

ORDINANCE NO. 482

AN ORDINANCE OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON IMPOSING A UTILITY TAXATION OF 6% ON ELECTRICAL, TELEPHONE, GAS, FUEL OIL, SETTING FORTH DUE DATES, SETTING FORTH PENALTIES.

Whereas, Ordinance No. 102 passed December 12, 1978 enacted taxation on various utilities in the amount of 5%, and

Whereas, an inconsistency exists between the titling of the ordinance and the substantive provisions Ordinance No. 102, and

Whereas, Ordinance No. 102 is being repealed by Ordinance No. 481, and

Whereas, upon the repeal of Ordinance No. 102 the Town desires to continue the taxation on utilities and has further desire to increase the amount of taxation by 1% from 5% to 6%, and

Whereas, for consistency the substantive provisions of Ordinance No. 102 are duplicated within this ordinance with the exception of the application of the percentage rate and the elimination of a maximum amount of taxation imposed on an individual monthly billing, and

Whereas, the 1% tax increase, as provided in this Ordinance, increasing taxation on utilities from 5% to 6%, is necessary for the preservation of public health, safety and welfare, and

Whereas, to notify all affected parties, the effective date of the repeal of Ordinance No. 102 and the activation of Ordinance No. 482 shall be August 1, 2006.

Now, therefore, the Town Council of the Town of South Prairie, Pierce County, Washington do ordain as follows:

Section 1: No person, firm or corporation shall engage in or carry on any business, occupation or act or privilege for which a tax is imposed by this Ordinance, without first having obtained, and being the holder of, a license to do so, to be known as an occupation license. Each person, firm or corporation shall promptly apply to the Town Clerk for such license upon such forms as the Town deems reasonably necessary to administer and enforce this ordinance, and, upon acceptance of such application, the Clerk shall thereupon issue such license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee shall continue in said business and shall comply with this Ordinance.

Section 2: There shall be levied an annual tax as follows:

A. From and after August 1, 2006 there is hereby levied upon and there shall be collected from every person, firm or corporation engaged in furnishing, for a monetary consideration, in the Town of South Prairie, and the inhabitants thereof, with electricity and electrical energy for lighting, heating, power and other public purposes, within or partly within the corporate limits of the Town, an annual tax for the privilege of doing so, such tax to be equal to 6% of the total gross subscribers' revenues from business and residential electrical power service in the Town.

B. From and after August 1, 2006 there is hereby levied upon, and there shall be collected from every person, firm or corporation engaged in carrying on a telephone business for hire, within or partly within the corporate limits of the Town an annual tax for the privilege of doing so, such tax to be equal to 6% of the total gross subscribers' revenues from business, that is to say, 6% of the total gross subscribers' station exchange revenues from business and residence telephone service (excluding message units) in the Town.

C. From and after August 1, 2006 there is hereby levied upon, and there shall be collected from every person, firm or corporation engaged in carrying on or furnishing, for a monetary consideration, natural gas or manufacturing gas for lighting, heating, power and other public purposes, within or partly within the the corporate limits of the Town, an annual tax for the privilege of doing so, such tax to be equal to 6% of the total gross

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subscribers' revenues from business and residential gas service, both natural and manufactured, in the Town.

D. From and after August 1, 2006 there is hereby levied upon, and there shall be collected from every person, firm or corporation engaged in carrying on the business of selling or furnishing fuel oil for domestic or industrial consumption, for heating and lighting purposes, within or partly within the corporate limits of the Town, a fee or tax equal to 6% of the total gross income from such business in the Town during the fiscal year next preceding the tax year from which the license is required.

Section 3: In computing said annual tax there shall be deducted from said gross operating revenues the following items:

A. The amount of credit losses and uncollectables actually sustained by the taxpayer;

B. Amounts derived from transactions in inter-state or foreign commerce or from any business which the Town is prohibited from taxing under the Constitution of the United States or the State of Washington;

Section 4: The tax imposed by Section 3 of this Ordinance shall be due and payable quarterly on the 15th day of November of each year for the period ending September 30th; on the 15th day of February each year for the period ending December 31st of the preceding year; on the 15th day of May of each year for the period ending March 31st of such year; and on the 15th day of August of each year for the period ending June 30th of such year. On or before said due date, the taxpayer shall file with the Town Clerk a written return, upon such form and setting forth such information as the Clerk shall reasonably require, together with the payment of the amount of the tax.

Section 5: Each taxpayer shall keep records reflecting the amount of his said gross operating revenues, and such records shall be open at all reasonable times to the inspection of the Town Clerk, or duly authorized subordinates, for verification of said tax returns or for the fixing of the tax of a taxpayer who shall fail to make such returns.

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Such record shall be maintained and available for inspection for three (3) years after the due date of any applicable tax.

Section 6: If any person, firm or corporation to this ordinance fails to pay any tax required by this ordinance within thirty (30) days after the due date thereof, there shall be added to such tax a penalty of 10% of the amount of such tax, and any tax due under this ordinance and unpaid, and all penalties thereon, shall constitute a debt to the Town and may be collected by a court proceeding, which remedy shall be in addition to all other remedies.

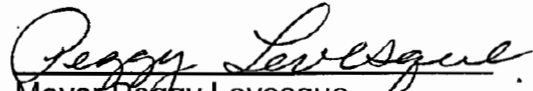
Section 7: Any money paid to the Town through error or otherwise, not in the payment of the tax imposed hereby or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer hereunder or, upon taxpayer ceasing to do business in the Town, be refunded to the taxpayer.

Section 8: Any said person, firm or corporation subject to this ordinance who shall fail or refuse to apply for an occupation license or to make said tax returns or to pay said tax when due, or who shall make such false statement or representation in or in connection with any such application for an occupation license or such tax return, or otherwise violate or refuse or fail to comply with this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed Two Hundred Fifty Dollars (\$250.00) or imprisonment in the Town or County Jail for a term of not to exceed thirty (30) days.

Section 9: The invalidity or unconstitutionality of any provision or section of this ordinance shall not render any other provision or section of this ordinance invalid or unconstitutional.

Section 10: The Town Clerk is hereby authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this Ordinance as necessary, and it shall be a violation of this Ordinance to violate or to fail to comply with such rule or regulation lawfully promulgated hereunder.

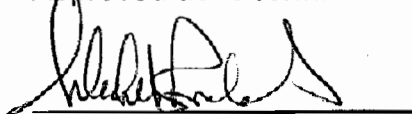
Section 11: This ordinance shall take effect and be in force August 1, 2006.


Mayor Peggy Levesque
INTRODUCED 5-2-06
PASSED 5-2-06
APPROVED 5-2-06
PUBLISHED 5-10-06

Attested:


Marla Nevill
Town Clerk

Approved as to form:


Michael J. Reynolds
Town Attorney

