

---

SENATE BILL 5779

---

State of Washington

55th Legislature

1997 Regular Session

By Senators Swecker and Fraser

Read first time 02/12/97. Referred to Committee on Government Operations.

1 AN ACT Relating to terminating water and sewer service after  
2 account is delinquent for thirty days; and amending RCW 57.08.081.

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

4 **Sec. 1.** RCW 57.08.081 and 1996 c 230 s 314 are each amended to  
5 read as follows:

6 The commissioners of any district shall provide for revenues by  
7 fixing rates and charges for furnishing sewer and drainage service to  
8 those to whom service is available or for providing water, such rates  
9 and charges to be fixed as deemed necessary by the commissioners, so  
10 that uniform charges will be made for the same class of customer or  
11 service. Rates and charges may be combined for the furnishing of more  
12 than one type of sewer service, such as but not limited to storm or  
13 surface water and sanitary.

14 In classifying customers of such water, sewer, or drainage system,  
15 the board of commissioners may in its discretion consider any or all of  
16 the following factors: The difference in cost of service to various  
17 customers; the location of the various customers within and without the  
18 district; the difference in cost of maintenance, operation, repair, and  
19 replacement of the various parts of the system; the different character

1 of the service furnished various customers; the quantity and quality of  
2 the service furnished; the time of its use; the achievement of water  
3 conservation goals and the discouragement of wasteful practices;  
4 capital contributions made to the system including but not limited to  
5 assessments; and any other matters which present a reasonable  
6 difference as a ground for distinction. Rates shall be established as  
7 deemed proper by the commissioners and as fixed by resolution and shall  
8 produce revenues sufficient to take care of the costs of maintenance  
9 and operation, revenue bond and warrant interest and principal  
10 amortization requirements, and all other charges necessary for  
11 efficient and proper operation of the system.

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

28 The district may, at any time after the connection charges or rates  
29 and charges for services supplied or available and penalties are  
30 delinquent for a period of (~~sixty~~) thirty days, bring suit in  
31 foreclosure by civil action in the superior court of the county in  
32 which the real property is located. The court may allow, in addition  
33 to the costs and disbursements provided by statute, attorneys' fees,  
34 title search and report costs, and expenses as it adjudges reasonable.  
35 The action shall be in rem, and may be brought in the name of the  
36 district against an individual or against all of those who are  
37 delinquent in one action. The laws and rules of the court shall  
38 control as in other civil actions.

1        In addition to the right to foreclose provided in this section, the  
2 district may also cut off all or part of the service after charges for  
3 water or sewer service supplied or available are delinquent for a  
4 period of ((~~sixty~~) thirty) days.

--- END ---