

ORDINANCE NO: 246

AN ORDINANCE IMPOSING A TAX ON THE CONDUCT OF PUBLIC UTILITY BUSINESSES WITHIN THE TOWN OF GRANITE FALLS, DEFINING OFFENSES, PROVIDING FOR PENALTIES AND AMENDING INCONSISTENT ORDINANCES.

THE TOWN COUNCIL OF THE TOWN OF GRANITE FALLS, WASHINGTON, DO ORDAIN:

Section 1: Exercise of Revenue License Power. The provisions of this ordinance shall be deemed an exercise of the power of the town to license for revenue.

Section 2: Definitions. In construing this ordinance, save when otherwise plainly described or clearly apparent from the context, the following definitions shall be applied:

(1) "Gross income" means the value proceeding or accruing from the performance of the particular public service business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(2) "Person" or "persons" mean persons of either sex, firms, copartnerships, corporations, public utility districts, municipal corporations or departments thereof, public or private utilities, and other associations, whether acting by themselves or by servants, agents or employees.

(3) "Taxpayers" mean any person liable to the license fee or tax imposed by this ordinance.

(4) "Tax year" or "taxable year" means the year commencing January first and ending on the last day of December of said year, or, in lieu thereof, the taxpayer's fiscal year when permission is obtained from the City Clerk to use the same as the tax period; except that in the case of 1971, the taxable year shall commence April 1, 1971.

Section 3: Persons subject to tax, payment periods. On and after the first day of April 1971, there is levied upon and shall be collected from, and paid as hereinafter provided,

by every person on account of transacting or carrying on of such business and for the privilege of engaging in such business activities within the city limits of the city as described in Section 4 and occupation tax sometimes herein referred to as "tax" against gross income of business as defined for the three calendar months next preceding the beginning of each quarterly period. Said quarterly periods are as follows:

- (1) First quarter, January, February, March;
- (2) Second Quarter, April, May, June;
- (3) Third quarter, July, August, September;
- (4) Fourth quarter, October, November, December.

Section 4: There are hereby levied and shall be collected license fees or occupation taxes upon every person engaged in or carrying on the business of seller or furnishing electric lights and power, natural or manufactured gas (through mains), telephone and/or telgraph service, or television cable service, in the amount of two percent (2%) of such total gross income from said business, excluding all income derived from long distance telephone toll charges.

Section 5: Failure to pay tax. Any taxpayer who engages in or carries on any business subject to the tax hereunder, and/or fails or refuses to pay the tax or any part thereof on or before the due date shall be operating in violation of this ordinance.

Section 6: Exceptions-Deductions. There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed so much thereof as is derived from the transactions in interstate or foreign commerce, or from business done for the government of the United States, its officers or agents, and any amount paid by the taxpayer to the United States, the state, as excise taxes levied or imposed upon the sale or distribution of property or service.

There shall be excepted and deducted from the total gross income upon which the tax is computed all bad debts for services incurred, rendered or charged for during the tax year. Debts shall be deemed bad and uncollectable when the same have been written off the books of the taxpayer. In the event debts are subsequently collected, said income shall be reported in the return for the quarter in which said debts are collectee at the rate of prevailing in the tax year when collected.

There shall be excepted and deducted from the total gross income upon which the tax is computed all cash discounts allowed

and actually granted to customers of the taxpayer during the tax year.

Nothing in this ordinance shall be construed as requiring a license, or the payment of a license fee or tax, or the doing of any act, which would constitute an unlawful burden or interference in violation of the Constitution of laws of the State.

Section 7: Occupation License required. On or after the first day of April, 1971, no person subject to the payment of the tax provided herein shall engage in any business, occupation, or activity in the city without first having obtained and being the holder of a valid and existing license so to do, to be known as an "occupation license" for which the applicant shall pay the sum of Ten Dollars. Such occupation license shall expire at the end of the calendar year in which it is issued and a new license shall be required for each calendar year; provided however, that if the taxpayer in transacting his or its business on a fiscal year and not on a calendar year, he or it may, with the consent of the Town Cler, obtain his or its license for the period of his or its current fiscal year which shall be deemed his or its tax year.

Application for an occupation license shall be made to the Town Clerk who shall issue the same on forms provided by him.

Any person engaging in or carrying on more than one such business, occupation, pursuit or privilege within the town shall procure an occupation license for each of the same.

Said license shall be personal and nontransferable. Each occupation license shall be numbered, shall show the name, place and character of business of the taxpayer and such other information as the Town Clerk deems necessary and shall at all times be conspicuously posted in the place of business for which it is issued.

No person to whom an occupation license has been issued pursuant to this ordinance shall suffer or allow any other person to for whom a separate license is required to operate under or display his license; nor shall such other person operate under or display such license.

Section 8: The tax shall be paid at the time the tax return is filed with the Town Clerk to the Town Treasurer.

Section 9: Books-Records. It shall be the duty of each

taxpayer taxed upon his 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 or its gross income, which account shall always be open at the principal place of business to the inspection of the Town Clerk, or his duly authorized agent, and from which said officer or his agent may verify the return made by the taxpayer. Said records shall be preserved for a period of five years.

The application, statements, or returns made to the Town Clerk, pursuant to this ordinance, shall not be made public, nor shall they be subject to inspection of any person except the Mayor, Town Attorney, Town Clerk, or his authorized agent and members of the Town Council.

Section 9: Ascertainment of Tax-Notice. If any taxpayer fails, neglects or refuses to make his return as and when required herein, the Town Clerk is authorized to determine the amount of tax payable and by mail to notify such taxpayer of the amount so determined. The amount so fixed shall thereupon become the tax and be immediately due and payable.

Section 10: Failure to comply - Unlawful. It is unlawful for any person liable to tax hereunder to fail or refuse to secure the license, to make the returns when required, or to pay the license fee or tax when due, or for any person to make any false or fraudulent application or return or any false statement or representation in, or in connection with, any such application or return, or to aid or abet another in an attempt to evade payment of the fee or tax, or any part thereof.

Section 11: Violation-Operating without a license. Any taxpayer who engages in, or carries on, any business subject to a tax hereunder without having his occupation license to do so, or who fails or refuses to pay the license fee or tax, or any part thereof, on or before the due date, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$300.00, or imprisonment for not more than 90 days, or both such fine and imprisonment.

Section 12: Effective Partial Invalidity. If any part or parts of this ordinance are for any reason held to be invalid, such adjudication shall not effect the validity of the remaining portions of this ordinance.

Section 13. Repeal, Amendments. All provisions contained in Ordinance No. 196, 232 and 234 inconsistent with the provisions of this ordinance be and the same hereby are repealed

Section 14. Effective date. This ordinance shall take effect upon the first day of April, 1971.

Passed at a regular meeting of the Town Council of the Town of Granite Falls, Washington, held on the 10th day of February, 1971.

GEORGE D. BRYAN, Mayor

ATTEST:
ILENE LARSON,
Town Clerk