

Ordinance No. 00021

[\(Council Minutes 95/12/04\)](#)

ORDINANCE NO. 21

AN ORDINANCE of the City Council of the City of Lakewood, Washington, establishing Transient Occupancy Taxes

WHEREAS, Section 67.28.180 of the Revised Code of Washington authorizes cities to impose a tax not to exceed two percent (2%) on charges made for furnishing lodging by hotels, motels, rooming houses, tourist courts and similar lodging facilities, with the revenues generated by such tax being limited and restricted for uses identified in the Section, including such things as purchase, design, construction and remodeling of performing arts, visual arts, heritage and cultural centers; and,

WHEREAS, Section 67.28.182 of the Revised Code of Washington additionally authorizes cities located in Pierce County to impose a tax not to exceed five percent (5%) on charges made for furnishing lodging by hotels, motels, rooming houses, tourist courts and similar lodging facilities, with the revenues generated by such tax being limited and restricted for uses identified in the Section, including (a) at least 2% for the purpose of visitor and convention promotion and development, including marketing of local convention facilities; and (b) at least three percent for the acquisition, construction, expansion, marketing, management and financing of convention facilities necessary to support major tourism destination attractions that serve a minimum of one million visitors per year; and,

WHEREAS, the statutory provisions for such taxes provide that when both a county and a city imposes such taxes, there shall be a credit against the county tax for the full amount of the city tax imposed upon the same taxable event; and,

WHEREAS, Pierce County, Washington has, in fact, adopted taxes pursuant to the statutory provisions of Chapter 67.28 of the Revised Code of Washington, which taxes are codified in Chapter 4.16 of the Pierce County Code; and,

WHEREAS, if the City of Lakewood were to levy and collect such taxes to the extent it could pursuant to Sections 67.28.180 and 67.28.182 RCW, the taxes so collected would be subject to a credit for the full amount against the Pierce County taxes, so that there would be no additional taxes paid by the persons staying at the lodging facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. RCW 67.28.180 Tax levied--Amount.

Pursuant to Section 67.28.180 of the Revised Code of Washington, there is levied a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real

property, and not a mere license to use or enjoy the same. The taxes collected under this Section shall be used for the purposes authorized in Section 67.28.180.

Section 2. RCW 67.28.182 Tax levied--Amount.

Pursuant to Section 67.28.182 of the Revised Code of Washington, there is levied an additional special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property, and not a mere license to use or enjoy the same. The taxes collected under this Section shall be used for the purposes authorized in Section 67.28.182.

Section 3. Definitions.

The definitions of "selling price," "seller," "buyer," "consumer," and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, be, and they are adopted as the definitions for the tax levied in this chapter.

Section 4. Tax deemed in addition to license fee or other taxes.

The taxes levied herein shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the city; provided, however, that pursuant to RCW 67.28.190, such tax shall be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the State Tax Commission under the provisions of RCW Chapter 82.08.

Section 5. Fund created--Use of funds.

There is created a special fund in the treasury of the city, that all such taxes collected herein shall be placed one of two accounts within such fund, with the first account being for the purpose of paying all or any part of the costs of purchase, design, construction and remodeling of performing arts, visual arts, heritage and cultural centers, or for such other uses as are permitted by RCW 67.28.180 and amendments thereto; and with the second account being for the purpose of paying all or any part of the costs of visitor and convention promotion and development, including marketing of local convention facilities, or for such other uses as are permitted by RCW 67.28.182 and amendments thereto.

Section 6. Administration and collection.

For the purpose of the taxes levied herein pursuant to this Ordinance:

- A. The Department of Revenue of the state is designated as the agent of the City for the purpose of collection and administration;
- B. The administrative provisions contained in RCW 82.08.050 through 82.08.070, and as contained in RCW Chapter 82.32, shall apply with respect to the administration and collection by said department;
- C. All rules and regulations adopted by the Department of Revenue for the administration of RCW Chapter 82.08, are adopted.
- D. The Department of Revenue is authorized to prescribe and utilize such special forms and procedures as the department may deem necessary and appropriate.

Section 7. Violation--Penalty.

Any person, firm or corporation violating or failing to comply with the provisions of this chapter or any lawful rule or regulation adopted pursuant hereto shall, upon conviction, be punished by a fine in the sum not to exceed five hundred dollars. Each day of violation will be considered a separate offense.

Section 8. Copies filed.

Certified Copies of this Ordinance shall be filed with the Washington State Department of Revenue and with the clerk of the legislative body of Pierce County.

Section 9. Severability.

If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or 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 10. Effective date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996, the official date of incorporation.

ADOPTED by the City Council this 4th day of December, 1995

/S/ Bill Harrison

Mayor

Attest:

/S/ Alice M. Bush

City Clerk

Approved as to Form:

/S/ Daniel B. Heid

City Attorney

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