



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3400**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD,  
WASHINGTON, ELIMINATING THE VEHICLE LICENSE FEE IMPOSED BY  
THE LYNNWOOD TRANSPORTATION BENEFIT DISTRICT IN THE  
DISTRICT'S ORDINANCE NO. 10; AND PROVIDING FOR SEVERABILITY,  
SUMMARY PUBLICATION, AND AN EFFECTIVE DATE.**

WHEREAS Chapter 36.73 RCW and RCW 35.21.225 authorize a city council to establish a Transportation Benefit District within the city's jurisdiction for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS the Lynnwood City Council determined that it was in the best interests of the City to establish a City-wide Transportation Benefit District consistent with Chapter 36.73 RCW, to protect the City's long-term investment in infrastructure, reduce the risk of transportation facility failures, improve safety, continue optimal performance of the infrastructure over time, and avoid more expensive infrastructure replacements in the future; and

WHEREAS, in Ordinance No. 2837, the Lynnwood City Council established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to the provisions of RCW 36.73; and

WHEREAS the Lynnwood Transportation Benefit District included the entire City of Lynnwood; and

WHEREAS RCW 36.73.065 authorizes a Transportation Benefit District to impose, by majority vote of the district's governing board, up to forty dollars (\$40) of the vehicle license fee authorized in RCW 82.80.140, provided an annual vehicle license fee of twenty dollars (\$20.00) has been imposed for at least twenty-four months; and

WHEREAS, in District Ordinance No. 2 passed on November 30, 2010, the Lynnwood Transportation Benefit District Board established an annual vehicle license fee in the amount of twenty dollars (\$20.00); and

46 WHEREAS, in District Ordinance No. 10 passed on July 27, 2016,  
47 the Lynnwood Transportation Benefit District Board increased the annual vehicle  
48 license fee to forty dollars (\$40.00), consistent with RCW 36.73.065; and  
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50 WHEREAS, at the election held on November 8, 2016, the Lynnwood  
51 Transportation Benefit District Board submitted a ballot proposition to the voters of the  
52 District, on the question of whether the Transportation Benefit District should be  
53 authorized to impose an additional sales and use tax in the amount of one-tenth of one  
54 percent (0.1%) to be collected within the District for a term of ten years; and  
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56 WHEREAS the voters of the district approved the ballot proposition,  
57 authorizing the district to impose an additional sales and use tax in the amount of one-  
58 tenth of one percent (0.1%) for ten years; and  
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60 WHEREAS, in 2015, the Washington State Legislature enacted RCW  
61 36.74.010, which authorizes a city that has established a transportation benefit district  
62 with boundaries that are the same as the city's boundaries to assume the rights,  
63 powers, functions, and obligations of the transportation benefit district, in accordance  
64 with Chapter 36.74 RCW; and  
65

66 WHEREAS, on March 22, 2020, the Lynnwood City Council passed Ordinance  
67 No. 3356, assuming the rights, powers, immunities, functions, and obligations of the  
68 Lynnwood Transportation Benefit District, in accordance with Chapter 36.74 RCW; and  
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70 WHEREAS the City Council recognizes that the approval of the 2016 ballot  
71 proposition resulted in a voluntary increase in taxation of the City's residents; and  
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73 WHEREAS the City Council believes that the city is a partner with Lynnwood  
74 residents in developing and implementing solutions for funding transportation  
75 improvements to serve Lynnwood residents, and the City Council desires to accomplish  
76 said funding in a manner that minimizes financial impacts on Lynnwood residents; and  
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78 WHEREAS the City Council finds it is in the best interests of the city  
79 to decrease the annual vehicle license fee from forty dollars (\$40.00) to zero dollars  
80 (\$0.00), thereby eliminating the vehicle license fee for the purpose of making  
81 transportation improvements that preserve, maintain, and improve the transportation  
82 infrastructure of the City of Lynnwood, consistent with Chapter 36.73 RCW; and  
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84 WHEREAS, the City Council has determined that the fee elimination shall take  
85 effect on January 1, 2023.  
86

87 WHEREAS the City Council finds it in the best interest of the city to continue to use the  
88 Transportation Benefit District revenues for the same transportation improvements  
89 authorized in the Lynnwood Transportation Benefit District Ordinance No. 10  
90 (preventative and routine pavement maintenance and reconstruction, street and traffic

91 maintenance and operations, and other capital projects as identified in the City's  
92 Transportation Improvement Plan).

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94 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO  
95 ORDAIN AS FOLLOWS:

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97 Section 1. Elimination of the Annual Vehicle License Fee. The annual vehicle license  
98 fee established in Lynnwood Transportation Benefit District Ordinance No. 10 in the  
99 amount of forty dollars (\$40.00) is decreased to zero dollars (\$0.00).

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101 Section 2. Effective Date of Fee Elimination. The decreased (eliminated) vehicle  
102 license fee, as stated in Section 1 above, shall take effect for vehicle license renewals  
103 due on or after January 1, 2023, or as soon thereafter as the Washington Department of  
104 Licensing is reasonably able to incorporate the elimination of the fee. To the extent  
105 RCW 82.80.140(3) applies, the vehicle license fee elimination will not take effect sooner  
106 than six months after approval of the fee elimination in this Ordinance. The existing  
107 annual vehicle license fee established by Lynnwood Transportation Benefit District  
108 Ordinance No. 10 in the amount of forty dollars (\$40.00) shall remain in effect and be  
109 collected by the Department of Licensing until the effective date of the vehicle license  
110 fee elimination under this Ordinance.

111  
112 Section 3. Projects. Transportation Benefit District revenues received by the City  
113 shall  
114 continue to be used for the following transportation improvements: preventative and  
115 routine pavement maintenance and reconstruction, street and traffic maintenance and  
116 operations, and other capital projects as identified in the City's Transportation  
117 Improvement Plan.

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119 Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance  
120 should be held to be invalid or unconstitutional by a court of competent jurisdiction,  
121 such invalidity or unconstitutionality shall not affect the validity or constitutionality of any  
122 other section, sentence, clause or phrase or word of this Ordinance.

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124 Section 5. Publication and Effective Date. This Ordinance or a summary thereof  
125 consisting of the title shall be published in the official newspaper of the City and shall  
126 take effect and be in full force five (5) days after publication.

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128  
129 PASSED BY THE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_ 2021.

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131 APPROVED:

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133 \_\_\_\_\_  
134 Nicola Smith, Mayor

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137 ATTEST/AUTHENTICATED:

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140 \_\_\_\_\_  
Karen Fitzthum, Acting City Clerk

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144 **PASSED BY THE CITY COUNCIL:**

145 **PUBLISHED:**

146 **EFFECTIVE DATE:**

147 **ORDINANCE NUMBER:**

APPROVED AS TO FORM:

\_\_\_\_\_  
Rosemary Larson, City Attorney