

CHAPTER 241.

[H. B. 178.]

CITIES OF THE SECOND CLASS.

AN ACT relating to cities of the second class and providing for the government of such cities, and repealing sections 24 to 91 inclusive, of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. RIGHTS, PRIVILEGES AND POWERS: Every municipal corporation of the second class shall be entitled, the City of _____ (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places and in all proceedings whatever; and shall have and use a common seal, and alter the same at pleasure; may purchase, receive, have, take, hold, lease, use and enjoy property of every name or description, and control and dispose of the same for the common benefit. Whenever any city of the third class having the requisite population to entitle it to advancement has heretofore pursued or attempted to pursue the requisite statutory steps for the advancing of such city from the third class to the second class, such city shall be considered as a city of the second class, notwithstanding any irregularities or omissions in pursuing the statutes providing for its advancement, and all steps and proceedings so taken shall be and the same are hereby validated.

SEC. 2. OFFICERS ENUMERATED: The officers of such city shall consist of a mayor, twelve councilmen, a street commissioner, a treasurer, city clerk, police judge, city attorney, chief of police, and whenever a free public library and reading room is established therein, five trustees thereof; and the council may also create by ordinance the offices of superintendent of irrigation, city engineer, harbor master, pound keeper, city jailer, chief of the fire department, and whenever a paid fire department shall be established in such city, a chief engineer and one or more

assistant engineers, and any other offices necessary to carry out the provisions of this act, and for whose election or appointment no provision is made, and the city council may by ordinance prescribe the duties of all said officers and fix their compensation, except as hereinafter provided, subject to the limitations herein contained.

SEC. 3. ELECTION OF OFFICERS: The mayor, members of the city council, treasurer and city clerk shall be elected by the qualified voters of such city. The mayor and members of the city council shall hold office for the term of two years, except as hereinafter provided. The treasurer, city clerk, street commissioner, police judge, city attorney, chief of police and city engineer shall hold office for the term of one year, except as hereinafter provided.

SEC. 4. MUNICIPAL ELECTIONS: A general municipal election shall be held annually in such city on the first Tuesday after the first Monday of April of each year, provided that the first general municipal election to be held under this act shall be held on the first Tuesday after the first Monday of April, 1908. The officers elected at such municipal election shall take office on the first Wednesday of May following their election. Elective officers of such city at the time this act goes into effect, whose terms of office would expire in January, 1908, shall hold office until the first Wednesday of May, 1908, and elective officers of such city in office at the time this act goes into effect, whose terms of office would expire in January, 1909, shall hold office until the first Wednesday of May, 1909. Every elective officer of such city shall hold office until his successor is elected and qualified.

SEC. 5. ELECTIONS TO BE HELD UNDER GENERAL LAW: All municipal elections held under the provisions of this act shall be conducted according to the general election laws of the State, as far as practicable: *Provided*, That any qualified voter of such city, duly registered for the general county or State election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election without further registration. No person shall be qualified to vote at such election

unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election. The council shall give such notice of each election as may be prescribed by ordinance, and shall appoint boards of election and fix their compensation, and shall establish election precincts and polling places.

SEC. 6. CANVASS OF VOTES: On the Tuesday following the election the city council shall convene and publicly canvass the result, and shall direct the issuance of certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the city clerk shall give notice to the several persons so having the highest and equal number of votes to attend at the next or some subsequent meeting of the council to be held within two weeks thereafter, and the city clerk shall at the time fixed proceed publicly to decide by lot which of the persons having an equal number of votes shall be declared duly elected. In case the clerk be an interested person such duty shall devolve upon the mayor. If all of the persons having the highest and equal number of votes shall be present at the meeting at which the council shall canvass the result of the election, the matter may then and there be decided by lot as herein provided, without the necessity of notice. If the city council from any cause fail to meet on the day named, then it shall be the duty of the council to canvass the election returns at the next regular or special election meeting held by the said council.

SEC. 7. CONTESTED ELECTIONS: The city council as constituted at the time of the election, or as it may be constituted between that date and the first Wednesday of May following, shall hear and determine any and all contested elections of any and all city officers. The city council shall have power by general ordinance to prescribe rules and regulations for the hearing of contested elections of city officers, but proceedings before the city council in cases of contested elections shall conform as near as

may be to the provisions of Chapter VI, Title VIII, of Balingier's Annotated Codes and Statutes of Washington, relating to contested elections.

SEC. 8. MAYOR TO APPOINT. The police judge, city attorney, street commissioner, chief of police, library trustees, as well as all other officers provided for in this act, whose election or appointment is not otherwise provided for, shall be appointed by the mayor, subject to confirmation by the city council. If the city council shall refuse to confirm any nomination of the mayor, then he shall within ten days thereafter nominate another person to fill the office and he may continue to nominate until his nominee is confirmed. If the mayor fails to make another nomination for the same office within ten days after the rejection of a nominee, then the city council shall elect a suitable person to fill the office during the term. The affirmative vote of not less than seven councilmen shall be required to confirm any nomination made by the mayor. Whenever a vacancy shall occur in an appointive office the vacancy for the unexpired term shall be filled by appointment in the same manner as at the beginning of the term, except as may be otherwise expressly provided in this act.

SEC. 9. ELIGIBILITY TO OFFICE. No person shall be eligible to hold any office in such city unless such person be a resident and elector of the city at the time of his election or appointment. No person shall be eligible to hold the office of mayor, member of the city council, street commissioner, treasurer, city clerk, city attorney, police judge or chief of police unless he be a resident and elector of such city at the time of his election or appointment and unless he shall have resided in the city for at least one year next preceding the date of his election or appointment.

SEC. 10. OATH AND BOND OF OFFICERS: Each officer of the city shall before entering upon the duties of his office, take the oath of office, and such as may be required to give bonds, shall file the same, duly approved, within ten days after receiving notice of his election or appointment; or if no notice be received, then on or before the date fixed for the assumption by him of the duties of the

office to which he may have been elected or appointed; but, if any one, either elected or appointed to office, fail for ten days to qualify as required by law, or to enter upon his duties at the time fixed by law or the orders of the city council, then such office shall become vacant; or if such officer shall absent himself from such city without the consent of the council for three consecutive weeks or shall openly neglect or refuse to discharge his duties, the said council may declare such office vacant: *Provided*, That the penalty for absence from the city shall not apply to such officers as serve without salary or without compensation. The city council shall fix the amount of all official bonds, and may designate what officers shall be required to give bonds in addition to those required to give bonds by this act.

SEC. 11. OFFICIAL BONDS: The clerk, treasurer, city attorney, chief of police, police judge and street commissioner, respectively, before entering upon the duties of their respective offices shall each execute a bond to the city in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is made by this act *ex-officio* incumbent. All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor. All the provisions of any law of this State relating to official bonds of officers shall apply to such bonds, except as herein otherwise provided. No city officer shall be eligible as a surety upon any bond running to the city as obligee. The city council shall have power, whenever by it deemed expedient, to require a new or additional official bond of any officer.

SEC. 12. SALARIES: The mayor and members of the city council shall receive such salaries as may be fixed by the city council by ordinance: *Provided*, That the salary of the mayor shall not exceed the sum of five hundred dollars per annum, nor shall the salary of any member of the city council exceed the sum of three hundred dollars

per annum; *Provided*, That a deduction of five dollars for each absence shall be made from the salary of each member of the city council who shall be absent from any regular meeting of the city council. The city council shall also by ordinance fix the salaries of the city treasurer, city clerk, city attorney, police judge, street commissioner and chief of police, subject to the limitations hereinafter contained. The salary of all other officers mentioned in this act, and not herein expressly provided for, shall be fixed by the city council, except that the library trustees shall serve without salary or compensation. The salary or compensation of no officer of such city shall be increased or diminished during his term of office, nor shall any such officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have the power to require such officer to perform by virtue of his office. The salaries of all city officers shall be payable monthly.

SEC. 13. OFFICERS SHALL NOT BE INTERESTED IN CONTRACT: No officer of such city shall be, directly or indirectly, interested in any contract with the city or for any institution, board, officer, agent or employe thereof, for the use of the city, or become surety for the performance of any such contract, nor shall any officer of such city accept from any railroad or street railway corporation, operating in whole or in part within the city, any pass or free transportation or any transportation upon any terms, save such as are open to the public generally; this provision, however, shall not apply to police officers while on duty; nor shall any officer of such city accept or receive, directly or indirectly, free of charge or upon any other terms, except as may be open to the public generally, any commodity or thing of value from any public service corporation whatsoever owning or enjoying a franchise granted by such city. The violation of any of the provisions of this section shall work a forfeiture of the office of the officer violating the same and shall warrant his removal from office by impeachment or other proper procedure; and any such officer so violating shall forfeit to the

city all sums of money paid him by the city as salary during the term for which he shall be guilty of such misconduct up to the time of the recovery of judgment against him therefor; and a civil action for the recovery thereof may at any time be commenced in the name of the city and in any court of competent jurisdiction.

SEC. 14. CITY TO BE DIVIDED INTO WARDS: The city council, at any time not within three months previous to an annual municipal election, may divide the city into wards, not exceeding six wards in all, and change the boundaries of such wards: *Provided*, That no change in the boundaries of the wards shall affect the term of office of any councilman, but he shall serve out his term in the ward in which his residence may be at the time of his election, but if more reside in any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the city council shall be as near as may be in proportion to its population. No person shall be eligible to the office of councilman unless he shall reside at the time of his election in the ward for which he was elected, and the removal of a councilman during his term of office from the ward for which he was elected to another ward in the city will render his office vacant.

SEC. 15. RECALL OF COUNCILMAN: Whenever three-fifths of all the qualified voters, of any ward in such city from which any councilman has been elected, as shown by the last general municipal election returns, shall petition the city council for the recall of such member of the city council, it shall be the duty of the city council to call a special election in such ward for the election of a councilman to take the place of the councilman whose recall is so petitioned for, and thereupon such special election shall be held in such ward. A councilman whose recall is petitioned for, shall be competent to be a candidate for reelection at such special election. The provisions of the law and the ordinances of such city governing general

municipal elections shall, as far as practicable, apply to such special election. Should the councilman whose recall is petitioned for be defeated in such special election he shall vacate his office for the balance of his term in favor of the successful candidate at such special election, who shall serve out the unexpired term. The petition for recall of a councilman, shall be signed by the petitioning electors, only in the office of the city clerk where said petition shall be kept on file for that purpose and all signatures must be appended thereto within an interval of ten days so that no more than ten days shall elapse between the signing of the first and last names of said petition.

SEC. 16. MAYOR, POWERS AND DUTIES: The mayor shall be the chief executive officer of the city. He shall have general supervision over the several departments of the city government and over all its interests; shall preside over the city council, when present; once in three months, submit a general statement of the condition of its various departments, and recommend to the city council such measures as he may deem expedient for the public health or improvement of the city, its finances or government. He shall sign all ordinances passed by the city council, if he approves them; if he does not approve them he shall within eight days after their submission to him return the same to the city clerk's office with his objections in writing, and at the first meeting of the city council thereafter the same shall be entered upon their journal and they shall then reconsider such ordinance and unless two-thirds of the councilmen elected vote for its passage it shall not become a law. If the mayor shall not so return any ordinance within eight days it shall become a law as if he signed it. He may call special meetings of the city council at any time; he shall do so at the written request of four councilmen by notifying each member personally, or by written notice left at his last and usual place of abode, or his place of business during business hours, stating the purpose of such meeting. He shall countersign all warrants and licenses, deeds, leases and contracts requiring his signature, and issued under and by authority of the city.

SEC. 17. PRESIDENT OF THE COUNCIL: The president of the city council shall preside at all meetings of the council when the mayor is not present; whenever there is a vacancy in the office of mayor or he is absent from the city or unable from any cause to discharge the duties of his office, the president shall act as mayor and exercise all his authorities and be subject to all his duties. The president *pro tem* of the council shall have all the powers of the president of the council during the session of the council at which the mayor *pro tem* is presiding.

SEC. 18. The chief of police, city attorney and city clerk may each, with the approval of the city council only, appoint such deputies as may be necessary, by writing to be filed with the clerk. Each deputy so appointed shall receive for his services compensation to be fixed by the city council, not exceeding one hundred dollars per month, and shall perform such duties, under the direction of his principal, as may be by said council prescribed. The principals shall each be responsible for his deputy, and may revoke the appointment at pleasure.

SEC. 19. DUTY OF TREASURER: It shall be the duty of the city treasurer to receive and safely keep all moneys belonging to such city from whatever source derived; to place the same to the credit of the different funds to which they properly belong in a book kept for that purpose; to disburse said money by direction of the city council and in accordance with the provisions made by them under the provisions of this act, and to make a report monthly to the city council of the condition of the treasury.

SEC. 20. DUTIES OF CITY CLERK: It shall be the duty of the city clerk to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the city council and to keep a journal of their proceedings and records of all their resolutions and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the city council and to affix the corporate seal on such licenses; to sign all deeds, leases, contracts, bonds and other documents when authorized by the coun-

cil; to keep an accurate account in a suitable book under the appropriate heads of all expenditures, of all orders drawn upon the city treasurer and of all warrants issued in pursuance thereof; also to keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted and the sums paid therefor and to perform such other duties as he may be required to perform by the provisions of this act, or by ordinance. He shall receive for his services a salary to be fixed by the council not exceeding the sum of one hundred and fifty dollars per month.

SEC. 21. SALARY OF CHIEF OF POLICE: The chief of police shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum to be determined by the city council.

SEC. 22. SALARY OF CITY TREASURER: The city treasurer shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum to be fixed by the city council.

SEC. 23. STREET COMMISSIONER: The street commissioner by and under the direction of the mayor and city council shall have control of the streets and public places of the city and shall perform such duties as the city council may prescribe. The street commissioner shall receive such salary as may be prescribed by the city council.

SEC. 24. POLICE FORCE: The police force of such city shall consist of a chief of police and such number of policemen as shall from time to time be fixed and determined by the city council.

SEC. 25. The mayor, with the consent of the council, shall appoint the policemen and all subordinate officers of the city and may, for cause, remove the same, with the consent of the council, as hereinafter provided.

SEC. 26. CITY ATTORNEY: The city attorney shall be the legal advisor of the city council and of all the officers of the city in relation to matters pertaining to their respective offices. He shall represent the city in all litigation in all courts in which the city is a party or directly inter-

ested, and shall prosecute all violations of the city ordinances, and shall act generally as the attorney for the city and the several departments of the city government, and he shall perform such other duties as the city council may direct. He shall receive such salary as may be determined by the city council, not exceeding, however, the sum of fifteen hundred dollars per annum.

SEC. 27. CITY COUNCIL — HOW CONSTITUTED. The mayor and councilmen of the several wards shall constitute the city council and at the first meeting in May next after the city election the city council shall elect one of their own body to serve as president of the council. The mayor shall preside at all meetings of the council when present, and in his absence the president of the council shall preside and perform the duties devolving upon the mayor. In the absence of both the mayor and the president of the council the council may elect a president *pro tem*, who shall act during such absence.

SEC. 28. QUORUM—RULES—JOURNAL. A majority of the councilmen elect shall constitute a quorum for the transaction of business. A less number may adjourn from time to time and may compel the attendance of absent members. The council may punish their members for disorderly conduct, and upon written charges to be entered upon their journal for such conduct, after trial, may expel a member by a vote of two-thirds of all the members elected. The mayor shall have a vote only in case of a tie in the votes of the other members. The council shall determine their rules of proceeding. The sittings of the council shall be open to the public, except where the interests of the city shall require secrecy. A journal of all their proceedings shall be kept by the clerk under their direction. At any time, at the request of any two members, the ayes and noes on any question may be taken and entered upon the journal. The president of the council while presiding, or the president *pro tem*, when a councilman, shall have the right to vote upon all questions coming before the council. The president *pro tem* may be elected by the council from their own body, or any other elector of such city may be elected

president *pro tem*. When an elector, who is not a councilman, shall be elected president *pro tem* he shall not have the right to vote upon any question.

SEC. 29. POWERS OF COUNCIL ENUMERATED. The city council of such city shall have power and authority:

1. *Ordinances*: To make and pass all ordinances, orders and resolutions not repugnant to the Constitution of the United States or the State of Washington, or the provisions of this act, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this act.

2. *License of Shows*: To fix and collect a license tax, for the purposes of revenue and regulation, on theaters, melodeons, balls, concerts, dances, theatrical, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions or amusements.

3. *Hotels, Etc., Licenses*: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, saloons, bar-rooms, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who shall have an agency therein.

4. *Auctioneers' Licenses*: To license and regulate auctioneers for the purposes of revenue and regulation.

5. *Saloon Licenses*: To license, for the purposes of revenue and regulation, tax, prohibit, suppress and regulate all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawn brokers, refreshment or coffee stands, booths or sheds.

6. *Dance Houses*: To prohibit or suppress, or to license and regulate all dance houses, fandango-houses, or any exhibition or show of any animal or animals.

7. *License Vehicles*: To license for the purposes of

revenue and regulation, and to tax hackney-coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property.

8. *Hotel Runners*: To license or suppress runners for steamboats, taverns or hotels.

9. *License Generally*: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *Provided*, That on any business, trade or calling not provided by law to be licensed for State and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

10. *Riots*: To prevent and restrain any riot or riotous assemblages, disturbance of the peace or disorderly conduct in any place, house or street in the city.

11. *Nuisances*: To declare what shall be deemed nuisances; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

12. *Stock Pound*: To establish, maintain and regulate a common pound for estrays, and to appoint a pound-keeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

13. *Control of Certain Trades*: To control and regulate slaughter houses, wash-houses, laundries, tanneries, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

14. *Street Cleaning*: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein.

15. *City Jail*: To establish, alter and repair city prisons and to provide for the regulation of the same, and for the safe keeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners; to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants: *Provided*, That no prisoner shall be required to perform any labor until he shall have been duly convicted of some offense punishable by imprisonment and duly sentenced thereto.

16. *Gambling, Etc.*: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows.

17. *Markets*: To establish and regulate markets and market places.

18. *Speed of Railroad Cars*: To fix and regulate the speed at which any railroad cars, street cars, automobiles or other vehicles may run within the city limits, or any portion thereof.

19. *City Commons*: To provide for and regulate the commons of the city.

20. *Fast Driving*: To regulate or prohibit fast driving or riding in any portion of the city.

21. *Combustibles*: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

22. *Property*: To have, purchase, hold, use and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control or improve; to build, erect or construct houses, buildings or

structures of any kind needful for the use or purposes of such city.

23. *Fire Department:* To establish, continue, regulate and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city.

24. *Water Supply:* To adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

25. *Overflow of Water:* To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

26. *House Numbers:* To provide for the numbering of houses.

27. *Health Board:* To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

28. *Harbors and Wharves:* To build, alter, improve, keep in repair and control the water front; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing of steamboats, sail vessels, rafts, barges and all other water craft; to fix the rate of speed at which steamboats and other steam water craft may run along the water front of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or water courses or channels.

29. *License of Steamers:* To license steamers, boats

and vessels used in any water-course in the city, and to fix and collect a license tax thereon.

30. *Ferry Licenses*: To license ferries and toll bridges under the law regulating the granting of such license.

31. *Penalty for Violation of Ordinances*: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the State laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or three months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the State of Washington.

32. *Police Department*: To create and establish a city police; to prescribe their duties and their compensation and to provide for the regulation and government of the same.

33. *Elections*: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the State law.

34. *Examine Official Accounts*: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city.

35. *Contracts*: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

36. *Streets and Sidewalks*: To provide by ordinance for the opening, laying out, altering, constructing, extending, repairing, grading, paving, planking, graveling, macadamizing or otherwise improving of public streets, avenues and other public ways, or any portion of either thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the ex-

pense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof.

37. *Waterways*: To clear, cleanse, alter, straighten, widen, fill up or close any waterway, drain or sewer, or any water course in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

38. *Sewerage*: To adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for non-conformity to, or failure to comply with the provisions of such system and regulations or either.

39. *Buildings and Parks*: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

40. *Franchises*: To permit the use of the streets for railroad and other public service purposes.

41. *Payment of Judgments*: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever.

42. *Weighing of Fuel*: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office and the fees he shall

receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

43. *Hospitals, Etc.*: To erect and establish hospitals and pest houses and to control and regulate the same.

44. *Water Works*: To provide for the erection, purchase or otherwise acquiring of water works within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

45. *City Lights*: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric or other light, and for the ownership, purchase or acquisition, construction or maintenance of such works as may be necessary or convenient therefor: *Provided, however*, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

46. *Parks*: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

47. *Bridges*: To construct and keep in repair bridges, and to regulate the use thereof.

48. *Power of Eminent Domain*: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, water works or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this act, as the interests of the city may from time to time require.

49. *To provide for the Assessment of Taxes*: To provide for the assessment, levying and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

50. *Local Improvements*: To provide for making local improvements, and to levy and collect special assessments

on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous or proximate property, and to provide for the manner of making and collecting assessments therefor.

51. *Cemeteries*: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

52. *Fire Limits*: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained.

53. *Safety and Sanitary Measures*: To require the owners of public halls, theatres, hotels and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of water courses and canals and for the draining and filling up of ponds or private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of said city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons inflicted with any contagious disease to some suitable place to be provided for that purpose.

54. *To Regulate Liquor Traffic:* To license, tax, confine within limits of time and place to be by the city council prescribed and to otherwise regulate the selling or giving away of intoxicating, spiritous, malt, vinous, mixed or fermented liquors and the collection of the license money therefrom for the use of the city: *Provided*, That no license shall be granted to any person or persons who shall not, first comply with the general laws of the State in force at the time the same is granted, and provided that no liquor license shall be granted to continue for a longer period than one year from the date thereof: *And provided further*, That no remission of any such license charge shall be made during the period for which it is granted.

55. *To Establish Streets on Tide Lands:* To project or extend or establish streets over and across any tide lands within the limits of such city.

56. To provide for the general welfare.

SEC. 30. SALOON LICENSES: The city council shall have power to revoke any liquor license for any cause by it deemed sufficient. Whenever a saloon license shall be revoked by the council on account of the licensee having carried on a disorderly house, sold liquor to minors, permitted gambling, or violated any of the ordinances of the city or laws of the State, the council shall declare the liquor bond given by such person to obtain his saloon license, forfeited, and thereupon the principal and sureties upon said bond shall be liable to the city for the full penalty of said bond, to be collected in an action brought by the city in any court of competent jurisdiction. In any such action the finding or action of the council in revoking such license on any of the grounds above specified shall be conclusive evidence in any such action of the existence of such grounds. When any saloon license shall be revoked or cancelled for any of the causes above specified, no rebate or remission shall be made to the licensee for the unexpired term of his license, but the *pro rata* part of the license fee for the unexpired term shall be credited by the city to the said licensee upon the penalty of the saloon or liquor bond of said licensee, and said licensee and his sureties shall be

liable to the city for the balance of said penalty of said bond.

SEC. 31. **FRANCHISES:** No ordinance granting a franchise or any valuable privilege in such city, shall be passed on the day of its introduction, nor for thirty days thereafter, nor until such ordinance shall have been published in at least one issue of the official newspaper of the city and after such publication such proposed ordinance shall not thereafter and before its passage, be amended in any particular where the amendment shall impose terms, conditions or privileges less favorable to the city than the proposed ordinance as published, but amendments favorable to the city may be made at any time and after publication. Such publication shall be at the expense of the applicant: *Provided*, That an ordinance granting a franchise to lay a spur, railroad track or tracks, connecting manufacturing plants, warehouses or other private property with a main line of railroad, need not be published before the same be passed by the council. No franchise or valuable privilege shall be created or granted by the city council otherwise than by ordinance, and the passage of any such ordinance shall require the affirmative vote of two-thirds of the councilmen elected. All publications of ordinances granting a franchise, both before and after passage, shall be made at the expense of the applicant or grantee. Where an ordinance granting a franchise or valuable privilege is sought to be amended after the same shall have been in force, the provisions of this section as to publication before final action upon such amendment, shall apply as in cases of proposed ordinances granting original franchises.

SEC. 32. **NO EXCLUSIVE FRANCHISE TO BE GRANTED:** No exclusive franchise or privilege shall be granted for the use of any street, alley or highway, or any other public place or any part thereof.

SEC. 33. **LEASE OR SALE OF WATER PLANT:** Whenever any such city shall own its own water plant or water system, electric lighting plant or gas works, the city council of such city may lease or sell such water plant or water system, electric light plant or gas works, but before doing

so, the question of leasing or selling of any such property shall be submitted to the qualified electors of said city at a special election to be held for the purpose, or at the general municipal election, and if a majority of the votes cast at such election vote in favor of leasing or selling such property, the city council may then lease or sell the same, but in case a majority of the votes cast at such special or municipal election shall vote against the leasing or selling of such property, the city council shall have no power to lease or sell the same.

SEC. 34. WATER AND LIGHT: Before the city council of any such city shall, in the first instance, purchase, acquire, construct or adopt a municipal water system, electric light system or gas system, the question of such purchase, acquisition or adoption of any such system shall first be submitted to vote of the electors of the city at a special or general municipal election for adoption or ratification.

SEC. 35. NO INVALID CLAIMS TO BE ALLOWED: The city council of such city shall never allow, make valid, or in any manner recognize any demand against the city which was not at the time of its creation, a valid claim against the same, nor shall it authorize to be paid any demand which without such action would be invalid, or which shall then be barred by any statute of limitation or for which the city was never liable, and any such action shall be void.

SEC. 36. CLAIMS AND DAMAGES: All claims for damages against the city must be filed with the city clerk within thirty days after the time when such claim for damages accrued. No action shall be maintained against the city for any claim for damages until the same has been presented to the city council and until sixty days have elapsed after such presentation. The allowance of any and all damage claims against the city shall be by ordinance and not otherwise.

SEC. 37. EIGHT HOURS TO CONSTITUTE A DAY'S WORK: In all public work done by or for the city, either by day's work or by contract, eight hours shall constitute a day's work; and no employee of the city on city works, or of any contractor or sub-contractor on said work, shall be required

to work longer than eight hours in any calendar day: *Provided, however,* That this section shall not be so construed as to in any manner apply to or affect any contract entered into by the city prior to the time this act goes into effect. This section shall be enforced by the city council by an appropriate ordinance.

SEC. 38. STREET IMPROVEMENTS: The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, alleys, avenues, highways and public places of such city. The expense or cost of improving and repairing streets, sidewalks, alleys, squares or other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same and planting, setting out and cultivating of shade trees therein, and constructing gutters, culverts and sidewalks therein, shall be assessed as follows: The city council shall, before grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass a resolution or ordinance declaring its intention to make such improvement and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which the said improvement is to be made, and the estimate of the cost of the same, and the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided) on such street proposed to be improved, and shall fix a time not less than ten days in which protests against such proposed improvement may be filed in the office of the city clerk. Such resolution shall further specify whether it is proposed to pay for said improvements on the "Immediate Payment Plan" or on the "Bond Installment Plan," as such plans are hereinafter defined. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protest, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protest against the proposed

improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein proposed, be filed on or before the date fixed for such filing, the council shall not proceed further with such work unless eight members of said council shall vote to proceed with such work. If no such protest is filed, or if such protest is filed, and eight councilmen shall vote to proceed with such work, the council shall at its next regular meeting proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance a local improvement district shall be established to be called "Local Improvement District No." which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks and lots, or if platted only in blocks, to the center of each block, and if platted into lots only then by including the entire lot; and if not platted, to the distance of one hundred and twenty feet: *Provided*, That in improving suburban roads or streets or neighborhood roads, in sparsely settled districts of the city, where such improvement specially benefits a larger district than would be embraced within the improvement district hereinbefore provided for, it shall be competent for the city council in its discretion to create a larger improvement district for local assessment for such improvement than the district hereinbefore provided for, and the judgment and decision of the city council as to so doing shall be final and conclusive, unless their action be impeached for fraud. Such ordinance shall provide that such improvement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such land and lots fronting thereon, or included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in

their judgment may be fair and equitable to consideration of benefits accruing to the general public by reason of such improvements. Said improvement district, except in cases of suburban or neighborhood roads or streets as hereinbefore defined, shall, for the purpose of said assessment, be divided into four subdivisions parallel to the marginal line of the street, alley, place or square proposed to be improved, each of which subdivisions shall have a width on each side of the improvement equal to one-fourth of the distance from the marginal line of such street, alley, place or square to the back line of the assessment district, to be numbered respectively the first, second, third and fourth subdivisions beginning with the one nearest to the said marginal line of said street, alley, place or square. Each front foot or its equivalent area in the first subdivision nearest to the improvement shall be assessed forty per cent. of the total amount to be assessed against each front foot or its equivalent; each front foot or its equivalent area in the second subdivision shall be assessed twenty-five per cent. of the total amount to be assessed against each front foot or its equivalent; each front foot or its equivalent area in the third subdivision shall be assessed twenty per cent. of the total amount to be assessed against each front foot or its equivalent, and each front foot or its equivalent area in the fourth subdivision shall be assessed fifteen per cent. of the total amount to be assessed against each front foot or its equivalent. The expense of all the improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossing or crossings at corners or intersections of streets, shall be paid for by the city in the discretion of the council, or if the council so decide the whole or any part of such expense may be assessed to the abutting property included in the improvement district; and the expenses of establishing, building and repairing bridges in such city shall be paid by such city; and the expenses incurred in making and repairing sewers, in any street shall be paid by special assessment levied against the property benefited thereby.

In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expenses of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center lines of such streets, avenues or public ways, the lot or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, except general tax liens, which lien shall attach from the time of the equalization of the assessment roll.

SEC. 39. SEWERS: Sewers and drains in such city shall be constructed and maintained at the expense of the property benefited in accordance with the provisions of an act entitled "An Act authorizing cities and towns other than cities of the first class to construct sewers and drains within assessment districts, and to levy and collect special assessments and taxes to pay therefor, and declaring an emergency," approved March 14, 1899, and acts amendatory thereof, and the assessments therein provided for shall be a first lien on the property assessed prior to all other liens except general taxes, and the said city council shall have power to enact ordinances giving effect to said act, and acts amendatory thereto.

SEC. 40. ASSESSMENT ROLL DELINQUENCIES: The city council of such city shall prescribe by a general ordinance or ordinances the manner of making up the assessment roll for any and all local improvements authorized to be made and issued against abutting or contiguous property, and shall designate the officer or officers whose duty it shall be to prepare such roll, and shall prescribe the mode for the equalization of the same, and shall fix the time of

the delinquency thereof as well as the penalty for delinquency and the rate of interest after delinquency, except as in this act otherwise provided: *Provided*, That the city council shall act as a board of equalization of all local assessment rolls: *And provided further*, That the interest on such local assessments after delinquency shall not exceed the rate which is or may be prescribed for delinquent county and state general taxes.

SEC. 41. MODE OF PAYMENT: All local improvements for streets, alleys and sewers as contemplated in sections 38 and 39 of this act, as well as any and all other local assessments for improvement which the city is or shall be authorized to assess against abutting or contiguous property may be assessed, collected and paid for either on the "Immediate Payment Plan" or on the "Bond Installment Plan" as the city council may provide. By the immediate payment plan is meant that the entire assessment against any and all parcels of land assessed shall mature or be paid at or before delinquency in a single payment for the entire assessment for each parcel assessed. By the bond installment plan is meant the division of the entire assessment against any parcel of land into equal annual installments, not exceeding ten annual installments, one such installment with interest to mature and become payable each year, and the issuance by the city of improvement district installment bonds to be paid exclusively from funds derived from the assessments levied in the local improvement districts covered by such bonds. The failure of the council to designate in its resolution of intention to improve or in the ordinance creating the improvement district, the mode of payment of the assessment shall be construed to mean that the assessment in such improvement district shall be payable on the "Immediate Payment Plan." The city council shall have power at any time prior to the equalization of the assessment roll in any improvement district, and prior to the issuance of any improvement district fund warrants, to change the mode of payment in such district from the "Immediate Payment Plan" to the "Bond Installment Plan."

SEC. 42 LOCAL IMPROVEMENT WARRANTS: Where any local assessment is made or to be made upon the "Immediate Payment Plan" the city council may provide for the issuance of local improvement fund warrants against the local improvement district fund to be created. The denomination, number and order of payment of such local improvement fund warrants shall be as the council may direct, but no such warrants shall be issued until the equalization of the assessment roll for such local improvement district. The local assessment roll in any improvement district may be made up and the assessment levied and equalized at any time after the contract for the improvement shall have been let and a bond given for its faithful performance, and the making up of such assessment roll and the equalization thereof need not await the completion of the work. The city shall under no circumstances be held liable on any special improvement fund warrants, but the holder of such warrants shall have recourse only against the special improvement fund.

SEC. 43. INSTALLMENT BONDS: Whenever any local improvement shall be made upon the basis of the bond installment plan the city council shall either in the original resolution of intention or in the ordinance creating the improvement district or subsequently designate the number of annual installments, not exceeding, however, ten annual installments, into which it proposes to divide the assessment in such local improvement district, and the assessment roll of such local improvement district shall be made up and equalized as near as may be as in cases of local improvements on the immediate payment plan, except in this, that said assessment roll as prepared and as finally equalized shall contain appropriate columns for the division of the assessment against each parcel of land into the number of installments as may have been previously prescribed by the council. The first installment shall be due on the first day of November next following the equalization of the roll and shall become delinquent on the 20th day of January, next following the equalization of the roll, and each succeeding annual installment shall be-

come due and delinquent respectively on the first day of November and the 20th day of January of each succeeding year. All said installments, including the first, shall bear interest before delinquency from and after the date of the equalization of the assessment roll at the same rate as the special improvement fund bonds herein provided for: *Provided*, That such rate of interest before delinquency shall not exceed eight per cent. per annum, and after delinquency such installments shall bear the same rate of interest as is or may be provided by law in cases of general county and state taxes. The city council shall provide for the issuance of installment local improvement bonds to cover the entire amount of the assessment against abutting or contiguous property in such local improvement district. Said bonds to be of such denominations, numbers and for such amounts and to bear such a rate of interest per annum, not exceeding, however, eight per cent. per annum, as the council may prescribe, and the council may declare that a separate bond shall be issued for each separate parcel of land assessed corresponding in amount with the amount of the assessment against such parcel of land and corresponding in the installments with the installments maturing upon the said parcel of land, and when this mode is adopted each bond shall have endorsed thereon a brief description of the parcel of land to which it corresponds and shall be payable only out of the assessment on the parcel of land to which it relates. This mode of making the bonds correspond to the assessments on the several parcels of land shall be optional with the council to adopt. When not so adopted the bonds in any improvement district shall be payable in the numerical order of their issuance. The bonds herein provided for shall be signed by the mayor and city clerk, and shall bear the seal of the city, and each bond shall contain a coupon for each installment, and interest maturing thereon, to be surrendered and cancelled by the holder when the same is paid. Any property holder in said improvement district shall have the right any time to pay all of the installments of the entire assessment against his property with

the interest up to the date of the payment, and all installment bonds issued under this section shall be subject to this right of the owner or owners of property in such district. When sufficient funds have accumulated in any local improvement district fund referred to in this section to take up or redeem any bond or coupon next entitled to redemption, the city treasurer, who shall be the custodian of all local improvement funds, shall publish a call for such coupon or bond and from and after the date of such publication, interest on such coupon or bond shall cease. The city council shall have the power to pass any and all ordinances to put this section into effect.

SEC. 44. BONDS CONTINUED: The installment or local improvement bonds mentioned in the preceding section shall be a charge only against the local improvement fund of the local improvement district created for their payment, and the city shall in no event or under any circumstances be liable for the payment of any such bond, otherwise than out of such fund, when collected, and the holder of any such bond shall have recourse only against such fund. Said bonds may be issued to the contractor making the improvement in payment for the work, or may be negotiated by the city council at not less than par value and the proceeds applied towards making the improvement.

SEC. 45. OTHER BONDING STATUTES NOT REPEALED: The provisions contained in the preceding sections of this act shall not be construed as working a repeal of any of the statutes or laws of this State now in force relative to the issuance of bonds against local assessment funds or local improvement districts of any character, but all such other acts and laws now in force shall be continued in force with reference to cities of the second class, and the bonding provisions contained in this act shall be construed as concurrent and cumulative provisions with any and all existing provisions contained in any other acts or laws.

SEC. 46. LOCAL ASSESSMENTS. TREASURER'S DUTIES: The city treasurer of such city shall be the collector of all local improvement assessments of every nature within such city, both before and after delinquency and up to the

time such local delinquent assessments shall be certified to the county treasurer of the county in which such city is situated, as hereinafter provided.

SEC. 47. CERTIFYING DELINQUENT ASSESSMENTS: Whenever any local improvement assessment, whether for street, sewer, drainage, filling or for any other purpose whatsoever, shall remain delinquent and unpaid for a period of sixty days after the date of delinquency, it shall be the duty of the city treasurer of such city to certify and transmit to the county treasurer of the county a list of all such delinquent local assessments, with a description of the parcel or parcels of land to which the same are chargeable and the amount, with interest, chargeable to each parcel, together with the number of the improvement district and such other information as the council by ordinance may direct. Upon receiving such list it shall be the duty of the county treasurer of the county to enter said delinquent local assessments against the respective parcels of land upon the current tax rolls of the county for the general county and State tax, in a separate column in said rolls to be provided and known as the "Local Improvement column." All such delinquent local assessments so certified shall bear interest from the time of filing the list with the county auditor at the rate of fifteen per cent. per annum. It shall be the duty of the city treasurer of such city, as soon as this act takes effect, to certify to the county treasurer as herein provided, all delinquent local improvement assessments of said city which shall then have been delinquent for a period of sixty days or more. In certifying delinquent assessments to the county treasurer under this section the city treasurer shall compute and combine in one sum, against each parcel of land, the original assessment, accumulated interest and penalties, if any.

SEC. 48. COLLECTION BY COUNTY TREASURER: The treasurer of the county shall collect and receipt for any and all delinquent local assessments entered upon the tax rolls of the county as provided in the preceding section in the same manner as county taxes are collected, and shall make monthly remittances thereof to the city treasurer,

accompanied with appropriate statements showing the particular assessments paid. Certificates of delinquency may be issued by the county treasurer for any such local assessments so entered upon the county tax rolls as near as practicable in the same manner as certificates of delinquency for the general county and State taxes are issued, and when a certificate of delinquency for the general taxes is issued to any person on any parcel of land against such a local assessment is entered upon the county rolls, such local assessments shall be included in such certificate of delinquency and paid for by such person and the county treasurer shall issue a certificate of delinquency to any individual paying the amount of such local assessment so entered upon the county rolls, together with all other taxes then due upon the rolls. The purchaser of any such certificate of delinquency may foreclose the same at any time after the expiration of six months from the date that said local assessment was entered upon the county rolls, and the date when such certificate of delinquency shall be subject to foreclosure shall be specified in the certificate of delinquency so issued. Certificates of delinquency issued by the county treasurer, as herein provided, shall be in form as near as may be in accordance with the certificate of delinquency issued for the general taxes. The proceedings to foreclose any delinquent certificate issued for such local improvement tax by the county treasurer shall be in accordance with the laws providing for the foreclosure of certificates of delinquency for the general taxes, and all provisions of law relating to the issuance and foreclosure of certificates of delinquency and the issuance of tax deeds thereon for general taxes shall be applicable to the foreclosure of delinquent certificates issued by the county treasurer for such local assessments so entered upon the rolls.

SEC. 49. Whenever the county shall institute suit for the foreclosure of the general certificate of delinquency issued to the county for delinquent taxes for any year, there shall be included in such certificate of delinquency, and in such suit to foreclose the same, any and all property against which delinquent local assessments, as pro-

vided in this act, shall have been entered upon the tax rolls of the county for six months prior to the commencement of such suit, and such delinquent local assessments shall be foreclosed in such suit by the county with the delinquent general taxes, and such foreclosure proceedings with reference to said delinquent local assessments shall be had as near as may be in accordance with the foreclosure of delinquent general taxes, and the land against which such local assessment so entered on the county rolls stands, shall be sold at the same time and in the same manner as for the general county taxes embraced in said suit. In case any land covered by any such local assessment shall be sold to the county and a tax deed issued to the county, the county shall be deemed to hold the same in trust for the county and for the city, and whenever such land shall be subsequently sold by the county, the county shall deduct from the proceeds of such sale, *first*, the full amount of the general taxes chargeable against such property, with the accumulated interest, and *second*, the balance of said selling price, or so much thereof as may be necessary to pay the amount of such local assessment, and accumulated interest, shall be remitted by the county treasurer to the city treasurer of such city, and any excess remaining shall belong to the county. The right of redemption from such local improvement tax assessment shall exist up to the time of the issuance of the tax deed therefor, and not thereafter, as in cases of general county and State taxes.

SEC. 50. Where any local assessment shall be made upon the bond installment plan as hereinbefore provided, foreclosure sale and issuance of a tax deed for any one installment shall not discharge such land so foreclosed upon and deeded from the lien of any of the subsequent unpaid installments of said assesment which may thereafter become due, but any such land or parcel of land may be foreclosed upon for any subsequent installments maturing, and the holder of any tax deed upon a prior installment who permits a subsequent installment to be foreclosed and deeded shall forfeit his title to the holder of the later tax deed under the later installment.

SEC. 51. EXTENSION OF WATER MAINS: The city council of such city shall have power to provide for the extension of water mains within the said city and to assess the whole or any part of the cost of such extensions, in their discretion, to the abutting and contiguous property specially benefited thereby, and for that purpose the city council shall have power to create local improvement districts, the council to have full discretion as to the territory to be included within such district. The amount of the assessment for the extension of water mains within any such improvement district against any parcel of land shall be such proportion of the entire expense to be assessed, as the assessed value of said parcel of land, exclusive of improvements, as shown on the general tax roll for the current year, bears to the total assessed value of all of the land, exclusive of improvements, situated within said district as shown upon the general tax rolls for the current year. Any assessment levied under the provisions of this section shall be a first lien upon the property assessed from the time of the equalization of the assessment roll, and shall take precedence over all other liens, except general county and State taxes and shall be collected in the mode prescribed in this act for other assessments for local improvements.

SEC. 52. PUBLIC WORKS. HOW CONTRACTED FOR: In the erection, improvement and repair of all public buildings and works, in all street and sewer work and in all extensions of the water mains and improvements of the water system, lighting plant or gas plant, and in all work in and about streams, bays or water fronts, or in or about embankments or other works for protection against overflow and in draining and filling low lands, and in furnishing any supplies and materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the city council may reject all bids presented and re-advertise in their discretion, or, if

in the judgment of the council, such work can be performed, or supplies or materials furnished by the city independent of contract, cheaper than under the lowest bid submitted, it may, after having so advertised and examined the bids, cause such work to be performed or supplies or materials to be furnished independent of contract. The city council shall annually at a stated time contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after due notice, as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

SEC. 53. FILLING SWAMP LANDS OR TIDE FLATS: Whenever the city council of such city shall deem it necessary or expedient on account of the public health, sanitation, the general welfare or other cause, to fill any slough, swamp lands, low lands or lands commonly known as "tide flats," situated within the limits of such city, said city council shall have power so to do, and the expense thereof shall be assessed to the property benefited, except such amount of such expense as the city council in its discretion may order paid out of the current expense fund, and the proceedings for such filling and assessment of the cost thereof shall be as follows:

Before filling any such slough, swamp lands, low lands or lands commonly known as tide lands, the expense of which is to be assessed against the property benefited, the city council of such city (having caused plans and specifications to be prepared and filed with the city clerk) shall first pass a resolution or ordinance declaring its intention to make such improvement and describing in said resolution the lands to be included within the proposed improvement district and which it is proposed to assess for the cost of said improvement, and also stating in said resolution or ordinance the estimated total cost of said improvement or filling, and also stating that the cost of the same is to be assessed against the property included in the proposed improvement

or assessment district therein provided, and fixing in said resolution or ordinance a time not less than twenty days after the date of the passage of such resolution or ordinance in which protests against such proposed filling or improvement may be filed in the office of the city clerk. It shall be the duty of the city clerk to cause such resolution or ordinance to be published in the official paper of the city in at least three consecutive issues thereof before the time fixed in such resolution for filing such protests, the first of which publication shall be at least fifteen days prior to the date fixed for the filing of protests. If protests against the proposed filling or improvement, by the owners of more than two-thirds of the entire area included within said proposed improvement or assessment district shall be filed on or before the date fixed for such filing, the council shall not proceed further with the work unless nine members of the council shall vote to proceed with the work. If no such protest is filed or if such protest is filed and nine members of the council shall vote to proceed with such work the said council shall appoint three disinterested and impartial viewers or appraisers to view and appraise any and all damage which may be done to any of the property situated within said proposed improvement district by reason of making the improvement or filling contemplated in accordance with the plans and specifications thereof theretofore made and filed in the office of the city clerk. It shall be the duty of the viewers so appointed to subscribe and place on file with the city clerk an oath that they will support the constitution and laws of the State of Washington and that they will faithfully and impartially appraise the damage which may be caused to each of the several parcels of land situated within said proposed improvement district by reason of the improvement, and the several members of said board of viewers shall thereupon meet and elect one of their members chairman and the decision of any two members of said board shall be deemed the decision of the board. It shall be the duty of the said appraisers to personally inspect the lands included within said improvement district and to assess and

determine the damage which may be caused by said improvement to any parcel of land or to any and all property situated within said improvement district. In determining or assessing such damages the said viewers shall determine the same exclusive of the benefits to any such parcels of land or property by reason of the improvement, the damage found to be independent of and without regard to the benefits accruing to the particular parcel of land or property by reason of the proposed improvement. As soon as practicable after their appointment, and at any rate within thirty days after such date said viewers shall make a report to the city council of such city of their findings in the premises, in which report all of the land included within said proposed improvement district shall be separately described and the amount of damages awarded to the owner or owners of each parcel shall be stated in a column opposite the description of such parcel, and if no damage be found in favor of any particular parcel, such report shall cause it to so appear. Upon the filing of said report the city council of such city shall by ordinance fix the time when and the place where said board of viewers shall sit to hear, determine and pass upon any and all objections to said report and to their findings therein, which hearing shall be not less than thirty days after the date of the passage of said ordinance, and said ordinance together with a notice of such hearing, shall be published in the official paper of such city once a week for three consecutive weeks before the date fixed for such hearing, the first publication of which ordinance and notice shall be not less than twenty-five days before the date fixed for such hearing. At the time and place fixed for such hearing the said viewers shall hear and determine all objections and protests to their report hereinbefore mentioned, and the said board of viewers shall have power at such hearing to modify and correct their report previously made and when said hearing shall be completed the said viewers shall re-certify said report; and said report and the findings of the viewers thereon, as so corrected and re-certified, shall be securely kept and preserved by the clerk of said city. Any person

feeling himself aggrieved by the findings of said board of viewers at such hearing may appeal at any time within twenty days after the close of said hearing, to the superior court of the county in which said city is situated. Such appeal shall be taken by serving notice thereof upon the city clerk, which notice shall describe the parcel or parcels of land in relation to which such appeal is taken, and shall briefly state the grounds of such appeal and shall further designate such of the records as the appellant wishes the city clerk to certify to the superior court. It shall be the duty of the city clerk, within ten days after service of such notice of appeal, to prepare a certified transcript of the records relating to said proceedings called for in the notice of appeal, and deliver the same, so certified, to the appellant or his attorney. The appellant or his attorney may within ten days thereafter file the same with the clerk of the superior court and the failure by the appellant or his attorney to so file the same within said period shall work an abandonment of the appeal. When the appeal papers are so filed the superior court shall acquire jurisdiction. No pleadings shall be required in the superior court, but the superior court in its discretion may require or allow pleadings to be filed by either party, and in such proceedings the appellant shall be deemed the plaintiff, and the city the defendant. As to any and all parcels of land with reference to which no appeal shall have been taken within the time hereinbefore limited for appeals, the findings of the board of viewers shall be final. The fact of an appeal having been taken with reference to any parcel or parcels of land shall not delay the improvement or filling, but the council may proceed with the same as though no appeal had been taken. In case any of the viewers appointed by the council shall fail to qualify, or, having qualified, shall refuse to act, or should any vacancy occur in the board of viewers, the city council shall by appointment fill the vacancy so created. Instead of appointing viewers to assess the damages as herein contemplated, and as a substitute mode for ascertaining such damages, such city is hereby authorized, at the discretion of the city

council, to have the damages ascertained and assessed in accordance with the provisions of Chapter 5 of the Session Laws of the year 1905, which chapter is hereby made applicable for the purpose of assessing damages in case of the filling of swamp and tide land, as herein contemplated.

SEC. 54. When the final report of the board of viewers shall be certified, the said council of said city shall provide for the immediate payment, to the parties showing themselves entitled to receive the same, of the damages which may be awarded in favor of the owners of any parcel or parcels of land or property as shown by the report, and shall in like manner provide for the payment of any judgment against the city in any appeal. And any such owner shall be entitled to receive a current expense fund warrant of the city for the amount of the damages awarded in favor of the parcel of land or property owned by him, either in said report or by such judgment. In case any owner shall demand cash instead of a warrant the city council are empowered to negotiate current expense fund warrants at par to raise the cash for such purpose. The amount so paid by the city as damages shall be included in the expense of making the improvement and shall be assessed against the lands in the improvement district at the same time and in the same manner as the other expenses of such improvement are assessed. The current expense fund shall be reimbursed out of the first moneys collected in any such assessments, or realized from sale of improvement bonds.

SEC. 55. After the final certification and correction of the report of the board of viewers as hereinbefore mentioned, or at such time thereafter as the council may determine, the council shall proceed to enact an ordinance for said improvement or filling. By the provisions of such ordinance a local improvement district shall be established to be called "Local Improvement District No.," which shall include all of the property to be included within said improvement district which it is proposed to assess for said improvement, but said improvement district so created shall not include any property with reference to

which the board of viewers did not act, except that all streets, alleys and public places within or bordering upon the district may be included therein, as the council may order, but the council may, in their discretion, exclude from said district any portion of the land embraced within the calls of the original resolution lying contiguous to any marginal line of the improvement district. Such ordinance shall provide that such improvement shall be made and that the cost and expense thereof, including the damages awarded, shall be taxed and assessed upon all the property in such local improvement district, which cost and expense shall be assessed as follows:

Each parcel of land within said improvement district exclusive of streets, alleys and public places, shall be assessed for such proportion of the entire cost and expense of the entire district as the area of such lot or parcel of land bears to the entire area of said improvement district, exclusive of streets, alleys or other public places within said district, provided that the city council may expend from the general fund for such purposes such sums as in their judgment may be fair and equitable, in consideration of the benefits accruing to the general public by reason of such improvements. Thereafter the said council of said city shall let the contract for said improvement and shall cause the same to be made and shall levy an assesment against the property in accordance with the provisions of this act, and whenever any expenses or costs of work shall have been assessed on any lands, the amount of such expenses and costs of work shall become a lien upon the lands against which the same are assessed, which lien shall take precedence of all other liens except general tax liens. All of the provisions of this act and of the laws of the State of Washington in relation to the improvement of streets at the expense of abutting property in cities of the second class, including the method of certifying to the county treasurer delinquent assessments, and the mode of collection, shall apply to the proceedings, improvements and assessments herein contemplated when not inconsistent herewith and as far as the same may be applicable.

SEC. 56. The improvements herein contemplated with reference to filling of sloughs, swamp lands, low lands and lands commonly known as tide flats may be paid for upon the immediate payment plan or upon the bond installment plan as in this act provided in cases of local improvements upon public streets.

SEC. 57. ENACTING CLAUSE OF ORDINANCES: The style of the city ordinances shall be as follows:

“Be it ordained by the mayor and city council of the city of,” and all ordinances shall be published in one issue of the official paper of the city.

SEC. 58. Ordinances shall be passed by the city council and approved by the mayor, or the president of the council while acting in his stead. But before any ordinance shall take effect it shall be published in the official newspaper of the city. A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

SEC. 59. All orders of the city council shall be entered upon the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting.

SEC. 60. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

SEC. 61. A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

SEC. 62. REMOVAL OF OFFICERS: Any appointive officer may be removed by the mayor for any cause by him deemed sufficient, but such removal shall be by and with the concurrence of the vote of at least six members of the city council, except that the chief of police may be removed by the mayor without the concurrence of the council: *Provided*, That the city council by the affirmative vote of

nine councilmen may, upon their own initiative, remove any appointive officer.

SEC. 63. VACANCIES: When a vacancy occurs in the office of mayor by reason of the death, resignation or disability of the mayor, the city council shall elect a mayor to fill the vacancy, who shall serve until the next general municipal election. In case of a vacancy in the city council the remaining members of such city council shall by the election fill such vacancy. In case a vacancy shall occur in any other elective office such vacancy shall be filled by appointment made by the mayor and confirmed by the council in the same manner as other appointments are made, except as to those elective offices which are herein otherwise provided for.

SEC. 64. HEALTH OFFICER: The city council shall create the office of health officer and shall prescribe his duties and qualifications and fix his compensation.

SEC. 65. RAILWAYS TO BE ASSESSED: Whenever any improvement shall be made upon any street occupied by the railroad track of any street railway, steam railroad or other railroad enjoying a franchise from the city upon such street, it shall be competent for the city council, and it shall be their duty to assess against such railroad situated within such improvement district, its just proportion of the expense of making such improvement, which proportion shall be estimated on a basis of charging to said railway not less than the expense of improving the space between the rails of said railroad and for a distance of one foot on each side of said rails. Said assessment shall be made on the rolls of said improvement district against the railway or railroad the same as against other property and said assessment shall be a lien upon said portion of said road from the time of the equalization of the roll, but the mode of enforcing the same shall be by civil action to foreclose in the superior court, the same period of redemption from any sale made on such foreclosure being allowed as in case of sale of real estate upon execution.

SEC. 66. OTHER LOCAL ASSESSMENTS: Wherever any such city under the provisions of this act, or under the

provisions of any other act or statute of the State of Washington, shall be empowered to assess the cost of any local improvement of whatsoever nature to abutting or contiguous property benefited thereby, the city council of such city shall have power to enact any and all needful ordinances to give effect to such power in order that such power may be effectually carried out, such ordinances, however, shall not be inconsistent with this act.

SEC. 67. LEASING STREETS: The city council of any such city shall have power to lease, for manufacturing, wharf, or other business purposes, such portions of the ends of streets terminating in the water front or navigable waters of said city, as the city council may deem expedient, but no such lease shall be made without the written consent of all of the property owners whose properties abut upon the portion of the street proposed to be leased. Such lease shall not be made for a longer term than fifteen years and the rental to be paid therefor shall be fixed by the city council: *Provided*, That all such leases must contain a clause that at intervals of every five years during the term, the rental to be paid by the lessee shall be re-adjusted between himself and the city by mutual agreement, and in case the city and said lessee can not agree, then the question in dispute as to the amount of rental to be paid shall be left to arbitration, the city to select one arbitrator, the lessee to select one arbitrator and the two so selected to select a third, and the decision of the three so selected to be final. No lease of any such portion of such street shall be made in the first instance until the city council shall first cause notice to be published by the city clerk in the official newspaper at least fifteen days prior to the making of such lease, which notice shall describe the portion of the street proposed to be leased, to whom and for what purpose leased, and the proposed rental to be paid. The vote of two-thirds of all the councilmen elected shall be necessary to authorize such lease. The council shall have no power to validate any void lease heretofore made. The city council of such city shall have power to fix the rates and tolls to be charged within such city by

any public service corporation enjoying or to enjoy a franchise granted or to be granted by such city, but such power of the city council shall be reasonably exercised and their actions in this respect shall be subject to review by any court of competent jurisdiction.

SEC. 68. The city council of such city shall have power to construct and maintain dikes and tide gates and other equipment for the exclusion of the tides from any portion of such city, and may assess the cost thereof against the contiguous property specially benefited thereby, and for that purpose may create necessary improvement districts and levy local assessments, in such manner as to the council shall seem equitable and just, which shall constitute a lien upon the property assessed as in other cases of local improvements.

SEC. 69. EMINENT DOMAIN: The right of eminent domain is hereby extended to any such city for the condemnation of lands and other property, either within or without the corporate limits of such city, for any and all corporate purposes and every such city shall have the right to appropriate real estate or other property, either within or without the corporate limits of such city, for any and all municipal purposes in the same manner and under the same procedure as now is or may hereafter be provided by law in cases of other corporations authorized by the laws of the State of Washington to exercise the right of eminent domain: *Provided*, That this section shall be construed as a concurrent and cumulative power conferred on such cities, and shall not be construed as in any wise repealing or affecting any law now in force conferring the power of eminent domain and the right to appropriate property on any such city, and in particular, this act shall not be construed as in any wise repealing or affecting the powers conferred on any such city by chapter 55 of the Session Laws of Washington for the year 1905.

SEC. 70. TAX LEVIES: Any such city shall have power through its council to levy and collect annually, a property tax for the payment of outstanding warrants and also for the purpose of providing funds for the payment of interest

on, and for the creation of sinking funds for, all outstanding bonded indebtedness, and in addition thereto, such city shall have power to levy and collect annual taxes for the payment of current expenses not exceeding fifteen mills on the dollar of assessed valuation: *Provided*, That if the qualified electors of said city at a special election to be held for that purpose should vote in favor of a larger levy for the payment of current expenses, than fifteen mills on the dollar of assessed valuation, a larger levy for said purpose may accordingly be made. All of the provisions of chapter 84 of the Session Laws of 1897, so far as the same are not inconsistent herewith, shall be applicable to such cities.

SEC. 71. SPECIAL TAX LEVY—WATER WORKS: Whenever the needs of any such city may require it, a special water improvement fund may be created to be used exclusively for the building, acquisition, extension or improvements of the municipal water works and water system of any such city, said special water improvement fund to be created in the manner following, to-wit: A general plan of the proposed extension or improvement of the municipal water system, together with the estimated cost of making such improvement, shall be prepared and filed in the office of the city clerk and published in the official newspaper of the city; thereupon the city council of said city shall by ordinance submit to the qualified electors of said city at a special election to be held for that purpose, the question of levying a special water improvement tax upon all of the taxable property within said city for the purpose of raising a special water improvement fund to be used exclusively for the making of the improvements or extensions in said water system; the question so submitted may contemplate the levying of such special tax for one year or for a succession of years, not exceeding ten years in all, the amount of the levy which it is proposed to make for each year, to be distinctly stated. If a majority of the votes cast at such special election shall vote in favor of the proposition to levy such special tax, then the city council shall have power to proceed with the levy of such

special taxes during the year, or series of years, for which the same was authorized, and said council shall create a special water improvement fund and may issue special water improvement fund warrants or bonds against said fund, the proceeds of which shall be used exclusively for the improving, extension, repair, or renewal, as the case may be, of the water system of such city. Such special water improvement fund warrants or bonds shall not be deemed an indebtedness against such city and the payment of such special water improvement fund warrants or bonds shall be limited to the special water improvement taxes so authorized to be levied and the holders of such warrants or bonds shall have recourse only against the funds raised by such special taxes. The special tax so authorized must be levied each year as originally authorized to take care of all outstanding warrants or bonds against such special fund. The city council shall have power to enact all necessary ordinances to give effect to this section.

SEC. 72. MEETINGS OF CITY COUNCIL: The city council of any such city shall hold regular meetings, the time and place of meeting to be prescribed by ordinance, which regular meetings of the council shall not be oftener than once a week nor less frequent than every three weeks, but nothing herein contained shall prevent the city council from holding special meetings at any time. No ordinance shall be valid unless the same be passed at a regular meeting of the council. No claims shall be allowed against the city by the city council, nor shall the city council order any warrants drawn except at a general meeting of the council. No resolution or order for the payment of money shall be passed at any time other than at a regular meeting of the council.

SEC. 73. REPEALING CLAUSE: Sections 24 to 91 inclusive, of an act entitled, "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, as well as all other acts and parts of acts in conflict herewith, are hereby repealed.

SEC. 74. An emergency exists and this act shall take effect immediately.

Passed the House March 2d, 1907.

Passed the Senate March 12th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 242.

[S. B. 296.]

AMENDING ACT RELATING TO TAXATION OF PROPERTY BENEFITED BY SYSTEMS OF DRAINAGE.

AN ACT to amend section 3730 of Ballinger's Annotated Codes and Statutes of Washington, relating to the assessment and taxation of benefitted property for the construction and maintenance of systems of drainage.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 3730 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same is, hereby amended to read as follows:

SEC. 3730. Upon the entry of the judgment upon the verdict of the jury, the clerk of said court shall immediately prepare a transcript, which shall contain a list of the names of all the persons and corporations benefited by said improvement and the amount of benefit derived by each, respectively, and shall duly certify the same, together with a list of the lands benefited by said improvement belonging to each person and corporation, and shall file the same with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in said list, together with the amounts thereof, and the same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other taxes and subject to the same right of redemption, and the lands sold for the collection of said taxes shall be subject to the same right of redemption as the

Transcript--
contents of.

Amount
shall be
entered on
tax rolls.