

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ESTABLISHING A NEW UTILITY SERVICES TAX RATE FOR CABLE TELEVISION; AMENDING SECTION 5.84.050 OF THE OLYMPIA MUNICIPAL CODE; AND ESTABLISHING A REFERENDUM PROCEDURE AS REQUIRED BY RCW 35.21.706.

WHEREAS, the City of Olympia imposes a utility services tax on telephone, telegraph, gas, electric light and power, steam heat or power, passenger transport, and water; and

WHEREAS, the City Council deems it necessary to impose a utility services tax on cable television; and

WHEREAS, the City Council intends that the tax imposed by this Ordinance commence on January 1, 2015;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 5.84.050. Olympia Municipal Code Section 5.84.050 is hereby amended to read as follows:

5.84.050 Occupations subject to tax – Amount

From and after the effective date of the ordinance codified in this section, there is levied upon, and shall be collected from, the persons on account of the business activities, license fees in the amounts to be determined by the application of the rates against gross income, as follows:

A. Upon every person engaged in or carrying on a telephone business, or a combined telephone and telegraph business, including revenues from intrastate toll, derived from the operation of such business within the city, a fee or tax equal to nine (9) percent of the total gross income from such business in the city during his/her tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

B. Upon every person engaged in or carrying on a telegraph business, a fee or tax equal to nine (9) percent of the total gross income from such business in the city during the tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

C. Upon every person engaged in or carrying on the business of selling or furnishing gas for hire, a fee or tax equal to nine (9) percent of the gross income from such business in the city during his/her tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

D. Upon every person engaged in or carrying on the business of selling or furnishing electric light and power, a fee or tax equal to nine (9) percent of the total gross income from such business in the city during his/her tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

E. Upon every person engaged in or carrying on the business of selling or furnishing cable television, a fee or tax equal to six (6) percent of the total gross income from such business in the city during his/her tax year which for the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

EF. Upon every person conducting or engaged in the business of supplying steam heat or power to the public for hire, a fee or tax equal to one (1) percent of the total gross income from such business in the city during his/her tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

FG. Upon every person conducting or engaged in the business of transporting passengers for hire on a regular route, a fee or tax equal to one (1) percent of the total gross income from such business in the city during the tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

GH. Upon every person conducting or engaged in the business of selling or furnishing water, collecting or processing sewage, collecting or disposing of solid waste, handling or disposing of storm water runoff, a fee or tax equal to six (6) percent of the total gross income from such business in the city during the tax year for which the license is required; provided, that the tax on City of Olympia owned utilities engaged in the business of collecting or processing sewage, collecting or disposing of solid waste, handling or disposing of stormwater runoff, or furnishing water shall be as set forth below, based on the total gross income from such enterprise in the city during the tax year; provided further, however, that the minimum fee or tax shall not be less than one hundred (100) dollars per tax year.

Enterprise	Rate
1. Sewer	10%
2. Solid Waste	10%
3. Stormwater	10%
4. Water	10%

This section shall not apply to:

1. Gross revenue of wholesale utility providers, that is, those which obtain utility services from the city for customers located in the service area of the provider and which own the distribution system and provide maintenance, collection, meter reading, and/or other services associated with the wholesale provision of utility services;
2. Businesses operated primarily for the purpose of recycling of solid waste.

Section 2. Referendum. Pursuant to RCW 35.21.706, a referendum procedure is hereby established. A referendum petition may be filed within seven (7) days of passage of this Ordinance with the City of Olympia Administrative Services Director/City Clerk (the Filing Officer). Within ten (10) days, the Filing Officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the Thurston County Auditor. The petitioner shall have thirty (30) days in which to secure the signatures of not less than fifteen percent (15%) of the registered voters of the City, as of the last municipal general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The Filing Officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election ballot within the City or at a special election ballot as provided pursuant to RCW 35.17.260(2).

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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. Effective Date. This Ordinance shall take effect on January 1, 2015. However, if a referendum petition is secured as provided in Section 2 of this Ordinance, the measure will be subject to a vote of the qualified voters of the City of Olympia as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: