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ENGROSSED HOUSE BILL 1513

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State of Washington

61st Legislature

2009 Regular Session

By Representative Haler

Read first time 01/22/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to municipal participation in financing the  
2 construction of water or sewer facilities; and amending RCW 35.91.020.

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

4 **Sec. 1.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read  
5 as follows:

6 (1)(a) Except as provided under subsection (2) of this section, the  
7 governing body of any city, town, county, water-sewer district, or  
8 drainage district, hereinafter referred to as a "municipality" may  
9 contract with owners of real estate for the construction of storm,  
10 sanitary, or combination sewers, pumping stations, and disposal plants,  
11 water mains, hydrants, reservoirs, or appurtenances, hereinafter called  
12 "water or sewer facilities," within their boundaries or (except for  
13 counties) within ten miles from their corporate limits connecting with  
14 the public water or sewerage system to serve the area in which the real  
15 estate of such owners is located, and to provide for a period of not to  
16 exceed fifteen years for the reimbursement of such owners and their  
17 assigns by any owner of real estate who did not contribute to the  
18 original cost of such water or sewer facilities and who subsequently  
19 tap onto or use the same of a fair pro rata share of the cost of the

1 construction of said water or sewer facilities, including not only  
2 those directly connected thereto, but also users connected to laterals  
3 or branches connecting thereto, subject to such reasonable rules and  
4 regulations as the governing body of such municipality may provide or  
5 contract, and notwithstanding the provisions of any other law.

6 (b) If authorized by ordinance or contract, a municipality may  
7 participate in financing the development of water or sewer facilities  
8 development projects authorized by, and in accordance with, (a) of this  
9 subsection. Unless otherwise provided by ordinance or contract:

10 (i) Municipalities that contribute to the financing of water or  
11 sewer facilities projects under this section have the same rights to  
12 reimbursement as owners of real estate who make contributions as  
13 authorized under this section; and

14 (ii) If the projects are jointly financed by a combination of  
15 municipal funding and private funding by real estate owners, the amount  
16 of reimbursement received by each participant in the financing must be  
17 a pro rata share.

18 (c) A municipality seeking reimbursement from an owner of real  
19 estate under this section is limited to the dollar amount authorized  
20 under this chapter and may not collect any additional reimbursement,  
21 assessment, charge, or fee for the infrastructure or facilities that  
22 were constructed under the applicable ordinance, contract, or  
23 agreement. This does not prevent the collection of amounts for  
24 services or infrastructure that are additional expenditures not subject  
25 to such ordinance, contract, or agreement.

26 (2)(a) The contract may provide for an extension of the  
27 fifteen-year reimbursement period for a time not to exceed the duration  
28 of any moratorium, phasing ordinance, concurrency designation, or other  
29 governmental action that prevents making applications for, or the  
30 approval of, any new development within the benefit area for a period  
31 of six months or more.

32 (b) Upon the extension of the reimbursement period pursuant to (a)  
33 of this subsection, the contract must specify the duration of the  
34 contract extension and must be filed and recorded with the county  
35 auditor. Property owners who are subject to the reimbursement  
36 obligations under subsection (1) of this section shall be notified by  
37 the contracting municipality of the extension filed under this  
38 subsection.

1           (3) Each contract shall include a provision requiring that every  
2 two years from the date the contract is executed a property owner  
3 entitled to reimbursement under this section provide the contracting  
4 municipality with information regarding the current contract name,  
5 address, and telephone number of the person, company, or partnership  
6 that originally entered into the contract. If the property owner fails  
7 to comply with the notification requirements of this subsection within  
8 sixty days of the specified time, then the contracting municipality may  
9 collect any reimbursement funds owed to the property owner under the  
10 contract. Such funds must be deposited in the capital fund of the  
11 municipality.

12           (4) To the extent it may require in the performance of such  
13 contract, such municipality may install said water or sewer facilities  
14 in and along the county streets in the area to be served as hereinabove  
15 provided, subject to such reasonable requirements as to the manner of  
16 occupancy of such streets as the county may by resolution provide. The  
17 provisions of such contract shall not be effective as to any owner of  
18 real estate not a party thereto unless such contract has been recorded  
19 in the office of the county auditor of the county in which the real  
20 estate of such owner is located prior to the time such owner taps into  
21 or connects to said water or sewer facilities.

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