

ORDINANCE NO. 08-889

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REPEALING SECTIONS 13.12.010 AND 13.12.030 OF THE BLACK DIAMOND MUNICIPAL CODE RELATING TO A WATER SURCHARGE AND DISPOSITION OF REVENUE.

WHEREAS, after a careful analysis of current needs and expected demand over the next several years, the City adopted an increase in the rates charged to customers of its water utility; and

WHEREAS, because this recently adopted increase in water rates incorporated the existing surcharge authorized under BDMC 13.12.010 and 13.12.030, these sections are now superfluous and may be repealed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 13.12.010 of the Black Diamond Municipal Code (“Surcharge Imposed”) is hereby deleted in its entirety.

~~13.12.010 Surcharge imposed.~~

~~Effective January 1, 1989, there is imposed upon each and every present and future user of city municipal water a surcharge of two dollars and thirty cents per month, which surcharge shall be in addition to any other charges for city water which have been or may be imposed. For the purpose of this surcharge, the term user shall mean each and every customer of the city water system for which a separate billing is prepared by the city; provided, however, that for the purposes of this surcharge, each and every mobile home which is connected to the city water shall be considered a separate user even though such mobile home may be located in a mobile home park for which the city issues but one monthly billing.~~

Section 2. Section 13.12.030 of the Black Diamond Municipal Code (“Disposition of revenue – Water System Capital Improvements Account Created”) is hereby deleted in its entirety.

~~13.12.030 Disposition of revenue—Water system capital improvements account created.~~

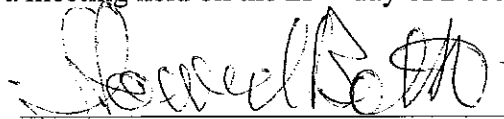
~~All revenues received by the city from the imposition of the surcharge imposed by Section 13.12.010 of this chapter shall be segregated by the city treasurer from other water system revenues and deposited in a separate account within the water fund. Said revenues shall be used to finance system upgrades to the existing city water reservoirs, springs water source, and other improvements of benefit to the general public and rate payer, engineering studies related to such improvements and acquisition of additional water capacity. The funds so deposited may be used by the city to pay indebtedness incurred by the city in connection with the above listed improvements. In the event that the city shall establish a fund in the future for the payment of bonds issued in connection with the above improvements or any loans to pay for the improvements, all revenue accumulated from the imposition of the surcharge imposed by this chapter may be transferred into the bond and/or loan fund and all revenues subsequently collected from the surcharge may be paid directly into such fund.~~

Section 3. Severability. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.


Section 4. Effective date. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

Introduced the 23rd day of December, 2008.

Passed by a majority of the City Council at a meeting held on the 23rd day of December, 2008.


Howard Botts, Mayor

Attest:


Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 12/30/08
Posted: 2/24/08
Effective Date: 1/4/09