

ORDINANCE NO. 264  
CITY OF LACEY

AN ORDINANCE PROPOSING TO THE VOTERS OF THE CITY OF LACEY THAT THE CITY ENTER INTO THE JOINT OPERATION OF A PUBLIC BUS TRANSPORTATION SYSTEM; PROVIDING FOR THE LEVYING AND COLLECTION OF A TRANSIT SUBSIDY TAX NOT TO EXCEED ONE DOLLAR PER MONTH, PER HOUSING UNIT, AS HEREIN DEFINED; ADDING A NEW CHAPTER TO THE LACEY MUNICIPAL CODE; AND CALLING FOR A SPECIAL ELECTION TO SUBMIT THIS ORDINANCE TO THE VOTERS OF THE CITY OF LACEY FOR THEIR RATIFICATION OR REJECTION.

WHEREAS, the Cities of Olympia and Tumwater have formed the Intercity Transit Commission for purposes of operating a public bus system for the transportation of passengers within the Cities of Olympia and Tumwater, and the City Council of the City of Lacey deems it is in the best interests of the people of the City of Lacey that the City of Lacey join said Intercity Transit Commission and provide for the operation of a public bus transportation system within the City of Lacey, NOW, THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LACEY AS FOLLOWS:

Section 1. There is hereby added to the Lacey Municipal Code, a new Chapter 10.40 to read as follows:

10.40.010 The public interest, welfare, convenience and necessity require the establishment, maintenance and operation within the City of Lacey of a transit system for

1<sup>st</sup> read - 10/12/72

2<sup>nd</sup> read - 10/26/72

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[Faint, illegible text]

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the carrying of passengers. The establishment of such system shall be accomplished by the City of Lacey entering into an agreement with the Cities of Olympia and Tumwater providing for the joining by the City of Lacey of the Intercity Transit Commission, and further providing for the operation of a transit system by said Intercity Transit Commission in the Cities of Olympia, Tumwater and Lacey and such other areas that may be included in said system.

10.40.020 The cost of purchasing and/or leasing busses and other equipment necessary for the operation of the system and all of the costs of the operation of said system and the costs of the replacement thereof shall be financed entirely out of revenue from the operation of the bus system and out of revenues derived from the transit subsidy tax hereafter levied and imposed together with any available state or federal funds.

10.40.030 Pursuant to Chapter 35.95 of the Revised Code of Washington and commencing January 1, 1973, an excise tax, hereinafter called a "transit subsidy tax" in the amount of seventy-five cents, per month, per housing unit, is hereby levied against and shall be collected from each utility customer within the City of Lacey who is served and billed by the City for utility services. Revenues received from this tax shall be used for transit purposes only. The City Council by subsequent ordinance or ordinances may raise

or lower such tax and in setting the amount of such tax, shall be governed by the financial needs of the transit system in its operation, expansion and improvement. In no case shall the tax herein authorized be raised by the City Council to exceed One Dollar for each month for each housing unit as hereinafter defined. Utility customers whose facilities do not include any housing units shall each pay the same rate as established for housing units. The term "housing unit" as used herein means the residence or living quarters of one or more persons living together or in one family. If any structure or portion thereof contains one or more housing units and the occupants thereof are not each billed for the utility service furnished by the City for such unit, the person who is billed for such utility service shall be deemed to be served and billed therefor and shall be billed and shall pay the monthly tax on each living unit as herein levied and provided for on each and every such housing unit or units. All city utility customers within the city shall be thus taxed except the United States of America and the State of Washington. The billing for the tax hereby levied shall be rendered by the Utility Department of the City of Lacey at the same time as each regular utility service billing is rendered and the billing for such item shall be included as an item in each service billing and shall be identified as the transit subsidy tax. Payment of

such tax shall be due and shall be made at the time payment is due and made for utility service. If the City shall cease operation of a transit system, the tax here imposed shall be deemed repealed as soon as all transit obligations have been met.

10.40.040 All proceeds from the transit subsidy tax herein levied, shall be forthwith paid into a fund hereby established and designated as the "Transit Fund." Money so received and deposited in said fund shall be used only for the operation, maintenance and capital needs of the public bus transportation system established by this ordinance.

Section 2. This ordinance shall be referred to the voters of the City of Lacey in the manner required by law at an election to be held in the City of Lacey on the 12th day of December, 1972, in accordance with all applicable laws. For the purpose of submitting this ordinance to the voters of the City of Lacey for their ratification or rejection, the proposition shall be placed on the ballot by means of a ballot title and proposition which shall read as follows:

Proposition 1:

BUS SYSTEM AND TRANSIT TAX.

Shall Ordinance No. \_\_\_\_\_ of the City of Lacey, passed \_\_\_\_\_, 1972, be ratified and shall the City of Lacey join with the

Cities of Olympia and Tumwater in the Intercity Transit Commission for the operation of a public bus transportation system within Lacey, Olympia and Tumwater and such other areas as shall be included in said system, and shall a transit subsidy tax not to exceed One Dollar, per month, per housing unit, be levied and collected, all as contemplated by Ordinance No. \_\_\_\_\_.

For the Ordinance - - - - -

Against the Ordinance - - - - -

Section 3. If the proposition set forth above shall be adopted and approved at said election as by law provided, the City of Lacey may proceed to enter into the necessary agreements with the Cities of Olympia and Tumwater to join the Intercity Transit Commission for the joint operation of a public bus transportation system within the Cities of Olympia, Tumwater and Lacey and such other areas as shall be included in said system.

Section 4. The City Clerk/Treasurer is hereby directed to notify the County Auditor of Thurston County, Washington, of the passage of this ordinance and to do all other things necessary in the time and in the manner required by law to the end that the proposition set forth above shall be submitted to the voters of the City of Lacey as aforesaid.


Section 5. If any section or part of any section of this ordinance shall be declared invalid for any reason by any court, such invalidity shall not affect the validity of any other section of this ordinance.

Section 6. This ordinance shall go into effect upon ratification by the voters of the City of Lacey at the election herein provided for. If this ordinance is rejected at such election, it shall be null and void and have no further force or effect.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR  
this 26<sup>th</sup> day of OCTOBER, 1972.

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

PASSED: \_\_\_\_\_

PUBLISHED: Nov. 1, 1972