

**ORDINANCE NO. 2013-22**

**AN ORDINANCE AMENDING SECTION 13.20.050 OF THE WALLA WALLA MUNICIPAL CODE**

WHEREAS, the Walla Walla City Council passed Municipal Ordinance A-2405 on May 13, 1970 adopting for the City of Walla Walla the classification of a non-chartered code city for under Title 35A of the Revised Code of Washington; and

WHEREAS, Article 11, section 11, of the Washington State Constitution provides that the City of Walla Walla “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;”

WHEREAS, section 35A.21.160 of the Revised Code of Washington provides in pertinent part that “[a] code city organized or reorganized under this title shall have all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities;” and

WHEREAS, sections 35A.13.230 and 35A.11.020 of the Revised Code of Washington provides in pertinent part that “[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” and

WHEREAS, section 35.23.440 of the Revised Code of Washington provides in pertinent part that the City shall have power and authority “[t]o clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part to the property specially benefited[;]” and

WHEREAS, the Walla Walla City Council has established procedures to clear waterways and drains of the city in Walla Walla Municipal Code chapter 13.20; and

WHEREAS, the City has determined that the collection methods established by Walla Walla Municipal Code section 13.20.050 should be more flexible; and

WHEREAS, the Walla Walla City Council has this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that passage of this ordinance is an appropriate function for the city;

**NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:**

***Section 1:*** Walla Walla Municipal Code section 13.20.050 is hereby amended as follows (removed terms are stricken and added terms are bolded and italicized):

13.20.050 Remedial construction by city—Costs—Collection procedures authorized.

***A.*** If the city undertakes the work as ~~provided in Section 13.20.040~~ ***to remove a***

*drainage hindrance or obstruction and to install necessary improvements*, then, upon completion of the same, the city ~~council~~ **manager** may certify the cost thereof to the treasurer. The city treasurer shall forthwith notify the person, firm or corporation constructing or maintaining such obstruction or hindrance at the person's, firm's or corporation's last known address that the cost of the work has been so certified to the treasurer, and that the same must be paid within ~~thirty days after the date of such notice~~ **such period of time specified by the city treasurer**. Upon failure of the person, firm or corporation to pay the same within ~~the thirty day~~ **such** period, the city may collect the same, with interest thereon from the date of the certification thereof to the treasurer until paid at the **such interest** rate of eight percent per year **established by the city treasurer**, by appropriate action against the person, firm or corporation instituted in the superior court of the state of Washington, for Walla Walla County.

**B.** *The city treasurer is authorized to take any action deemed necessary to collect costs certified by the city manager. The city treasurer is authorized to collect costs from any and all available sources of cost recovery, including, without limitation public, private, and grant funding sources. The city treasurer is authorized to enter into payment plans and other payment agreements and arrangements with persons, firms, and corporations responsible for payment of such costs. The city treasurer is authorized compromise costs.*

**C.** *Levy of Special Assessment for Costs. In addition to any other method of collection authorized by law, all costs incurred by the city to remove a drainage hindrance or obstruction and to install necessary improvements shall be levied as a special assessment on the property thereby benefitted which may be enforced in the manner provided by law.*

**Section 2:** 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 correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3:** The Walla Walla City Clerk is directed to publish a copy of a summary of this ordinance as permitted by section 35A.12.160 of the Revised Code of Washington.

**Section 4:** The City Manager is authorized to adopt policies, regulations, and forms which implement and are consistent with this ordinance.

**Section 5:** If any section of this ordinance, or part thereof, shall be adjudged invalid by a court of competent jurisdiction, its invalidity shall not effect the remainder hereof.

**PASSED** by the City Council of the City of Walla Walla, Washington, this 28<sup>th</sup> day

of August, 2013.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney