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Amend RMC 3.28
Admissions Tax

ORDINANCE NO. 1707

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING THE REDMOND MUNICIPAL
CODE (RMC) CHAPTER 3.28, ENTITLED "ADMISSIONS
TAX," AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon recommendation of staff from the Finance,
Police, Planning and Parks Departments, the City Council of the
City of Redmond, Washington, has determined that the existing
Redmond Municipal Code (RMC) provisions set out in Chapter 3.28
pertaining to admission tax are in need of revision and
clarification, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Admissions tax. The existing Chapter 3.28
Admissions Tax is hereby amended and shall read as follows:

Chapter 3.28
Admissions Tax

- .010 Definitions
- .020 Certificate of registration
- .030 Tax levied
- .040 Business license required
- .050 Exemptions
- .060 Counting number of admissions
- .070 Printing admissions charge
- .075 Unlawful Sales of Tickets in Excess of Price
- .080 Posting admissions charge
- .090 Tickets sold elsewhere than regular ticket office
- .100 Collection and remittance
- .110 Penalty for late payment
- .120 Transient businesses' remittance
- .130 Applications and returns confidential
- .140 Sporting events and places

- .150 Ticket sales outlet
- .160 Overpayment of admissions tax
- .170 Inspection of records
- .180 Enforcement
- .190 Penalty for violations

3.28.010 Definitions.

A. "Admissions charge" in addition to its usual and ordinary meaning, includes but is not limited in meaning to:

(1) A charge for season tickets or subscriptions,

(2) Required "donations",

(3) Admission to dinner theater: tax shall be on the entire/full price for a ticket for a dinner theater, provided that if the admission charge is separate from dinner, i.e. if one can be admitted without paying for dinner, then the admission tax would only apply to that fee actually paid for admission, and not to that fee or charge paid for dinner. Otherwise, the entire amount shall be taxed. This shall also include cover charges to night clubs, lounges, private clubs, or similar places.

(4) Admission to any theater, public dance or dance hall, amphitheater, auditorium, stadium, athletic pavilion or field, baseball or athletic park, carnival, circus, amusement or side show, exhibition, swimming pool, outdoor amusement park, roof garden, cabaret, skating rink, resort, picnic ground, or any other similar type place. Admission to any carnival, amusement park, etc.: admission tax shall be imposed upon admission to carnivals, amusement parks, etc., however the city will not impose an additional tax upon admissions to any mechanical devices, amusement type booths or activities and/or rides such as merry-go-round, ferris wheel, etc. within that event, unless there is no admission charge "at the gate" for such events. Then the person conducting the event is

required to collect a tax per RMC 3.28.030 for the admission to the various rides.

B. "Fraternal" means an association or society of persons formed for mutual aid and benefit, but not for profit.

C. "Government Activities" shall mean activities that are sponsored or conducted by other local governments, county, state or federal governments, including the King County Forward Thrust Pool.

D. "Person" means any individual, receiver, assignee, firm, copartnership, joint venture, corporation, company, joint stock association, society, any group of individuals acting as a unit, whether mutual, cooperative or fraternal, or any nonprofit or not-for-profit corporation or organization as the term "nonprofit" is defined under the statutes of the State of Washington, RCW 82.04.365, .366.

E. "Place" includes, but is not limited to, theaters, dance halls, amphitheatres, auditoriums, stadiums, athletic pavilions and fields, baseball and athletic parks, circuses, carnivals, amusements or side shows, exhibitions, swimming pools, outdoor amusement parks or similar type area.

F. "Religious organization" means an organization engaged in the practice of a particular faith or central beliefs.

G. "Ticket sales outlet", shall mean the location of any agency, person, group, etc. that is in charge of distributing, selling, or otherwise managing the sale of tickets and are collecting the fees for such tickets to any of the described events.

H. "Transient" means temporary, short-lived, non-permanent or non-lasting.

3.28.020 Certificate of registration.

Every person, firm or corporation, prior to conducting or operating any event, or place

for entrance, to which an admission charge is made, shall complete a certificate of registration which shall continue valid until December 31 of the same year in which it was issued. A list of admission charges for all events must accompany the certificate of registration. The application for certificate of registration, or duplicate copy of it, shall be posted in the ticket office or box office where tickets of admission are sold.

Whenever registration is made for the purpose of operating or conducting a temporary or transitory event by persons who are not the owners, lessees or custodians of the building, lots or place where the activity is to be conducted, both the person conducting the event and the owner, lessee or custodian of the location of the event, shall register for this event. Such owner, lessee or custodian, shall be held jointly liable for collection and remittance of the said tax. The owner, lessee and/or custodian shall be responsible for the remittance of the entire admissions tax unless the tax is paid by the conductor of the event.

3.28.030 Tax levied.

There is hereby levied and imposed upon every person without regard to age who pays an admission charge to any place as described in 3.28.010, a tax of five percent of the amount paid for admission. Failure to pay such tax or failure to collect such tax, shall be a violation of this chapter.

3.28.040 Business license required.

In addition to any licenses and fees required under Chapter 3.28 of the Redmond Municipal Code, every applicant shall also obtain a business license pursuant to Section 5.04.070 of this Code.

3.28.050 Exemptions.

The activities of elementary and secondary schools, churches, religious organizations, and government activities shall be exempt from the provisions of this chapter. City-sponsored

and co-sponsored events shall also be exempt from the provisions of this chapter.

3.28.060 Counting number of admissions.

Whenever a charge is made for admission to any place, a serially numbered or reserved seat ticket shall be furnished to the person paying such charge unless written approval has been obtained from the City Clerk to use a turnstile or other counting device which will accurately count the number of paid admissions.

3.28.070 Printing admission charges.

The established price of admission, any non-city tax, city tax, and the total price at which each admission ticket or card is sold, shall be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be retained by the management of the place to which admission is gained. This requirement may be waived in regard to temporary or transient events, which due to time make it impossible to print up admission tickets. This waiver must be reviewed and authorized by the City Clerk's office prior to authorizing the event.

It is unlawful for any person to sell an admission ticket or card without having the name of the person conducting the event and the price of admission printed, stamped or written thereon. The admission tax due shall be based on the established price printed on each ticket.

3.28.075 Unlawful Sales of Tickets in excess of Price.

It is unlawful for anyone to sell or offer to sell an admission ticket or card at a price in excess of the price printed, stamped or written thereon. This section does not prohibit a ticket agent, duly authorized to sell tickets by the person or entity responsible for or in charge of conducting the subject event, from collecting a reasonable handling charge from the purchaser, in addition to the disclosed ticket price, consistent with general marketing practices in the Redmond area. The handling charge shall also be subject to tax in a sum equal to five percent of the amount of such

excess or handling charge.

3.28.080 Posting admission charge.

At all events, when a charge is made for admission a sign must be posted in a conspicuous place at its entrance or ticket office of the event which breaks down the admission charge as to (1) established price of admission, (2) non-city tax imposed, if any, (3) city tax imposed, and (4) total price. The name of the company or organization conducting the event, shall also be posted at the same place.

3.28.090 Tickets sold elsewhere than regular ticket office.

Whenever tickets are sold by a person outside of the city limits for an event located within the city limits, that person shall collect the admission tax imposed thereon. Whenever tickets or cards of admission are sold elsewhere than at the ticket or box office of the place or event, any price or charge made in excess of the established price or charge at such ticket or box office shall also be taxable in a sum equal to five percent of the amount of such excess. This additional tax shall be paid by the person paying the admission charge and shall be collected and remitted in the manner provided in Section 3.28.100 by the person selling such tickets.

3.28.100 Collection and remittance.

The person, firm or corporation receiving payment for admissions on which a tax is levied under this chapter, shall collect the amount of the tax imposed from the person making payment for admission, shall hold said tax in trust until the same is remitted to the City Clerk as herein provided, and shall be personally liable for the amount of such tax if the same is not collected and remitted as herein provided. Provided however, that for temporary or transient events, the owner, custodian etc., may be responsible for the payment of the tax per 3.28.020 and 3.28.100.

Unless otherwise provided by the City Clerk, the tax imposed by this chapter shall be due and payable on a quarterly basis and remittance therefore shall accompany each return and be in the City Clerk's office by five o'clock p.m. (5:00 p.m.) P.S.T. on or before the last day of each April, July, October and January, by the person, firm or corporation collecting the same. The quarterly returns shall be made on forms provided by the City Clerk, separately stating the number of admissions sold, the price for each admission, and the amount of tax, shall be signed and verified by the person making the return, and shall contain such other information as the City Clerk may specify.

3.28.110 Penalty for late payment.

For each payment due, if such payment is not made by 5:00 p.m. on the due date, there shall be added penalties as follows:

A. One to fifteen days delinquency, ten percent with a minimum penalty of ten dollars;

B. After fifteen days delinquency, fifteen percent with a minimum penalty of ten dollars shall be imposed.

Failure to pay tax is a violation of this chapter and may be punished as such in addition to the late fees imposed.

3.28.120 Transient business remittance.

Whenever any theater, carnival, circus, show, exhibition, public dance, entertainment or amusement or the like, makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature, of which the City Clerk shall be the judge, the City Clerk may require the return and remittance of the admissions tax immediately upon its collection or at the conclusion of the series of performances or exhibitions, whichever the City Clerk deems appropriate. An application for a certificate of registration shall be required as noted in Section 3.28.020. For temporary or transient events, the owner, lessee or custodian shall

be responsible for payment of this tax if the person conducting the event fails to do so. Failure to comply with any requirement of the City Clerk as to reporting and remittance of the tax as required shall be a violation of this chapter.

3.28.130 Applications and returns confidential.

The applications and returns made to the City Clerk pursuant to this chapter shall not be made public, nor shall they be subject to the inspection of anyone except the Mayor, City Attorney, City Clerk or authorized agent, the members of the City Council, etc. unless otherwise provided by law. It is unlawful for any person to make public or to inform another person as to the contents or any information contained in or to permit inspection of any application or return except as authorized in this section or otherwise in the State Privacy Act or other provisions of state law.

3.28.140 Sporting events and places.

There shall be levied an admission tax of five percent of the amount paid where an admission is required to be paid to gain entrance to any building, enclosure, place or area in which there is a swimming pool, skating rink, bowling alley, golf course, golf driving range, miniature golf course, short nine, or to gain entrance to such pool, rink or course itself, that shall be applicable to both private and public facilities or any other similar event charging admission fees. This tax shall be assessed on admission charges whether in the form of membership fees or other charges for privilege of using the above areas.

3.28.150 Ticket sale outlet.

The admissions tax shall apply to tickets sold by Redmond based ticket sales outlets for local events only. Additionally, the tax shall also apply to ticket sales outlets which are not located in Redmond but are selling tickets for events in Redmond.

3.28.160 Overpayment of admissions tax.

Whenever the taxpayer has made an overpayment and within one (1) year after date of such overpayment, upon submission of satisfactory proof thereof, makes application for refund or credit of the overpayment, such refund or credit shall, where appropriate, be made.

3.28.170 Inspection of records.

The books, records, and accounts of any person, firm or corporation collecting a tax herein levied, shall, as to admission charges and tax collections, be at all reasonable times subject to examination and audit by the City Clerk and/or the State Auditor, and all such records shall be retained and be available for such inspection for a period of at least six (6) years.

3.28.180 Violator/violations.

Any person who directly or indirectly performs or omits to perform any act in violation of this chapter, including reporting and posting requirements or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is, and shall be a principle under the terms of this chapter, subject to penalty, and may be proceeded against as such.

3.28.190 Penalty for violation.

Every person violating or failing to comply with any provision of this chapter or any lawful rule or regulation adopted by the Finance Director pursuant thereto, is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$5,000 or by imprisonment for a term not to exceed one year or by both such fine and imprisonment.

Section 2. 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 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

PASSED by the City Council, approved by the Mayor on this 1st day of December, 1992.

APPROVED:


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

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| FILED WITH THE CITY CLERK: | November 24, 1992 |
| PASSED BY THE CITY COUNCIL: | December 1, 1992 |
| SIGNED BY THE MAYOR: PRO TEM: | December 1, 1992 |
| PUBLISHED: | December 6, 1992 |
| EFFECTIVE DATE: | December 11, 1992 |
| ORDINANCE NO. <u>1707</u> | |