

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTION 3.24.930 RELATED TO ADMINISTRATION OF THE UPTOWN BUSINESS IMPROVEMENT DISTRICT, AUTHORIZING AN INCREASE IN THE UBID MONTHLY ASSESSMENT, AND AMENDING SECTION 1.03 OF ORDINANCE NO. 29-03.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to reflect updated processes and procedures; and

WHEREAS, through Ordinance No. 29-03, the Richland City Council established the Uptown Business Improvement District (UBID) on July 1, 2003; and

WHEREAS, the original assessments established by Ordinance No. 29-03 for the UBID were \$15.00 a month for ground floor businesses, and \$10.00 a month for second story businesses; and

WHEREAS, the original assessments established by Ordinance No. 29-03 have never been revised; and

WHEREAS, RCW 35.87A.140 provides a process by which assessments for business improvement districts may be changed; and

WHEREAS, Section 1.15 of Ordinance No. 29-03, entitled Rate Changes, identifies how the UBID, through its Board of Directors, may recommend changes to the assessment in accordance with RCW 35.87A.140; and

WHEREAS, at its November 29, 2023 annual membership meeting, the UBID's Board of Directors proposed an increase to the assessments, and more than sixty percent (60%) of those present voted in favor of the increase as required by Section 1.15 of Ordinance No. 29-03; and

WHEREAS, the rate for all businesses in the Uptown Business Improvement District is proposed to increase to \$50.00 per month for all businesses, regardless of location within the UBID; and

WHEREAS, pursuant to RCW 35.87A.140, proceedings to change the rate or impose an additional rate of special assessments shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed increase or additional special assessments; and

WHEREAS, on January 26, 2024, pursuant to Resolution No. 2024-07, the Richland City Council declared its intention to change the assessment rates for Uptown Business Improvement District ratepayers as requested by the UBID Board of Directors and pursuant to RCW 35.87A.140; and

WHEREAS, a public hearing was held on February 6, 2024 at 6:00 p.m. to receive testimony, including any objections by affected ratepayers; and

WHEREAS, the testimony received during the hearing did not amount to sufficient protest under RCW 35.87A.140; and

WHEREAS, RMC 3.24.930, entitled Uptown Business Improvement District Fund – Distributions, prescribes the frequency for the distribution of assessments from the Fund, and requires updating to streamline the distribution process.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Section 3.24.930 of the Richland Municipal Code, entitled Uptown Business Improvement District Fund – Distributions, as first enacted by Ordinance No. 36-12, and last amended by Ordinance No. 2022-43, is hereby amended as follows:

3.24.930 Uptown business improvement district fund – Distributions.

On the first regular business day of each ~~month~~ quarter, or as soon as practical thereafter, the finance director is authorized, empowered and directed to distribute from the UBID fund the total amount of special assessments collected for the district under RCW 35.87A.130 and Richland Ordinance No. 29-03 during the preceding ~~month~~ quarter.

Section 2. Beginning January 1, 2024, each business, multi-family residential, and mixed-use project as described in RCW 35.87A.020(3) shall be assessed \$50.00 per month for five (5) consecutive years, after which time the assessment shall increase annually by three percent (3%) to finance the programs set forth in Section 1.02 of Ordinance No. 29-03. Section 1.03 of Ordinance No. 29-03 is hereby amended to conform to this Ordinance No. 2024-01.

Section 3. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 4. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 20th day of February, 2024.



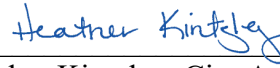
Theresa Richardson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to Form:



Heather Kintzley, City Attorney

First Reading: February 6, 2024

Second Reading: February 20, 2024

Date Published: February 25, 2024