

CHAPTER 3.80

EXCISE TAX ON REAL ESTATE SALES

SECTION:

3.80.010: Imposition of Real Estate Excise Tax

3.80.020: Rate of Tax

3.80.021: Additional Real Estate Excise Tax

3.80.040: County to Collect – Payment

3.80.050: Tax is Obligation of Seller

3.80.060: Tax Lien on Real Property

3.80.070: Duties of County Treasurer

3.80.080: Payment Due

3.80.090: Refunds

3.80.100: Use of Proceeds

3.80.110: State Law Adopted by Reference

3.80.010: Imposition of Real Estate Excise Tax: There is imposed an excise tax on each sale of real property constituting a taxable event as defined in Chapter 82.45 RCW and occurring within the corporate limits. The tax imposed under this section shall be collected from persons who are taxable by the State under Chapter 82.45 RCW and such tax shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the State under Chapter 82.45 RCW. (Ord. 2990 Sec. 1 (part), 1986)

3.80.020: Rate of Tax: The rate of tax imposed by Section 3.80.010 shall be one quarter of one percent of the selling price of all real property upon which this tax is imposed. (Ord. 2990 Sec. 1 (part), 1986)

3.80.021: Additional Real Estate Excise Tax: In accord with RCW 82.46.035, and in addition to the excise tax on the sale of real property imposed by Sections 3.80.010 and 3.80.020, there is hereby imposed an excise tax of one-quarter of one percent (0.25%) of the selling price of all real property. (Ord. 3803 Sec. 1, 1998)

3.80.040: County to Collect – Payment: The county treasurer shall place one percent of the proceeds of the taxes imposed herein in the county current expense fund to defray costs of collection. The remaining proceeds from city taxes imposed herein shall be distributed to the City monthly. (Ord. 2990 Sec. 1 (part), 1986)

3.80.050: Tax Is Obligation of Seller: The taxes imposed herein are the obligation of the seller and may be enforced through an action for debt against the seller or in the manner prescribed for the foreclosure of mortgages. (Ord. 2990 Sec. 1 (part), 1986)

3.80.060: Tax Lien on Real Property: The taxes imposed herein and any interest or penalties thereon are a specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other. (Ord. 2990 Sec. 1 (part), 1986)

3.80.070: Duties of County Treasurer: The taxes imposed herein shall be paid to and collected by the treasurer of Benton County. The county treasurer shall act as agent for the City. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in Section 3.80.060 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the county treasurer. (Ord. 2990 Sec. 1 (part), 1986)

3.80.080: Payment Due: The tax imposed hereunder shall become due and payable immediately at the time of sale and, if not so paid within thirty days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment. (Ord. 2990 Sec. 1 (part), 1986)

3.80.090: Refunds: If, upon written application by a taxpayer to the county treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer: provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the City. (Ord. 2990 Sec. 1 (part), 1986)

3.80.100: Use of Proceeds:

(1) All proceeds from the tax collected at the rate imposed by 3.80.020 shall be placed by the Treasurer in a separate account and shall be used for capital improvements, including those listed in RCW 35.43.040.

(2) All proceeds from the tax collected at the rate imposed by Section 3.80.021 shall be placed by the Treasurer in a separate account and shall be used for capital projects as defined by RCW 82.46.035 that are specified in the Capital Facilities Plan Element of the City's Comprehensive Plan.

(3) This section shall not limit the existing authority of this City to impose special assessments on property benefitted thereby in the manner prescribed by law. (Ord. 3803 Sec. 2, 1998: Ord. 3533 Sec. 1 (part), 1994: Ord. 2990 Sec. 1 (part), 1986)

3.80.110: State Law Adopted by Reference: Chapter 82.45 RCW and any and all subsequent amendments to said statute are hereby adopted by this reference as if set forth in full herein. (Ord. 2990 Sec. 1 (part), 1986)