

ORDINANCE NO. 2009-6

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, REPEALING STORMWATER UTILITY
SERVICE CHARGES FOR RESIDENTIAL AND NON-RESIDENTIAL
PROPERTIES, ESTABLISHING EFFECTIVE DATE, AND
REPEALING AND SUPERSEDING ORDINANCE NO. 2009-4**

WHEREAS, the City Council has previously adopted Ordinance No. 2207 codified at Chapter 13.30 of the Sunnyside Municipal Code, creating and implementing the Stormwater Management Utility; and

WHEREAS, the City Council adopted Ordinance No. 2009-4 on March 23, 2009 repealing stormwater service charges for residential and non-residential properties as set forth in Section 13.30.070(A)(a), (b), (c) and (d) of the Sunnyside Municipal Code, effective as and from midnight on March 31, 2009; and

WHEREAS, the City Council finds and determines that such repeal should apply to all stormwater service charges collected pursuant to Section 13.30.070(A)(a), (b), (c) and (d) of the Sunnyside Municipal Code as and from January 1, 2009, and that all residential and non-residential stormwater service charges collected as and from January 1, 2009 pursuant to such repealed sections should be refunded to the payers of such charges; and

WHEREAS, the City Council finds and determines that such action is in the best interests of residents of the City of Sunnyside, will promote the efficient transition and implementation of the stormwater management utility, 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properties, and the collection of stormwater services charges authorized pursuant to such subsections, are repealed as and from January 1, 2009; and the City Manager is hereby authorized to inform and direct the Yakima County Treasurer to cease collection of such stormwater service charges on April 15, 2009.

Section 2. Each stormwater service charge collected pursuant to the provisions of Section 13.30.070(A) repealed in Section 1 above shall be refunded

to the payer of such service charge in accordance with refund procedures to be implemented by the City Manager.

Section 3. 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 4. Ordinance No. 2009-4, adopted by the City Council on March 23, 2009, is hereby repealed, replaced and superseded by this Ordinance.

Section 5. Except as amended herein Chapter 13.30 of the Sunnyside Municipal Code shall remain unchanged.

Section 6. The effective date of the repeal and action in Section 1 shall apply as and from January 1, 2009, and the City Council specifically ratifies and affirms such retroactive and prospective effect.

Section 7. This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 13th day of April, 2009.



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA
City Clerk

APPROVED AS TO FORM:



MARK A. KUNKLER
City Attorney