

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1908

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING FIFE MUNICIPAL CODE SECTION 3.08.170 AND 3.08.180 REGARDING RECOVERY OF ADMINISTRATIVE COSTS ASSOCIATED WITH COLLECTION OF LOCAL IMPROVEMENT DISTRICT ASSESSMENTS AND ENFORCEMENT AND PROTECTION OF LOCAL IMPROVEMENT DISTRICT ASSESSMENT LIENS

WHEREAS, FMC 3.08.180 allows the City to recover administrative costs, including attorneys' fees, in actions to foreclose delinquent local improvement district assessments, but does not specifically include costs and attorneys' fees that may be incurred in bankruptcy proceedings, alternate dispute resolution processes, or appeals; and

WHEREAS, in the event the city incurs costs, expenses, and attorneys' fees in connection with collection of an assessment that has become delinquent, or enforcement or protection of the city's assessment lien rights, those costs, expenses and attorneys' fees should be borne by the property owner and property responsible for the delinquency rather than by the city's tax payers in general;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 3.08.170 of the Fife Municipal Code is hereby amended to read as follows:

3.08.170 Acceleration on default.

Should any property assessed under an LID fail to pay the yearly assessment as they come due for two or more successive years, then the city may, at its discretion, accelerate the full amount of the remaining LID assessments and demand payment of that full amount. Should the city initiate litigation to foreclose on the lien of the LID assessments, then the city shall have the option to claim in that litigation the full amount of the unpaid LID accelerated assessments; provided, that payment of all the delinquent installments, together with interest, penalty and administrative costs at any time before entry of judgment and foreclosure shall extend the time of payment on the remainder of the assessment as if there had been no delinquency or foreclosure.

Section 2. Section 3.08.180 of the Fife Municipal Code is hereby amended to read as follows:

3.08.180 Administrative costs.

A. For the purposes of this chapter, “administrative costs” shall mean all costs, fees, and expenses incurred by the city associated with collection of an assessment that has become delinquent, or enforcement or protection of the city’s assessment lien rights, whether or not suit has been filed, including, but not limited to, costs of the LID administrator, title insurance fees, court costs and reasonable attorney’s fees (including those court costs and attorneys’ fees incurred in any bankruptcy proceeding, alternate dispute resolution process, or appeal), and foreclosure sale costs.

B. Administrative costs shall be included in and shall be a part of the assessment lien. All administrative costs shall be paid before assessment installments shall be considered paid current.

C. The City shall be entitled to an award of administrative costs in any legal proceeding associated with collection of an assessment that has become delinquent, or enforcement or protection of the city’s lien rights, including, but not limited to, any foreclosure action, bankruptcy proceeding, alternate dispute resolution process, or appeal.

Section 3. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

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Section 4. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

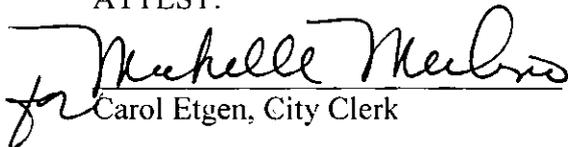
Introduced on the ~~28th~~ day of April 2015.

Passed by the City Council on the ~~29th~~ day of April, 2015.



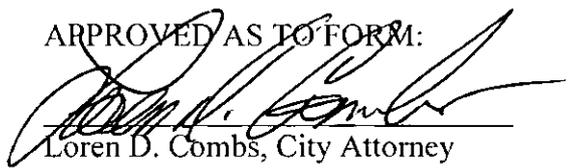
Subir Mukerjee, City Manager

ATTEST:



Carol Etgen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: 4 / 30 /2015
Effective Date: 5 / 5 /2015