

ORDINANCE NO. 07-849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY WASHINGTON, AMENDING SECTIONS 5.08.025, 5.08.030, AND 5.08.040 OF THE BLACK DIAMOND MUNICIPAL CODE AND ADDING NEW SECTIONS 5.08.022 AND 5.08.120 REGARDING UTILITY TAXES AND UTILITY OCCUPATION LICENSES AND PROVIDING A TAX ON CABLE SERVICE

WHEREAS, the cable service providers are subject to a five percent franchise fee; and

WHEREAS, by adding a one percent utility tax for cable service the total fee/tax charge cable service providers will equal the six percent tax charged to other utility service providers under Chapter 5.08 of the Black Diamond Municipal Code; and

WHEREAS, the council deems that other changes to Chapter 5.08 set forth below are in the best interests of the City; now therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

SECTION 1. Chapter 5.08 of the Black Diamond Municipal Code is hereby amended by the addition of a new Section 5.08.022 to read as follows:

5.08.022 License Fees – Time for payment – Penalty.

A. The annual license fee for the occupation license issued pursuant to this chapter shall be \$60.00. The fee for renewals shall be \$60.00 per year.

B. The occupation license issued pursuant to this chapter shall be valid for the year in which it was issued only. Occupation license renewals must be acquired prior to the thirty-first day of January each year. A business which renews its occupation license after January 31st shall be subject to a penalty in addition to the regular license fee in the amount specified in subsection C of this section. No renewal license shall be issued until the regular license fee and the penalty have both been paid in full.

C. Late Payment. In addition to any other penalties provided in this chapter, any business which fails to make application for an original occupation license, or fails to renew an existing license by January 31st shall be subject to the following penalties based on the number of days delinquent:

<u>Days Delinquent</u>	<u>Penalty</u>
1-30 days	\$10.00

31-60 days	\$20.00
61-90 days	\$30.00
91 days or more	misdemeanor

SECTION 2: Section 5.08.025 of the Black Diamond Municipal Code is hereby amended by the addition of a new definition to read as follows:

“Cable service” means (1) the one-way transmission to subscribers of video programming or other programming service, and (2) subscriber interaction, if any, which is required for the selection by the subscriber of such video programming or other programming service.

SECTION 3: The definition of “telephone business” in section 5.08.025 of the Black Diamond Municipal Code is hereby amended to read as follows:

“Telephone business” means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. It includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunication services or telephone business also includes ancillary services that are associated with or incidental to the provision of telecommunication services including, but not limited to conference bridging, detailed telecommunications billing, directory assistance, vertical service, or voice mail services as defined in RCW 82.04.065. Telephone business also includes those activities previously used to define telephone business such as the business of providing access to a local telephone network, local telephone network switching service, toll service, cellular or mobile telephone service, coin telephone services, pager service or the providing of 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. The term includes the provision of cooperative or farmer line telephone services or associations operating exchanges. The term also includes the provision of transmission to and from the site of an internet provider via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Telephone business" does not include the providing of competitive telephone service, data processing, providing of cable television service, or other providing of broadcast services by radio or television stations.

SECTION 4. Section 5.08.030 of the Black Diamond Municipal Code is hereby amended by the addition of a new subsection 5.08.030(G) to read as follows:

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 city. Such tax shall be in addition to any cable franchise fee paid the city by such person, firm, or corporation.

SECTION 5. Section 5.08.040 of the Black Diamond Municipal Code is hereby amended to read as follows:

5.08.040 When tax due--Reporting Period.

The tax imposed by this chapter shall be due and payable in monthly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the month in which the tax accrued, upon such forms as the city clerk-treasurer shall prescribe. At the city clerk-treasurer's discretion, businesses may be assigned to a quarterly reporting period depending on the tax amount owing.

SECTION 6. Chapter 5.08 of the Black Diamond Municipal Code is hereby amended by the addition of a new section 5.08.120 to read as follows:

5.08.120 Violation--Penalties

A. Any person, firm or corporation violating or failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding one thousand dollars or by imprisonment in jail for a period not exceeding ninety days, or both such fine and imprisonment.

B. Civil Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$250.00 for each day or portion of the day that the violation continues.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter

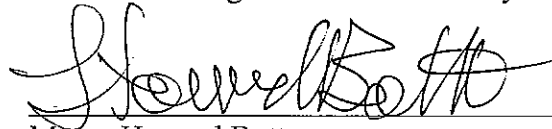
SECTION 7. This Ordinance shall be in full force and effect five days after its passage,

approval, posting and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

SECTION 8. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

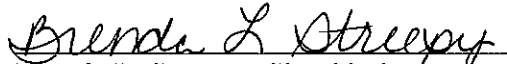
Introduced the 20th day of December, 2007.

Passed by a majority of the City Council at a meeting held on the 20th day of December, 2007.



Mayor Howard Botts

Attest:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 12-25-07
Posted: 12-21-07
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