
SENATE BILL 5218

State of Washington 63rd Legislature 2013 Regular Session

By Senators Dammeier, Benton, Conway, Roach, Darneille, and Billig

Read first time 01/23/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to the lien for collection of sewer utility charges
2 by counties; and amending RCW 36.94.150.

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

4 **Sec. 1.** RCW 36.94.150 and 1997 c 393 s 9 are each amended to read
5 as follows:

6 (1) All counties operating a system of sewerage and/or water shall
7 have a lien for delinquent connection charges and charges for the
8 availability of sewerage and/or water service, together with interest
9 fixed by resolution at eight percent per annum from the date due until
10 paid. Penalties of not more than ten percent of the amount due may be
11 imposed in case of failure to pay the charges at times fixed by
12 resolution. The lien shall be for all charges, interest, ~~((and))~~
13 penalties, and lien recording and release fees, and shall attach to the
14 premises to which the services were available. The lien shall be
15 superior to all other liens and encumbrances, except general taxes and
16 local and special assessments of the county.

17 (2) The county department established in RCW 36.94.120 shall
18 certify periodically the delinquencies to the auditor of the county at
19 which time the lien shall attach.

1 (3) In lieu of the procedure provided in subsection (2) of this
2 section, a county may, by resolution or ordinance, adopt the
3 alternative procedure applicable to cities and towns set forth in RCW
4 35.67.210, 35.67.215, and 35.67.290.

5 (4) Upon the expiration of sixty days after the attachment of the
6 lien, the county may bring suit in foreclosure by civil action in the
7 superior court of the county where the property is located. Costs
8 associated with the foreclosure of the lien, including but not limited
9 to advertising, title report, and personnel costs, shall be added to
10 the lien upon filing of the foreclosure action. In addition to the
11 costs and disbursements provided by statute, the court may allow the
12 county a reasonable attorney's fee. The lien shall be foreclosed in
13 the same manner as the foreclosure of real property tax liens.

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