
SENATE BILL 6096

State of Washington

57th Legislature

2001 Regular Session

By Senators Rasmussen and Winsley

Read first time 02/21/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to the operation and regulation of utilities by
2 a city or town; and amending RCW 35A.47.040 and 36.94.180.

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

4 **Sec. 1.** RCW 35A.47.040 and 1967 ex.s. c 119 s 35A.47.040 are each
5 amended to read as follows:

6 Every code city (~~((shall have authority to))~~) may permit and
7 regulate under such restrictions and conditions as it may set by
8 charter or ordinance and (~~((to))~~) may grant nonexclusive franchises
9 for the use of public streets, bridges or other public ways,
10 structures or places above or below the surface of the ground for
11 all private and publicly owned or operated utilities including,
12 but not limited to, railroads and other routes and facilities for
13 public conveyances, for poles, conduits, tunnels, towers and
14 structures, pipes and wires and appurtenances thereof for
15 transmission and distribution of electrical energy, signals and
16 other methods of communication, for gas, steam, and liquid fuels,
17 for water, sewer, and other private and publicly owned and

1 operated facilities for public service. The power hereby granted
2 shall be in addition to the franchise authority granted by general
3 law to cities.

4 No ordinance or resolution granting any franchise in a code
5 city for any purpose (~~shall~~) may be adopted or passed by the
6 city's legislative body on the day of its introduction nor for
7 five days thereafter, nor at any other than a regular meeting nor
8 without first being submitted to the city attorney, nor without
9 having been granted by the approving vote of at least a majority
10 of the entire legislative body, nor without being published at
11 least once in a newspaper of general circulation in the city
12 before becoming effective.

13 The city council may require a bond in a reasonable amount for
14 any person or corporation obtaining a franchise from the city
15 conditioned upon the faithful performance of the conditions and
16 terms of the franchise and providing a recovery on the bond in
17 case of failure to perform the terms and conditions of the
18 franchise.

19 A code city may exercise the authority hereby granted,
20 notwithstanding a contrary limitation of any preexisting charter
21 provision.

22 **Sec. 2.** RCW 36.94.180 and 1986 c 234 s 34 are each amended to read
23 as follows:

24 In the event of the annexation to a city or town of an area, or
25 incorporation of an area, in which a county is operating a
26 sewerage and/or water system, the property, facilities, and
27 equipment of such sewerage and/or water system lying within the
28 annexed or incorporated area (~~may~~) shall be transferred to the
29 city or town, on the request of the city or town, if such transfer
30 will not materially affect the operation of any of the remaining
31 county system, subject to the assumption by the city or town of
32 the county's obligations relating to such property, facilities,
33 and equipment, under the procedures specified in, and pursuant to
34 the authority contained in, chapter 35.13A RCW.

--- END ---

