

Ordinance No. 123450

Council Bill No. 117029

AN ORDINANCE relating to solid waste taxation; amending section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2011.

Related Legislation File: _____

Date Introduced and Referred: <u>Nov. 1, 2010</u>	To: (committee): <u>Budget</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>11.22.10</u>	Date Presented to Mayor: <u>11.23.10</u>
Date Signed by Mayor: <u>Dec. 2, 2010</u>	Date Returned to City Clerk: <u>Dec. 2, 2010</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Godden

Committee Action:

Date	Recommendation	Vote
<u>11.10.10</u>	<u>Pass</u>	<u>9-0</u>

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>11.22.10</u>	<u>Passed</u>	<u>9-0</u>

1 in or outside of Seattle from one (1) mode of transportation to another a transfer tax equal to the
2 solid waste tons handled for transportation or transported for landfill or incineration disposal
3 purposes multiplied by the following rates. (~~Effective through December 31, 2006, a rate of Six~~
4 ~~Dollars and Forty Five Cents (\$6.45) per ton. Effective January 1, 2007 through December 31,~~
5 ~~2009, a rate of Seven Dollars and Fifty Cents (\$7.50) per ton.)) Effective January 1, 2010 a rate~~
6 of Eight Dollars and Fifty Cents (\$8.50) per ton. Effective January 1, 2011 a rate of Eight
7 Dollars and Sixty Nine Cents (\$8.69). To prevent pyramiding of the tax under this subsection
8 when two (2) or more transfers occur in Seattle, the tax is imposed only upon the last transferor
9 and shall not apply to earlier transfers. Solid waste is transferred from one (1) mode of
10 transportation equipment to another, whenever it is moved from a motor vehicle (including, for
11 example, landgrading or earthmoving equipment), barge, train or other carrier to another motor
12 vehicle (including landgrading or earthmoving equipment), barge, train or other carrier,
13 irrespective of whether or not temporary storage occurs in the process. Solid waste shall not be
14 considered transferred if the solid waste was generated and placed in a sealed shipping container
15 outside of the city prior to being moved from one mode of transportation to another within the
16 city or the solid waste was put into a sealed shipping container at a transfer station and subjected
17 to the transfer tax prior to being delivered to the railhead. Beginning January 1, 2009, the transfer
18 tax shall also be imposed on the last transfer in the city of construction, demolition, and
19 landclearing solid waste placed into an intermodal container at the construction, demolition, or
20 landclearing site and transported for landfill or incineration disposal outside of the city. Solid
21 waste transported for recycling, reuse, yard and food waste destined for composting, items to be
22 scrapped for salvage, solid waste used for beneficial use as approved by Seattle Public Utilities,



1 soils, dangerous waste and hazardous substances, and sand and gravel for construction of a
2 public improvement shall not be included in the tonnage by which the transfer tax is measured.
3 The measure of the transfer tax is the actual tonnage of the last in-city transfer of solid waste
4 materials destined for landfill, or incineration disposal unless excluded above, and it is the intent
5 of this subsection that all solid waste generated within the City, unless excluded above, destined
6 to a landfill or incineration disposal be subject to this transfer tax.
7

8 * * *

9 **Section 2.** This ordinance does not affect any existing right acquired or liability or
10 obligation incurred under the sections amended or repealed in this ordinance or under any rule or
11 order adopted under those sections, nor does it affect any proceeding instituted under those
12 sections.
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14 **Section 3.** This ordinance shall take effect and be in force 30 days from and after its
15 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
16 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

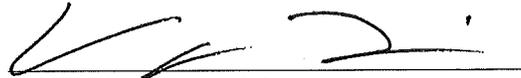
17 Passed by the City Council the 22 day of November, 2010, and
18 signed by me in open session in authentication of its passage this

19 22 day of November, 2010.
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22 _____
23 President _____ of the City Council
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1 Approved by me this 2nd day of December, 2010.

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4 Michael McGinn, Mayor

5 Filed by me this 2nd day of December, 2010.

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8 City Clerk

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2011-2012 BUDGET LEGISLATION FISCAL NOTE

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Meg Moorehead 4-8929	

Legislation Title: AN ORDINANCE relating to solid waste taxation; amending section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2011.

Summary of the Legislation: This ordinance would increase the solid waste transfer tonnage tax from \$8.50 per ton to \$8.69 per ton. The increased tonnage tax revenue will implement Seattle Public Utilities (SPU)-related recommendations from a 2010 City Auditor report on graffiti control.

Background: During its review of 2011-2012 solid waste rates, the Seattle Public Utilities and Neighborhoods (SPUN) Committee considered recommendations from the 2010 City Auditor's report on City graffiti control. The Committee recommended that solid waste transfer tonnage taxes be increased from \$8.50 per ton to \$8.69 per ton to fund new SPU-related activities arising from the Auditor's report including community coalition building and outreach, improved graffiti data bases, a potential Keep America Beautiful membership, and ongoing information campaigns.

X This legislation has financial implications. Please complete all relevant sections that follow.

Summary of Changes to Revenue Generated Specifically From This Legislation:

	Revenue Source	2011 Proposed	2012 Proposed
	Transfer fee – in City (516457)	\$92,000	\$92,000
Total Fees and Charges Resulting From Passage of This Ordinance		\$92,000	\$92,000

Anticipated Total Revenue from Entire Program, Including Changes Resulting From This Legislation:

Fund Name and Number	Revenue Source	Total 2011 Revenue	Total 2011 and 2012 Anticipated Revenue from Entire Program
Solid Waste Fund (45010)	Transfer fee – in City (516457)	\$92,000	\$184,000
TOTAL		\$92,000	\$184,000



What is the financial cost of not implementing this legislation? If this legislation is not implemented, sufficient revenues would not be available to support new SPUN-recommended graffiti control activities proposed to be added to the 2011-2012 budget.

Does this legislation affect any departments besides the originating department? No

What are the possible alternatives to the legislation that could achieve the same or similar objectives? Not raising the tax rate at this time would result in insufficient revenues to support new SPUN-recommended graffiti control activities proposed to be added to the 2011-2012 budget.

Is the legislation subject to public hearing requirements? No.

Other Issues (including long-term implications of the legislation): None.

Please list attachments to the fiscal note below:



STATE OF WASHINGTON – KING COUNTY

--SS.

264507
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123450 ORDINANCE

was published on

12/16/10

The amount of the fee charged for the foregoing publication is the sum of \$ 177.45, which amount has been paid in full.

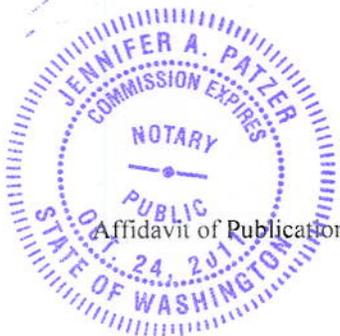


Subscribed and sworn to before me on

12/16/10



Notary public for the State of Washington,
residing in Seattle



City of Seattle

ORDINANCE 123450

AN ORDINANCE relating to solid waste taxation; amending section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2011.

WHEREAS, the City established per-ton taxes on the transfer of Solid Waste in the city that support the costs of the Clean Cities programs, which combat litter, illegal dumping and graffiti; and

WHEREAS, in 2010 the Seattle City Auditor completed a report on City graffiti control efforts that included recommendations for improved in-community coalition building, outreach, and graffiti data bases;

WHEREAS, the 2010 Auditor recommendations were considered by the Seattle City Council's Seattle Public Utilities and Neighborhoods (SPUN) Committee during its review of proposed 2011-2012 solid waste rates and the Committee recommended implementation by Seattle Public Utilities of certain Auditor recommendations, funded by an increase in solid waste transfer taxes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 5.48.055 of the Seattle Municipal Code, last amended by Ordinance 122842, is hereby amended as follows:

5.48.055 Solid Waste activities subject to tax - Amount.

There is levied upon, and shall be collected from everyone including The City of Seattle, on account of the following business activities engaged in or carried on with respect to solid waste, an annual license fee or occupation tax in the amount to be determined by the application of the rates given below:

A. Transfer tax. There is imposed upon everyone engaged in or carrying on the business of operating a solid waste transfer station or upon the business of transferring solid waste generated in or outside of Seattle from one (1) mode of transportation to another a transfer tax equal to the solid waste tons handled for transportation or transported for landfill or incineration disposal purposes multiplied by the following rates. (~~Effective through December 31, 2006, a rate of Six Dollars and Forty Five Cents (\$6.45) per ton. Effective January 1, 2007 through December 31, 2009, a rate of Seven Dollars and Fifty Cents (\$7.50) per ton.~~) Effective January 1, 2010 a rate of Eight Dollars and Fifty Cents (\$8.50) per ton. Effective January 1, 2011 a rate of Eight Dollars and Sixty Nine Cents (\$8.69). To prevent pyramiding of the tax under this subsection when two (2) or more transfers occur in Seattle, the tax is imposed only upon the last transferor and shall not apply to earlier transfers. Solid waste is transferred from one (1) mode of transportation equipment to another, whenever it is moved from a motor vehicle (including, for example, landgrading or earthmoving equipment), barge, train or other carrier to another motor vehicle (including landgrading or earthmoving equipment), barge, train or other carrier, irrespective of whether or not temporary storage occurs in the process. Solid waste shall not be considered transferred if the solid waste was generated and placed in a sealed shipping container outside of the city prior to being moved from one mode of transportation to another within the city or the solid waste was put into a sealed shipping container at a transfer station and subjected to the transfer tax prior to being delivered to the railhead. Beginning January 1, 2009, the transfer tax shall also be imposed on the last transfer in the city of construction, demolition, and landclearing solid waste placed into an intermodal container at the construction, demolition, or landclearing site and transported for landfill or incineration disposal outside of the city. Solid waste transported for recycling, reuse, yard and food waste destined for composting, items to be scrapped for salvage, solid waste used for beneficial use as approved by Seattle Public Utilities, soils, dangerous waste and hazardous substances, and sand and gravel for construction of a public improvement shall not be included in the tonnage by which the transfer tax is measured. The measure of the transfer tax is the actual tonnage of the last in-city transfer of solid waste materials destined for landfill, or incineration disposal unless excluded above, and it is the intent of this subsection that all solid waste generated within the City, unless excluded above, destined to a landfill or incineration disposal be subject to this transfer tax.

State of Washington, King County

Section 2. This ordinance does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this ordinance or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of November, 2010, and signed by me in open session in authentication of its passage this 22nd day of November, 2010.

Richard Conlin

President of the City Council

Approved by me this 2nd day of December, 2010.

Michael McGinn, Mayor

Filed by me this 2nd day of December, 2010.

(Seal) Monica Martinez-Simmons

City Clerk

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 16, 2010.

12/16/2010