Ordinance No. 91775

AN ORDINANCE providing for a more uniform rate of tax on admissions; amending Sections 1, 2, 3, 4, 5, 6, 7 and 9 of Ordinance 72495 as amended, and adding new sections designated 14 and 15 concerning aiding and abetting violations hereof, and the keeping confidential of tax returns hereunder.

1/2/63 - Set hearing - 1/10/63 notify

1-10-63 Amend rate from 3 1/3 to 3 1/3 held for determination of questions of inclusion of rides

1-21-63 - pass

FILE NO. 9-46 893 and L-4849

Council Bill No. 83243

INTRODUCED: DEC 31 1962	BY: License
REFERRED: DEC 31 1962	TO: License
REFERRED:	
REPORTED: JAN 21 1963	SECOND READING: JAN 21 1963
THIRD READING: JAN 21 1963	SIGNED: JAN 21 1963
PRESENTED TO MAYOR: JAN 21 1963	APPROVED: JAN 21 1963
RETD. TO CITY CLERK: JAN 21 1963	PUBLISHED: FEB 9 1963
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

SM 10-59 HALL

MCG

Ord 94366 Further amends Sec. 3
Ord. 98403 " " " Sec. 2

SEE BACK COVER

4

ORD 102622 AMENDS SECTIONS 6, 7, 8, 9, 10 & 15 OF ORD 72495 TO TRANSFER CERTAIN FUNCTIONS FROM THE CITY COMPTROLLER TO THE DIRECTOR OF LICENSES & CONSUMER AFFAIRS.

Records P.
file

PUB
A. A. (BC)
BLDG.
ENG.
P. O.
A. C.
S. E.
C. O.
LIGHT

JFK:ME
12-28-62

ORDINANCE 91775

AN ORDINANCE providing for a more uniform rate of tax on admissions; amending Sections 1, 2, 3, 4, 5, 6, 7 and 9 of Ordinance 72495 as amended, and adding new sections designated 14 and 15 concerning aiding and abetting violations hereof, and the keeping confidential of tax returns hereunder.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 1 of Ordinance 72495 be amended to read as follows:

Section 1. DEFINITIONS: For purposes of this ordinance, words and terms shall have the following meanings:

"ADMISSION CHARGE", in addition to its usual and ordinary meaning, shall include but not be limited in meaning to: (1) a charge made for season tickets or subscriptions; (2) a cover charge or a charge made for use of seats or tables, reserved or otherwise, and similar accommodations; (3) a charge made for food or refreshment in any place where any free entertainment, recreation or amusement is provided; (4) a charge made for rental or use of equipment or facilities for purposes of recreation or amusement and, 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; (5) a charge made for admission to any theatre, dance hall, amphitheater, private club, auditorium, observation tower, stadium, athletic pavilion or field, baseball or athletic park, circus, side show, swimming pool, outdoor amusement park or any similar place; and shall include equipment to which persons are admitted for purposes of recreation such as merry go rounds, ferris wheels, dodge 'ems, roller coasters, go carts and other rides whether such rides are restricted to tracks or not; (6) a charge made for automobile parking where the amount of the charge is determined according to the number of passengers in an automobile.

"COMPTROLLER" means the City Comptroller.

"PERSON" means any individual, receiver, assignee, firm, copartnership, joint venture, corporation, company, joint stock company, association, society, or any group of individuals, acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

Section 2. That Section 2 of Ordinance 72495 as last amended by Ordinance 88748 be further amended to read as follows:

A-98403

Section 2. (a) There is hereby levied and imposed a tax upon everyone without regard to age, who pays an admission charge as defined in Section 1; Provided, that as contemplated by Ch. 126, Laws of Washington 1957, such tax shall not apply to anyone paying an admission charge to any activity of any elementary or secondary school. The tax here imposed shall be in the amount of three [redacted] per cent (3[redacted]) on each admission charge or charge for season or series ticket. Any fraction of tax of one half cent or more shall result in a tax of the next highest full cent.

(b) Amounts paid for admission by season ticket or subscription shall be exempt if the amount which would be charged to the holder or subscriber for a single admission is fifteen cents or less.

(c) Anyone having the use of a box or seat permanently or for a specified period, shall pay in addition to the tax required for admission under subdivision (a) of this section, a tax of 3[redacted] of the price of such box or seat, the same to be collected and remitted in the manner provided in Section 7 hereof by the person selling such tickets.

O-94366

Section 3. That Section 3 of Ordinance 72495 as last amended by Ordinance 88748 be further amended to read as follows:

Section 3. The admission charge to any cabaret, any private club conducting cabaret activities, or any similar place of entertainment is deemed to be 20% of the total amount charged for any one, or if more than one, the aggregate, of the following: Entrance fee, refreshment, food, service, merchandise and cover charge; and as so

computed is hereby taxed at the rate of 1½ cents for each ten cents or fraction thereof; provided, that such "admission charges" in any cabaret or other place of entertainment shall not be taxed if only music other than vocal produced by persons present is maintained or permitted and if no theatrical performances, exhibitions, shows, exhibition dances, dances or dancing are there maintained or permitted, unless said place of entertainment makes a separate charge for admission, or a cover charge or a charge for use of seats or tables. When a separate charge for admission, or a cover charge or a charge for the use of seats or tables is made the tax due shall be computed as provided for in Section 2 hereof.

Section 4. That Section 4 of Ordinance 72495 be amended to read as follows:

Section 4. Where more than 15¢ is required to be paid to gain entrance to any building, enclosure or area in which there is a swimming pool, skating rink, golf driving range, miniature golf course, short nine or municipal golf course, or to gain entrance to such pool, rink, or course itself, or for the use of the facilities thereof, the amount so paid or any rental paid by the person paying for such entry for use of equipment and facilities supplied him and appropriate to the enjoyment of the privilege for which the admission is charged, or the aggregate thereof, shall be deemed the admission charge.

Section 5. That Section 5 of Ordinance 72495 be amended to read as follows:

Section 5. Anyone paying more than 15 cents to gain admission to any resort or picnic grounds is subject to a tax of 3-% C.M.C. G.C.M. on such admission charge even though such amount includes a charge for use of equipment and facilities such as tables, stoves and bath houses. If a lesser amount is charged to persons who do not use such equipment and facilities than those who do use such equipment and facilities, the lesser charge is deemed the admission charge. Where a separate charge is made for the use of equipment and facilities, such charge

is not subject to the tax herein levied unless it constitutes or is part of an "admission charge". Whenever an organization or club acquires the sole right to use a resort or picnic grounds, solely for the enjoyment of its members or employees and their friends, the amount paid for such right is an amount paid for an admission charge and subject to the tax herein levied: Provided, that if the organization or club in turn charges its members or employees all or part of the amount so paid, such charge does not constitute an admission charge subject to the tax herein levied. Amounts paid for the privilege of parking cars in a resort or picnic grounds do not constitute an admission charge unless the amount of such charge is determined by the number of passengers in the automobile or the same charge is made to all persons who enter the resort or grounds, whether on foot or by other means of transportation. If a charge is made for each passenger in an automobile, in addition to a charge for parking facilities, the amount paid for the passengers is an admission charge and subject to the tax herein levied. The tax herein levied shall be paid by the person paying the admission charge and shall be collected and remitted by the person to whom the same is paid in the manner provided in Section 7 hereof.

Section 6. That Section 6 of Ordinance 72495 be amended to read as follows:

A-102622

Section 6. Whenever a charge is made for admission to any place, a serially numbered or reserved seat ticket shall be furnished the person paying such charge unless written approval has been obtained from the City Comptroller to use a turnstile or other counting device which will accurately count the number of paid admissions. The established price, any non-city tax, city tax, and total price at which every such admission ticket or card is sold shall be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained. It shall be unlawful for anyone to sell

an admission ticket or card on which the name of the person conducting the event or the price is not so printed, stamped or written, or to sell or offer to sell an admission ticket or card at a price in excess of the price printed, stamped or written thereon. The Admission Tax due shall be based on the established price printed on each ticket. When a charge is made for admission, a sign must be posted in a conspicuous place on the entrance or ticket office which breaks down the admission charge as follows:

Established Price	_____
Non-city tax	_____
City Tax	_____
Total Price	_____

Section 7. That Section 7 of Ordinance 72495 as last amended by Ordinance 88479 be further amended to read as follows:

A-102622 Section 7. Anyone, including any municipal or quasi municipal corporation, who receives any payment for any admission charge on which a tax is levied under this ordinance shall collect the amount of the tax from the person making the admission payment and shall remit the same to the City Comptroller as herein provided. The tax required to be collected under this ordinance shall be deemed held in trust by the person required to collect the same until remitted to the Comptroller as herein provided. Anyone required to collect the tax imposed under this ordinance who fails to collect same, or who collects the same but fails to remit the same to the Comptroller in the manner prescribed by this ordinance shall be liable to the city for the amount of such tax, and shall, unless the remittance be made as herein required, be guilty of a violation of this ordinance whether such failure be the result of his or its own act or the result of acts or conditions beyond his or its control. The tax imposed hereunder shall be collected from the person paying the admission charge at the time said admission charge is paid and such taxes shall be remitted by the person collecting the tax to the Comptroller in monthly re-

mittances on or before the 15th day of the month next succeeding the end of the monthly period in which the tax is collected or received and accompanied by such reports as the Comptroller shall require: Provided, that the Comptroller, for good cause shown, may extend the time for making and filing the return and remittance of the tax due. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the Comptroller, but payment by check shall not relieve the one collecting the tax from liability for payment and remittance of the tax to the Comptroller unless the check is in the full and correct amount and until the check is honored. Anyone receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the Comptroller may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the City Comptroller with a remittance for said amount: Provided, that the Comptroller may in his discretion require verified annual returns from anyone receiving admission payments setting forth such additional information as he may deem necessary to determine correctly the amount of tax collected and payable. If the return provided for herein is not made and the tax is not collected and paid within fifteen days after the end of the month in which the tax was collected, the City Comptroller shall add a penalty of 10 per cent of the tax per month or fraction thereof for each month overdue, which shall be added to the amount of the tax due, and remitted in the same manner. Whenever any theatre, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature or there exists a reasonable question of financial responsibility, of which the Comptroller shall be the judge, the Comptroller may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series

of performances or exhibitions or at such other times as the Comptroller shall determine; and failure to comply with any requirement of the Comptroller as to report and remittance of the tax as required shall be a violation of this ordinance. Everyone liable for the collection and payment of the tax imposed by this ordinance shall keep and preserve for a period of five (5) years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax which he was liable to remit under the provisions of this ordinance, and all such tickets, books and records shall be open for examination and audit at all reasonable times by the Comptroller or his duly authorized agent. Written permission may be granted by the City Comptroller to destroy unused tickets prior to the expiration of the five year period.

Section 8. That Section 9 of Ordinance 72495 be amended to read as follows:

A-102622 Section 9. Whenever the applicant for a Certificate of Registration, obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition, is not the owner, lessee, or custodian of the buildings, lots or place where the amusement is to be conducted, the tax imposed by this ordinance shall be reported and remitted as provided in Section 7 hereof by the person who is the owner, lessee or custodian, if not paid by the person conducting said amusement, entertainment or exhibition. The applicant for a Certificate of Registration in any such case shall furnish the Comptroller, with said application, with the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the Comptroller of the issuance of such certificate and of his joint liability for collection and remittance of such tax.

Section 9. That Ordinance 72495 be further amended by the addition of a new section designated Section 14 to read as follows:

Section 14. Anyone who directly or indirectly performs or omits to perform any act in violation of this ordinance, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is, and shall be, a principal under the terms of this ordinance and may be proceeded against as such.

Section 10. That Ordinance 72495 be further amended by the addition of a new section designated Section 15 to read as follows:

A-102622 Section 15. The applications and returns made to the Comptroller pursuant to this ordinance shall not be made public, nor shall they be subject to the inspection of anyone except the Mayor, Corporation Counsel, City Comptroller or authorized agent, and members of the City Council; and it shall be unlawful for anyone to make public or to inform another person as to the contents or any information contained in or to permit inspection of any application or return except as in this section authorized.

Section 11. This ordinance shall take effect and be in force March 1, 1963, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Countil the 21 day of January, 1963, and signed by me in open session in authentication of its passage this 21 day of January, 1963.

Floyd E. Miller
President of the City Council

Approved by me this 21st day of January, 1963.

Jordan S. Clinton
Mayor

Filed by me this 21 day of January, 1963.

Attest: [illegible]
City Comptroller and City Clerk

(SEAL) By: W. C. Perry
Deputy Clerk

Published FEB 9 1963

ASSISTANT CORPORATION COUNSEL
A. L. NEWBOULD
JOHN A. LOGAN
G. GRANT WILCOX
GEORGE T. McGILLIVRAY
JOHN P. HARRIS
CHARLES R. NELSON
GORDON F. CRANDALL
ARTHUR T. LANE
JERRY F. KING
ROBERT B. LESLIE
JOHN A. HACKETT
ROBERT W. FREEDMAN

THE CITY OF SEATTLE

LAW DEPARTMENT

KING COUNTY-CITY BUILDING
A. C. VAN SOELEN, CORPORATION COUNSEL
10TH FLOOR SEATTLE MUNICIPAL BLDG.

CITY PROSECUTORS
BRUCE MacDOUGALL
ROBERT M. ELIAS
JUNIOR ASSISTANTS
CONRAD SMEETH
JAMES G. LEACH
SECRETARY
FAYE FORDE
CLAIM AGENT
JOHN F. COOPER

December 28, 1962

Re: Amendments to admission tax ordinance (72495).

License Committee
City Council
Seattle

Honorable Members:

In accordance with your request of December 4, 1962 we transmit a proposed ordinance, amending Section 2 of the admission tax ordinance (72495) to provide for a more uniform rate of tax thereon and amending and adding certain other sections for clarification. Said amendatory ordinance has been prepared in recent consultation with members of the City License Division and is based upon a draft ordinance prepared by said Division and contained in C. F. 246893 filed December 3, 1962 which accompanied your request and is returned herewith. Also returned herewith are certain data relating to the amendment to Section 2 and transmitted by you to us under date of May 8, 1962, which data was transmitted by us to, and subsequently used by, the License Division in preparing its draft of December 3, 1962. The Comptroller advises that the change in the tax rate herein for reasons of accounting should be effective on the first day of a month. We have accordingly provided in Section 11 that the ordinance shall take effect, after passage by the Council and approval by the Mayor, on March 1, 1963.

Very truly yours,

A. C. VAN SOELEN
Corporation Counsel

By Jerry F. King
JERRY F. KING
Assistant

JFK:ME
Enc.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported and Adopted
JAN 2 1 1963

Your Committee on License

to which was referred C. B. No. 83243

providing for a more uniform rate of tax on admissions; amending Sections 1, 2, 3, 4, 5, 6, 7 and 9 of Ordinance 72495 as amended, and adding new sections designated 14 and 15 concerning aiding and abetting violations hereof, and the keeping confidential of tax returns hereunder.

RECOMMENDS THAT THE SAME DO PASS, AS AMENDED, by striking out the words "and one-third" in Section 2, line 8, and striking out "1/3" in line 9 and "-1/3" in line 17, and striking out ~~"-1/3" in Section 5, line 4.~~

Chairman

Chairman

91775

News Clip

35mm

PENDING
AWARDS

McNARY BARGE
TRAFFIC STEADY

Shine County
Hices Moving

ROADS AND STREETS

Junction Home
Building Sale Pro

TOCK MARKET

INTERSTATE STOCK MARKET

True the attached is a true copy of

ORDINANCE NO. 81-73

as it was published in the regular issue

and in the supplement issue of said newspaper on the

9th day of February 1963 , and that said

newspaper was regularly distributed to its subscribers during

all the said period

Subscribed and sworn to before me this

9th day of February 1963

91775

C-634

rit of Publication

91775