

0020.030.040  
JEH/naa  
07/31/91

ORDINANCE NO. 1646

**ORIGINAL**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,  
AMENDING SUBSECTIONS 5.44.020(e) and (f) OF THE  
REDMOND MUNICIPAL CODE TO CLARIFY APPLICABILITY  
OF SAID SUBSECTIONS TO CELLULAR TELEPHONE  
OPERATIONS.

---

WHEREAS, subsections 5.44.020(e) and (f) of the Redmond  
Municipal Code define telephone business and competitive  
telephone service for purposes of utility taxes, and

WHEREAS, the original intent of said definitions was to  
include all taxable telephone business revenues, and

WHEREAS, a question has arisen as to whether the  
definitions include cellular telephone business, and the Council  
wishes to clarify its original intent regarding these  
subsections, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,  
HEREBY ORDAINS AS FOLLOWS:

Section 1. Taxation of Telephone Business.

Subsections 5.44.020(e) and (f) of the Redmond Municipal Code are  
hereby amended to read as follows:

(e) "Telephone business" means the business of  
providing access to a local telephone network,  
local telephone network switching service, toll  
service, or coin telephone services, or  
providing telephonic, video, data, or similar  
communication or transmission for hire, via a  
local telephone network, toll line or channel,  
cable, microwave, or similar communication or  
transmission system. It includes cooperative  
or farmer line telephone companies or  
associations operating an exchange. Telephone  
business does not include the providing of  
competitive telephone service, nor the

providing of cable television service.

(f) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

Section 2. Retroactive Effect. The amendments made by this ordinance are remedial and clarifying in nature and are intended to correct ambiguities and implement the original intent of Ordinance No. 1009 of the City of Redmond. It is therefore the intent of the City Council that the amendments, and the application of Chapter 5.44 of the Redmond Municipal Code to cellular telephone business be retroactive to the effective date of Ordinance No. 1009.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an ordinance authorizing the levy or collection of taxes, is not subject to initiative or referendum, and shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved; provided, that the amendments set forth in Section 1 and the applicability of Chapter 5.44 of the Redmond Municipal Code to cellular telephone business shall be

deemed retroactive to the effective date of Ordinance No. 1009 of the City.

APPROVED:

Doreen Marchione  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY John P. [Signature]

FILED WITH THE CITY CLERK: July 31, 1991  
PASSED BY THE CITY COUNCIL: 8/20/91  
PUBLISHED: 8/25/91  
EFFECTIVE DATE: 8/30/91  
ORDINANCE NO. 1646  
EFFECTIVE DATE OF ORDINANCE NO. 1009: 1/1/82