

# CITY OF LYNNWOOD

## ORDINANCE NO. 2874

AN ORDINANCE OF THE CITY OF LYNNWOOD, RELATING TO THE CITY'S TRANSPORTATION BENEFIT DISTRICT; AMENDING SECTION 12.14.040 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR SUMMARY PUBLICATION.

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WHEREAS, the City of Lynnwood is authorized by RCW 35.21.225 to establish a Transportation Benefit District subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City Council of the City of Lynnwood passed Ordinance No. 2837 on May 24, 2010 which amended the Lynnwood Municipal Code and enacted a new Chapter 12.14 entitled Transportation Benefit District; and

WHEREAS, in accordance with RCW 36.73.050(2)(b), the City provided notice of and conducted a public hearing on January 24, 2011, regarding a proposed amendment to LMC 12.14.040 to delete the requirement that twenty percent of funds collected by the Transportation Benefit District be spent on non-motorized projects; and

WHEREAS, the City Council determined that it will serve the public interest to amend LMC 12.14.040 as stated below, to provide greater flexibility in the amount of funding required for any project or program in each calendar year;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend LMC 12.14.040.

Section 2. Findings. The recitals of this ordinance are hereby adopted as findings in support of the ordinance's adoption.

Section 3. Section 12.14.040 of the Lynnwood Municipal Code is hereby amended as follows:

**12.14.040 Use of funds.** The funds generated by the transportation benefit district may be used for any purpose allowed by law including to operate the district and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation

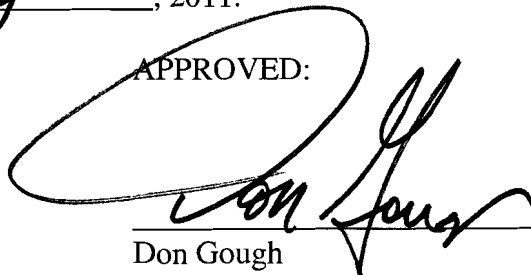
improvements funded by the district shall be made in an effort to reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

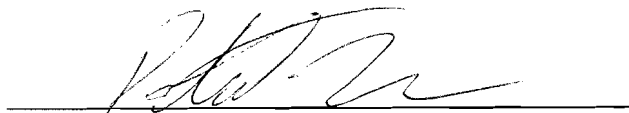
PASSED BY THE CITY COUNCIL, the 24<sup>th</sup> day of January, 2011 and approved by the Mayor this 27<sup>th</sup> day of January, 2011.

APPROVED:



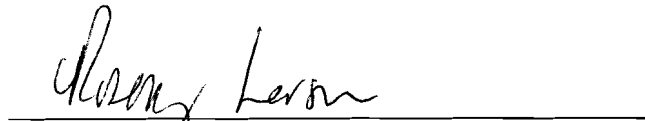
Don Gough  
Mayor

ATTEST/AUTHENTICATED:



Patrick Dugan  
Interim Finance Director

APPROVED AS TO FORM:



Rosemary Larson  
City Attorney

PASSED BY THE CITY COUNCIL: 1-24-11

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NUMBER: 2874

**SUMMARY OF ORDINANCE NO. 2874**

of the City of Lynnwood, Washington

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On the 24<sup>th</sup> day of January, 2011, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2874. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD,  
RELATING TO THE CITY'S TRANSPORTATION  
BENEFIT DISTRICT; AMENDING SECTION  
12.14.040 OF THE LYNNWOOD MUNICIPAL CODE;  
AND PROVIDING FOR SEVERABILITY,  
ESTABLISHING AN EFFECTIVE DATE, AND  
PROVIDING FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this 26 day of January 2011.



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Patrick Dugan  
Interim Finance Director