AN ORDINANCE of the City Council of the City of Kent, Washington, repealing in its entirety Chapter 7.14 of the Kent City Code entitled "Street Utility".

WHEREAS, on or about April 7, 1992, the City Council, pursuant to Chapter 82.80 RCW, established a street utility for the City of Kent; and

WHEREAS, the City of Seattle, which enacted a similar street utility, was recently challenged in Court on the constitutionality of the street utility; and

WHEREAS, the Supreme Court of the State of Washington in the case of Covell vs. City of Seattle, No. 61178-5, held that the street utility, as it applies to residential property, was unconstitutional; and

WHEREAS, even though Covell did not address the constitutionality of the street utility as it applies to businesses, the City Council of the City of Kent believes that it is in the City's best interest to repeal the Street Utility Code in its entirety, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
SECTION 1. Repeal of Street Utility. Chapter 7.14 of the Kent City Code entitled "Street Utility" is hereby repealed in its entirety.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED 2 day of January, 1996.
APPROVED 3 day of January, 1996.
PUBLISHED 5 day of January, 1996.

I hereby certify that this is a true copy of Ordinance No. 3273, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

streetu.ord