
HOUSE BILL 3130

State of Washington 60th Legislature 2008 Regular Session

By Representatives Lantz, Seaquist, and Eddy

Read first time 01/22/08. Referred to Committee on Local Government.

1 AN ACT Relating to the extension of city and town utility services;
2 and amending RCW 35.67.310 and 35.92.200.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.67.310 and 1965 c 7 s 35.67.310 are each amended to
5 read as follows:

6 (1)(a) Every city or town may permit connections with any of its
7 sewers, either directly or indirectly, from property beyond its
8 limits(~~(, upon such)~~). In order to do so, the city or town must adopt
9 an ordinance describing the terms(~~(,)~~) and conditions ((and payments as
10 may be prescribed by ordinance, which may be required by the city or
11 town)) to be ((evidenced by a written agreement)) included in the
12 contract between the city or town and the property owner ((of the
13 property to be served by the connecting sewer)) requesting such
14 service.

15 (b) The ordinance required under (a) of this subsection must
16 sufficiently describe the contractual provisions so as to provide
17 reasonable notice to property owners of the terms and conditions under
18 which the city or town will contract for the connection of sewer
19 services beyond its limits.

1 (c) A city or town extending sewer services to a property within
2 its urban growth area but outside its geographical limits may include
3 as a condition of such contract, a requirement that the property owner
4 develop the property receiving service consistent with the city's
5 development regulations, building code, and comprehensive plan.

6 (2) As authorized under this section, the extension of a sewer
7 system beyond the limits of a city or town must be consistent with
8 growth management act requirements under chapter 36.70A RCW and other
9 statutory requirements relating to sewer system development and
10 operation. Such extensions may be subject to review by a boundary
11 review board in accordance with chapter 36.93 RCW.

12 (3) A sewer system connection contract is a "development agreement"
13 under RCW 36.70B.170 and may only be adopted by ordinance or resolution
14 after a public hearing as required under RCW 36.70B.200.

15 (4) A sewer connection contract must be recorded against the
16 property as required by RCW 36.70B.190.

17 (5) If ((~~any such agreement~~)) a sewer connection contract is made
18 and filed with the county auditor of the county in which said property
19 is located, it shall constitute a covenant running with the land and
20 the agreements and covenants therein shall be binding on the owner and
21 all persons subsequently acquiring any right, title, or interest in or
22 to said property.

23 (6) If the terms and conditions of the ordinance or of the
24 ((~~agreement~~)) contract are not kept and performed, or the payments
25 made, as required, the city or town may disconnect the sewer and for
26 that purpose may at any time enter upon any public street or road or
27 upon said property.

28 **Sec. 2.** RCW 35.92.200 and 1965 c 7 s 35.92.200 are each amended to
29 read as follows:

30 (1)(a) A city or town may enter into a firm contract with any
31 outside municipality, community, corporation, or person, for furnishing
32 them with water without regard to whether said water shall be
33 considered as surplus or not and regardless of the source from which
34 such water is obtained(~~(, which contract may fix the terms upon which~~
35 ~~the outside distribution systems will be installed and the rates at~~
36 ~~which and the manner in which payment shall be made for the water~~

1 ~~supplied or for the service rendered~~). In order to do so, the city or
2 town shall adopt an ordinance describing the conditions under which the
3 city or town will provide such water service.

4 (b) An ordinance enacted by a city or town authorizing the issuance
5 of contracts for the provision of water services under (a) of this
6 subsection must sufficiently describe the contractual provisions so as
7 to provide reasonable notice of the terms and conditions under which
8 the city or town will contract for the provision of water services
9 beyond its limits.

10 (c) A city or town extending water services to a property within
11 its urban growth area but outside its geographical limits may include
12 as a condition of such contract a requirement that the property owner
13 develop the property receiving service consistent with the city's
14 development regulations, building code, and comprehensive plan.

15 (2) As authorized under this section, the extension of water
16 facilities beyond the limits of a city or town must be consistent with
17 growth management act requirements under chapter 36.70A RCW and other
18 statutory requirements relating to water system development and
19 operation. Such extensions may be subject to review by a boundary
20 review board in accordance with chapter 36.93 RCW.

21 (3) A water system connection contract is a "development agreement"
22 under RCW 36.70B.170 and may only be adopted by ordinance or resolution
23 after a public hearing as required under RCW 36.70B.200.

24 (4) A water system connection contract must be recorded against the
25 property as required by RCW 36.70B.190.

26 (5) If a water connection contract is made and filed with the
27 county auditor of the county in which said property is located, it
28 shall constitute a covenant running with the land and the agreements
29 and covenants therein shall be binding on the owner and all persons
30 subsequently acquiring any right, title, or interest in or to said
31 property.

32 (6) If the terms and conditions of the water services ordinance or
33 contract are not kept and performed, or the payments made, as required,
34 the city or town may disconnect the water system and for that purpose
35 may at any time enter upon any public street or road or upon said
36 property.

--- END ---