ORDINANCE NO. 4147

AN ORDINANCE of the city council of the city of Kent, Washington, amending section 3.28.130 of the Kent City Code, entitled “Limitation of revenue received,” and, beginning January 1, 2017, reallocating the distribution of Business and Occupation tax revenue received.

RECITALS

A. In an effort to provide maximum available funding for the city’s streets, the council has determined, beginning January 1, 2007, to allocate all Business and Occupation tax revenue, other than costs allocated to administer the program, to maintain and preserve city streets.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. Amendment. Chapter 3.28 of the Kent City Code, entitled, “Limitation of revenue received,” is hereby amended as follows:

KCC. 3.28.130. Limitation of revenue received. Revenue received from the tax imposed by this chapter shall first be applied to the actual cost to staff and operate the business and occupation tax division;

1 Amend KCC 3.28.130 B&O Tax Limitation on Revenue
including one (1) information technology position dedicated to support that division, but not to exceed the amount budgeted for that division by the city council. One hundred (100) percent of the remaining revenue shall be allocated to the design, construction, maintenance, improvement, operation, and repair of the city’s transportation infrastructure and appurtenant improvements including, without limitation, streets, curbs, gutters, sidewalks, bicycle and pedestrian lanes and paths, street trees, drainage, lighting, and signalization up to a total annual allocation of four million seven hundred thousand dollars ($4,700,000). Until January 1, 2017, any remaining revenues received shall be applied to the capital improvement fund and allocated according to the direction of the city council; beginning January 1, 2017, one hundred (100) percent of the remaining revenue after payment of the actual cost to staff and operate the business and occupation tax division including one (1) information technology position dedicated to support that division, shall be allocated to the design, construction, maintenance, improvement, operation, and repair of the city’s transportation infrastructure and appurtenant improvements including, without limitation, streets, curbs, gutters, sidewalks, bicycle and pedestrian lanes and paths, street trees, drainage, lighting, and signalization.

**SECTION 2.** - **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** - ** Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering;
or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

Ronald F. Moore, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 5th day of May, 2015.
APPROVED: 5th day of May, 2015.
PUBLISHED: 15th day of May, 2015.

I hereby certify that this is a true copy of Ordinance No. 4477 passed by the city council of the city of Kent, Washington, and approved by the Mayor of the city of Kent as hereon indicated.

RONALD F. MOORE, CITY CLERK

Amend KCC 3.28.130
B&O Tax Limitation on Revenue
Every ordinance which passes the council in order to become valid must be presented to the mayor; if he or she approves it, he or she shall sign it, but if not, he or she shall return it with his or her written objections to the council and the council shall cause his or her objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole membership, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his or her approval. Ordinances shall be signed by the mayor and attested by the clerk.

[2009 c 549 § 3013; 1967 ex.s. c 119 § 35A.12.130.]

NOTE:

Ordinance No. 4147 was put to a Council vote on April 21, 2015. The Council voted to adopt the Ordinance and it was subsequently vetoed by the Mayor.

On May 5, 2015, the Council considered the Mayor’s veto and the Ordinance was adopted by a super-majority of the Council.

On May 15, 2015, the Ordinance was published in the City’s official newspaper.

On May 18, 2015, the Ordinance became valid and effective in 30 days.

On June 4, 2015, the Ordinance is effective in the City.