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HOUSE BILL 1697

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Orcutt, Dunn, McCune and Moeller

Read first time 01/25/2007. Referred to Committee on Local Government.

1            AN ACT Relating to garbage collection in mobile home parks;  
2 amending RCW 35.13.280 and 35A.14.900; adding a new section to chapter  
3 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.13 RCW  
6 to read as follows:

7            When the owner of a mobile home park, as defined in RCW 59.20.030,  
8 is collecting garbage for that park's tenants on the effective date of  
9 an annexation by a city or town, the owner may continue collecting  
10 garbage for that mobile home park.

11            **Sec. 2.** RCW 35.13.280 and 1997 c 171 s 2 are each amended to read  
12 as follows:

13            Except under section 1 of this act, the annexation by any city or  
14 town of any territory pursuant to those provisions of chapter 35.10 RCW  
15 which relate to the annexation of a city or town to a city or town, or  
16 pursuant to the provisions of chapter 35.13 RCW shall cancel, as of the  
17 effective date of such annexation, any franchise or permit theretofore  
18 granted to any person, firm or corporation by the state of Washington,

1 or by the governing body of such annexed territory, authorizing or  
2 otherwise permitting the operation of any public transportation,  
3 garbage disposal or other similar public service business or facility  
4 within the limits of the annexed territory, but the holder of any such  
5 franchise or permit canceled pursuant to this section shall be  
6 forthwith granted by the annexing city or town a franchise to continue  
7 such business within the annexed territory for a term of not less than  
8 seven years from the date of issuance thereof, and the annexing city or  
9 town, by franchise, permit or public operation, shall not extend  
10 similar or competing services to the annexed territory except upon a  
11 proper showing of the inability or refusal of such person, firm or  
12 corporation to adequately service said annexed territory at a  
13 reasonable price: PROVIDED, That the provisions of this section shall  
14 not preclude the purchase by the annexing city or town of said  
15 franchise, business, or facilities at an agreed or negotiated price, or  
16 from acquiring the same by condemnation upon payment of damages,  
17 including a reasonable amount for the loss of the franchise or permit.  
18 In the event that any person, firm or corporation whose franchise or  
19 permit has been canceled by the terms of this section shall suffer any  
20 measurable damages as a result of any annexation pursuant to the  
21 provisions of the laws above-mentioned, such person, firm or  
22 corporation shall have a right of action against any city or town  
23 causing such damages.

24 After an annexation by a city or town, the utilities and  
25 transportation commission shall continue to regulate solid waste  
26 collection within the limits of the annexed territory until such time  
27 as the city or town notifies the commission, in writing, of its  
28 decision to contract for solid waste collection or provide solid waste  
29 collection itself pursuant to RCW 81.77.020. In the event the annexing  
30 city or town at any time decides to contract for solid waste collection  
31 or decides to undertake solid waste collection itself, the holder of  
32 any such franchise or permit that is so canceled in whole or in part  
33 shall be forthwith granted by the annexing city or town a franchise to  
34 continue such business within the annexed territory for a term of not  
35 less than the remaining term of the original franchise or permit, or  
36 not less than seven years, whichever is the shorter period, and the  
37 city or town, by franchise, permit, or public operation, shall not  
38 extend similar or competing services to the annexed territory except

1 upon a proper showing of the inability or refusal of such person, firm,  
2 or corporation to adequately service the annexed territory at a  
3 reasonable price. Upon the effective date specified by the city or  
4 town council's ordinance or resolution to have the city or town  
5 contract for solid waste collection or undertake solid waste collection  
6 itself, the transition period specified in this section begins to run.  
7 This section does not preclude the purchase by the annexing city or  
8 town of the franchise, business, or facilities at an agreed or  
9 negotiated price, or from acquiring the same by condemnation upon  
10 payment of damages, including a reasonable amount for the loss of the  
11 franchise or permit. In the event that any person, firm, or  
12 corporation whose franchise or permit has been canceled by the terms of  
13 this section suffers any measurable damages as a result of any  
14 annexation pursuant to this chapter, such person, firm, or corporation  
15 has a right of action against any city or town causing such damages.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.14 RCW  
17 to read as follows:

18 When the owner of a mobile home park, as defined in RCW 59.20.030,  
19 is collecting garbage for that park's tenants on the effective date of  
20 an annexation by a code city, the owner may continue collecting garbage  
21 for that mobile home park.

22 **Sec. 4.** RCW 35A.14.900 and 1997 c 171 s 3 are each amended to read  
23 as follows:

24 Except under section 3 of this act, the annexation by any code city  
25 of any territory pursuant to this chapter shall cancel, as of the  
26 effective date of such annexation, any franchise or permit theretofore  
27 granted to any person, firm or corporation by the state of Washington,  
28 or by the governing body of such annexed territory, authorizing or  
29 otherwise permitting the operation of any public utility, including but  
30 not limited to, public electric, water, transportation, garbage  
31 disposal or other similar public service business or facility within  
32 the limits of the annexed territory, but the holder of any such  
33 franchise or permit canceled pursuant to this section shall be  
34 forthwith granted by the annexing code city a franchise to continue  
35 such business within the annexed territory for a term of not less than  
36 seven years from the date of issuance thereof, and the annexing code

1 city, by franchise, permit or public operation, shall not extend  
2 similar or competing services to the annexed territory except upon a  
3 proper showing of the inability or refusal of such person, firm or  
4 corporation to adequately service said annexed territory at a  
5 reasonable price: PROVIDED, That the provisions of this section shall  
6 not preclude the purchase by the annexing code city of said franchise,  
7 business, or facilities at an agreed or negotiated price, or from  
8 acquiring the same by condemnation upon payment of damages, including  
9 a reasonable amount for the loss of the franchise or permit. In the  
10 event that any person, firm or corporation whose franchise or permit  
11 has been canceled by the terms of this section shall suffer any  
12 measurable damages as a result of any annexation pursuant to the  
13 provisions of the laws above-mentioned, such person, firm or  
14 corporation shall have a right of action against any code city causing  
15 such damages.

16 After an annexation by a code city, the utilities and  
17 transportation commission shall continue to regulate solid waste  
18 collection within the limits of the annexed territory until such time  
19 as the city notifies the commission, in writing, of its decision to  
20 contract for solid waste collection or provide solid waste collection  
21 itself pursuant to RCW 81.77.020. In the event the annexing city at  
22 any time decides to contract for solid waste collection or decides to  
23 undertake solid waste collection itself, the holder of any such  
24 franchise or permit that is so canceled in whole or in part shall be  
25 forthwith granted by the annexing city a franchise to continue such  
26 business within the annexed territory for a term of not less than the  
27 remaining term of the original franchise or permit, or not less than  
28 seven years, whichever is the shorter period, and the city, by  
29 franchise, permit, or public operation, shall not extend similar or  
30 competing services to the annexed territory except upon a proper  
31 showing of the inability or refusal of such person, firm, or  
32 corporation to adequately service the annexed territory at a reasonable  
33 price. Upon the effective date specified by the code city council's  
34 ordinance or resolution to have the code city contract for solid waste  
35 collection or undertake solid waste collection itself, the transition  
36 period specified in this section begins to run. This section does not  
37 preclude the purchase by the annexing city of the franchise, business,  
38 or facilities at an agreed or negotiated price, or from acquiring the

1 same by condemnation upon payment of damages, including a reasonable  
2 amount for the loss of the franchise or permit. In the event that any  
3 person, firm, or corporation whose franchise or permit has been  
4 canceled by the terms of this section suffers any measurable damages as  
5 a result of any annexation pursuant to this chapter, such person, firm,  
6 or corporation has a right of action against any city causing such  
7 damages.

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