

ORDINANCE NO. 2024-25

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING RICHLAND MUNICIPAL CODE SECTION 3.24.560
AND ELIMINATING THE ONE-YEAR GRACE PERIOD FOR
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT SPECIAL
ASSESSMENTS.**

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. 03-07, the Richland City Council established the Downtown Business Improvement District (DBID) on February 6, 2007; and

WHEREAS, Section 1.04 of Ordinance No. 03-07, entitled Exemptions, established a one-year exemption from special assessments for new businesses in the DBID; 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. 03-07, entitled Rate Changes, identifies how the DBID, through its Board of Directors, may recommend changes pursuant to RCW 35.87A.140; and

WHEREAS, at its May 8, 2024 annual membership meeting, the DBID's Board of Directors proposed to eliminate the one-year exemption for new businesses, and more than sixty percent (60%) of those present voted in favor of the change as required by Section 1.15 of Ordinance No. 03-07; and

WHEREAS, pursuant to RCW 35.87A.140, proceedings to modify rates or assessments of a business improvement district shall terminate if protest is made by a majority of the businesses in the proposed area that would pay a majority of the proposed increase or additional special assessment; and

WHEREAS, on July 16, 2024, pursuant to Resolution No. 2024-87, the Richland City Council declared its intent to eliminate the one-year exemption from special assessments for Downtown Business Improvement District ratepayers as requested by the DBID Board of Directors and pursuant to RCW 35.87A.140; and

WHEREAS, a public hearing was held on August 7, 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 3.24.560, entitled Downtown 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 3.24.560 of the Richland Municipal Code, entitled Downtown Business Improvement District Fund – Distributions, as first enacted by Ordinance No. 32-03, and last amended by Ordinance No. 2022-43, is hereby amended as follows:

3.24.560 Downtown 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 DBID 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. As of the effective date of this Ordinance No. 2024-25, businesses in existence less than one year shall no longer be exempt from DBID special assessments under Section 1.04 of Ordinance No. 03-07. Assessments under Section 1.03 of Ordinance No. 03-07 (Levy of Special Assessments) for each business, multi-family residential, and mixed-use project as described in RCW 35.87A.020(3) shall commence on the date the business or project opens within the district. Section 1.04 of Ordinance No. 03-07 is hereby amended to conform to this Ordinance No. 2024-25.

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 August, 2024.

Theresa A Richardson
Theresa Richardson, Mayor

Attest:

Jennifer Rogers
Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley
Heather Kintzley, City Attorney

First Reading: August 7, 2024
Second Reading: August 20, 2024
Date Published: August 25, 2024