

ORDINANCE NO. 08- 883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING SECTION 5.08.030 OF THE BLACK DIAMOND MUNICIPAL CODE TO ADD A SIX PERCENT TAX ON THE GROSS REVENUES OF THE CITY'S STORMWATER UTILITY, AND 5.08.050 TO ADD THE STORMWATER UTILITY DEDUCTION

WHEREAS, the City of Black Diamond recently created its own stormwater utility to assist in management of stormwater flows and compliance with state and federal water quality regulations; and

WHEREAS, the City currently levies a tax of six percent on other utilities operating within the city limits, with the monies collected going to support the city's operating expenses, services and programs; and

WHEREAS, it is fair and reasonable that the stormwater utility not be exempt from the same tax that other utilities must pay.

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

Section 1. Section 5.08.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

5.08.030 Taxes levied.

Upon every person, firm or corporation engaged in carrying on the following types of business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city shall be levied the following tax:

A. Upon any telephone business there shall be levied a tax equal to six percent of the total gross income, including income from intrastate toll, derived from the operation of such businesses within the corporate limits of the city.

B. Upon the sale, delivery or distribution of electricity and electrical energy and for the privilege of carrying on the business, there shall be levied a tax equal to six percent of the total gross operating revenue derived from sales of such electricity to ultimate users within the corporate limits of the city; provided, however, that there shall not be any tax levied for the installation charges of electrical units.

C. Upon the sale of natural, manufactured or mixed gas for residential, commercial or industrial consumption and for the privilege of carrying on the business, there shall be levied a tax equal to six percent of gross operating revenues from such sales of natural, manufactured or mixed gas within the corporate limits of the city.

D. Upon any sewerage system business, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

E. Upon any water distribution system, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

F. Upon every person or entity engaging in the business of providing solid waste collection service, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

G. Upon any cable service there shall be levied a tax equal to one percent of the total gross income derived from operation of such service within the corporate limits of the city. Such tax shall be in addition to any cable franchise fee paid the city by such person, firm, or corporation.

H. Upon any stormwater utility there shall be levied a tax equal to six percent of the total gross income derived from the operation of such utility within or partly within the corporate limits of the city. This tax shall be levied on services provided after January 1, 2009.

Section 2. Section 5.08.050 of the Black Diamond Municipal Code is hereby amended to read as follows:

5.08.050 Deductions from gross operating revenues--Electricity, natural gas, sewerage system business, water distribution system and solid waste collection.

In computing the tax imposed under Section 5.08.030(B), (C), (D), (E), (F) and (H), there shall be deducted from the gross operating revenues or gross income the following items:

- A. The amount of credit losses and uncollectibles actually sustained by the taxpayer; and
- B. Amounts derived from transaction in interstate or foreign commerce or from any business in which the city is prohibited from taxing under the Constitution of the United States or the Constitution of the state; and
- C. Amounts derived by the taxpayer from the city.

Section 3. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 4. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

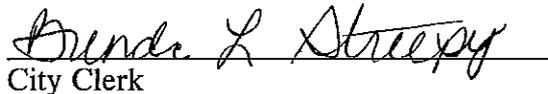
Introduced on the 23rd day of December, 2008.

Passed by the City Council on the 23rd day of December, 2008.



Howard Botts,
Mayor

ATTEST:



Brenda L. Steep
City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 12/30/08
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