

**CITY OF MONROE
ORDINANCE NO. 013/2016**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING MONROE MUNICIPAL CODE
CHAPTER 5.03, ADMISSIONS TAX; UPDATING AND
CLARIFYING THE TAXABLE ACTIVITIES SUBJECT TO
SAID CHAPTER; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 35.21.280 authorizes municipalities to impose an Admissions Tax; and

WHEREAS, the City Council adopted Monroe Municipal Code Chapter 5.03, Admissions Tax, through Ordinance No. 1095, on November 13, 1996, to establish an admissions tax for various activities in accordance with RCW 35.21.280; and

WHEREAS, MMC 5.03 was further amended through the passage of Ordinance No. 1166, amending taxes to be levied, and Ordinance No. 021/2013, to include arcades and video games; and

WHEREAS, it is the desire of the City Council to amend Chapter 5.03 MMC further in order to update and clarify the taxable events that are subject to said chapter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 5.03 MMC. Chapter 5.03 Admissions Tax, of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

**CHAPTER 5.03
ADMISSION TAX**

Sections:

| | |
|-----------------|---|
| <u>5.03.005</u> | <u>Authority; construction.</u> |
| <u>5.03.010</u> | <u>Definitions.</u> |
| <u>5.03.020</u> | <u>Admissions tax levied.</u> |
| <u>5.03.025</u> | <u>Exemptions.</u> |
| <u>5.03.030</u> | <u>[DETERMINATION OF AMOUNT AND PENALTIES]Repealed.</u> |
| <u>5.03.035</u> | <u>Application and reporting.</u> |
| <u>5.03.040</u> | <u>Collection – Remittance to finance director.</u> |
| <u>5.03.050</u> | <u>[APPLICATION AND REPORTING]Repealed.</u> |
| <u>5.03.060</u> | <u>Violations.</u> |
| <u>5.03.070</u> | <u>Severability.</u> |

5.03.005 Authority; construction.

The provisions of this chapter are adopted pursuant to RCW 35.21.280, and shall be reasonably construed in accordance with that statute.

5.03.010 Definitions.

~~["ADMISSION CHARGE," IN ADDITION TO ITS USUAL MEANING, SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:~~

~~A. A COVER CHARGE OR A CHARGE MADE FOR USE OF SEATS OR TABLES, RESERVED OR OTHERWISE, AND SIMILAR ACCOMMODATIONS.~~

~~B. A CHARGE MADE FOR RENTAL OR USE OF EQUIPMENT OR FACILITIES FOR PURPOSES OF ENTERTAINMENT OR AMUSEMENT AND, WHERE THE RENTAL OF THE EQUIPMENT OR FACILITIES IS NECESSARY TO THE ENJOYMENT OF THE PRIVILEGE FOR WHICH GENERAL ADMISSION IS CHARGED, THE COMBINED CHARGE SHALL BE CONSIDERED AS THE ADMISSION CHARGE.~~

~~C. A CHARGE MADE FOR ENTERTAINMENT ACTIVITIES OR ADMISSION TO ANY THEATER, DANCE HALL, CABARET, ADULT ENTERTAINMENT CABARET, GOLF COURSE, PRIVATE CLUB, AUDITORIUM, CIRCUS, SIDE SHOW, OUTDOOR AMUSEMENT PARK, ARCADE, OR ANY SIMILAR PLACE; AND INCLUDES EQUIPMENT TO WHICH PERSONS ARE ADMITTED FOR PURPOSES OF ENTERTAINMENT SUCH AS ARCADE AND VIDEO GAMES, MERRY GO ROUNDS, FERRIS WHEELS, DODGEMS, ROLLER COASTERS, GO CARTS AND OTHER RIDES, WHETHER SUCH RIDES ARE RESTRICTED TO TRACKS OR NOT.~~

~~D. A SUM OF MONEY REFERRED TO AS A "DONATION" WHICH MUST BE PAID BEFORE ENTRANCE IS ALLOWED.~~

~~E. A CHARGE MADE FOR FOOD AND REFRESHMENT IN ANY PLACE WHERE FREE ENTERTAINMENT, RECREATION OR AMUSEMENT IS PROVIDED.~~

~~F. A CHARGE MADE FOR SEASON TICKETS OR SUBSCRIPTIONS FOR AN EVENT HELD IN THE CITY OF MONROE.~~

~~G. AUTOMOBILE PARKING CHARGES IF THE AMOUNT OF THE CHARGE IS DETERMINED ACCORDING TO THE NUMBER OF PASSENGERS IN THE AUTOMOBILE.~~

~~H. "ADMISSION CHARGE" DOES NOT INCLUDE PERSONS PAYING AN ADMISSION TO ANY ACTIVITY OF ANY ELEMENTARY OR SECONDARY SCHOOL. THIS INCLUDES A TAX ON PERSONS WHO ARE ADMITTED FREE OF CHARGE OR AT REDUCED RATES TO ANY PLACE FOR WHICH OTHER PERSONS PAY A CHARGE OR A REGULAR HIGHER CHARGE FOR THE SAME PRIVILEGES OR~~

~~ACCOMMODATIONS. THIS ADMISSION CHARGE DOES NOT APPLY TO BONA FIDE CHARITABLE ORGANIZATIONS AS DEFINED IN RCW 19.09.020, AND/OR SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE; OR SPECIAL BENEFITS PERFORMANCES OFFERED AS A FUNDRAISER FOR THE COMMUNITY. EVIDENCE OF EXEMPT STATUS IS REQUIRED AND MUST BE SUBMITTED WITH APPLICATION.]~~

A. "Admission charge" shall be as defined in RCW 35.21.280, including any future amendments thereto.

B. "Adult arcade," "adult booth," and "nude model studio" shall have the meanings as defined in Chapter 5.48 MMC.

5.03.020 Admissions tax levied.

There is hereby levied a five percent tax to be paid by the person who pays an admissions charge to any of the following places for which admission is charged:

1. Theaters.

2. Motion picture theaters.

3. Dance halls.

4. Cabarets.

5. Adult arcades.

6. Adult booths.

7. Nude model studios.

8. Golf courses.

9. Private clubs.

10. Auditoriums.

11. Circuses.

12. Side shows.

13. Outdoor amusement parks.

14. Any building, enclosure, or area for the purpose of observing a performance, competition, or athletic event~~[OR SUCH OTHER AMOUNT AS MAY BE SET BY PERIODIC RESOLUTION ON ADMISSIONS FOR ENTERTAINMENT~~

~~PURPOSES IN THE CITY OF MONROE. SUCH TAX IS TO CONTINUE INDEFINITELY OR UNTIL AMENDED OR REPEALED BY THE CITY COUNCIL.]~~

5.03.025 Exemptions.

A. The admissions tax does not apply to persons who pay an admissions charge with respect to the following:

- 1. The activities of any elementary or secondary school.**
- 2. The activities of any charitable organization as defined by RCW 19.09.020 or Section 501(c)(3) of the Internal Revenue Code.**
- 3. Any public facility of a public facility district under Chapters 35.57 RCW or 36.100 RCW for which a tax is imposed under RCW 35.57.100 or RCW 36.100.210, except as allowed by law.**
- 4. Any special benefit performances offered as a fundraiser for the community.**
- 5. Any activity that is exempt pursuant to state or federal law.**

B. Any person claiming exempt status under this chapter shall bear the burden of proof and shall provide appropriate documentation supporting such claim to the finance director.

5.03.030 [DETERMINATION OF AMOUNT AND PENALTIES]Repealed.

~~[A. THE TAX IMPOSED HEREUNDER SHALL BE COLLECTED AT THE TIME THE ADMISSION CHARGE IS PAID AND SUCH TAXES SHALL BE REMITTED BY THE PERSON COLLECTING THE TAX TO THE CITY OF MONROE FINANCE DIRECTOR IN MONTHLY REMITTANCES ON OR BEFORE THE LAST DAY OF THE MONTH SUCCEEDING THE END OF THE MONTHLY PERIOD IN WHICH THE TAX IS COLLECTED OR RECEIVED AND ACCOMPANIED BY SUCH REPORTS AS THE FINANCE DIRECTOR SHALL REQUIRE.~~

~~B. ANY PERSON RECEIVING ANY PAYMENT FOR ADMISSIONS SHALL MAKE OUT A RETURN UPON SUCH FORMS AND SETTING FORTH SUCH INFORMATION AS THE FINANCE DIRECTOR MAY REQUIRE, SHOWING THE AMOUNT OF THE TAX UPON ADMISSIONS FOR WHICH HE IS LIABLE FOR THE PRECEDING MONTHLY PERIOD, AND SHALL SIGN AND TRANSMIT THE SAME TO THE FINANCE DIRECTOR WITH A REMITTANCE FOR THE AMOUNT; PROVIDED, THAT THE FINANCE DIRECTOR MAY AT HIS/HER DISCRETION REQUIRE VERIFIED ANNUAL RETURNS FROM ANY PERSON RECEIVING ADMISSION PAYMENTS SETTING FORTH SUCH ADDITIONAL INFORMATION AS HE/SHE MAY DEEM NECESSARY TO DETERMINE CORRECTLY THE AMOUNT OF TAX COLLECTED AND PAYABLE.~~

~~C. IF THE RETURN PROVIDED FOR HEREIN IS NOT MADE AND TRANSMITTED AND THE TAX IS NOT COLLECTED AND REMITTED TO THE CITY BY THE LAST DAY OF THE MONTH SUCCEEDING THE END OF THE MONTH IN WHICH THE TAX WAS COLLECTED, THE FINANCE DIRECTOR SHALL ADD A PENALTY OF TEN PERCENT, OR SUCH OTHER AMOUNT AS MAY BE SET BY PERIODIC RESOLUTION, OF THE TAX PER MONTH OR FRACTION THEREOF FOR EACH MONTH OVERDUE, WHICH SHALL BE ADDED TO THE AMOUNT OF THE TAX DUE, AND REMITTED IN THE SAME MANNER.~~

~~D. WHENEVER ANY THEATER, CIRCUS, SHOW, EXHIBITION, ENTERTAINMENT OR AMUSEMENT MAKES AN ADMISSION CHARGE WHICH IS SUBJECT TO THE TAX HEREIN LEVIED, AND THE SAME IS OF A TEMPORARY OR TRANSITORY NATURE OR THERE EXISTS A REASONABLE QUESTION OF FINANCIAL RESPONSIBILITY, OF WHICH THE FINANCE DIRECTOR SHALL BE THE JUDGE, MAY REQUIRE THE REPORT AND REMITTANCE OF THE ADMISSION TAX IMMEDIATELY UPON THE COLLECTION OF THE SAME, AT THE CONCLUSION OF THE PERFORMANCE OR EXHIBITION, OR AT THE CONCLUSION OF THE SERIES OF PERFORMANCES OR EXHIBITIONS.~~

~~E. EVERY PERSON LIABLE FOR THE COLLECTION AND PAYMENT OF THE TAX IMPOSED BY THIS CHAPTER SHALL KEEP AND PRESERVE FOR A PERIOD OF FIVE YEARS ALL UNUSED TICKETS, TICKET MANIFESTS, BOOKS AND ALL OTHER RECORDS FROM WHICH CAN BE DETERMINED THE AMOUNT OF ADMISSION TAX WHICH HE WAS LIABLE TO REMIT UNDER THE PROVISIONS OF THIS CHAPTER, AND ALL SUCH TICKETS, BOOKS AND RECORDS SHALL BE OPEN FOR EXAMINATION AND AUDIT AT ALL REASONABLE TIMES BY THE FINANCE DIRECTOR OR HIS DULY AUTHORIZED AGENT.]~~

5.03.035 Application and reporting.

A. Any person conducting or operating any place or activity subject to the admissions tax shall procure from the city an annual certificate of registration, in the amount as may be set by periodic resolution, and said certificate of registration shall be posted in a conspicuous place where tickets of admission are sold or the taxable activity occurs. All certificates of registration shall expire on December 31st and shall not be prorated. Annual renewals will be provided without a fee if application therefore is received by March 1st of the following year; if an application is not received in this timely manner, the renewal fee will be as established by periodic City Council resolution.

B. The applicant for a certificate of registration shall furnish the finance director with the completed application, with the name and address of the owner, lessee or custodian of the premises upon which the taxable activity is to be conducted, and such owner, lessee or custodian shall be notified of the issuance of such certificate and of his/her joint liability for collection and remittance of such tax.

C. The finance director shall have the power to adopt rules and regulations, and to issue administrative interpretations, not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied, and a copy of the rules, regulations and interpretations shall be on file and available for public examination in the finance director's office.

5.03.040 Collection – Remittance to finance director.

A. The tax imposed hereunder shall be collected at the time the admission charge is paid ~~[AND SUCH TAXES SHALL BE REMITTED]~~ by the person **receiving payment of said charge, and such person shall remit** the tax to the city of Monroe finance director in monthly remittances on or before the last day of the month succeeding the end of the monthly period in which the tax is collected or received and accompanied by such reports as the finance director shall require.

B. Any person receiving any payment for **an admissions charge** shall make out a return upon such forms and setting forth such information as the finance director may require, showing the amount of the tax upon admissions for which he/**she** is liable for the preceding monthly period, and shall sign and transmit the same to the finance director with a remittance for the amount; provided, that the finance director may at his/her discretion require verified annual returns from any person receiving admission payments setting forth such additional information as he/she may deem necessary to determine correctly the amount of tax collected and payable.

C. If the return provided for herein is not made and transmitted and the tax is not collected and remitted to the city by the last day of the month succeeding the end of the month in which the tax was collected, the finance director shall add a penalty of ten percent, or such other amount as may be set by periodic **City Council** resolution, of the tax per month or fraction thereof for each month overdue, which shall be added to the amount of the tax due, and remitted in the same manner.

D. Whenever any **taxable activity**~~[THEATER, CIRCUS, SHOW, EXHIBITION, ENTERTAINMENT OR AMUSEMENT MAKES AN ADMISSION CHARGE WHICH IS SUBJECT TO THE TAX HEREIN LEVIED, AND THE SAME]~~ is of a temporary or transitory nature or there exists a reasonable question of financial responsibility, of which the finance director shall be the judge, may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions.

E. Every person liable for the collection and **remittance**~~[PAYMENT]~~ of the tax imposed by this chapter shall keep and preserve for a period of five years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax which he/**she** was liable to remit under the provisions of this chapter, and all such tickets, books and records shall be open for examination and audit at all reasonable times by the finance director or his/**her designee**~~[DULY AUTHORIZED AGENT]~~.

5.03.050 [APPLICATION AND REPORTING] Repealed.

~~A. ANY PERSON CONDUCTING OR OPERATING ANY PLACE FOR ENTRANCE TO WHICH AN ADMISSION CHARGE IS MADE SHALL PROCURE FROM THE CITY AN ANNUAL CERTIFICATE OF REGISTRATION, THE FEE FOR WHICH SHALL BE FIFTEEN DOLLARS OR SUCH OTHER AMOUNT AS MAY BE SET BY PERIODIC RESOLUTION, AND SHALL BE POSTED IN A CONSPICUOUS PLACE WHERE TICKETS OF ADMISSION ARE SOLD OR THE ACTIVITY OCCURS. ALL CERTIFICATES OF REGISTRATION SHALL EXPIRE ON DECEMBER 31ST AND SHALL NOT BE PRORATED. ANNUAL RENEWALS WILL BE PROVIDED WITHOUT A FEE IF APPLICATION IS RECEIVED BY MARCH 1ST OF THE FOLLOWING YEAR; IF NOT RECEIVED IN THIS TIMELY MANNER, THE RENEWAL FEE WILL BE THE SAME AS ESTABLISHED FOR AN INITIAL CERTIFICATE.~~

~~B. THE APPLICANT FOR A CERTIFICATE OF REGISTRATION SHALL FURNISH THE FINANCE DIRECTOR WITH THE COMPLETED APPLICATION, WITH THE NAME AND ADDRESS OF THE OWNER, LESSEE OR THE CUSTODIAN OF THE PREMISES UPON WHICH THE AMUSEMENT IS TO BE CONDUCTED, AND SUCH OWNER, LESSEE OR CUSTODIAN SHALL BE NOTIFIED OF THE ISSUANCE OF SUCH CERTIFICATE AND OF HIS JOINT LIABILITY FOR COLLECTION AND REMITTANCE OF SUCH TAX.~~

~~C. THE FINANCE DIRECTOR SHALL HAVE THE POWER TO ADOPT RULES AND REGULATIONS NOT INCONSISTENT WITH THE TERMS OF THIS CHAPTER FOR CARRYING OUT AND ENFORCING THE PAYMENT, COLLECTION AND REMITTANCE OF THE TAX HEREIN LEVIED, AND A COPY OF THE RULES AND REGULATIONS SHALL BE ON FILE AND AVAILABLE FOR PUBLIC EXAMINATION IN THE FINANCE DIRECTOR'S OFFICE.]~~

5.03.060 Violations.

A. Violation a Misdemeanor~~[AS PROVIDED BY STATE STATUTE]~~. Each violation of or failure to comply with the provisions of this chapter constitutes a separate offense and is a misdemeanor.

B. Collection of Tax by Civil Action. Any fee or tax due and unpaid and delinquent under this chapter and all penalties thereon may be collected **by the City** by civil action, which remedies shall be in addition to any and all other existing remedies **and/or penalties.**

C. Violators Designated. Any person who directly or indirectly performs or omits to perform any act in violation of this chapter, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is and shall be **deemed** a principal **violation** under the terms of this chapter and may be proceeded against as such.

5.03.070 Severability.

If any section, sentence, clause or phrase of this chapter 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 chapter.

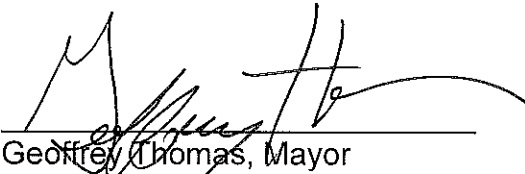
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 13th day of September, 2016.

First Reading: August 9, 2016
Adopted: September 13, 2016
Published: September 20, 2016
Effective: September 25, 2016

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor

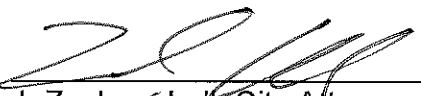
(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Smoot, MMC, City Clerk



J. Zachary Lelf, City Attorney