
HOUSE BILL 1883

State of Washington

58th Legislature

2003 Regular Session

By Representative Miloscia

Read first time 02/13/2003. Referred to Committee on Local Government.

1 AN ACT Relating to water-sewer district charges for temporary
2 facilities; and amending RCW 57.08.005.

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

4 **Sec. 1.** RCW 57.08.005 and 1999 c 153 s 2 are each amended to read
5 as follows:

6 A district shall have the following powers:

7 (1) To acquire by purchase or condemnation, or both, all lands,
8 property and property rights, and all water and water rights, both
9 within and without the district, necessary for its purposes. The right
10 of eminent domain shall be exercised in the same manner and by the same
11 procedure as provided for cities and towns, insofar as consistent with
12 this title, except that all assessment or reassessment rolls to be
13 prepared and filed by eminent domain commissioners or commissioners
14 appointed by the court shall be prepared and filed by the district, and
15 the duties devolving upon the city treasurer are imposed upon the
16 county treasurer;

17 (2) To lease real or personal property necessary for its purposes
18 for a term of years for which that leased property may reasonably be
19 needed;

1 (3) To construct, condemn and purchase, add to, maintain, and
2 supply waterworks to furnish the district and inhabitants thereof and
3 any other persons, both within and without the district, with an ample
4 supply of water for all uses and purposes public and private with full
5 authority to regulate and control the use, content, distribution, and
6 price thereof in such a manner as is not in conflict with general law
7 and may construct, acquire, or own buildings and other necessary
8 district facilities. Where a customer connected to the district's
9 system uses the water on an intermittent or transient basis, a district
10 may charge for providing water service to such a customer, regardless
11 of the amount of water, if any, used by the customer. District
12 waterworks may include facilities which result in combined water supply
13 and electric generation, if the electricity generated thereby is a
14 byproduct of the water supply system. That electricity may be used by
15 the district or sold to any entity authorized by law to use or
16 distribute electricity. Electricity is deemed a byproduct when the
17 electrical generation is subordinate to the primary purpose of water
18 supply. For such purposes, a district may take, condemn and purchase,
19 acquire, and retain water from any public or navigable lake, river or
20 watercourse, or any underflowing water, and by means of aqueducts or
21 pipeline conduct the same throughout the district and any city or town
22 therein and carry it along and upon public highways, roads, and
23 streets, within and without such district. For the purpose of
24 constructing or laying aqueducts or pipelines, dams, or waterworks or
25 other necessary structures in storing and retaining water or for any
26 other lawful purpose such district may occupy the beds and shores up to
27 the high water mark of any such lake, river, or other watercourse, and
28 may acquire by purchase or condemnation such property or property
29 rights or privileges as may be necessary to protect its water supply
30 from pollution. For the purposes of waterworks which include
31 facilities for the generation of electricity as a byproduct, nothing in
32 this section may be construed to authorize a district to condemn
33 electric generating, transmission, or distribution rights or facilities
34 of entities authorized by law to distribute electricity, or to acquire
35 such rights or facilities without the consent of the owner;

36 (4) To purchase and take water from any municipal corporation,
37 private person, or entity. A district contiguous to Canada may
38 contract with a Canadian corporation for the purchase of water and for

1 the construction, purchase, maintenance, and supply of waterworks to
2 furnish the district and inhabitants thereof and residents of Canada
3 with an ample supply of water under the terms approved by the board of
4 commissioners;

5 (5) To construct, condemn and purchase, add to, maintain, and
6 operate systems of sewers for the purpose of furnishing the district,
7 the inhabitants thereof, and persons outside the district with an
8 adequate system of sewers for all uses and purposes, public and
9 private, including but not limited to on-site sewage disposal
10 facilities, approved septic tanks or approved septic tank systems, on-
11 site sanitary sewerage systems, inspection services and maintenance
12 services for private and public on-site systems, point and nonpoint
13 water pollution monitoring programs that are directly related to the
14 sewerage facilities and programs operated by a district, other
15 facilities, programs, and systems for the collection, interception,
16 treatment, and disposal of wastewater, and for the control of pollution
17 from wastewater with full authority to regulate the use and operation
18 thereof and the service rates to be charged. Under this chapter, after
19 July 1, 1998, any requirements for pumping the septic tank of an on-
20 site sewage system should be based, among other things, on actual
21 measurement of accumulation of sludge and scum by a trained inspector,
22 trained owner's agent, or trained owner. Training must occur in a
23 program approved by the state board of health or by a local health
24 officer. Sewage facilities may include facilities which result in
25 combined sewage disposal or treatment and electric generation, except
26 that the electricity generated thereby is a byproduct of the system of
27 sewers. Such electricity may be used by the district or sold to any
28 entity authorized by law to distribute electricity. Electricity is
29 deemed a byproduct when the electrical generation is subordinate to the
30 primary purpose of sewage disposal or treatment. For such purposes a
31 district may conduct sewage throughout the district and throughout
32 other political subdivisions within the district, and construct and lay
33 sewer pipe along and upon public highways, roads, and streets, within
34 and without the district, and condemn and purchase or acquire land and
35 rights of way necessary for such sewer pipe. A district may erect
36 sewage treatment plants within or without the district, and may
37 acquire, by purchase or condemnation, properties or privileges
38 necessary to be had to protect any lakes, rivers, or watercourses and

1 also other areas of land from pollution from its sewers or its sewage
2 treatment plant. For the purposes of sewage facilities which include
3 facilities that result in combined sewage disposal or treatment and
4 electric generation where the electric generation is a byproduct,
5 nothing in this section may be construed to authorize a district to
6 condemn electric generating, transmission, or distribution rights or
7 facilities of entities authorized by law to distribute electricity, or
8 to acquire such rights or facilities without the consent of the owners;

9 (6) To construct, condemn and purchase, add to, maintain, and
10 operate systems of drainage for the benefit and use of the district,
11 the inhabitants thereof, and persons outside the district with an
12 adequate system of drainage, including but not limited to facilities
13 and systems for the collection, interception, treatment, and disposal
14 of storm or surface waters, and for the protection, preservation, and
15 rehabilitation of surface and underground waters, and drainage
16 facilities for public highways, streets, and roads, with full authority
17 to regulate the use and operation thereof and the service rates to be
18 charged. Drainage facilities may include natural systems. Drainage
19 facilities may include facilities which result in combined drainage
20 facilities and electric generation, except that the electricity
21 generated thereby is a byproduct of the drainage system. Such
22 electricity may be used by the district or sold to any entity
23 authorized by law to distribute electricity. Electricity is deemed a
24 byproduct when the electrical generation is subordinate to the primary
25 purpose of drainage collection, disposal, and treatment. For such
26 purposes, a district may conduct storm or surface water throughout the
27 district and throughout other political subdivisions within the
28 district, construct and lay drainage pipe and culverts along and upon
29 public highways, roads, and streets, within and without the district,
30 and condemn and purchase or acquire land and rights of way necessary
31 for such drainage systems. A district may provide or erect facilities
32 and improvements for the treatment and disposal of storm or surface
33 water within or without the district, and may acquire, by purchase or
34 condemnation, properties or privileges necessary to be had to protect
35 any lakes, rivers, or watercourses and also other areas of land from
36 pollution from storm or surface waters. For the purposes of drainage
37 facilities which include facilities that also generate electricity as
38 a byproduct, nothing in this section may be construed to authorize a

1 district to condemn electric generating, transmission, or distribution
2 rights or facilities of entities authorized by law to distribute
3 electricity, or to acquire such rights or facilities without the
4 consent of the owners;

5 (7) To construct, condemn, acquire, and own buildings and other
6 necessary district facilities;

7 (8) To compel all property owners within the district located
8 within an area served by the district's system of sewers to connect
9 their private drain and sewer systems with the district's system under
10 such penalty as the commissioners shall prescribe by resolution. The
11 district may for such purpose enter upon private property and connect
12 the private drains or sewers with the district system and the cost
13 thereof shall be charged against the property owner and shall be a lien
14 upon property served;

15 (9) Where a district contains within its borders, abuts, or is
16 located adjacent to any lake, stream, ground water as defined by RCW
17 90.44.035, or other waterway within the state of Washington, to provide
18 for the reduction, minimization, or elimination of pollutants from
19 those waters in accordance with the district's comprehensive plan, and
20 to issue general obligation bonds, revenue bonds, local improvement
21 district bonds, or utility local improvement bonds for the purpose of
22 paying all or any part of the cost of reducing, minimizing, or
23 eliminating the pollutants from these waters;

24 (10) To fix rates and charges for water, sewer, and drain service
25 supplied and to charge property owners seeking to connect to the
26 district's systems, as a condition to granting the right to so connect,
27 in addition to the cost of the connection, such reasonable connection
28 charge as the board of commissioners shall determine to be proper in
29 order that those property owners shall bear their equitable share of
30 the cost of the system. For the purposes of calculating a connection
31 charge, the board of commissioners shall determine the pro rata share
32 of the cost of existing facilities and facilities planned for
33 construction within the next ten years and contained in an adopted
34 comprehensive plan and other costs borne by the district which are
35 directly attributable to the improvements required by property owners
36 seeking to connect to the system. The cost of existing facilities
37 shall not include those portions of the system which have been donated
38 or which have been paid for by grants. The connection charge may

1 include interest charges applied from the date of construction of the
2 system until the connection, or for a period not to exceed ten years,
3 whichever is shorter, at a rate commensurate with the rate of interest
4 applicable to the district at the time of construction or major
5 rehabilitation of the system, or at the time of installation of the
6 lines to which the property owner is seeking to connect. In lieu of
7 requiring the installation of permanent local facilities not planned
8 for construction by the district, a district may permit connection to
9 the water and/or sewer systems through temporary facilities and collect
10 from property owners so connecting a proportionate share of the cost of
11 future local facilities needed to serve the property. The amount
12 collected including interest shall be held for contribution to the
13 construction of the permanent local facilities by other developers. If
14 permanent local facilities capable of serving the property are not
15 constructed within fifteen years of the date of payment, the amount
16 collected shall be returned to the property owner. A district may
17 permit payment of the cost of connection and the reasonable connection
18 charge to be paid with interest in installments over a period not
19 exceeding fifteen years. The county treasurer may charge and collect
20 a fee of three dollars for each year for the treasurer's services.
21 Those fees shall be a charge to be included as part of each annual
22 installment, and shall be credited to the county current expense fund
23 by the county treasurer. Revenues from connection charges excluding
24 permit fees are to be considered payments in aid of construction as
25 defined by department of revenue rule. Rates or charges for on-site
26 inspection and maintenance services may not be imposed under this
27 chapter on the development, construction, or reconstruction of
28 property.

29 Before adopting on-site inspection and maintenance utility
30 services, or incorporating residences into an on-site inspection and
31 maintenance or sewer utility under this chapter, notification must be
32 provided, prior to the applicable public hearing, to all residences
33 within the proposed service area that have on-site systems permitted by
34 the local health officer. The notice must clearly state that the
35 residence is within the proposed service area and must provide
36 information on estimated rates or charges that may be imposed for the
37 service.

1 A water-sewer district shall not provide on-site sewage system
2 inspection, pumping services, or other maintenance or repair services
3 under this section using water-sewer district employees unless the on-
4 site system is connected by a publicly owned collection system to the
5 water-sewer district's sewerage system, and the on-site system
6 represents the first step in the sewage disposal process.

7 Except as otherwise provided in RCW 90.03.525, any public entity
8 and public property, including the state of Washington and state
9 property, shall be subject to rates and charges for sewer, water, storm
10 water control, drainage, and street lighting facilities to the same
11 extent private persons and private property are subject to those rates
12 and charges that are imposed by districts. In setting those rates and
13 charges, consideration may be made of in-kind services, such as stream
14 improvements or donation of property;

15 (11) To contract with individuals, associations and corporations,
16 the state of Washington, and the United States;

17 (12) To employ such persons as are needed to carry out the
18 district's purposes and fix salaries and any bond requirements for
19 those employees;

20 (13) To contract for the provision of engineering, legal, and other
21 professional services as in the board of commissioner's discretion is
22 necessary in carrying out their duties;

23 (14) To sue and be sued;

24 (15) To loan and borrow funds and to issue bonds and instruments
25 evidencing indebtedness under chapter 57.20 RCW and other applicable
26 laws;

27 (16) To transfer funds, real or personal property, property
28 interests, or services subject to RCW 57.08.015;

29 (17) To levy taxes in accordance with this chapter and chapters
30 57.04 and 57.20 RCW;

31 (18) To provide for making local improvements and to levy and
32 collect special assessments on property benefitted thereby, and for
33 paying for the same or any portion thereof in accordance with chapter
34 57.16 RCW;

35 (19) To establish street lighting systems under RCW 57.08.060;

36 (20) To exercise such other powers as are granted to water-sewer
37 districts by this title or other applicable laws; and

1 (21) To exercise any of the powers granted to cities and counties
2 with respect to the acquisition, construction, maintenance, operation
3 of, and fixing rates and charges for waterworks and systems of sewerage
4 and drainage.

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