# ORDINANCE NO. 670

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S UTILITIES BUSINESS TAX, ADDING THE DEFINITION OF "TELEPHONE BUSINESS" CONSISTENT WITH STATE LAW; AMENDING THE GIG HARBOR MUNICIPAL CODE 3.16.020.**

WHEREAS, subsection 3.16.020 of the Gig Harbor Municipal Code defines terms used within this chapter for purposes of utility taxes; and

WHEREAS, the original intent of said definitions was to enable the collection of all taxable business revenues; and

WHEREAS, the state amended its definitions of a "telephone business" and "competitive telephone business" (RCW 82.04.065) for tax purposes, as a result of deregulation of certain telephone-related services and to determine the applicability of the tax regulations to cellular phone service; and

WHEREAS, the definitions contained in Chapter 3.16 of the Gig Harbor Municipal Code have not been similarly amended;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. Section 3.16.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

3.16.020 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:

D. "Business, telephone" means the business of providing access to a local telephone network, local network telephone switching service, toll service, cellular phone or coin telephone services. or the providing of telephonic, video, date, or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. This includes interstate service, and includes toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service if billed to a person in this state. It further includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations. "Competitive telephone service" means the providing 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 - 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 3 - Effective date.  This ordinance, being an ordinance authorizing the levy or collection of taxes, is not subject to initiative or referendum, and shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

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Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


Filed with City Clerk:      4/18/94
Passed by City Council:   5/9/94
Date Published:             5/18/94
Date Effective:             5/23/94

**SUMMARY OF ORDINANCE NO. 670**

of the City of Gig Harbor, Washington

On the 9th day of May, 1994, the City Council of the City of Gig Harbor, passed Ordinance No. 670. A summary of the content of said ordinance, consisting of the title, provides as follows:

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The full text of this Ordinance will be mailed upon request.

DATED this 11th day of May, 1994.

Mark E. Hoppen, City Administrator