

ORDINANCE NO. 2021-13

AN ORDINANCE, of the City of Wenatchee, Washington, imposing an additional sales and use tax of one-tenth of one percent for affordable housing and related services as authorized by RCW 82.14.530; adding a new chapter to the Wenatchee City Code; providing for severability and establishing an effective date.

WHEREAS, the City of Wenatchee has a critical need for additional funding to provide affordable housing and housing-related services for the homeless or people in danger of becoming homeless; and

WHEREAS, housing affordability and homelessness are growing problems in the City of Wenatchee which require prompt attention to reduce human suffering for the City's residents; and

WHEREAS, RCW 82.14.530 authorizes the imposition of an additional sales and use tax of one-tenth of one percent to be used for funding affordable housing; and

WHEREAS, under HB 1590, passed by the state legislature as Chapter 222, Laws of 2020, counties were given the exclusive right to impose the tax until September 30, 2020 and cities were given the right to impose the tax thereafter as long as the county had not already done so; and

WHEREAS, Chelan County did not impose the additional sales and use tax by September 30, 2020; and

WHEREAS, the City Council has determined that the tax should be imposed and that the proceeds will be used for those purposes authorized by RCW 82.14.530, including constructing affordable housing, constructing mental and behavioral health-related facilities and funding the operations and maintenance costs of new units of affordable housing

and facilities where housing-related programs are provided, or newly constructed evaluation and treatment centers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE, WASHINGTON DO ORDAIN as follows:

SECTION I

Additional Sales and Use Tax Imposed

A new Chapter 5.112 shall be and hereby is added to the Wenatchee City Code imposing the one-tenth of one percent sales and use tax authorized by RCW 82.14.530 to read as follows:

**Chapter 5.112
ADDITIONAL SALES AND USE TAX
FOR HOUSING RELATED SERVICES**

5.112.010 Imposition.

There is hereby imposed an additional sales and use tax, separate and apart from any other sales and use tax imposed by this title, upon every taxable event occurring in the City, for housing and related services as authorized by RCW 82.14.530.

5.112.020 Taxable Event.

As used in this chapter, the term “taxable event” has the meaning set forth in RCW 82.14.020.

5.112.030 Rate.

The rate of the sales and use tax imposed by this section shall be one-tenth of one percent of the selling price in the case of a sales tax, or the value of the article used, in the case of a use tax.

5.112.040 Persons Subject to Tax.

The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW.

5.112.050 Use of Proceeds from Tax.

Moneys collected from the tax shall be used solely for those housing and related services authorized by RCW 82.14.530, as the same now exists or as is hereafter amended.

5.112.060 Credit Claimed.

As provided in RCW 82.14.530, if Chelan County subsequently imposes a sales and use tax for housing and related services as authorized by such statute, the County shall provide a credit against its tax for the full amount of the tax imposed by the City.

SECTION II

Severability

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

SECTION III

Effective Date

This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication. The Ordinance shall not be published until either Chelan County, Douglas County, or East Wenatchee imposes the same sales tax in support of affordable housing. If neither Chelan County, Douglas County or East Wenatchee impose the affordable housing sales tax authorized by HB 1590 by December 31, 2021, then this Ordinance shall be repealed and of no further force or effect.

PASSED BY THE CITY COUNCIL OF THE CITY OF

WENATCHEE, at a regular meeting thereof, this 25 day of March, 2021.

CITY OF WENATCHEE, a Municipal
Corporation

By: 
FRANK KUNTZ, Mayor

ATTEST:

By: 
TAMMY L. STANGER, City Clerk

APPROVED

By: 
STEVE D. SMITH, City Attorney

City of East Wenatchee, Washington

Ordinance No. 2021-04

An Ordinance of the City of East Wenatchee imposing an additional sales and use tax of one-tenth of one percent for affordable housing and related services as authorized by RCW 82.14.530 by adding Chapter 4.12 to the East Wenatchee Municipal Code, providing for severability and establishing an effective date.

Una Ordenanza de la Ciudad de East Wenatchee que impone un impuesto adicional sobre las ventas y el uso de una décima parte del uno por ciento para viviendas asequibles y servicios relacionados según lo autorizado por RCW 82.14.530 al agregar el Capítulo 4.12 del Código Municipal de East Wenatchee para la divisibilidad y el establecimiento de una fecha de vigencia.

1. Alternate format.

- 1.1. Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al alternatformat@eastwenatcheewa.gov, al (509) 884-9515 o al 711 (TTY).
- 1.2. To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternateformat@eastwenatcheewa.gov at (509) 884-9515, or at 711 (TTY).

2. Recitals.

- 2.1. The City of East Wenatchee (“City”) is a non-charter code City duly incorporated and operating under the laws of the State of Washington; and
- 2.2. The City Council of East Wenatchee (“City Council”) finds that the City has a critical need for additional funding to provide affordable housing and housing-related services for the homeless or people in danger of becoming homeless.
- 2.3. The City Council finds that housing affordability and homelessness are growing problems in the City which require

prompt attention to reduce human suffering for individuals residing within the City.

- 2.4. The City Council has determined that the tax should be imposed and that the proceeds will be used for those purposes authorized by RCW 82.14.530, including constructing affordable housing, constructing mental and behavioral health-related facilities, and funding the operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided, or newly constructed evaluation and treatment centers

3. Authority.

- 3.1. RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City.
- 3.2. Because Douglas County did not impose a sales tax for affordable housing and related services by September 30, 2020, RCW 82.14.530 authorizes the City to impose an additional sales and use tax of one-tenth of one percent to be used for funding affordable housing.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO ORDAIN AS FOLLOWS:

- 4. Amendment.** The City Council adds a new Chapter 4.12 to the East Wenatchee Municipal Code to read:

Chapter 4.12

ADDITIONAL SALES AND USE TAX FOR HOUSING RELATED SERVICES

- 4.12.010 Imposition.**
4.12.020 Taxable Event.
4.12.030 Rate.
4.12.040 Persons Subject to Tax.
4.12.050 Use of Proceeds from Tax.
4.12.060 Credit Claimed.

4.12.010 Imposition.

There is hereby imposed an additional sales and use tax, separate and apart from any other sales and use tax imposed by this title, upon every taxable event occurring in the City, for housing and related services as authorized by RCW 82.14.530.

4.12.020 Taxable Event.

As used in this chapter, the term “taxable event” has the meaning set forth in RCW 82.14.020.

4.12.030 Rate.

The rate of the sales and use tax imposed by this section shall be one-tenth of one percent of the selling price in the case of a sales tax, or the value of the article used, in the case of a use tax.

4.12.040 Persons Subject to Tax.

The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW.

4.12.050 Use of Proceeds from Tax.

Moneys collected from the tax shall be used solely for those housing and related services authorized by RCW 82.14.530, as the same now exists or as is hereafter amended.

4.12.060 Credit Claimed.

As provided in RCW 82.14.530, if Douglas County subsequently imposes a sales and use tax for housing and related services as authorized by such statute, Douglas County shall provide a credit against its tax for the full amount of the tax imposed by the City.

5. Severability. If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.

6. Publication. If the City of Wenatchee imposes the same sales tax in support of affordable housing by December 31, 2021, then the City Council directs the City Clerk to publish a summary of this Ordinance in the official newspaper of the City. The summary shall consist of the title of this Ordinance. If the City of Wenatchee does not impose the same

sales tax in support of affordable housing by December 31, 2021, then this Ordinance shall not be published and shall be automatically repealed and of no further force or effect.

7. Effective Date. This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 16th day of March 2021.

The City of East Wenatchee,
Washington

By Jerrilea Crawford
Jerrilea Crawford, Mayor

Authenticated:

Maria E. Holman
Maria Holman, City Clerk

Approved as to form only:

Devin Poulson
Devin Poulson, City Attorney

Filed with the City Clerk:	3/10/2021
Passed by the City Council:	3/16/2021
Published:	3/27/2021
Effective Date:	4/01/2021

**Summary of
City of East Wenatchee, Washington
Ordinance No. 2021-04**

On the 16th day of March 2021, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2021-04, the main point of which may be summarized by its title as follows:

An Ordinance of the City of East Wenatchee imposing an additional sales and use tax of one-tenth of one percent for affordable housing and related services as authorized by RCW 82.14.530 by adding Chapter 4.12 to the East Wenatchee Municipal Code, providing for severability and establishing an effective date.

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

Dated this 16th day of March, 2021.

Maria E. Holman

Maria Holman, City Clerk