

OKANOGAN COUNTY COMMISSIONERS'

ORDINANCE 2023 - 16

*AN ORDINANCE repealing Okanogan County Code (OCC) Chapter 2.96 Marketing and Special Excise Tax Board and replacing it with the Okanogan County Lodging Tax Advisory Committee as described in Attachment A, previously adopted by Resolution 125-2014 and subsequently revised by Resolution 013-2020 and 054-2020.*

**WHEREAS** the Board of County Commissioners (BOCC) is in the process of reviewing and updating the Okanogan County Code.

**WHEREAS** the Marketing and Special Excise Tax Board was established in 1999 via Resolution 37-99 and Resolution 76-99;

**WHEREAS** in 2014 (Resolution 125-2014), the BOCC replaced the marketing and special excise tax board with the Okanogan County Lodging Tax Advisory Committee and rescinded Resolution 37-99 and Resolution 76-99 to conform with the requirements of RCW 67.28.1817;

**WHEREAS** OCC 2.96 has not yet been updated to reflect the changes made via Resolution 125-2014 and subsequent updates made in Resolution 013-2020 and Resolution 054-2020.

**WHEREAS** publication of the public hearing notice was placed in the newspaper of record and the BOCC conducted a public hearing on July 10, 2023 to consider whether OCC Chapter 2.96 should be repealed and replaced in accordance with attachment A.

**NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF OKANOGAN COUNTY ORDAINS AS FOLLOWS:**

**Section 1. Repeal.** OCC Chapter 2.96 Marketing and Special Excise Tax Board is hereby repealed.

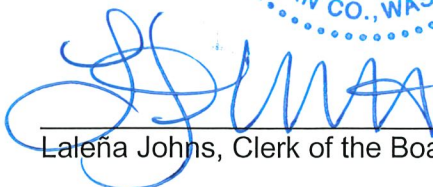
**Section 2. Adopt.** OCC Article III Lodging tax advisory committee, Section 3.40.130 Lodging tax advisory committee to OCC Chapter 3.40 Lodging Excise Tax, is hereby adopted as set forth in Attachment A.

**Section 3. Codify.** The Clerk of the Board is directed to proceed with updating the OCC accordingly.

**DATED** this 10<sup>th</sup> day of July, 2023, at Okanogan, Washington.

ATTEST:



  
Laleña Johns, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
OKANOGAN COUNTY, WASHINGTON

  
Chris Branch, Chairman

  
Andy Hoyer, Vice Chairman

  
Jon Neal, Member

**Attachment A**  
**Chapter 3.40**  
**LODGING EXCISE TAX**

Sections:

Article I. Lodging Excise Tax

- 3.40.010 Levied.**
- 3.40.020 Definitions.**
- 3.40.030 Additional to other taxes – Collection and administration.**
- 3.40.040 Use of proceeds.**
- 3.40.050 Violation – Penalty.**

Article II. Additional Lodging Excise Tax

- 3.40.060 Imposition.**
- 3.40.070 Definitions.**
- 3.40.080 Additional tax.**
- 3.40.090 Administration and collection.**
- 3.40.100 Special fund.**
- 3.40.110 Tax credit.**
- 3.40.120 Violation – Penalty.**

Article III. Lodging Tax Advisory Committee

**3.40.130 Lodging tax advisory committee.**

**Article I. Lodging Excise Tax**

**3.40.010 Levied.**

RCW [67.28.180](#) enables counties and cities to levy a special excise tax of not to exceed two percent on the sale or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of similar license to use real property, as distinguished from renting or leasing of real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property, and not a mere license to use or enjoy the same; consequently, there is levied said special excise tax of two percent on the sale of or charge made for furnishing of lodging as authorized pursuant to RCW [67.28.180](#), and as specifically described above and herein. (Amendment No. 1 to Ord. 80-5, 1980; Ord. 80-5 § 309.010, 1980).

**3.40.020 Definitions.**

All definitions as defined and are a part of RCW [82.08.010](#) and any amendment thereto are to be part of this article and as such part are hereby adopted. (Ord. 80-5 § 309.020, 1980).

**3.40.030 Additional to other taxes – Collection and administration.**

All tax hereby levied shall be in addition to any tax or permit fee now imposed by any other Okanogan County ordinance; providing, however, that such tax shall be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the State Tax Commission under Chapter [82.08](#) RCW. The Department of Revenue, State of Washington is hereby designated as the agent of Okanogan County for the purpose of collection and administration. (Ord. 80-5 § 309.030, 1980).

**3.40.040 Use of proceeds.**

All tax received from the imposition of this two percent shall be placed in a special fund for the purpose of paying all or part of the cost of acquisition, construction or operating of stadium facilities or to pay or secure the payment of all or any portion of general obligation bonds, or revenue bonds issued for such purpose or purposes under the provision of Chapter [67.28](#) RCW and any amendments thereto, or to pay for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and to encourage tourist expansion, or to be used for any other purpose that may in the future be allowed under Chapter [67.28](#) RCW and any amendments thereto. (Ord. 80-5 § 309.040, 1980).

**3.40.050 Violation – Penalty.**

Any person, firm or corporation failing to comply with the provisions of this article shall be punishable by a fine of \$500.00. (Ord. 80-5 § 309.050, 1980).

**Article II. Additional Lodging Excise Tax**

**3.40.060 Imposition.**

There is hereby levied, for collection commencing July 1, 1998, a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of similar license to use real property, as distinguished from renting or leasing of real property. For the purpose of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property, and not a mere license to use or enjoy the same. (Res. 51-98 § 1, 1998).

**3.40.070 Definitions.**

The definitions of selling price, seller, buyer, consumer and all other definitions as are now contained in RCW [82.08.010](#), and any other subsequent amendments thereto, are hereby adopted and incorporated by reference herein. (Res. 51-98 § 2, 1998).

**3.40.080 Additional tax.**

The tax herein levied shall be in addition to any license fee or any other tax imposed or levied pursuant to law or any other resolution or ordinance of Okanogan County. (Res. 51-98 § 3, 1998).



### **3.40.090 Administration and collection.**

A. The tax levied herein shall be collected by the Washington State Department of Revenue pursuant to Chapter [67.28](#) RCW, and the Department of Revenue is hereby authorized to collect and administer the tax imposed herein on behalf of Okanogan County.

B. The administrative provisions contained in RCW [82.08.050](#) through [82.08.060](#) and in Chapter [82.32](#) RCW, and any subsequent amendments thereto shall apply to the administration and collection of the tax by the Department of Revenue.

C. All rules and regulations adopted by the Department of Revenue for the administration and collection of the special excise taxes imposed herein are adopted by reference.

D. The Department of Revenue is hereby authorized to prescribe and utilize such forms and reporting procedures as the Department may deem necessary and appropriate to fulfill its responsibilities in connection with this article. (Res. 51-98 § 4, 1998).

### **3.40.100 Special fund.**

All tax collected pursuant to this article shall be placed in the Okanogan County Treasury Stadium/Tourist Fund 126 to be used by Okanogan County solely for the purpose of paying all or part of the cost of tourism marketing and promotion, acquisition or operation of tourism-related facilities, or any other uses authorized in Chapter [67.28](#) RCW, as now existing or hereafter amended. Until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the Okanogan County treasurer in any manner authorized by law. (Res. 51-98 § 5, 1998).

### **3.40.110 Tax credit.**

In the event that a tax is levied by any city or town authorized to levy this special excise tax pursuant to Chapter [67.28](#) RCW, the full amount imposed by said city tax shall be a credit against the amount levied herein upon the same taxable event; provided, that the amount of said credit shall not exceed two percent of the applicable sale or charge. (Res. 51-98 § 6, 1998).

### **3.40.120 Violation – Penalty.**

It is unlawful for any person, firm or corporation to violate or fail to comply with any of the provisions of this article. Any person convicted of a violation of any provision of this article shall be punished by a fine in a sum not to exceed \$500.00. Each day of violation shall be considered a separate offense. (Res. 51-98 § 7, 1998).

## **Article III. Lodging tax advisory committee**

### **3.40.130 Lodging tax advisory committee.**

The BOCC establishes the Okanogan County Lodging Tax Advisory Committee pursuant to RCW 67.28.1817 and has determined its membership as follows:

(1) One member who serves at-large and represent the tourism industry; who neither represents a business required to collect tax under Chapter 67.28 RCW nor is involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and who resides within Commissioner District #2;

(2) One member who serves at-large and represent the tourism industry; who neither represents a business required to collect tax under Chapter 67.28 RCW nor is involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and who resides within Commissioner District #1 or #3.

(3) One member who represents a business required to collect tax under Chapter 67.28 RCW; and whose business is located within Commissioner District #2.

(4) One member who represents a business required to collect tax under Chapter 67.28 RCW; and whose business is located within Commissioner District #1 or #3.

(5) One member who is involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and who resides within Commissioner District #2.

(6) One member who is involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and who resides within Commissioner District #1 and #3.

(7) One elected official from the county to serve as the chair of the committee.