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ENGROSSED SENATE BILL 5888

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State of Washington

54th Legislature

1995 Regular Session

By Senator Sutherland

Read first time 02/13/95. Referred to Committee on Energy,  
Telecommunications & Utilities.

1 AN ACT Relating to considerations for charges for sewerage and  
2 storm water control systems; and amending RCW 36.89.080, 36.94.140,  
3 35.67.020, 35.67.190, and 35.92.020.

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

5 **Sec. 1.** RCW 36.89.080 and 1970 ex.s. c 30 s 7 are each amended to  
6 read as follows:

7 Any (~~board of county commissioners~~) county legislative authority  
8 may provide by resolution for revenues by fixing rates and charges for  
9 the furnishing of service to those served or receiving benefits or to  
10 be served or to receive benefits from any storm water control facility  
11 or contributing to an increase of surface water runoff. In fixing  
12 rates and charges, the (~~board~~) county legislative authority may in  
13 its discretion consider: (1) Services furnished or to be  
14 furnished(~~(-)~~); (2) benefits received or to be received(~~(-)~~); (3) the  
15 character and use of land(~~(-)~~) or its water runoff characteristics; (4)  
16 the nonprofit public benefit status, as defined in RCW 24.03.490, of  
17 the land user; or (5) any other matters which present a reasonable  
18 difference as a ground for distinction. (~~Such~~) The service charges  
19 and rates collected shall be deposited in a special fund or funds in

1 the county treasury to be used only for the purpose of paying all or  
2 any part of the cost and expense of maintaining and operating storm  
3 water control facilities, all or any part of the cost and expense of  
4 planning, designing, establishing, acquiring, developing, constructing  
5 and improving any of such facilities, or to pay or secure the payment  
6 of all or any portion of any issue of general obligation or revenue  
7 bonds issued for such purpose.

8 **Sec. 2.** RCW 36.94.140 and 1990 c 133 s 2 are each amended to read  
9 as follows:

10 Every county, in the operation of a system of sewerage and/or  
11 water, shall have full jurisdiction and authority to manage, regulate,  
12 and control it and to fix, alter, regulate, and control the rates and  
13 charges for the service to those to whom such county service is  
14 available, and to levy charges for connection to (~~such~~) the system.  
15 The rates for availability of service and connection charges so charged  
16 must be uniform for the same class of customers or service.

17 In classifying customers served, service furnished or made  
18 available by such system of sewerage and/or water, or the connection  
19 charges, the (~~board~~) county legislative authority may consider any or  
20 all of the following factors:

21 (1) The difference in cost of service to the various customers  
22 within or without the area;

23 (2) The difference in cost of maintenance, operation, repair and  
24 replacement of the various parts of the systems;

25 (3) The different character of the service furnished various  
26 customers;

27 (4) The quantity and quality of the sewage and/or water delivered  
28 and the time of its delivery;

29 (5) Capital contributions made to the system or systems, including,  
30 but not limited to, assessments;

31 (6) The cost of acquiring the system or portions of the system in  
32 making system improvements necessary for the public health and safety;  
33 (~~and~~)

34 (7) The nonprofit public benefit status, as defined in RCW  
35 24.03.490, of the land user; and

36 (8) Any other matters which present a reasonable difference as a  
37 ground for distinction.

1 ((Such)) The service charges and rates shall produce revenues  
2 sufficient to take care of the costs of maintenance and operation,  
3 revenue bond and warrant interest and principal amortization  
4 requirements, and all other charges necessary for the efficient and  
5 proper operation of the system.

6 **Sec. 3.** RCW 35.67.020 and 1991 c 347 s 17 are each amended to read  
7 as follows:

8 Every city and town may construct, condemn and purchase, acquire,  
9 add to, maintain, conduct, and operate systems of sewerage and systems  
10 and plants for refuse collection and disposal together with additions,  
11 extensions, and betterments thereto, within and without its limits,  
12 with full jurisdiction and authority to manage, regulate, and control  
13 them and to fix, alter, regulate, and control the rates and charges for  
14 ((the)) their use ((~~thereof: PROVIDED, That~~)). The rates charged must  
15 be uniform for the same class of customers or service.

16 In classifying customers served or service furnished by such system  
17 of sewerage, the city or town legislative body may in its discretion  
18 consider any or all of the following factors: (1) The difference in  
19 cost of service to the various customers; (2) the location of the  
20 various customers within and without the city or town; (3) the  
21 difference in cost of maintenance, operation, repair, and replacement  
22 of the various parts of the system; (4) the different character of the  
23 service furnished various customers; (5) the quantity and quality of  
24 the sewage delivered and the time of its delivery; (6) the achievement  
25 of water conservation goals and the discouragement of wasteful water  
26 use practices; (7) capital contributions made to the system, including  
27 but not limited to, assessments; (8) the nonprofit public benefit  
28 status, as defined in RCW 24.03.490, of the land user; and (9) any  
29 other matters which present a reasonable difference as a ground for  
30 distinction.

31 **Sec. 4.** RCW 35.67.190 and 1965 c 7 s 35.67.190 are each amended to  
32 read as follows:

33 The legislative body of such city or town may provide by ordinance  
34 for revenues by fixing rates and charges for the furnishing of service  
35 to those served by its system of sewerage or system for refuse  
36 collection and disposal, which rates and charges shall be uniform for  
37 the same class of customer or service. In classifying customers served

1 or service furnished by such system of sewerage, the city or town  
2 legislative body may in its discretion consider any or all of the  
3 following factors: (1) The difference in cost of service to the  
4 various customers; (2) the location of the various customers within and  
5 without the city or town; (3) the difference in cost of maintenance,  
6 operation, repair, and replacement of the various parts of the system;  
7 (4) the different character of the service furnished various customers;  
8 (5) the quantity and quality of the sewage delivered and the time of  
9 its delivery; (6) capital contributions made to the system, including  
10 but not limited to, assessments; (7) the nonprofit public benefit  
11 status, as defined in RCW 24.03.490, of the land user; and (8) any  
12 other matters which present a reasonable difference as a ground for  
13 distinction.

14 If special indebtedness bonds or warrants are issued against the  
15 revenues, the legislative body shall by ordinance fix charges at rates  
16 which will be sufficient to take care of the costs of maintenance and  
17 operation, bond and warrant principal and interest, sinking fund  
18 requirements, and all other expenses necessary for efficient and proper  
19 operation of the system.

20 All property owners within the area served by such sewerage system  
21 shall be compelled to connect their private drains and sewers with such  
22 city or town system, under such penalty as the legislative body of such  
23 city or town may by ordinance direct. Such penalty may in the  
24 discretion of such legislative body be an amount equal to the charge  
25 that would be made for sewer service if the property was connected to  
26 such system. All penalties collected shall be considered revenue of  
27 the system.

28 **Sec. 5.** RCW 35.92.020 and 1989 c 399 s 6 are each amended to read  
29 as follows:

30 A city or town may construct, condemn and purchase, purchase,  
31 acquire, add to, alter, maintain, and operate systems, plants, sites,  
32 or other facilities of sewerage, or solid waste handling as defined by  
33 RCW 70.95.030, and shall have full authority to manage, regulate,  
34 operate, control, and to fix the price of service of those systems,  
35 plants, sites, or other facilities within and without the limits of the  
36 city or town. The rates charged shall be uniform for the same class of  
37 customers or service. In classifying customers served or service  
38 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: (1) The difference in cost of service to customers;  
3 (2) the location of customers within and without the city or town; (3)  
4 the difference in cost of maintenance, operation, repair, and  
5 replacement of the parts of the system; (4) the different character of  
6 the service furnished customers; (5) the quantity and quality of the  
7 sewage delivered and the time of its delivery; (6) capital  
8 contributions made to the systems, plants, sites, or other facilities,  
9 including but not limited to, assessments; (7) the nonprofit public  
10 benefit status, as defined in RCW 24.03.490, of the land user; and (8)  
11 any other factors that present a reasonable difference as a ground for  
12 distinction.

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