

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE O-15-582

AN ORDINANCE AMENDING MAPLE VALLEY MUNICIPAL CODE SECTION 3.15.040, OCCUPATIONS SUBJECT TO TAX – AMOUNT, PROVIDING FOR AN EXCLUSIVE REFERENDUM PROCESS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Maple Valley City Council has established a 3.00% cable television tax upon persons engaged in carrying on the business of selling, furnishing, or transmitting cable television service, which is scheduled to sunset December 31, 2023; and

WHEREAS, the Maple Valley City Council established the existing 3.00% cable television utility tax in order to meet the needs of providing additional recreational opportunities to Maple Valley citizens through funding the debt service on councilmanic bonds to be issued for partial funding of the Ravensdale Park Phase 2 project identified in the 2014-2019 Capital Improvement Plan as Project P11; and

WHEREAS, the Maple Valley City Council has determined that an increase to the cable television utility tax by an additional 3.00%, without a sunset provision, is necessary in order to bridge the financial gap between revenues that are increasing at a rate less than the growth in costs, increasing demands for services, and increasing costs for those services; and

WHEREAS, the 3.00% cable television utility tax increase will be dedicated to funding public safety in the City of Maple Valley;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Maple Valley Municipal Code Section 3.15.040, Occupations subject to tax – Amount, is hereby amended as follows (new text shown in underline, deleted text shown in ~~strikethrough~~):

3.15.040 Occupations subject to tax – Amount.

There is levied upon and shall be collected from a person, because of certain business activities engaged in or carried on in the City, taxes in the amount to be determined by the application of rates given against gross income as follows:

- A. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting electric energy, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due;

B. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting natural gas, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due;

C. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting telephone service, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due; and

D. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting cellular telephone service, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due.

E. Upon a person engaged in or carrying on the business of selling, furnishing or transmitting cable television service, a tax equal to ~~six~~ three percent for calendar year 2014~~6~~ and beyond of the total gross income from such business in the City during the period for which the tax is due. ~~This subsection~~ Three percent of the six percent tax, however, shall cease to have effect after December 31, 2023. The remaining three percent tax shall remain in effect after December 31, 2023. (Ord. O-13-544 § 3; Ord. O-10-422 § 1; Ord. O-09-403 § 1; Ord. O-97-13 § 4).

Section 2. Referendum Procedure. The provisions of this Ordinance are subject to the referendum procedure as follows:

A. A referendum petition seeking to repeal this Ordinance shall be filed with the City Clerk, who shall be designated the person to receive petitions of all types, within seven days of the passage by the City Council of this Ordinance or publication thereof, whichever is later.

B. Within ten days, the City Clerk shall confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and cause to be written a ballot title for the measure.

C. The ballot title shall be posed as a question, so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed, and a negative answer to the question and a negative vote on the measure results in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

D. After notification of the identification number and ballot title, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the City as of the last municipal general election and to file the signed petitions with the City Clerk.

E. Each petition form shall contain the ballot title and the full text of the measure to be referred. The City Clerk shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the City Clerk shall cause the referendum measure to be submitted to the City voters at the next election within the city or at a special election as provided pursuant to RCW 35.17.260(2).

Section 3. Exclusive Procedure. Pursuant to RCW 35.21.706, the referendum procedure set forth in Section 2, above, shall be the exclusive referendum procedure for the utility tax imposed herein, and shall supersede the procedures, to the extent applicable, under chapters 35.17 and 35A.11 and all other statutory provisions for initiative or referendum which might otherwise apply.

Section 4. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication except that the effective date of the rate change shall be sixty days after enactment of the ordinance.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY,
WASHINGTON ON THIS 7th DAY OF DECEMBER 2015.

William A. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

Date of Publication: December 15, 2015

Effective Date: February 13, 2016