

**CITY OF BINGEN, WASHINGTON**  
**ORDINANCE NO. 2024-05-754**  
**AN ORDINANCE AMENDING BINGEN MUNICIPAL CODE TITLE 3 REVENUE AND**  
**FINANCE**

**WHEREAS**, the Bingen City Council has reviewed Bingen Municipal Code Title 3 Revenue and Finance and finds that it is outdated,

**NOW, THEREFORE**, the City Council of the City of Bingen do ordain as follows:

**Section 1.** Title 3 of the Bingen Municipal Code (BMC) is incorporated here by reference and by such reference set forth at full length.

**Section 2.** Title 3 as currently written is repealed and hereafter shall read as follows:

**Title 3**

**REVENUE AND FINANCE**

**Chapters:**

- 3.01 Payment of Claims or Obligations
- 3.04 Property Tax
- 3.06 Real Estate Excise Tax
- 3.07 Excise tax on Hotels, Motels and Similar Establishments
- 3.08 Sales and Use Tax
- 3.10 Additional Sales and Use Tax
- 3.11 Funds
- 3.12 Leasehold Excise Tax
- 3.14 Telephone Utility Business and Occupation Tax (repealed – see Chapter 5.10, Utility Taxes)
- 3.16 Bidding Procedure
- 3.20 Special Gas Tax Fund (repealed – see Chapter 3.11, Funds)
- 3.24 Sinking Fund (repealed – see Chapter 3.11, Funds)
- 3.28 Federal Shared Revenue Fund (repealed)
- 3.32 Antirecession Fiscal Assistance Fund (repealed – see Chapter 3.11, Funds)
- 3.36 Cumulative Reserve Funds (repealed – see Chapter 3.11, Funds)
- 3.40 Capital Replacement Cost Fund (repealed – see Chapter 3.11, Funds)
- 3.44 Construction Maintenance Funds (repealed – see Chapter 3.11, Funds)
- 3.48 Bingen Gambling Ordinance
- 3.52 Small Works Roster
- 3.56 Sewage Treatment Plant Expansion Fund (repealed – see Chapter 3.11, Funds)
- 3.60 Urban Development Action Grant Repayment Fund (repealed – see Chapter 3.11, Funds)

**Chapter 3.01**

## PAYMENT OF CLAIMS OR OBLIGATIONS

### Sections:

- 3.01.010 Policy to pay obligations with checks.
- 3.01.020 Designation of public depository.
- 3.01.030 Designation of officers authorized or required to sign checks.
- 3.01.040 Use of the term warrant to include the term check.

#### **3.01.010 Policy to pay obligations with checks.**

It shall be the city's policy to pay claims or other obligations of the city, which are payable out of solvent funds by check rather than warrant; provided, that no check shall be issued when the applicable fund is not solvent at the time payment is ordered, but a warrant shall be issued therefore. (Ord. 527 §1, 2006).

#### **3.01.020 Designation of public depository.**

The city council designates Riverview Community Bank to be the qualified public depository whereon such checks are to be drawn. (Ord. 722 §2, 2022).

#### **3.01.030 Designation of officers authorized or required to sign checks.**

The city council designates the mayor, the clerk-treasurer, the deputy clerk and the mayor pro tempore as the officers authorized to sign checks. Each check must be signed by two of the designees. (Ord. 527 §1, 2006; Ord. 575 §2, 2010).

#### **3.01.040 Use of the term warrant to include the term check.**

This chapter shall be interpreted consistently with the chapters of the Bingen Municipal Code. Where the term "warrant" is used in other chapters of the Bingen Municipal Code, it is defined to include the term "check," except as set forth in BMC 3.01.010. (Ord. 527 §1, 2006).

### Chapter 3.04

## PROPERTY TAX

### Sections:

- 3.04.010 Assessment.
- 3.04.020 Collection.

#### **3.04.010 Assessment.**

For each and every year during the existence of the city as a municipal corporation it shall be the duty of the county assessor to assess all property within the limits of the city of municipal purposes according to the laws of the state providing for the assessment and collection of taxes in the towns of the fourth class. (Ord. 3 §1, 1924).

#### **3.04.020 Collection.**

During each and every year during the corporate existence of the city it shall be the duty of the county treasurer to collect all taxes levied by the city for municipal purposes as provided by the laws of the state for the collection of taxes in towns of the fourth class. (Ord. 3 §2, 1924).

### **Chapter 3.06**

#### **REAL ESTATE EXCISE TAX**

##### **Sections:**

- 3.06.010 Amount levied – Collection.
- 3.06.020 Statutory provisions adopted.
- 3.06.030 Revenue use restrictions.

##### **3.06.010 Amount levied – Collection by county treasurer.**

Pursuant to Chapter 82.46 RCW as presently enacted and hereinafter amended, the county treasurer shall collect an excise tax upon transfers of a real property within the city limits. The tax shall be levied at a rate of one-quarter of one percent of the total gross sale price. The Klickitat County Treasurer shall assess a fee of one percent of the amount collected for benefit of the city. (Ord. 377 §1, 1987; Ord. 754 §2, 2024).

##### **3.06.020 Statutory provisions adopted.**

The city hereby adopts by reference RCW 82.46 and the WAC regulations governing such excise taxes, as they are presently codified and hereafter amended (Ord. 377 §3, 1987).

##### **3.06.030 Revenue use restrictions.**

Tax revenue produced by this excise tax shall be dedicated exclusively for capitalized purposes or allowable maintenance within the city limits. (Ord. 377 §2, 1987; Ord. 754 §2, 2024).

### **Chapter 3.07**

#### **EXCISE TAX ON HOTELS, MOTELS AND SIMILAR ESTABLISHMENTS**

##### **Sections:**

- 3.07.010 Tax Levy
- 3.07.020 Definitions.
- 3.07.030 Tax in addition to other fees and taxes.
- 3.07.040 Special fund created.
- 3.07.050 Administration of tax.
- 3.07.060 Violation.

##### **3.07.010 Tax Levy.**

As authorized by RCW 67.28.180, there is levied a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by hotels, motels, rooming houses, tourist courts and trailer

camps, and the granting of any similar license to use real property, as distinguished from the 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 to enjoy the same. Tax imposed under this section on a sale of lodging shall be credited against the amount of sales tax due to the state under Chapter 82.08 RCW on the same sale of lodging.

**3.07.020 Definitions.**

The definitions of “selling price,” “seller,” “buyer,” “consumer” and all other definitions as are now made in RCW 82.08.010 and subsequent amendments thereto are hereby made the definitions for the tax levied in this chapter.

**3.07.030 Tax in addition to other fees and taxes.**

The tax levied in this chapter shall be in addition to any license fee or any other tax imposed or levied under any law or any other ordinance of the city; provided, the two percent tax levied herein shall be deducted from the amount of tax the seller would otherwise be required to collect and pay to the Washington State Department of Revenue under Chapter 82.08 RCW.

**3.07.040 Special fund created.**

- A. There is created a special fund in the city to be known as the “Lodging Tax Fund.” All taxes levied and collected under the provisions of this chapter shall be credited to the “Lodging Tax Fund” (Ord. 754 §2, 2024)
- B. Expenditures from the “Lodging Tax Fund” shall be made only for the purposes of paying for all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.28 RCW, as now or hereinafter amended (Ord. 754 §2, 2024).

**3.07.050 Administration of tax.** For the purposes of the tax levied hereby:

- A. The Washington State Department of Revenue is hereby designated as the agent of the city for the purposes of collection and administration.
- B. The administrative provisions contained in Sections 82.08.050-82.08.090 and Chapter 82.32 RCW (and hereinafter as amended) shall apply with respect to administration and collection by the Washington State Department of Revenue.
- C. All rules and regulations adopted by the Washington State Department of Revenue for the administration of Chapter 82.08 RCW are hereby adopted by the city.
- D. The Washington State Department of Revenue is hereby empowered, on behalf of the city, to prescribe such special forms and reporting procedures as the Washington State Department of Revenue may deem necessary.

**3.07.060 Violation.** It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be considered a separate offense. Failure to collect and remit the 2% special excise tax on

lodging may result in Vacation Rental permit revocation as outlined in BMC 5.16.100 (Ord. §2 754, 2024).

## Chapter 3.08

### SALES AND USE TAX

#### Sections:

- 3.08.010 Imposed.
- 3.08.020 Rate.
- 3.08.030 Administration and collection.
- 3.08.040 Inspection of records.

#### **3.08.010 Imposed.**

- A. There is imposed a sales or use tax, as the case may be, upon every taxable event as defined in RCW 82.14.020, occurring within the city (Ord. 754 §2, 2024).
- B. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12 and amendments. (Ord. 194 (part), 1970).

#### **3.08.020 Rate.**

The rate of the tax imposed under Section 3.08.010 of this code shall be not in excess of one percent of the selling price or value of the article used or sold as the case may be. (Ord. 194 §2, 1970; Ord. 754 §2, 2024).

#### **3.08.030 Administration and collection.**

- A. The administration and collection of the tax imposed by the ordinance codified in this chapter shall be in accordance with provisions of Section 6, Laws of 1970, First Extraordinary Session.
- B. The mayor of the city shall have authority to enter into the contract with the Department of Revenue for administration of the tax. (Ord. 194 §3, §5, 1970).

#### **3.08.040 Inspection of records.**

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue (Ord. 194 §4, 1970; Ord. 754 §2, 2024).

## Chapter 3.10

### ADDITIONAL SALES AND USE TAX

#### Sections:

- 3.10.010 Imposed.
- 3.10.020 Rate.

- 3.10.030 Administration and collection.
- 3.10.040 Disposition of money collected pursuant to BMC 3.10.
- 3.10.050 Inspection of records.
- 3.10.060 Authorizing contractor for administration.
- 3.10.070 Referendum petition procedures.
- 3.10.080 Penalties.

**3.10.010 Imposed.**

There is imposed an additional sales or use tax, as the case may be, as authorized by RCW Chapter 82.14.030(2), as now adopted and hereafter amended, upon every taxable event, as defined in RCW 82.14.020, as now adopted and hereafter amended, occurring within the city. The tax shall be imposed upon and collected from those persons from who the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.020 Rate.**

The rate of tax imposed by BMC 3.10.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by Klickitat County under RCW 82.14.030(2), as now adopted and hereafter amended, at a rate equal to or greater than the rate imposed by BMC 3.10.010, the County shall received fifteen percent of the tax imposed by BMC 3.10.010; provided further, that during such period as there is in effect a sales or use tax imposed by Klickitat County under RCW 82.14.030(2), as now adopted and hereafter amended, at a rate which is less than the rate imposed by BMC 3.10.010, the County shall receive from the tax imposed by BMC 3.10.010 that amount of revenues equal to fifteen percent of the rate of the tax imposed by the County under RCW 87.14.030(2), as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.030 Administration and collection.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.040 Disposition of money collected pursuant to BMC 3.10.**

Money received according to BMC 3.10 shall be deposited in the general (current expense) fund (Ord. 513 §1, 2005; Ord. 555 §2, 2009; Ord. 754 §2, 2024).

**3.10.050 Inspection of records.**

The City hereby consents to the inspection of such records as are necessary to qualify the City for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.060 Authorizing contractor for administration.**

The mayor and clerk are authorized to enter into a contract with the Department of Revenue for the administration of the sales and use tax imposed by BMC 3.10.010, pursuant to RCW 82.14.050, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.070 Referendum petition procedures.**

Referendum petition procedures to repeal a city tax as authorized under RCW 82.14.030(2), as now adopted and hereafter amended, shall comply with RCW 82.14.036, as now adopted and hereafter amended, as well as RCW 35A.11.100, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.080 Penalties.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. (Ord. 513 §1, 2005).

**Chapter 3.11**

**FUNDS**

Sections:

- 3.11.010 General fund.
- 3.11.020 Street fund.
- 3.11.030 Community development fund.
- 3.11.050 Fire equipment fund.
- 3.11.060 Street equipment fund.
- 3.11.080 General equipment fund.
- 3.11.090 Street construction and maintenance fund.
- 3.11.100 Real estate excise tax (REET) fund.
- 3.11.110 Building construction and maintenance fund.
- 3.11.115 Loding tax fund.
- 3.11.120 Park construction and maintenance fund.
- 3.11.130 Water fund.
- 3.11.140 Sewer fund.
- 3.11.150 Treatment plant fund.
- 3.11.205 Drinking water state revolving fund (DWSRF) loan fund.
- 3.11.206 Water short-lived assets reserve.
- 3.11.208 2022 Water bond reserve.
- 3.11.209 2022 Water bond redemption.
- 3.11.210 Water capital reserve fund.
- 3.11.220 Water equipment fund.
- 3.11.230 Sewer capital reserve fund.
- 3.11.250 Treatment plant improvement fund.
- 3.11.260 Treatment plant capital expansion fund.
- 3.11.265 Court remittance agency fund.

**3.11.010 General fund.**

There is hereby established a fund to be known as the “general fund” out of which current expenses of the City of Bingen shall be paid, and which will be used to account for financial transactions of the general operating functions of City departments, and to account for those transactions not properly accounted for in another fund. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.020 Street fund.**

There is hereby established a fund to be known as the “street fund” into which shall be paid all monies received by the City of Bingen as distributions, pursuant to RCW 46.68.090(1)(i), of the motor vehicle fuel taxes imposed by the state of Washington. Monies in the fund shall be used generally by the City of Bingen for planning, establishing, constructing, repairing and maintaining the City’s street, sidewalks and appurtenances, including pedestrian and bicycle paths, lanes and routes. However, nothing herein shall prohibit the city council from appropriating such additional monies to the fund as may be deemed necessary. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.030 Community development fund.**

There is hereby established a fund to be know as the “community development fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used generally by the City of Bingen for planning, establishing, maintaining and constructing projects and improvements as designated in the City’s Community Action Plan. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.050 Fire equipment fund.**

There is hereby established a fund to be known as the “fire equipment fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the purchase of fire equipment and other capital improvements associated with the fire department. Fire equipment may include uniforms. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 674 § 2, 2017; Ord. 754 §2, 2024).

**3.11.060 Street equipment fund.**

There is hereby established a fund to be known as the “street equipment fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the purchase of equipment necessary for the maintenance and operations of the city’s streets. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.080 General equipment fund.**

There is hereby established a fund to be known as the “general equipment fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the purchase of general equipment, including but not limited to computers, furniture, telephone systems, etc. General equipment does not include police vehicles, fire equipment, water equipment, sewer equipment, park equipment, street equipment or treatment plant equipment. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.090 Street construction and maintenance fund.**

There is hereby established a fund to be known as the “street construction and maintenance fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the planning, construction, improvements and maintenance of city streets. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.100 Real estate excise tax (REET) fund.**



There is hereby established a fund to be known as the “real estate excise tax (REET) fund.” Monies coming from real estate excise taxes authorized per RCW 82.46.010 shall be placed in the REET fund. Monies in the fund shall only be used for the planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvements of capital projects identified in the city’s capital improvements plan. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.110 Building construction and maintenance fund.**

There is hereby established a fund to be known as the “building construction and maintenance fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the planning, construction, improvements and maintenance of city facilities of a general nature. These facilities do not include street facilities, water facilities, or wastewater facilities. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.115 Lodging tax fund.**

There is hereby established a fund to be known as the “lodging tax fund.” The monies in the fund come from a two percent special excise tax on the sale or charge made for the furnishing of lodging as outlined in BMC 3.07.010. Council may appropriate monies from the fund for the purposes of paying for all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.27 RCW (Ord. 754 §2, 2024).

**3.11.120 Park construction and maintenance fund.**

There is hereby established a fund to be known as the “park construction and maintenance fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the planning, construction, improvements and maintenance of park facilities. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.130 Water fund.**

There is hereby established a fund to be known as the “water fund.” All monies earned by the water system from established rates, system connection charges, and other sources authorized by the city council shall be placed in the water fund. Monies in the fund shall be used for the operations, maintenance, planning, construction, and improvements of the water system. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.140 Sewer fund.**

There is hereby established a fund to be known as the “sewer fund.” All monies earned by the sewer system from established rates, system connection charges, and other sources authorized by the city council except those monies identified in BMC 3.10.260 shall be placed in the sewer fund except as otherwise noted in this chapter. Monies in the fund shall be used for the operations, maintenance, planning, construction and improvements of the collection and transmission portion of the sewer system. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.150 Treatment plant fund.**

There is hereby established a fund to be known as the “treatment plant fund.” Monies are provided by the City of Bingen and the City of White Salmon per interlocal agreement. Funds from the City of Bingen are appropriated from the sewer fund. Monies in the fund shall be used for the operations and maintenance of the wastewater treatment plant. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.205 Drinking water state revolving fund (DWSRF)**

There is hereby established a fund to be known as the “drinking water state revolving fund (DWSRF).”The city council shall appropriate funds from the Water Fund to meet the principal and interest payment requirements of the 2013 Drinking Water State Revolving Fund Loan. Monies in the fund are to be used to meet the 2013 Drinking Water State Revolving Fund Loan principal and interest payments. (Ord. 625 § 2, 2013; Ord. 648 § 2, 2015; Ord. 754 §2, 2024).

**3.11.210 Water capital reserve fund.**

There is hereby established a fund to be known as the “water capital reserve fund.” The city council may appropriate monies to the fund as may be deemed necessary. The source of the monies shall be from the water fund. Monies in the fund shall be used for the planning, construction, improvements, and maintenance of the water system including purchase of equipment. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 674 § 2, 2017; Ord. 754 §2, 2024).

**3.11.230 Sewer capital reserve fund.**

There is hereby established a fund to be known as the “sewer capital reserve fund.” The city council may appropriate monies to the fund as may be deemed necessary. The source of the monies shall be from the sewer fund. Monies in the fund shall be used for the planning, construction, improvements, and maintenance of the collection and transmission portion of the sewer system including the purchase of equipment. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 674 § 2, 2017; Ord. 754 §2, 2024).

**3.11.250 Treatment plant improvement fund.**

There is hereby established a fund to be known as the “treatment plant improvement fund.” The city council may appropriate monies to the fund as may be deemed necessary. The source of the monies shall be from the treatment plant fund. Monies in the fund shall be used for the planning, construction, improvements, and maintenance of the treatment plant and shall include equipment purchases. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.260 Treatment plant capital expansion fund.**

There is hereby established a fund to be known as the “treatment plant capital expansion fund.” Per the interlocal agreement between the City of Bingen and the City of White Salmon, \$1,500 of each sewer hookup fee paid to Bingen must be deposited in the treatment plant expansion fund. The monies in the fund are to be used towards future expansion and/or replacement of the treatment plant. Agreement between the two cities is required for use of the monies. Additional monies may be deposited into the fund upon agreement between the two cities. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 754 §2, 2024).

**3.11.265 Court remittance agency fund.**

There is hereby established a fund to be known as the “court remittance agency fund.” West District Court provides receipts that are due to Klickitat County Prosecutor and Washington State Treasurer on a monthly basis. All funds are held in trust for the two agencies and remitted on a monthly basis. (Ord. 648 § 2, 2015).

## Chapter 3.12

### LEASEHOLD EXCISE TAX

#### Sections:

- 3.12.010 Levy.
- 3.12.020 Rate – Credits.
- 3.12.030 Administration and collection.
- 3.12.040 Exemptions.
- 3.12.050 Inspection of records.

#### **3.12.010 Levy.**

There is levied and shall be collected a leasehold excise tax on and after January 1, 1977, upon the act or privilege of occupying or using publicly owned real or personal property within the city through a “leasehold interest” as defined by Section 2, Chapter 61, Laws of 1975-76, Second Extraordinary Session (hereafter “the state act”). The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and in the manner prescribed by Section 5 of the state act. (Ord. 241 §1, 1977).

#### **3.12.020 Rate – credits.**

The rate of the tax imposed by Section 3.12.010 of this code shall be four percent of the taxable rate as defined by RCW 82.29A.040.(Ord. 754 §2, 2024)

#### **3.12.030 Administration and collection.**

- A. The administration and collection of the tax imposed by the ordinance codified in this chapter shall be in accordance with the provisions of the state act.
- B. The mayor is authorized to execute a contract with the Department of Revenue of the state for the administration and collection of the tax imposed by Section 3.12.010 of this code, provided, that the city attorney shall first approve the form and content of the contract. (Ord. 241 §3, §6, 1977).

#### **3.12.040 Exemptions.**

Leasehold interests exempted by RCW 82.29A.125, 82.29A.130, 82.29A.132, 82.29A.134, 82.29A.135, 82.29A.136, 82.29A.137, and 82.29A.138 as currently written or may hereafter be amended shall be exempt from the tax imposed pursuant to Section 3.12.010 of this code. (Ord. 241 §4, 1977; Ord. 754 §2, 2024).

#### **3.12.050 Inspection of records.**

The city consents to the inspection of records of the Department of Revenue pursuant to RCW 82.32.330. (Ord. 241 §5, 1977).

## Chapter 3.16

### BIDDING PROCEDURE

#### Sections:

- 3.16.010 Bids required when – Notice.
- 3.16.020 Contract letting – Re-advertising for bids.
- 3.16.030 Purchase limit – Bid exceptions.

#### **3.16.010 Bid required when – Notice.**

The city may construct any public work improvement by contract or day labor without calling for bids therefore whenever the estimated cost of materials, supplies and equipment will not exceed the sum of twenty thousand dollars. Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed twenty thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plan and specifications therefore shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. (Ord. 361 §1, 1987; Ord. 754 §2, 2024).

#### **3.16.020 Contract letting – Re-advertising for bids.**

The city council shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call. When the contract is let than all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with this bid and furnish a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council, or the council shall recover the amount of the surety bond. If no bid is received on the first call the council may re-advertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor. (Ord. 361 §2, 1987).

#### **3.16.030 Purchase limit – Bid exception.**

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds thirty-five thousand dollars shall be made upon call for bids; provided, that the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof. Advertisement and competitive bidding may be dispensed with for purchases between twenty and thirty five thousand dollars, if the city council authorizes by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure

establishment of a competitive price and for awarding the contract for purchase of materials, equipment or services to the lowest responsible bidder. (Ord. 361 §3, 1987; Ord. 754 §2, 2024).

**Chapter 3.48**

**BINGEN GAMBLING ORDINANCE – REPEALED AND RESERVED**

**Chapter 3.52**

**SMALL WORKS ROSTER**

**Sections:**

- 3.52.010 Established.
- 3.52.020 Procedure.
- 3.52.030 Determining Lowest Responsible Bidder.
- 3.52.040 Awards.
- 3.52.050 Exemptions.
- 3.52.060 Emergency.

**3.52.010 Established.**

The city has outsourced the need to maintain a small works roster by contracting with the Municipal Research Services Center (MRSC) small works roster program (Ord. 754 §2, 2024).

**3.52.020 Procedure.**

The following small works roster procedures are established for use by the City pursuant to RCW 35.23.352 and Chapter 39.04 RCW, as now hereafter amended.

- A. Cost.** The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed \*Three Hundred Fifty Thousand Dollars (\$350,000), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process (Ord. 754 §2, 2024).
- B. Contractors on Small Works Roster(s).** The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the City as a condition of being placed on a roster or rosters.
- C. Publication.** At least once a year, the City shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

**D. Quotations.** The City shall obtain written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911, as now or hereafter amended, as follows:

1. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.
2. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster.
3. For purposes of this ordinance, “equitably distribute” means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor’s bid for the same project.
4. A written record shall be made by the City representative of each contractor’s bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations shall be recorded, open to public inspections, and available by telephone inquiry.
5. At least once every year a list of contracts awarded under that process is to be furnished to the City Council and made available to the general public. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection. (Ord. 359 §2, 1986; Ord. 473 §3, 2001).

**3.52.030 Determining Lowest Responsible Bidder.**

The City Council shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best bid obtainable, all bids may be rejected and the City Council may call for new bids. In addition to price, the City Council shall take into account the following:

1. the ability, capacity, and skill of the bidder to perform the contract;
2. whether the bidder can perform the contract within the time specified by the City;
3. the quality of the bidder’s performance of previous contracts or services;

4. the previous and existing compliance by the bidder with laws relating to the contract or services. (Ord. 473 §4, 2001).

**3.52.040 Awards.**

The Mayor or their designee shall present all quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects included in an adopted budget and are \$20,000 or less, the Mayor or their designee shall have the authority to award public works contracts without City Council approval. For public works projects over \$35,000, the City Council shall award all public works contracts by resolution. All public works projects over \$2,500 will require a signed contract before work can begin. Ord. 754 §2, 2024).

**3.52.050 Exemptions.**

Nothing in this chapter shall be interpreted or construed in any manner as prohibiting the City from availing itself of any exemptions provided by RCW 39.04.280, as now or hereafter amended. (Ord. 473 §6, 2001).

**3.52.060 Emergency.**

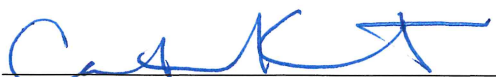
- A. Persons Designated.** Pursuant to RCW 39.04.280(1) (e) and RCW 39.04.280(2), as now or hereafter amended, the City adopts a policy designating the Mayor or the City Clerk as persons who may declare an emergency situation exists, waive competitive bidding requirements, including those addressed in this Chapter of the Bingen Municipal Code, and award all necessary contracts on behalf of the City of Bingen to address the emergency situation.
- B. Definition.** “Emergency” means unforeseen circumstances beyond the control of the City that either (a) presents a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- C. Written Finding.** If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency shall be made by the Council or the Mayor or City Clerk and entered of record as soon as is practicable after the contract is awarded, but no later than two weeks after the contract is awarded. (Ord. 473 §7, 2001).

**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN,** and effective five

(5) days after the first date of posting or publication.

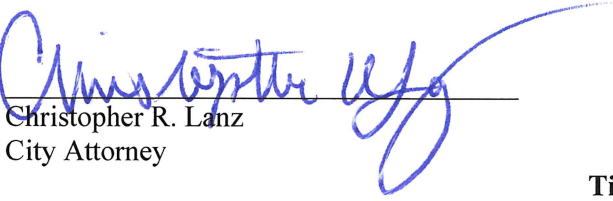
**DATED** this 5<sup>th</sup> day of March, 2024.

ATTEST:

  
\_\_\_\_\_  
Mayor Catherine Kiewit

  
\_\_\_\_\_  
Krista Loney, City Administrator

Approved as to form only:

  
Christopher R. Lanz  
City Attorney

### **Title 3**

## **REVENUE AND FINANCE**

### **Chapters:**

- 3.01 Payment of Claims or Obligations
- 3.04 Property Tax
- 3.06 Real Estate Excise Tax
- 3.08 Sales and Use Tax
- 3.10 Additional Sales and Use Tax
- 3.10a Funds
- 3.12 Leasehold Excise Tax
- 3.14 Telephone Utility Business and Occupation Tax (repealed – see Chapter 5.10, Utility Taxes)
- 3.16 Bidding Procedure
- 3.20 Special Gas Tax Fund (repealed – see Chapter 3.10a, Funds)
- 3.24 Sinking Fund (repealed – see Chapter 3.10a, Funds)
- 3.28 Federal Shared Revenue Fund (repealed)
- 3.32 Antirecession Fiscal Assistance Fund (repealed – see Chapter 3.10a, Funds)
- 3.36 Cumulative Reserve Funds (repealed – see Chapter 3.10a, Funds)
- 3.40 Capital Replacement Cost Fund (repealed – see Chapter 3.10a, Funds)
- 3.44 Construction Maintenance Funds (repealed – see Chapter 3.10a, Funds)
- 3.48 Bingen Gambling Ordinance
- 3.52 Small Works Roster
- 3.56 Sewage Treatment Plant Expansion Fund (repealed – see Chapter 3.10a, Funds)
- 3.60 Urban Development Action Grant Repayment Fund (repealed – see Chapter 3.10a, Funds)

### **Chapter 3.01**

## **PAYMENT OF CLAIMS OR OBLIGATIONS**

### **Sections:**

- 3.01.010 Policy to pay obligations with checks.
- 3.01.020 Designation of public depository.
- 3.01.030 Designation of officers authorized or required to sign checks.
- 3.01.040 Use of the term warrant to include the term check.

### **3.01.010 Policy to pay obligations with checks.**

It shall be the city's policy to pay claims or other obligations of the city, which are payable out of solvent funds by check rather than warrant; provided, that no check shall be issued when the applicable fund is not solvent at the time payment is ordered, but a warrant shall be issued therefore. (Ord. 527 §1, 2006).



**3.01.020 Designation of public depository.**

The city council designates Riverview Community Bank to be the qualified public depository whereon such checks are to be drawn. (Ord. 722 §2, 2022).

**3.01.030 Designation of officers authorized or required to sign checks.**

The city council designates the mayor, the clerk-treasurer, the deputy clerk and the mayor pro tem as the officers authorized to sign checks. Each check must be signed by two of the designees. (Ord. 527 §1, 2006; Ord. 575 §2, 2010).

**3.01.040 Use of the term warrant to include the term check.**

This chapter shall be interpreted consistently with the chapters of the Bingen Municipal Code. Where the term “warrant” is used in other chapters of the Bingen Municipal Code, it is defined to include the term “check,” except as set forth in BMC 3.01.010. (Ord. 527 §1, 2006).

**Chapter 3.04**

**PROPERTY TAX**

**Sections:**

- 3.04.010 Assessment.
- 3.04.020 Collection.

**3.04.010 Assessment.**

For each and every year during the existence of the city as a municipal corporation it shall be the duty of the county assessor to assess all property within the limits of the city of municipal purposes according to the laws of the state providing for the assessment and collection of taxes in the towns of the fourth class. (Ord. 3 §1, 1924).

**3.04.020 Collection.**

During each and every year during the corporate existence of the city it shall be the duty of the county treasurer to collect all taxes levied by the city for municipal purposes as provided by the laws of the state for the collection of taxes in towns of the fourth class. (Ord. 3 §2, 1924).

**Chapter 3.06**

**REAL ESTATE EXCISE TAX**

**Sections:**

- 3.06.010 Amount levied – Collection.
- 3.06.020 Statutory provisions adopted.
- 3.06.030 Revenue use restrictions.

**3.06.010 Amount levied – Collection by county treasurer.**

Pursuant to RCW 82.46 as presently enacted and hereinafter amended, the county treasurer shall collect an excise tax upon transfers of a real property within the city limits. The tax shall be levied at a rate of one-quarter of one percent of the total gross sale price. (Ord. 377 §1, 1987).

**3.06.020 Statutory provisions adopted.**

The city hereby adopts by reference RCW 82.46 and the WAC regulations governing such excise taxes, as they are presently codified and hereafter amended (Ord. 377 §3, 1987).

**3.06.030 Revenue use restrictions.**

Tax revenue produced by this excise tax shall be dedicated exclusively for capitalized purposes within the city limits. (Ord. 377 §2, 1987).

**Chapter 3.07**

**Excise Tax on Hotels, Motels and Similar Establishments**

Sections:

- 3.07.010 Tax Levy
- 3.07.020 Definitions.
- 3.07.030 Tax in addition to other fees and taxes.
- 3.07.040 Special fund created.
- 3.07.050 Administration of tax.
- 3.07.060 Violation.
- 3.07.070 Lodging tax advisory committee.

**3.07.010 Tax Levy.** As authorized by RCW 67.28.180, there is levied a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by hotels, motels, rooming houses, tourist courts and trailer camps, and the granting of any similar license to use real property, as distinguished from the 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 to enjoy the same. Tax imposed under this section on a sale of lodging shall be credited against the amount of sales tax due to the state under Chapter 82.08 RCW on the same sale of lodging.

**3.07.020 Definitions.** The definitions of “selling price,” “seller,” “buyer,” “consumer” and all other definitions as are now made in RCW 82.08.010 and subsequent amendments thereto are hereby made the definitions for the tax levied in this chapter.

**3.07.030 Tax in addition to other fees and taxes.** The tax levied in this chapter shall be in addition to any license fee or any other tax imposed or levied under any law or any other ordinance of the city; provided, the two percent tax levied herein shall be deducted from the amount of tax the seller would otherwise be required to collect and pay to the Washington State Department of Revenue under Chapter 82.08 RCW.

**3.07.040 Special fund created.**

A. There is created a special fund in the city to be known as the “tourism promotion and development fund.” All taxes levied and collected under the provisions of this chapter shall be credited to the “tourism promotion and development fund.”

B. Expenditures from the “tourism promotion and development fund” shall be made only for the purposes of paying for all or any part of the cost of tourism promotion, acquisition of tourism-related

facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.28 RCW, as now or hereinafter amended.

**3.07.050 Administration of tax.** For the purposes of the tax levied hereby:

A. The Washington State Department of Revenue is hereby designated as the agent of the city for the purposes of collection and administration.

B. The administrative provisions contained in Sections 82.08.050-82.08.090 and Chapter 82.32 RCW (and hereinafter as amended) shall apply with respect to administration and collection by the Washington State Department of Revenue.

C. All rules and regulations adopted by the Washington State Department of Revenue for the administration of Chapter 82.08 RCW are hereby adopted by the city.

D. The Washington State Department of Revenue is hereby empowered, on behalf of the city, to prescribe such special forms and reporting procedures as the Washington State Department of Revenue may deem necessary.

**3.07.060 Violation.** It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be considered a separate offense.

## Chapter 3.08

### SALES AND USE TAX

#### Sections:

- 3.08.010 Imposed.
- 3.08.020 Rate.
- 3.08.030 Administration and collection.
- 3.08.040 Inspection of records.

#### **3.08.010 Imposed.**

- A. There is imposed a sales or use tax, as the case may be, upon every taxable event as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary session, occurring within the city.
- B. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12 and amendments. (Ord. 194 (part), 1970).

#### **3.08.020 Rate.**

The rate of the tax imposed under Section 3.08.010 of this code shall be not in excess of 425/100 of one percent of the selling price or value of the article used or sold as the case may be. (Ord. 194 §2, 1970).

#### **3.08.030 Administration and collection.**

- A. The administration and collection of the tax imposed by the ordinance codified in this chapter shall be in accordance with provisions of Section 6, Laws of 1970, First Extraordinary Session.
- B. The mayor of the city shall have authority to enter into the contract with the Department of Revenue for administration of the tax. (Ord. 194 §3, §5, 1970).

### **3.08.040 Inspection of records.**

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to provisions of RCW 83.32.330. (Ord. 194 §4, 1970).

## **Chapter 3.10**

### **ADDITIONAL SALES AND USE TAX**

#### **Sections:**

- 3.10.010 Imposed.
- 3.10.020 Rate.
- 3.10.030 Administration and collection.
- 3.10.040 Disposition of money collected pursuant to BMC 3.10.
- 3.10.050 Inspection of records.
- 3.10.060 Authorizing contractor for administration.
- 3.10.070 Referendum petition procedures.
- 3.10.080 Penalties.

#### **3.10.010 Imposed.**

There is imposed an additional sales or use tax, as the case may be, as authorized by RCW Chapter 82.14.030(2), as now adopted and hereafter amended, upon every taxable event, as defined in RCW 82.14.020, as now adopted and hereafter amended, occurring within the city. The tax shall be imposed upon and collected from those persons from who the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

#### **3.10.020 Rate.**

The rate of tax imposed by BMC 3.10.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by Klickitat County under RCW 82.14.030(2), as now adopted and hereafter amended, at a rate equal to or greater than the rate imposed by BMC 3.10.010, the County shall received fifteen percent of the tax imposed by BMC 3.10.010; provided further, that during such period as there is in effect a sales or use tax imposed by Klickitat County under RCW 82.14.030(2), as now adopted and hereafter amended, at a rate which is less than the rate imposed by BMC 3.10.010, the County shall receive from the tax imposed by BMC 3.10.010 that amount of revenues equal to fifteen percent of the rate of the tax imposed by the County under RCW 87.14.030(2), as now adopted and hereafter amended. (Ord. 513 §1, 2005).

#### **3.10.030 Administration and collection.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.040 Disposition of money collected pursuant to BMC 3.10.**

Money received according to BMC 3.10 shall be deposited in the general (current expense) fund and community development fund with 91% of the money received going to the general (current expense) fund and 9% of the money received going to the community development fund. (Ord. 513 §1, 2005; Ord. 555 §2, 2009).

**3.10.050 Inspection of records.**

The City hereby consents to the inspection of such records as are necessary to qualify the City for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.060 Authorizing contractor for administration.**

The mayor and clerk are authorized to enter into a contract with the Department of Revenue for the administration of the sales and use tax imposed by BMC 3.10.010, pursuant to RCW 82.14.050, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.070 Referendum petition procedures.**

Referendum petition procedures to repeal a city tax as authorized under RCW 82.14.030(2), as now adopted and hereafter amended, shall comply with RCW 82.14.036, as now adopted and hereafter amended, as well as RCW 35A.11.100, as now adopted and hereafter amended. (Ord. 513 §1, 2005).

**3.10.080 Penalties.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. (Ord. 513 §1, 2005).

**Chapter 3.11**

**FUNDS**

Sections:

- 3.11.010 General fund.
- 3.11.020 Street fund.
- 3.11.030 Community development fund.
- 3.11.050 Fire capital reserve fund.
- 3.11.060 Street equipment fund.
- 3.11.080 General equipment fund.
- 3.11.090 Street construction and maintenance fund.
- 3.11.100 Real estate excise tax (REET) fund.
- 3.11.110 Building construction and maintenance fund.
- 3.11.120 Park construction and maintenance fund.
- 3.11.130 Water fund.
- 3.11.140 Sewer fund.
- 3.11.150 Treatment plant fund.
- 3.11.205 Drinking water state revolving fund (DWSRF) loan fund.

- 3.11.210 Water capital reserve fund.
- 3.11.230 Sewer capital reserve fund.
- 3.11.250 Treatment plant improvement fund.
- 3.11.260 Treatment plant capital expansion fund.
- 3.11.265 Court remittance agency fund.

**3.11.010 General fund.**

There is hereby established a fund to be known as the “general fund” out of which current expenses of the City of Bingen shall be paid, and which will be used to account for financial transactions of the general operating functions of City departments, and to account for those transactions not properly accounted for in another fund. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.020 Street fund.**

There is hereby established a fund to be known as the “street fund” into which shall be paid all monies received by the City of Bingen as distributions, pursuant to RCW 46.68.090(1)(i), of the motor vehicle fuel taxes imposed by the state of Washington. Monies in the fund shall be used generally by the City of Bingen for planning, establishing, constructing, repairing and maintaining the City’s street, sidewalks and appurtenances, including pedestrian and bicycle paths, lanes and routes. However, nothing herein shall prohibit the city council from appropriating such additional monies to the fund as may be deemed necessary. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.030 Community development fund.**

There is hereby established a fund to be know as the “community development fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used generally by the City of Bingen for planning, establishing, maintaining and constructing projects and improvements as designated in the City’s Community Action Plan. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.050 Fire capital reserve fund.**

There is hereby established a fund to be known as the “fire capital reserve fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the purchase of fire equipment and other capital improvements associated with the fire department. Fire equipment may include uniforms. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 674 § 2, 2017).

**3.11.060 Street equipment fund.**

There is hereby established a fund to be known as the “street equipment fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the purchase of equipment necessary for the maintenance and operations of the city’s streets. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.080 General equipment fund.**

There is hereby established a fund to be known as the “general equipment fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the purchase of general equipment, including but not limited to computers, furniture, telephone systems, etc.

General equipment does not include police vehicles, fire equipment, water equipment, sewer equipment, park equipment, street equipment or treatment plant equipment. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.090 Street construction and maintenance fund.**

There is hereby established a fund to be known as the “street construction and maintenance fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the planning, construction, improvements and maintenance of city streets. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.100 Real estate excise tax (REET) fund.**

There is hereby established a fund to be known as the “real estate excise tax (REET) fund.” Monies coming from real estate excise taxes authorized per RCW 82.46.010 shall be placed in the REET fund. Monies in the fund shall only be used for the planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvements of capital projects identified in the city’s capital improvements plan. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.110 Building construction and maintenance fund.**

There is hereby established a fund to be known as the “building construction and maintenance fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the planning, construction, improvements and maintenance of city facilities of a general nature. These facilities do not include street facilities, water facilities, or wastewater facilities. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.120 Park construction and maintenance fund.**

There is hereby established a fund to be known as the “park construction and maintenance fund.” The city council may appropriate monies to the fund as may be deemed necessary. Monies in the fund shall be used for the planning, construction, improvements and maintenance of park facilities. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.130 Water fund.**

There is hereby established a fund to be known as the “water fund.” All monies earned by the water system from established rates, system connection charges, and other sources authorized by the city council shall be placed in the water fund. Monies in the fund shall be used for the operations, maintenance, planning, construction, and improvements of the water system. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.140 Sewer fund.**

There is hereby established a fund to be known as the “sewer fund.” All monies earned by the sewer system from established rates, system connection charges, and other sources authorized by the city council except those monies identified in BMC 3.10.260 shall be placed in the sewer fund except as otherwise noted in this chapter. Monies in the fund shall be used for the operations, maintenance, planning, construction and improvements of the collection and transmission portion of the sewer system. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.150 Treatment plant fund.**

There is hereby established a fund to be known as the “treatment plant fund.” Monies are provided by the City of Bingen and the City of White Salmon per interlocal agreement. Funds from the City of Bingen are appropriated from the sewer fund. Monies in the fund shall be used for the operations and maintenance of the wastewater treatment plant. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).



**3.11.205 Drinking water state revolving fund (DWSRF) loan fund.**

There is hereby established a fund to be known as the “drinking water state revolving fund (DWSRF) loan fund.” The city council shall appropriate funds from the Water Fund to meet the principal and interest payment requirements of the 2013 Drinking Water State Revolving Fund Loan. Monies in the fund are to be used to meet the 2013 Drinking Water State Revolving Fund Loan principal and interest payments. (Ord. 625 § 2, 2013; Ord. 648 § 2, 2015).

**3.11.210 Water capital reserve fund.**

There is hereby established a fund to be known as the “water capital reserve fund.” The city council may appropriate monies to the fund as may be deemed necessary. The source of the monies shall be from the water fund. Monies in the fund shall be used for the planning, construction, improvements, and maintenance of the water system including purchase of equipment. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 674 § 2, 2017).

**3.11.230 Sewer capital reserve fund.**

There is hereby established a fund to be known as the “sewer capital reserve fund.” The city council may appropriate monies to the fund as may be deemed necessary. The source of the monies shall be from the sewer fund. Monies in the fund shall be used for the planning, construction, improvements, and maintenance of the collection and transmission portion of the sewer system including the purchase of equipment. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015; Ord. 674 § 2, 2017).

**3.11.250 Treatment plant improvement fund.**

There is hereby established a fund to be known as the “treatment plant improvement fund.” The city council may appropriate monies to the fund as may be deemed necessary. The source of the monies shall be from the treatment plant fund. Monies in the fund shall be used for the planning, construction, improvements, and maintenance of the treatment plant and shall include equipment purchases. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.260 Treatment plant expansion fund.**

There is hereby established a fund to be known as the “treatment plant expansion fund.” Per the interlocal agreement between the City of Bingen and the City of White Salmon, \$1,500 of each sewer hookup fee paid to Bingen must be deposited in the treatment plant expansion fund. The monies in the fund are to be used towards future expansion and/or replacement of the treatment plant. Agreement between the two cities is required for use of the monies. Additional monies may be deposited into the fund upon agreement between the two cities. (Ord. 612 § 10, 2013; Ord. 648 § 2, 2015).

**3.11.265 Court remittance agency fund.**

There is hereby established a fund to be known as the “court remittance agency fund.” West District Court provides receipts that are due to Klickitat County Prosecutor and Washington State Treasurer on a monthly basis. All funds are held in trust for the two agencies and remitted on a monthly basis. (Ord. 648 § 2, 2015).

**Chapter 3.12**

**LEASEHOLD EXCISE TAX**

**Sections:**

- 3.12.010 Levy.
- 3.12.020 Rate – Credits.
- 3.12.030 Administration and collection.
- 3.12.040 Exemptions.
- 3.12.050 Inspection of records.

**3.12.010 Levy.**

There is levied and shall be collected a leasehold excise tax on and after January 1, 1977, upon the act or privilege of occupying or using publicly owned real or personal property within the city through a “leasehold interest” as defined by Section 2, Chapter 61, Laws of 1975-76, Second Extraordinary Session (hereafter “the state act”). The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and in the manner prescribed by Section 5 of the state act. (Ord. 241 §1, 1977).

**3.12.020 Rate – credits.**

The rate of the tax imposed by Section 3.12.010 of this code shall be four percent of the taxable rate (as defined by Section 2 of the state act); provided, that the following credits shall be allowed in determining the tax payable:

- A. With respect to a leasehold interest arising out of any lease or agreement, the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated (as defined by Section 2 of the state act) since that date, and excluding from such credit any leasehold interest arising out of any lease of property covered by the provisions of RCW28B.29.394, and any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:
  - 1. With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax produced by the above rate;
  - 2. With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax produced by the above rate;
  - 3. With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax produced by the above rate;
  - 4. With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax produced by the above rate.

- B. With respect to a product lease (as defined by Section 2 of the state act), a credit of thirty-three percent of the tax produced by the above rate. (Ord. 241 §2, 1977).

**3.12.030 Administration and collection.**

- A. The administration and collection of the tax imposed by the ordinance codified in this chapter shall be in accordance with the provisions of the state act.
- B. The mayor is authorized to execute a contract with the Department of Revenue of the state for the administration and collection of the tax imposed by Section 3.12.010 of this code, provided, that the city attorney shall first approve the form and content of the contract. (Ord. 241 §3, §6, 1977).

**3.12.040 Exemptions.**

Leasehold interests exempted by Section 13 of the state act as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section 3.12.010 of this code. (Ord. 241 §4, 1977).

**3.12.050 Inspection of records.**

The city consents to the inspection of records of the Department of Revenue pursuant to RCW 82.32.330. (Ord. 241 §5, 1977).

**Chapter 3.16**

**BIDDING PROCEDURE**

**Sections:**

- 3.16.010 Bids required when – Notice.
- 3.16.020 Contract letting – Re-advertising for bids.
- 3.16.030 Purchase limit – Bid exceptions.

**3.16.010 Bid required when – Notice.**

The city may construct any public work improvement by contract or day labor without calling for bids therefore whenever the estimated cost of materials, supplies and equipment will not exceed the sum of fifteen thousand dollars. Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed fifteen thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plan and specifications therefore shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. (Ord. 361 §1, 1987).

**3.16.020 Contract letting – Re-advertising for bids.**

The city council shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call. When the contract is let than all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with this bid and furnish a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council, or the council shall recover the amount of the surety bond. If no bid is received on the first call the council may re-advertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor. (Ord. 361 §2, 1987).

**3.16.030 Purchase limit – Bid exception.**

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids; provided, that the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof. Advertisement and competitive bidding may be dispensed with for purchases between two thousand and four thousand dollars, if the city council authorizes by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contract for purchase of materials, equipment or services to the lowest responsible bidder. (Ord. 361 §3, 1987).

**Chapter 3.48**

**BINGEN GAMBLING ORDINANCE**

**Sections:**

- 3.48.010 Adoption of provisions by reference.
- 3.48.020 Gambling prohibited.
- 3.48.030 Tax – Levied.
- 3.48.040 Tax – Payment.
- 3.48.050 Tax – Administration and collection.
- 3.48.060 Delinquent taxes – Penalty.
- 3.48.070 Prior submission of license to clerk required.
- 3.48.080 Financial disclosure.
- 3.48.090 Violations – Penalty.

**3.48.010 Adoption of provisions by reference.**

RCW Chapter 94.6 is adopted and incorporated by reference as if fully set forth in this chapter with the exception of the following sections or portions thereof: RCW 9.46.040, 9.46.050, 9.46.060, 9.46.070, 9.46.075, 9.46.080, 9.46.090, 9.46.100, 9.46.115, 9.46.140, 9.46.160, 9.46.170, 9.46.180, 9.46.200, 9.46.210 subsection 3 only, 9.46.220, 9.46.230 subsection 4 only, 9.46.235 subsection 1 only, 9.46.250 subsections 1 and 2 only, and 9.46.300; provided, however, that any reference to any detention facility in any such adopted statute shall be construed to refer to the appropriate detention facility for serving sentences imposed by the West District Court of Klickitat County, Washington. (Ord. 325 (part), 1983).

**3.48.020 Gambling prohibited.**

All nonexempt gambling, not licensed by the Washington State Gambling Commission, is prohibited in the city, and any person, association, or organization conducting or participating therein shall be guilty of a misdemeanor. (Ord. 325 (part), 1983).

**3.48.030 Tax – Levied.**

There is levied upon all nonexempt gambling activity within the city a tax, payable quarterly, upon such gambling activities as follows:

- A. All amusement machines, to and including juke boxes, thirty dollars per year per machine;

B. Social card games, two hundred dollars per year per table. (Ord. 325 (part), 1983).

**3.48.040 Tax – Payment.**

The tax imposed by this chapter shall be due and payable quarterly, and remittance shall accompany returns to the city clerk-treasurer on such forms as may be prescribed and shall be made on or before the fifteenth day of the month next succeeding the quarterly period in which the tax accrued. (Ord. 325 (part), 1983).

**3.48.050 Tax – Administration and collection.**

Administration and collection of the tax imposed by this chapter shall be by the city clerk-treasurer and pursuant to the rules and regulations of the Washington State Gambling Commission. The city shall adopt and publish such rules, forms and regulations as may be reasonably necessary to enable the collection of the tax imposed in this chapter. (Ord. 325 (part), 1983).

**3.48.060 Delinquent taxes – Penalty.**

- A. For each tax payment due, if the payment is not made by the due date thereof, there shall be added a penalty as follows:
  - 1. If paid on or before the final day of the month next succeeding the quarterly period in which the tax accrued, ten percent with a minimum penalty of five dollars;
  - 2. If paid prior to the fifteenth day of the second month next succeeding the quarterly period in which the tax accrued, fifteen percent with a minimum penalty of ten dollars;
  - 3. Failure to make payment by the fifteenth day of the second month next succeeding the quarterly period in which the tax accrued shall be deemed to be both a criminal and civil violation of this chapter.
- B. All delinquent taxes shall, in addition to the penalties imposed in subsection A or this section, accrue interest at the rate of twelve percent per year from the last day of the quarter in which the tax accrued until the date of payment. (Ord. 325 (part), 1983).

**3.48.070 Prior submission of license to clerk required.**

Prior to conducting any gambling activity licensed by the Washington State Gambling Commission within the city, a copy of the license must be submitted to the city clerk-treasurer.

**3.48.080 Financial disclosure.**

It shall be the responsibility of all officers, directors and managers of any organizations conducting any gambling activities subject to taxation under this chapter to make available at all reasonable times such financial records as the mayor, his authorized representative, or the chief of police of the city may require in order to determine full compliance with this chapter. (Ord. 325 (part), 1983).

**3.48.090 Violations – Penalty.**

Except as otherwise provided, any person who shall fail or refuse to pay the taxes required in this chapter or who willfully disobeys any rule or regulation promulgated by the city under this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than ninety days

or by a fine of not more than two hundred fifty dollars, or both. Any such fine shall be in addition to the tax required. Officers, directors and managers of any organization conducting gambling activities shall be jointly and severally liable for the payment of the tax and for the payment of any fine imposed under this chapter. (Ord. 325 (part), 1983).

## Chapter 3.52

### SMALL WORKS ROSTER

#### Sections:

- 3.52.010 Established.
- 3.52.020 Procedure.
- 3.52.030 Determining Lowest Responsible Bidder.
- 3.52.040 Awards.
- 3.52.050 Exemptions.**
- 3.52.060 Emergency.

#### **3.52.010 Established.**

There is established for the city, pursuant to RCW 35.23.352(3), as now or hereafter amended, a small works roster comprised of all contractors who request to be on the roster and who are, where required by law, properly licensed or registered to perform such work in the state of Washington. (Ord. 359 §1, 1986; Ord. 473 §2, 2001).

#### **3.52.020 Procedure.**

The following small works roster procedures are established for use by the City pursuant to RCW 35.23.352 and RCW 39.04, as now hereafter amended.

- A. Cost.** The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Two Hundred Thousand Dollars (\$200,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.
- B. Number of Rosters.** The City may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.
- C. Contractors on Small Works Roster(s).** The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the City as a condition of being placed on a roster or rosters.



- D. Publication.** At least once a year, the City shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster. An interlocal contract or agreement between the City of Bingen and other local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the small works roster provisions.
- E. Quotations.** The City shall obtain written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911, as now or hereafter amended, as follows:
1. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.
  2. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster.
  3. However, if the estimated cost of the work is from One Hundred Thousand Dollars (\$100,000) to Two Hundred Thousand Dollars (\$200,000), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:
    - (a) publishing notice in a legal newspaper in general circulation in the area where the works is to be done;
    - (b) mailing a notice to these contractors; or
    - (c) sending a notice to these contractors by facsimile or other electronic means.
  4. For purposes of this ordinance, “equitably distribute” means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor’s bid for the same project.
  5. A written record shall be made by the City representative of each contractor’s bid on the project and of any conditions imposed on the bid. Immediately after an award is made,

the bid quotations shall be recorded, open to public inspections, and available by telephone inquiry.

6. At least once every year a list of contracts awarded under that process is to be furnished to the City Council and made available to the general public. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection. (Ord. 359 §2, 1986: Ord. 473 §3, 2001).

### **3.52.030 Determining Lowest Responsible Bidder.**

The City Council shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best bid obtainable, all bids may be rejected and the City Council may call for new bids. In addition to price, the City Council shall take into account the following:

1. the ability, capacity, and skill of the bidder to perform the contract;
2. whether the bidder can perform the contract within the time specified by the City;
3. the quality of the bidder's performance of previous contracts or services;
4. the previous and existing compliance by the bidder with laws relating to the contract or services. (Ord. 473 §4, 2001).

### **3.52.040 Awards.**

The Mayor or his designee shall present all quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects included in an adopted budget and are \$500 or less, the Mayor shall have the authority to award public works contracts without City Council approval, provided that the City Council shall ratify the Mayor's approval at the next scheduled City Council meeting by means of the consent agenda. For public works projects over \$500, the City Council shall award all public works contracts by resolution. All public works projects over \$2,500 will require a signed contract before work can begin. The City Council will have the discretion to require a signed contract for public works projects between \$500 and \$2,500. (Ord. 359 §3, 1986: Ord. 473 §5, 2001).

### **3.52.050 Exemptions.**

**Nothing in this chapter shall be interpreted or construed in any manner as prohibiting the City from availing itself of any exemptions provided by RCW 39.04.280, as now or hereafter amended. (Ord. 473 §6, 2001).**

### **3.52.060 Emergency.**

- A. **Persons Designated.** Pursuant to RCW 39.04.280(1) (e) and RCW 39.04.280(2), as now or hereafter amended, the City adopts a policy designating the Mayor or the City Clerk as persons who may declare an emergency situation exists, waive competitive bidding requirements,

including those addressed in this Chapter of the Bingen Municipal Code, and award all necessary contracts on behalf of the City of Bingen to address the emergency situation.

- B. Definition.** “Emergency” means unforeseen circumstances beyond the control of the City that either (a) presents a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
  
- C. Written Finding.** If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency shall be made by the Council or the Mayor or City Clerk and entered of record as soon as is practicable after the contract is awarded, but no later than two weeks after the contract is awarded. (Ord. 473 §7, 2001).