

In 1999, the City passed a six-month moratorium on new card rooms and grandfathered an existing house-banked card room, Kenmore Lanes. For the next five years, the City continued to extend the moratorium. During this time, Kenmore Lanes continued to operate. Les Griesel, a would-be card room applicant, challenged the ordinance. In 2004, a King County Superior Court judge struck down the City's ordinance (*Griesel v. City of Kenmore*, King County Superior Court). In 2004, the City had a public vote where the majority supported the existence of gambling activities. On December 19, 2005, the City passed an ordinance to prohibit card rooms; the ordinance was to take effect on December 29, 2005. Kenmore Lanes filed a suit in federal district court and was granted a temporary restraining order. Kenmore Lanes closed in May 2008, when the U.S. Court of Appeals, Ninth Circuit, ruled in favor of the City and upheld the City's ban on card rooms in an unpublished opinion. The U.S. Supreme Court declined to review the decision.

## Relevant Washington State Laws:

### RCW 9.46.285 Licensing and regulation authority, exclusive.

This chapter constitutes the exclusive legislative authority for the licensing and regulation of any gambling activity and the state preempts such licensing and regulatory functions, except as to the powers and duties of any city, town, city-county, or county which are specifically set forth in this chapter. Any ordinance, resolution, or other legislative act by any city, town, city-county, or county relating to gambling in existence on September 27, 1973 shall be as of that date null and void and of no effect. Any such city, town, city-county, or county may thereafter enact only such local law as is consistent with the powers and duties expressly granted to and imposed upon it by chapter 9.46 RCW and which is not in conflict with that chapter or with the rules of the commission.

### RCW 9.46.295 Licenses, scope of authority - Exception.

- (1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.
- (2)(a) A city or town with a prohibition on house-banked social card game licenses that annexes an area that is within a city, town, or county that permits house-banked social card games may allow a house-banked social card game business that was licensed by the commission as of July 26, 2009, to continue operating if the city or town is authorized to impose a tax under RCW [82.14.415](#) and can demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW [82.14.415](#)(7).
- (b) A city or town that allowed a house-banked social card game business in an annexed area to continue operating under (a) of this subsection before July 15, 2010, shall allow all social card game businesses in the annexed area that were operating and licensed by the commission as of January 1, 2011, to continue operating.
- (c) A city or town that allows a social card game business in an annexed area to continue operating is not required to allow additional social card game businesses.

**Problem Gambling  
Helpline  
(800) 547-6133**

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