

**ORDINANCE NO. 108
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, IMPOSING
AN ADMISSIONS TAX IN THE CITY OF LIBERTY LAKE FOR THE PURPOSES OF
ACQUIRING, IMPROVING AND MAINTAINING PARKS, GOLF COURSES AND
OTHER OPEN OR NATURAL SPACES.**

WHEREAS, RCW 35.21.280 authorizes the City to collect a tax on admission charges in the City;

WHEREAS, the City Council has solicited and received public input on a City admission tax;

WHEREAS, the success of Liberty Lake is due in part to the creation, improvement and maintenance of open spaces and aesthetic corridors throughout the community; and

WHEREAS, the City Council has determined it is in the best interests of the City to impose an admissions tax in order to provide for the acquisition, improvement and maintenance of parks, golf courses and other open or natural spaces;

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. **Imposition of Tax.** A tax in the amount of five percent (5%) of the admission charge is hereby fixed and levied on every person who pays an admission charge to any golf course, driving range, pitch-and-putt course or miniature golf course in the City of Liberty Lake. Such tax shall be measured by applying the five percent (5%) tax to the regular admission charge or price imposed for the above activities. For reduced admission charges such as a season pass or multiple play discount, the tax shall be five percent (5%) of the reduced charge. The tax is payable at the point of sale.

Section 2. **Definitions.**

"Admission charge" in addition to its usual and ordinary meaning is the amount which must be paid as a condition of gaining admission to a place and/or participating in an event identified in Section 1. The term includes:

- A. A charge made for season tickets or subscriptions;
- B. A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

- C. A charge made for rental or use of equipment (which includes golf balls but does not include power or pull carts) or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

"Person" means any individual, receiver, assignee, firm, partnership, corporation, company, association, society, or any group of individuals acting as a unit whether mutual, cooperative, fraternal or non-profit or otherwise.

"Place" means any structure, enclosure, development, improvements or portion thereof used for the activities described in Section 1.

Section 3. Exemptions.

A. No tax shall be levied on any person who is admitted free and from whom no compensating payment is obtained.

B. No tax shall be levied on any person who is participating in an activity sponsored by an elementary, middle or junior high school and high school.

Section 4. Administration.

A. Collection of Tax. Every person receiving or entitled to payment for admission on which a tax is levied under this Ordinance shall collect the amount of the tax imposed from the person making the admission payment. The tax to be collected under this Ordinance shall be deemed to be held in trust by the person required to collect the same until paid to the City. Any person required to collect the tax imposed under this Ordinance who fails to collect the same or, having collected the same, fails to remit the same to the City Treasurer in the manner prescribed by this Ordinance shall nevertheless be personally liable to the City for the amount of such tax, and shall, unless the remittance be made as herein required, be subject to the penalties in this Ordinance.

B. Payment. The tax imposed hereunder shall be collected at the time the admission charge is paid or imposed on the person seeking admission to any place mentioned in Section 1. The tax shall be reported and remitted by the person receiving the tax to the City in monthly installments and remittances therefor on or before the last day of the month succeeding the end of the monthly period in which the tax is collected or approved. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the City, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the City unless the check is honored and is in the full and correct amount.

C. Reporting. The person receiving any payment for admissions shall make out a return upon such forms setting forth such information as the City may require, showing the amount of the tax upon admissions for the preceding monthly period, and shall sign and transmit

the same to the City with a remittance for said amount. The Finance Director may require verified annual returns from any person receiving admission payments setting forth such additional information as deemed necessary to determine correctly the amount of tax collected and payable. The books, records and accounts of any person collecting a tax herein levied shall, as to admission charges and tax collections, be at all reasonable times subject to examination and audit by the Finance Director.

D. Rules and Regulations. The Finance Director shall have power to adopt rules and regulations not inconsistent with the terms of this Ordinance, subject to the approval of the Mayor and City Council, for carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of said rules and regulations shall be on file and available for public examination in City Hall. Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this Ordinance.

E. Records. It shall be the duty of every person liable for any tax imposed by this Ordinance to keep and preserve for a period of two years such suitable records as may be necessary to determine the amount of any tax due under the provisions of this Ordinance.

F. Assessment of Tax When No Return Filed. If any person shall fail or refuse to make any return required by this Ordinance, the Finance Director or designee shall proceed in such manner as reasonable to obtain facts and information on which to base an estimate of the tax due. As soon as the Finance Director or designee shall procure such facts and information upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, the Finance Director shall proceed to determine and assess against such person the tax and penalties provided for by this Ordinance and shall notify such taxpayer by mail of the total amount of such tax, penalties and interest, and the total amount shall be paid within ten days from the date of such notice.

G. Penalty for Delinquent Payment.

1. If any person fails or refuses to pay the tax required to be paid by this Ordinance within the time and in the amount specified by this Ordinance, the Finance Director shall add to any tax due, interest at the rate of one percent per month of the amount of the tax on each thirty days or portion thereof from the date upon which the tax is due as provided by this Ordinance, and, if said tax shall remain delinquent and unpaid for a period of thirty days from the date that the same was due and payable, the Finance Director shall add a further penalty of ten percent of the amount of the tax due.
2. The tax imposed by this ordinance, and all penalty and interest shall constitute a debt to the City of Liberty Lake and may be collected by court proceedings in the same manner as any other debt. Any judgment entered in favor of the City of Liberty Lake may include an award to the City of Liberty Lake of all court and collection costs including attorney fees to the extent permitted by law. Amounts declared delinquent for more than 60 days by the Finance Director may be assigned to a third party for collection in which case the amount of any collection charges shall be in addition to all other amounts owed.

H. Payment of Tax on Disposal of Business. Whenever any person required to pay a tax under this Ordinance quits business or otherwise disposes of his business, any tax payable hereunder shall become immediately due and payable and such person shall immediately make a return and pay the tax due, and, if such tax is not paid by the person within ten days from the date of such sale, exchange or disposal, the purchaser or successor shall likewise thereupon become liable for the payment of the full amount of such tax.

Section 5. Appeal Procedure. Any taxpayer aggrieved by the amount of the tax, interest or penalties imposed under the provisions of this ordinance may upon full payment of the amount assessed appeal such assessment by filing a written Notice of Appeal with the City Clerk within 14 days from the date such taxpayer was given notice of the amounts due. The City Clerk shall fix a time and place for hearing of such appeal before the City Hearing Examiner with such Hearing occurring not more than 60 days after the filing of the Notice of Appeal. The Hearing Examiner shall render a decision based upon the evidence submitted including the correct amount of the fee, penalty and interest due the City. The decision by the Hearing Examiner shall be final with further appeal to the Superior Court of Washington in and for Spokane County within 30 days after the date of the Hearing Examiner's decision.

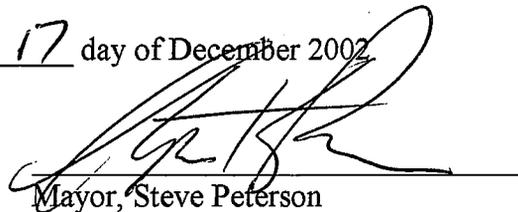
Section 6. Limitation on Use. Revenues collected by the imposition of the tax established by this ordinance shall be limited as to use to:

- a. The administration of this ordinance; and
- b. The acquisition, improvement and maintenance of parks, golf courses and other open, natural spaces, or similar public lands. "Other open or natural spaces" shall include without limitation trees and landscaping as part of a motorized or nonmotorized transportation system and conservation easements inside or outside the City; and provide funds for payment of interfund loans, other buildings related to uses as described in this section.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance shall 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 8. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, and on January 1, 2003.

PASSED by the City Council this 17 day of December 2002



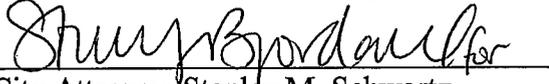
Mayor, Steve Peterson

ATTEST:



Arlene Fisher, Finance Director/City Clerk

APPROVED AS TO FORM:



City Attorney, Stanley M. Schwartz

Date of Publication: 12/24/02

Effective Date: 12/29/02