

ORDINANCE NO. 530

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING AMENDMENTS TO THE MUNICIPAL CODE; CLARIFYING THE DUTIES OF THE CITY CLERK; CLARIFYING THE POWERS AND DUTIES OF THE FINANCE DIRECTOR; ABOLISHING REFERENCE TO CITY CLERK/TREASURER OR CITY TREASURER; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in light of personnel changes, the City of Woodinville has taken the opportunity to review its organizational structure; and

WHEREAS, the City Manager has recommended that certain amendments be made to the Woodinville Municipal Code in order to reorganize certain City administrative functions and departments; and

WHEREAS, after reviewing the recommendations, the City Council has determined that the recommendations should be enacted;

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

Section 1. City Clerk. A new chapter 2.10 is hereby added to the Woodinville Municipal Code to read as follows. New text is shown by underline; deleted text is shown by strikethrough.

Chapter 2.10 **CITY CLERK**

Sections:

2.10.010 Office of City Clerk established - Appointment.
2.10.020 Duties of City Clerk.

2.10.010 Office of City Clerk established - Appointment

The office of City Clerk is hereby established for the City of Woodinville. Such office shall be appointive and all appointments to such office shall be made by the City Manager.

2.10.020 Duties.

The City Clerk shall perform all of the duties of the City Clerk as prescribed by state statutes, city ordinances, and as assigned by the City Manager.

Section 2. Finance Director. A new chapter 2.11 is hereby added to the Woodinville Municipal Code to read as follows. New text is shown by underline; deleted text is shown by strikethrough.

Chapter 2.11
FINANCE DIRECTOR

Sections:

2.11.010 Office of Finance Director established - Appointment.
2.11.020 Duties.

2.11.010 Office of Finance Director established - Appointment.
The office of Finance Director is hereby established for the City of Woodinville. Such office shall be appointive and all appointment to such office shall be made by the City Manager.

2.11.020 Duties.
The Finance Director shall perform all the duties of the office of Finance Director and the office of Treasurer as prescribed by state statute, city ordinance and as assigned by the City Manager.

Section 3. Amendment to Section 2.03.020 is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

2.03.020 Bond required.

Prior to entering upon the performance of duties, the City Manager, the City Clerk and the ~~City Treasurer~~ Finance Director shall be required to furnish an official bond, to be renewed annually, conditioned on the honest and faithful performance of their official duties.

The premium on the bond(s) shall be paid by the City. The amount of the bond(s) shall be:

- (1) ~~City Manager~~ City Manager – \$50,000;
- (2) ~~City Treasurer~~ Finance Director – \$50,000;
- (3) City Clerk – \$10,000. (Ord. 15 § 2, 1993)

Section 4. Amendment to Sections 2.42.030 and 2.42.040 are hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

2.42.030 Violations Bureau.

(1) Creation. As previously established by Woodinville City Ordinance No. 20¹ a Traffic Violations Bureau has been created to operate under the supervision of the Municipal Court Judge, in order to assist the Court in processing traffic cases.

(2) Processing. City traffic offenses/infractions may be processed by the Bureau in conformity with Chapter 46.63 RCW.

(3) Posting of Bail. The Violations Bureau may receive the posting of bail for specified offenses, and, to the extent authorized by court order, is permitted to accept forfeiture of bail and payment of penalties. Upon accepting the prescribed bail, the Bureau shall issue a receipt therefor to the alleged violator, shall acknowledge the posting thereof, and shall further inform the accused of the legal consequences of bail forfeiture.

(4) Fines and Penalties. Any person charged with any criminal traffic offense within the authority of the Violations Bureau as described in subsection (1) above, may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the Bureau the fine established for the offense charged and costs, and this shall have the same effect as a court conviction. All penalties and forfeitures

paid to the Bureau for violations of municipal ordinances shall be deposited with the ~~City Treasurer~~ Finance Director to be placed in the City's general fund. (Ord. 38 § 3, 1993)

2.42.040 Disposition of Municipal Court revenue.

(1) Costs in civil and criminal actions may be imposed as provided in District Court. All fees, costs, fines, forfeitures and other money imposed by the Municipal Court for the violation of any City ordinances shall be collected by the Court Clerk, and, together with any revenues received by the Clerk, shall be deposited with the ~~City Treasurer~~ Finance Director as a part of the general fund of the City, or deposited in such other funds as may be designated by the laws of the State of Washington.

(2) The ~~City Treasurer~~ Finance Director shall monthly remit 32 percent of the money received under this section, other than parking infractions, and certain costs to the State Treasurer. "Certain costs," as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the State, County or City in the prosecution of the case, including the fees of defense counsel.

(3) The balance of the money received under this section shall be retained by the City and deposited in the general fund. (Ord. 38 § 4, 1993)

Section 5. Amendment to Sections 3.10.020, 3.10.025, 3.10.035 and 3.10.040 are hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

3.10.020 Exemptions.

The following activities are exempt for the provisions of this chapter:

- (1) Activities of elementary and secondary schools;
- (2) Activities of churches and religious organizations;
- (3) Government activities;
- (4) City sponsored and City co-sponsored events; provided, that for profit activities conducted in conjunction with such an event shall not be exempt;
- (5) Activities of nonprofit organizations, as defined in WMC 3.10.010(5); provided, that all of the following requirements are met:

(a) The nonprofit organization:

(i) Publicly sponsors and through its members, representatives or personnel promotes and publicizes the event; or

(ii) Publicly sponsors and:

(A) Performs a major portion of the performance; or

(B) Supplies a major portion of the materials on exhibit; or

(C) When the event is part of a season or series of performances or exhibitions, performs the major portion of the performances or exhibitions in the season or series or supplies a major portion of the materials on exhibit.

(b) The nonprofit organization receives the use and benefit of the admission charges collected.

(c) The proceeds from any single event sponsored by the nonprofit organization do not exceed \$100,000.

(d) The event for which the exemption is claimed cannot be one for which a nonprofit organization lends its name as an endorsement to an ineligible person or organization for the purpose of invoking the exemption.

(e) The nonprofit organization must be registered with the ~~City Clerk's~~ Finance Director's office as provided in WMC 3.10.040 and must provide a copy of its incorporation approval by the State of Washington and any other proof deemed reasonably necessary by the ~~City Clerk~~ Finance Director to verify that the organization meets the definition of nonprofit organization established by this chapter. (Ord. 177 § 1, 1997)

3.10.025 Collection – Remittance.

(1) The person, firm or corporation receiving payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making payment for admission, shall hold said tax in trust until the same is remitted to the ~~City Treasurer~~ Finance Director as herein provided, and shall be personally liable for the amount of such tax if the same is not collected and remitted as herein provided.

(2) The tax imposed by this chapter shall be reported and remitted to the ~~City Treasurer~~ Finance Director quarterly on or before the thirtieth day of the month next succeeding the quarter of the year in which the tax is collected by the person, firm or corporation collecting the tax. The quarterly returns shall be made on forms provided by the ~~City Treasurer~~ Finance Director, separately stating the number of admissions sold, the price of each admission, the amount of tax, and such other information as the ~~City Treasurer~~ Finance Director may specify. Each return shall be signed and verified by the person making the return.

(3) The books, records and accounts of any person, firm or corporation collecting the tax herein levied shall, as to admission charges and tax collections, be at all reasonable times subject to examination and audit by the ~~City Treasurer~~ Finance Director. (Ord. 177 § 1, 1997)

3.10.035 Transient business remittance.

Whenever any activity which is subject to the tax levied in WMC 3.10.020 is of a temporary or transitory nature, of which the ~~City Clerk~~ Finance Director shall be the judge, the ~~City Clerk~~ Finance Director may require the return and remittance of the admissions tax immediately upon its collection or at the conclusion of said activities, whichever the ~~City Clerk~~ Finance Director deems appropriate. An application for a certificate of registration shall be required as noted in WMC 3.10.040. For temporary or transient events, the owner, lessee or custodian shall be responsible for payment of this tax if the person conducting the event fails to do so. Failure to comply with any requirement of the ~~City Clerk~~ Finance Director as to reporting and remittance of the tax as required shall be a violation of this chapter. (Ord. 177 § 1, 1997)

3.10.040 Certificate of registration – Fee.

Every person, firm or corporation, prior to conducting or operating any event or place of entrance to which an admission charge is made, shall on a form prescribed by the City complete a certificate of registration and file the same with the ~~City Clerk~~ Finance Director. The certificate of registration shall continue to be valid until December 31st of the same year in which it was issued. A list of admission charges for all events must accompany the certificate of registration. The application for certificate of registration, or a copy of it, shall be posted in the ticket office or box office where tickets or admission are sold. (Ord. 177 § 1, 1997)

Section 6. Amendment to Section 3.12.010 is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

3.12.010 One-quarter percent excise tax on real estate sales.

(1) Imposition. Pursuant to RCW 82.46.010, there is hereby imposed an excise tax on each sale of real property constituting a taxable event as defined in Chapter 82.45 RCW as the same now exists or may hereafter be amended, and occurring within the corporate limits of the City of Woodinville. The tax imposed under this section shall be collected from persons who are taxable by the State under Chapter 82.45 RCW as the same now exists or may hereafter be amended, and such tax shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the State under Chapters 82.45 and 82.46 RCW as the same now exists or may hereafter be amended.

(2) Rate of Tax. The rate of tax imposed by this section pursuant to RCW 82.46.010 as the same now exists or may hereafter be amended, shall be one-quarter of one percent of the selling price of all real property upon which this tax is imposed by subsection (1).

(3) Use of Proceeds. All proceeds from the tax imposed by this section shall be placed by the ~~City Treasurer~~ Finance Director in a capital improvement fund and shall be used by the City solely for financing capital projects as defined by RCW 82.46.010(6) that are specified in a capital facilities plan

element of a Comprehensive Plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. (Ord. 115, 1995; Ord. 13 § 1, 1993)

Section 7. Amendment to Section 3.18.030 is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

3.18.030 Adoption of registration system.

The City adopts the following system of registering the ownership of its bonds and obligations.

(1) Registration Requirement. All bonds and obligations offered to the public, having a maturity of more than one year, on which the interest is intended to be excluded from gross income for Federal income tax purposes, shall be registered as to both principal and interest as provided in this chapter.

(2) Method of Registration. The registration of all City bonds and obligations required to be registered shall be carried out either by:

(a) A book entry system of recording the ownership of the bond or obligation on the books of the registrar, whether or not a physical instrument is issued; or

(b) Recording the ownership of the bond or obligation and requiring as a condition of the transfer of ownership of any bond or obligation the surrender of the old bond or obligation and either the re-issuance of the old bond or obligation or the issuance of a new bond or obligation to the new owner.

No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner's mailing address, together with such other information deemed appropriate by the registrar, shall be recorded on the books of the registrar.

(3) Denominations. Except as may be provided otherwise by the ordinance authorizing their issuance, registered bonds or obligations may be issued and reissued in any denomination up to the outstanding principal amount of the bonds or obligations of which they are a part. Such denominations may represent all or a part of a maturity or several maturities and on re-issuance may be in smaller amounts than the individual denominations for which they are reissued.

(4) Appointment of Registrar. Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the ~~City Treasurer~~ Finance Director shall be the registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases and other registered bonds or obligations not usually subject to trading without a fixed maturity date or maturing one year or less after issuance and the fiscal agencies shall be the registrar for all other City bonds and obligations without a fixed maturity date or maturing more than one year after issuance.

(5) Duties of Registrar. The registrar shall sever as the City's authenticating trustee, transfer agent, registrar and paying agent for all registered bonds and obligations for which he, she, or it serves as registrar and shall comply fully with all applicable Federal and State laws and regulations respecting the carrying out of those duties.

The rights, duties, responsibilities and compensation of the registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities and compensation shall be embodied in a contract executed by the ~~City Treasurer~~ Finance Director and the registrar, except that (a) when the fiscal agencies serve as registrar, the City adopts by reference the contract between the State Finance Committee of the State of Washington and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar, and (b) when the ~~City Treasurer~~ Finance Director serves as registrar, a separate contract shall not be required.

In all cases when the registrar is not the fiscal agencies and the bonds or obligations are assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of:

- (a) Making payments of principal and interest;
- (b) Printing any physical instruments, including the use of identifying numbers or other designation;
- (c) Specifying record and payment dates;
- (d) Determining denominations;
- (e) Establishing the manner of communicating with the owners of the bonds or obligations;
- (f) Establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;

- (g) Registering or releasing security interests, if any; and
- (h) Such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the City may deem to be necessary or appropriate. (Ord. 19 § 3, 1993)

Section 8. Amendment to Section 3.21.010 is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

3.21.010 Authority delegated.

Pursuant to RCW 35.39.032, the City Manager and the ~~City Clerk/Treasurer~~ Finance Director, acting in committee, shall have the authority to make investments of inactive or surplus funds without the consent of the City Council for each investment. (Ord. 28 § 1, 1993)

Section 9. Amendment to Section 3.27.030 is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

3.27.030 Administration.

The ~~City Clerk/Treasurer~~ Finance Director is authorized and directed to establish and administer such account and to make such temporary investments of account proceeds in any manner authorized by law. (Ord. 41 § 1, 1993)

Section 10. Amendment to Sections 3.33.020, 3.33.030, 3.33.050, 3.33.060, 3.33.110, 3.33.190 and 3.33.200 are hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

3.33.020 Definitions.

Unless the context clearly indicates otherwise, the words, phrases and terms used in this chapter shall have the following meanings:

- (1) "Cellular telephone service" means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications and which is not subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service.
- (2) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.
- (3) "Gross income" means the value proceeding or accruing from the sale of tangible property or service, and receipts (including all sums earned or charged, whether received or not) by reason of investment of capital in the business engaged in (including rentals, royalties, receipts, or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages or other evidence of indebtedness, or stocks and the like) and without any deduction on account of the cost of the property sold, cost of materials used, labor costs, interest or discount paid, or any expenses whatsoever, and without any deduction on account of losses. Further deductions and exceptions from gross income upon which the fee or tax described in this chapter is computed are set forth in WMC 3.33.080.
- (4) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, corporation, joint venture, club, company, joint stock company, business trust, public utility districts, municipal corporation or department thereof, public or private utilities, and all other associations, whether acting by themselves or by servants, agents or employees.
- (5) "Tax year or taxable year" means the year commencing January 1st and ending on December 31st of such year, or in lieu thereof the taxpayer's fiscal year when permission is obtained from the City Clerk Finance Director to use the same as the tax period.
- (6) "Taxpayer" means any person liable for the license fee or tax imposed by this chapter.

(7) "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 a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. Telephone business includes the provision of transmission to and from the site or an internet provider via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. It also includes cooperative or farmer line telephone companies or associations operating an exchange. Telephone business does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio and television stations, nor the provision of internet service as defined in RCW 82.04.297, including the reception of dial-in-connection, provided at the site of the internet service provider. (Ord. 200 § 1, 1998)

3.33.030 License required.

On and after April 1, 1998, no person shall engage in any business, occupation or activity in the City for which a tax is imposed by WMC 3.33.040 without first having obtained and being the holder of a valid license to do so, to be known as a "utility occupation license." The City shall be exempt from such license requirement. The annual license fee for such license shall be \$20.00. Each such person shall promptly apply to the ~~City Clerk~~ Finance Director for such license upon such forms as the ~~Clerk~~ Finance Director shall prepare and provide, giving such information as the ~~Clerk~~ Finance Director shall deem reasonably necessary to enable the ~~Clerk~~ Finance Director to administer and enforce this chapter; and upon acceptance of such application by the ~~Clerk~~ Finance Director, the ~~Clerk~~ Finance Director shall thereupon issue such license to the applicant. Such utility occupation license shall be personal and nontransferable and shall be valid as long as the licensee shall continue in the business and shall comply with this chapter. (Ord. 200 § 1, 1998)

3.33.050 Return required – Due dates and payment.

The tax imposed by this chapter, except the annual license fee required to accompany the application for the utility occupation license and renewal, shall be due and payable in monthly installments. The remittance shall be made as hereinafter provided and shall be accompanied by a return on a form to be provided and prescribed by the ~~City Clerk~~ Finance Director. The return and remittance shall be in the ~~City Clerk's~~ Finance Director's office by 5:00 p.m. Pacific time, on or before the last day of each month succeeding the end of the month in which the tax accrued. The taxpayer shall be required to swear or affirm in writing on the return that the information therein given is full and true and that the taxpayer knows it to be so. Whenever the total tax for which any person is liable under this chapter does not exceed the sum of \$15.00 for any monthly period, an annual return may be made upon written request and subject to the approval of the ~~City Clerk~~ Finance Director. The Finance Director may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

Whenever a taxpayer commences to engage in business during any monthly period, his or her first return and tax shall be based upon and cover the portion of the month during which he or she engaged in business. (Ord. 200 § 1, 1998)

3.33.060 Payment procedure.

The tax shall be paid at the time the tax return is filed with the ~~City Clerk~~ to the Finance Director by bank draft, certified check, cashier's check, personal check or money order or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the check or draft is honored in the usual course of business; nor shall the acceptance of any sum by the Finance Director be an acquittance or discharge of the tax due unless the amount of payment is in full and is the actual amount due. (Ord. 200 § 1, 1998)

3.33.110 Records required – Audit authorized.

It shall be the duty of each taxpayer taxed upon his/her or its gross income to keep and enter in a proper book or set of books or records an account which shall accurately reflect the amount of his/her or its gross income, which account shall be open at all reasonable times to the inspection of the ~~City Clerk~~

Finance Director, or the Clerk's Finance Director's duly authorized agent, for verification of the tax returns or for the fixing of the tax of a taxpayers who fails to make such returns. (Ord. 200 § 1, 1998)

3.33.190 Rules and regulations.

The City Clerk Finance Director shall have the power and authority from time to time to adopt, publish and enforce rules and regulations not inconsistent with this chapter or with law for the purpose of carrying out the provisions thereof, and it is unlawful for any person to violate or fail to comply with any such rule or regulation. (Ord. 200 § 1, 1998)

3.33.200 Appeals.

- (1) Any taxpayer aggrieved by the amount of the fee or tax determined by the City Clerk Finance Director to be due under the provisions of this chapter may, upon full payment of the amount assessed, appeal such determination to the City Hearing Examiner.
- (2) The appeal shall be in writing and shall contain the following:
 - (a) The name and address of the taxpayer;
 - (b) A statement identifying the determination of the Clerk Finance Director from which the appeal is taken;
 - (c) A statement setting forth the grounds upon which the appeal is taken, and identifying the specific errors the Clerk Finance Director is alleged to have made in making his or her determination;
 - (d) A statement identifying the requested relief from the determination being appealed.
- (3) The appeal must be filed with the Clerk Finance Director within 10 days from the date the taxpayer was mailed notice of the Clerk's Finance Director's decision.
- (4) The Hearing Examiner shall conduct an appeal hearing, at which the appellant taxpayer and the Clerk Finance Director shall have the opportunity to be heard and to introduce evidence relevant to the subject of the appeal. The Hearing Examiner shall establish rules for such hearings consistent with the provisions of this section, including rules relating to the issuance and reconsideration of decisions.
- (5) The appellant taxpayer shall have the burden of proving by the preponderance of the evidence that the determination of the Clerk Finance Director is erroneous.
- (6) Appeal proceedings before the Hearing Examiner shall be tape recorded and all exhibits admitted by the Examiner shall be made part of the record.
- (7) Following the hearing, the Hearing Examiner shall render a decision on the appeal and shall enter written findings and conclusions in support thereof. A copy of the findings, conclusions, and decision shall be mailed to the appellant taxpayer and the Clerk Finance Director. The decision shall state the correct amount of the tax owing as determined by the Hearing Examiner.
- (8) The decision of the Hearing Examiner shall be final and conclusive unless the same is appealed to the City Council. Any such appeal must be filed with the Clerk Finance Director within 10 working days of the decision appealed from or any final decision on reconsideration thereof. Any such appeal shall be based solely on the record of the appeal hearing conducted by the Hearing Examiner.
- (9) Any and all actions seeking judicial review of a City Council decision under this section must be filed in the King County Superior Court within 10 calendar days following the date of the decision. Any action not brought within this time limit is barred. (Ord. 200 § 1, 1998)

Section 11. Amendment to Sections 5.06.040, 5.06.060 and 5.06.070 are hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

5.06.040 Administration of tax.

The administration and collection of the tax imposed by WMC 5.06.020 shall be by the City Clerk Finance Director and pursuant to the rules and regulations of the Washington State Gambling Commission.

The City Clerk Finance Director is instructed and authorized to adopt appropriate reporting requirements, to ensure the effective administration of license holders exempt from the payment of said tax and to make such further rules and regulations for the purpose of carrying out the provisions of this title. (Ord. 12 § 3, 1993)

5.06.060 Financial records.

It shall be the responsibility of all officers, directors and managers of any corporation conducting any gambling activities subject to taxation under this chapter to make available at all reasonable times such financial records as the ~~City Clerk~~ Finance Director may require in order to determine full compliance with this chapter. (Ord. 12 § 6, 1993)

5.06.070 Charitable, nonprofit organization – Declaration of intent to conduct gambling activity.

For the purpose of identifying who shall be subject to the tax imposed by WMC 5.06.020, any bona fide charitable or nonprofit corporation intending to conduct or operate any bingo game, raffle or amusement game which requires licensing as provided in and authorized by Chapter 9.46 RCW as the same now exists or may be hereafter amended, shall, prior to commencement of any such activity, file with the ~~City Clerk~~ Finance Director a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with Chapter 9.46 RCW as the same now exists or may be hereafter amended, as amended. Thereafter, for any period covered by such State license or any renewal thereof, any such licensed bona fide charitable or nonprofit corporation shall, on or before the 15th day of the month following the end of the quarterly period in which the tax accrued, file with the ~~City Clerk~~ Finance Director a sworn statement, on a form to be provided and prescribed by the ~~City Clerk~~ Finance Director for the purpose of ascertaining the tax due for the preceding quarterly period. (Ord. 12 § 4, 1993)

Section 12. Amendment to Section 14.12.120 (5) (i) is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

14.12.120.(5)

i) The collection of the monetary penalty shall be as follows:

(i) The monetary penalty constitutes a personal obligation of the person to whom the civil infraction is directed. Any monetary penalty assessed must be paid to the ~~City Clerk~~ Finance Director within seven calendar days from the date of service of notice of violation and imposition of monetary penalties or, if an appeal was filed pursuant to this chapter, within seven calendar days of the Hearing Examiner's decision.

(ii) The City Attorney, on behalf of the City, is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate accrual of additional per diem monetary penalties so long as the violation continues.

(iii) In the event of failure to appear at a hearing provided herein, the Hearing Examiner shall assess the monetary penalty prescribed and a penalty of \$25.00.

(iv) In the event of a conflict between this chapter and any other city ordinance providing for a civil penalty, this chapter shall control.

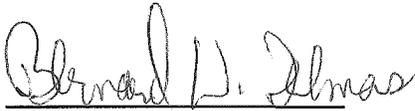
Section 13. Amendment to the Ordinance Table is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by strikethrough.

15 Bonds, city manger, clerk, ~~treasurer~~ finance director (2.03)

Section 14. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 15. Effective Date. This ordinance or a summary thereof shall be published in the City's official newspaper, and shall take effect five (5) days after passage and the publication of the ordinance or a summary thereof consisting of the title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE
THIS 21ST DAY OF FEBRUARY 2012.


Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY


Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 2-21-2012
PUBLISHED: 2-27-2012
EFFECTIVE DATE: 3-05-2012
ORDINANCE NO. 530