

**ORDINANCE NO. 127
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

AN ORDINANCE OF THE CITY OF LIBERTY LAKE ESTABLISHING A TOURISM PROMOTION AREA, IMPOSING A CHARGE OF THE FURNISHING OF LODGING BY A LODGING BUSINESS LOCATED IN THE TOURISM PROMOTION AREA, PROVIDING FOR THE COLLECTION OF THE CHARGE, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council on June 1, 2004 adopted Resolution No. 04-65 that provided for the establishment of a City Tourism Promotion Area (the "TPA") in a manner consistent with RCW Chapter 35.101;

WHEREAS, the City Council following public notice at a duly scheduled regular meeting on June 15, 2004 held a public hearing for the purpose of receiving comments and testimony concerning the formation of the TPA;

WHEREAS, following the public hearing the City Council desires to establish the Liberty Lake Tourism Promotion Area;

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

Section 1. Definitions.

The following terms are defined as follows:

1.1 "Agreement" shall mean the Interlocal Cooperation Agreement between Spokane County, City of Spokane and the City of Spokane Valley for the establishment of a Spokane County Tourism Promotion Area by Spokane County as authorized by Chapter 35.101.040(2) RCW.

1.2 "Annual Budget" shall mean the Tourism Promotion Area budget for a fiscal year, as adopted or amended by the City Council identifying all estimated revenue from Special Assessments for the fiscal year, and providing for all proposed uses of Special Assessment revenue for the purpose of providing tourism promotion in the ensuing fiscal year.

1.3 "Liberty Lake Tourism Promotion Area" means the Tourism Promotion Area created by the Ordinance of the Liberty Lake City Council pursuant to the authority of RCW 35.101.

1.4 "Lodging Business" means a business located within the Liberty Lake Tourism Promotion Area that furnishes lodging taxable by the state under chapter 82.08 RCW that has forty (40) or more lodging units.

1.5 "Operator" means the Operator of a Lodging Business, whether in the capacity of owner, general manager, lessee, sub lessee, mortgagee in possession, license or any other similar capacity.

1.6 "Room Revenues" means the gross per-night-charge (nights of stay) imposed for the rental of a room or combination of rooms for Lodging.

1.7 "Special Assessment or Charge" means the levy imposed by the City of Liberty Lake on the Operators of a Lodging Business within the Tourism Promotion Area and subsequently passed on to the guests of the Lodging Business, under the authority of RCW 35.101.050 for the purpose of providing for funding of tourism promotion in Liberty Lake.

1.8 "Spokane Metropolitan Area" means Spokane County, including the entire areas within the jurisdiction of the City of Spokane, City of Spokane Valley, City of Liberty Lake and the unincorporated area of Spokane County.

1.9 "Tourism Promotion" means activities and expenditures designed to increase tourism and convention business, including but not limited to, advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists to the City of Liberty Lake and Spokane Metropolitan Area.

1.10 "Transient Basis" means the rental of a room or rooms for dwelling, lodging, or sleeping purposes by the Operator of a Lodging Business for a period of thirty (30) consecutive calendar days or less, counting a portion of a day as a full calendar day.

1.11. "Zone" or "Zones" means the area within the Tourism Promotion Area.

Section 2. Establishment of Tourism Promotion Area.

There is hereby established a Tourism Promotion Area having boundaries coterminous with the boundaries of City of Liberty Lake, Washington.

Section 3. Assessment Rate.

There is imposed a Special Assessment on the furnishing of lodging by a Lodging Business located in the Tourism Promotion Area as follows:

For those Lodging Businesses with room revenues during the preceding calendar year, which exceeded five hundred thousand dollars (\$500,000.00) the special assessment shall be \$1.00 per room per day.

For those Lodging Businesses with room revenues during the preceding calendar year, which did not exceed five hundred thousand dollars (\$500,000.00) the special assessment shall be \$0.50 per room per day.

The charge(s) imposed under this section are not a tax on the "sale of lodging" for the purposes of RCW 82.14.410.

Section 4. Use of Special Assessment Revenues.

The revenues from the Special Assessments levied on the Operators of Lodging Businesses situated within the Tourism Promotion Area shall be used for the following purposes only:

- (1) The funding of all activities and expenditures designed to increase tourism promotion and convention business within the Tourism Promotion Area as specified in the Tourism Promotion Area Budget;
- (2) The marketing of convention business and trade shows that benefit local tourism;
- (3) The marketing of Liberty Lake to the travel industry in order to benefit local tourism and the lodging businesses situated within the Tourism Promotion Area; and
- (4) The marketing of Liberty Lake to recruit major sporting events in order to promote local tourism and to benefit the Lodging Businesses within the Tourism Promotion Area.

Section 5. Use of Special Assessments and Annual Budget.

The City Council recognizes all of the revenues from Special Assessments shall be allocated in accordance with the Annual Budget for the Tourism Promotion Area. Pursuant to the authority of RCW 35.101.130(1), the City Council shall adopt an Annual Budget. The adoption of the Annual Budget shall be done at a regular meeting of the City Council following an opportunity for public comment.

Section 6. Modification or Disestablishment of the Tourism Promotion Area.

- A. The City Council, by appropriate action, may modify the provisions of this Ordinance or provide for the disestablishment of the Tourism Promotion Area, after adopting a resolution of intention to such effect. Such resolution of intention shall describe the change or changes proposed, or indicate that it is the intention to disestablish the Tourism Promotion Area, and shall state the time and place of a public hearing to be held by the City Council.
- B. If the Operators of Lodging Businesses which pay for over forty percent (40%) of the Special Assessments levied within the Tourism Promotion Area file a petition with the City Clerk requesting the City Council adopt a resolution of intention to modify or

disestablish the Tourism Promotion Area, the City Council shall consider such resolution at a regular meeting and act upon it as required by law. Signatures on such petition shall be those of a duly authorized representative of the operators of Lodging Businesses in the Tourism Promotion Area.

- C. In the event the resolution proposes disestablishment of the Tourism Promotion Area, the City Council by Ordinance shall disestablish the Spokane County Tourism Promotion Area; unless at such hearing, protest against disestablishment is made by the operators of Lodging Businesses paying over fifty percent (50%) of the Special Assessments in the Tourism Promotion Area.

Section 7. Administration and Collection of Assessments.

The special assessment imposed under Section No. 2 shall be administered by the Washington State Department of Revenue and shall be collected by Lodging Businesses from those guests who are taxable by the state under chapter 82.02 RCW. The provisions of chapter 82.32 RCW apply to the special assessments imposed under Section No. 2.

The special assessments collected by the Washington State Department of Revenue shall be deposited by the Department in the local tourism promotion account created and maintained by the State Treasurer. All receipts from the special assessments imposed hereunder must be deposited into this account. Expenditures from the account may only be used for tourism promotion. The State Treasurer shall distribute the money in the account on a monthly basis to Liberty Lake.

Section 8. Inspection.

All Lodging Businesses subject to the special assessment as set forth in Section No. 2 herein and Liberty Lake consent to the inspection of such records as are deemed necessary by the Washington State Department of Revenue pursuant to applicable statutes, rules or regulations.

Section 9. Contract with State for Administration.

The Mayor of the City of Liberty Lake is authorized to enter into contract(s) with the Washington State Department of Revenue for the administration of the charge imposed pursuant to this Ordinance.

Section 10. Violation and Penalties.

Any person, firm or corporation who fails or refuses to collect the charge as required under the terms of this Ordinance with the intent to violate the provisions of this Ordinance or to gain some advantage or benefit, either directly or indirectly, and any guest who refuses to pay any charge due under this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in the amount fixed by the court of not more than \$1,000.00 or by both such imprisonment and fine. Provided, however, the penalty provided for under the terms of this Section shall be in addition to any other provisions provided for by law.

Section 11. Miscellaneous.

Through RCW 35.101.040(2) Spokane County along with the cities of Spokane and Spokane Valley established the Spokane County Tourism Promotion Area and executed an Interlocal Agreement as required by state law. See Spokane County Ordinance No. 04 0141. This City of Liberty Lake ordinance is modeled after the above identified County Ordinance. It is the intent of the City Council that the Liberty Lake Tourism Promotion Area join with and become a part of the Spokane County Tourism Promotion Area through assent to the Interlocal Agreement executed by the City of Spokane, City of Spokane Valley and Spokane County.

Section 12. 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.

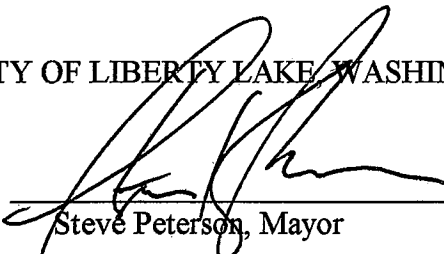
Section 13. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.


PASSED by the City Council Liberty Lake, Washington this 6th day of July, 2004.

CITY OF LIBERTY LAKE, WASHINGTON


By: _____


Steve Peterson, Mayor

ATTEST:


Arlene Fisher, City Clerk

Approved as to form:


Stanley M. Schwartz, City Attorney
Date of Publication: 7/29/04

City of Liberty Lake
Liberty Square Building
1421 North Meadowwood Lane, Suite 120
Liberty Lake, WA 99019
(509) 755-6700

**NOTICE OF ORDINANCE PASSED
BY LIBERTY LAKE CITY COUNCIL**

The following is the title and summary of Ordinance No. 127 passed by the City of Liberty Lake City Council on the 6th day of July, 2004.

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE ESTABLISHING A
TOURISM PROMOTION AREA, IMPOSING A CHARGE OF THE
FURNISHING OF LODGING BY A LODGING BUSINESS LOCATED IN THE
TOURISM PROMOTION AREA, PROVIDING FOR THE COLLECTION OF
THE CHARGE, AND OTHER MATTERS RELATED THERETO.**

The introductory paragraphs state that the City desires to establish the Liberty Lake Tourism Promotion Area

Section 1 defines the terms "Agreement", "Annual Budget", "Liberty Lake Tourism Promotion Area", "Lodging Business", "Operator", "Room Revenues", "Special Assessment or Charge", "Spokane Metropolitan Area", "Tourism Promotion", "Transient Basis", and "Zone".

Section 2 establishes a Tourism Promotion Area within the boundaries of Liberty Lake, Washington.

Section 3 establishes an Assessment Rate on the furnishing of lodging by a Lodging Business located in the Tourism Promotion Area.

Section 4 establishes the use of Special Assessment Revenues levied on the Operators of Lodging Businesses situated within the Tourism Promotion Area.

Section 5 states that all of the revenues from Special Assessments shall be allocated in accordance with the Annual Budget for the Tourism Promotion Area.

Section 6 states that the City Council may modify the provisions of this Ordinance or provide for the disestablishment of the Tourism Promotion Area.

Section 7 establishes the administration and collection of Assessments.

Section 8 allows for an inspection of records.

Section 9 states that the Mayor of Liberty Lake is authorized to enter into contracts with State for administration.


Section 10 establishes violations and penalties.

Section 11 states that this Ordinance is modeled after Spokane County Ordinance No. 04-0141.

Section 12 establishes a severability clause in the event some portion of the Ordinance is held invalid.

Section 13 states that this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

The full text of the Ordinance is available at the City of Liberty Lake City offices as identified above. A copy will be mailed out upon request.



Arlene Fisher
City Clerk-Treasurer

Published: 7/28/07