
SENATE BILL 5172

State of Washington

64th Legislature

2015 Regular Session

By Senators Dammeier, Roach, and Conway

Read first time 01/15/15. Referred to Committee on Government Operations & State Security.

1 AN ACT Relating to the lien for collection of sewer utility
2 charges by counties; and amending RCW 36.94.150.

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

4 **Sec. 1.** RCW 36.94.150 and 1997 c 393 s 9 are each amended to
5 read as follows:

6 (1) All counties operating a system of sewerage and/or water
7 shall have a lien for delinquent connection charges and charges for
8 the availability of sewerage and/or water service, together with
9 interest fixed by resolution at eight percent per annum from the date
10 due until paid. Penalties of not more than ten percent of the amount
11 due may be imposed in case of failure to pay the charges at times
12 fixed by resolution. The lien shall be for all charges, interest,
13 ~~((and))~~ penalties, and lien recording and release fees, and shall
14 attach to the premises to which the services were available. The lien
15 shall be superior to all other liens and encumbrances, except general
16 taxes and local and special assessments of the county.

17 (2) The county department established in RCW 36.94.120 shall
18 certify periodically the delinquencies to the auditor of the county
19 at which time the lien shall attach.

20 (3) In lieu of the procedure provided in subsection (2) of this
21 section, a county may, by resolution or ordinance, adopt the

1 alternative procedure applicable to cities and towns set forth in RCW
2 35.67.210, 35.67.215, and 35.67.290.

3 (4) Upon the expiration of sixty days after the attachment of the
4 lien, the county may bring suit in foreclosure by civil action in the
5 superior court of the county where the property is located. Costs
6 associated with the foreclosure of the lien, including but not
7 limited to advertising, title report, and personnel costs, shall be
8 added to the lien upon filing of the foreclosure action. In addition
9 to the costs and disbursements provided by statute, the court may
10 allow the county a reasonable attorney's fee. The lien shall be
11 foreclosed in the same manner as the foreclosure of real property tax
12 liens.

--- END ---