

ORDINANCE NO. 1598

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, CREATING CHAPTER 3.30 OF THE LYNDEN MUNICIPAL CODE AUTHORIZING TAX LEVY FOR PURPOSES OF FUNDING FIRE SUPPRESSION WATER FACILITIES AND SERVICE

WHEREAS, RCW 70.315.030 expressly authorizes local governments to allocate and recover the costs of fire suppression water facilities and service from all customers as costs of complying with state laws and regulations, or from customers based on service to, benefits conferred upon, and burdens and impacts caused by various classes of customers, or both; and

WHEREAS, the City, pursuant to Resolution No. 833, currently levies a two percent Fire Hydrant Maintenance Tax, assessed for the operation and maintenance of fire lines, fire hydrants and appurtenant facilities; and

WHEREAS, the City desires to rescind the aforementioned Fire Hydrant Maintenance Tax levied by Resolution No. 833 and adopt by ordinance a broader fire suppression water facilities and service levy pursuant to RCW 70.315.030; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: That portion of Resolution No. 833 levying a two percent Fire Hydrant Maintenance Tax is hereby rescinded.

Section 2: Lynden Municipal Code Chapter 3.30 and Section 3.30.010 are hereby added to the Lynden Municipal Code as follows:

Chapter 3.30 – Fire Suppression Water Facilities and Service Tax

3.30.010 – Imposition of Fire Suppression Water Facilities and Service Tax.

There is hereby levied an additional two percent (2%) fire suppression water facilities and service tax on the base and volumetric water meter charges established by City resolution pursuant to LMC 13.04, for the operation, maintenance, restoration, and improvement of fire suppression facilities and services.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of December, 2019, and signed by the Mayor on the _____ day of December, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney