

**ESB 5514** - H COMM AMD  
By Committee on Local Government

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 35.23.535 and 1995 c 301 s 37 are each amended to  
4 read as follows:

5 No taxes shall be imposed for maintenance and operating charges of  
6 city owned water, light, power, or heating works or systems.

7 Rates shall be fixed by ordinance for supplying water, light,  
8 power, or heat for commercial, domestic, or irrigation purposes  
9 sufficient to pay for all operating and maintenance charges. No rates,  
10 charges, noncapital fees, or other costs may be charged for any vacant  
11 lot in a manufactured housing community, as defined in RCW 59.20.030,  
12 unless the lot is receiving individually water, light, power, or heat  
13 services or the landlord voluntarily elects to continue the rates,  
14 charges, noncapital fees, or other costs during the period the lot is  
15 vacant. If the rates in force produce a greater amount than is  
16 necessary to meet operating and maintenance charges, the rates may be  
17 reduced or the excess income may be transferred to the city's current  
18 expense fund.

19 Complete separate accounts for municipal utilities must be kept  
20 under the system and on forms prescribed by the state auditor.

21 The term "maintenance and operating charges," as used in this  
22 section includes all necessary repairs, replacement, interest on any  
23 debts incurred in acquiring, constructing, repairing and operating  
24 plants and departments and all depreciation charges. This term shall  
25 also include an annual charge equal to four percent on the cost of the  
26 plant or system, as determined by the state auditor to be paid into the  
27 current expense fund, except that where utility bonds have been or may  
28 hereafter be issued and are unpaid no payment shall be required into  
29 the current expense fund until such bonds are paid.

1       **Sec. 2.** RCW 35.58.220 and 1999 c 153 s 34 are each amended to read  
2 as follows:

3       (1) If a metropolitan municipal corporation shall be authorized to  
4 perform the function of metropolitan water supply, it shall have the  
5 following powers in addition to the general powers granted by this  
6 chapter:

7       ~~((1))~~ (a) To prepare a comprehensive plan for the development of  
8 sources of water supply, trunk supply mains and water treatment and  
9 storage facilities for the metropolitan area.

10       ~~((2))~~ (b) To acquire by purchase, condemnation, gift or grant and  
11 to lease, construct, add to, improve, replace, repair, maintain,  
12 operate and regulate the use of metropolitan facilities for water  
13 supply within or without the metropolitan area, including buildings,  
14 structures, water sheds, wells, springs, dams, settling basins,  
15 intakes, treatment plants, trunk supply mains and pumping stations,  
16 together with all lands, property, equipment and accessories necessary  
17 to enable the metropolitan municipal corporation to obtain and develop  
18 sources of water supply, treat and store water and deliver water  
19 through trunk supply mains. Water supply facilities which are owned by  
20 a city or special district may be acquired or used by the metropolitan  
21 municipal corporation only with the consent of the legislative body of  
22 the city or special district owning such facilities. Cities and  
23 special districts are hereby authorized to convey or lease such  
24 facilities to metropolitan municipal corporations or to contract for  
25 their joint use on such terms as may be fixed by agreement between the  
26 legislative body of such city or special district and the metropolitan  
27 council, without submitting the matter to the voters of such city or  
28 special district.

29       ~~((3))~~ (c) To fix rates and charges for water supplied by the  
30 metropolitan municipal corporation.

31       ~~((4))~~ (d) To acquire by purchase, condemnation, gift or grant and  
32 to lease, construct, add to, improve, replace, repair, maintain,  
33 operate and regulate the use of facilities for the local distribution  
34 of water in portions of the metropolitan area not contained within any  
35 city, or water-sewer district that operates a water system, and, with  
36 the consent of the legislative body of any city or the water-sewer  
37 district, to exercise such powers within such city or water-sewer  
38 district and for such purpose to have all the powers conferred by law

1 upon such city or water-sewer district with respect to such local  
2 distribution facilities. All costs of such local distribution  
3 facilities shall be paid for by the area served thereby.

4 (2) No rates, charges, noncapital fees, or other costs may be  
5 charged for any vacant lot in a manufactured housing community, as  
6 defined in RCW 59.20.030, unless the lot is receiving individually  
7 water services or the landlord voluntarily elects to continue the  
8 rates, charges, noncapital fees, or other costs during the period the  
9 lot is vacant.

10 **Sec. 3.** RCW 35.67.020 and 2003 c 394 s 1 are each amended to read  
11 as follows:

12 (1) Every city and town may construct, condemn and purchase,  
13 acquire, add to, maintain, conduct, and operate systems of sewerage and  
14 systems and plants for refuse collection and disposal together with  
15 additions, extensions, and betterments thereto, within and without its  
16 limits. Every city and town has full jurisdiction and authority to  
17 manage, regulate, and control them and, except as provided in  
18 subsection (3) of this section, to fix, alter, regulate, and control  
19 the rates and charges for their use.

20 (2) Subject to subsection (3) of this section, the rates charged  
21 under this section must be uniform for the same class of customers or  
22 service and facilities furnished. In classifying customers served or  
23 service and facilities furnished by such system of sewerage, the city  
24 or town legislative body may in its discretion consider any or all of  
25 the following factors:

26 (a) The difference in cost of service and facilities to the various  
27 customers;

28 (b) The location of the various customers within and without the  
29 city or town;

30 (c) The difference in cost of maintenance, operation, repair, and  
31 replacement of the various parts of the system;

32 (d) The different character of the service and facilities furnished  
33 various customers;

34 (e) The quantity and quality of the sewage delivered and the time  
35 of its delivery;

36 (f) The achievement of water conservation goals and the  
37 discouragement of wasteful water use practices;

1 (g) Capital contributions made to the system, including but not  
2 limited to, assessments;

3 (h) The nonprofit public benefit status, as defined in RCW  
4 24.03.490, of the land user; and

5 (i) Any other matters which present a reasonable difference as a  
6 ground for distinction.

7 (3)(a) The rate a city or town may charge under this section for  
8 storm or surface water sewer systems or the portion of the rate  
9 allocable to the storm or surface water sewer system of combined  
10 sanitary sewage and storm or surface water sewer systems shall be  
11 reduced by a minimum of ten percent for any new or remodeled commercial  
12 building that utilizes a permissive rainwater harvesting system.  
13 Rainwater harvesting systems shall be properly sized to utilize the  
14 available roof surface of the building. The jurisdiction shall  
15 consider rate reductions in excess of ten percent dependent upon the  
16 amount of rainwater harvested.

17 (b) No rates, charges, noncapital fees, or other costs may be  
18 charged for any vacant lot in a manufactured housing community, as  
19 defined in RCW 59.20.030, unless the lot is receiving individually  
20 storm or surface water sewer system or sanitary sewage system services  
21 or the landlord voluntarily elects to continue the rates, charges,  
22 noncapital fees, or other costs during the period the lot is vacant.

23 (4) Rates or charges for on-site inspection and maintenance  
24 services may not be imposed under this chapter on the development,  
25 construction, or reconstruction of property.

26 (5) A city or town may provide assistance to aid low-income persons  
27 in connection with services provided under this chapter.

28 (6) Under this chapter, after July 1, 1998, any requirements for  
29 pumping the septic tank of an on-site sewage system should be based,  
30 among other things, on actual measurement of accumulation of sludge and  
31 scum by a trained inspector, trained owner's agent, or trained owner.  
32 Training must occur in a program approved by the state board of health  
33 or by a local health officer.

34 (7) Before adopting on-site inspection and maintenance utility  
35 services, or incorporating residences into an on-site inspection and  
36 maintenance or sewer utility under this chapter, notification must be  
37 provided, prior to the applicable public hearing, to all residences  
38 within the proposed service area that have on-site systems permitted by

1 the local health officer. The notice must clearly state that the  
2 residence is within the proposed service area and must provide  
3 information on estimated rates or charges that may be imposed for the  
4 service.

5 (8) A city or town shall not provide on-site sewage system  
6 inspection, pumping services, or other maintenance or repair services  
7 under this section using city or town employees unless the on-site  
8 system is connected by a publicly owned collection system to the city  
9 or town's sewerage system, and the on-site system represents the first  
10 step in the sewage disposal process. Nothing in this section shall  
11 affect the authority of state or local health officers to carry out  
12 their responsibilities under any other applicable law.

13 **Sec. 4.** RCW 35.92.010 and 2002 c 102 s 2 are each amended to read  
14 as follows:

15 A city or town may construct, condemn and purchase, purchase,  
16 acquire, add to, alter, maintain and operate waterworks, including fire  
17 hydrants as an integral utility service incorporated within general  
18 rates, within or without its limits, for the purpose of furnishing the  
19 city and its inhabitants, and any other persons, with an ample supply  
20 of water for all purposes, public and private, including water power  
21 and other power derived therefrom, with full power to regulate and  
22 control the use, distribution, and price thereof: PROVIDED, That the  
23 rates charged must be uniform for the same class of customers or  
24 service. Such waterworks may include facilities for the generation of  
25 electricity as a by-product and such electricity may be used by the  
26 city or town or sold to an entity authorized by law to distribute  
27 electricity. Such electricity is a by-product when the electrical  
28 generation is subordinate to the primary purpose of water supply.

29 In classifying customers served or service furnished, the city or  
30 town governing body may in its discretion consider any or all of the  
31 following factors: The difference in cost of service to the various  
32 customers; location of the various customers within and without the  
33 city or town; the difference in cost of maintenance, operation, repair,  
34 and replacement of the various parts of the system; the different  
35 character of the service furnished various customers; the quantity and  
36 quality of the water furnished; the time of its use; the achievement of  
37 water conservation goals and the discouragement of wasteful water use

1 practices; capital contributions made to the system including, but not  
2 limited to, assessments; and any other matters which present a  
3 reasonable difference as a ground for distinction. No rate shall be  
4 charged that is less than the cost of the water and service to the  
5 class of customers served. No rates, charges, noncapital fees, or  
6 other costs may be charged for any vacant lot in a manufactured housing  
7 community, as defined in RCW 59.20.030, unless the lot is receiving  
8 individually water services or the landlord voluntarily elects to  
9 continue the rates, charges, noncapital fees, or other costs during the  
10 period the lot is vacant.

11 For such purposes any city or town may take, condemn and purchase,  
12 purchase, acquire, and retain water from any public or navigable lake  
13 or watercourse, surface or ground, and, by means of aqueducts or pipe  
14 lines, conduct it to the city or town; and it may erect and build dams  
15 or other works across or at the outlet of any lake or watercourse in  
16 this state for the purpose of storing and retaining water therein up to  
17 and above high water mark; and for all the purposes of erecting such  
18 aqueducts, pipe lines, dams, or waterworks or other necessary  
19 structures in storing and retaining water, or for any of the purposes  
20 provided for by this chapter, the city or town may occupy and use the  
21 beds and shores up to the high water mark of any such watercourse or  
22 lake, and acquire the right by purchase, or by condemnation and  
23 purchase, or otherwise, to any water, water rights, easements or  
24 privileges named in this chapter, or necessary for any of said  
25 purposes, and the city or town may acquire by purchase or condemnation  
26 and purchase any properties or privileges necessary to be had to  
27 protect its water supply from pollution. Should private property be  
28 necessary for any such purposes or for storing water above high water  
29 mark, the city or town may condemn and purchase, or purchase and  
30 acquire such private property. For the purposes of waterworks which  
31 include facilities for the generation of electricity as a by-product,  
32 nothing in this section may be construed to authorize a city or town  
33 that does not own or operate an electric utility system to condemn  
34 electric generating, transmission, or distribution rights or facilities  
35 of entities authorized by law to distribute electricity, or to acquire  
36 such rights or facilities without the consent of the owner.

1       **Sec. 5.** RCW 35.92.020 and 2003 c 394 s 2 are each amended to read  
2 as follows:

3       (1) A city or town may construct, condemn and purchase, purchase,  
4 acquire, add to, alter, maintain, and operate systems, plants, sites,  
5 or other facilities of sewerage as defined in RCW 35.67.010, or solid  
6 waste handling as defined by RCW 70.95.030. A city or town shall have  
7 full authority to manage, regulate, operate, control, and, except as  
8 provided in subsection (3) of this section, to fix the price of service  
9 and facilities of those systems, plants, sites, or other facilities  
10 within and without the limits of the city or town.

11       (2) Subject to subsection (3) of this section, the rates charged  
12 shall be uniform for the same class of customers or service and  
13 facilities. In classifying customers served or service and facilities  
14 furnished by a system or systems of sewerage, the legislative authority  
15 of the city or town may in its discretion consider any or all of the  
16 following factors:

- 17       (a) The difference in cost of service and facilities to customers;
- 18       (b) The location of customers within and without the city or town;
- 19       (c) The difference in cost of maintenance, operation, repair, and  
20 replacement of the parts of the system;
- 21       (d) The different character of the service and facilities furnished  
22 to customers;
- 23       (e) The quantity and quality of the sewage delivered and the time  
24 of its delivery;
- 25       (f) Capital contributions made to the systems, plants, sites, or  
26 other facilities, including but not limited to, assessments;
- 27       (g) The nonprofit public benefit status, as defined in RCW  
28 24.03.490, of the land user; and
- 29       (h) Any other factors that present a reasonable difference as a  
30 ground for distinction.

31       (3)(a) The rate a city or town may charge under this section for  
32 storm or surface water sewer systems or the portion of the rate  
33 allocable to the storm or surface water sewer system of combined  
34 sanitary sewage and storm or surface water sewer systems shall be  
35 reduced by a minimum of ten percent for any new or remodeled commercial  
36 building that utilizes a permissive rainwater harvesting system.  
37 Rainwater harvesting systems shall be properly sized to utilize the

1 available roof surface of the building. The jurisdiction shall  
2 consider rate reductions in excess of ten percent dependent upon the  
3 amount of rainwater harvested.

4 (b) No rates, charges, noncapital fees, or other costs may be  
5 charged for any vacant lot in a manufactured housing community, as  
6 defined in RCW 59.20.030, unless the lot is receiving individually  
7 storm or surface water sewer system or sanitary sewage system services  
8 or the landlord voluntarily elects to continue the rates, charges,  
9 noncapital fees, or other costs during the period the lot is vacant.

10 (4) Rates or charges for on-site inspection and maintenance  
11 services may not be imposed under this chapter on the development,  
12 construction, or reconstruction of property.

13 (5) A city or town may provide assistance to aid low-income persons  
14 in connection with services provided under this chapter.

15 (6) Under this chapter, after July 1, 1998, any requirements for  
16 pumping the septic tank of an on-site sewage system should be based,  
17 among other things, on actual measurement of accumulation of sludge and  
18 scum by a trained inspector, trained owner's agent, or trained owner.  
19 Training must occur in a program approved by the state board of health  
20 or by a local health officer.

21 (7) Before adopting on-site inspection and maintenance utility  
22 services, or incorporating residences into an on-site inspection and  
23 maintenance or sewer utility under this chapter, notification must be  
24 provided, prior to the applicable public hearing, to all residences  
25 within the proposed service area that have on-site systems permitted by  
26 the local health officer. The notice must clearly state that the  
27 residence is within the proposed service area and must provide  
28 information on estimated rates or charges that may be imposed for the  
29 service.

30 (8) A city or town shall not provide on-site sewage system  
31 inspection, pumping services, or other maintenance or repair services  
32 under this section using city or town employees unless the on-site  
33 system is connected by a publicly owned collection system to the city  
34 or town's sewerage system, and the on-site system represents the first  
35 step in the sewage disposal process. Nothing in this section shall  
36 affect the authority of state or local health officers to carry out  
37 their responsibilities under any other applicable law.



1       **Sec. 6.** RCW 36.89.080 and 2003 c 394 s 3 are each amended to read  
2 as follows:

3       (1) Subject to subsections (2) and (3) of this section, any county  
4 legislative authority may provide by resolution for revenues by fixing  
5 rates and charges for the furnishing of service to those served or  
6 receiving benefits or to be served or to receive benefits from any  
7 storm water control facility or contributing to an increase of surface  
8 water runoff. In fixing rates and charges, the county legislative  
9 authority may in its discretion consider:

10       (a) Services furnished or to be furnished;

11       (b) Benefits received or to be received;

12       (c) The character and use of land or its water runoff  
13 characteristics;

14       (d) The nonprofit public benefit status, as defined in RCW  
15 24.03.490, of the land user;

16       (e) Income level of persons served or provided benefits under this  
17 chapter, including senior citizens and (~~disabled~~) persons with  
18 disabilities; or

19       (f) Any other matters which present a reasonable difference as a  
20 ground for distinction.

21       (2) The rate a county may charge under this section for storm water  
22 control facilities shall be reduced by a minimum of ten percent for any  
23 new or remodeled commercial building that utilizes a permissive  
24 rainwater harvesting system. Rainwater harvesting systems shall be  
25 properly sized to utilize the available roof surface of the building.  
26 The jurisdiction shall consider rate reductions in excess of ten  
27 percent dependent upon the amount of rainwater harvested.

28       (3) Rates and charges authorized under this section may not be  
29 imposed on lands taxed as forest land under chapter 84.33 RCW or as  
30 timber land under chapter 84.34 RCW.

31       (4) No rates, charges, noncapital fees, or other costs may be  
32 charged for any vacant lot in a manufactured housing community, as  
33 defined in RCW 59.20.030, unless the lot is receiving individually  
34 storm water control facility services or the landlord voluntarily  
35 elects to continue the rates, charges, noncapital fees, or other costs  
36 during the period the lot is vacant.

37       (5) The service charges and rates collected shall be deposited in  
38 a special fund or funds in the county treasury to be used only for the

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

8 **Sec. 7.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to read  
9 as follows:

10 (1) 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. Except as provided in subsection (3) of this section,  
13 every county shall have full jurisdiction and authority to fix, alter,  
14 regulate, and control the rates and charges for the service and  
15 facilities to those to whom such service and facilities are available,  
16 and to levy charges for connection to the system.

17 (2) The rates for availability of service and facilities, and  
18 connection charges so charged must be uniform for the same class of  
19 customers or service and facility. In classifying customers served,  
20 service furnished or made available by such system of sewerage and/or  
21 water, or the connection charges, the county legislative authority may  
22 consider any or all of the following factors:

23 (a) The difference in cost of service to the various customers  
24 within or without the area;

25 (b) The difference in cost of maintenance, operation, repair and  
26 replacement of the various parts of the systems;

27 (c) The different character of the service and facilities furnished  
28 various customers;

29 (d) The quantity and quality of the sewage and/or water delivered  
30 and the time of its delivery;

31 (e) Capital contributions made to the system or systems, including,  
32 but not limited to, assessments;

33 (f) The cost of acquiring the system or portions of the system in  
34 making system improvements necessary for the public health and safety;

35 (g) The nonprofit public benefit status, as defined in RCW  
36 24.03.490, of the land user; and

1 (h) Any other matters which present a reasonable difference as a  
2 ground for distinction.

3 (3)(a) The rate a county may charge under this section for storm or  
4 surface water sewer systems or the portion of the rate allocable to the  
5 storm or surface water sewer system of combined sanitary sewage and  
6 storm or surface water sewer systems shall be reduced by a minimum of  
7 ten percent for any new or remodeled commercial building that utilizes  
8 a permissive rainwater harvesting system. Rainwater harvesting systems  
9 shall be properly sized to utilize the available roof surface of the  
10 building. The jurisdiction shall consider rate reductions in excess of  
11 ten percent dependent upon the amount of rainwater harvested.

12 (b) No rates, charges, noncapital fees, or other costs may be  
13 charged for any vacant lot in a manufactured housing community, as  
14 defined in RCW 59.20.030, unless the lot is receiving individually  
15 storm or surface water sewer system or sanitary sewage system services  
16 or the landlord voluntarily elects to continue the rates, charges,  
17 noncapital fees, or other costs during the period the lot is vacant.

18 (4) A county may provide assistance to aid low-income persons in  
19 connection with services provided under this chapter.

20 (5) The service charges and rates shall produce revenues sufficient  
21 to take care of the costs of maintenance and operation, revenue bond  
22 and warrant interest and principal amortization requirements, and all  
23 other charges necessary for the efficient and proper operation of the  
24 system.

25 (6) A connection charge under this section for service to a  
26 manufactured housing community, as defined in RCW 59.20.030, applies to  
27 an individual lot within that community only if the system of water or  
28 sewerage provides and maintains the connection.

29 **Sec. 8.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to read  
30 as follows:

31 (1) The commission of each district which shall have revenue  
32 obligations outstanding shall have the power and shall be required to  
33 establish, maintain, and collect rates or charges for electric energy  
34 and water and other services, facilities, and commodities sold,  
35 furnished, or supplied by the district. The rates and charges shall be  
36 fair and, except as authorized by RCW 74.38.070 and by subsections (2)  
37 and (3) of this section, nondiscriminatory, and shall be adequate to

1 provide revenues sufficient for the payment of the principal of and  
2 interest on such revenue obligations for which the payment has not  
3 otherwise been provided and all payments which the district is  
4 obligated to set aside in any special fund or funds created for such  
5 purpose, and for the proper operation and maintenance of the public  
6 utility and all necessary repairs, replacements, and renewals thereof.

7 (2) The commission of a district may waive connection charges for  
8 properties purchased by low-income persons from organizations exempt  
9 from tax under section 501(c)(3) of the federal internal revenue code  
10 as amended prior to the July 23, 1995. Waivers of connection charges  
11 for the same class of electric or gas utility service must be uniformly  
12 applied to all qualified property. Nothing in this subsection (2)  
13 authorizes the impairment of a contract.

14 (3) In establishing rates or charges for water service,  
15 commissioners may in their discretion consider the achievement of water  
16 conservation goals and the discouragement of wasteful water use  
17 practices.

18 (4) No rates, charges, noncapital fees, or other costs may be  
19 charged for any vacant lot in a manufactured housing community, as  
20 defined in RCW 59.20.030, unless the lot is receiving individually  
21 electric energy or water services or the landlord voluntarily elects to  
22 continue the rates, charges, noncapital fees, or other costs during the  
23 period the lot is vacant.

24 **Sec. 9.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to read  
25 as follows:

26 (1) Subject to RCW 57.08.005(~~((6+))~~)(7), the commissioners of any  
27 district shall provide for revenues by fixing rates and charges for  
28 furnishing sewer and drainage service and facilities to those to whom  
29 service is available or for providing water, such rates and charges to  
30 be fixed as deemed necessary by the commissioners, so that uniform  
31 charges will be made for the same class of customer or service and  
32 facility. Rates and charges may be combined for the furnishing of more  
33 than one type of sewer or drainage service and facilities.

34 (2) In classifying customers of such water, sewer, or drainage  
35 system, the board of commissioners may in its discretion consider any  
36 or all of the following factors: The difference in cost to various  
37 customers; the location of the various customers within and without the

1 district; the difference in cost of maintenance, operation, repair, and  
2 replacement of the various parts of the system; the different character  
3 of the service furnished various customers; the quantity and quality of  
4 the service and facility furnished; the time of its use; the  
5 achievement of water conservation goals and the discouragement of  
6 wasteful practices; capital contributions made to the system including  
7 but not limited to assessments; and any other matters which present a  
8 reasonable difference as a ground for distinction. Rates shall be  
9 established as deemed proper by the commissioners and as fixed by  
10 resolution and shall produce revenues sufficient to take care of the  
11 costs of maintenance and operation, revenue bond and warrant interest  
12 and principal amortization requirements, and all other charges  
13 necessary for efficient and proper operation of the system. No rates,  
14 charges, noncapital fees, or other costs may be charged for any vacant  
15 lot in a manufactured housing community, as defined in RCW 59.20.030,  
16 unless the lot is receiving individually water, sewer, or drainage  
17 system services or the landlord voluntarily elects to continue the  
18 rates, charges, noncapital fees, or other costs during the period the  
19 lot is vacant. Prior to furnishing services, a district may require a  
20 deposit to guarantee payment for services. However, failure to require  
21 a deposit does not affect the validity of any lien authorized by this  
22 section.

23 (3) The commissioners shall enforce collection of connection  
24 charges, and rates and charges for water supplied against property  
25 owners connecting with the system or receiving such water, and for  
26 sewer and drainage services charged against property to which and its  
27 owners to whom the service is available, such charges being deemed  
28 charges against the property served, by addition of penalties of not  
29 more than ten percent thereof in case of failure to pay the charges at  
30 times fixed by resolution. The commissioners may provide by resolution  
31 that where either connection charges or rates and charges for services  
32 supplied are delinquent for any specified period of time, the district  
33 shall certify the delinquencies to the auditor of the county in which  
34 the real property is located, and the charges and any penalties added  
35 thereto and interest thereon at the rate of not more than the prime  
36 lending rate of the district's bank plus four percentage points per  
37 year shall be a lien against the property upon which the service was  
38 received, subject only to the lien for general taxes.

1 (4) The district may, at any time after the connection charges or  
2 rates and charges for services supplied or available and penalties are  
3 delinquent for a period of sixty days, bring suit in foreclosure by  
4 civil action in the superior court of the county in which the real  
5 property is located. The court may allow, in addition to the costs and  
6 disbursements provided by statute, attorneys' fees, title search and  
7 report costs, and expenses as it adjudges reasonable. The action shall  
8 be in rem, and may be brought in the name of the district against an  
9 individual or against all of those who are delinquent in one action.  
10 The laws and rules of the court shall control as in other civil  
11 actions.

12 (5) In addition to the right to foreclose provided in this section,  
13 the district may also cut off all or part of the service after charges  
14 for water or sewer service supplied or available are delinquent for a  
15 period of thirty days.

16 (6) A district may determine how to apply partial payments on past  
17 due accounts.

18 (7) A district may provide a real property owner or the owner's  
19 designee with duplicate bills for service to tenants, or may notify an  
20 owner or the owner's designee that a tenant's service account is  
21 delinquent. However, if an owner or the owner's designee notifies the  
22 district in writing that a property served by the district is a rental  
23 property, asks to be notified of a tenant's delinquency, and has  
24 provided, in writing, a complete and accurate mailing address, the  
25 district shall notify the owner or the owner's designee of a tenant's  
26 delinquency at the same time and in the same manner the district  
27 notifies the tenant of the tenant's delinquency or by mail. When a  
28 district provides a real property owner or the owner's designee with  
29 duplicates of tenant utility service bills or notice that a tenant's  
30 utility account is delinquent, the district shall notify the tenant  
31 that it is providing the duplicate bills or delinquency notice to the  
32 owner or the owner's designee. After January 1, 1999, if a district  
33 fails to notify the owner of a tenant's delinquency after receiving a  
34 written request to do so and after receiving the other information  
35 required by this subsection (7), the district shall have no lien  
36 against the premises for the tenant's delinquent and unpaid charges."

37 Correct the title.

EFFECT: Removes repetitive language reiterating that a lot must be vacant for no fees to be charged.

--- END ---