

**ORDINANCE NO. 1698**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to revenue and finance and repealing chapter 5.68 DMMC, *Commercial Parking Tax*.

**WHEREAS**, Ordinance No. 1353, passed by the City Council on November 23, 2004, imposed a new tax upon commercial parking, set the tax rate, specified administration and enforcement, prescribed penalties for delinquency and non-compliance, provided for appeal, added a new chapter to Title 5 DMMC, and established an effective date, and

**WHEREAS**, RCW 82.80.030 restricts the use of revenue generated by the commercial parking tax to transportation purposes in accordance with RCW 82.80.070 or transportation improvements in accordance with chapter 36.73 RCW, and

**WHEREAS**, the City's paid parking program at the Marina is intended to provide funding for capital improvements at the Marina, including replacement of the North bulkhead, and

**WHEREAS**, the commercial parking tax diverts Marina parking revenue intended for capital improvements at the Marina from the general fund to the street fund, dedicated to specific transportation purposes, and

**WHEREAS**, the sequestration of these funds is incompatible with the purpose for which they are collected, and

**WHEREAS**, the City Council finds that the repeal of chapter 5.68 DMMC is appropriate and necessary for the preservation of the public health, safety, and general welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Repealer.** Chapter 5.68 DMMC and sections 1 through 11 of Ordinance No. 1353 are repealed.

**Sec. 2. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 3. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council in accordance to law.

**PASSED BY** the City Council of the City of Des Moines this 28th day of June, 2018 and signed in authentication thereof this 28th day of June, 2018.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: July 5, 2018