

ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY OF SNOQUALMIE, WASHINGTON, INCREASING THE TAX RATE FOR SOLID WASTE, WATER AND SEWER UTILITIES TO NINE PERCENT (9%), ADDING A PROVISION WAIVING ANY DEDUCTION NOT TAKEN AT THE TIME OF FILING OF TAX RETURN AND PAYMENT OF TAX, REQUIRING CONCURRENT PROTEST AT TIME OF PAYMENT OF TAX AS CONDITION OF CLAIM FOR REFUND AND AMENDING SECTIONS 5.06.080, 5.06.120, 5.06.140 AND 5.06.170 OF THE SNOQUALMIE MUNICIPAL CODE

WHEREAS, the City finds substantial need for a 3% increase of the rate of the utility tax imposed under chapter 5.06 of the Snoqualmie Municipal Code from 6% to 9% on certain utilities in order to finance certain capital facility projects, and

WHEREAS, the 3% increase should sunset on March 1, 2021, unless City Council determines to reduce the tax rate prior to that date or a subsequent City Council determines to make the increase permanent, and

WHEREAS, deductions from gross income of a business not claimed at the time of filing of a tax return and payment of the tax should be deemed waived, and

WHEREAS, it would promote the public health, safety and welfare to amend sections 5.06.080, 5.06.120 and 5.06.140 as set forth below, now, therefore, be it

ORDAINED by the City Council of the City of Snoqualmie, Washington, as follows:

Section 1. Section 5.06.080 of the Snoqualmie Municipal Code is hereby amended to read as follows:

5.06.080 Solid waste collection.

A. "Solid waste collection services" means receiving solid waste for transfer, processing, treatment, storage, or disposal including, but not limited to, all collection services, public or private dumps, transfer stations, and similar operations.

B. "Solid waste" means garbage, trash, rubbish, or other materials discarded as worthless or not economically viable for further use,

infectious, hazardous, or toxic wastes, and recyclable or reusable materials collected, in whole or in part, for recycling or salvage.

C. The rate of tax imposed by this section on businesses engaged in the business of solid waste collection service shall equal nine percent of the total gross income from such business conducted within the city of Snoqualmie.

D. The rate of tax imposed by this chapter on businesses engaged in the business of solid waste collection service shall equal six percent of the total gross income from such business conducted within the city of Snoqualmie effective March 1, 2021.

Section 2. Section 5.06.120 of the Snoqualmie Municipal Code is hereby amended to read as follows:

5.06.120 Water and sewer services.

A. "Water and sewer services" means the selling or furnishing of water and the furnishing of sewage services to customers in the city of Snoqualmie. Water service includes Class A reclaimed water service. Sewer service includes both sanitary and storm sewer services.

B. The rate of tax imposed by this chapter on businesses engaged in means the selling or furnishing of water and the furnishing of sewer services shall equal nine percent of the total gross income from such business conducted within the city of Snoqualmie.

C. The rate of tax imposed by this section on businesses engaged in the business of the selling or furnishing of water and the furnishing of sewage services shall equal six percent of the total gross income from such business conducted within the city of Snoqualmie effective March 1, 2021.

Section 3. Section 5.06.140 of the Snoqualmie Municipal Code is hereby amended to read as follows:

5.06.140 Deductions.

A. There may be deducted from the total gross income, upon which the fee or tax is computed, revenues derived from business which the city is prohibited from taxing under the constitutions or laws of the state of Washington or the United States or any ordinance of the city.

B. There may be deducted from the total gross income upon which the fee or tax is computed the amount of state excise taxes imposed directly upon persons using the utility services and collected in trust for payment to the state by the utility company.

C. Telephone businesses and wireless telephone and pager service businesses may deduct:

1. That portion of the gross income derived from charges to another telecommunications company, as defined in RCW 80.04.010, for

connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services.

2. Charges by a taxpayer engaging in a telephone business to a telecommunications company, as in RCW 80.04.010, for telephone service, which the purchaser buys for the purpose of resale.

3. Adjustments made to a billing or to a customer account or to a telecommunications company accrual account in order to reverse a billing or charge that had been made as a result of third-party fraud or other crime and was not properly a debt of a customer.

4. Wireless companies that keep their regular books of account on an accrual basis for credit losses actually sustained by a taxpayer.

D. Any deduction to which a taxpayer may be entitled that not taken at the time of filing of the tax return and payment of the tax shall be deemed waived.

Section 4. Section 5.06.140 of the Snoqualmie Municipal Code is hereby amended to read as follows:

5.06.170 Overpayment of tax.

A. If upon receipt of an application for refund for any tax paid under protest, the finance officer determines that the amount of tax penalty or interest paid is in excess of that properly due, the excess amount shall be credited to the taxpayer's account or shall be refunded to the taxpayer. No refund or credit shall be made for taxes, penalties, or interest paid more than one year prior to the beginning of the calendar year in which the refund application is made or examination of records is completed. No refund or credit shall be made for tax paid without concurrent protest.

B. Refunds shall be made by means of voucher approved by the finance officer and by the issuance of a city check or warrants drawn upon and payable from such funds as the city may provide.

C. Any final judgment for which a recovery is granted by any court of competent jurisdiction for tax, penalties, interest, or cost paid by any person shall be paid in the same manner as provided in subsection C of this section upon the filing with the finance officer a certified copy of the order or judgment of the court.


D. For refunds or credits of amounts paid or the recovery allowed to a taxpayer, the city shall pay no interest.

Section 5. The revenues derived from the 3% increases to certain utility tax rates imposed by Sections 1 and 2 of this ordinance shall be devoted exclusively to capital facilities projects, specifically retirement of the remaining obligation in the approximate

amount of two million dollars for the cost of construction of the City Hall at 38624 S.E. River Street completed in December 2009. The Finance Officer shall advise City Council of the retirement of this obligation if it occurs sooner than March 1, 2021, for City Council to consider whether the 3% increases should sunset or should be made permanent to finance additional capital facilities projects.

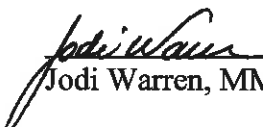
Section 6. This ordinance shall be effective from and its adoption and the expiration of five days after its publication, as provided by law.

PASSED by the City Council of the City of Snoqualmie, Washington, this 24th day of January, 2011.



Matthew R. Larson, Mayor

Attest:



Jodi Warren, MMC, City Clerk

Approved as to form:



Patrick B. Anderson, City Attorney