

**ORDINANCE NO. 3929**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE, SECTIONS 3.75.060, 3.75.070, 3.75.080, 3.75.090 and 3.75.100 RELATING TO THE EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the Edmonds Downtown Business Improvement District (BID) was established by Ordinance No. 3909 resulting in the establishment of Edmonds City Code Section 3.75; and

WHEREAS, Edmonds City Code Sections 3.75.060, 3.75.070, 3.75.080, 3.75.090 and 3.75.100 relate to the deposit and collection of revenue, delinquent payments and notification of such; and,

WHEREAS, the City's Interim Finance Director has requested a change in terminology used to more accurately reflect what is to take place related to unpaid assessments, delinquent charges and payments and the City Council now deems it appropriate to modify the terminology; and

WHEREAS, on June 25, 2013, the City Council directed that an ordinance be prepared to make further revisions to sections 3.75.060, 3.75.070, 3.75.080, 3.75.090 and 3.75.100 ECC, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Sections 3.75.060, 3.75.070, 3.75.080, 3.75.090 and 3.75.100 of the Edmonds City Code is hereby amended to read as set forth in Attachment A hereto, which is incorporated herein by this reference as if set forth in full (new text shown in underline; deleted text shown in strike through):

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Approved:

  
MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY:   
Jeffrey B. Taraday, City Attorney

FILED WITH THE CITY CLERK: 06-21-2013  
PASSED BY THE CITY COUNCIL: 06-25-2013  
PUBLISHED: 06-30-2013  
EFFECTIVE DATE: 07-05-2013  
ORDINANCE NO. 3929

**SUMMARY OF ORDINANCE NO. 3929**

of the City of Edmonds, Washington

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On the 25<sup>th</sup> day of June, 2013, the City Council of the City of Edmonds passed Ordinance No. 3929 . A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE, SECTIONS 3.75.060, 3.75.070, 3.75.080, 3.75.090 AND 3.75.100 RELATING TO THE EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 26<sup>th</sup> day of June, 2013.

  
CITY CLERK SANDRA S. CHASE

ECC 3.75.060. Deposit of Revenues. The City of Edmonds will create a Business Improvement District Fund within the City of Edmonds budget; a separate subaccount designated as the Edmonds Downtown Business Improvement District Account (called "the Account"). The following monies shall be deposited in the Account:

- (a) All revenues from assessments levied under this ordinance;
- (b) Gifts, grants and donations;
- (c) Interest and all other income from the investment of Account deposits;
- (d) Reimbursements due to the Account;
- (e) ~~Interest and/or penalties from~~Delinquency charges from delinquent accounts;  
and
- (f) Transfers from other city funds, PROVIDED THAT liabilities of the EDBID shall not be an obligation of the general fund or any other special fund of the city.

ECC 3.75.070. Collection Schedule. Assessments shall be paid and collected on a quarterly basis, PROVIDED THAT Members may opt to pay the full yearly assessment at the time of the billing for the first quarter.

ECC 3.75.080. Delinquent Payments. If the assessment is not paid within sixty (60) days after its due date, a delinquency charge shall be added ~~at~~and calculated at an ~~the~~ interest rate of twelve percent (12%) per annum of the due amount. The Finance Director is authorized to use a City of Edmonds approved collection agency to collect any unpaid assessments. Use of a collection agency will result in a business paying the agency's fee on top of the amount of the BID assessment plus ~~delinquency charges~~interest and penalties.

ECC 3.75.090. Notices. Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance shall be sent to the EDBID

Member by ordinary mail to the mailing address shown on the Business License as maintained by the City Clerk. Failure of the Member to receive any mailed notice shall not release the Member from the duty to pay the assessment and any interest and delinquency charges on the due date.

ECC 3.75.100. Disputes. Any Member seeking to challenge the amount of an assessment or delinquency charge may submit additional information concerning the classification and/or square footage of the business to the Finance Director or designee, who may adjust the assessment based on Table 1 if he determines that the original classification and/or square footage was erroneous. The Finance Director shall provide a written determination to the Member, which may be appealed to the City's Hearing Examiner within ten days of the Finance Director's determination by paying an appeal fee in the amount of \$250.00 and filing a notice of appeal with the city clerk that sets forth the alleged error in the Finance Director's determination. The Member has the burden of proof before the Hearing Examiner to show that the assessment or delinquency ~~charge~~fee is incorrect.

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.

**SUMMARY OF ORDINANCE NO. 3929**  
of the City of Edmonds, Washington  
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**AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE, SECTIONS 3.75.060, 3.75.070, 3.75.080, 3.75.090 AND 3.75.100 RELATING TO THE EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**  
The full text of this Ordinance will be mailed upon request.  
DATED this 28th day of June, 2013.  
CITY CLERK SANDRA S. CHASE  
Published: June 30, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3929

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 30, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

*Sandra S. Chase*

Principal Clerk

Subscribed and sworn to before me this

1st

day of July, 2013

*Diana L. Hendrix*

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

