

ORDINANCE NO. 2703

AN ORDINANCE PROVIDING FOR A TAX UPON THE PRIVILEGE OF ENGAGING IN THE ELECTRICAL POWER AND LIGHT BUSINESS AND PROVIDING PENALTIES FOR VIOLATION.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Definitions: In construing the provisions of this ordinance, the following definitions shall be applied, unless otherwise stated:

Person shall mean any company, corporation, association, partnership or individual.

Taxpayer shall mean any person subject to the payment of the tax herein provided.

Electrical Power and Light Business shall mean the business of selling, at wholesale or retail, electrical energy.

Gross Operating Revenue shall mean revenue accruing from the electrical power business transacted within the corporate limits of the City of Albany. In case the taxpayer is a public utility, subject to the regulation under the statutes of Oregon, gross operating revenue shall mean that amount required to be credited by the taxpayer to the taxpayers operations within the City of Albany under the uniform system of accounts prescribed by the regulatory body of the state having jurisdiction. There shall be no deduction for the cost of commodity, cost of materials used, labor, interest, discount, delivery costs and other expenses, unless otherwise provided in this ordinance.

Section 2: Amount of Tax: There is hereby imposed a monthly occupational tax upon the electric light and power business for the privilege of engaging in such business within the City of Albany. Beginning on the first calendar month following the effective date of this ordinance, such tax shall be paid. The tax for such monthly period shall be equal to one-twelfth (1/12) the gross revenue of the said business during the calendar year, next preceding, less the deductions for gross operating revenue specified in Section 7 of the ordinance, multiplied by the rate of three per cent. (3%)

Section 3: Payment: The tax shall be payable on or before the last day of each monthly period. The taxpayer, on or before the last day of the first monthly period of 1956 during which this ordinance applies, and thereafter on or before the last day of February of each year, shall make a return setting forth the gross operating revenue of the business for the next preceding calendar year and transmit the same to the city manager of the City of Albany.

Section 4: Books of Account: Each taxpayer shall keep books of account which properly reflect the amount of the gross operating revenue. Said books of account shall be open to the inspection of the city manager for the purpose of verifying the required amount of tax to be paid.

Section 5: Failure to Make Return: If the taxpayer fails to make a return or the city manager is dissatisfied as to the correctness of the return, the city manager may fix a time and place for the investigation of the correctness of the return, and may, by subpoena, require the taxpayer to produce for investigation such books of account as may be necessary to properly ascertain the amount of tax due. After ascertaining the proper amount of taxes due, the city manager shall notify the taxpayer of his findings. If additional tax is due and is not paid within ten (10) days of receipt of the notice, the city manager shall notify the city attorney to enforce collection of the same.

It shall be unlawful for any person liable to tax hereunder to fail to make a return or pay the tax when due, or for any person to make any false or fraudulent return or false statement or representation in, or in connection with, any such return or to allow or to abet another in any attempt to evade payment of the tax or fail to appear and testify in response to subpoena issued in pursuance hereto, or to testify falsely upon any investigation of the correctness of a return, or in any manner to hinder or delay the city or any of its officers in carrying out the provisions of this ordinance.

Section 6: Constitutionality: If any provision or section of this ordinance shall be held void or unconstitutional, all other parts, provisions and sections of this ordinance, not expressly so held to be void or unconstitutional, shall continue in full force and effect.

Section 7: Deductions: There shall be deducted from the total gross operating revenue, revenues derived from electric light and power business transacted in interstate or foreign commerce, with the United States of America or any department and agency thereof, the State of Oregon or any subdivision, department and agency thereof, the City of Albany, any school district or other municipal corporation and public body, and any amounts paid by the taxpayer to the United States, State of Oregon, or City of Albany as excise, occupational or business taxes levied or imposed upon the electrical power and light business in said City of Albany.

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**Section 8: Waiver of Free Service:** The City of Albany, by imposing this occupational tax, hereby waives, relinquishes and releases any and all rights it may have under the terms of any existing franchise for free service from any utility engaged in the electrical power and light business within the corporate limits of the city.

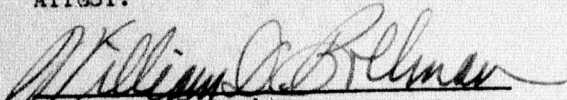
**Section 9: Violation:** Any person violating the provisions of this ordinance, upon conviction thereof in the Municipal Court shall be punished by a fine not to exceed \$100.00 or by imprisonment in the city jail not to exceed twenty (20) days, or by both fine and imprisonment.

Passed by the Council: October 26, 1956

Approved by the Mayor: October 26, 1956

  
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Mayor

ATTEST:

  
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Recorder