

CHAPTER 250.

[S. B. 430.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; providing for submission to the electors of the proposition for a general tax levy at the election for formation of the sewer district; providing for the election of sewer commissioners; providing for the sale of unneeded property; providing a method of requiring connection to the public sewer; providing for adoption, amendment and revision of the comprehensive plan and additions and betterments thereto, both for the original area and annexed areas, by resolution, after approval by the board of health and an engineer appointed by the county commissioners; authorizing sewer districts to contract with counties, cities, towns, sewer districts, water districts, and other municipal corporations and with private persons, firms and corporations for joint use of property, facilities and services; providing for the issuance and sale of revenue bonds, by resolution of the commissioners, to pay for additions and betterments to the original comprehensive plan for both the original area and for annexed areas; providing for the collection and enforcement of sewer service and connection charges; authorizing the issuance and sale of refunding general obligation and sewer revenue bonds; providing for the formation of utility local improvement districts, either upon petition or upon resolution of the sewer commissioners; providing for divesting of the jurisdiction of the sewer commissioners to proceed with the formation of a utility local improvement district, initiated by resolution, on filing of written protest by the owners of forty percent of the property within the area; providing for the segregation of special assessments; providing for alternative methods for annexation of territory adjoining or in close proximity to the district; providing for the withdrawal of territory from a sewer district; amending sections 56.04.050, 56.08.010, 56.08.020, 56.08.030, 56.08.040, 56.08.050, 56.08.060, 56.12.030, 56.16.010, 56.16.020, 56.16.030, 56.16.040, 56.16.100, 56.16.110, 56.20.020, 56.20.030, 56.20.040, 56.24.010, 56.24.020, 56.24.030, 56.24.050, 56.24.060, RCW; adding a new section to chapters 56.08, 56.16 and 56.20, and declaring an emergency.

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

SECTION 1. Section 56.04.050, RCW, as derived Amendment.
from section 4, chapter 140, Laws of 1945, is amended to read as follows:

Upon entry of the findings of the final hearing on

Special election.

Time.

Notice.

Ballots.

the petition, if the commissioners find the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the said proposed or reorganized district, they shall by resolution call a special election to be held not less than thirty days and not more than sixty days from the date thereof, and shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

Sewer DistrictYes

Sewer DistrictNo

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

Sewer District Reorganization..Yes

Sewer District Reorganization..No

giving in each instance the name of the district as decided by the board.

Commissioners to submit tax levy proposition.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the forty-mill tax limitation provided by law, of not to exceed five mills, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

One year 5 mill tax.....Yes

One year 5 mill tax.....No

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area encompassed by the proposed district at the last preceding general state election.

Same: vote
required.

SEC. 2. There is added to chapter 56.08, RCW, a new section to read as follows:

The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines by unanimous vote that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Vetoed

No real property of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not less than six months prior to the date of sale by three disinterested real-estate brokers licensed under the laws of the state of Washington. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof.

Amendment.

SEC. 3. Section 56.08.010, RCW, as derived from section 9, chapter 140, Laws of 1945, is amended to read as follows:

Power to acquire property and rights.

Eminent domain.

Construction, etc., and operation, etc., of system.

Conduct sewage.

Sewage treatment plants.

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including the drainage of public highways, streets, and roads, with full authority to regulate the use and operation thereof and the service rates to be charged. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets; within and without the district, and condemn and purchase or acquire land and rights-of-way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or water courses and also other areas of land from pollution, from its sewers or its sewage treatment plant. A district may compel all property

owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems within the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Connecting of private drains and systems to district system.

SEC. 4. Section 56.08.020, RCW, as derived from section 2, chapter 212, Laws of 1947, is amended to read as follows:

Amendment.

The sewer commissioners before creating any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a plan for a system of sewers for the district suitable and adequate for present and future needs thereof. The comprehensive plan shall provide for the collection and disposal of sewage and industrial and other liquid wastes produced within the district; provide for the construction of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, treatment plants, and other methods of disposal of sewage. The comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carry-

Comprehensive plan.

Collection and disposal.

Cost and expense distribution.

Engineering and legal services.

Approval
by engineer
and director
of health.

ing out the purposes hereof. The comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the county commissioners and to the director of health, and must be approved in writing by the engineer and director of health.

If the district includes portions of all of one or more cities or towns, the comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. This section and RCW 56.08.030, 56.08.040, 56.08.050, 56.16.010, and 56.16.020, shall not apply to reorganized districts, except as specifically referred to in this section.

Amendment.

SEC. 5. Section 56.08.030, RCW, as derived from section 12, chapter 210, Laws of 1941, is amended to read as follows:

Expenditures
before plan
adopted and
approved.

No expenditure for carrying on any part of such plan shall be made other than the necessary salaries of engineers, clerical, and office expenses of the district, and the cost of engineering, surveying, preparation, and collection of data necessary for making and adopting a general plan of improvements in the district, until the general plan of improvements has been adopted by the commissioners and approved as provided in section 4 of this act.

SEC. 6. Section 56.08.040, RCW, as derived from section 1, chapter 129, Laws of 1951, is amended to read as follows:

Area
annexed;
adoption of
plan for
additions and
betterments.

Whenever an area has been annexed to a district after the adoption of the comprehensive plan, the commissioners shall have the right and duty to adopt by resolution a plan for additions and betterments to the original comprehensive plan to provide for the needs of the area annexed.

Amendment.

SEC. 7. Section 56.08.050, RCW, as derived from section 15, chapter 210, Laws of 1941, is amended to read as follows:

When the electors of a district have authorized the issuance of general obligation bonds or sewer revenue bonds of the district to carry out the comprehensive plan, the commissioners may proceed with the improvement to the extent specified in the proposition or propositions to incur the indebtedness and issue the bonds.

Commissioners to carry out plan.

SEC. 8. Section 56.08.060, RCW, as derived from section 48, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

A sewer district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person, firm or corporation, for the joint use of any property, facilities, or services, and a sewer district may provide sewer service to property owners outside the limits of the sewer district.

Contracts for joint use of property, etc.

SEC. 9. Section 56.12.030, RCW, as derived from section 1, chapter 212, Laws of 1947, is amended to read as follows:

Amendment.

Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty qualified electors or ten percent of the qualified electors of the district, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least thirty days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy shall be filled by appointment by the remaining commissioners until the next regular election for commissioners: *Provided*, That if there is a vacancy of the entire board a new board may be appointed by the board of county commissioners. Any person residing in the district who is at the time of election a qualified voter may vote at any election held in the sewer district.

Nominations for board of commissioners.

Election.

Vacancies.

Election
expense.

All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.

Amendment.

SEC. 10. Section 56.16.010, RCW, as derived from section 1, chapter 26, Laws of 1951, 2nd Extraordinary Session, is amended to read as follows:

General
indebtedness
proposition.

The sewer commissioners may submit at any general or special election, a proposition that said sewer district incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of any part or all of the comprehensive plan for the district. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said sewer district voting on said proposition at said election, at which such election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in said sewer district at the last preceding general state election.

Amendment.

SEC. 11. Section 56.16.020, RCW, as derived from section 2, chapter 129, Laws of 1951, is amended to read as follows:

Submission
of proposition
to issue
revenue
bonds.

At any general or special election, a proposition that the district issue revenue bonds for the construction or other costs of any part or all of the comprehensive plan may be submitted. The amount of the revenue bonds to be issued and the terms thereof shall be included in the proposition submitted. The proposition shall be adopted by a majority of the voters of the district voting thereon. When the prop-

osition has been adopted, the commissioners may forthwith carry out the general plan to the extent specified therein.

SEC. 12. Section 56.16.030, RCW, as derived from section 2, chapter 26, Laws of 1951, 2nd Extraordinary Session, is amended to read as follows: Amendment.

In the same manner as herein provided for the adoption of the original comprehensive scheme, and after the adoption of the original comprehensive scheme, a plan providing for additions and betterments to the original comprehensive scheme, or reorganized district may be adopted. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners without submitting a proposition therefor to the voters. Plan for additions and betterments.
General indebtedness for additions and betterments.
Revenue bonds for additions and betterments.

SEC. 13. Section 56.16.040, RCW, as derived from section 3, chapter 26, Laws of 1951, 2nd Extraordinary Session, is amended to read as follows: Amendment.

Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize

General obligation bonds; issuance, form, interest and maturity.

a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided. The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest not to exceed six percent per annum, payable semiannually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: *Provided*, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Same; maturity date limitation.

Such bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

Same; signatures.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

Same; levy for retirement and interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty-mill tax limitation sufficient to meet the annual or semiannual payments

of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

Same; sale.

SEC. 14. Section 56.16.100, RCW, as derived from section 23, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

The commissioners shall enforce collection of the sewer connection charges and sewerage disposal service charges against property owners receiving the service, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either sewer connection charges or sewer service charges are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the district is situated, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year, shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

Collection of sewer connection or service charges.

Delinquencies.

Lien.

SEC. 15. Section 56.16.110, RCW, as derived from section 24, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

The district may, at any time after the connection or service charges and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the district is situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it may adjudge reasonable. The action shall be *in rem*, and may be

Suits to collect delinquencies.

brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

New section. SEC. 16. There is added to chapter 56.16, RCW, a new section to read as follows:

Refunding general obligation bonds.
 Cost.

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040 specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the forty-mill tax limitation shall apply to the refunding general obligation bonds issued under this act.

Refunding revenue bonds; purpose.
 Cost.

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refunding revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Any refunding revenue bonds issued hereunder shall retain the same lien priority upon the sewer revenues as that held by the revenue bonds

refunded thereby at the time of such refunding. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund of the refunding issue. The provisions of RCW 56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this act.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district.

Exchange
or sale
of bonds.

SEC. 17. Section 56.20.020, RCW, as derived from section 27, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

Utility local improvement districts to carry out all or any portion of the comprehensive plan, or additions and betterments thereof, adopted for the sewer district may be initiated either by resolution of the board of sewer commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the utility local improvement district to be created.

Utility local
improvement
districts.

In case the board of sewer commissioners shall desire to initiate the formation of a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Same;
formation by
resolution.

Same;
formation by
petition.

In case any such utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created. Upon the filing of such petition with the secretary of the board of sewer commissioners, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the secretary of the board of sewer commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Sufficiency
of petition.

Resolution of
intention.

Same;
publication.

The resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of sewer commissioners. Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen

Same;
notice.

days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of sewer commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of sewer commissioners before the time fixed for said public hearing.

SEC. 18. Section 56.20.030, RCW, as derived from section 28, chapter 210, Laws of 1941, is amended to read as follows: Amendment.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice. Hearing on utility local improvement districts.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with

any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

Commissioners to proceed with improvement.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Special assessments levy.

Amendment.

SEC. 19. Section 56.20.040, RCW, as derived from section 29, chapter 210, Laws of 1941, is amended to read as follows:

Publication of special assessments tax levy roll.

Before the approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary

against any assessments shown thereon, and fixing a time when a hearing will be held by the commission on the protests. The notice shall also be given by mailing at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county in which the sewer district is located.

Hearing.

Notice.

SEC. 20. There is added to chapter 56.20, RCW, a new section to read as follows:

New section.

Whenever any land against which there has been levied any special assessment by any sewer district shall have been sold in part or subdivided, the board of sewer commissioners of such district shall have the power to order a segregation of the assessment.

Sale or subdivision of land; segregation of assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the sewer district which levied the assessment. If the sewer commissioners determine that a segregation should be made, they shall by resolution order the county treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board of sewer commissioners may require as a condition to the order of segre-

Application.

Resolution to make segregation of assessment.

Same; contents.

Same; fee.

Engineering and clerical costs.

gation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

Amendment.

SEC. 21. Section 56.24.010, RCW, as derived from section 4, chapter 26, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

Annexation of territory.

The territory adjoining or in close proximity to and in the same county with a sewer district, may be annexed to the district. It may either comprise or include the area of one or more other sewer districts. Annexation may be effected by any one of the following methods:

Methods.

(1) By resolution of the board of county commissioners upon the filing of a petition, signed by the owners of not less than sixty percent of the area of land within the territory to be annexed, concurred in by the sewer commissioners of the district. No election shall be required under this procedure.

(2) By vote of the qualified electors residing in the territory to be annexed at an election to be held as provided in sections 24 and 25 of this act after the filing of a petition signed by registered voters residing in the territory to be annexed totaling in number at least twenty percent of the number of votes cast in said territory at the last preceding general election, concurred in by the board of sewer commissioners and the board of county commissioners.

(3) By vote of the qualified electors residing in the territory to be annexed at an election to be held as provided in sections 24 and 25 of this act after certification by the county health officer that the public health and safety require the annexation, concurred in by the board of sewer commissioners and the board of county commissioners.

Amendment.

SEC. 22. Section 56.24.020, RCW, as derived from section 35, chapter 210, Laws of 1941, is amended to read as follows:

Upon the filing of a petition of registered voters with the sewer commissioners, if they concur therein, they shall file the petition with the county auditor, who shall, within ten days, examine the signatures thereon and certify to the sufficiency thereof. If the petition is found to contain a sufficient number of signatures, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the sewer district commissioners.

Annexation
petition;
certificate of
sufficiency.

SEC. 23. Section 56.24.030, RCW, as derived from section 36, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

If the sewer commissioners are satisfied as to the sufficiency of a petition of registered voters or a petition of property owners, and concur therein, they shall transmit it, together with their certificate of concurrence attached thereto, to the board of county commissioners. The county commissioners, upon receipt of a petition certified to contain a sufficient number of signatures, or upon a receipt of a petition signed by the owners of not less than sixty percent of the area of land within the territory to be annexed, together with a certificate of concurrence, shall at a regular or special meeting, cause to be published for at least two weeks in two successive weekly issues of some weekly newspaper published in the county, and in general circulation throughout the territory, and if there is no such newspaper, then at least once a week for two successive weeks in some newspaper of general circulation therein, a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Same;
certificate of
concurrence.

Publication.

SEC. 24. Section 56.24.050, RCW, as derived from section 38, chapter 210, Laws of 1941, is amended to read as follows:

Amendment

Upon the entry of the findings of the county commissioners, if they find the proposed annexation to be conducive to the public health, welfare, and convenience and to be of special benefit to the land proposed to be annexed, they shall: (1) in the case of annexation petitioned for by property owners, declare the area as established by the board of county commissioners to be annexed to the sewer district, and said area shall then forthwith be a part of the district; or (2) in the case of annexation petitioned for by registered voters or requested by the health officer, give notice of a special election to be held in the area to determine whether it shall be annexed. The notice shall particularly describe the boundaries established by the county commissioners on their final hearing of the petition, and shall state the name of the district to which the territory is proposed to be annexed. The notice shall be published weekly for at least two weeks prior to the election in a weekly newspaper published in the county, and if there is no such newspaper, then in some newspaper of general circulation therein at least once a week for two successive weeks, and the notice shall be posted for the same period in at least four public places within the territory. The notice shall designate the places in the territory where the election will be held, and shall require the voters to cast ballots which shall contain the words:

Declaration of annexation; when.

Special election for annexation; when.

Notice.

Publication.

Ballots.

- For annexation to sewer district.
- Against annexation to sewer district.

Judges.

The county commissioners shall name the persons to act as judges at the election.

Amendment.

SEC. 25. Section 56.24.060, RCW, as derived from section 39, chapter 210, Laws of 1941, is amended to read as follows:

Conduct of election.

The election shall be held on the date designated in the notice and shall be conducted in accordance with general election laws. Only qualified electors,

at the date of election, residing in the territory shall be permitted to vote at the election. The judges of election shall make return thereof to the sewer commissioners, who shall canvass the returns and enter a statement of the result of the election on their records. If the majority of the votes cast favor annexation, the territory shall immediately become annexed to the district and shall then forthwith be a part of the district.

Electors.

Canvass.

SEC. 26. Wherever in Title 56, RCW, petitions are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof:

Petition signatures; rules governing.

(1) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse.

(2) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.

(3) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient.

(4) Any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation, provided that there shall be attached to the petition a certified excerpt from the bylaws showing such authority.

(5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

SEC. 27. Territory within a sewer district may be withdrawn therefrom in the same manner provided by law for withdrawal of territory from water districts, and in addition thereto, territory may be with-

Withdrawal of territory from district.

drawn from a sewer district upon a written petition designating the territory proposed to be withdrawn signed by all of the owners of land within said territory, concurred in by unanimous vote of the sewer commissioners and approved by resolution of the board of county commissioners. The provisions of RCW 57.28.110 shall apply to territory withdrawn from a sewer district.

Emergency.

SEC. 28. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 6, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 20, 1953, with the exception of Section 2, which is vetoed.