
HOUSE BILL 1228

State of Washington

60th Legislature

2007 Regular Session

By Representatives O'Brien, Warnick, McCune, B. Sullivan, McDonald and Morrell

Read first time 01/15/2007. Referred to Committee on Housing.

1 AN ACT Relating to the rate charged mobile home parks for storm or
2 surface water sewer system service; and amending RCW 35.92.020 and
3 36.94.140.

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

5 **Sec. 1.** RCW 35.92.020 and 2003 c 394 s 2 are each amended to read
6 as follows:

7 (1) A city or town may construct, condemn and purchase, purchase,
8 acquire, add to, alter, maintain, and operate systems, plants, sites,
9 or other facilities of sewerage as defined in RCW 35.67.010, or solid
10 waste handling as defined by RCW 70.95.030. A city or town shall have
11 full authority to manage, regulate, operate, control, and, except as
12 provided in subsection (3) of this section, to fix the price of service
13 and facilities of those systems, plants, sites, or other facilities
14 within and without the limits of the city or town.

15 (2)(a) Subject to subsection (3) of this section, the rates charged
16 shall be uniform for the same class of customers or service and
17 facilities. In classifying customers served or service and facilities
18 furnished by a system or systems of sewerage, the legislative authority

1 of the city or town may in its discretion consider any or all of the
2 following factors:

3 ~~((a))~~ (i) The difference in cost of service and facilities to
4 customers;

5 ~~((b))~~ (ii) The location of customers within and without the city
6 or town;

7 ~~((c))~~ (iii) The difference in cost of maintenance, operation,
8 repair, and replacement of the parts of the system;

9 ~~((d))~~ (iv) The different character of the service and facilities
10 furnished to customers;

11 ~~((e))~~ (v) The quantity and quality of the sewage delivered and
12 the time of its delivery;

13 ~~((f))~~ (vi) Capital contributions made to the systems, plants,
14 sites, or other facilities, including but not limited to, assessments;

15 ~~((g))~~ (vii) The nonprofit public benefit status, as defined in
16 RCW 24.03.490, of the land user; and

17 ~~((h))~~ (viii) Any other factors that present a reasonable
18 difference as a ground for distinction.

19 (b) For the purposes of this subsection, a mobile home park is the
20 same class of customer as residential multifamily housing.

21 (3) The rate a city or town may charge under this section for storm
22 or surface water sewer systems or the portion of the rate allocable to
23 the storm or surface water sewer system of combined sanitary sewage and
24 storm or surface water sewer systems shall be reduced by a minimum of
25 ten percent for any new or remodeled commercial building that utilizes
26 a permissive rainwater harvesting system. Rainwater harvesting systems
27 shall be properly sized to utilize the available roof surface of the
28 building. The jurisdiction shall consider rate reductions in excess of
29 ten percent dependent upon the amount of rainwater harvested.

30 (4) Rates or charges for on-site inspection and maintenance
31 services may not be imposed under this chapter on the development,
32 construction, or reconstruction of property.

33 (5) A city or town may provide assistance to aid low-income persons
34 in connection with services provided under this chapter.

35 (6) Under this chapter, after July 1, 1998, any requirements for
36 pumping the septic tank of an on-site sewage system should be based,
37 among other things, on actual measurement of accumulation of sludge and

1 scum by a trained inspector, trained owner's agent, or trained owner.
2 Training must occur in a program approved by the state board of health
3 or by a local health officer.

4 (7) Before adopting on-site inspection and maintenance utility
5 services, or incorporating residences into an on-site inspection and
6 maintenance or sewer utility under this chapter, notification must be
7 provided, prior to the applicable public hearing, to all residences
8 within the proposed service area that have on-site systems permitted by
9 the local health officer. The notice must clearly state that the
10 residence is within the proposed service area and must provide
11 information on estimated rates or charges that may be imposed for the
12 service.

13 (8) A city or town shall not provide on-site sewage system
14 inspection, pumping services, or other maintenance or repair services
15 under this section using city or town employees unless the on-site
16 system is connected by a publicly owned collection system to the city
17 or town's sewerage system, and the on-site system represents the first
18 step in the sewage disposal process. Nothing in this section shall
19 affect the authority of state or local health officers to carry out
20 their responsibilities under any other applicable law.

21 **Sec. 2.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to read
22 as follows:

23 (1) Every county, in the operation of a system of sewerage and/or
24 water, shall have full jurisdiction and authority to manage, regulate,
25 and control it. Except as provided in subsection (3) of this section,
26 every county shall have full jurisdiction and authority to fix, alter,
27 regulate, and control the rates and charges for the service and
28 facilities to those to whom such service and facilities are available,
29 and to levy charges for connection to the system.

30 (2)(a) The rates for availability of service and facilities, and
31 connection charges so charged must be uniform for the same class of
32 customers or service and facility. In classifying customers served,
33 service furnished or made available by such system of sewerage and/or
34 water, or the connection charges, the county legislative authority may
35 consider any or all of the following factors:

36 ((+a)) (i) The difference in cost of service to the various
37 customers within or without the area;

1 ~~((b))~~ (ii) The difference in cost of maintenance, operation,
2 repair and replacement of the various parts of the systems;

3 ~~((c))~~ (iii) The different character of the service and facilities
4 furnished various customers;

5 ~~((d))~~ (iv) The quantity and quality of the sewage and/or water
6 delivered and the time of its delivery;

7 ~~((e))~~ (v) Capital contributions made to the system or systems,
8 including, but not limited to, assessments;

9 ~~((f))~~ (vi) The cost of acquiring the system or portions of the
10 system in making system improvements necessary for the public health
11 and safety;

12 ~~((g))~~ (vii) The nonprofit public benefit status, as defined in
13 RCW 24.03.490, of the land user; and

14 ~~((h))~~ (viii) Any other matters which present a reasonable
15 difference as a ground for distinction.

16 (b) For the purposes of this subsection, a mobile home park is the
17 same class of customer as residential multifamily housing.

18 (3) The rate a county may charge under this section for storm or
19 surface water sewer systems or the portion of the rate allocable to the
20 storm or surface water sewer system of combined sanitary sewage and
21 storm or surface water sewer systems shall be reduced by a minimum of
22 ten percent for any new or remodeled commercial building that utilizes
23 a permissive rainwater harvesting system. Rainwater harvesting systems
24 shall be properly sized to utilize the available roof surface of the
25 building. The jurisdiction shall consider rate reductions in excess of
26 ten percent dependent upon the amount of rainwater harvested.

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

29 (5) The service charges and rates shall produce revenues sufficient
30 to take care of the costs of maintenance and operation, revenue bond
31 and warrant interest and principal amortization requirements, and all
32 other charges necessary for the efficient and proper operation of the
33 system.

34 (6) A connection charge under this section for service to a
35 manufactured housing community, as defined in RCW 59.20.030, applies to
36 an individual lot within that community only if the system of water or

1 sewerage provides and maintains the connection.

--- END ---