

# TOWN OF WOODWAY

## ORDINANCE 2020-619

AN ORDINANCE OF THE TOWN OF WOODWAY AMENDING WOODWAY MUNICIPAL CODE (“WMC”) CHAPTER 3.16 AND SECTION 3.16.030 CONCERNING THE IMPOSITION OF THE TOWN’S UTILITY TAX ON THE BUSINESS OF PROVIDING, OPERATING, OR CONDUCTING WATER, SEWER, OR STORMWATER SYSTEMS WITHIN THE TOWN OF WOODWAY; PROVIDING FOR A REFERENDUM PROCEDURE REQUIRED BY RCW 35.21.706; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town Council of the Town of Woodway has determined it in the public interest and necessary to support the financial stability of the Town to extend the Town’s Utility Tax to the businesses of operating systems of water, sewage, and stormwater within the Town of Woodway;

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. Section 3.16.030 WMC listing the utilities subject to the utility tax and the tax rate imposed is hereby amended to read as follows (additions shown by underline and deletions shown by strikeout):

### 3.16.030 Utilities subject to tax--Amounts.

There is levied and there shall be collected from every person, firm, corporation or other entity a tax for the act or privilege of engaging in business activities within the Town of Woodway, in the amount to be determined by the application of the rates set out below against gross income, as follows:

- A. Electrical Energy or Power. Upon every person, firm, corporation or other entity engaged in or carrying on the business of selling or furnishing electrical energy or power, there shall be a tax equal to six percent of the gross income derived from such business within the corporate limits of the Town during the tax year; provided, however, that there shall be no tax from revenues derived from the sale of electricity for purposes of resale.
- B. Natural or Manufactured Gas and Service. Upon every person, firm, corporation or other entity engaged in or carrying on the business of transmitting, distributing, selling or furnishing natural and/or manufactured gas, there shall be a tax equal to six percent of the gross income derived from such business within the corporate limits of the Town during the tax

year. No tax rate change may take effect before the expiration of sixty days following the enactment of the ordinance establishing the change, as provided in RCW 35.21.865.

- C. Telephone Business (As Defined by RCW 82.16.010). There shall be a tax equal to six percent of the gross subscribers' exchange monthly service charges billed to business and residence customers located within the corporate limits of the Town, together with six percent of gross income derived from intrastate toll service provided to business and residential customers located within the corporate limits of the Town during the tax year.
- D. Solid Waste and Yard Waste. Upon every person, firm, corporation or other entity engaged in or carrying on the business of solid waste handling (as defined by Section 10.10.010), or of yard waste handling (as defined by Section 10.12.020), there shall be a tax of six percent of the gross income derived from such business within the corporate limits of the Town during the tax year.
- E. Cable Facilities and Cable Services. Upon every person, firm, corporation, or other entity engaged in or carrying on the business of cable facilities or cable services (as defined by Section 4.04.010), there shall be a tax of six percent of the gross income derived from such business within the corporate limits of the Town during the tax year.
- F. Water, Sewer, and Stormwater Systems. Upon every person, firm, corporation, or other entity, including the Town of Woodway, engaged in or carrying on the business of operating a utility system for the sale, transmission, furnishing, distribution, or collection of water, sewage, or stormwater, there shall be a tax equal to six percent of the gross income derived from such business within the corporate limits of the Town during the tax year. The tax rate imposed by this section shall commence on January 1, 2021.

## Section 2. Referendum Procedure.

Pursuant to the requirements of RCW 35.21.706, the amendment of Ch. 3.16 and Section 3.16.030 is subject to the referendum procedure as follows:

1. A referendum petition seeking to repeal this ordinance shall be filed with the Town Clerk-Treasurer, who shall be designated the person to receive petitions

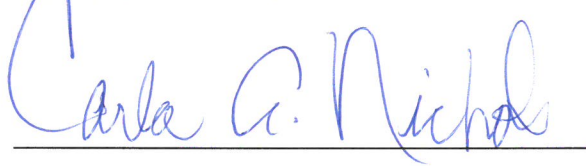
of all types, within seven days of the passage by the Town Council of this ordinance.

2. Within ten days, the Clerk-Treasurer shall confer with the Petitioner concerning the form and style of the petition, issue an identification number for the petition, and secure a written ballot title for the measure from the Town Attorney.
3. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the city, as of the last municipal general election, upon petition forms which contain the ballot title and the full text of the measure to be referred.
4. The Clerk-Treasurer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election ballot within the Town or at a special election ballot as provided pursuant to RCW 35.17.260(2).

Section 3. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

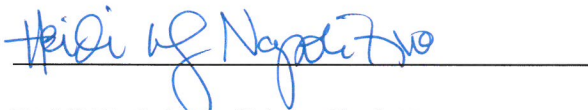
PASSED this 19<sup>th</sup> day of October 2020 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY



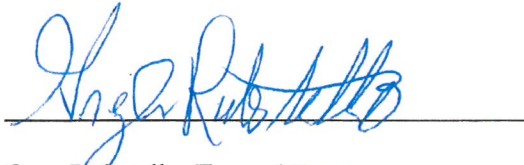
Carla A. Nichols, Mayor

ATTEST:



Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:



Greg Rubstello, Town Attorney

Date Passed by the Town Council: 19 October 2020

Date Published: 22 October 2020

Effective Date: 27 October 2020