

ORDINANCE 2024-04

AN ORDINANCE AMENDING CHAPTER 12.18 OF THE TOPPENISH MUNICIPAL CODE, BY IMPOSING A \$40 VEHICLE FEE AUTHORIZED RCW 82.80.140, PROVIDING FOR SEVERABILITY, CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in accordance with the authority set forth in RCW Chapter 36.73 and RCW Chapter 36.74 and by means of Ordinance 2016-06, the City assumed all rights, powers, immunities, functions, and obligations of the Toppenish Transportation Benefit District as established in Toppenish Municipal Code (TMC) Chapter 12.18, and

WHEREAS, RCW 82.80.140 and TMC Section 12.18.030 authorize the City to impose, up to \$40.00 of the vehicle fee if a vehicle fee has been imposed for at least twenty-four months, and

WHEREAS, the \$20.00 vehicle fee imposed by the transportation benefit district (or city) has been in place since May 14, 2012, and

WHEREAS, the City Council of the City of Toppenish, Washington finds it in the best interest of the City to increase the annual vehicle license fee by an additional \$20.00 for a total of \$40.00 per vehicle for the purpose of making transportation improvements that preserve, maintain and improve the transportation infrastructure of the City of Toppenish, consistent with Chapter 36.73 RCW,

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

Section 1. Amendment. Section 12.18.030 of the Toppenish Municipal Code is hereby amended as follows:

12.18.030 Authority of the City - \$40.00 Vehicle license fee.

A. The city, acting by and through its city council, ~~may~~ shall continue to collect a vehicle fee previously authorized by the Toppenish transportation benefit district of \$20.00 per vehicle as provided by RCW 82.80.140 ~~or authorize a vehicle fee as follows: and said fee shall be increased so as to collect an additional vehicle fee of \$20.00 per vehicle for a total vehicle fee of \$40.00 per vehicle of the vehicle fee authorized in RCW 82.80.140. The increased vehicle license fee will not be collected sooner than six months after approval of the increase as provided in RCW 82.80.140 and the existing vehicle license fee in the amount of \$20.00 per vehicle shall remain in effect and be collected by the Department of Licensing until the increased vehicle license fee begins to be collected.~~

~~1. Up to \$40.00 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of \$20.00 has been imposed for at least 24 months; and/or~~

B.2. The city, acting by and through its city council, may collect a vehicle fee of up to

to \$50.00 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of \$40.00 has been imposed for at least 24 months and the requirements of RCW 36.73.065(6) have been met.

CB. Any expansion of the authorized purposes of the district shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050 or a vote of the people pursuant to RCW 36.73.065.

DC. The city shall have and exercise all powers and functions provided by Chapter 36.73 RCW to fulfill the functions and purposes of Chapter 36.73 RCW and this chapter.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Corrections: The city clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the corrections of scriveners/clerical errors, references, section or subsection numbers and any references thereto.

Section 4. Effective Date: This Ordinance shall be effective six months after passage, approval and publication as required by law.

PASSED by the Toppenish City Council at its meeting held on the 6th day of May, 2024.



ELPIDIA SAAVEDRA, Mayor

ATTEST:



HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:



GARY M. CUILLIER, City Attorney

CITY OF TOPPENISH

21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2024-04 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 6th day of May, 2024, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 7th day of May, 2024.



Heidi Riojas, CMC, City Clerk

Official Newspaper: *Sunnyside Sun*

Published: May 15, 2024

Effective: November 2, 2024