

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY OF KIRKLAND IMPOSING AN EXCISE TAX ON SALE OF REAL ESTATE PROVIDING FOR THE COLLECTION THEREOF, LIMITING THE USE OF THE PROCEEDS THEREFROM, AND FIXING PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Imposition of real estate excise tax. There is hereby imposed a tax of one-quarter of one percent of the selling price on each sale of real property within the corporate limits of the City of Kirkland.

Section 2. Taxable events. Taxes imposed herein shall be collected from persons who are taxable by the State under Chapter 82.45 Revised Code of Washington, and Chapter 458-61 Washington Administrative Code upon the occurrence of any taxable event within the corporate limits of the City of Kirkland.

Section 3. Consistency with State tax. The taxes imposed herein shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the State under Chapter 82.45 RCW and Chapter 458-61 WAC. The provisions of those chapters to the extent they are not inconsistent with this ordinance, shall apply as though fully set forth herein.

Section 4. Distribution of tax proceeds and limiting the use thereof.

(1) The treasurer for King County shall place one percent of the proceeds of the taxes imposed herein in the county current expense fund to defray costs of collection.

(2) The remaining proceeds from the City of Kirkland taxes imposed by this ordinance, shall be distributed to the City of Kirkland monthly, and those taxes imposed under Section 1 hereinabove shall be placed by the Director of Administration and Finance, ex officio City Treasurer for the City of Kirkland, in a municipal capital improvement fund. These capital improvement funds shall be used by the City of Kirkland for local improvements, including but not by way of limitation, those listed in RCW 35.43.040.

(3) This section shall not limit the existing authority of the City of Kirkland to impose special assessments on property benefited thereby in the manner prescribed by law.

Section 5. Seller's obligation. The taxes imposed herein are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.

Section 6. Lien provisions. The taxes imposed herein and any interest or penalties thereon are a specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

Section 7. Payment and collection. The taxes imposed herein shall be paid to and collected by the treasurer of King County. The treasurer of King County shall act as agent for the City of Kirkland. The treasurer for King County shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance, prior to its recording or to the real estate excise tax affidavit, in the case of used mobile home sales. A receipt issued by the treasurer of King County for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in Section 6 of this ordinance and may be recorded in the manner prescribed for recording satisfactions or mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the King County Department of Records and Elections for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the face of the instrument by the treasurer for King County.

Section 8. Date payable. The tax imposed hereunder shall become due and payable immediately at the time of sale and, if not so paid within 30 days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

Section 9. Excessive and improper payments. If, upon written application by a taxpayer to the King County Treasurer for a refund, it appears a tax has been paid in excess of the amount actually due, or upon a sale or other transfer declared

to be exempt, such excess amount or improper payment shall be refunded by the King County Treasurer to the taxpayer; provided that no refund shall be made unless the State has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the City of Kirkland.

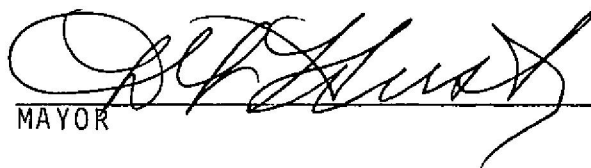
Section 10. The Kirkland City Manager, or the Kirkland Director of Administration and Finance as his delegate, is hereby authorized and directed to take all steps necessary and required, including the preparation and execution of any contracts or other agreements with King County, to establish the payment collection and enforcement procedures herein provided for.

Section 11. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

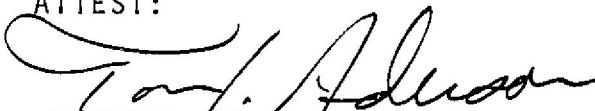
Section 12. Effective date. This ordinance shall be in force and take effect five days from and after its passage and publication or posting as required by law; provided, however, that the tax herein established shall be imposed on sales of real property from and after the first day of July, 1982.

Passed by majority vote of the Kirkland City Council in open regular meeting on the 7th day of June, 1982.

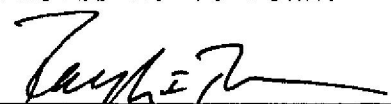
Signed in authentication thereof on the 7th day of June, 1982.


MAYOR

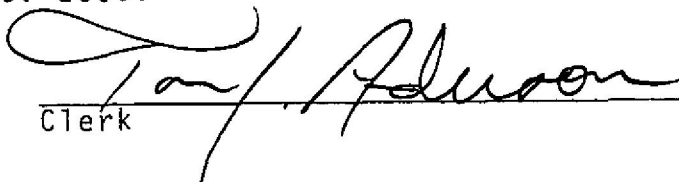
ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 9th day of June, 1982 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk