

ORDINANCE NO. O2024-009

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Tumwater Municipal Code section 3.28.040 imposing utility taxes on water, sewer and stormwater utilities as more particularly described herein.

WHEREAS, the City of Tumwater is authorized to impose and regulate taxes on utilities; and

WHEREAS, the utility tax in the City of Tumwater has remained at the rate of six percent since 1991; and

WHEREAS, due to current economic factors, it is necessary to increase the utility tax on the water, sewer and stormwater utilities to support General Fund operations; and

WHEREAS, RCW 35.92.460 requires cities that operate their own water, sewer or stormwater utilities and impose a tax to disclose the tax rate to its utility customers; and

WHEREAS, the City Council of the City of Tumwater finds that adoption of the utility taxes established herein are beneficial to, and support the health, safety and welfare of, the residents of the City of Tumwater;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.28.040, Imposed Amount, of the Tumwater Municipal Code is hereby amended to read as follows:

3.28.040 Imposed – Amount.

There is levied and there shall be collected from every person, firm or corporation engaged in the business activities hereinafter set forth, for the act or privilege of engaging in such activities within the city, a tax to be known as a “utility tax” in the amounts to be determined by the application of the rates herein stated against gross income, as follows:

Attachment A

A. Upon every person, firm or corporation engaged in or carrying on a telephone business, or a combined telephone and telegraph business, a tax equal to six percent of the total gross operating income, including income from intra-state toll derived from the operation of such businesses within the city. "Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television service;

B. Upon every person, firm or corporation providing cable modem services, a tax equal to six percent of the total gross income derived from such services; provided, however, that in the event a city franchised cable company pays a franchise fee on income derived from cable modem services provided within the city, any such payments shall be credited against the tax imposed hereunder;

C. Upon every person, firm or corporation engaged in or carrying on a telegraph business, a tax equal to six percent of the total gross income from such business in the city;

D. Upon every person, firm or corporation engaged in or carrying on a business of sale, delivery or distribution of electricity and electrical energy, a tax equal to six percent of the total gross income derived from the sales of such electricity to ultimate users in the city; provided, that there shall not be any such tax levied upon installation charges for electrical units;

E. Upon every person, form or corporation engaged in or carrying on the business of sale, delivery, distribution or furnishing of natural gas for domestic, business or industrial consumption, a tax equal to six percent of the total gross income derived from such sales to ultimate users in the city; provided, that there shall not be any such tax levied upon installation charges for gas energy units;

F. Upon every person, firm or corporation engaged in or carrying on the business of solid waste collection, hauling and disposal, a tax equal to six percent of the total gross income from such business in the city;

G. Upon the sale, delivery, distribution or furnishing of water for domestic, business or industrial consumption, a tax equal to ~~six~~twelve percent of the total gross income from such sales; provided, that there shall not be a tax levied upon installation charges for individual consumer water service lines and meters;

H. Upon the furnishing of sanitary sewerage collection and disposal services for discharge by domestic, business or industrial customers, a tax equal to ~~six~~twelve percent of the total gross income from such business; provided, that there

shall not be any tax levied upon installation charges for individual customer sewer laterals and connections;

I. Upon the furnishing of storm drainage facilities for collection of stormwater discharge by domestic, business or industrial customers, a tax equal to ~~six~~sixtwelve percent of the total gross income from such business in the city.

(Ord. O2002-018, Amended; 07/16/2002; Ord. 1362, Amended, 02/02/1993; Ord. 1291, Amended, 05/21/1991; Ord. 1120, Amended, 07/07/1987; Ord. 924, Amended, 12/15/1981; Ord. 838, Amended, 12/19/1978; Ord. 739, Amended, 05/04/1976; Ord. 696, Added, 12/21/1974)

Section 2. Disclosure. The finance director is directed to disclose the fee or tax established herein to the City’s utility customers in accordance with the requirements of RCW 35.92.460.

Section 3. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

/

/

/

/

/

/

/

/

/

/

/

/

/

/

/

/
/
/

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 20__.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____