ORDINANCE NO. 12-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, ESTABLISHING AN ANNUAL VEHICLE LICENSE FEE; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE; AND PROVIDING FOR CORRECTIONS.

WHEREAS, Chapter 36.73 RCW enables cities and counties to create transportation benefit districts to finance and carry out transportation improvements necessitated by economic development and to improve the performance of transportation systems; and

WHEREAS, the City Council of the City of Covington (the "City Council") approved Ordinance No. 02-13 on April 9, 2013, establishing the Covington Transportation Benefit District (the "District"), pursuant to Chapter 36.73 RCW, for the purpose of funding transportation maintenance and improvement projects that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels (the "TBD Projects"); and

WHEREAS, the City Council approved Ordinance No. 07-15 on October 13, 2015, wherein the City Council assumed governing control of the District; and

WHEREAS, RCW 36.73.065 authorizes a transportation benefit district to initially impose, by majority vote, a twenty dollar ($20.00) annual vehicle license fee as authorized in RCW 82.80.140; and

WHEREAS, in accordance with RCW 82.80.140, the new vehicle license fee may not be collected until six (6) months after approval of this action by the council; and

WHEREAS, the city council finds it to be in the best interest of the city and the District to establish an annual vehicle license fee in the amount of twenty dollars ($20.00) for the purpose of preserving, maintaining, operating, constructing, or reconstructing the transportation infrastructure of the District and funding transportation improvements within the District that are consistent with the TBD Projects;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annual Vehicle License Fee Established. An annual vehicle license fee of twenty dollars ($20.00) is hereby established. Consistent with RCW 36.73.065(4)(a)(i), as written or hereafter amended, to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140, as written or hereafter amended.

Section 2. Revenue Restrictions. The revenues received from the twenty dollar ($20.00) vehicle license fee shall only be expended on TBD Projects approved by the city council pursuant to Ordinance No. 02-13 and state law.

Section 3. Vehicle License Fee Collection Effective Date. The annual vehicle license fee shall take effect for notices mailed in 2016 for vehicle license renewals due on or after May 8, 2016, or as soon thereafter as the Washington Department of Licensing is reasonably able to incorporate collection of the $20.00 fee; but in no event shall the vehicle license fee be collected sooner than one hundred and eighty (180) days after approval of this ordinance, pursuant to RCW 36.73.065 and RCW 82.80.140(4). The vehicle license fee shall be collected during the term of the existence of the District and shall cease to be collected upon dissolution of the District.

Section 4. Notice to Department of Licensing. The City Council directs the City Clerk to notify the Washington Department of Licensing (DOL) of the vehicle license fee established in Section 1 of this ordinance and to request that DOL take all steps necessary to implement collection of this fee in accordance with RCW 82.80.140.

Section 5. Severability. If any provision of this ordinance shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions and shall in no way affect the validity of the other provisions, or of the imposition or collection of the tax authorized herein.

Section 6. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its passage and publication.

Section 7. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, AT A REGULAR MEETING THEREOF ON THIS 10th DAY OF NOVEMBER, 2015.

Margaret Harto

Margaret Harto, Mayor

ATTESTED:

Sharon Scott, City Clerk

PUBLISHED: 11-20-2015
EFFECTIVE: 11-25-2015

APPROVED AS TO FORM:

Sara Springer, City Attorney