

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 10/28/13

AGENDA ITEM: Ordinance Amending MMC Sections 3.16 and 3.60 Regarding Local Improvements	
PREPARED BY: Grant Weed, City Attorney	DIRECTOR APPROVAL:
DEPARTMENT: Legal	
ATTACHMENTS: Draft Red-lined Amending Ordinance	
BUDGET CODE:	AMOUNT:

SUMMARY:

A the recommendation of Bond Counsel, review of the Marysville Municipal Code (MMC) with relating to Local Improvements results in the need to make revisions consistent with changes in state law. Two sections of the MMC require revision; Section 3.16 entitled “Local Improvement Guaranty Fund” and Section 3.60 entitled “Local Improvements, Special Assessments and Bonds”.

Revisions to MMC 3.16 consist of adding language indicating that the Local Improvement Guaranty Fund is not subject to any claim and repealing the remaining sections – 3.16.020 entitled Statues incorporated by reference, 3.16.030 entitled Additional sources of funds, 3.16.040 entitled Basis of assessments, and 3.16.050 entitled Degree of claim by holder of bonds, warrants.

Revisions to MMC 3.60 consist of repealing most of the sections and relying on provisions of state law. The Section of the MMC which are repealed are as follows: 3.60.020 entitled Improvements initiated by petition or resolution – Procedure, 3.60.030 entitled Establishing local improvement districts, 3.60.40 Local improvements by contract or city, 3.60.50 entitled When costs 20 percent or greater – Hearing – Amendments to preliminary assessment roll, 3.60.060 entitled Assessment, 3.60.065 entitled Additional assessment, 3.60.070 entitled Bonds – Issuance, 3.60.080 entitled Bonds – Selling – Proceeds, 3.60.090 entitled Warrants, 3.60.100 entitled Assessment collection – Notice, 3.60.110 entitled Installment payments, 3.60.120 entitled Bond installment plan – Treasurer’s report – Bond issuance, 3.60.130 entitled Bond – Form, 3.60.160 entitled Notice to property owner, 3.60.180 entitled Notice of right of redemption, 3.60.190 entitled Form of notice of redemption right, 3.60.200 entitled Service of notice of redemption right, 3.60.210 entitled Failure to provide notice, and adding a new section 3.60.200 entitled LID Hearing Process.

An additional section adding a LID Hearing Process allows city council to designate an LID hearing examiner or officer to conduct the public hearing for the final assessment roll for the LID and outlines the process for council regarding any appeal.

RECOMMENDED ACTION:
Approve and adopt the ordinance amending MMC Section 3.16 entitled Local Improvement Guaranty Fund and Section 3.60 entitled Local Improvements, Special Assessments and Bonds.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING PORTIONS OF THE MARYSVILLE MUNICIPAL CODE RELATING TO LOCAL IMPROVEMENTS – AMENDING CHAPTER 3.16 ENTITLED “LOCAL IMPROVEMENT GUARANTY FUND”; AMENDING CHAPTER 3.60 ENTITLED “LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND BONDS”; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

The City Council of the City of Marysville, Washington do hereby ordain as follows:

Section 1. MMC Chapter 3.16 entitled “LOCAL IMPROVEMENT GUARANTY FUND” is hereby amended to read as follows

**Chapter 3.16
LOCAL IMPROVEMENT
GUARANTY FUND**

Sections:

- 3.16.010 Created – Purpose.
- 3.16.020 ~~Statutes incorporated by reference. *Repealed*~~
- 3.16.030 ~~Additional sources of funds. *Repealed*~~
- 3.16.040 ~~Basis of assessments—Limiting improvements. *Repealed*~~
- 3.16.050 ~~Degree of claim by holder of bonds, warrants. *Repealed*~~

3.16.010 Created – Purpose. There is established for the city of Marysville a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided for by chapter 35.54 RCW, the payment of its local improvement bonds and warrants or other short-term obligations issued to pay for any local improvement orders. The local improvement guaranty fund established under this section shall not be subject to any claim by the owner or holder of any local improvement bond, warrant, or other short-term obligation issued under an ordinance that provides that such obligations shall not be secured by the local improvement guaranty fund.

3.16.020 (*Repealed*) ~~Statutes incorporated by reference.~~

~~The following state statutes, including any amendments of the same which may hereinafter be enacted by the Washington State Legislature, are incorporated into this code by reference:~~

~~RCW~~

- ~~—35.54.030 Source—Interest and Earnings~~
- ~~—35.54.040 Source—Subrogation Rights to Assessments~~
- ~~—35.54.050 Source—Surplus from Improvement Funds~~
- ~~—35.54.060 Source—Taxation~~
- ~~—35.54.070 Use of Fund—Purchase of Bonds, Coupons and Warrants~~
- ~~—35.54.080 Use of Fund—Purchase of General Tax Certificates or Property on
or After Foreclosure—Disposition~~
- ~~—35.54.090 Warrants Against Fund~~
- ~~—35.54.095 Transfer of Assets to General Fund~~
- ~~—35.54.100 Deferral of Collection of Assessments for Economically
Disadvantaged Persons~~

~~(Ord. 1756 § 2, 1990).~~

3.16.030 (Repealed) Additional sources of funds.

~~The aggregate of the final assessment roll for each local improvement district may be increased by a surcharge in an amount up to 10 percent of the same, and said surcharge, upon collection, shall be deposited in the local improvement guaranty fund.~~

~~As an alternative to an assessment surcharge, property owners within a local improvement district may, at their initiative, provide the city with letters of credit or other similar security satisfactory to the city for the purpose of guaranteeing the bonds issued for their LID. (Ord. 1756 § 3, 1990).~~

3.16.040 (Repealed) Basis of assessments—Limiting improvements.

~~No improvement shall be paid for, in whole or in part, by local assessment where the estimated cost of such improvement, if such cost is all to be assessed to the property in the district, or that portion of the estimated cost to be assessed, if a portion only of that said total cost is to be assessed, when added to all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest, shall exceed the actual value of the real property, exclusive of improvements thereon, within the district according to the valuation last placed upon it for the purposes of general taxation; provided, that when a local improvement is petitioned for by the owners of 75 percent of the area of the property within the district, and the petition requests that such limitation be exceeded, the city council may proceed with the improvement in the usual manner if the property owners so petitioning, or any of them, or any person in their behalf, shall deposit with the city a sum in cash equal to the amount that estimated cost of the improvement shall exceed the limitation herein before in this section provided. The sum so deposited shall be applied and credited on the assessment roll for collection; provided, further, that the city council may, by unanimous vote, order the construction of sanitary sewers and necessary accessories for the disposal~~

~~of sewage, or for the construction of any sanitary fill, or for the filling of any street to the established grade over any tide flats or tidelands, in the manner provided by law, where in its judgment the same are necessary for public health, and may assess a part or the whole of the cost thereof to the property benefited, without regard to the foregoing limitation; provided, further, that no assessment for diking, draining, sanitary fill or for filling any street to the established grade over any tide flats or tidelands or for storm or sanitary sewers or water mains shall be included in any computation of outstanding assessments under the provisions of this section.~~

~~Before ordering any improvement hereunder the city council shall require and receive a report from the proper board, officer or authority designated by charter or ordinance, certifying in detail the local improvement assessments outstanding and unpaid against the property in the proposed district together with the aggregate of the actual value of the real property in the district, exclusive of improvement thereon, according to the valuation last placed upon it for the purpose of general taxation. In the absence of fraud or gross mistake, such certificate shall be final and conclusive. In computing the valuation of property in the district any non assessable railroad operating property or property owned by the United States or the state or a county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated. (Ord. 253 § 4, 1927).~~

3.16.050 (Repealed) Degree of claim by holder of bonds, warrants.

~~Neither the holder nor the owner of any bond or warrant issued under the provisions of RCW 35.45.070 shall have any claim therefor against the city by which the same is issued, except for payment from the special assessment made for the improvement for which said bond or warrant was issued, and except as against the local improvement guaranty fund occurring in the lawful operation thereof by the city. The remedy of the holder or owner of a bond, or warrant in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteeing hereunder, and the printing, writing or engraving shall be deemed sufficient compliance with the requirements of RCW 35.45.030. (Ord. 253 § 5, 1927).~~

Section 2. MMC Chapter 3.60 entitled “LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND BONDS” is hereby amended to be entitled “LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND LID HEARING PROCESS” and shall read as follows:

Chapter 3.60
LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND BONDS/LID HEARING
PROCESS

Sections:

- [3.60.010](#) Local improvements.
- [3.60.020](#) Improvements initiated by petition or resolution— Procedure. *Repealed*
- [3.60.030](#) Establishing local improvement districts. *Repealed*
- [3.60.040](#) Local improvements by contract or city. *Repealed*
- [3.60.050](#) When costs 20 percent or greater— Hearing— Amendments to preliminary assessment roll. *Repealed*
- [3.60.060](#) Assessment. *Repealed*
- [3.60.065](#) Additional assessment. *Repealed*
- [3.60.070](#) Bonds— Issuance. *Repealed*
- [3.60.080](#) Bonds— Selling— Proceeds. *Repealed*
- [3.60.090](#) Warrants. *Repealed*
- [3.60.100](#) Assessment collection— Notice. *Repealed*
- [3.60.110](#) Installment payments. *Repealed*
- [3.60.115](#) Time of payment – Interest – Penalties.
- [3.60.120](#) Bond installment plan— Treasurer’s report— Bond issuance. *Repealed*
- [3.60.130](#) Bond— Form. *Repealed*
- [3.60.140](#) Segregation of assessments.
- [3.60.150](#) Foreclosure of delinquent assessments.
- [3.60.160](#) Notice to property owner. *Repealed*
- [3.60.170](#) Acceleration of installments – Attorney’s fees.
- [3.60.180](#) Notice of right of redemption. *Repealed*
- [3.60.190](#) Form of notice of redemption right. *Repealed*
- [3.60.200](#) Service of notice of redemption right. *Repealed*
- [3.60.210](#) Failure to provide notice— Effect. *Repealed*
- [3.60.220](#) LID Hearing Process

3.60.010 Local improvements.

Whenever the public interest or convenience may require, the city council of the city of Marysville may order a local improvement to be constructed and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof. All such projects, and the financing of the same, shall comply with Chapters 35.43 through 35.56 RCW and the provisions of this chapter. All references herein to local improvement districts shall also be construed to apply to utility local improvement districts. (Ord. 1275 § 1, 1983; Ord. 818 § 1, 1974).

3.60.020 (~~Repealed~~) Improvements initiated by petition or resolution—Procedure.

~~(1) Any such improvement may be initiated either upon petition or by resolution therefor, but such improvement may be ordered only by ordinance.~~

~~(2) Petition.~~

~~(a) A local improvement may be initiated upon a petition signed by the owners of property aggregating a majority of the area within a proposed district. The petition must briefly describe: (i) the nature of the proposed improvement, (ii) the territorial extent of the proposed improvement, and (iii) what proportion of the area within the proposed district is owned by the petitioners as shown by the records in the office of the county auditor.~~

~~If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the city clerk.~~

~~On request of the petitioners, the city administrator may direct city employees to assist in the preparation of the petition, the formation of a proposed boundary description, and an explanation of the proposal to the affected public, and city funds may be advanced for such purposes in a sum not to exceed \$1,000 for any single petition.~~

~~Upon the filing of a petition, the petitioners shall become personally responsible for any and all costs and expenses incurred thereafter by the city in connection with the formation of a local improvement district, including but not limited to engineering costs, legal fees, and costs of mailing and publishing notices of public hearings. The city administrator shall estimate the total of such costs and expenses, and the petitioners shall be required to deposit or assign funds in such amount for the benefit of the city to be held in trust by the city treasurer until such time as a local improvement district is created by ordinance of the city council. Upon the creation of such a district, said funds shall be returned to the petitioners, and the costs and expenses incurred by the city, including those advanced prior to the filing of the petition, shall be reimbursed from district assessments. If for any reason such a district is not formed, said trust funds shall be applied by the city treasurer as reimbursement for costs and expenses incurred by the city in connection with processing the petition subsequent to its filing.~~

~~(b) Such petition shall first be presented to the council, which may order the city administrator or other city official to examine such petition, determine the sufficiency thereof and ascertain if the facts therein stated are true and shall cause an estimate of the cost and expense of such improvement to be made and shall transmit the same to the city council, together with all papers and information in his possession regarding the same, together with his recommendation thereon and a description of the boundaries of the district and a statement of the proportionate amount of the cost and expense of such improvement which shall be borne by property within the proposed assessment district, and a statement of the actual valuation of the real estate, including 25 percent of the actual valuation of the improvements in such proposed district according to the valuation last placed upon it for purposes of general taxation, together with all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest; and in case the petition is sufficient, shall also submit a diagram showing thereon the lots, tracts or parcels of land and other property which will be especially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of property; provided, that no such diagram shall be required where such estimates are on file in the office of the city engineer or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.~~

~~(c) If the preliminary desire of the city council is to accept the petition, the council shall set a hearing by resolution setting the date, declaring its intention to accept the petition and to order such improvement, setting forth the nature and territorial extent thereof, notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the council at the time specified in such resolution, and further notifying all persons who are especially benefited of the preliminary assessments as hereinafter provided. This resolution shall be published in at least two consecutive issues of the official newspaper of the city, or if there is no official newspaper, a newspaper of general circulation within the city, and the date of hearing thereon shall be at least 15 days after the date of first publication of the resolution. The city administrator or such other officer shall submit to the city council at or prior to the date fixed for such hearing all the necessary relevant information.~~

~~(d) Notice of the hearing upon the resolution shall be given by mail at least 15 days prior to the date fixed for the hearing to the owners or reputed~~

owners of all lots, tracts and parcels of land or other property to be especially benefited by the proposed improvement, as shown on the rolls of the county treasurer, directed to the addresses thereon shown. The notice shall set forth the nature of the proposed improvement, the estimated cost and the estimated benefit to the particular lot, tract or parcel.

(3) Resolution.

~~(a) The city council may initiate such improvement directly by resolution declaring its intention to order such improvement and setting forth the nature and territorial extent thereof and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the city council, or a committee thereof, at the time specified in such resolution. Such resolution shall be published in at least two consecutive issues of the official newspaper of the city, or, if there is no official newspaper, in a newspaper of general circulation within the city, and the date of hearing thereon shall be at least 15 days after the date of the first publication of the resolution. The city administrator shall submit to the city council, at or prior to the date fixed for such hearing, the same data and information required to be submitted in the case of a petition.~~

~~(b) Notice of the hearing upon such resolution shall be given by mail at least 15 days before the day fixed for hearing to the owners or reputed owners of all lots, tracts and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county treasurer, directed to the address thereon shown. The notice shall set forth the nature of the proposed improvement, the estimated costs and the estimated benefits of the particular lot, tract or parcel.~~

~~(4) After a hearing on the petition, the city council may, by ordinance, authorize the making of any such improvement, and in case of an improvement initiated by resolution of the city council, such ordinance may be passed on at any time after the date of the hearing specified in the resolution. (Ord. 1275 § 2, 1983; Ord. 906, 1976; Ord. 818 § 2, 1974).~~

3.60.030 (Repealed) Establishing local improvement districts.

~~Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall establish a local improvement district to be known as "Local Improvement District No. ____," which shall embrace as nearly as practicable all the property specially benefited by the improvement.~~

Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of 90 feet back from the marginal lines thereof or to the centerline of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto); provided, that if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement; the petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as is practicable to the provisions relating to local improvement districts generally, except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof, to the middle of the block (or 90 feet back) on each side thereof, and what proportion thereof to the remainder of the enlarged district; provided, further, that whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method. (Ord. 818 § 3, 1974).

3.60.040 (Repealed) Local improvements by contract or city.

All local improvements, funds for the making of which are derived in whole or in part from assessments upon property specially benefited, shall be made either by the city itself, or by contract upon competitive bids in the manner provided by law. The city council shall determine whether such local improvement shall be done by contract or the city itself. (Ord. 818 § 4, 1974).

3.60.050 (Repealed) When costs 20 percent or greater — Hearing — Amendments to preliminary assessment roll.

In the event that the cost of constructing a local improvement, as determined from competitive bids or from the estimate of the city engineer, is 20 percent or greater than the total aggregate of the preliminary assessment roll, then the council shall hold another public hearing as hereinafter provided prior to letting of the contract or authorizing the work. Notice of the hearing shall comply with RCW 35.43.140. Additionally, said notice shall set forth the new estimated costs and estimated benefits of each particular lot, tract or parcel, and shall state that the purpose of the hearing is to reconsider the previously-enacted ordinance establishing the local improvement district and to determine whether

said local improvement district should be reaffirmed or dissolved. The notice shall also provide that a new 30-day protest period shall commence running on the date of the hearing and that the authority of the city to proceed with the local improvement district may be restrained by a 60-percent protest as provided in RCW 35.43.180. (Ord. 1654, 1988; Ord. 818 § 5, 1974).

3.60.060 (Repealed) Assessment.

The cost and expense of any such improvement, or such portion thereof as the city council may determine to be assessed, shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon, and in the manner provided by law. (Ord. 818 § 6, 1974).

3.60.065 (Repealed) Additional assessment.

The aggregate of the assessment roll for each local improvement district may be increased by a surcharge in an amount up to 10 percent of the same, and said surcharge, upon collection, shall be deposited in the local improvement guaranty fund. Any property owner who pays its LID assessment in full prior to the issuance by the city of LID bonds, shall have its assessment discounted by the surcharge applicable thereto.

As an alternative to an assessment surcharge, property owners within a local improvement district may, at their initiative, provide the city with letters of credit or other similar security satisfactory to the city for the purpose of guaranteeing the bonds issued for their LID. (Ord. 1756 § 4, 1990).

3.60.070 (Repealed) Bonds – Issuance.

The city council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by bonds of the improvement district, but no bonds shall be issued in excess of the cost and expense of the improvement, nor shall they be issued prior to 20 days after the 30 days allowed for the payment of assessments without penalty or interest. (Ord. 818 § 7, 1974).

3.60.080 (Repealed) Bonds – Selling – Proceeds.

Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein, and at no less than par and accrued interest. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement. (Ord. 818 § 8, 1974).

3.60.090 (Repealed) Warrants.

~~The city council may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at a rate or rates as authorized by ordinance and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance.~~

~~All warrants against any local improvement fund sold by the city or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien or claim of any surety upon the bond or bonds given the city by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or provisions and supplies for the carrying on of the work. (Ord. 1227, 1982; Ord. 818 § 9, 1974).~~

3.60.100 (Repealed) Assessment collection—Notice.

~~All assessments for local improvements shall be collected by the city treasurer and shall be kept in a separate fund to be known as “Local Improvement Fund, District No. _____” and shall be used for no other purpose than the redemption of warrants drawn upon the bonds issued against the fund to provide payment for the cost and expense of the improvement.~~

~~As soon as the assessment roll has been placed in the hands of the city treasurer for collection, he shall publish a notice in the official newspaper of the city for 10 consecutive daily or two consecutive weekly issues, or if there is no official newspaper, in a newspaper of general circulation within the city, that the roll is in his hands for collection and that any assessment may be paid within 30 days from the date of the first publication of the notice without penalty, interest or costs. (Ord. 818 § 10, 1974).~~

3.60.110 (Repealed) Installment payments.

~~In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract and parcel of land or other property, or any portion thereof, may be paid during the 30-day period allowed for the assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual principal installments or in equal annual installments of principal and interest. The number of installments shall be less by two than the number of years which the bonds issued to pay for the improvement are to run. The estimated interest rate may be stated in the ordinance confirming the assessment roll. Where payment is required in equal annual principal installments, interest on the whole amount unpaid at the rate fixed by the ordinance authorizing the issuance and sale of the bonds shall be due on the due date of the first installment of principal and each~~

year thereafter on the due date of each installment of principal; provided, that if a bond issue is payable on or before 22 years after the date of issue, the city council may provide by ordinance that all assessments and portions of assessments unpaid after the 30 day period allowed for payment of assessments without penalty or interest may be paid in 10 equal installments beginning with the eleventh year and ending with the twentieth year from the expiration of the 30 day period, together with interest on the unpaid installments at the rate fixed by such ordinance, and that in each year after the 30 day period, to and including the tenth year thereafter, one installment of interest on the principal sum of the assessment at the rate so fixed shall be paid and collected, and that beginning with the eleventh year after the 30 day period, one installment of the principal, together with the interest due thereon, and on all installments thereafter to become due, shall be paid and collected. (Ord. 1308 § 1, 1983; Ord. 818 § 11, 1974).

3.60.115 Time of payment – Interest – Penalties.

The city council, by ordinance, shall prescribe the period of time over which local improvement assessments or installments thereof shall be paid. That ordinance shall also provide for the payment and collection of interest on the unpaid balance of the assessments at a rate to be fixed by the city council. Any installment or interest not paid on or before the due date for the same shall be considered delinquent, and shall be increased by a penalty charge of eight percent. (Ord. 1308 § 2, 1983).

3.60.120 (Repealed) Bond installment plan—Treasurer’s report—Bond issuance.

~~In case the improvement is made on the bond installment plan, the city treasurer shall, at the expiration of 30 days after the first publication of the notice to pay assessment, report to the city council the amount collected by him upon the roll and shall specify in the report the amount remaining unpaid upon the roll, and the city council may then, or at a subsequent meeting, by ordinance, direct the mayor and the city clerk to issue the bonds on the local improvement district established by the ordinance ordering the improvement in an amount equal to the amount remaining unpaid on the assessment. The ordinance shall specify the denomination of the bonds which, except for bond numbered “one,” shall be in multiples of \$100.00 each. (Ord. 818 § 12, 1974).~~

3.60.130 (Repealed) Bond—Form.

~~All bonds, unless otherwise specially ordered by the council, issued in pursuance of the provisions of this chapter, may be in substantially the following form:~~

No. _____ \$ _____

UNITED STATES OF AMERICA
STATE OF WASHINGTON
LOCAL IMPROVEMENT BOND
CITY OF MARYSVILLE

LOCAL IMPROVEMENT
DISTRICT NO. _____

N.B. This bond is issued by virtue of the provisions of RCW 35.45.010 et seq., Sec. 35.45.070 of which reads as follows:

~~“Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the local improvement guaranty fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond or warrant in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund.”~~

The City of Marysville, a municipal corporation of the State of Washington, hereby promises to pay to _____ or bearer _____ Dollars (\$ _____), in lawful money of the United States, with interest thereon at the rate of _____ percent per annum, payable annually out of the fund established by Ordinance No. _____ of said City, and known as “Local Improvement Fund, District No. _____,” and not otherwise, except from the guaranty fund, as herein provided. Both principal of and interest on this bond are payable at the office of the City Treasurer of said City.

A coupon is hereto attached for each installment of interest to accrue hereon and said interest shall be paid only on presentation and surrender of such coupon to the City Treasurer.

This bond is payable on the _____ day of _____, 19____, but is subject to call by the City Treasurer of said City whenever there shall be sufficient money in said Local Improvement Fund to pay the same and all unpaid bonds of the series of which the bond is one, which are prior to this bond in numerical order, over and above sufficient for the payment of interest on all unpaid bonds of said series. The call for payment

of this bond, or of any bond of the series of which this is one, shall be made by the City Treasurer by publishing the same once in the official newspaper, or, if there is no official newspaper, in a newspaper of general circulation within the City, and when such call is made for the payment of this bond it will be paid on the day the next interest coupon thereon shall become due after said call and upon said day interest upon this bond shall cease and any remaining coupons shall be void.

The City Council of said City as the agent of said Local Improvement District No. _____, established by Ordinance No. _____, has caused this bond to be issued in the name of said City as the bond of said Local Improvement District, the bond or the proceeds thereof to be applied in part payment of so much of the cost and expense of the improvement of _____, under said Ordinance No. _____, as is levied and assessed against the property included in said Local Improvement District No. _____ and benefited by said improvement and the said Local Improvement Fund has been established by ordinance for said purpose; and the holder or holders of this bond shall look only to said fund and to the Local Improvement Guaranty Fund of the City of Marysville for the payment of either the principal of or interest on this bond.

This bond is one of a series of _____ bonds aggregating in all the principal sum of _____ Dollars (\$_____), all of which bonds are subject to the same terms and conditions as herein expressed.

IN WITNESS WHEREOF, the City of Marysville has caused these presents to be signed by its Mayor and attested by its City Clerk and sealed with its corporate seal this 8 day of July, 1974.

CITY OF MARYSVILLE, WASHINGTON

By _____

MAYOR

ATTEST: _____

—CITY CLERK

~~There shall be attached to each bond such a number of coupons as shall be required to represent the interest thereon payable either annually or semiannually, as the case may be, for the term of said bonds, which coupons shall be substantially in the following form:~~

~~On the ____ day of _____, 19 ____, the CITY OF MARYSVILLE, STATE OF WASHINGTON, promises to pay to the bearer at the office of the City Treasurer _____ Dollars (\$ ____), being (six) (twelve) months interest due that day on Bond No. ____ of the bonds of Local Improvement District No. ____, and not otherwise, provided that this coupon is subject to all the terms and conditions contained in and the bond to which it is annexed, and if said bond shall be called for payments before maturity hereof, then this coupon shall be void.~~

~~CITY OF MARYSVILLE, WASHINGTON~~

~~By _____
MAYOR~~

~~ATTEST: _____
—CITY CLERK~~

~~The city treasurer shall keep in his office a register of all such bonds in which he shall enter the local improvement district for which the same are issued and the date, amount and number of each bond and the terms of payment. (Ord. 818 § 13, 1974).~~

3.60.140 Segregation of assessments.

Whenever any land against which there has been levied a special assessment by the city of Marysville has been sold in part or subdivided, the city council shall have the power to order a segregation of such assessment pursuant to RCW 35.44.410. Such segregations shall be conditioned upon the following:

- (1) A finding by the city council that the segregation will not jeopardize the security of the city's assessment lien;
- (2) Payment by the applicant of the applicable fee and costs as set forth in MMC [14.07.005](#) for every assessment unit created by the segregation. (Ord. 2106 § 4, 1996; Ord. 1016, 1978).

3.60.150 Foreclosure of delinquent assessments.

If, on the first day of January, in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city attorney is authorized to commence foreclosure proceedings on the delinquent assessment or delinquent installments by an appropriate action on behalf of the city in Snohomish County Superior Court. The foreclosure proceeding shall be in accordance with the provisions of Chapter 35.50 RCW, as now exists or as may hereafter be amended. Such foreclosure proceedings shall be commenced on or before June 1st of each year. (Ord. 1275 § 3, 1983).

3.60.160 (Repealed) Notice to property owner.

~~The city clerk shall send by certified mail to each person whose name appears on either the assessment roll or the county tax rolls as owner of the property charged with any delinquent assessment or installment, at each address listed on said assessment roll or tax roll, a notice at least 30 days before commencement of any action to foreclose a delinquent assessment or installment. The notice shall state the amount due on each separate lot, tract or parcel of land, and the date after which the foreclosure proceedings will commence. (Ord. 1275 § 3, 1983).~~

3.60.170 Acceleration of installments – Attorney’s fees.

~~In any action brought for the foreclosure of a delinquent assessment or installment, future installments not otherwise due and payable shall thereupon be accelerated, and the entire balance of the assessment with interest, penalty and costs shall become due and payable, and the collection thereof shall be enforced by foreclosure as set forth in this chapter; provided, however, that in the case of such foreclosure, there shall be added to the cost and expense as provided by Chapter 3.50 RCW such reasonable attorney’s fees as the court may adjudge to be equitable, and the amount thereof apportioned to each delinquent assessment or installment on the assessment roll. (Ord. 1275 § 3, 1983).~~

When any local improvement district or utility local improvement district assessment is payable in installments, upon failure to pay any installment due, the assessment shall become immediately due and payable, and the collection thereof shall be enforced by foreclosure.

3.60.180 (Repealed) Notice of right of redemption.

~~Within 60 days of the sale of any property as a result of an action by the city to foreclose a local assessment lien, the purchaser of the property shall be given notice, in the form and manner provided hereinafter to the record owner or owners of the property as identified by a title report current as of the date of filing of the foreclosure action. Said notice shall again be given no less than 60 days prior to, nor more than 120 days prior to,~~

the date of expiration of the period of redemption as provided by law. (Ord. 1275 § 3, 1983).

3.60.190 (~~Repealed~~) Form of notice of redemption right.

The notice of redemption right shall be substantially in accord with the following form, with all blanks properly filled in:

NOTICE OF REDEMPTION RIGHT

That certain real property located at _____
(street address), being situated in Snohomish County,
Washington, and legally described as follows:

was sold on the ____ day of _____, 19____ to _____,
pursuant to court order to satisfy delinquent local improvement
district assessment installments.

A title report shows that you are the record owner of the
property. Please take notice that the sale of the property will
become final and your right to redeem the property will be
extinguished unless exercised prior to the expiration of two
years from the date of the sale, to wit, on or before _____.

In order to redeem your property, you must take affirmative
action in accord with Washington Statutes governing the right
of redemption or these rights will be lost.

(Ord. 1275 § 3, 1983).

3.60.200 (~~Repealed~~) Service of notice of redemption right.

Service of the notice provided in this chapter shall be deemed adequate on the production of one of the following:

- (1) An affidavit evidencing personal service in accord with the procedures for in-person service of process in superior courts in the state of Washington;
- (2) A receipt signed by the record owner evidencing actual receipt of the notice by mail;
- (3) An affidavit that after diligent search, which at a minimum shall include the use of a commercial locating service, the record owner cannot be located, and affirming that the notice has been mailed by certified mail, return receipt requested, to the last known address of the record owner as determined from review of the title report, the current telephone directory for the area of the owner's last known residence, and consultation

with the United States Postal Service regarding any forwarding address left by the owner. (Ord. 1275 § 3, 1983).

3.60.210 (Repealed) Failure to provide notice—Effect.

~~Failure to provide the notice of redemption rights as provided in this chapter shall not affect the validity of the legal action which foreclosed the city's local assessment lien; provided, that no final deed or other evidence of title shall be issued to the purchaser until compliance with the provisions of this chapter regarding notice of redemption rights has been demonstrated. In the event of failure to give the final notice in a timely manner, the purchaser shall be deemed to have consented to an extension of the record owner's right to redeem which shall continue until 60 days have elapsed subsequent to fulfillment of the final notice requirements as set forth in this chapter, and the record owner shall be entitled to redeem until said time. (Ord. 1275 § 3, 1983).~~

3.60.220. LID Hearing Process

(1) In accordance with RCW 35.44.070, the city council may designate an LID hearing examiner or other officer (" LID hearing examiner") to conduct the public hearing required for the final assessment roll for any local improvement district of the city. In the resolution setting the date, time and place for the public hearing, the city council may establish guidelines for the LID hearing examiner, including a schedule for submitting his or her recommendations to the city council and other matters as may be consistent with state law governing the confirmation of an assessment roll. The LID hearing examiner may establish procedures for conduct of such hearing consistent with state law and the Marysville Municipal Code.

(2) Following an assessment roll hearing, the LID hearing examiner shall file a written report (including findings and recommendations) with the city clerk within a period to be specified by the city council. Within five business days of receiving such report, the city clerk shall mail notice that the report has been filed to any person who filed a request for special notice of the report or written protest at or prior to the public hearing on the assessment roll in accordance with RCW 35.44.080. A copy of the LID hearing examiner's report will be available to the public in the office of the city clerk.

(3) If the council designates an LID hearing examiner to conduct the public hearing on an assessment roll, the following procedures are established for an appeal to the city council by any person protesting a finding or recommendation made by the LID hearing examiner regarding the assessment roll:

(a) An appeal may be filed only by a party who timely submitted a written protest to the assessment roll at or prior to the assessment roll hearing. The notice of appeal shall state clearly (1) the number of the local

improvement district; (2) the appellant's name, address, LID parcel number and the name and address of the appellant's attorney or other agent, if any, (3) the recommendation being appealed, (4) the error of fact, law, or procedure alleged to have been made by the hearing examiner and the effect of the alleged error on the recommendation, and (5) the redress sought by the appellant. The notice of appeal shall be filed with the city clerk, together with a fee of \$ 100, no later than the fourteenth day after the day upon which the report of the hearing examiner is mailed by the city clerk.

(b) Upon the filing of a notice of appeal, the city clerk shall promptly notify the city attorney and furnish a copy of the notice to the city council and the LID hearing examiner. Within 14 days following the last date for filing of a notice of appeal, the city council shall set a time and place for a hearing on the appeal(s), provided the time shall be as soon as practicable in order to avoid accumulating additional interest on any obligations of the local improvement district. The city clerk shall promptly mail notice to the appellant of the time and place for the hearing on the appeal.

(c) Review by the city council on appeal shall be limited to and shall be based solely on the record from the public hearing; provided, however, that the city council may permit oral or written arguments or comments when confined to the content of the record of the hearing below. No new evidence may be presented. Written arguments shall not be considered unless filed with the city council at least two (2) business days prior to the hearing on appeal, and the city council may determine the appeal on the record, with or without argument.

(d) In respect to the matter appealed, the city council may adopt or reject, in whole or in part, the findings and recommendations of the LID hearing examiner or officer or make such other disposition of the matter as is authorized by RCW 35.44.100. The city council shall reduce its determination to writing, file the original in the record of the local improvement district, and transmit a copy of the same to the appellant. No ordinance confirming an assessment roll may be enacted by the city council until the city council rules on all appeals. Upon ruling on all appeals, the city council shall confirm the assessment roll by ordinance.

(e) Any appeal from a decision of the city council regarding any assessment may be made to the superior court within the time and in the manner provided by law.

Section 3. 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.

Section 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2013.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

ATTEST:

By _____
April O'Brien, Deputy City Clerk

Approved as to form:

By _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING PORTIONS OF THE MARYSVILLE MUNICIPAL CODE RELATING TO LOCAL IMPROVEMENTS – AMENDING CHAPTER 3.16 ENTITLED “LOCAL IMPROVEMENT GUARANTY FUND”; AMENDING CHAPTER 3.60 ENTITLED “LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND BONDS”; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

The City Council of the City of Marysville, Washington do hereby ordain as follows:

Section 1. MMC Chapter 3.16 entitled “LOCAL IMPROVEMENT GUARANTY FUND” is hereby amended to read as follows

**Chapter 3.16
LOCAL IMPROVEMENT
GUARANTY FUND**

Sections:

- 3.16.010 Created – Purpose.
- 3.16.020 Statutes incorporated by reference. *Repealed*
- 3.16.030 Additional sources of funds. *Repealed*
- 3.16.040 Basis of assessments—Limiting improvements. *Repealed*
- 3.16.050 Degree of claim by holder of bonds, warrants. *Repealed*

3.16.010 Created – Purpose. There is established for the city of Marysville a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner provided for by chapter 35.54 RCW, the payment of its local improvement bonds and warrants or other short-term obligations issued to pay for any local improvement orders. The local improvement guaranty fund established under this section shall not be subject to any claim by the owner or holder of any local improvement bond, warrant, or other short-term obligation issued under an ordinance that provides that such obligations shall not be secured by the local improvement guaranty fund.

3.16.020 (*Repealed*) Statutes incorporated by reference.

3.16.030 (*Repealed*) Additional sources of funds.

3.16.040 (*Repealed*) Basis of assessments—Limiting improvements.

3.16.050 (*Repealed*) Degree of claim by holder of bonds, warrants.

Section 2. MMC Chapter 3.60 entitled “LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND BONDS” is hereby amended to be entitled “LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND LID HEARING PROCESS” and shall read as follows:

Chapter 3.60
LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS AND BONDS/LID HEARING PROCESS

Sections:

- 3.60.010 Local improvements.
- 3.60.020 Improvements initiated by petition or resolution—Procedure. *Repealed*
- 3.60.030 Establishing local improvement districts. *Repealed*
- 3.60.040 Local improvements by contract or city. *Repealed*
- 3.60.050 When costs 20 percent or greater—Hearing—Amendments to preliminary assessment roll. *Repealed*
- 3.60.060 Assessment. *Repealed*
- 3.60.065 Additional assessment. *Repealed*
- 3.60.070 Bonds—Issuance. *Repealed*
- 3.60.080 Bonds—Selling—Proceeds. *Repealed*
- 3.60.090 Warrants. *Repealed*
- 3.60.100 Assessment collection—Notice. *Repealed*
- 3.60.110 Installment payments. *Repealed*
- 3.60.115 Time of payment – Interest – Penalties.
- 3.60.120 Bond installment plan—Treasurer’s report—Bond issuance. *Repealed*
- 3.60.130 Bond—Form. *Repealed*
- 3.60.140 Segregation of assessments.
- 3.60.150 Foreclosure of delinquent assessments.
- 3.60.160 Notice to property owner. *Repealed*
- 3.60.170 Acceleration of installments – Attorney’s fees.
- 3.60.180 Notice of right of redemption. *Repealed*
- 3.60.190 Form of notice of redemption right. *Repealed*
- 3.60.200 Service of notice of redemption right. *Repealed*
- 3.60.210 Failure to provide notice—Effect. *Repealed*
- 3.60.220 LID Hearing Process

3.60.010 Local improvements.

Whenever the public interest or convenience may require, the city council of the city of Marysville may order a local improvement to be constructed and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part

of the expense thereof. All such projects, and the financing of the same, shall comply with Chapters 35.43 through 35.56 RCW and the provisions of this chapter. All references herein to local improvement districts shall also be construed to apply to utility local improvement districts. (Ord. 1275 § 1, 1983; Ord. 818 § 1, 1974).

3.60.020 (Repealed) ~~Improvements initiated by petition or resolution—Procedure.~~

3.60.030 (Repealed) ~~Establishing local improvement districts.~~

3.60.040 (Repealed) ~~Local improvements by contract or city.~~

3.60.050 (Repealed) ~~When costs 20 percent or greater—Hearing—Amendments to preliminary assessment roll.~~

3.60.060 (Repealed) ~~Assessment.~~

3.60.065 (Repealed) ~~Additional assessment.~~

3.60.070 (Repealed) ~~Bonds – Issuance.~~

3.60.080 (Repealed) ~~Bonds—Selling—Proceeds.~~

3.60.090 (Repealed) ~~Warrants.~~

3.60.100 (Repealed) ~~Assessment collection—Notice.~~

3.60.110 (Repealed) ~~Installment payments.~~

3.60.115 Time of payment – Interest – Penalties.

The city council, by ordinance, shall prescribe the period of time over which local improvement assessments or installments thereof shall be paid. That ordinance shall also provide for the payment and collection of interest on the unpaid balance of the assessments at a rate to be fixed by the city council. Any installment or interest not paid on or before the due date for the same shall be considered delinquent, and shall be increased by a penalty charge of eight percent. (Ord. 1308 § 2, 1983).

3.60.120 (Repealed) ~~Bond installment plan—Treasurer’s report—Bond issuance.~~

3.60.130 (Repealed) ~~Bond—Form.~~

3.60.140 Segregation of assessments.

Whenever any land against which there has been levied a special assessment by the city of Marysville has been sold in part or subdivided, the city council shall have the power to

order a segregation of such assessment pursuant to RCW 35.44.410. Such segregations shall be conditioned upon the following:

(1) A finding by the city council that the segregation will not jeopardize the security of the city's assessment lien;

(2) Payment by the applicant of the applicable fee and costs as set forth in MMC 14.07.005 for every assessment unit created by the segregation. (Ord. 2106 § 4, 1996; Ord. 1016, 1978).

3.60.150 Foreclosure of delinquent assessments.

If, on the first day of January, in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city attorney is authorized to commence foreclosure proceedings on the delinquent assessment or delinquent installments by an appropriate action on behalf of the city in Snohomish County Superior Court. The foreclosure proceeding shall be in accordance with the provisions of Chapter 35.50 RCW, as now exists or as may hereafter be amended. Such foreclosure proceedings shall be commenced on or before June 1st of each year. (Ord. 1275 § 3, 1983).

3.60.160 (Repealed) ~~Notice to property owner.~~

3.60.170 Acceleration of installments – Attorney's fees.

When any local improvement district or utility local improvement district assessment is payable in installments, upon failure to pay any installment due, the assessment shall become immediately due and payable, and the collection thereof shall be enforced by foreclosure.

3.60.180 (Repealed) ~~Notice of right of redemption.~~

3.60.190 (Repealed) ~~Form of notice of redemption right.~~

3.60.200 (Repealed) ~~Service of notice of redemption right.~~

3.60.210 (Repealed) ~~Failure to provide notice—Effect.~~

3.60.220. LID Hearing Process

(1) In accordance with RCW 35.44.070, the city council may designate an LID hearing examiner or other officer (“ LID hearing examiner”) to conduct the public hearing required for the final assessment roll for any local improvement district of the city. In the resolution setting the date, time and place for the public hearing, the city council may

establish guidelines for the LID hearing examiner, including a schedule for submitting his or her recommendations to the city council and other matters as may be consistent with state law governing the confirmation of an assessment roll. The LID hearing examiner may establish procedures for conduct of such hearing consistent with state law and the Marysville Municipal Code.

(2) Following an assessment roll hearing, the LID hearing examiner shall file a written report (including findings and recommendations) with the city clerk within a period to be specified by the city council. Within five business days of receiving such report, the city clerk shall mail notice that the report has been filed to any person who filed a request for special notice of the report or written protest at or prior to the public hearing on the assessment roll in accordance with RCW 35.44.080. A copy of the LID hearing examiner's report will be available to the public in the office of the city clerk.

(3) If the council designates an LID hearing examiner to conduct the public hearing on an assessment roll, the following procedures are established for an appeal to the city council by any person protesting a finding or recommendation made by the LID hearing examiner regarding the assessment roll:

(a) An appeal may be filed only by a party who timely submitted a written protest to the assessment roll at or prior to the assessment roll hearing.

The notice of appeal shall state clearly (1) the number of the local improvement district; (2) the appellant's name, address, LID parcel number and the name and address of the appellant's attorney or other agent, if any, (3) the recommendation being appealed, (4) the error of fact, law, or procedure alleged to have been made by the hearing examiner and the effect of the alleged error on the recommendation, and (5) the redress sought by the appellant. The notice of appeal shall be filed with the city clerk, together with a fee of \$ 100, no later than the fourteenth day after the day upon which the report of the hearing examiner is mailed by the city clerk.

(b) Upon the filing of a notice of appeal, the city clerk shall promptly notify the city attorney and furnish a copy of the notice to the city council and the LID hearing examiner. Within 14 days following the last date for filing of a notice of appeal, the city council shall set a time and place for a hearing on the appeal(s), provided the time shall be as soon as practicable in order to avoid accumulating additional interest on any obligations of the local improvement district. The city clerk shall promptly mail notice to the appellant of the time and place for the hearing on the appeal.

(c) Review by the city council on appeal shall be limited to and shall be based solely on the record from the public hearing; provided, however, that the city council may permit oral or written arguments or comments when confined to the content of the record of the hearing below. No new evidence may be presented. Written arguments shall not be considered unless filed with the city council at least two (2) business days prior to the hearing on appeal, and the city council may determine the appeal on the record, with or without argument.

(d) In respect to the matter appealed, the city council may adopt or reject, in whole or in part, the findings and recommendations of the LID hearing examiner or officer or make such other disposition of the matter as is authorized by RCW 35.44.100. The city council shall reduce its determination to writing, file the original in the record of the local improvement district, and transmit a copy of the same to the appellant. No ordinance confirming an assessment roll may be enacted by the city council until the city council rules on all appeals. Upon ruling on all appeals, the city council shall confirm the assessment roll by ordinance.

(e) Any appeal from a decision of the city council regarding any assessment may be made to the superior court within the time and in the manner provided by law.

Section 3. **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.

Section 4. **Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2013.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

ATTEST:

By _____
April O'Brien, Deputy City Clerk

Approved as to form:

By _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____