

CITY OF ORTING
WASHINGTON

ORIGINAL

ORDINANCE NO. 2020-1058

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO ANNUAL VEHICLE
LICENSE FEE; SETTING THE ANNUAL VEHICLE FEE AT
\$0 (ZERO DOLLARS); PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting Transportation Benefit District was established, pursuant to RCW 35.21.225 and Chapter 36.73 RCW by the City Council of Orting by Ordinance No. 976 in November 2011; and

WHEREAS, consistent with RCW 36.73.065, the District established an annual vehicle license fee in the amount of twenty dollars (\$20), to be collected by the Washington Department of Licensing on qualifying vehicles, set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW; and

WHEREAS, by Ordinance No. 2015-972, the City of Orting assumed the rights, powers, immunities, functions, and obligations of the Orting Transportation Benefit District, pursuant to Second Engrossed Substitute Senate Bill 5987 (2015), which amending Chapter 36.73 RCW to allow for said assumption; and

WHEREAS, following assumption of the functions of the Orting Transportation Benefit District, the City continued to collect the annual vehicle license fee in the amount of twenty dollars (\$20), as reflected in the City's annual budget ordinances; and

WHEREAS, in November 2019, the voters of Pierce County voted by a majority of 65.75% in favor of Initiative Measure No. 976, which repealed RCW 82.80.140 and thereby repealing the authority vested in the Orting to collect the annual vehicle license fee; and

WHEREAS, Initiative Measure No. 976 was set to go into effect on December 5, 2019, but prior to that date a number of cities and counties in Washington sought and obtained an injunction from the Court, staying the implementation of Initiative Measure No. 976 until the courts rule as to whether the Initiative is constitutional; and

WHEREAS, on December 4, 2019, the Washington State Supreme Court upheld the stay and denied a motion by the Attorney General to honor the will of the voters and allow the law to be implemented; and

WHEREAS, while the injunction is in place, the Washington Department of Licensing continues to collect vehicle licensing fees from the citizens of Orting; and

WHEREAS, the Mayor and City Council of Orting desire to honor the direction from the majority of voters, by setting the collection rate for the Orting's annual vehicle license fee at \$0; and

WHEREAS, as a result, some projects on the City's Transportation Improvement Plan that are funded in part or in full by the annual vehicle license fee are suspended; and

WHEREAS, the City Council may elect to amend the rate in the future, depending upon the outcome of the litigation surrounding Initiative Measure No. 976; and

WHEREAS, on February 12, 2020, the City Council held a duly noticed public hearing at its regularly scheduled meeting to hear public comment on this Ordinance; and

WHEREAS, the City Council finds that it is in the best interests of the City to set the annual vehicle fee in the amount of \$0 (zero dollars), consistent with Chapter 36.73 RCW;

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

Section 1. Incorporation of Recitals. The above stated recitals are incorporated as though fully set forth herein.

Section 2. Amendment of Annual Vehicle Fee. The annual vehicle fee established for the City of Orting and collected by the Washington Department of Licensing on qualifying vehicles, consistent with Ch. 36.73 RCW, is hereby amended to a charge in the amount of \$0 (zero dollars).

Section 3. Notice to Department of Licensing. The Clerk is instructed to submit this Ordinance to the Washington Department of Licensing (DOL), and to direct DOL to take all steps necessary to immediately implement this Ordinance.

Section 4. Ratification. All acts taken pursuant to the authority of this resolution but prior to its effective date are hereby ratified.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Corrections. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this ordinance, including but not limited to the correction of

clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbering.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

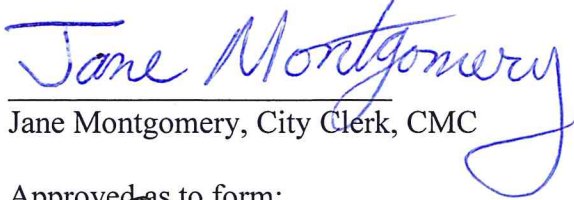
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF FEBRUARY, 2020

CITY OF ORTING



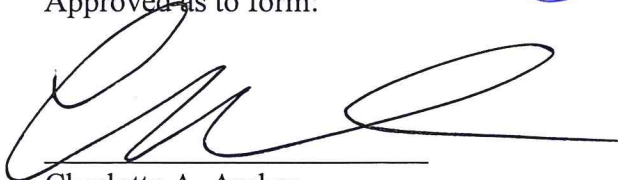
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk, CMC

Approved as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 1.24.20
Passed by the City Council: 2.12.20
Ordinance No. 2020-1058
Date of Publication: 2.14.20
Effective Date: 2.19.20