

ORDINANCE NO. 2832

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS AND OCCUPATION TAXES, AMENDING CERTAIN DEFINITIONS WITH RESPECT TO "TELEPHONE SERVICE" AS SUBJECT TO SAID TAX, AND AMENDING SECTION 5.08.020 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Section 5.08.020 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

5.08.020 Definitions. In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

(1) "Gross income" means the value proceeding or accruing from the sale of tangible property or service, and receipts by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale of notes, bonds, mortgages, or other evidences of indebtedness, or stock and the like) and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid or any expense whatsoever, and without any deduction on account of losses; provided that there shall be excluded from the gross income subject to the tax imposed by Section 5.08.050 upon telephone service, that portion of the receipts received which represent access to or charges for interstate services for which rates are contained in tariffs filed with the Federal Communications Commission, but only with respect to those businesses falling within subparagraph (6)(ii) of this section;

(2) "Person" or "persons" means persons of either sex, firms, copartnerships, corporations, including municipal corporations, and other associations of natural persons whether acting by themselves or by servants, agents or employees;

(3) "Residential domestic activities" means those activities commonly occurring or required in the operation and day-to-day maintenance of a human family unit of one or more persons when carried on within the residence of

such human family unit. "Residential domestic activities" shall not include activities directly relating substantially to gainful employment, the production of income, or the operation and maintenance of activities, serving or benefitting more than one human family unit;

(4) "Taxpayer" means any person liable to the license fee or tax imposed by this chapter;

(5) "Tax year" or "taxable year" means the year commencing January 1st and ending on the last day of December of the same year, or, in lieu thereof, the taxpayer's fiscal year when permission is obtained from the city clerk to use the same as the tax period;

(6) "Telephone service" as herein used includes the providing by any person of:

(i) Access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or the providing of telephonic video data or similar communication or transmission for hire via a local telephone network, toll line or channel, cable, microwave, or similar communication or transportation system; or

(ii) Interstate service, including toll service originating from or received on telecommunications equipment or apparatus within the city of Kirkland if the charge for the service is billed to a person or a customer located within the city of Kirkland; or

(iii) The transmission of information data or other communication in either sound or visual patterns from a point of origin to a point of destination when such transmission includes the utilization of electromagnetic or light spectrum vibrations or waves as a carrier.

Telephone service does not include the providing by any person of telecommunications equipment or apparatus or service related to that equipment or apparatus such as repair or maintenance service if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80, RCW and for which a separate charge is made.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of September, 1984.

Signed in authentication thereof this 17th day of September, 1984.

Doris Cooper
MAYOR

ATTEST:

W. J. Aduson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Taylor
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 18 day of SEPTEMBER, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Janice Perry
Clerk