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SENATE BILL 5544

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Hargrove, Owen and Snyder

Read first time 02/02/93. Referred to Committee on Transportation.

1 AN ACT Relating to local government street utility charges; and  
2 amending RCW 82.80.050.

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

4 **Sec. 1.** RCW 82.80.050 and 1991 c 141 s 2 are each amended to read  
5 as follows:

6 A city or town electing to own, construct, maintain, operate, and  
7 preserve its streets as a separate street utility may levy periodic  
8 charges for the use or availability of the streets in a total annual  
9 amount of up to fifty percent of the actual costs for maintenance,  
10 operation, and preservation of facilities under the jurisdiction of the  
11 street utility. The rates charged for the use must be uniform for the  
12 same class of service ~~((and all))~~. The city or town may elect to levy  
13 the charges on both business and residential properties ~~((must be~~  
14 ~~subject to the utility charge))~~ or residential properties alone.  
15 Charges imposed on businesses ~~((shall))~~ may be measured ~~((solely))~~  
16 either by the number of employees or may be imposed on a per business  
17 entity basis and shall not exceed the equivalent of two dollars per  
18 full-time equivalent employee per month. Charges imposed against  
19 owners or occupants of residential property shall not exceed two

1 dollars per month per housing unit as defined in RCW 35.95.040.  
2 Charges authorized in this section shall not be imposed against owners  
3 of property: (1) Exempt under RCW 84.36.010; (2) exempt from the  
4 leasehold tax under chapter 82.29A RCW; or (3) used for nonprofit or  
5 sectarian purposes, which if said property were owned by such  
6 organization would qualify for exemption under chapter 84.36 RCW. The  
7 charges shall not be computed on the basis of an ad valorem charge on  
8 the underlying real property and improvements. This section shall not  
9 be used as a basis to directly or indirectly charge transportation  
10 impact fees or mitigation fees of any kind against new development. A  
11 city or town may contract with any other utility or local government to  
12 provide for billing and collection of the street utility charges.

13 In classifying service furnished within the general categories of  
14 business and residential, the city or town legislative authority may in  
15 its discretion consider any or all of the following factors: The  
16 difference in cost of service to the various users or traffic  
17 generators; location of the various users or traffic generators within  
18 the city or town; the difference in cost of maintenance, operation,  
19 construction, repair, and replacement of the various parts of the  
20 enterprise and facility; the different character of the service  
21 furnished to various users or traffic generators within the city or  
22 town; the size and quality of the street service furnished; the time of  
23 use or traffic generation; capital contributions made to the facility  
24 including but not limited to special assessments; and any other matters  
25 that present a reasonable difference as a ground for distinction, or  
26 the entire category of business or residential may be established as a  
27 single class. The city or town may reduce or exempt charges on  
28 residential properties to the extent of their occupancy by low-income  
29 senior citizens and low-income disabled citizens as provided in RCW  
30 74.38.070(1), or to the extent of their occupancy by the needy or  
31 infirm.

32 The charges shall be charges against the property and the use  
33 thereof and shall become liens and be enforced in the same manner as  
34 rates and charges for the use of systems of sewerage under chapter  
35 35.67 RCW.

36 Any city or town ordinance or resolution creating a street utility  
37 must contain a provision granting to any business a credit against any

1 street utility charge the full amount of any commuter or employer tax  
2 paid for transportation purposes by that business.

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