

**CITY OF SULTAN  
SULTAN WASHINGTON  
ORDINANCE NO. 1237-16**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, RELATING TO  
DELINQUENT LID FORECLOSURES; AMENDING CHAPTER 3.56 OF THE  
SULTAN MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, state law authorizes the City to fix a date by which foreclosure of delinquent Local Improvement District (LID) assessments shall commence each year; and

WHEREAS, the City Code currently provides that foreclosure on delinquent LID assessments must commence on or before June 1<sup>st</sup> of each year; and

WHEREAS, the City finds that more time is necessary to process and assess delinquent LID assessments to ensure proper notice is provided as required by RCW 36.50.030;

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

Section 1: SMC 3.56, Local Improvements – Foreclosure of Assessments, Amended. Sultan Municipal Code Chapter 3.56, Local Improvements – Foreclosure of Assessments, is hereby amended to read as follows:

Chapter 3.56

LOCAL IMPROVEMENTS – FORECLOSURE OF ASSESSMENTS

Sections:

- 3.56.010 Adoption.
- 3.56.020 Authority and conditions precedent to foreclosure.
- 3.56.030 Acceleration of installments – Foreclosure – Attorney’s fees.
- 3.56.040 Severability.

**3.56.010 Adoption.**

The following state statutes, as currently enacted or as may be subsequently amended, are hereby adopted by reference as if set forth in full:

RCW

- 35.50.005 Filing of title, diagram, expense – Posting proposed roll.
- 35.50.010 Assessment lien – Attachment – Priority.
- 35.50.020 Assessment lien – Validity.
- 35.50.030 Authority and conditions precedent to foreclosure.
- 35.50.040 Entire assessment, foreclosure of.
- 35.50.050 Limitation of foreclosure action.
- 35.50.220 Procedure – Commencement of action.

- 35.50.225 Procedure – Form of summons.
- 35.50.230 Procedure – Parties and property included.
- 35.50.240 Procedure – Pleadings and evidence.
- 35.50.250 Procedure – Summons and service.
- 35.50.260 Procedure – Trial and judgment – Notice of sale.
- 35.50.270 Procedure – Sale – Right of redemption.

**3.56.020 Authority and conditions precedent to foreclosure.**

If, on the first day of January in any year, two or more installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in the Snohomish County superior court.

The proceedings shall be commenced on or before September 1<sup>st</sup> of that year, but not before the city treasurer has notified by certified mail the persons whose names appear on the current assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice 30 days before the commencement of the proceedings. If the person whose name appears on the assessment rolls of the county assessor as owner of the property, or whose name appears on the tax rolls of the county treasurer as taxpayer of the property, or the address shown for the owner, differs from that appearing on the city or town assessment roll, then the city treasurer shall also mail a copy of the notice to that person or that address.

The notice shall state the amount due, including foreclosure costs, upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

**3.56.030 Acceleration of installments – Foreclosure – Attorney’s fees.**

When the local improvement assessment is payable in installments, the enforcement of the lien of any installment shall not prevent the enforcement of the lien of any subsequent installment.

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, administrative costs and court 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 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; provided, that the payment of all delinquent installments together with interest, penalty, administrative costs, court costs and attorney’s fees at any time before entry of judgment in foreclosure shall extend the time of payment on the remainder of the assessments as if there had been no delinquency or foreclosure. Where foreclosure of two installments of the same assessment on any lot, tract, or parcel is sought, the city treasurer shall cause such lot, tract, or parcel to be dismissed from the action, if the installment first delinquent, together with interest, penalty, administrative costs and charges, court costs and attorney’s fees, is paid at any time before sale.

**3.56.040 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

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 12<sup>th</sup> DAY OF May, 2016.

CITY OF SULTAN

  
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Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Laura Koenig, City Clerk

Approved as to form:

  
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Amy S. Mill, City Attorney

Date of Publication: 5-16-16

Effective Date: 5-21-16