

CITY OF SUMAS

ORDINANCE NO. 1722

**AN ORDINANCE OF THE CITY OF SUMAS, WASHINGTON,
AMENDING SECTION 4.82.030 OF THE SUMAS MUNICIPAL CODE RAISING THE
LIMIT ON THE AMOUNT OF TAX**

WHEREAS, RCW 35A.82.020 and Chapter 35.21 RCW authorize the City to impose a tax on certain businesses and service providers including natural gas distributors; and

WHEREAS, RCW 35.21.870 authorizes a tax up to 6% on natural gas businesses; and

WHEREAS, the City has previously established such a tax under Chapter 4.82 of Sumas Municipal Code ("SMC"); and

WHEREAS, the City has placed a limited on amount of said tax to be paid each month; and

WHEREAS, after considering the matter, the City Council has determined that the City should increase said limit; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF SUMAS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.82.030 of the Sumas Municipal Code is amended to read in its entirety as follows:

4.82.030 Levy - Collection.

From and after the first day of the calendar month next following the effective date of the ordinance codified in this chapter, there shall be levied upon and collected from any person engaged in the business of the distribution and sale of natural gas within the city a tax equal to one percent of the gross total operating revenues of such business. Such tax shall be levied for monthly periods corresponding with the billing periods of the taxpayer and shall be payable within thirty days after the close of each such billing period.

The amount of tax paid pursuant to this chapter on that portion of gross revenue derived from the distribution and sale of natural gas from a single use site by a single user shall be limited to One Thousand Dollars (\$1,000.00) per month.

The amount of tax imposed pursuant to this chapter on a natural gas business with respect to sales that are exempt from the tax imposed under chapter 82.16 RCW as provided in RCW 82.16.310 related to transportation fuel shall not exceed the rate allowed under RCW 35.21.870(4).

Section 2. Petition for referendum. A referendum procedure is required pursuant to RCW 35.21.706 for cities first imposing a business and occupation tax. A

referendum petition may be filed with the City Clerk within seven (7) days of passage of this ordinance. Within ten (10) days, the City Clerk shall confer with the petitioner concerning the form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the City Attorney. The petitioner shall have thirty (30) days in which to secure the signatures of not less than fifteen (15) 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. The City Clerk 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 city or at a special election ballot as provided pursuant to RCW 35.17.260(2).

This above procedure shall be the exclusive method of referendum for this ordinance and shall supersede the procedures provided under chapters 35.17 and 35A.11 RCW and all other statutory or other provisions for initiative or referendum that might otherwise apply.

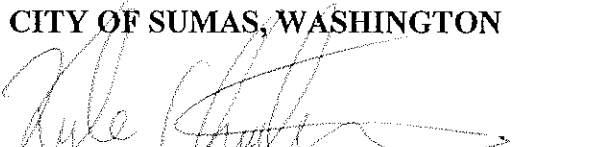
Section 3. Savings Clause. This Ordinance does not affect any tax or license fee owed for a time period prior to the effective date of this Ordinance and does not affect any pending or existing litigation and does not operate as an abatement or bar to any action or proceeding pending under or by virtue of an existing code section.

Section 4. Severability Clause. Should any provision of this Ordinance or its application to any person or circumstances be held invalid, the remainder of the Ordinance or its application to other persons or circumstances is not affected.

Section 5. Effective Date. This Ordinance shall take effect July 1, 2018.

PASSED by the City Council and approved by the Mayor of the City of Sumas, Washington, this 26th day of March, 2018.

CITY OF SUMAS, WASHINGTON


KYLE CHRISTENSEN, Mayor

Attested/Authenticated:


SHELLEY SCHULTZ, City Clerk

Approved as to Form:


JAMES J. WRIGHT, City Attorney

CITY OF SUMAS

ORDINANCE NO. 1723

**AN ORDINANCE OF THE CITY OF SUMAS, WASHINGTON,
AMENDING SECTION 4.83.020 OF THE SUMAS MUNICIPAL CODE RAISING THE
LIMIT ON THE AMOUNT OF TAX**

WHEREAS, RCW 35A.82.020 and Chapter 35.21 RCW authorize the City to impose a Utility Tax on certain utility service providers including natural gas distributors; and

WHEREAS, RCW 82.14.230 allows cities to levy a use tax on the purchases of brokered natural gas by consumers; and

WHEREAS, RCW 82.14.230 and RCW 35.21.870 authorizes a tax up to 6% on said purchases; and

WHEREAS, the City has previously established such a tax under Chapter 4.83 of Sumas Municipal Code (“SMC”); and

WHEREAS, the City has placed a limited on amount of said tax to be paid each month; and

WHEREAS, after considering the matter, the City Council has determined that the City should increase said limit; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF SUMAS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.83.020 of the Sumas Municipal Code is amended to read in its entirety as follows:

4.83.020 Rate.

The rate of the tax levied by Section 4.83.010 shall be an amount equal to the value of the article used by the taxpayer multiplied by one percent. The “value of the article used” does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

The amount of tax paid pursuant to this chapter for the article used at a single use site by a single user shall be limited to one thousand dollars per month.

Section 2. Petition for referendum. A referendum procedure is required pursuant to RCW 35.21.706 for cities first imposing a business and occupation tax. A referendum petition may be filed with the City Clerk within seven (7) days of passage of this ordinance. Within ten (10) days, the City Clerk shall confer with the petitioner concerning the form and style of the petition, issue the petition an identification number, and secure an accurate,

concise, and positive ballot title from the City Attorney. The petitioner shall have thirty (30) days in which to secure the signatures of not less than fifteen (15) 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. The City Clerk 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 city or at a special election ballot as provided pursuant to RCW 35.17.260(2).

This above procedure shall be the exclusive method of referendum for this ordinance and shall supersede the procedures provided under chapters 35.17 and 35A.11 RCW and all other statutory or other provisions for initiative or referendum that might otherwise apply.

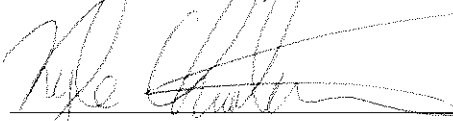
Section 3. Savings Clause. This Ordinance does not affect any tax or license fee owed for a time period prior to the effective date of this Ordinance and does not affect any pending or existing litigation and does not operate as an abatement or bar to any action or proceeding pending under or by virtue of an existing code section.

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CITY OF SUMAS, WASHINGTON



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SHELLEY SCHULTZ, City Clerk

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JAMES J. WRIGHT, City Attorney