

ORDINANCE NO. 2826

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING CHAPTER 3.32 LOCAL IMPROVEMENT GUARANTY FUND AND COLLECTION OF DELINQUENT ASSESSMENTS OF THE ISSAQUAH MUNICIPAL CODE, AMENDING SECTION 3.32.070 FORECLOSURE OF DELINQUENT ASSESSMENTS TO EXTEND THE COMMENCEMENT OF FORECLOSURE PROCEEDINGS OF THE YEAR ANY TWO INSTALLMENTS OF ANY LOCAL IMPROVEMENT ASSESSMENTS ARE DELINQUENT FROM MARCH 1 TO NOVEMBER 1 AND AMENDING SECTION 3.32.090 ACCELERATION OF INSTALLMENTS – ATTORNEY’S FEES TO INCLUDE PAYMENT BY DELINQUENT ASSESSMENTS OF REASONABLE ATTORNEY’S FEES INCURRED BY THE CITY AS PART OF FORECLOSURE PROCEEDINGS AS DETERMINED BY THE COURT.

WHEREAS, the City Council desires to adopt a provision to codify the foreclosure of delinquent local improvement district and utility local improvement district assessments; and,

WHEREAS, the City Council desires to extend the annual deadline for foreclosures, as allowed by RCW 35.50.030, in order to allow adequate time for the City to notify delinquent owners and initiate litigation if necessary; NOW, THEREFORE;

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 3.32.070 “Foreclosure of delinquent assessments” of the Issaquah Municipal Code is hereby amended as of March 1, 2018 to read as follows:

3.32.070 Foreclosure of delinquent assessments.
If, on the first day of January, in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the

City Attorney is authorized to commence foreclosure proceedings on the delinquent assessment or delinquent installments by an appropriate action on behalf of the City in King County Superior Court. The foreclosure proceeding shall be in accordance with the provisions of Chapter 35.50 RCW, as now exists or as may hereafter be amended. The proceedings shall be commenced on or before ~~March 1st of that year~~ November 1st of that year.

Section 2. Section 3.32.090 “Foreclosure of delinquent assessments” of the Issaquah

Municipal Code is hereby amended as of March 1, 2018 to read as follows:

3.32.090 Acceleration of installments – Attorney’s fees

Upon failure to pay any installment due, the City Finance Director or other authorized City official may declare the entire assessment, including interest, and penalties ~~and reasonable costs~~, due and payable and the collection thereof may be enforced by foreclosure in accordance with Chapter 35.50 RCW as it now exists or may hereafter be amended. In case of foreclosure, there shall be added to the costs and expenses such reasonable attorneys’ fees as the court may adjudge to be equitable, and the amount thereof shall be apportioned to each delinquent assessment or installment appearing on that roll. When one or more delinquent installment is paid before the foreclosure proceedings are completed, payment of such costs shall be a prerequisite to the City’s dismissal of such proceedings unless otherwise ordered by the court.

Section 3. 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 4. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 20th day of February, 2018.

Approved by the Mayor of the City of Issaquah, the 20th day of February, 2018.



MARY LOU PAULY, MAYOR

ATTEST/AUTHENTICATED:



CHRISTINE L. EGGERS, CITY CLERK

APPROVED AS TO FORM:



JAMES E. HANEY, CITY ATTORNEY

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