

# SULTAN CITY COUNCIL

## AGENDA ITEM COVER SHEET

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**ITEM NO:** C-6

**DATE:** January 22, 2009

**SUBJECT:** Ordinance 1007-09, Second Reading Repealing  
Garbage Service Rates from Sultan Municipal Code

**CONTACT PERSON:** Connie Dunn, Public Works Director

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**ISSUE:**

Approve Ordinance 1007-09 (Attachment A) to amend Sultan Municipal Code section 13.16.140 to remove Garbage Rates from the Sultan Municipal Code.

**STAFF RECOMMENDATION;**

Approve second reading of Ordinance 1007-09 amending Section 13.16.140 to establish garbage rates and fees by separate Ordinance; providing for severability; and establishing an effective date.

**SUMMARY:**

The City Council held a public hearing on the proposed rate increases on December 11, 2008. The City Council conducted the first reading of Ordinance No. 1007-09 on January 8, 2009, approving and passing the ordinance onto second reading.

**Ordinance 1007-09:**

Amends section 13.16.140 to remove the garbage rates from the Sultan Municipal code. The rates will be established by separate ordinance (Ordinance No. 1014-09) and included in the annual fee schedule as an attachment.

This action does not adopt or change any fees. The action only moves the location where the fees are published once Council determines what the garbage rate fees will be.

**BACKGROUND:**

The garbage rates were last set by Ordinance 849-04 effective July 1, 2004 then being incorporated into the Sultan Municipal Code section 13.16.140. This action removes the fees from the Sultan Municipal Code and establishes the rates by separate ordinance and included in the annual fee schedule as an attachment, the City is doing this with all fees set by ordinance.

**FISCAL IMPACT:**

No fiscal impact as this ordinance does not set or change any fees.

**RECOMMENDED ACTION:**

Approve first reading of Ordinance 1007-09 amending Section 13.16.140 to establish garbage rates and fees by separate Ordinance; providing for severability; and establishing an effective date.

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**ATTACHMENTS:**

Attachment A Ordinance 1007-09 Amending Chapter 13.16.140

**CITY OF SULTAN  
WASHINGTON**

**ORDINANCE NO. 1007-09**

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**AN ORDINANCE OF THE CITY OF SULTAN,  
WASHINGTON, AMENDING SECTION 13.16.140 TO  
ESTABLISH GARBAGE RATES AND FEES BY SEPARATE  
ORDINANCE; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council has determined to remove specific rates and charges from the Sultan Municipal Code and establish rates and charges by separate ordinance; and

WHEREAS, the City Council intends to establish interim garbage rates and charges;

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

Section 1. 13.16.140 Establishment of Rates and Charges. Rates and charges for garbage collection shall be set by separate ordinance and included as an attachment to the annual fee schedule adopted by City Council.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE**  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF SULTAN

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Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

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Laura Koenig, City Clerk

Approved as to form:

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Margaret J. King, City Attorney