

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 505

AN ORDINANCE, relating to and providing for a license or occupation tax upon certain businesses, occupations, pursuits and privileges; fixing the rate and license fee; defining offenses; and prescribing penalties for violations.

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

Section 1. Purpose and effect. The provisions of this ordinance shall be deemed an exercise of the power of the City of Redmond to license for revenue and to levy a tax on utilities pursuant to the laws of the State of Washington.

Section 2. Definitions. Unless the context clearly indicates otherwise, the words, phrases and terms used in this ordinance shall have the following meanings:

a. "Gross income" shall mean the value proceeding or accruing from the sale of tangible property or service, and receipts (including all sums earned or charged, whether received or not) by reason of investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages or other evidence of indebtedness, or stocks and the like) and without any deduction on account of the cost of the property sold, cost of materials used, labor costs, interest or discount paid, or any expenses whatsoever, and without any deduction on account of losses.

b. "Person or persons" shall mean persons of either sex, firms, co-partnerships, corporations, public utility districts, municipal corporations or departments thereof, public or private utilities, and other associations, whether acting by themselves or by servants, agents or employees.

c. "Taxpayer" shall mean any person liable for the license fee or tax imposed by this ordinance.

d. "Tax year or taxable year" shall mean the year commencing January 1st and ending on the last day of December of such year, or in lieu thereof, the taxpayer's fiscal year when permission is obtained from the City Clerk to use the same as the tax period, or in lieu thereof, commencing December 15th and ending December 14th of the next following calendar year when permission is obtained from the City Clerk to use said period as the tax year.

Section 3. Occupation license required - violation. On and after the 1st day of January, 1970, no person subject to the payment of the tax provided herein shall engage in any business, occupation or activity in the City of Redmond without first having obtained and being the holder of a valid and existing license so to do, to be known as an "Occupation License" for which the applicant shall pay the sum of \$10.00. Such "Occupation License" shall expire at the end of the calendar year in which it is issued and a new license shall be required for each calendar year, unless the taxpayer is transacting his or its business on a fiscal year and not on a calendar year and with the consent of the City Clerk obtains his or its license for the period of his or its current fiscal year which shall be deemed the tax year for such taxpayer.

Application for an "Occupation License" shall be made to the City Clerk who shall provide the forms therefor and shall issue the license upon payment of the license fee. There shall be no pro-rate of license fee for an applicant who makes application for part of any year or period.

Any person engaging in or carrying on more than one such business, occupation, pursuit or privilege within the City of Redmond shall make application for and procure an "Occupation

Licer e" for each of the same.

Each "Occupation License" shall be numbered, shall show the name, place and character of business of the taxpayer, and such other information as the City Clerk shall deem necessary, and shall be conspicuously posted in the place of business for which it is issued at all times. Such license shall be personal and non-transferable.

No person to whom an "Occupation License" has been issued pursuant to this ordinance shall suffer or allow any other person for whom a separate license is required to operate under or display his license; nor shall such other person operate under or display such license.

Any taxpayer who engages in or carries on any business subject to tax hereunder without having an "Occupation License" so to do shall be guilty of a violation of this ordinance for each day during which the business is so engaged in or carried on and the taxpayer who fails or refuses to pay the license fee or tax on any part thereof on or before the due date shall be deemed to be operating without having his license so to do.

Section 4. Tax levied - payment periods. On and after the 1st day of January, 1970, there is hereby levied upon and shall be collected from, and paid as hereinafter provided, by every person on account of transacting or carrying on of such business and for the privilege of engaging in such business activities within the city limits of the City of Redmond as described in Section 5 an occupation tax sometimes herein referred to as "Tax" against the gross income of the business for the three (3) calendar months next preceding the beginning of each quarterly period. Such quarterly periods are as follows:

First Quarter - January, February, March

Second Quarter - April, May, June

Third Quarter - July, August, September

Fourth Quarter - October, November, December

Section 5. Occupations subject to tax - levy rate. There are hereby levied and shall be collected annual license fees and occupation taxes against the persons designated on account of the business activities, and in the amounts to be determined by the application of the respective rates against gross income as follows:

a. Telephone services. Upon every person engaged in or carrying on the business of furnishing telephone service within the City of Redmond, a fee or tax equal to ^{five} ~~five~~ five (5%) percent of the total gross income, excluding long distance toll service, from such business in the city during the current calendar year for which a license is required.

b. Electric light and power. Upon every person engaged in or carrying on the business of furnishing electric light and power within the City of Redmond, a fee or tax equal ^{to} ~~to~~ five (5%) percent of the total gross income from such business in the city during the current calendar year for which a license is required.

c. Natural or manufactured gas. Upon every person engaged in or carrying on the business of transmitting, distributing, selling and furnishing natural and/or manufactured gas, a tax equal to ^{five} ~~five~~ five (5%) percent of the total gross income from such business derived from the sale of gas within the City of Redmond during the calendar year for which a license is required.

Section 6. Tax return required - due dates and payment. The tax imposed by this ordinance, except the annual license fee required to accompany the application for the Occupation License and renewal, shall be due and payable in quarterly installments and remittance shall be made on or before the 30th day of the month

next succeeding the end of the quarterly period in which the tax accrued. The remittance shall be made as hereinafter provided and shall be accompanied by a return on a form to be provided and prescribed by the City Clerk. To the return the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so. Whenever the total tax for which any person is liable under this ordinance does not exceed the sum of \$50.00 for any quarterly period, an annual return may be made upon written request and subject to the approval of the City Clerk.

In lieu of the quarterly payment of the tax herein provided, the taxpayer may, when permission is obtained from the City Clerk, pay the tax due on a monthly basis.

Whenever a taxpayer commences to engage in business during any quarterly period, his first return and tax shall be based upon and cover the portion of the quarterly period during which he engaged in business.

Section 7. Payment of tax. The tax shall be paid at the time the tax return is filed with the City Clerk to the City Treasurer by bank draft, certified check, cashier's check, personal check or money order or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the check or draft is honored in the usual course of business; nor shall the acceptance of any sum by the Treasurer be an acquittance or discharge of the tax due unless the amount of payment is in full and is the actual amount due.

Section 8. More than one business. Any person engaged in, or carrying on more than one such business, occupation, pursuit, or privilege shall pay the tax so imposed separately for each of the same.

Section 9. Failure to pay tax violation. Any taxpayer who engages in, or carries on, any business subject to the tax

hereunder, and fails or refuses to pay the tax or any part thereof on or before the due date shall be operating in violation of this ordinance.

Section 10. Exceptions and deductions. There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed so much thereof as is derived from the transactions in interstate or foreign commerce, or from business done for the government of the United States, its officers or agents in their official capacity, and any amount paid by the taxpayer to the United States, the State of Washington, as excise taxes levied or imposed upon the sale or distribution of property or service.

There shall be excepted and deducted from the total gross income upon which the tax is computed all bad debts for services incurred, rendered or charged for during the tax year. Debts shall be deemed bad and uncollectable when the same have been written off the books of the taxpayer. In the event debts are subsequently collected, said income shall be reported in the return for the quarter in which said debts are collected and at the rate prevailing in the tax year when collected.

There shall be excepted and deducted from the total gross income upon which the tax is computed all cash discounts allowed and actually granted to customers of the taxpayer during the tax year.

Nothing in this ordinance shall be construed as requiring a license, or the payment of a license fee or tax, or the doing of any act, which would constitute an unlawful burden or interference in violation of the Constitution or laws of the United States or which would not be consistent with the Constitution

or laws of the State of Washington.

Section 11. Books and records required - returns confidential. It shall be the duty of each taxpayer taxed upon his or its gross income to keep and enter in a proper book or set of books or records an account which shall accurately reflect the amount of his or its gross income, which account shall always be open at the principle place of business to the inspection of the City Clerk, or his duly authorized agent, and from which said officer or agent may verify the return made by the taxpayer. Such records shall be preserved for a period of five years.

The applications, statements or returns made to the City Clerk pursuant to this ordinance, shall not be made public nor shall they be subject to inspection of any person except the Mayor, City Attorney, City Clerk or his authorized agent, and members of the City Council.

Section 12. Investigation and audit regarding tax liability. If any taxpayer fails to apply for an "Occupation License" or make a return as required hereunder, or if the City Clerk is dissatisfied as to the correctness of the statements made in the application or return of any taxpayer, the Clerk or authorized agent may enter the premises of such taxpayer at any reasonable time for the purpose of inspecting his or its books or records of account to ascertain the amount of the fee or tax or to determine the correctness of such statements, as the case may be, and may examine any person under oath administered by the Clerk or his agent, touching the matters inquired into, or the Clerk or his agent may fix a time and place for an investigation of the correctness of the return and may issue a subpoena to the taxpayer, or any other person, to attend upon such investigation

and there testify under oath administered by the Clerk or his agent, in regard to the matters inquired into and may, by subpoena; require him or any person, to bring with him such books, records and papers as may be necessary.

Section 13. Overpayment or deficiency. If the City Clerk upon investigation or upon checking returns finds that the tax paid on any of them is more than the amount required of the taxpayer, he shall refund the amount by a Treasurer's check upon the General Fund; provided, that if the taxpayer in all probability will have a tax liability in the ensuing quarter, such overpayment may be held and applied by the Clerk as a credit against the tax to become due. If the Clerk finds that the tax is less than required, he shall mail a statement to the taxpayer showing the balance due, who shall pay the amount shown thereon to the City Treasurer within ten (10) days of the date of such notice.

Section 14. Determination of tax on failure to file return. In any taxpayer fails, neglects or refuses to make his return as and when required hereunder, the City Clerk is authorized and directed to determine the amount of tax payable and by mail to notify such taxpayer of the amount so determined. The amount so fixed shall thereupon become the tax and be immediately due and payable unless the taxpayer shall file a true and correct return with full payment within seven (7) days of the date such mail notification is sent.

Section 15. Sale of business. Upon the sale or transfer during a quarterly period of a business or account of which a tax is hereby required, the purchaser or transferee shall, if the tax has not been paid in full for said quarterly period, be responsible for the payment of the tax for that portion of the quarterly

period during which he or it carries on such business.

Section 16. Failure to comply, unlawful acts. It shall be unlawful for any person liable to tax hereunder to fail or refuse to secure the Occupation License, to make the returns when required, or to pay the license fee or tax when due, or for any person to make any false or fraudulent application or return or any false statement or return or any false statement or representation in, or in connection with, any such application or return, or to aid or abet another in an attempt to evade payment of the fee or tax, or any part thereof, or for any person to fail to appear and/or testify in response to subpoena issued pursuant hereto, or to testify falsely upon any investigation of the correctness of a return, or upon the hearing of any appeal, or in any manner to hinder or delay the City of Redmond or any of its officers in carrying out the provisions of this ordinance.

Section 17. Tax not exclusive. The license fee or tax herein levied shall be additional to any license fee or tax imposed or levied under any law or any other ordinance of the City of Redmond.

Section 18. Penalty for late payment - interest. There shall be assessed and paid a penalty of five (5%) percent upon the amount of any tax due which is not paid to the City by the last day of the month in which the tax becomes due; and a like amount for each month thereafter that the tax is not paid, not to exceed a total penalty of twenty-five (25%) percent. In addition, interest at the rate of eight (8%) percent shall be imposed and paid upon any delinquent tax or fee from the date the same becomes due until paid.

Section 19. Collection of tax. Any license fee or tax

due and unpaid under this ordinance, and all penalties and interest thereon, shall constitute a debt to the City of Redmond and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

Section 20. Rules and regulations. The City Clerk shall have the power and authority, and it shall be his duty, from time to time to adopt, publish and enforce rules and regulations not inconsistent with this ordinance or with law for the purpose of carrying out the provisions thereof, and it shall be unlawful for any person to violate or fail to comply with any such rule or regulation.

Section 21. Appeal. Any taxpayer aggrieved by the amount of the tax found by the City Clerk to be required under the provisions of this ordinance or by any decision of the City Clerk in the enforcement and administration of this ordinance, may appeal to the City Council from such finding or decision by filing a written notice of appeal with the City Clerk within ten (10) days from the date such taxpayer was given notice of such amount or such decision. The Clerk shall, as soon as practicable but not more than thirty (30) days after the filing of the notice of appeal, notify the City Council who shall fix a time and place for hearing the appeal before the City Council or a committee thereof, and shall cause notice of the hearing to be mailed to the appellant. At such hearing the taxpayer shall be entitled to be heard and present evidence in his or its behalf. The City Council or committee thereof shall thereupon determine the correctness of the Clerk's finding or decision and render its decision upon the appeal. The Clerk shall notify the taxpayer of the decision rendered by mail and upon receipt thereof, the taxpayer shall comply with the decision so made.

The Mayor may, by subpoena, require the attendance thereat of any person, and may also require the production of any pertinent books or records. Any person served with such subpoena shall appear at the time and place specified and produce the books and records required, if any, and shall testify truthfully under oath administered by the chairman in charge of the hearing of any matter required of him pertinent to the appeal, and it shall be unlawful for him to fail or refuse so to do.

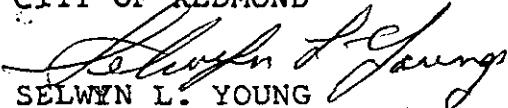
Section 22. Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished as provided in Section 1.01.110 of the Redmond Municipal Code.

Section 23. Partial validity. If any provision or section of this ordinance shall be held void or unconstitutional, all other parts, provisions, paragraphs and sections of this ordinance not expressly so held to be void or unconstitutional shall continue in full force and effect.

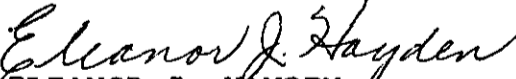
Section 24. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington at a regular meeting thereof and APPROVED by the Mayor this 15 day of November, 1969.

CITY OF REDMOND


SELWYN L. YOUNG
MAYOR

ATTEST:


ELEANOR J. HAYDEN
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

Published in the Sammamish Valley News on NOV 25 1969.

Ordinance No. 505

- 11 -

505

CITY OF REDMOND
CEMETARY BUDGET

October, November, December, 1969

EXPENDITURES

Salaries and Wages	<u>\$ 500</u>	
Employee Benefits	<u>\$ 50</u>	
Maintenance and Operation:		
Contractual Services	\$1,200	
Heat and Light	15	
Concrete Liners	90	
Gas and Oil	20	
Repair & Maintenance/Building	25	
Taxes	<u>15</u>	
	\$1,365	\$1,915

REVENUE

CEMETARY FUND

Balance, September 30, 1969	\$7,086	
Sale of Liners	400	
Opening and Closing	540	
Sale of Lots	500	
Interest	<u>50</u>	
	\$8,576	\$8,576

ENDOWMENT FUND

Balance September 30, 1969	\$51,446	
Sale of Lots	<u>300</u>	
	\$51,746	\$51,746