Ordinance No. 2390

(Amending or Repealing Ordinances)

CFN=104 – Finance; CFN=110 – Water/Sewer/Garbage Rates & Policies
Passed 1/17/1983
Relating to utility fees or taxes and repealing Ord 2380.
(amending Secs. 3.04.040 & 3.04.080)

Amended by Ords 3091;3274;3314;3319;3321;3370;3456;3489;3594;3645 (Sec. 3.18.020 {formerly Sec. 3.04.040})

{Ord 3489 - readopted, re-enacted, ratified and confirmed by Ord. 3533}

Amended by Ord. 4020;4061 (Sec. 3.18.020)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
AN ORDINANCE relating to utility fees or taxes; amending Chapter 3.04 of the Kent City Code (Ordinance 1549, as last amended by Ordinance 2327) to remove the exclusion from fees or taxes for Municipality of Metropolitan Seattle sewer surcharges; and to reduce the utility fee or tax from 3-1/2% to 2-1/2%; and repealing Ordinance 2380.

WHEREAS, Ordinance 2380 entitled:

"AN ORDINANCE relating to utility fees or taxes; amending Chapter 3.04 of the Kent City Code (Ordinance 1549, as last amended by Ordinance 2327) to remove the exclusion from fees or taxes for Municipality of Metropolitan Seattle sewer surcharges; and to reduce the utility fee or tax from 3-1/2% to 2-1/2%.

referred the most recent amendment to Chapter 3.04 of the Kent City Code by Ordinance 2327, but inadvertently left out the amendments to Chapter 3.04 Kent City Code by Ordinance 2327; and WHEREAS, it being in the best interest of proper codification form to correct the citation to Chapter 3.04 of the Kent City Code; NOW THEREFORE

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

Section 1. Chapter 3.04 of the Kent City Code is amended as follows:

"3.04.040. CERTAIN UTILITIES SUBJECT TO TAX.

(1) In addition to the other business and license fees required by the ordinances of the City of Kent, there is hereby levied upon all persons (including the City of Kent) engaged in certain business activities an occupation tax to be collected as follows:

(a) Upon every person engaging in or carrying on any telephone business within the City, an annual fee or tax equal to ((three)) two and one-half percent of the total gross operating revenues, including revenues from intra-state toll, derived from the operation of such
business within the City of Kent. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this Chapter.

(i) "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 local telephone network, toll time or channel 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 telephone service.

(ii) "Competitive Telephone Service" means the providing by any person of telephone equipment, apparatus, or service other than toll service, which is of a type which can be provided by persons who are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(b) Upon every person engaging in or carrying on a business of selling, furnishing, distributing, or producing gaseous gas for commercial or domestic use or purposes, a fee or tax equal to ((two) two and one-half percent of the total gross income from such business in the City during the tax year for which the license is required.

(c) Upon every person engaged in or carrying on the business of selling, furnishing, or distributing electricity for light and power, a fee or tax equal to ((two) two and one-half
percent of the total gross income from such business in the City during the tax year for which a license is required.

(d) Upon every person (including the City of Kent) engaging in or carrying on the business of selling, furnishing or distributing water, garbage, and sewer services, a fee or tax equal to \((3 - \frac{1}{2})\) two and one-half percent \((3 \frac{1}{2}\%\)) of the total gross income from such business in the City during the tax year.

(2) In computing said tax as hereinbefore provided, the taxpayer may deduct in computing gross income, the following items:

(a) The actual amount of credit losses and uncollectables sustained by the taxpayer.

(b) Amounts derived from the transactions in interstate and foreign commerce which the City is prohibited from taxing under the Laws and Constitution of the United States.

3.04.080. UTILITY TAX WHEN DUE. The utility tax imposed by this Chapter shall be due and payable to the Finance Department in quarterly installments and remittance thereof shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. Quarterly period for the purpose of this Chapter shall mean each three (3) month period of the calendar year. The taxpayer on or before said last day of said month shall also transmit to the Finance Department a return upon a form to be prescribed and provided by the Clerk, which return shall contain a statement by the taxpayer, stating the amount of tax for which he is liable for the preceding quarterly period under and computed according to the provisions of this Chapter, that the information therein given and the amount of tax liability therein reported are full and true and that he knows the same to be so; which statement shall be signed by the taxpayer or authorized agent.

Section 2. Ordinance 2380 is hereby repealed.
Section 3. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law. Provided, that the removal of the exclusion from fees or taxes for the Municipality of Metropolitan Seattle sewer surcharges, and the reduction in fee or tax, both provided for in Section 1, above, shall take effect and be in force on March 1, 1983.

BILLIE JOHNSON
MAYOR PRO-TEM

ATTEST:

BETTY GRAY
DEPUTY CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 17th day of January, 1983.
APPROVED the 19th day of January, 1983.
PUBLISHED the 21st day of January, 1983.

I hereby certify that this is a true copy of Ordinance No. 2390, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BETTY GRAY
(SEAL)
DEPUTY CITY CLERK

4603-25A