

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1247

59th Legislature
2005 Regular Session

Passed by the House April 20, 2005
Yeas 94 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 13, 2005
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1247** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1247

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives Morris and Schindler

Read first time 01/19/2005. Referred to Committee on Housing.

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

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

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

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

1 all connecting tile, or pipe located in the facility right of way and
2 dispose of unauthorized material so removed without any liability
3 whatsoever.

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

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

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

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

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

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

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

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

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

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

35 (g) The nonprofit public benefit status, as defined in RCW
36 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.

--- END ---