

0159-ORD
07/10/98

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5077

AN ORDINANCE imposing and levying a Lodging Excise Tax of five percent; providing for the collection and remittance of the tax; providing for the use of the proceeds of the tax; adopting a new Chapter 4.19 of the Bellevue City Code; amending and recodifying Bellevue City Code 4.16.030; and repealing Bellevue City Code Sections 4.16.010 and 4.16.020 and Bellevue City Code Chapters 4.17 and 4.18A.

WHEREAS, the City of Bellevue currently levies a 2% Accommodations Tax under Bellevue City Code Chapter 4.16 and a 3% Hotel/Motel Special Excise Tax under Bellevue City Code Chapter 4.17, as authorized by state law; and

WHEREAS, in 1997 the State Legislature amended the statutory provisions providing authority to cities to levy and collect taxes on the charges made for the furnishing of lodging; and

WHEREAS, an inadvertent veto of a portion of the amendatory legislation called in to question the ability of the City to continue to levy the full five percent in lodging taxes levied under Bellevue City Code Chapters 4.16 and 4.17; and

WHEREAS, to assure the ability of the City to continue to collect a total five percent in lodging taxes the City Council adopted Ordinance 5005 on July 18, 1997, creating a new Chapter 4.18A of the Bellevue City Code and imposing a Lodging Excise Tax for the purpose of preserving and maintaining the existing five percent total combined excise tax on the sale or charge made for the furnishing of lodging; and

WHEREAS, in 1998 the State Legislature adopted corrective legislation assuring the ability of the City to continue to collect under existing authority and at existing rates through January 1, 1999, validating the prior collection of such taxes and providing for new authority to levy a tax at existing rates after January 1, 1999; and

WHEREAS, the City Council desires to establish a new Lodging Excise Tax at the existing combined rate of five percent to take effect on January 2, 1999, to preserve existing taxing authority until that date and to repeal existing authority after January 1, 1999; and

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WHEREAS, the City's Lodging Tax Advisory Committee has reviewed this ordinance and recommended to the City Council that it be approved; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 4.19 is hereby added to the Bellevue City Code, to take effect on January 2, 1999, and to provide as follows:

CHAPTER 4.19
LODGING EXCISE TAX

4.19.010 Levy of Tax - Who Must Pay.

There is imposed and levied and shall be collected an excise tax of five percent on the sale or charge made for the furnishing of lodging that is subject to tax under RCW Chapter 82.08. The tax applies to the sale or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel or trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property. 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.

4.19.020 Collection and Remittance By State.

The State Department of Revenue is designated as the agent of the city for the purposes of collection of the tax and remittance of the tax to the city. Taxes received by the city shall be deposited in the Hotel/Motel Tax Fund.

4.19.030 Use of Tax Proceeds.

The proceeds of the tax collected under this chapter shall be used solely for the purpose and in the manner provided by RCW Chapter 67.28.

Section 2. Bellevue City Code 4.16.030 is hereby recodified as Bellevue City Code 4.19.040, and amended to read as follows:

4.19.040 Fund established.

There is established a special fund to be known as the Hotel/Motel Tax Fund, and into which all sums received by this lodging excise tax levy shall be paid. Said fund

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shall be administered in conformity with the requirements contained in RCW Chapter 67.28.

Section 3. Bellevue City Code Sections 4.16.010 and .020, Accommodations Tax, as adopted by Ordinance 2132, as amended; Chapter 4.17, Hotel/Motel Special Excise Tax, as adopted by Ordinance 3818, as amended; and Chapter 4.18A, Lodging Excise Tax, as adopted by Ordinance 5005 are repealed effective January 2, 1999, but shall remain in full force and effect until that date.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and publication.

PASSED by the City Council this 20th day of July, 1998, and signed in authentication of its passage this 20th day of July, 1998.

(SEAL)



Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard Gidley, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published July 24, 1998