

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5888

54th Legislature
1995 Regular Session

Passed by the Senate March 14, 1995
YEAS 44 NAYS 4

President of the Senate

Passed by the House April 10, 1995
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5888** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5888

Passed Legislature - 1995 Regular Session

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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