
SENATE BILL 6613

State of Washington

58th Legislature

2004 Regular Session

By Senator Winsley

Read first time 01/27/2004. Referred to Committee on Financial Services, Insurance & Housing.

1 AN ACT Relating to charging manufactured housing communities for
2 water and sewer connections; and amending RCW 35.91.040, 36.94.140, and
3 57.08.081.

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

5 **Sec. 1.** RCW 35.91.040 and 1965 c 7 s 35.91.040 are each amended to
6 read as follows:

7 ~~((No))~~ (1) A person, firm, or corporation ~~((shall))~~ may not be
8 granted a permit or be authorized to tap into, or use any such water or
9 sewer facilities or extensions thereof during the period of time
10 prescribed in such contract without first paying to the municipality,
11 in addition to any and all other costs and charges made or assessed for
12 such tap, or use, or for the water lines or sewers constructed in
13 connection therewith, the amount required by the provisions of the
14 contract under which the water or sewer facilities so tapped into or
15 used were constructed. All amounts so received by the municipality
16 shall be paid out by it under the terms of such contract within sixty
17 days after the receipt thereof. Whenever any tap or connection is made
18 into any such contracted water or sewer facilities without such payment
19 having first been made, the governing body of the municipality may

1 remove, or cause to be removed, such unauthorized tap or connection and
2 all connecting tile, or pipe located in the facility right of way and
3 dispose of unauthorized material so removed without any liability
4 whatsoever.

5 (2) A tap or connection charge under this section for service to a
6 manufactured housing community, as defined in RCW 59.20.030, applies to
7 an individual lot within that community only if the municipality
8 provides and maintains the tap-in connection.

9 **Sec. 2.** RCW 36.94.140 and 2003 c 394 s 4 are each amended to read
10 as follows:

11 (1) Every county, in the operation of a system of sewerage and/or
12 water, shall have full jurisdiction and authority to manage, regulate,
13 and control it. Except as provided in subsection (3) of this section,
14 every county shall have full jurisdiction and authority to fix, alter,
15 regulate, and control the rates and charges for the service and
16 facilities to those to whom such service and facilities are available,
17 and to levy charges for connection to the system.

18 (2) The rates for availability of service and facilities, and
19 connection charges so charged must be uniform for the same class of
20 customers or service and facility. In classifying customers served,
21 service furnished or made available by such system of sewerage and/or
22 water, or the connection charges, the county legislative authority may
23 consider any or all of the following factors:

24 (a) The difference in cost of service to the various customers
25 within or without the area;

26 (b) The difference in cost of maintenance, operation, repair and
27 replacement of the various parts of the systems;

28 (c) The different character of the service and facilities furnished
29 various customers;

30 (d) The quantity and quality of the sewage and/or water delivered
31 and the time of its delivery;

32 (e) Capital contributions made to the system or systems, including,
33 but not limited to, assessments;

34 (f) The cost of acquiring the system or portions of the system in
35 making system improvements necessary for the public health and safety;

36 (g) The nonprofit public benefit status, as defined in RCW
37 24.03.490, of the land user; and

1 (h) Any other matters which present a reasonable difference as a
2 ground for distinction.

3 (3) The rate a county may charge under this section for storm or
4 surface water sewer systems or the portion of the rate allocable to the
5 storm or surface water sewer system of combined sanitary sewage and
6 storm or surface water sewer systems shall be reduced by a minimum of
7 ten percent for any new or remodeled commercial building that utilizes
8 a permissive rainwater harvesting system. Rainwater harvesting systems
9 shall be properly sized to utilize the available roof surface of the
10 building. The jurisdiction shall consider rate reductions in excess of
11 ten percent dependent upon the amount of rainwater harvested.

12 (4) A county may provide assistance to aid low-income persons in
13 connection with services provided under this chapter.

14 (5) The service charges and rates shall produce revenues sufficient
15 to take care of the costs of maintenance and operation, revenue bond
16 and warrant interest and principal amortization requirements, and all
17 other charges necessary for the efficient and proper operation of the
18 system.

19 (6) A connection charge under this section for service to a
20 manufactured housing community, as defined in RCW 59.20.030, applies to
21 an individual lot within that community only if the system of water or
22 sewerage provides and maintains the connection.

23 **Sec. 3.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to read
24 as follows:

25 (1) Subject to RCW 57.08.005(6), the commissioners of any district
26 shall provide for revenues by fixing rates and charges for furnishing
27 sewer and drainage service and facilities to those to whom service is
28 available or for providing water, such rates and charges to be fixed as
29 deemed necessary by the commissioners, so that uniform charges will be
30 made for the same class of customer or service and facility. Rates and
31 charges may be combined for the furnishing of more than one type of
32 sewer or drainage service and facilities.

33 (2) In classifying customers of such water, sewer, or drainage
34 system, the board of commissioners may in its discretion consider any
35 or all of the following factors: The difference in cost to various
36 customers; the location of the various customers within and without the
37 district; the difference in cost of maintenance, operation, repair, and

1 replacement of the various parts of the system; the different character
2 of the service furnished various customers; the quantity and quality of
3 the service and facility furnished; the time of its use; the
4 achievement of water conservation goals and the discouragement of
5 wasteful practices; capital contributions made to the system including
6 but not limited to assessments; and any other matters which present a
7 reasonable difference as a ground for distinction. Rates shall be
8 established as deemed proper by the commissioners and as fixed by
9 resolution and shall produce revenues sufficient to take care of the
10 costs of maintenance and operation, revenue bond and warrant interest
11 and principal amortization requirements, and all other charges
12 necessary for efficient and proper operation of the system. Prior to
13 furnishing services, a district may require a deposit to guarantee
14 payment for services. However, failure to require a deposit does not
15 affect the validity of any lien authorized by this section.

16 (3)(a) The commissioners shall enforce collection of connection
17 charges, and rates and charges for water supplied against property
18 owners connecting with the system or receiving such water, and for
19 sewer and drainage services charged against property to which and its
20 owners to whom the service is available, such charges being deemed
21 charges against the property served, by addition of penalties of not
22 more than ten percent thereof in case of failure to pay the charges at
23 times fixed by resolution. The commissioners may provide by resolution
24 that where either connection charges or rates and charges for services
25 supplied are delinquent for any specified period of time, the district
26 shall certify the delinquencies to the auditor of the county in which
27 the real property is located, and the charges and any penalties added
28 thereto and interest thereon at the rate of not more than the prime
29 lending rate of the district's bank plus four percentage points per
30 year shall be a lien against the property upon which the service was
31 received, subject only to the lien for general taxes.

32 (b) A connection charge under this section for service to a
33 manufactured housing community, as defined in RCW 59.20.030, applies to
34 an individual lot within that community only if the district provides
35 and maintains the connection.

36 (4) The district may, at any time after the connection charges or
37 rates and charges for services supplied or available and penalties are
38 delinquent for a period of sixty days, bring suit in foreclosure by

1 civil action in the superior court of the county in which the real
2 property is located. The court may allow, in addition to the costs and
3 disbursements provided by statute, attorneys' fees, title search and
4 report costs, and expenses as it adjudges reasonable. The action shall
5 be in rem, and may be brought in the name of the district against an
6 individual or against all of those who are delinquent in one action.
7 The laws and rules of the court shall control as in other civil
8 actions.

9 (5) In addition to the right to foreclose provided in this section,
10 the district may also cut off all or part of the service after charges
11 for water or sewer service supplied or available are delinquent for a
12 period of thirty days.

13 (6) A district may determine how to apply partial payments on past
14 due accounts.

15 (7) A district may provide a real property owner or the owner's
16 designee with duplicate bills for service to tenants, or may notify an
17 owner or the owner's designee that a tenant's service account is
18 delinquent. However, if an owner or the owner's designee notifies the
19 district in writing that a property served by the district is a rental
20 property, asks to be notified of a tenant's delinquency, and has
21 provided, in writing, a complete and accurate mailing address, the
22 district shall notify the owner or the owner's designee of a tenant's
23 delinquency at the same time and in the same manner the district
24 notifies the tenant of the tenant's delinquency or by mail. When a
25 district provides a real property owner or the owner's designee with
26 duplicates of tenant utility service bills or notice that a tenant's
27 utility account is delinquent, the district shall notify the tenant
28 that it is providing the duplicate bills or delinquency notice to the
29 owner or the owner's designee. After January 1, 1999, if a district
30 fails to notify the owner of a tenant's delinquency after receiving a
31 written request to do so and after receiving the other information
32 required by this subsection (7), the district shall have no lien
33 against the premises for the tenant's delinquent and unpaid charges.

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