

CITY OF SUNNYSIDE, WASHINGTON
ORDINANCE NO. 25-_____

AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON, ESTABLISHING NEW REGULATIONS TO BE CODIFIED AT SUNNYSIDE MUNICIPAL CODE CHAPTER 3.54, REGARDING WATER, SEWER, AND SOLID WASGE UTILITY TAXES AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, the City Swimming Pool cannot open for operation during the 2025 season without a new source of revenue; and

WHEREAS, implementation of a tax on the City's water, sewer, and solid waste utilities measured by gross earnings is expected to generate additional revenue to help maintain current levels of City Pool services; and

WHEREAS, the City Council desires to accelerate the collection of the utility tax imposed herein; and

WHEREAS, the City Council has determined the public interest is best served by the implementation of a tax on the City's water, sewer, and solid waste utilities;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Sunnyside Municipal Code Chapter 3.54, “City Utility Tax” is hereby established to read as follows.

CHAPTER 3.54
CITY UTILITY TAX

Sections:

3.54.010 City Utility Tax

3.54.020 Definitions

3.54.030 Tax Rate

3.54 .040 Tax Year

3.54.050 Exceptions and Deductions

3.54.060 Utility Tax Fund

3.54.070 Administrator Services Director to Make Rules

3.54.900 Severability

3.54.010 City Utility Tax

There is hereby imposed a tax to be levied on and after May 1, 2025, against and upon the gross earnings of the water, and sewer utility funds and on all water, and sewer utilities at the rates set forth in this chapter. The tax shall, however, be subordinate to any payments required to be made by any of said utility funds from said gross earnings into any fund or funds heretofore or hereafter created for the payment of and interest on revenue bonds of the City heretofore or hereafter issued.

3.54.020 Definitions

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

1. "*Administrative Services Director*" means the Finance Director of the City of Sunnyside, Washington, or their designee.

2. "*Gross earnings*" means the consideration, whether money, credits, rights or property expressed in terms of money, proceeding or accruing by reason of the transaction of business and includes gross proceeds of sales, compensation for rendition of services, gains realized from interest, rents, royalties, fees, commissions, dividends and other emoluments, however designated, all without any deduction on account of cost of property sold, materials used, labor, interest, losses, discount and any other expense whatsoever.

3. "*Sewer service*" means any connection to the City sewer system and shall be further defined by customer class.

4. "*Water service*" means any connection to the City water system and shall be further defined by customer class.

5. "*Garbage Service*" means all properties receiving City solid waste services and shall be further defined by customer class.

3.54.030 Tax Rate

A. There is levied upon water, sewer, and solid waste utilities, taxes in the amount to be determined by the application of rates given against gross earnings as follows:

1. Upon the City water, sewer, and solid waste funds, a tax equal to 2% of the total gross revenue from such business from all customers receiving services during the period for which the tax is due.
2. Such tax shall be effective from March 1, 2025, through December 31, 2025.

B. Collection of City Utility Tax. The City utility tax is calculated monthly, after the close of the month, and will be collected each month starting March 1, 2025

thru December 31, 2025; unless such utility tax collection is earlier terminated or further extended by ordinance.

3.54.040 Tax Year

The tax year for purposes of this water, sewer, and solid waste utility tax shall commence January 1, 2025 and thereafter shall commence on January 1 and end on December 31, 2025, unless extended by the City Council.

3.54.050 Exceptions and Deductions

In computing the gross earnings tax due under the provisions of this chapter, there shall be deducted from the measure of the tax the following items:

- A. Amounts received through contemplated or actual condemnation proceedings or in account of any federal, state or local public works project.
- B. Amounts received as compensation or reimbursement for damages to or protection of any property of the utility.
- C. Contributions for or in aid of construction.

3.54.060 Utility Tax Fund

- A. There is established within the general fund budget of the City a separate general management fund to be known as the “Swimming Pool Utility Tax Fund.”
- B. All monies collected by this chapter shall be placed into the “Swimming Pool Utility Tax Fund”.
- C. Monies deposited into the “Swimming Pool Utility Tax Fund” shall be used for the swimming pool maintenance, repair, and operations.

3.54.070 Administrative Services Director to Make Rules

The Administrative Services Director shall have the power to adopt and enforce rules and regulations not inconsistent with this chapter or with the law for the purposes of carrying out the provisions thereof.

3.54.900 Severability.

If any part or provision of this chapter, or the application thereof to any person or

circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable.

Section 2. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

Section 3. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED this ____ day of _____, 2025.

DEAN BROERSMA, MAYOR

ATTEST:

JACQUELINE RENTERIA, CITY CLERK

Approved as to form:
SAXTON RILEY & RILEY, PLLC:

BY: BENJAMIN J. RILEY
CITY ATTORNEYS FOR THE CITY OF SUNNYSIDE

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 23-_____

of the City of Sunnyside, Washington

On the ____ day of _____, 2025, the City of Sunnyside, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON, ESTABLISHING NEW REGULATIONS TO BE CODIFIED AT SUNNYSIDE MUNICIPAL CODE CHAPTER 3.54, REGARDING WATER, SEWER, AND SOLID WASTE UTILITY TAXES AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this ____ day of _____, 2025

CITY CLERK,