

Ordinance No. 09-906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, UPDATING THE CITY'S OFFICIAL FEE SCHEDULE TO CLARIFY AUTHORITY OF THE MAYOR TO DEVIATE FROM THE ESTABLISHED FEES WHERE APPROPRIATE

WHEREAS, because of its small population and modest commercial base, the City of Black Diamond has limited revenues and needs to recover the costs to the City of providing review, oversight, and other services to the public; and

WHEREAS, as codified in chapter 2.62 of the Black Diamond Municipal Code, the City of Black Diamond has previously authorized and adopted an official schedule of fees that specifies the amounts to be charged for services provided by city employees and their agents; and

WHEREAS, although these fees are calculated to reflect actual city costs, occasionally the city may determine that the actual costs for providing a particular service are significantly less or significantly more than the amount indicated on the fee schedule; in such situations, it is necessary to be able to impose a fee that accurately reflects real costs; and

WHEREAS, to enable the City to adjust the fees in a specific situation, it is necessary to give the Mayor or his designee the power to do so.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1. A new section 2.62.025 is hereby added to the Black Diamond municipal code, to read as follows:

2.62.025 Deviations from fee schedule—When authorized—Deposits.

When, in the judgment of the Mayor, or his or her designee, the actual costs to the city of providing a service in a particular situation are likely to be significantly less, or significantly more, than a particular fee amount indicated on the fee schedule, the Mayor or his or her designee shall be authorized to impose a fee that reflects the expected costs to the city of providing the service. For the purposes of this section, "significant" shall mean a situation where the actual costs are expected to vary from the amount indicated on the fee schedule by greater than ten percent. Where the city's expected costs for providing any service are expected to be significantly higher than the amount shown on the fee schedule, the Mayor or his or her designee may require a deposit of twenty

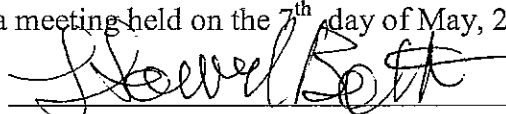
percent of the expected cost prior to providing the service. Nothing in this section shall prohibit the city from requiring deposits for other city services as indicated on the fee schedule, or for requiring payment in full prior to providing any services.

Section 6. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 7. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

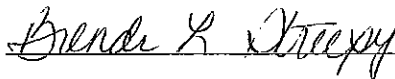
Introduced the 7th day of May, 2009.

Passed by a majority of the City Council at a meeting held on the 7th day of May, 2009.



Mayor Howard Botts

Attest:



Brenda Streepy, City Clerk

APPROVED AS TO FORM:

City Attorney

Published: 5/12/09

Posted: 5/08/09

Effective Date: 5/17/09