



ORDINANCE NO. 4028-24

An Ordinance Relating to Admissions Tax, Repealing Chapter 3.20 of the Everett Municipal Code and Adopting a New Chapter 3.20 of the Everett Municipal Code.

WHEREAS,

- A. The admissions tax code, which is chapter 3.20 EMC, was adopted over 50 years ago and requires updating and clarification.
- B. The purpose of this ordinance is to replace the current chapter 3.20 EMC with a new chapter 3.20 EMC with updating and clarification.

NOW THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. The City Council hereby finds the foregoing recitals are adopted in support of this Ordinance.

Section 2. Chapter 3.20 EMC is hereby repealed and replaced with the Chapter 3.20 EMC as set forth in Exhibit A attached and incorporated herein.

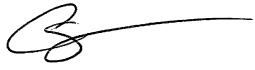
Section 3. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or situation, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 5. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the

enforcement of this Ordinance by its officers, employees or agents.



Cassie Franklin, Mayor

ATTEST



City Clerk

PASSED: 5/15/2024

VALID: 05/16/2024

PUBLISHED: 5/18/2024

EFFECTIVE DATE: 5/31/2024

EXHIBIT A

EMC Chapter 3.20 ADMISSIONS TAX

- 3.20.010 Definitions.
- 3.20.020 Tax levied—Amount.
- 3.20.030 Tax not levied—Exemptions.
- 3.20.040 Collection of tax—Duties of collector—Returns required.
- 3.20.050 Registration with city clerk.
- 3.20.060 Penalty for violations.

3.20.010 Definitions.

For purposes of this chapter, these words and phrases shall have the following meanings:

- A. “Admission charge,” in addition to its usual and ordinary meaning, includes a charge made for season tickets or subscriptions; a cover charge or a charge made for use of seats and tables, reserved or otherwise, and similar accommodations; a required charge made for food and refreshments in lieu of a cover charge in any place where any entertainment, recreation, or amusement is provided; and a charge made for rental or use of equipment or facilities for purposes of recreation or amusement (provided that where the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which a general admission is charged, the combined charge shall be considered as the admission charge).
- B. The “clerk” means the City clerk.
- C. A “place” can be either indoors or outdoors and includes, but is not limited to; theaters, auditoriums, music venues, drinking establishments, stadiums, athletic pavilions and fields, baseball and athletic parks, bowling alleys, golf courses, circuses, carnivals, swimming pools, and amusement parks.
- D. “Person” means any individual, receiver, assignee, firm, co-partnership, joint venture, corporation, company, joint stock association, society, entity, or any group of individuals acting as a unit, whether mutual, cooperative or fraternal. Regardless of the foregoing, when an individual or entity pays an admission charge to an organization recognized by the United States of America as exempt from federal income taxation pursuant to Section 501(c)(1) or (3) of the Internal Revenue Code, such paying individual or entity is not, as to that admission charge, a “person” for the purposes of this chapter.
- E. “Admissions tax” means the tax imposed under EMC 3.20.020 and this Chapter.

3.20.020 Tax levied—Amount.

Unless subject to exemption under EMC 3.20.030 or RCW 35.21.280 or successor law, there is levied and imposed, upon every person who pays an admission charge to any place, a tax of five percent paid for the admission charge.

3.20.030 Tax not levied—Exemptions.

- A. An admission charge \$5.00 or less is exempt from admissions tax.
- B. An admission charge for admission to the Regional Center owned, operated and maintained by the Everett Public Facilities District under Chapter 35.57 RCW, commonly referred to as the Everett Events Center, is exempt from admissions tax. This exemption includes exemption from admissions tax for any admission charge to paid to Everett Public Facilities District or paid to any person with whom the Everett Public Facilities District has either directly or indirectly contracted for the putting on of activities such as games, plays, performances, displays, or other similar activities in the Everett Events Center.
- C. Amounts paid to any person for initiation fees, or paid as dues on a membership basis in lieu of admissions charges for members, are exempt from admissions tax. However, admission charges paid by non-members are subject to admissions tax.
- D. Amounts paid to any person for admission by season ticket or subscription are exempt from admissions tax if the amount which would be charged to the season ticket holder or subscriber for a single admission is \$5.00 or less. Otherwise, amounts paid for admission by season ticket or subscription are subject to admissions tax.

3.20.040 Collection of tax—Duties of collector—Returns required—Administration.

- A. Admissions tax, unless exempted under this Chapter, shall be collected at the time an admission charge is paid by any person for admission to any place. The admissions tax shall be collected by the person receiving the admission charge and shall be held in trust until paid to the City.
- B. Any person required to collect admissions tax, unless exempted under this Chapter, who fails to collect such admissions tax shall be personally liable to the City for the amount of such tax and, unless remittance is made to the City as required by this Chapter, shall be guilty of a violation of this chapter in accordance with Chapter 3.19 EMC.
- C. Admissions tax collected by any person shall be reported and remitted by that person to the clerk in quarterly installments on a form(s) provided by the clerk.
- D. Any person, reasonably believed to be required to collect admissions tax, may be subject to an examination or audit by the clerk in accordance with EMC 3.19.060.

3.20.050 Registration with city clerk.

Any person conducting or operating any place which requires an admission charge for entry shall obtain a general business license from the clerk and shall indicate in its application for such license that admissions tax is likely to be collected by that person.

3.20.060 Administration.

This Chapter shall be administered in accordance with Chapter 3.19 of the Everett Municipal Code.

Ordinance 4028-24

Final Audit Report

2024-05-16

Created:	2024-05-15
By:	Marista Jorve (mjorve@everettwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAABGqivycEhyf63HsPGWPiog6xMdzGookC

"Ordinance 4028-24" History

-  Document created by Marista Jorve (mjorve@everettwa.gov)
2024-05-15 - 9:15:35 PM GMT
-  Document emailed to Cassie Franklin (cfranklin@everettwa.gov) for signature
2024-05-16 - 3:02:55 PM GMT
-  Email viewed by Cassie Franklin (cfranklin@everettwa.gov)
2024-05-16 - 4:29:35 PM GMT
-  Document e-signed by Cassie Franklin (cfranklin@everettwa.gov)
Signature Date: 2024-05-16 - 4:29:42 PM GMT - Time Source: server
-  Document emailed to Marista Jorve (mjorve@everettwa.gov) for signature
2024-05-16 - 4:29:44 PM GMT
-  Document e-signed by Marista Jorve (mjorve@everettwa.gov)
Signature Date: 2024-05-16 - 4:35:49 PM GMT - Time Source: server
-  Agreement completed.
2024-05-16 - 4:35:49 PM GMT