

ORDINANCE 2009-4

ORIGINAL

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, REPEALING STORMWATER UTILITY SERVICE FEES  
FOR RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES,  
ESTABLISHING EFFECTIVE DATE, AND AUTHORIZING DEVELOPMENT  
OF INTERIM STORMWATER UTILITY SERVICE FEES**

**WHEREAS**, the City Council of the City of Sunnyside adopted Ordinance No. 2207 on December 8, 2008 creating new Chapter 13.30 of the Sunnyside Municipal Code, establishing a stormwater management utility; and

**WHEREAS**, Section 13.30.070 of the Sunnyside Municipal Code establishes and sets forth "Storm Water Service Charges;" and

**WHEREAS**, the City Council of the City of Sunnyside finds and determines that Subsections A(a), A(b), A(c) and A(d) of Section 13.30.070 of the Sunnyside Municipal Code pertaining to stormwater service charges for residential and non-residential properties should be repealed; and

**WHEREAS**, the City Council finds and determines that the effective date of such repeal shall be midnight on March 31, 2009; and

**WHEREAS**, the City Council finds and determines that an interim storm water service charge should be developed and implemented for residential and non-residential users as expeditiously as possible to help defray costs of operation and maintenance of the stormwater management utility until such time as a new stormwater service charge structure for residential and non-residential users can be implemented; and

**WHEREAS**, the City Council finds and determines that stormwater service charges paid and collected prior to the effective date of this Ordinance should be retained and credited against future charges; and

**WHEREAS**, the City Council finds and determines that approval of this Ordinance is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** Subsections A(a), A(b), A(c) and A(d) of Section 13.30.070 of the Sunnyside Municipal Code, establishing stormwater utility service charges for residential and non-residential properties, are hereby repealed, and the collection of stormwater services charges authorized pursuant to such section repealed as of the effective date of this Ordinance.

**Section 2.** The City Council hereby directs the City Manager in consultation with any duly appointed advisory committee to prepare recommendations regarding implementation of interim stormwater service charges to be presented as soon as practicable, and new stormwater service charges to become effective January 1, 2010.

**Section 3.** This Ordinance shall be effective midnight March 31, 2009, being more than five days after passage, approval and publication as required by law.

**Section 4.** Stormwater service charges collected prior to the effective date of this Ordinance shall be retained by the City of Sunnyside for the uses and purposes of the stormwater management utility, Chapter 13.30 of the Sunnyside Municipal Code, to be credited against future stormwater utility service charges, subject to any adjustment through written appeal regarding calculation or application based on applicable law filed pursuant to Section 13.30.120 of the Sunnyside Municipal Code, which appeal is received by the City Manager's office on or before 6:00 p.m., April 30, 2009, in order to be considered.

**Section 5.** Except as expressly amended herein, Chapter 13.30 of the Sunnyside Municipal Code shall remain in full force and effect.

PASSED this 23<sup>rd</sup> day of March, 2009.

  
\_\_\_\_\_  
PABLO GARCIA, MAYOR

ATTEST:

  
\_\_\_\_\_  
DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MARK A. KUNKLER, CITY ATTORNEY

Affidavit of Publication

STATE OF WASHINGTON  
COUNTY OF YAKIMA SS

Timothy J. Graff, being first duly sworn on oath deposes and says that he is the Publisher of the DAILY SUN NEWS, a daily newspaper.

That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of publications hereinafter referred to, published in the English language continually as a daily newspaper in the city of Sunnyside, YAKIMA County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of said newspaper, and that the said Daily Sun News was on the 4th Day of April, 1969 approved as a legal newspaper by the Superior Court of said Yakima County.

That the annexed is a true copy of a LEGAL PUBLICATION -

City of Sunnyside

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published in regular issues (and not in supplemental forms) of said newspaper once each week for a period of 1 consecutive issue(s) commencing 03/26/09 and ending on 03/26/09, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 24.50, amount has been paid in full, at the rate of \$7.00 per column inch per insertion.

*Tim Graff*

Subscribed and sworn to before me 03/26/09

*Joan E. Becker*

Notary Public in and for  
the State of Washington

100202-00008

SUMMARY OF  
ORDINANCE 2009-4  
AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
SUNNYSIDE, REPEALING  
STORMWATER UTILITY  
SERVICE FEES FOR  
RESIDENTIAL AND NON-  
RESIDENTIAL PROPERTIES,  
ESTABLISHING EFFECTIVE  
DATE, AND AUTHORIZING  
DEVELOPMENT OF INTERIM  
STORMWATER UTILITY  
SERVICE FEES

Date Approved: March 23, 2009  
Signatories: Pablo Garcia, Mayor  
Deborah A. Estrada, City Clerk  
Mark A. Kunkler, City Attorney  
A complete copy of the full text of the  
Ordinance is available upon request  
to the City Clerk, Sunnyside City  
Hall, 818 East Edison Avenue, Sun-  
nyside, Washington 98944  
PUBLISH: DAILY SUN NEWS  
March 26, 2009

