

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2017**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON  
ESTABLISHING A PARKING BUSINESS IMPROVEMENT AREA (PBIA)  
PURSUANT TO CHAPTER 35.87A RCW.**

**WHEREAS**, on November 19, 2002, the Snohomish City Council adopted Resolution 1058 initiating the establishment of a parking business improvement area (PBIA) pursuant to RCW 35.87A; and

**WHEREAS**, on November 19, 2002, the City Council of the City of Snohomish adopted Resolution 1059 stating its intention to establish a PBIA pursuant to Chapter 35.87A RCW; and

**WHEREAS**, on December 3, 2002, the Snohomish City Council held a public hearing to hear all protest and receive evidence for and against the proposed formation of a PBIA and conducted said hearing in accordance with RCW 35.87A.050 and RCW 35.87A.060; and

**WHEREAS**, as a result of the evidence and all information available to the Snohomish City Council at said public hearing, the City Council deems it to be in the best interest of the citizens and businesses of the City of Snohomish to establish a PBIA pursuant to Chapter 35.87A RCW;

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

**Section 1. Resolution of Intention.** Resolution 1059 dated November 19, 2002, was adopted, and the title of said Resolution reads as follows:

**“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SNOHOMISH, WASHINGTON STATING ITS INTENTION TO  
ESTABLISH A PARKING BUSINESS IMPROVEMENT AREA (PBIA)  
PURSUANT TO CHAPTER 35.87A RCW.”**

**Section 2. Public Hearing.** A public hearing was held for the purpose of hearing all protest and receiving evidence for and against the proposed formation on December 3, 2002, at 1601 Avenue D, Snohomish, Washington.

**Section 3. Boundaries.** The boundaries of the PBIA shall be described as in the attached **Exhibit A**, which is incorporated by this reference, and contains all property under the Historic Business District land use designation. The City Council may hold a public hearing, as

provided by R.C.W. 35.87A.070, upon any land use designation change to Historic Business or an expansion or reduction of the boundaries of the PBIA described in **Exhibit A**. If a public hearing is to be conducted for a land use designation change which would expand or reduce the Historic Business District, the hearing provided pursuant to RCW 35.87A.070 may be combined with such land use hearing.

**Section 4. Special Assessments.** The businesses in the area described in **Exhibit A** shall be subject to the provisions of special assessments authorized by RCW 35.87A.010.

**Section 5. Initial Rate or Level of Special Assessment.** The initial rate or level of special assessment to be imposed with a breakdown by classification of business and other types of uses is set forth on the attached **Exhibit B**, which is incorporated by this reference. The City Manager, or designee, shall perform an audit of business licensees and establish the assessment rolls for the PBIA.

**Section 6. Deposit of PBIA Revenues.** The City Treasurer shall deposit the following revenues collected in connection with this ordinance in the PBIA Fund (108):

- (a) All revenues from special assessments levied under this ordinance;
- (b) All income from public events financed with special assessments;
- (c) Gifts and donations, received by the City, earmarked for the Parking and Business Improvement Fund;
- (d) Interest and all other income from the investment of the Fund's monthly cash balance;
- (e) Restitution moneys for expenditures made from the Fund and reimbursements due to the Fund.

**Section 7. Collection Schedule.** For the fiscal year 2003, assessments owed by all businesses subject to this ordinance will be billed for their City of Snohomish business license and assessment by February 28, 2003. After February 28, 2003, special assessments shall be billed at the same time as each business license becomes due. The City Treasurer shall apply the following priority of payments: Late fees and collection costs, PBIA assessment, Business License Fee – VIC, Business License Fee. The City Manager, or designee, may change the billing frequency. Written notice shall be provided to the effected licensee not less than thirty (30) days before the new billing cycle is to take effect. Assessments shall be due thirty (30) days after its bill date.

**Section 8. Delinquent Payments.** If an assessment has not been paid within thirty (30) days after its due date, the City shall send a reminder notice and add a five dollar (\$5.00) processing fee. If the assessment is not paid within sixty (60) days after its due date the City shall send a delinquency notice and add another five dollar (\$5.00) processing fee. The City Manager, or designee, is authorized to bring an action to collect any unpaid assessments in any

court of competent jurisdiction in Snohomish County. All costs associated with the collection of delinquent accounts including but not limited to reasonable attorney fees shall be added to the ratepayer account balance.

**Section 9. Notices.** Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance may be sent by regular U.S. mail or delivered by the City to the address shown on the records of the City. Failure of the licensee to receive any mailed notice shall not release the licensee from the duty to pay the assessment and any interest and delinquency charges on the due date.

**Section 10. Disputes.** Any licensee aggrieved by the amount of an assessment or delinquency charge may on written request obtain a meeting with the City Manager or designee. If the dispute is not resolved, the licensee may appeal the matter to a Hearing Examiner selected by the City Manager. The Ratepayer has the burden of proof to show that the assessment or delinquency fee is incorrect or not consistent with this ordinance.

**Section 11. Uses and Expenditures.** The uses to which the special assessment revenue shall be to those purposes specifically authorized pursuant to RCW 35.87A.010. Expenditures from the Fund shall comply with RCW 35.87A.200 and 35.87A.210 and shall be supported with documentation as required by the City of Snohomish Financial Management Policies. The City Treasurer shall provide payment of expenditures within thirty days after complete submission of a payment voucher.

**Section 12. Contracts for Administration.** The City Council may, in its discretion, direct and authorize the City Manager to enter into contracts to administer the operation and management of the PBIA. Such a contract may include, but not be limited to the establishment of accurate data relating to the square footage of each business or other occupancy subject to this ordinance, the billing and collection of the special assessments, the accounting of the collection of such special assessments, and such other matters as may be necessary for the efficient management and the operation of the parking business improvement area which are consistent with the provisions of Chapter 35.87A RCW and this ordinance.

The City Council may, in its discretion, direct and authorize the City Manager to enter into contract with a nine-member interim PBIA Advisory Board comprised of business owners within the PBIA within thirty (30) days of the effective date of this ordinance. The interim Advisory Board will serve until a permanent contract administrator is selected. The interim Advisory Board shall be responsible for forming a non-profit legal entity with which the City may lawfully contract, developing and adopting bylaws; obtaining a corporate identification; developing a preliminary PBIA budget and services program; providing advice and consultation to the City Manager for the implementation of the provisions of this ordinance; and conducting an election of a permanent Board of Directors representing the PBIA area.

**Section 13. Effective Date.** This ordinance will become effective January 1, 2003.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**PASSED** by the City Council and **APPROVED** by the Mayor this 17th day of December, 2002.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Cameron M. Bailey, Mayor

Attest:

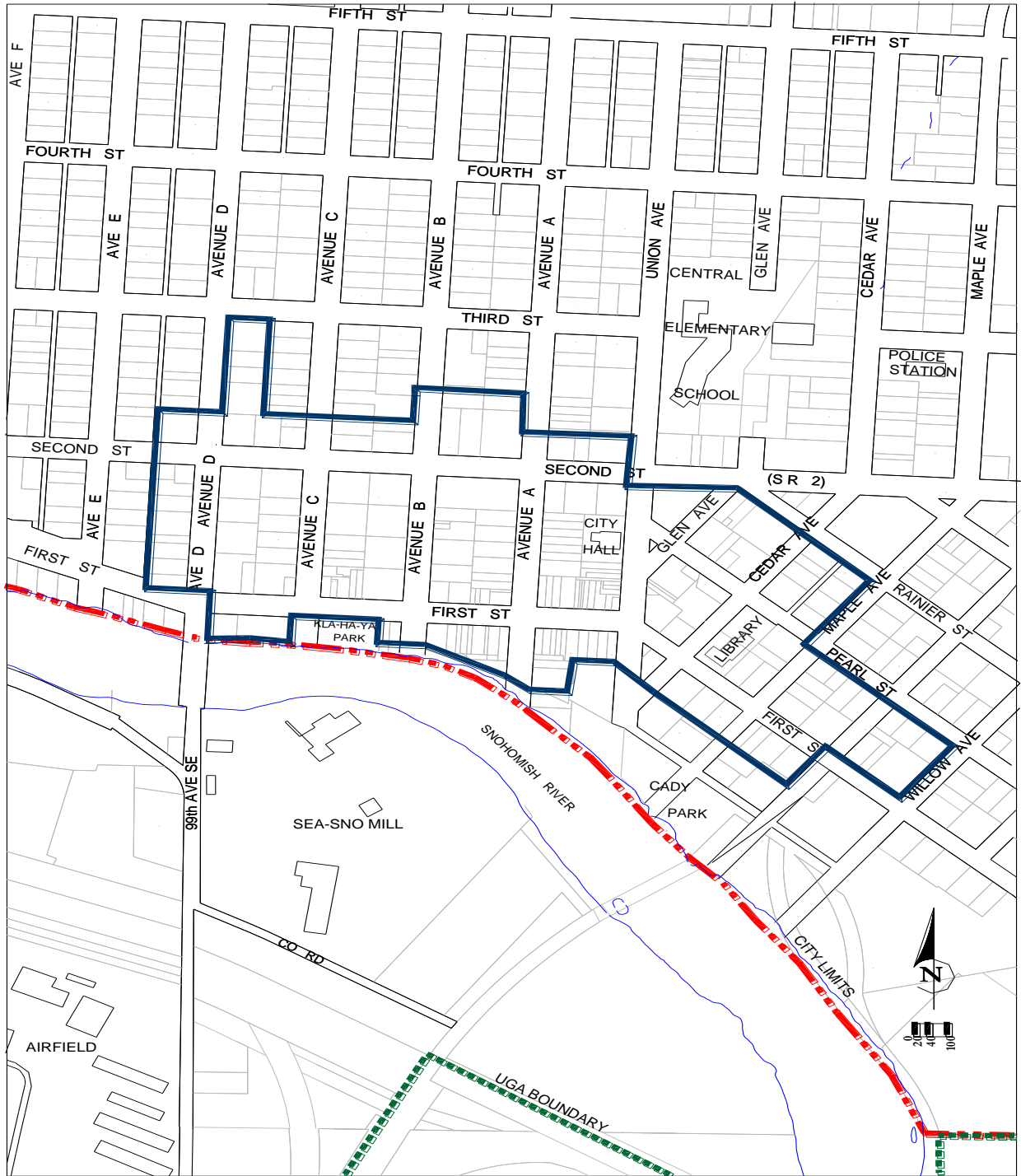
Approved as to form:

By \_\_\_\_\_  
Torchie Corey, City Clerk

By \_\_\_\_\_  
Grant K. Weed, City Attorney

# EXHIBIT A

(This Map Copy is Clearer Version of the PBIA Map provided on November 19 and December 3, 2002)



## HISTORIC BUSINESS DISTRICT

## **EXHIBIT B**

- a. For each retail business, the annual assessment is proposed to be as follows:
- \$25 per year for a mall space(s) with one license
  - \$25 per year for less than 150 gross square feet of space devoted to the business;
  - \$50 per year for 150-500 gross square feet of enclosed building area that is devoted to the business;
  - \$100 per year for 501-1000 gross square feet of enclosed building area that is devoted to the business;
  - \$150 per year for 1001-1500 gross square feet of enclosed building area that is devoted to the business;
  - \$200 per year for 1501-2000 gross square feet of enclosed building area that is devoted to the business;
  - \$250 per year for 2001 gross square feet of enclosed building area that is devoted to the business;
- The total assessment for any retail business shall not exceed \$250 per year nor be less than \$25 per year.
- b. For each non-retail business, the annual assessment is proposed to be as follows:
- \$25 per year for 0-500 gross square feet of enclosed building area that is devoted to the business;
  - \$50 per year for 501-1000 gross square feet of enclosed building area that is devoted to the business;
  - \$75 per year for 1001-1500 gross square feet of enclosed building area that is devoted to the business;
  - \$100 per year for 1501-2000 gross square feet of enclosed building area that is devoted to the business;
  - \$125 per year for 2001 or more gross square feet of enclosed building area that is devoted to the business;
- The total assessment for any non-retail business shall not exceed \$125 per year nor less than \$25 per year.
- c. All banks, savings and loans, and credit unions within the area shall be assessed a flat rate of \$250 per year.
- d. All motels, hotels, and bed and breakfast businesses within the area shall be assessed \$12.50 per room per year, up to a maximum of \$250 per year.