
HOUSE BILL 2146

State of Washington 61st Legislature 2009 Regular Session

By Representatives Ericks, Johnson, Eddy, and Lias

Read first time 02/11/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to contract requirements for water or sewer
2 facilities; and amending RCW 35.91.020.

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

4 **Sec. 1.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read
5 as follows:

6 (1) Except as provided under subsection (2) of this section, the
7 governing body of any city, town, county, water-sewer district, or
8 drainage district, hereinafter referred to as a "municipality" may
9 contract with owners of real estate for the construction of storm,
10 sanitary, or combination sewers, pumping stations, and disposal plants,
11 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
12 "water or sewer facilities," within their boundaries or (except for
13 counties) within ten miles from their corporate limits connecting with
14 the public water or sewerage system to serve the area in which the real
15 estate of such owners is located, and to provide for a period of not to
16 exceed (~~fifteen~~) twenty years for the reimbursement of such owners
17 and their assigns by any owner of real estate who did not contribute to
18 the original cost of such water or sewer facilities and who
19 subsequently tap onto or use the same of a fair pro rata share of the

1 cost of the construction of said water or sewer facilities, including
2 not only those directly connected thereto, but also users connected to
3 laterals or branches connecting thereto, subject to such reasonable
4 rules and regulations as the governing body of such municipality may
5 provide or contract, and notwithstanding the provisions of any other
6 law.

7 (2)(a) The contract may provide for an extension of the
8 fifteen-year reimbursement period for a time not to exceed the duration
9 of any moratorium, phasing ordinance, concurrency designation, or other
10 governmental action that prevents making applications for, or the
11 approval of, any new development within the benefit area for a period
12 of six months or more.

13 (b) Upon the extension of the reimbursement period pursuant to (a)
14 of this subsection, the contract must specify the duration of the
15 contract extension and must be filed and recorded with the county
16 auditor. Property owners who are subject to the reimbursement
17 obligations under subsection (1) of this section shall be notified by
18 the contracting municipality of the extension filed under this
19 subsection.

20 (3) Each contract shall include a provision requiring that every
21 two years from the date the contract is executed a property owner
22 entitled to reimbursement under this section provide the contracting
23 municipality with information regarding the current contract name,
24 address, and telephone number of the person, company, or partnership
25 that originally entered into the contract. If the property owner fails
26 to comply with the notification requirements of this subsection within
27 sixty days of the specified time, then the contracting municipality may
28 collect any reimbursement funds owed to the property owner under the
29 contract. Such funds must be deposited in the capital fund of the
30 municipality.

31 (4) To the extent it may require in the performance of such
32 contract, such municipality may install said water or sewer facilities
33 in and along the county streets in the area to be served as hereinabove
34 provided, subject to such reasonable requirements as to the manner of
35 occupancy of such streets as the county may by resolution provide. The
36 provisions of such contract shall not be effective as to any owner of
37 real estate not a party thereto unless such contract has been recorded

1 in the office of the county auditor of the county in which the real
2 estate of such owner is located prior to the time such owner taps into
3 or connects to said water or sewer facilities.

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