

CHAPTER 4.

[S. B. No. 47.]

COUNTIES—TITLE 36 RCW REENACTMENT.

AN ACT relating to state and local government; enacting a title of the Revised Code of Washington to be known as Title 36—Counties; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 36

COUNTIES

Chapter 36.01

GENERAL PROVISIONS

36.01.010 Corporate powers. The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands within their own limits; to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county.

36.01.020 Corporate name. The name of a county, designated by law, is its corporate name, and it must be known and designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

36.01.030 Powers—How exercised. Its powers can only be exercised by the county commissioners, or by agents or officers acting under their authority or authority of law.

36.01.040 Conveyances for use of county. Every conveyance of lands, or transfer of other property, made in any manner for the use of any county, shall have the same force and effect as if made to the county in its proper and corporate name.

36.01.050 Venue of actions by or against counties. All actions against any county may be commenced in the superior court of such county, or of the adjoining county, and all actions by any county shall be commenced in the superior court of the county in which the defendant resides, or in the county adjoining the county by which such action is commenced.

36.01.060 County liable for certain court costs. Each county shall be liable to pay the per diem and mileage, or other compensation in lieu thereof, to jurors of the county attending the superior court; the fees of the sheriff for maintaining prisoners charged with crimes, and his costs in conveying them to and from the court, as well as their board while there; the per diem and mileage, or such other compensation as is allowed in lieu thereof, of the sheriff of the county, when in criminal cases he is required to attend or travel to the superior court out of the limits of his own county; the costs in criminal cases taken from the justice or inferior courts to the superior court; but no such claims shall be paid by the treasurer unless the particular items are approved by the judge and certified by the clerk under the seal of the court. For the time or travel which may be paid by the parties or United States, no payment from the county shall be allowed, and no officer, juror, or witness shall receive from the county double pay as a per diem for the same time, or as traveling expenses or mileage for the same travel, in however many different capacities or in however many different causes they may be summoned, notified, or called upon to testify or attend in.

Chapter 36.05

ACTIONS TO ESTABLISH BOUNDARIES

36.05.010 Suit in equity authorized—Grounds. Whenever the boundary line between two or more adjoining counties in this state are in dispute, or have been lost by time, accident or any other cause, or have become obscure or uncertain, one or more of the counties, in its corporate name, may bring and maintain suit against such other adjoining county or counties, in equity, in the superior court, to establish the location of the boundary line or lines.

36.05.020 Noninterested judge to sit. A suit to establish county boundary lines shall be tried before a judge of the superior court who is not a resident of a county which is a party to such suit, or of a judicial district embracing any such county.

36.05.030 Residents of area may intervene. A majority of the voters living in the territory embracing such disputed, lost, obscure, or uncertain boundary line may, by petition, duly verified by one or more of them, intervene in the suit, and thereupon the court shall have jurisdiction and power, in locating and establishing the boundary line or lines, to strike or transfer from one county to another a strip or portion of such territory not exceeding two miles in width.

36.05.040 Questions of fact to be determined. The boundaries of such territory, the number of voters living therein, and the sufficiency of such petition are questions of fact to be determined by the court.

36.05.050 Court may establish boundary line. The court shall have power to move or establish such boundary line on any government section line or subdivisional line thereof, of the section in or through which said disputed, lost, obscure or uncertain boundary line may be located, or if such boundary line is in unsurveyed territory, then the court shall have power to move or establish such boundary line so it will conform to extensions of government section lines already surveyed in that vicinity.

36.05.060 Practice in civil actions to prevail. The practice, procedure, rules of evidence, and appeals to the supreme court applicable to civil actions, are preserved under this chapter.

36.05.070 Copies of decree to be filed and recorded. The clerk of the court in whose office a decree is entered under the provisions of this chapter, shall forthwith furnish certified copies thereof to the secretary of state, and to the auditors of the counties, which are parties to said suit. The secretary of state, and the county auditors, shall file and record said copies of the decree in their respective offices.

36.05.080 "Territory" defined. The term "territory," as used in this chapter, means that portion of counties lying along the boundary line and within one mile on either side thereof.

Chapter 36.08

TRANSFER OF TERRITORY WHERE CITY'S HARBOR LIES IN TWO COUNTIES

36.08.010 Petition and notice of election. If a harbor, inlet, bay, or mouth of river is embraced within two adjoining counties, and an incorporated city is located upon the shore of such harbor, bay, inlet, or mouth of river and it is desired to embrace within the limits of one county, the full extent of the shore line of the harbor, port, or bay, and the waters thereof, together with a strip of the adjacent and contiguous upland territory not exceeding three miles in width, to be measured back from highwater mark, and six miles in length, and not being at a greater distance in any part of said strip from the courthouse in the county seat of the county to which the territory is proposed to be annexed, as such county seat and courthouse are now situated, than ten miles, a majority of the qualified electors living in such territory may petition to have

the territory stricken from the county of which it shall then be a part, and added to and made a part of the county contiguous thereto.

The petition shall describe with certainty the bounds and area of the territory, with the reasons for making the change and shall be presented to the board of county commissioners of the county in which the territory is located, which shall proceed to ascertain if the petition contains the requisite number of petitioners, who must be bona fide residents of the territory sought to be stricken off and transferred to the contiguous county.

If satisfied that the petition is signed by a majority of the bona fide electors of the territory, and that there will remain in the county from which it is taken more than four thousand inhabitants, the board shall make an order that a special election be held within the limits of the territory described in the petition, on a date to be named in the order.

Notices of the election shall contain a description of the territory proposed to be transferred and the names of the counties from and to which the transfer is intended to be made, and shall be posted and published as required for general elections.

36.08.020 Conduct of election — Proclamation of change. The election shall be conducted in all respects as general elections are conducted under the laws governing general elections, in so far as they may be applicable, except that there shall be triplicate returns made, one to each of the respective county auditors and another to the office of the secretary of state. The ballots used at such election shall contain the words "for transferring territory," or "against transferring territory." The votes shall be canvassed, as by law required, within twenty days, and if three-fifths of the votes cast in the territory at such election are "for transferring territory," the territory described in the petition shall become a part of and be added to and made a part of the county contiguous thereto, and within thirty days after the canvass of the returns of the election, the governor shall issue his proclamation of the change of county lines.

36.08.030 Official proceedings not disturbed by transfer. All assessments and collection of taxes, and all judicial or other official proceedings commenced prior to the governor's proclamation transferring territory to a contiguous county, shall be continued, prosecuted, and completed in the same manner as if no such transfer had been made.

36.08.040 Local officers to serve out terms. All township, precinct, school, and road district officers within the transferred territory shall continue to hold their respective offices within the county to which they may be transferred until their respective terms of office expire, and until their successors are elected and qualified.

36.08.050 Transferee county liable for existing debts—Exception. Every county which is thus enlarged by territory taken from another county shall be liable for a just proportion of the existing debts of the county from which such territory is stricken, which proportion shall be paid by the county to which such territory is transferred at such time and in such manner as may be agreed upon by the boards of county commissioners of both counties: *Provided*, That the county to which the territory is transferred shall not be liable for any portion of the debt of the county from which the territory is taken, incurred in the purchase of any county property, or the construction of any county building then in use or under construction, which shall fall within and be retained by the county from which the territory is taken.

36.08.060 Adjustment of indebtedness. The county auditors of the respective counties interested in the transfer of territory, as in this chapter provided, are constituted a board of appraisers and adjusters, to appraise the property, both real and personal, owned by the county from which the territory is taken, and to adjust the indebtedness of such county with the county to which such territory is transferred, in proportion to the amount of taxable property within the territory taken from the one county and transferred to the other.

36.08.070 Arbitration of differences. If the board of appraisers and adjusters do not agree on any subject, value, or settlement, they shall choose a third man from an adjoining county to settle their differences, and the decision thus arrived at shall be final.

36.08.080 Expense of proceedings. The expense of the proceedings and election provided for in this chapter shall be paid by the county to which the territory is attached.

36.08.090 Transcript of records by county auditor. The county auditor of the county to which any territory may be transferred may take transcripts of all records, books, papers, etc., on file in the office of the county auditor of the county from which the territory has been transferred, which may be necessary to perfect the records of his county, and for this purpose he shall have access to the records of the county from which such territory is stricken, free of cost.

36.08.100 Construction—Limitations. Nothing in this chapter shall be construed to authorize the annexing of territory of one county to a neighboring county, where the territory proposed to be annexed, or any part thereof, is at a greater distance than ten miles from the courthouse in the county seat of the county to which said territory is proposed to be annexed, as said courthouse is now located, nor to authorize the annexation of any territory

at a greater distance than three miles from high water mark of tide water, but such annexation shall be strictly confined within said limits.

Chapter 36.09

DIVISION OF COUNTY

36.09.010 Debts and property to be apportioned. Whenever a new county shall be or shall have been organized out of the territory which was included within the limits of any other county or counties, the new county shall be liable for a reasonable proportion of the debts of the county from which it was taken, and entitled to its proportion of the property of the county.

36.09.020 Procedure to settle amount charged new county—Basis of apportionment. The auditor of the old county shall give the auditor of the new county reasonable notice to meet him on a certain day at the county seat of the old county, or at some other convenient place, to settle upon and fix the amount which the new county shall pay. In doing so, they shall not charge either county with any share of debts arising from the erection of public buildings, or out of the construction of roads or bridges which shall be and remain, after the division, within the limits of the other county, and of the other debts they shall apportion to each county such a share of the indebtedness as may be just and equitable, taking into consideration the population of such portion of territory so forming a part of the said counties while so united, and also the relative advantages, derived from the old county organization.

36.09.035 ———Disagreement between auditors—Determination by third person. In case the two auditors cannot agree, they shall call a third person, not a citizen of either county, or in any other manner interested, whose decision shall be binding. In case they cannot agree upon such third person, they shall each name one and decide by lot which it shall be.

36.09.040 Payment of indebtedness—Transfer of property. The auditor of the county indebted upon such decision shall give to the auditor of the other county his order upon the treasurer for the amount to be paid out of the proper fund, as in other cases, and also make out a transfer of such property as shall be assigned to either county.

36.09.050 Collection of taxes levied—Apportionment. When a county is divided or the boundary is altered, all taxes levied before the division was made or boundaries changed, must be collected by the officers of the county in which the territory was situated before the division or change. And the auditor or auditors of the

county or counties so divided or having boundaries changed, shall apportion the amount of the real property taxes so collected after division or change of boundary to the old county or counties and the new county or counties, in the ratio of the assessed value of such property situated in the territory of each county or counties respectively, and the old county that may have been divided or whose boundaries may have been changed, shall retain all of the personal property taxes on the said tax rolls, as compensation for cost of collection of the entire taxes: *Provided*, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: *Provided further*, That this shall not be construed to affect the rights of creditors: *And provided further*, That any such county property or buildings shall be the property of and owned by the county wherein the same is situated. In case the auditors of the interested counties are not able to agree upon the proportion to be awarded to each county, the same shall be determined by the judge of the superior court of the district in which all of the interested counties are situated, if they be in one district, and have one common judge, and if not, by the judges sitting en banc of the superior courts of the counties involved. Said auditors shall make said apportionment within sixty days after the creation of any new county or the changing of boundaries of any old county, and if they do not, within said time, agree upon said apportionment, thereafter either or any county affected may petition the judge or judges of any court given jurisdiction by this section, and upon ten days' notice to any other county affected, the same may be brought on for hearing and summarily disposed of by said judge or judges, after allowing each side an opportunity to be heard.

Chapter 36.12

REMOVAL OF COUNTY SEATS

36.12.010 Petition for removal. Whenever the inhabitants of any county desire to remove the county seat of the county from the place where it is fixed by law or otherwise, they shall present a petition to the board of county commissioners of their county praying such removal, and that an election be held to determine to what place such removal must be made. The petition shall set forth the names of the towns or cities to which the county seat is proposed to be removed.

36.12.020 Requisites of petition—Submission to electors. If the petition is signed by qualified voters of the county equal in number

to at least one-third of all the votes cast in the county at the last preceding general election the board must, at the next general election of county officers, submit the question of removal to the electors of the county.

36.12.030 Notice of election—Election, how held. Notice of the election, clearly stating the object, shall be given, and the election must be held and conducted, and the returns made, in all respects in the manner prescribed by law in regard to elections for county officers.

36.12.040 Manner of voting. In voting on the question, each voter must vote for or against the place named in the petition.

36.12.050 Vote required—Notice of result. When the returns have been received and compared, and the results ascertained by the board, if three-fifths of the legal votes cast by those voting on the proposition are in favor of any particular place the proposition has been adopted. The board of county commissioners must give notice of the result by posting notices thereof in all the election precincts in the county.

36.12.060 Time of removal. In the notice provided for in RCW 36.12.050, the place selected to be the county seat of the county must be so declared upon a day not more than ninety days after the election. After the day named the place chosen is the seat of the county; and the several county officers, whose offices are required by law to be kept at the county seat, shall remove their respective offices, files, records, office fixtures, furniture, and all public property pertaining to their respective offices to the new county seat.

36.12.070 Notice to county clerk and secretary of state. Whenever any election has been held for change of county seat, the notice given by the board of county commissioners showing the result thereof must be deposited in the office of the county clerk, and a certified copy thereof transmitted to the secretary of state.

36.12.080 Failure of election—Limitation on subsequent removal election. When an election has been held and no one place receives three-fifths of all the votes cast, the former county seat shall remain the county seat, and no second election may be held within four years thereafter.

36.12.090 Limitation on successive removal elections. When the county seat of a county has been removed by a popular vote of the people of the county, it may be again removed, from time to time, in the manner provided by this chapter, but no two elections to effect such removal may be held within four years.

Chapter 36.13**CLASSIFICATION OF COUNTIES**

36.13.010 Counties classified by population. The several counties of the state are classified by population as follows: Counties containing a population of five hundred thousand or more shall be known as class AA counties; counties containing a population of two hundred ten thousand or more shall be known as class A counties; counties containing a population of one hundred twenty-five thousand and less than two hundred ten thousand shall be known as counties of the first class; counties containing a population of seventy thousand and less than one hundred twenty-five thousand shall be known as counties of the second class; counties containing a population of forty thousand and less than seventy thousand shall be known as counties of the third class; counties containing a population of eighteen thousand and less than forty thousand shall be known as counties of the fourth class; counties containing a population of twelve thousand and less than eighteen thousand shall be known as counties of the fifth class; counties containing a population of eight thousand and less than twelve thousand shall be known as counties of the sixth class; counties containing a population of five thousand and less than eight thousand shall be known as counties of the seventh class; counties containing a population of three thousand three hundred and less than five thousand shall be known as counties of the eighth class; counties containing a population of less than three thousand three hundred shall be known as counties of the ninth class.

36.13.020 County census authorized. Whenever the board of county commissioners of any county determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it may order a county census to be taken of all the inhabitants of the county: *Provided*, That no county census enumeration under the provisions of RCW 36.13.020 through 36.13.070 shall be made within the three years next preceding or within the three years next following a federal census. The expense of such census enumeration shall be paid from the county current expense fund.

36.13.030 ————How taken—Enumerators. For the purpose of making a county census, the board of county commissioners may employ one or more suitable persons. The census shall give the full name, age, and occupation, if any, of each person resident in the county as of a date to be fixed by the board. The names shall

be plainly written, alphabetically arranged, and numbered in complete series. Each person employed as an enumerator shall prepare a complete list of all names taken by him and shall verify his list as true and correct before an officer authorized to administer oaths. All such lists shall be filed with the county auditor of the county to which they pertain.

36.13.040 ————**Information to be given enumerators.** All persons resident in the county, having knowledge of the facts, shall give the information required herein to any duly authorized census enumerator when requested by him.

36.13.050 ————**Classification to be based on census.** The board of county commissioners shall determine the population of the county based upon such special county census. Based upon such census, it shall enter an order declaring and fixing the population of the county in accordance with such determination, and from and after the entry of the order the county shall be considered and classified for all purposes according to the population thus determined.

36.13.070 ————**Penalty.** Any person violating any of the provisions of RCW 36.13.020, 36.13.030, 36.13.040, and 36.13.050, or any officer or enumerator making, assisting, or permitting any duplication of names or making, permitting, or assisting in the enumeration of any fictitious names or persons in taking the census, shall be guilty of a gross misdemeanor.

36.13.075 **Classification of new or altered counties—Salaries unaffected.** Newly created counties shall be governed as to classification by the provisions of this chapter. When the population of any existing county has been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank to which it was first entitled, the county commissioners shall designate, by order, the class to which such county has been reduced by reason thereof, and the county shall then enter such class: *Provided*, That the salary of county officers shall not be affected by reason of such division for the term for which they were elected.

36.13.080 **Reclassification from 1940 census of seventh, eighth, and ninth class counties.** No change from the 1940 census in the classification of seventh, eighth, and ninth class counties as provided by RCW 36.13.010 and 36.17.020 shall occur until the board of county commissioners of each such respective county makes an order reclassifying such county: *Provided*, That such order shall be made within ninety days after the issuance of the federal official preliminary estimate of the population for such county. If no order of reclassification be made by the board of county commissioners the federal official preliminary estimate or the final certificate of

the census of 1950 shall be considered as showing the actual population of such county.

Such order of reclassification shall not become effective until sixty days after the order is made. During such period of sixty days a referendum may be commenced by a petition filed by the qualified electors of the county in numbers equal to or exceeding fifteen percent of the whole number of electors of such county who voted for governor at the regular gubernatorial election last preceding and such petition shall within sixty days of date of such order be filed in the office of the county auditor.

Upon the filing of such petition, the county auditor shall canvass the signatures thereon in order to determine whether or not the petition contains the requisite signatures and upon ascertaining that fact the county auditor shall certify the petition. Thereafter such order shall be placed upon the ballot at the next general election to be held in the county.

36.13.090 Powers of first class counties apply to class A and Class AA counties. All provisions of law relative to the powers and duties of first class counties and the officers thereof shall apply with equal force to class A counties and class AA counties, except as otherwise provided by law.

36.13.100 Determination when population is basis for allocation of funds. Whenever any funds are allocated to counties on the basis of population, the population of the respective counties shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error.

Chapter 36.16

COUNTY OFFICERS—GENERAL

36.16.010 Time of election. The election of county and precinct officers shall be held on the Tuesday next following the first Monday in November, 1922; and every four years thereafter on the Tuesday next following the first Monday in November, and all such elective county and precinct officers shall after midnight, June 11, 1919, be elected at the time herein specified: *Provided*, That if a vacancy occur during the first biennium after any such election, an election to fill such vacancy for the unexpired term shall be held at the next succeeding general election.

36.16.020 Term of county and precinct officers. The term of office of all county and precinct officers shall be four years and until their successors are elected and qualified and shall begin on the second Monday in January following the election: *Provided*, That this section and RCW 36.16.010 shall not apply to county commissioners: *Provided further*, That this section shall not apply to county superintendents elected in 1962.

36.16.030 Elective county officers enumerated. In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer: *Provided*, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes no coroner shall be elected and the prosecuting attorney shall be ex officio coroner: *Provided further*, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor.

36.16.032 Offices of auditor and clerk may be combined in eighth class counties—Salary. The office of county auditor may be combined with the office of county clerk in counties of the eighth class by unanimous resolution of the board of county commissioners passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor shall be four thousand five hundred dollars.

Note: See also section 2, chapter 164, Laws of 1963.

36.16.040 Oath of office. Every person elected to county office shall before he enters upon the duties of his office take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer authorized to administer oaths, without charge therefor.

36.16.050 Official bonds. Every county auditor before he enters upon the duties of his office shall furnish a bond conditioned that he will faithfully perform the duties of his office and account for and pay over all money which may come into his hands by virtue of his office, and that he, or his executors or administrators, will deliver to his successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his office. Bonds of elective county officers shall be as follows:

Assessor: Amount to be fixed and sureties to be approved by the board of county commissioners;

Auditor: Amount to be fixed at not less than three thousand

dollars and sureties to be approved by the board of county commissioners;

Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he is clerk;

Coroner: In the amount of one thousand dollars with sureties to be approved by the board of county commissioners;

County commissioners: Sureties to be approved by the county clerk and the amounts to be:

(1) In class A counties and first class counties twenty-five thousand dollars;

(2) In second class counties, twenty-two thousand five hundred dollars;

(3) In third class counties, twenty thousand dollars;

(4) In fourth class counties, fifteen thousand dollars;

(5) In fifth class counties, ten thousand dollars;

(6) In sixth class counties, seven thousand five hundred dollars;

(7) In seventh and eighth class counties, five thousand dollars;

(8) In ninth class counties, two thousand dollars;

Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the board of county commissioners;

Sheriff: Amount to be fixed and bond approved by the board of county commissioners at not less than two thousand nor more than twenty-five thousand dollars; surety to be a surety company authorized to do business in this state;

Superintendent of schools: Amount to be fixed and sureties to be approved by the county board of education;

Treasurer: Sureties to be approved by the board of county commissioners and the amounts to be fixed by the board of county commissioners at double the amount liable to come into the treasurer's hands during his term, the maximum amount of the bond, however, not to exceed:

(1) In class A counties, two hundred fifty thousand dollars;

(2) In first class counties, two hundred thousand dollars;

(3) In second, third and fourth class counties, one hundred fifty thousand dollars;

(4) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him for the use of the county shall be paid as the commissioners shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his duties.

In the approval of official bonds, the chairman may act for the board of county commissioners if it is not in session.

36.16.060 Place of filing oaths and bonds. Every county officer, before entering upon the duties of his office, shall file his oath of office in the office of the county auditor and his official bond in the office of the county clerk: *Provided*, That the official bond of the county clerk, after first being recorded by the county auditor, shall be filed in the office of the county treasurer.

Oaths and bonds of deputies shall be filed in the offices in which the oaths and bonds of their principals are required to be filed.

36.16.070 Deputies and employees. In all cases where the duties of any county office are greater than can be performed by the person elected to fill it, the officer may employ deputies and other necessary employees with the consent of the board of county commissioners. The board shall fix their compensation and shall require what deputies shall give bond and the amount of bond required from each. The sureties on deputies' bonds must be approved by the board and the premium therefor is a county expense: *Provided*, That this paragraph shall not apply to those employees of the county superintendents holding a certificate from the state board of education or state board of vocational education.

A deputy may perform any act which his principal is authorized to perform. The officer appointing a deputy or other employee shall be responsible for the acts of his appointees upon his official bond and may revoke each appointment at pleasure.

36.16.087 ———County treasurer—Prior deeds validated. In all cases in which the county treasurer of any county in the state of Washington shall have executed a tax deed or deeds prior to February 21, 1903, either to his county or to any private person or persons or corporation whomsoever, said deed or deeds shall not be deemed invalid by reason of the county treasurer who executed the same not having affixed a seal of office to the same, or having affixed a seal not an official seal; nor shall said deed or deeds be deemed invalid by reason of the fact that at the date of the execution of said deed or deeds there was in the state of Washington no statute providing for an official seal for the office of county treasurer.

36.16.090 Office space. The boards of county commissioners of the several counties of the state shall provide a suitable furnished office for each of the county officers in their respective courthouses.

36.16.100 Offices to be open certain days and hours. All county and precinct offices shall be kept open for the transaction of business during such days and hours as the board of county commissioners shall by resolution prescribe.

36.16.110 Vacancies in office. The board of county commissioners in each county shall, at its next regular or special meeting

after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

36.16.120 Officers must complete business. All county officers shall complete the business of their offices, to the time of the expiration of their respective terms, and in case any officer, at the close of his term, leaves to his successor official labor to be performed, which it was his duty to perform, he shall be liable to his successor for the full value of such services.

Chapter 36.17

SALARIES OF COUNTY OFFICERS

36.17.010 Salary full compensation. The county officers of the counties of this state, according to their class, shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them.

36.17.020 Schedule of salaries. The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, nine thousand two hundred dollars; prosecuting attorney, ten thousand eight hundred dollars;

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, eight thousand three hundred dollars; prosecuting attorney, nine thousand eight hundred dollars; coroner, four thousand one hundred dollars;

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, member of board of county commissioners, seven thousand dollars; prosecuting attorney, seven thousand four hundred dollars; coroner, two thousand four hundred dollars;

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, members of board of county commissioners, prosecuting attorney, six thousand three hundred dollars; and coroner, one thousand six hundred dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor,

sheriff, superintendent of schools, five thousand six hundred dollars; members of the board of county commissioners and prosecuting attorney, five thousand one hundred dollars;

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, five thousand one hundred dollars; members of the board of county commissioners and prosecuting attorney, four thousand four hundred dollars;

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, four thousand six hundred dollars; prosecuting attorney, two thousand eight hundred dollars; members of the board of county commissioners, one thousand five hundred dollars and twelve dollars per diem for expenses;

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, four thousand five hundred dollars; prosecuting attorney, two thousand eight hundred dollars; members of the board of county commissioners, one thousand five hundred dollars and twelve dollars per diem for expenses;

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, four thousand dollars; clerk, two thousand eight hundred dollars; superintendent of schools, two thousand six hundred dollars; prosecuting attorney, two thousand four hundred dollars; members of board of county commissioners, one thousand two hundred dollars and ten dollars per diem for expenses;

Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor, three thousand seven hundred dollars; superintendent of schools, two thousand two hundred dollars; prosecuting attorney, one thousand seven hundred dollars; members of the board of county commissioners, twelve dollars per diem.

The salaries of county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroners, twelve thousand dollars; prosecuting attorney, thirteen thousand five hundred dollars.

Note: See also section 1, chapter 164, Laws of 1963.

36.17.030 Expenses. All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed ten cents per mile for each mile of necessary travel.

36.17.040 Payment of salaries of officers and employees. The salaries of county officers and employees of counties other than counties of the eighth and ninth classes may be paid twice monthly

out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the twentieth day of the month, draw his warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw his warrant, not later than the fifth day of the following month, and the county commissioners may enter an order on the record journal empowering him so to do: *Provided*, That if the board of county commissioners do not adopt the semimonthly pay plan, they, by resolution, shall designate the first pay period as a draw day. The draw day period shall be from the first day to the fifteenth day of the month, inclusive. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. The draw day shall not be later than the twentieth day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifth day of the following month.

In counties of eighth and ninth classes salaries shall be paid monthly unless the commissioners by resolution adopt the foregoing draw day procedure.

36.17.050 Salary warrant may be withheld. The auditor shall not draw his warrant for the salary of any officer until the latter shall have first filed his duplicate receipt with the auditor, properly signed by the treasurer, showing he has made the last required monthly statement and settlement.

Chapter 36.18

FEEES OF COUNTY OFFICERS

36.18.010 Auditor's fees. County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar: *Provided*, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments; for the first page, legal size (eight and one-half by thirteen inches or less), two dollars; for each

additional legal size page, one dollar; for indexing each name over two, ten cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, five dollars, (this fee includes taking necessary affidavits, filing returns and indexing);

For searching records per hour, four dollars;

For recording plats, twenty-five cents for each lot except cemetery plats for which the charge shall be ten cents per lot; also one dollar for each acknowledgement, dedication, and description: *Provided*, That there shall be a minimum fee of fifteen dollars per plat;

For filing of miscellaneous records, not listed above, two dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, twenty-five cents;

For recording of miscellaneous records, not listed above, for first legal size page, two dollars; for each additional legal size page, one dollar.

36.18.020 Clerk's fees. Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of fifteen dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of fifteen dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the tax commission of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars, and in the event that the case is settled out of court not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or per-

mitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of fifteen dollars: *Provided, however,* A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of fifteen dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of fifteen dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, June 7, 1961, shall be completed and governed by the fee schedule in effect as of January 1, 1959: *Provided,* That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

36.18.030 Coroner's fees. Coroners shall collect for their official services, the following fees:

For each inquest held, besides mileage, twenty dollars.

For issuing a venire, two dollars.

For drawing all necessary writings, two dollars for first page and one dollar for each page thereafter.

For mileage each way, per mile, ten cents.

For performing the duties of a sheriff, he shall receive the same fees as a sheriff would receive for the same service.

36.18.040 Sheriff's fees. Sheriffs shall collect the following fees for their official services: For service of each summons and complaint, and return thereon, on each defendant, besides mileage, two dollars;

For making a return of "not found" in the county upon a summons, besides mileage actually traveled, two dollars;

For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, three dollars;

For filing copy of writ of attachment or writ of execution with auditor, two dollars plus auditor's filing fee;

For chattel mortgage foreclosure (short form), levy three dollars; posting notice, two dollars; service of notice, two dollars;

For serving writ of possession or restitution without aid of the county, besides mileage, three dollars;

For serving writ of possession or restitution with aid of the county, besides mileage, five dollars;

For service and return of subpoena, upon each person served, besides mileage, one dollar;

For summoning each juror, besides mileage, one dollar;

For serving an arrest warrant in any action or proceeding, besides mileage, four dollars;

For serving or executing any other writ or process in a civil action or proceeding, besides mileage, two dollars;

For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds, two dollars;

For each mile actually and necessarily traveled by him in going to or returning from any place of service, or attempted service, ten cents;

For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, six dollars;

For making copies of papers when sufficient copies are not furnished, two dollars for first page and one dollar per each additional page;

For the service of any process for which no other fee is provided for herein, two dollars;

For the making of any return for which no other fee is provided herein, two dollars;

For the execution of any process for which no other fee is provided herein, four dollars;

For the service of affidavit and bond in replevin, two dollars for

each defendant; approval of bond, two dollars; taking property, two dollars;

For posting notices of sale, or postponement, two dollars besides mileage;

For certificate of sale of real property, five dollars;

For serving notice of redemption, two dollars; certificate of redemption, five dollars;

For making a return of no property found, two dollars;

For estray sales, crying sale, two dollars, besides mileage.

36.18.045 Treasurer's fees. County treasurers shall collect the following fees for their official services:

For preparing and certifying copies, with or without seal for the first legal size page, two dollars, for each additional legal size page, one dollar.

36.18.050 Fees in special cases. Every officer who shall be called on or required to perform service for which no fees or compensation are provided for in this chapter shall be allowed fees similar and equal to those allowed him for services of the same kind for which allowance is made herein.

36.18.060 Fees payable in advance. The officers mentioned in this chapter shall not, in any case, except for the state or county, perform any official services unless the fees prescribed therefor are paid in advance, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

36.18.070 Single mileage chargeable when. When any sheriff, constable or coroner serves more than one process in the same cause or on the same person not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

36.18.080 Fee schedule to be kept posted. Every county officer entitled to collect fees from the public shall keep posted in his office a plain and legible statement of the fees allowed by law and failure so to do shall subject the officer to a fine of one hundred dollars and costs, to be recovered in any court of competent jurisdiction.

36.18.090 Itemized receipt to be given. Every officer, when requested so to do, shall make out a bill of his fees in every case, and for any services, specifying each particular item thereof, and receipt the same when it is paid, which bill of fees shall always be subject to examination and correction by the courts. Any officer who fails to comply with the requirements of this section shall be liable to the person paying the fees in treble the amount so paid.

36.18.100 Fee book to be kept. Each county and precinct officer

authorized to receive fees shall keep a fee book, open to public inspection during office hours, in which must be entered at once and detailed all fees or compensation of whatever nature collected or chargeable. On the first Monday of every month, the officer must add up each column in his fee book to the first of the month, and set down the totals. On the expiration of the term of such officer he must deliver to the county auditor all fee books kept by him.

36.18.110 Monthly statement to county auditor. Every salaried county and precinct officer authorized to receive fees shall on or before the first Monday of each month and at the end of his term of office submit to the county auditor a statement and copy of his fee book for the month last past, duly verified as provided in RCW 36-18.150: *Provided*, That the county auditor shall submit the statement and copy of his fee book to the county clerk.

36.18.120 Statements to be checked. The county auditor and county clerk shall check the statements submitted them with the fee book, and the records pertaining thereto, and if they are found to be correct shall return them after having attached thereto their official certificates.

36.18.130 Errors or irregularities. If any errors or irregularities are found by the checking officer he shall immediately notify the officer interested, and if within three days after such notification the errors or irregularities are not corrected by such officer, the checking officer shall notify the board of county commissioners in writing and upon receipt of such notification the board shall proceed against such officer in the manner provided by law.

36.18.140 Payment of fees to county treasurer. All salaried county officers shall charge and collect for the use of their respective counties, and pay into the county treasury on the first Monday in each month, all the fees now or hereafter allowed by law, paid or chargeable in all cases during the preceding month except such fees as are a charge against the county or state. No officer may retain to his own use any money paid him by virtue of his office.

36.18.150 Verified statement of fees. The fees and compensation collected and chargeable for the county in each month and paid to the county treasurer on the first Monday of the following month, must be accompanied by a statement and copy of the fee book for the month last past, duly verified by the officer making such payment, and certified to by the proper officer. The affidavit shall be in the following form:

State of Washington,)

) ss.

County of)

I, county, do swear that

the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature, for official services rendered by me, paid or chargeable, my deputies or assistants, for the month of _____, A. D. 19_____, and that said fee book shows the full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants, has rendered any official services, except for the county or state, which is not fully set out in said fee book; and that the foregoing statement thereof is a full, true, and complete copy thereof.

Subscribed and sworn to before me this _____ day of _____, 19_____.

The certificate of the checking officer shall be in the following form:

State of Washington,))ss.

County of _____)

This is to certify that I have checked the records of the office of the county _____ for the month of _____, 19_____, and find the same to be properly entered on his fee book, and that the foregoing statement is a full, true and complete copy thereof.

Witness my hand and official seal this _____ day of _____, 19_____.

36.18.160 Penalty for taking illegal fees. If any officer takes more or greater fees than are allowed by law he shall be subject to prosecution, and on conviction, shall be removed from office and fined in a sum not exceeding one thousand dollars.

36.18.170 Penalty for failure to pay over fees. Any salaried county or precinct officer, who fails to pay to the county treasury all sums that have come into his hands for fees and charges for the county, or by virtue of his office, whether under the laws of this state or of the United States, shall be guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one year nor more than three years: *Provided*, That upon conviction, his office shall be declared to be vacant by the court pronouncing sentence.

36.18.180 Office to be declared vacant on conviction. The board of county commissioners of any county in this state, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, or where the officer collects fees and fails to account for the same, upon proof thereof must declare his office vacant and appoint his successor.

Chapter 36.21**COUNTY ASSESSOR**

36.21.011 Assessor may appoint deputies and engage expert appraisers. Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, (1) may appoint one or more well qualified citizens of his county to act as his assistants or deputies; and each assistant so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with persons, firms or corporations, regardless of their residence, who are expert appraisers, to assist in the valuation of property.

36.21.020 Duties as to assessment in first class cities. The county assessor in each county in which there is a city of the first class, as soon as the county and state boards of equalization have finally fixed the valuation of the property in such county for state and county taxation in each year, shall certify to the city comptroller of each city of the first class in such county a summary of the valuation of all real estate and personal property in such city, or subject to taxation therein, as shown by the assessment roll of the county, as finally fixed by said boards and also a list of all residents of such city liable to pay a poll tax.

The county assessor, in making up his assessment roll for the county, shall place the property within the limits of any such city subject to taxation therein in as compact a form as practicable on the roll, so that the city taxes may be extended in the same manner as state and county taxes are extended, and that portion of said assessment roll embracing persons and property subject to taxation in such city shall constitute also the assessment roll of such city of the first class for the levy and collection of the taxes thereof.

When by reason of a change in the boundaries of any such city or otherwise, the rate of taxation is required to differ in different districts thereof, the real and personal property in each district shall be properly segregated for that purpose, and such segregation shall duly appear in the summary certified as aforesaid.

36.21.030 Ex officio assessor in other cities. For the purpose of assessment of all property in all cities and towns of other than the first class, the county assessor of the county wherein such city or town is situated shall be ex officio assessor.

36.21.040 New construction building permits—"Issuer" defined. "Issuer" means any state, county, city, or town agency from which it is necessary to receive a permit before proceeding with construction of any building.

36.21.050 ————**Required — County commissioners' duties — Cities excepted.** The county commissioners of every county shall provide for the issuance of a building permit for the construction or alteration of any building within the county, for which the value of the material exceeds five hundred dollars except that where any city within the county issues such permits for all buildings within its jurisdiction, it shall not be necessary for the county to issue building permits for the construction or alteration of buildings within any such city. Every application for a building permit as required herein shall contain a legal description of the property upon which the building is to be constructed or altered.

36.21.060 ————**Transmission to county assessor.** Whenever any issuer issues a building permit for the construction of any building, such issuer shall immediately transmit a copy of the permit to the county assessor of the county in which such building is to be constructed.

36.21.070 ————**Appraisal of building.** Upon receipt of such copy, the county assessor shall, within six months of the date of issue of such permit, proceed to make a physical appraisal of the building or buildings covered by the permit.

36.21.080 ————**When property placed on assessment rolls.** The county assessor is authorized to place any property under the provisions of RCW 36.21.040 through 36.21.080 on the assessment rolls for the purposes of tax levy up to May 31st of each year. The assessed valuation of property under the provisions of RCW 36.21.040 through 36.21.080 shall be considered as of the April 30th immediately preceding the date that the property is placed on the assessment rolls.

Chapter 36.22

COUNTY AUDITOR

36.22.010 Duties of auditor. The county auditor:

(1) Shall be recorder of deeds and other instruments in writing which by law are to be filed and recorded in and for the county for which he is elected;

(2) Shall examine and settle the accounts of all persons indebted to the county or who hold money payable into the county treasury, certify the amount to the treasurer, and give to the person paying, a discharge upon presentation and filing of the treasurer's receipt therefor, charging the treasurer with the amount;

(3) Shall keep an account current with the county treasurer, charge him with all money received as shown by his receipts issued and credit him with all disbursements paid out according to the record of settlement of the treasurer with the board of county commissioners;

(4) Shall make out and transmit to the state auditor a complete statement of the state fund account with the county for the past fiscal year certified by his certificate and seal, immediately after the completion of the annual settlement of the county treasurer with the board of county commissioners.

This statement shall show:

The total amount of tax levy for the current year as returned on the original assessment roll;

The amount of the supplemental taxes levied by the treasurer;

The amount collected from delinquent tax rolls of previous years, since the last report;

The amount of errors, double assessments, and rebates allowed on settlement of the treasurer with the board of county commissioners;

The amount paid to the state treasurer since the last annual settlement and all such other credits as the county may be entitled to receive in abatement of state taxes;

The balance of the delinquent tax account for the current year.

(5) Shall make a complete exhibit of the finances of the county immediately after the July settlement between the county treasurer and the county commissioners. He shall cause the exhibit to be published in some newspaper printed within the county; if there is none, he shall post the exhibit in a conspicuous place in his office.

The exhibit shall show:

The amount of taxes assessed in the county for the preceding year for state, county, road, bridge, school, and other purposes;

The amount of taxes collected on such assessment;

The amount of money received from other sources;

The amount received into the treasury;

The amount still due and not collected;

The number of warrants issued, the several purposes for which they were issued, the amount for each purpose, and the total amount;

The total amount of warrants redeemed;

The amount of outstanding warrants;

The present condition of the treasury;

Remarks.

(6) Shall make out a register of all warrants legally authorized and directed to be issued by any superior court cost bill, not earlier than ten days after receipt thereof, or by the board of county commissioners at any regular, adjourned, or special meeting thereof, not earlier than ten days after adjournment. He shall also make out a certified copy of the register of warrants under his hand and seal and deliver it forthwith to the county treasurer who shall record it in a book kept for that purpose. The auditor shall file and

carefully preserve the original in his office for future reference. The register of warrants shall be part of the records of the county.

(7) Shall examine the books of the treasurer between the first and tenth of each month and see that they have been correctly kept.

(8) Shall, with the county commissioners, count the money in the county treasury at the January, April, July and October settlements and make and verify statements in duplicate, showing:

The amount of money that ought to be in the treasury;

The amount and kind of money actually therein.

(9) As clerk of the board of county commissioners he shall:

Record all of the proceedings of the board;

Make full entries of all of their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

Record the vote of each member on any question upon which there is a division or at the request of any member present;

Sign all orders made and warrants issued by order of the board for the payment of money;

Record the reports of the county treasurer of the receipts and disbursements of the county;

Preserve and file all accounts acted upon by the board;

Preserve and file all petitions and applications for franchises and record the action of the board thereon;

Record all orders levying taxes;

Perform all other duties required by any rule or order of the board.

36.22.020 Publisher of commission proceedings—Custodian of commissioners' seal. It shall be the duty of the county auditor of each county, within fifteen days after the adjournment of each regular term, to publish a summary of the proceedings of the board of county commissioners at such term, in any newspaper published in the county or having a general circulation therein, or the auditor may post copies of such proceedings in three of the most public places in the county. The seal of the county commissioners for each county, used by the county auditor as clerk to attest the proceedings of the board of county commissioners, shall be and remain in the custody of the county auditor as clerk of the board, and said auditor is hereby authorized to use such seal in attestation of all his official acts, whether as clerk of said board, as auditor or recorder of deeds; and all certificates, exemplifications of records, or other acts by him performed as county auditor, certified under the seal of said county commissioners, heretofore made or hereafter to be made pursuant to this section, in this state, shall be as valid and legally binding as though attested by a seal of office of the said county auditor.

36.22.030 May administer oaths. Auditors and their deputies may administer oaths necessary in the performance of their duties and in all other cases where oaths are required by law to be administered and take acknowledgments of deeds and other instruments in writing: *Provided*, That any deputy county auditor, in administering such oath or taking such acknowledgment, shall certify to the same in his own name as deputy, and not in the name of his principal, and shall attach thereto the seal of the office: *Provided*, That all oaths administered or acknowledgments taken by any deputy of any county auditor certifying to the same in the name of his principal by himself as such deputy, prior to the taking effect of chapter 119, Laws of 1893 be and the same are hereby legalized and made valid and binding.

36.22.040 Duty to audit claims against county. The county auditor shall audit all claims, demands, and accounts against the county which by law are chargeable to the county, except such cost or fee bills as are by law to be examined or approved by some other judicial tribunal or officer. Such claims as it is his duty to audit shall be presented to the board of county commissioners for their examination and allowance.

36.22.050 Issuance of warrants—Limitation of amount—Multiple warrants. For claims allowed by the county commissioners, and also for cost bills and other lawful claims duly approved by the competent tribunal designated by law for their allowance, he shall draw a warrant on the county treasurer, made payable to the claimant or his order, bearing date from the time of and regularly numbered in the order of their issue but no warrant shall be issued within less than ten days after the date of its allowance. Unless there is sufficient cash in the county treasury to pay it on presentation, no warrant shall be issued for a greater amount than five hundred dollars. Nothing shall prevent claimants at the time of issuing of warrants from having the same broken or issued in smaller warrants by the auditor, using two or more warrants in lieu of one.

36.22.060 Record of warrants. He shall carefully keep proper warrant books, and when a warrant is issued the stub shall be carefully retained, upon which shall be recorded the number, date, name of payee, amount, nature of claims or services briefly stated and by whom allowed. In all cases where multiple warrants are issued for one claim the auditor must preserve as many stub entries as there have been warrants issued, noting upon each stub the claim for which it was issued and the number of warrants which aggregate the amount of the entire claim allowed.

36.22.070 Original claims to be retained. He shall also retain all original bills and indorse thereon claimant's name, nature of

claim, the action had, and if a warrant was issued, date and number the voucher or claim the same as the warrant.

36.22.080 Claims of auditor. All claims of the county auditor against the county for services shall be audited and allowed by the board of county commissioners as other claims are audited and allowed. Such warrants shall in all respects be audited, approved, issued, numbered, registered, and paid the same as any other county warrant.

36.22.090 Warrants of political subdivisions. All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class as well as political subdivisions within the county for which no other provision is made by law shall be drawn and issued by the county auditor of the county wherein such subdivision is located upon vouchers properly approved by the governing body thereof.

36.22.100 Cancellation of unclaimed warrants. County warrants drawn but uncalled for six years after the date of their issue shall be canceled by the board of county commissioners and the auditor and treasurer of the county shall cancel all record of such warrants, so as to leave the funds as if such warrants had never been drawn.

36.22.110 Auditor cannot act as attorney or lobbyist — Incompatibility. The person holding the office of county auditor, or deputy, or performing its duties, shall not practice as an attorney or represent any person who is making any claim against the county, or who is seeking to procure any legislative or other action by the board of county commissioners. The county auditor, during his term of office, and any deputy appointed by him is disqualified from performing the duties of any other county officer or acting as deputy for any other county officer. Nor shall any other county officer or his deputy act as auditor or deputy, or perform any of the duties of said office.

36.22.120 Temporary clerk may be appointed. In case the auditor is unable to attend to the duties of his office during any session of the board of county commissioners, and has no deputy by him appointed in attendance, the board may temporarily appoint a suitable person not by law disqualified from acting as such to perform the auditor's duties.

36.22.140 Auditor deputy state supervisor. Each county auditor shall be ex officio deputy supervisor of the division of municipal corporations and in such capacity shall be under the direction of the chief supervisor, but he shall receive no additional salary or compensation by virtue thereof and shall perform no duties as such, except in connection with county business.

36.22.150 Duty of retiring auditor or his representative in case of death. Each auditor, on retiring from office, shall deliver to his successor the seal of office and all the books, records, and instruments of writing belonging to the office, and take his receipt therefor. In case of the death of the auditor, his legal representatives shall deliver over the seal, books, records and papers.

Chapter 36.23

COUNTY CLERK

36.23.020 New bond may be required. When the judge or judges of any court, or a majority of them, believe that the clerk of the court does not have a good and sufficient bond on file, or that the bond is not large enough in amount, such judge or judges shall enter an order requiring him, within such time as may be specified in the order, to execute and present to them a good and sufficient bond, in such sum as may be fixed by the order. In case of his failure to file the bond within ten days from the expiration of the date fixed the judge or judges shall declare the office vacant.

36.23.030 Books to be kept. The clerk of the superior court at the expense of the county shall keep the following books:

(1) A book in which he shall enter all appearances and the time of filing all pleadings in any cause;

(2) A docket in which before every session, he shall enter the titles of all causes pending before the court at that session in the order in which they were commenced, beginning with criminal cases, noting in separate columns the names of the attorneys, the character of the action, the pleadings on which it stands at the commencement of the session, leaving a margin opposite each case for the court to enter a short minute of the orders of the session. One copy of this docket shall be furnished for the use of the court and another for the use of the members of the bar;

(3) A minute book for each session in which he shall enter the names of witnesses and jurors, with time of attendance, distance of travel, and whatever else is necessary to enable him to make out a complete cost bill;

(4) A well bound journal in which he shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, from which every morning shall be read in open court the proceedings of the previous day, which shall be signed by the judge; but the court shall have full control of all entries in said journal at any time during the session in which they were made;

(5) One well bound book for an execution docket and also one for a final record in which he shall make a full and perfect record

of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is in any way affected, and such other final judgments, orders, or decisions as either party may require and for which they pay him for recording;

(6) A journal in which shall be entered all orders, decrees, and judgments made by the court and the minutes of the court in probate proceedings;

(7) A record of wills in which shall be recorded all wills admitted to probate;

(8) A record of letters testamentary and of administration in which all letters testamentary and of administration shall be recorded. He shall certify on such letters that they have been so recorded;

(9) A record of bonds, in which all bonds and obligations required by law to be approved by the court in matters of probate shall be recorded. The originals shall be preserved in the regular file;

(10) A record of claims in which at least one page shall be given to each estate or case wherein shall be entered, under the title of each estate or case, in separate columns properly ruled: The names of claimants against the estate, the date of filing proof of claims, the amount claimed, the amount allowed, the date of allowance, the nature of the claims, the amount paid, the number of the voucher for each payment, the date of filing the voucher, the date of disallowance and notice of disallowance;

(11) A memorandum of the files, in which at least one page shall be given to each estate or case, wherein shall be noted each paper filed in the case, except proof of claims and vouchers noted in the record of claims, and the date of filing each paper;

(12) Such other books as are prescribed by law and required in the discharge of the duties of his office.

36.23.040 Custody and delivery of records. The clerk shall be responsible for the safe custody and delivery to his successor of all books and papers belonging to his office.

36.23.065 Destruction and reproduction of court records. Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

(1) Ten years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court.

(2) The county clerk maintains for the use of the public a

photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed.

(3) At the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in said photographic film, microphotographic, photostatic or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under his direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

(4) The county clerk promptly seals and stores at least one original negative of each such photographic film, microphotographic, photostatic or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

36.23.067 Reproduced court records have same force and effect as original. Any print, whether enlarged or not, from any photographic film, including any photographic plate, microphotographic film, or photostatic negative or similar reproduction, of any original record, document, instrument, book, paper, deposition or transcript which has been processed in accordance with the provisions of RCW 36.23.065, and has been certified by the county clerk under his official seal as a true copy, may be used in all instances, including introduction in evidence in any judicial or administrative proceeding, that the original record, document, instrument, book, paper, deposition or transcript might have been used, and shall have the full force and effect of said original for all purposes.

36.23.070 Destruction of court exhibits—Preservation for historical purposes. A county clerk may at any time more than ten years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, destroy any exhibits which have theretofore been filed in such cause: *Provided*, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

36.23.080 Office at county seat. The office of the clerk of the superior court shall be kept at the county seat of the county of which he is clerk.

Chapter 36.24**COUNTY CORONER**

36.24.010 To act as sheriff under certain conditions. The coroner shall perform the duties of the sheriff in all cases where the sheriff is interested or otherwise incapacitated from serving; and whenever the coroner acts as sheriff he shall possess the powers and perform all the duties of sheriff, and shall be liable on his official bond in like manner as the sheriff would be, and shall be entitled to the same fees as are allowed by law to the sheriff for similar services: *Provided*, That nothing herein contained shall prevent the court from appointing a suitable person to discharge such duties, as provided by RCW 36.28.090.

36.24.020 Inquests. Any coroner, in his discretion, may hold an inquest if he suspects that the death of a person was unnatural, or violent, or resulted from unlawful means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person: *Provided*, That, except under suspicious circumstances, no inquest shall be held following a traffic death.

The coroner shall summon six good and lawful persons to serve as jurors and to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death.

The prosecuting attorney having jurisdiction shall be notified in advance of any such inquest to be held, and at his discretion may be present at and assist the coroner in the conduct of the same. The coroner may adjourn the inquest from time to time as he may deem necessary.

The costs of inquests shall be borne by the county in which the inquest is held.

36.24.030 Penalty for nonattendance of juror. Every person summoned as a juror who fails to appear without having a reasonable excuse shall forfeit a sum not exceeding twenty dollars, to be recovered by the coroner, in the name of the state, before any justice of the peace of the county. The penalty when collected shall be paid over to the county treasurer for the use of the county.

36.24.040 Duty of coroner's jury—Oath. When four or more of the jurors attend, they shall be sworn by the coroner to inquire who the person was, and when, where, and by what means he came to his death, and into the circumstances attending his death, and to render a true verdict therein, according to the evidence afforded them, or arising from the inspection of the body.

36.24.050 Power to summon witnesses—Subpoenas. The coroner may issue subpoenas for witnesses returnable forthwith or at such

time and place as he may appoint, which may be served by any competent person. He must summon and examine as witnesses, on oath by him administered, every person, who, in his opinion or that of any of the jury, has any knowledge of the facts. A witness served with a subpoena may be compelled to attend and testify, or be punished by the coroner for disobedience, in like manner as upon a subpoena issued by a justice of the peace.

36.24.060 Power to employ physician or surgeon—Compensation. The coroner may summon a surgeon or physician to inspect the body and give under oath a professional opinion as to the cause of death. The fees for the coroner’s physician or surgeon shall not be less than ten dollars.

36.24.070 Verdict of jury. After hearing the testimony, the jury shall render its verdict and certify the same in writing signed by the jurors, and setting forth who the person killed is, if known, and when, where and by what means he came to his death; or if he was killed, or his death was occasioned by the act of another by criminal means, who is guilty thereof, if known.

36.24.080 Testimony reduced to writing in certain cases and witnesses recognized. In all cases where murder or manslaughter is supposed to have been committed, the testimony of witnesses taken before the coroner’s jury shall be reduced to writing by the coroner, or under his direction, and he shall also recognize such witnesses to appear and testify in the superior court of the county, and shall forthwith file the written testimony, inquisition, and recognizance with the clerk of such court.

36.24.090 Procedure where accused is under arrest. If the person charged with the commission of the offense has been arrested before the inquisition has been filed, the coroner shall deliver the recognizance and the inquisition, with the testimony taken, to the magistrate before whom such person may be brought, who shall return the same, with the depositions and statements taken before him to the clerk of the superior court of the county.

36.24.100 Procedure where accused is at large—Warrant of arrest. If the jury finds that the person was killed and the party committing the homicide is ascertained by the inquisition, but is not in custody, the coroner shall issue a warrant for the arrest of the person charged, returnable forthwith to the nearest magistrate.

36.24.110 Form of warrant. The coroner’s warrant shall be in substantially the following form:

State of Washington, }
 } ss.
County of }
To any sheriff or constable of the county.

An inquisition having been this day found by the coroner's jury, before me, stating that A B has come to his death by the act of C D, by criminal means (or as the case may be, as found by the inquisition), you are therefore commanded, in the name of the state of Washington, forthwith to arrest the above named C D, and take him before the nearest or most accessible magistrate in this county.

Given under my hand this day of,
A. D. 19.....

E F, coroner of the county of.....

36.24.120 Service of warrant. The coroner's warrant may be served in any county, and the officers serving it shall proceed thereon, in all respects, as upon a warrant of arrest.

36.24.130 Property of deceased. The coroner must, within thirty days after the inquest upon a dead body, deliver to the county treasurer any money or other property which may be found upon the body, unless claimed in the meantime by the legal representatives of the deceased. If he fails to do so, the treasurer may proceed against the coroner to recover the same by a civil action in the name of the county.

36.24.140 Duty of treasurer. Upon the delivery of money to the treasurer, he shall place it to the credit of the county. If it is property other than money, he shall, within thirty days, sell it at public auction, upon reasonable public notice, and place the proceeds to the credit of the county.

36.24.150 Delivery to representatives. If the money in the treasury is demanded within six years by the legal representatives of the deceased, the treasurer shall pay it to them after deducting the fees and expenses of the coroner and of the county in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of county commissioners of the county.

36.24.160 Justice of the peace may act as coroner. If the office of coroner is vacant, or he is absent or unable to attend, the duties of his office may be performed by any justice of the peace in the county with the like authority and subject to the same obligations and penalties as the coroner. For such service a justice of the peace shall be entitled to the same fees, payable in the same manner.

36.24.170 Coroner not to practice law. The coroner shall not appear or practice as attorney in any court, except in defense of himself or his deputies.

36.24.180 Audit of coroner's account. Before auditing and allowing the account of the coroner the board of county commissioners shall require from him a verified statement in writing, accounting for all money or other property found upon persons on whom in-

quests have been held by him, and that the money or property mentioned in it has been delivered to the legal representatives of the deceased, or to the county treasurer.

Chapter 36.27

PROSECUTING ATTORNEY

36.27.005 Defined. Prosecuting attorneys are attorneys authorized by law to appear for and represent the state and the counties thereof in actions and proceedings before the courts and judicial officers.

36.27.010 Eligibility to office. No person shall be eligible to the office of prosecuting attorney in any county of this state, unless he is a qualified elector therein, and has been admitted as an attorney and counselor of the courts of this state.

36.27.020 Duties. The prosecuting attorney shall:

(1) Be legal adviser of the board of county commissioners, giving them his written opinion when required by the board or the chairman thereof touching any subject which the board may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required he shall draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or his county or any school district in his county may be a party;

(4) Prosecute all criminal and civil actions in which the state or his county may be a party, defend all suits brought against the state or his county, and prosecute actions upon forfeited recognizances and bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county;

(5) Attend and appear before and give advice to the grand jury when cases are presented to it for consideration and draw all indictments when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of felonies when he has information that any such offense has been committed and he shall for that purpose attend when required by them if he is not then in attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care that no useless witness fees are taxed as part of the costs and that

the officers authorized to execute process tax no other or greater fees than the fees allowed by law;

(8) Receive all cost bills in criminal cases before justices of the peace at the trial of which he was not present, before they are lodged with the board of county commissioners for payment, whereupon he may retax the same and he must do so if the board of county commissioners deems any bill exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to his knowledge to the special consideration of the proper jury;

(10) Examine at least once in each year the public records and books of the auditor, assessor, treasurer, superintendent of schools, and sheriff of his county and report to the board of county commissioners every failure, refusal, omission, or neglect of such officers to keep such records and books as required by law;

(11) Examine once in each year the official bonds of all county and precinct officers and report to the board of county commissioners any defect in the bonds of any such officer;

(12) Make an annual report to the governor as of the 31st of December of each year setting forth the amount and nature of business transacted by him in that year with such other statements and suggestions as he may deem useful;

(13) Send to the state liquor control board at the end of each year a written report of all prosecutions brought under the state liquor laws in the county during the preceding year, showing in each case, the date of trial, name of accused, nature of charges, disposition of case, and the name of the judge presiding.

36.27.030 Disability of prosecuting attorney. When from illness or other cause the prosecuting attorney is temporarily unable to perform his duties, the court or judge may appoint some qualified person to discharge the duties of such officer in court until the disability is removed.

When any prosecuting attorney fails, from sickness or other cause, to attend a session of the superior court of his county, or is unable to perform his duties at such session, the court or judge may appoint some qualified person to discharge the duties of such session, and the appointee shall receive a compensation to be fixed by the court, to be deducted from the stated salary of the prosecuting attorney, not exceeding, however, one-fourth of the quarterly salary of the prosecuting attorney: *Provided*, That in counties wherein there is no person qualified for the position of prosecuting attorney, or wherein no qualified person will consent to perform the duties of that office, the judge of the superior court shall appoint some suitable person, a duly admitted and practicing attorney at law and resident of the state to perform the duties of prosecuting

attorney for such county, and he shall receive such reasonable compensation for his services as shall be fixed and ordered by the court, to be paid by the county for which the services are performed.

36.27.040 Appointment of deputies—Special grand jury deputies. The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys to aid in the investigation or in the presentment of any matters or testimony to a grand jury, and in the trial of any criminal cause arising out of the indictments of a grand jury and such special deputy prosecuting attorneys need not be residents of the county in which such grand jury is convened, but shall be residents of the state of Washington and admitted to practice as attorneys before the courts of this state. The prosecuting attorney shall be responsible for the acts of his deputies and may revoke appointments at will.

36.27.050 Special emoluments prohibited. No prosecuting attorney shall receive any fee or reward from any person, on behalf of any prosecution, or for any of his official services, except as provided in this title, nor shall he be engaged as attorney or counsel for any party in any action depending upon the same facts involved in any criminal proceeding.

36.27.060 Private practice prohibited in certain counties. The prosecuting attorneys of class A counties and counties of the first class and their deputies shall not engage in the private practice of law.

36.27.070 Office at county seat. The prosecuting attorney of each county in the state of Washington must keep an office at the county seat of the county of which he is prosecuting attorney.

Chapter 36.28

COUNTY SHERIFF

36.28.010 General duties. The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his office, he and his deputies:

(1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;

(2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;

(3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

(4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

(5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;

(6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

The county is not responsible for the acts of the sheriff.

36.28.011 Duty to make complaint. In addition to the duties contained in RCW 36.28.010, it shall be the duty of all sheriffs to make complaint of all violations of the criminal law, which shall come to their knowledge, within their respective jurisdictions.

36.28.020 Powers of deputies, regular and special. Every deputy sheriff shall possess all the power, and may perform any of the duties, prescribed by law to be performed by the sheriff, and shall serve or execute, according to law, all process, writs, precepts, and orders, issued by lawful authority.

Persons may also be deputed by the sheriff in writing to do particular acts; including the service of process in civil or criminal cases, and the sheriff shall be responsible on his official bond for their default or misconduct.

36.28.030 New or additional bond of sheriff. Whenever the company acting as surety on the official bond of a sheriff is disqualified, insolvent, or the penalty of the bond becomes insufficient on account of recovery had thereon, or otherwise, the sheriff shall submit a new or additional bond for approval to the board of county commissioners, if in session, or, if not in session, for the approval of the chairman of such board, and file the same, when approved, in the office of the county clerk of his county, and such new or additional bond shall be in a penal sum sufficient in amount to equal the sum specified in the original bond when added to the penalty of any existing bond, so that under one or more bonds there shall always be an enforceable obligation of the surety on the official bond or bonds of the sheriff in a penal sum of not less than the amount of the bond as originally approved.

36.28.040 May demand fees in advance. No sheriff, deputy

sheriff, or coroner shall be liable for any damages for neglecting or refusing to serve any civil process unless his legal fees are first tendered him.

36.28.050 May demand indemnifying bond. If any property levied upon by virtue of any writ of attachment or execution or other order issued to the sheriff out of any court in this state is claimed by any person other than the defendant, and such person or his agent or attorney makes affidavit of his title thereto or his right to possession thereof, stating the value thereof and the basis of such right or title, the sheriff may release such levy, unless the plaintiff on demand indemnifies the sheriff against such claim by an undertaking executed by a sufficient surety.

No claim to such property by any person other than the defendant shall be valid against the sheriff, unless the supporting affidavit is made. Notwithstanding receipt of a proper claim the sheriff shall retain such property under levy a reasonable time to demand such indemnity.

Any sheriff, or other levying officer, may require an indemnifying bond of the plaintiff in all cases where he has to take possession of personal property.

36.28.060 Duplicate receipts. The sheriff shall make duplicate receipts for all payments for his services specifying the particular items thereof, at the time of payment, whether paid by virtue of the laws of this state or of the United States. Such duplicate receipts shall be numbered consecutively for each month commencing with number one. One of such receipts shall have written or printed upon it the word "original"; and the other shall have written or printed upon it the word "duplicate."

36.28.070 Duplicate to payer. At the time of payment of any fees, the sheriff shall deliver to the person making payment, either personally or by mail, the copy of the receipt designated "duplicate."

36.28.080 Original to be filed. The receipts designated "original" for each month shall be attached to the verified statement of fees for the corresponding month and the sheriff shall file with the county treasurer of his county all original receipts for each month with such verified statement. A sheriff shall not receive his salary for the preceding month until the provisions of this section and RCW 36.28.060 and 36.28.070 have been complied with.

36.28.090 Service of process when sheriff disqualified. When there is no sheriff of a county, or he is disqualified from any cause from discharging any particular duty, it shall be lawful for the officer or person commanding or desiring the discharge of that duty to appoint some suitable person, a citizen of the county, to execute the same: *Provided*, That final process shall in no case be executed

by any person other than the legally authorized officer; or in case he is disqualified, some suitable person appointed by the court, or judge thereof, out of which the process issues, who shall make such appointment in writing; and before such appointment shall take effect, the person appointed shall give security to the party interested for the faithful performance of his duties, which bond of suretyship shall be in writing, approved by the court or judge appointing him, and be placed on file with the papers in the case.

36.28.100 Employment of prisoners. The sheriff shall employ all male persons sentenced to imprisonment in the county jail in such manner and at such places within the county as may be directed by the board of county commissioners.

36.28.110 Sheriff not to practice law. No sheriff or deputy sheriff shall appear or practice as attorney in any court, except in their own defense.

36.28.120 Duty of retiring sheriffs, constables and coroners—Successors' duties. All sheriffs, constables and coroners, upon the completion of their term of office and the qualification of their successors, shall deliver and turn over to their successors all writs and other processes in their possession not wholly executed, and all personal property in their possession or under their control held under such writs or processes, and take receipts therefor in duplicate, one of which shall be filed in the office from which such writ or process issued as a paper in the action, which receipt shall be good and sufficient discharge to such officer of and from further charge of the execution of such writs and processes; and they shall also deliver to their successors all official papers and property in their possession or under their control. The successors shall execute or complete the execution of all such writs and processes, and finish and complete all business turned over to them.

36.28.130 Actions by successors and by officials after expiration of term of office validated. In all cases where any sheriff, constable or coroner has executed any writ or other process delivered to him by his predecessor, or has completed any business commenced by his predecessor under any writ or process, and has completed any other business commenced by his predecessor, and in all cases where any sheriff, constable or coroner has executed any writ or other process, or completed any business connected with his office after the expiration of his term of office, which writ or process he had commenced to execute, or which business he had commenced to perform, prior to the expiration of his term of office, such action shall be valid and effectual for all purposes.

36.28.140 Penalty for violation of RCW 36.28.060 through 36.28-.080. Any sheriff violating any of the provisions of RCW 36.28.060,

36.28.070 or 36.28.080, or failing to perform any of the duties required thereby, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars for each offense.

36.28.150 Liability for fault or misconduct. Whenever any sheriff neglects to make due return of any writ or other process delivered to him to be executed, or is guilty of any default or misconduct in relation thereto, he shall be liable to fine or attachment, or both, at the discretion of the court, subject to appeal, such fine, however, not to exceed two hundred dollars; and also to an action for damages to the party aggrieved.

36.28.160 Office at county seat. The sheriff must keep his office at the county seat of the county of which he is sheriff.

Chapter 36.29

COUNTY TREASURER

36.29.010 General duties. The county treasurer:

(1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor;

(2) Shall issue a receipt in duplicate for all money received other than taxes; he shall deliver immediately to the person making the payment the original receipt and the duplicate he shall file immediately in the office of the county auditor;

(3) Shall write on the face of all warrants when paid, the date of redemption, and his signature;

(4) Shall indorse on the face of all warrants presented for which there are not sufficient funds for payment, "not paid for want of funds" and the date of such indorsement over his signature;

(5) Shall give notice by publication in a legal newspaper published or circulated in the county when there are funds to redeem outstanding warrants or by posting at three public places in the county if there is no such newspaper;

(6) Shall pay interest at the legal rate upon all warrants from the date of the indorsement "not paid for want of funds" to the date of publishing or posting the notice of redemption;

(7) Shall arrange and keep his books so that the amount received and paid out on account of separate funds or specific appropriations shall be exhibited in separate accounts, as well as the whole receipts and expenditures by one general account;

(8) Shall keep his books, accounts, and vouchers open at all times to the inspection and examination of the board of county commissioners and the grand jury;

(9) Shall make a verified statement to the board of county commissioners at its July session showing the whole amount of his

collections during the preceding year (stating particularly the source of each portion of revenue) from all sources paid into the county treasury, the funds among which the same was distributed, together with the amount of each fund, the total amount of warrants certified to him by the county auditor, the total amount of warrants paid by him during the same time, the total amount of warrants remaining unpaid on the thirtieth day of June immediately preceding, the funds on which the same are drawn, and generally make a full and specific showing of the financial condition of the county;

(10) Shall make a complete settlement with the board of county commissioners, as required by law and shall, at the expiration of his term of office, deliver to his successor all public money, books, and papers in his possession. In the event of his death before the expiration of his term, his legal representatives must deliver up all official money, books, accounts, papers, and documents which come into their possession.

36.29.020 Custodian of moneys — Investment of funds not required for immediate expenditures, service fee. The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated county depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer in savings and loan associations in accordance with the provisions of RCW 33.52.010, or in any short term United State government securities: *Provided*, Five percent of the interest or earnings, with a minimum of ten dollars or maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of county treasurer or other municipal corporation treasurer when such investment is terminated and the interest or earnings become available to the governing body.

36.29.025 Official seal. The county treasurer in each of the organized counties of the state of Washington, shall be by his county provided with a seal of office for the authentication of all tax deeds, papers, writing and documents required by law to be certified or authenticated by him. Such seal shall bear the device of crosskeys and the words: Official Seal Treasurer County, Washington; and an imprint of such seal, together with

the certificate of the county treasurer that such seal has been regularly adopted, shall be filed in the office of the county auditor of such county.

36.29.030 Order of redemption of warrants. All warrants drawn on the funds of the county shall be redeemed by the treasurer in the order of their issuance.

36.29.040 Interest on unpaid warrants. All county, school, city and town warrants, and taxing district warrants when not otherwise provided for by law, shall be paid according to their number, date and issue, and when not paid upon presentation shall draw interest from and after their presentation to the proper treasurers. No compound interest shall be paid directly or indirectly on any such warrants.

36.29.050 Interest to be noted on warrants. When the county treasurer redeems any warrant on which interest is due, he shall note thereon the amount of interest paid and shall enter on his account the amount of interest, distinct from the principal.

36.29.060 Warrant calls. Whenever the county treasurer has in his hands the sum of five hundred dollars belonging to any fund upon which warrants are outstanding, he shall make a call for such warrants to that amount in the order of their issue, and he shall cause such call to be published in some newspaper published in the county in the first issue of such newspaper after such sum has been accumulated, and if there is no such newspaper, the call shall be posted in three conspicuous places in the county. The call shall describe by number the warrants called, and specify the funds upon which they were drawn: *Provided*, That the board of county commissioners may prescribe a less sum than five hundred dollars, upon the accumulation of which the call shall be made as to any particular fund: *Provided further*, That if the warrant longest outstanding on any fund exceeds the sum of five hundred dollars, or exceeds the sum fixed by the board of county commissioners, no call need be made for warrants on such fund until the amount due on such warrant has accumulated. No more than two calls for the redemption of warrants shall be made by the treasurer in any month. The treasurer shall pay on demand, in the order of their issue, any warrants when there shall be in the treasury sufficient funds applicable to such payment.

36.29.070 Penalty for failure to call. Any treasurer who knowingly fails to call for or pay any warrant in accordance with the provisions of RCW 36.29.060 shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, and such conviction shall be sufficient cause for removal from office.

36.29.080 Quarterly settlement with commissioners. The county treasurer shall attend with his books and vouchers before the board of county commissioners at its regular quarterly sessions in January, April, July and October and settle his accounts before the board.

For all money received by him, he shall file a certified statement, showing under separate headings amounts received from each and every source.

For all money disbursed by him since the date of the last preceding settlement, the board shall allow the treasurer the following credits:

(1) The amount of principal and interest paid on account of redemption of warrants issued upon the several funds of the county,

(2) The amount paid the state treasurer since the last preceding settlement, as per vouchers,

(3) The amount paid on account of redemption of warrants issued by the several school districts of the county,

(4) All claims for credits or disbursements not above specified.

At such settlement he shall also present, together with the vouchers and claims for credits, a certified list of such vouchers and claims arranged numerically under the separate headings of the funds from which they have been paid or on which the claims have accrued, or are made, which list must be checked, compared and made to correspond with the treasurer's books and vouchers by the board of county commissioners and the auditor at the time of the settlement.

On completion of such comparison, the list, when found to be correct, shall be certified to by the chairman of the board and attested by the auditor, and shall, together with the vouchers and claims presented, be filed in the office of the auditor, and the county treasurer shall be given credit therefor in the record of proceedings of the board. The record shall show the amount credited on account of each fund, and whether for principal or interest. The auditor shall thereupon deliver to the county treasurer a transcript of the order and forthwith proceed to credit such officer with the sums therein specified.

36.29.090 Suspension of treasurer. Whenever an action based upon official misconduct is commenced against any county treasurer the county commissioners may suspend him from office until such suit is determined, and may appoint some person to fill the vacancy.

36.29.100 Ex officio collector of first class city taxes. The county treasurer of each county in which there is a city of the first class is ex officio collector of city taxes of such city, and before entering upon the duties of his office he shall execute in favor of the city

and file with the clerk thereof a good and sufficient bond, the penal sum to be fixed by the city council, such bond to be approved by the mayor of such city or other authority thereof by whom the bond of the city treasurer is required to be approved. All special assessments and special taxation for local improvements assessed on property benefited shall be collected by the city treasurer.

36.29.110 To account monthly for city taxes. All city taxes collected shall belong to the city and the county treasurer shall, on or before the tenth day of each month, turn over all such taxes so collected for the previous month to the city treasurer, and take a receipt therefor in duplicate, and at the same time he shall certify to the city comptroller the amounts of taxes so collected and turn over and deliver with such certificate one copy of the receipt of the city treasurer therefor. The county treasurer shall also render to the city comptroller, on or before the tenth day of each month, between the first day of January and the first day of May a statement of all taxes collected for such city during the preceding month.

36.29.120 Ex officio collector of other city taxes. For the purpose of collection of all taxes levied for cities and towns of other than the first class, the county treasurer of the county wherein such city or town is situated shall be ex officio tax collector.

36.29.130 Duty to collect taxes. The county treasurer, upon receipt of the tax roll, shall proceed to collect and receipt for the municipal taxes extended thereon at the same time and in the same manner as he proceeds in the collection of other taxes on such roll.

36.29.140 Monthly return. The county treasurer shall make a certified return at the end of each month to the city or town treasurer of the amounts collected by him on account of such taxes from the time he commences the collection thereof until the whole thereof collected are paid over.

36.29.150 First class city to pay clerk hire. Each city of the first class shall pay to the county one thousand dollars per annum for clerk hire.

36.29.160 Duty to segregate certified assessments and charges in public utility, sewer, water, and county road improvement districts. The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made hereafter in public utility districts, sewer districts, water districts, or county road improvement districts, under the terms of Title 54, Title 56, Title 57, or chapter 36.88, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assess-

ment or charges as the board of commissioners of the public utility district, sewer district, the water district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon his records and give receipt therefor.

36.29.170 Office at county seat. The county treasurer shall keep his office at the seat of justice of his county, and shall keep the same open for transaction of business during business hours; and he and his deputy are authorized to administer all oaths necessary in the discharge of the duties of his office.

36.29.180 Fees for handling, etc. funds of political subdivisions pursuant to assessment roll—Irrigation districts excepted. The county treasurer, in all instances where required by law to handle, collect, disburse and account for the funds collected pursuant to the assessment roll of any political subdivision within the county, may charge and collect a fee for his services according to but not to exceed the following schedule:

For up to a five year term assessment roll, a fee of two dollars per account;

For a six to ten year term assessment roll, a fee of three dollars per account;

For an eleven to fifteen year term assessment roll, a fee of four dollars per account;

For an assessment roll of over fifteen years, a fee of five dollars per account.

Such fees shall be a charge against the district, shall be included as a part of the cost of the improvement, and shall be credited to the county current expense fund by the county treasurer from moneys received following publication of the assessment roll. The provisions of this section shall not apply to irrigation district assessments.

Chapter 36.32

COUNTY COMMISSIONERS

36.32.010 Board of commissioners established—Quorum. There is established in each organized county in this state a board of county commissioners, to consist of three qualified electors, and two of said board of commissioners shall constitute a quorum to do business.

36.32.020 Commissioner districts. The board of county commissioners of each county shall divide their county into three commis-

sioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: *Provided*, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

The lines of the districts shall not be changed oftener than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

36.32.030 Terms of commissioners. The terms of office of county commissioners shall be four years and until their successors are elected and qualified. At the expiration of the present term of office of each county commissioner, each county commissioner thereafter shall be elected for a term of four years.

36.32.040 Nomination by districts. The qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

36.32.050 Elected by entire county. County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he resides shall be declared duly elected from that district.

36.32.060 Conditions of official bond. The bond of each county commissioner shall be payable to the county, and it shall be conditioned that the commissioner shall well and faithfully discharge the duties of his office, and not approve, audit, or order paid any illegal, unwarranted, or unjust claim against the county for personal services.

36.32.070 Vacancies on board. Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration

of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

36.32.080 Quarterly sessions. The board of county commissioners shall hold regular sessions at the county seat commencing on the first Mondays of January, April, July and October, at each of which it may transact any business required or permitted by law, and it may adjourn from time to time as deemed expedient or desirable in order to properly transact the business of the county.

36.32.090 Special sessions. The board of county commissioners may hold special sessions when the business of the county requires the same by ten days' notice from two of the commissioners to the third, or by the written consent of the three commissioners filed with the county auditor. No special session shall exceed three days. The notice thereof shall state the time of holding the session and the business to be transacted.

36.32.100 Chairman of board—Election, powers. The board of county commissioners at their first session after the general election shall elect one of its number to preside at its meetings. He shall sign all documents requiring the signature of the board, and his signature as chairman of the board shall be as legal and binding as if all members had affixed their names. In case the chairman is absent at any meeting of the board, all documents requiring the signature of the board shall be signed by both members present.

36.32.110 Clerk of board. The county auditor shall be the clerk of the board of county commissioners, and shall attend its meetings and keep a record of its proceedings.

36.32.120 Powers of board. The several boards of county commissioners shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: *Provided*, That there shall be filed in the county auditor's office three copies of such codes, compilations, and/or statutes ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county, and shall provide that any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: *Provided further*, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the board of county commissioners of which at least ten days' notice has been given. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

36.32.130 Postponement of action. When only two members are present at a meeting of the board, and a division takes place on any question, the matter under consideration shall be postponed to the next subsequent meeting.

36.32.135 Official seal. The county commissioners of each county

shall have and use a seal for the purpose of sealing their proceedings, and copies of the same when signed and sealed by the said county commissioners, and attested by their clerk, shall be admitted as evidence of such proceedings in the trial of any cause in any court in this state; and until such seal shall be provided, the private seal of the chairman of such board of county commissioners shall be adopted as a seal.

36.32.140 Record of proceedings. The board of county commissioners shall cause to be recorded, in a book kept for that purpose, all their proceedings and determinations touching all matters properly cognizable before it; and all books, accounts, vouchers, and papers, touching the business or property of the county shall be carefully kept by the clerk, and be open to public inspection.

36.32.150 Transcribing mutilated records. The county commissioners shall, when any of the county records become so mutilated that their handling becomes dangerous to the safety of such records, and when in the judgment of the county commissioners it may become necessary to, order the transcribing of said records at a sum not exceeding eight cents per folio of one hundred words, in books to be provided for that purpose by the county.

36.32.155 ———Prior transcribing validated. All records transcribed by order of any board of county commissioners in this state prior to the effective date of chapter 14, Laws of 1893, shall be and are hereby declared the legal records of said county the same as if transcribed under the provisions of RCW 36.32.150 through 36.32.170.

36.32.160 ———Auditor to direct transcribing, certify. The books containing the transcribed records shall be certified by the county auditor, under whose direction the transcribing was done, as being true copies of the original.

36.32.170 ———Original records to be preserved. All the original record books, after the transcribing thereof, shall be filed away in the auditor's office and only be used in case of contest on the correctness of the transcribed records.

36.32.180 Examination of accounts. At the July session, the board of county commissioners shall examine and compare the accounts and statements of the county auditor and county treasurer, aside from the regular settlement with the treasurer, and shall enter upon its record a summarized statement of the receipts and expenditures of the preceding year. At the January, April, July and October sessions, the board of county commissioners, together with the auditor, shall count the funds in the county treasury, and ascertain whether it contains the proper amount.

36.32.200 Special attorneys, employment of. It shall be unlawful for the board of county commissioners to employ, contract with, or pay any special attorney or counsel to perform any duty which the attorney general or any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of such special attorney or counsel has been first reduced to writing and approved by the superior court judge of the county or a majority of the judges in writing endorsed thereon. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

36.32.210 Inventory of county personal property. Individual commissioner inventory statement—Contents. Each county commissioner of the several counties of the state of Washington shall on the first Monday of July of each year beginning with the year 1931, file with the auditor of the county wherein such commissioner resides a statement verified by oath of such county commissioner showing for the twelve months period ending June 30th of each year, the following:

(1) A full and complete inventory of all tools, machinery, equipment and appliances belonging to the district of such commissioner used or intended to be used in the repair or construction of any highway, road or any work within said county for which public funds are to be expended in whole or in part and which said inventory shall be segregated to show the following subheads:

(a) The equipment on hand, together with a statement of the date when acquired, the amount paid therefor, the present value, the estimated life thereof and a sufficient description to fully identify such property;

(b) All equipment of every kind or nature sold or disposed of in any manner during such preceding twelve months period, together with the name of the purchaser, the amount paid therefor, whether or not the same was sold at public or private sale, the reason for such disposal and a sufficient description to fully identify the same;

(c) All the equipment purchased during said period, together with the date of purchase, the amount paid therefor, whether or not the same was bought under competitive bidding, the price paid therefor and the probable life thereof, the reason for making the purchase and a sufficient description to fully identify such property;

(2) The exact amount of money derived from sources other than tax levy coming into possession or under the control of such commissioner for or on account of such district or of the commissioner making such statement; with the name of the party paying the same, the source from which derived, why so derived, and the date of its reception.

(3) The person to whom such money or any part thereof was paid and why so paid and the date of such payment.

Note: See also section 1, chapter 108, Laws of 1963.

36.32.213 ———Inventory by board. It shall be the duty of the board of county commissioners to make an inventory of all personal property of said county, bought out of the general fund, or any other fund of the county, which inventory shall contain the same information and be compiled in the same manner as provided in RCW 36.32.210 for the separate commissioner districts, provided that the same must be verified by all members of the board.

36.32.215 ———Filing and publication. Such inventories shall be filed with the county auditor as a public record and shall be open to the inspection of the public, provided further that such county auditor shall cause such inventory and/or inventories to be published once in the official newspaper of such county within five days after the filing thereof.

36.32.220 ———Penalty. Any county commissioner failing to file such statement or wilfully making any false or incorrect statement therein or aiding or abetting in the making of any false or incorrect statement shall be guilty of a gross misdemeanor.

36.32.225 ———Prosecutions. It is the duty of the prosecuting attorney of each county to within three days from the calling to his attention of any violation to institute proceedings against such offending official and in addition thereto to prosecute appropriate action to remove such commissioner from office.

36.32.230 ———Taxpayer's action. Any taxpayer of such county is hereby authorized to institute said action in conjunction with or independent of the action of the prosecuting attorney.

36.32.240 Competitive bids — Purchasing department. In any county the board of county commissioners may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.060, 36.77.070 and 36.82.130: *Provided*, That in all Class AA or Class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

36.32.250 ———Procedure in awarding contracts. No contract or purchase shall be entered into by the board of county commissioners or by any elected or appointed officer of such county

until after bids have been submitted to the board of county commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the board, shall be published in the county official newspaper. Such advertisement shall be published not less than one time and as many additional publications as shall be determined by the board, and the time within which bids shall be received, shall not be less than five days after the last publication. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspection. The contract for the public work or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased. Any or all bids may be rejected for good cause. In the letting of any contract or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the board of county commissioners. Notice of intention to let contracts or to make purchases involving amounts exceeding one hundred dollars and less than one thousand dollars, shall be posted by the board of county commissioners on a bulletin board in its office not less than three days prior to making such purchase or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible.

36.32.260 ———Purchasing agent. In any county having a purchasing department the board of county commissioners shall appoint a county purchasing agent, who shall be the head of such purchasing department. The county purchasing agent shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional, or governmental plant or agency, and shall be placed under such bond as the board may require. The board may establish a central storeroom or storerooms in charge of the county purchasing agent in which supplies and equipment may be stored and issued upon proper requisition by department heads. The purchasing agent shall be responsible for maintaining perpetual inventories of supplies and equipment and shall at least yearly, or oftener when so required by the board, report to the county commissioners a balancing of the inventory record with the actual amount of supplies or equipment on hand.

36.32.270 ————**Emergency purchases.** In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon resolution of the board of county commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

36.32.280 **Regulation of watercourses.** The state in the exercise of its sovereign and police power authorizes any county alone or acting jointly with any other county to regulate and control the flow of waters, both navigable and nonnavigable, within such county or counties, for the purpose of preventing floods which may threaten or cause damage, public or private.

36.32.290 ————**Removal of obstructions.** When the board of county commissioners of any county deems it essential to the public interest for flood prevention purposes it may remove drifts, jams, logs, debris, gravel, earth, stone or bars forming obstructions to the stream, or other material from the beds, channels, and banks of watercourses in any manner deemed expedient, including the deposit thereof on bars not forming obstructions to the stream, or on subsidiary or high water channels of such watercourses.

36.32.300 ————**Trees may be removed from river banks.** When any forest trees are situated upon the bank of any watercourse or so close thereto as to be in danger of falling into it, the owner or occupant of any of the premises shall be notified to remove them forthwith. The notice shall be based upon a resolution or order of the county commissioners and may be given by mail to the last known address of the owner or occupant. If the trees are not removed within ten days after the date of the notice, the county may thereupon fell them.

36.32.310 **Compensation for extra services.** Whenever a member of the board of county commissioners of any county has a claim for compensation for per diem and expenses for attendance upon any special session of the board or a claim for compensation for extra services or expenses incurred as such commissioners, including services performed as road commissioner, the claim shall be verified by him and after being approved by a majority of the board of county commissioners of the county shall be filed with the clerk of the superior court and be approved by a judge of the superior court of such county or any superior court judge holding court in such county. The judge may make such investigation as he deems necessary to determine the correctness of the claim and may, after such investigation, approve or reject any part of such

claim. If the judge so approve the claim or any part thereof the same shall be certified by the clerk under the seal of his office and be returned to the county auditor who shall draw a warrant therefor. The court shall not be required oftener than once in each month to pass upon such claims and it may fix a time in each month by general order filed with the clerk of the board of county commissioners on or before which such claims must be filed with the clerk of the court.

36.32.320 ——— Compensation as road overseers in certain counties. Each member of the board of county commissioners, in counties of the sixth, seventh, eighth and ninth classes, in addition to his duties as a member of the board of county commissioners and as ex officio road commissioner of the several road districts in his commissioner's district, shall oversee the construction and maintenance of all county and district roads and bridges in his commissioner district, and for time actually spent in the performance of such duties as overseer, he shall be entitled to compensation at the rate of ten dollars per diem: *Provided*, That as such compensation for overseeing the construction and maintenance of roads and bridges in his commissioner district he shall not receive more than one thousand two hundred dollars per year. All claims for such compensation must be approved by a majority of the board of county commissioners and the superior court as in other cases of extra compensation.

36.32.330 Appeals from board's action. Any person may appeal to the superior court from any decision or order of the board of county commissioners. Such appeal shall be taken within twenty days after the decision or order, and the appellant shall within that time serve notice of appeal on the county commissioners. The notice shall be in writing and shall be delivered to at least one of the county commissioners personally, or left with the county auditor. The appellant shall, within ten days after service of the notice of appeal give a bond to the county with one or more sureties, to be approved by the county auditor, conditioned for the payment of all costs which shall be adjudged against him on such appeal in the superior court. The practice regulating appeals from and writs of certiorari to justice's courts shall, insofar as applicable, govern in matters of appeal from a decision or order of the board of county commissioners.

Nothing herein contained shall be construed to prevent a party having a claim against any county in this state from enforcing the collection thereof by civil action in any court of competent jurisdiction after the same has been presented to and filed as provided by law and disallowed in whole or in part by the board of county

commissioners of the proper county. Such action must, however, be commenced within the time limitation provided in RCW 36.45.030.

36.32.335 Coordination of county administrative programs—Legislative declaration. The public necessity for the coordination of county administrative programs, especially in the fields of highways and social security, be and is hereby recognized.

36.32.340 ———Duties incident to. The county commissioners shall take such action as is necessary to effect coordination of their administrative programs, prepare reports annually on the operations of all departments under their jurisdiction, and submit biennially to the governor and the legislature their joint recommendations on procedural changes which would increase the efficiency of any department.

36.32.350 ———Coordinating agency—Agency reimbursement. County commissioners may designate the Washington State Association of County Commissioners as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county commissioners' budget for the costs of any such services rendered: *Provided*, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the revenues of one-fiftieth of a mill levy against the assessed valuation of the county. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the board of county commissioners in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

36.32.360 ———Attendance at conventions authorized. County commissioners are hereby authorized to take such other and further action as may be deemed necessary to the compliance with the intent of RCW 36.32.335 through 36.32.360, including attendance at such state or district meetings as may be required to formulate the reports directed in RCW 36.32.340.

36.32.370 Land surveys. Except as otherwise provided in this title, the board of county commissioners, through a surveyor employed by it shall execute all surveys of land that may be required by the county. The certificate of the surveyor so employed of any survey made of lands within the county shall be presumptive evidence of the facts therein contained.

36.32.380 ———Record of surveys. Except as otherwise provided in this title, the board of county commissioners shall cause to be recorded in a suitable book all surveys except such as are

made for a temporary purpose. The record book shall be so constructed as to have one page for diagrams to be numbered progressively and the opposite page for notes and remarks; no diagram shall be so constructed as to scale less than one inch to twenty chains.

36.32.390 Nonmonthly employees, vacations and sick leaves. Each employee of any county in this state who is employed on an hourly or per diem basis, who shall have worked fifteen hundred hours or more in any one year may in the discretion of the board of county commissioners be given the same vacations and sick leaves as are provided for the employees of the county employed on a monthly basis.

36.32.400 Health care and group insurance. Any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Chapter 36.33

COUNTY FUNDS

36.33.010 Current expense fund. Every county shall maintain a current expense fund to which shall be credited all taxes levied for that purpose and all fees collected, fines assessed, and forfeitures adjudged in the county the proceeds of which have not been specifically allocated to any other purpose.

36.33.020 Cumulative reserve fund—Purposes—Election to allow other specified use. Any board of county commissioners may establish by resolution a cumulative reserve fund in general terms for several different county purposes as well as for a very specific county purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The resolution shall designate the fund as “cumulative reserve fund for (naming the purpose or purposes for which the fund is to be accumulated and expended).” The moneys in said fund may be allowed to accumulate from year to year until the board of county commissioners of the county shall determine to expend the moneys in the fund for the purpose or

purposes specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a majority of the electors of the county at a general or special election to allow other specified uses to be made of said fund.

36.33.030 ————**Accumulation of, current expense fund limits not to affect.** An item for said cumulative reserve fund may be included in the county's annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the board of county commissioners of the county the amount required for the specified purpose or purposes has been raised or accumulated. The board of county commissioners may accept gifts or bequests for the cumulative reserve fund and may make transfers from the current expense fund to the cumulative reserve fund. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose or purposes than those specified, except as herein provided, nor shall moneys in said fund be considered when computing the limitations on cash balances set out in section 4, chapter 164, Laws of 1923 as last amended by section 1, chapter 145, Laws of 1943 and RCW 36.40.090.

36.33.040 ————**Permissible uses of funds in.** No money in any cumulative reserve fund shall be used for any purpose other than that for which the fund was created except:

(1) If the purpose of the creation of a cumulative reserve fund has been accomplished by the completion of the proposed building or improvement, the balance remaining in the fund may be transferred to any other cumulative reserve fund or to the county current expense fund by order of the board.

(2) If the purpose of the creation of a cumulative reserve fund ceases to exist or is abandoned, the fund or any part thereof, may be transferred to any other cumulative reserve fund or to the county current expense fund by order of the board after a public hearing thereon pursuant to a notice by publication: *Provided*, That if the amount to be transferred exceeds fifty thousand dollars, no transfer may be made until authorized by a majority of the voters of the county voting upon the question at an election.

36.33.060 **Salary fund — First class and higher classification counties.** There is created in Class AA and Class A counties and counties of the first class a fund to be known as the salary fund, which shall be used for paying the salaries and wages of all officials and employees. Said salary fund shall be reimbursed from any

county funds budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Any surplus in this fund which may accrue from the cancellation of warrants shall be transferred to the current expense fund.

36.33.070 Investment in warrants on tax refund fund. Whenever the county treasurer deems it expedient and for the best interests of the county he may invest any moneys in the county current expense fund in outstanding warrants on the county tax refund fund in the following manner: When he has determined the amount of moneys in the county current expense fund available for investment, he shall call, in the order of their issuance, a sufficient number of warrants drawn on the county tax refund fund as nearly as possible equalling in amount but not exceeding the moneys to be invested, and upon presentation and surrender thereof he shall pay to the holders of such warrants the face amount thereof and the accrued interest thereon out of moneys in the county current expense fund.

36.33.080 Procedure upon purchase—Interest on. Upon receipt of any such warrant on the tax refund fund the county treasurer shall enter the principal amount thereof, and accrued interest thereon, as a suspense credit upon his records, and shall hold the warrant until it with interest, if any, is paid in due course out of the county tax refund fund, and upon such payment, the amount thereof shall be restored to the county current expense fund. The refund warrants held by the county treasurer shall continue to draw interest until the payment thereof out of the county tax refund fund, which interest accruing subsequent to acquisition of the warrants by the county treasurer shall be paid into the county current expense fund.

36.33.090 Breaking of warrants authorized. Whenever it appears to the county treasurer that the face amount plus accrued interest of the tax refund warrant next eligible for investment exceeds by one hundred dollars the amount of moneys in the county current expense fund available for investment, the county treasurer may notify the warrant holder who shall thereupon apply to the county auditor for the breaking of the warrant and the county auditor upon such application shall take up the original warrant and reissue, as of the date which the original warrant bears, two new refund warrants one of which shall be in an amount approximately equalling, with accrued interest, the amount of moneys in the county current expense fund determined by the county treasurer to be available for investment. The new warrants when issued shall be callable and payable in the same order with

respect to other outstanding tax refund warrants as the original warrant in lieu of which the new warrants were issued.

36.33.100 ————**Purchased warrants as cash.** In making settlements of accounts between outgoing and incoming county treasurers, any county tax refund warrant in which money in the county current expense fund has been invested shall be deemed in every way the equivalent of cash and shall be receipted for by the incoming county treasurer as such.

36.33.110 **Distribution of forest reserve funds.** The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

County commissioners of the respective counties to which the money is distributed are authorized and directed to expend said money for the benefit of the public schools, including school maintenance and building purposes, and public roads thereof, and not otherwise.

36.33.120 **County lands assessment fund created—Levy for.** The boards of county commissioners may annually levy a tax upon all taxable property in the county, for the purpose of creating a fund to be known as “county lands assessment fund.”

36.33.130 ————**Purpose of fund.** The county lands assessment fund may be expended by the county commissioners to pay in full or in part, any assessment or installment of assessments of drainage improvement districts, diking improvement districts, or districts formed for the foregoing purposes, or assessments for road improvements, falling due against lands in the year when such lands are acquired by the county or while they are owned by the county, including lands acquired by the county for general purposes; also lands which have been acquired by the county by foreclosure of general taxes. Payment may be made of such assessments, or installments thereof, against such lands or classes of lands, and in such districts or classes of districts as the county commissioners deem advisable. No payment shall be made of any assessments or installments of assessments falling due prior to the year in which the lands were acquired by the county, nor shall any assessments be paid in advance of the time when they fall due. Assessments for maintenance and operation of dikes, drains, or other improve-

ments of districts falling due upon such lands while owned by the county, may be paid without the payment of assessments or installments thereof for construction of the improvements, if the county commissioners elect so to do.

36.33.140 ————**Amount of levy.** The amount of the levy in any year for the county lands assessment fund shall not exceed the estimated amount needed over and above all moneys on hand in the fund, to pay the aggregate amount of such assessments falling due against the lands in the ensuing year; and in no event shall the levy exceed one-half of one mill upon all taxable property in the county.

36.33.150 ————**Surplus from tax sales to go into fund.** Into the county lands assessment fund shall also be paid any surplus moneys from the sale by the county, pursuant to foreclosure of real estate taxes, of any lands lying in any district formed for diking or drainage purposes or for assessment of road improvements, over and above the amount necessary to redeem the general taxes and other assessments against them, as required by law. Any surplus from any county levy for the fund, unexpended in any year, shall be carried forward in the fund to the next year.

36.33.160 ————**List of lands to be furnished.** Upon request the county treasurer shall furnish to the board of county commissioners on or before the first day of May of each year, or at any other date that may be found advisable, a list of all lands owned by the county, together with the amounts levied as assessments and the district in or by which such assessments are levied, against each description of said lands, as it appears on the assessment roll of the district. On or before the first day of August of each year he shall furnish to the county commissioners a similar list of all land owned by the county and subject to any such assessments, together with the amounts of any installment of assessments falling due against any of such lands in the ensuing year and an estimate of any maintenance or other assessments to be made against same to fall due in the ensuing year; also an estimate of the amount of assessments to fall due in the ensuing year against lands that will be acquired by the county in such year.

36.33.170 ————**Rentals may be applied against assessments.** Moneys received as rentals of irrigated lands may be applied to the payment of current irrigation charges or assessments against the land.

36.33.180 ————**Investment of surplus funds in U. S. bonds.** The county treasurer of every county shall call the attention of the county finance committee to any inactive fund or funds in excess of the current needs of the county. The committee may by

order authorize him to invest such inactive or excess funds in bonds of the United States government, if prior to making the order, they have applied for and received from the state finance committee, its approval of such investment.

36.33.190 ————**Disposal of bonds.** The county treasurer shall cash any United States bonds owned by the county as they mature or, with the approval of the state finance committee and of the county finance committee, he may at any time sell them. In either event he must return the proceeds into the treasury.

36.33.200 Election reserve fund. The board of county commissioners may establish an election reserve fund for the payment of expenses of conducting regular and special state and county elections and compensation of election and registration officers and annually budget and levy a tax therefor. It may also make transfers into the election reserve fund from the current expense fund and receive funds for such purposes from cities, school districts and other subdivisions.

36.33.210 ————**Accumulation of fund—Transfers.** The limits placed upon the amount to be accumulated in the current expense fund shall not affect the election reserve fund nor shall the existence of the election reserve fund affect the amount which may be accumulated in the current expense fund, nor shall any unexpended balance in the election reserve fund at the end of any budget year revert to the current expense fund but shall be carried forward in the election reserve fund to be used for the purposes for which the fund was created: *Provided*, That at a regular session, the county commissioners may transfer any surplus in said fund to the current expense fund, if they deem it expedient to do so.

Chapter 36.34

COUNTY PROPERTY

36.34.010 Authority to sell—May sell timber, minerals separately—Mineral reservation. Whenever it appears to the board of county commissioners that it is for the best interests of the county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of property, whether real, personal, or mixed, belonging to the county, including tax title land, should be sold, the board shall sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided.

In making such sales the board of county commissioners may sell any timber, mineral, or other resources on any land owned by the county separate and apart from the land in the same manner

and upon the same terms and conditions as provided in this chapter for the sale of real property.

The board of county commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of the land shall contain the following reservation:

"The party of the first part hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber, and fossils of every name, kind, or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coals, ores, minerals, gravel, timber and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, the right to enter by itself, its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, the right by it or its agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors, and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved."

No rights shall be exercised under the foregoing reservation until provision has been made to pay to the owner of the land upon which the rights reserved are sought to be exercised, full payment for all damages sustained by reason of entering upon the land: *Provided*, That if the owner for any cause refuses or neglects to settle the damages, the county, its successors, or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which the owner of the land may suffer. Any of the reserved minerals or other resources not exceeding two hundred dollars in value may be sold,

when the board deems it advisable, either with or without publication of notice of sale, and in such manner as the board may determine will be most beneficial to the county.

36.34.020 Publication of notice of intention to sell. Whenever the board of county commissioners desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than two hundred dollars;
- (4) When the board by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in three different legal newspapers published in the county, or if there are less than three in as many legal newspapers as are published in the county.

36.34.030 Requirements of notice—Posting. The notice of hearing on the proposal to dispose of any county property must particularly describe the property or portion thereof proposed to be sold and designate the place where and the day and hour when a hearing will be held thereon and be posted in a conspicuous place in the courthouse. Both posting and the date of first publication must be at least ten days before the day set for the hearing.

36.34.040 Public hearing. The board shall hold a public hearing upon a proposal to dispose of county property at the day and hour fixed in the notice at its usual place of business and admit evidence offered for and against the propriety and advisability of the proposed action. Any taxpayer in person or by counsel may submit evidence and submit an argument, but the board may limit the number to three on a side.

36.34.050 Findings and determination. Within three days after the hearing upon a proposal to dispose of county property, the board of county commissioners shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record.

36.34.060 Sales of personalty. Sales of personal property must be for cash except:

- (1) When property is transferred to a governmental agency;
- (2) When the county property is to be traded in on the purchase of a like article, in which case the proposed cash allowance for the trade-in must be part of the proposition to be submitted by the seller in the transaction.

36.34.070 Sales and purchases of equipment—Trade-ins. The board may advertise and sell used highway or other equipment belonging to the county or to any taxing division thereof subject to its jurisdiction in the manner prescribed for the sale of county property, or it may trade it in on the purchase of new equipment. If the board elects to trade in the used equipment it shall include in its call for bids on the new equipment a notice that the county has for sale or trade-in used equipment of a specified type and description which will be sold or traded in on the same day and hour that the bids on the new equipment are opened. Any bidder on the new equipment may include in his offer to sell, an offer to accept the used equipment as a part payment of the new equipment purchase price, setting forth the amount of such allowance.

In determining the lowest and best bid on the new equipment the board shall consider the net cost to the county of such new equipment after trade-in allowances have been deducted. The board may accept the new equipment bid of any bidder without trading in the used equipment but may not require any such bidder to purchase the used equipment without awarding the bidder the new equipment contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment and the board shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county.

36.34.080 Place of sales—Public auction. All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be made by the county treasurer at a designated place in the courthouse to the highest and best bidder at public auction.

36.34.090 Notice of sale. Whenever county property is to be sold at public auction, the county auditor shall publish notice thereof once during each of two successive calendar weeks in three different newspapers published in the county or if there are less than three, in as many newspapers as are published in the county. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale.

36.34.100 ———Requirements of. The notice of sale of county property must particularly describe the property to be sold and designate the day and hour and the place of sale. If real property is to be sold on terms, the terms must be stated in the notice.

36.34.110 Disposition of proceeds. The proceeds of sales of county property except in cases of trade-in allowances upon purchases of like property must be paid to the county treasurer who

must receipt therefor and execute the proper documents transferring title attested to by the county auditor. In no case shall the title be transferred until the purchase price has been fully paid.

36.34.120 Used equipment sales. Proceeds from the sale of used equipment must be credited to the fund from which the original purchase price was paid.

36.34.130 Intergovernmental sales. The board of county commissioners may dispose of county property to another governmental agency and may acquire property for the county from another governmental agency by means of private negotiation upon such terms as may be agreed upon and for such consideration as may be deemed by the board of county commissioners to be adequate.

36.34.140 Leases of county property—Airports. The board of county commissioners, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances should be leased for a year or a term of years, may lease such property under the limitations and restrictions and in the manner provided in this chapter, and, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances which is now being, or is to be devoted to airport or aeronautical purposes or purposes incidental thereto, should be leased for a year or a term of years, said board of county commissioners may lease such property under the limitations and restrictions and in the manner provided in this chapter, and said board of county commissioners shall have power to lease such county real property and its appurtenances whether such property was heretofore or hereafter acquired or whether heretofore or hereafter acquired by tax deed under tax foreclosure proceedings for nonpayment of taxes or whether held or acquired in any other manner. Any lease executed under the authority of the provisions hereof creates a vested interest and a contract binding upon the county and the lessee.

36.34.145 Leases in Class A counties to nonprofit corporations for agricultural fairs. The board of county commissioners of any Class A county owning property in or outside the limits of any city or town, or anywhere within the county, which is suitable for agricultural fair purposes may by negotiation lease such property for such purposes for a term not to exceed seventy-five years to any nonprofit organization that has demonstrated its qualification to conduct agricultural fairs. Such agricultural fair leases shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rental as shall appear reasonable, considering the benefit to be derived by the county in the promotion of the fair and in the improve-

ment of the property. The lessee may utilize or rent out such property at times other than during the fair season for nonfair purposes in order to obtain income for fair purposes, and during the fair season may sublease portions of the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the board of county commissioners: *Provided*, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the board of county commissioners.

36.34.150 Application to lease—Deposit. Any person desiring to lease county lands shall make application in writing to the board of county commissioners. Each application shall be accompanied by a deposit of not less than ten dollars or such other sum as the county commissioners may require, not to exceed twenty-five dollars. The deposit shall be in the form of a certified check or certificate of deposit on some bank in the county, or may be paid in cash. In case the lands applied for are leased at the time they are offered, the deposit shall be returned to the applicant, but if the party making application fails or refuses to comply with the terms of his application and to execute the lease, the deposit shall be forfeited to the county, and the board of county commissioners shall pay the deposit over to the county treasurer, who shall place it to the credit of the current expense fund.

36.34.160 Notice of intention to lease. When, in the judgment of the board of county commissioners, it is found desirable to lease the land applied for, it shall first give notice of its intention to make such lease by publishing a notice in a legal newspaper at least once a week for the term of three weeks, and shall also post a notice of such intention in a conspicuous place in the courthouse for the same length of time. The notice so published and posted shall designate and describe the property which is proposed to be leased, together with the improvements thereon and appurtenances thereto, and shall contain a notice that the board of county commissioners will meet at the county courthouse on a day and at an hour designated in the notice, for the purpose of leasing the property which day and hour shall be at a time not more than a week after the expiration of the time required for the publication of the notice.

36.34.170 Objections to leasing. Any person may appear at the meeting of the county commissioners or any adjourned meeting thereof, and make objection to the leasing of the property, which objection shall be stated in writing. In passing upon objections the board of county commissioners shall, in writing, briefly give its

reasons for accepting or rejecting the same, and such objections, and the reasons for accepting or refusing the application, shall be published by the board in the next subsequent weekly issue of the newspaper in which the notice of hearing was published.

36.34.180 Lease terms. At the day and hour designated in the notice or at any subsequent time to which the meeting may be adjourned by the board of county commissioners, but not more than thirty days after the day and hour designated for the meeting in the published notice, the board may lease the property in such notice described for a term of years and upon such terms and conditions as to the board may seem just and right in the premises. No lease shall be for a longer term in any one instance than ten years, and no renewal of a lease once executed and delivered shall be had, except by a re-leasing and re-letting of the property according to the terms and conditions of this chapter: *Provided*, That if a county owns property within or outside the corporate limits of any city or town or anywhere in the county suitable for municipal purposes, or for commercial buildings, or owns property suitable for manufacturing or industrial purposes or sites, or for military purposes, or for temporary or emergency housing, or for any requirement incidental to manufacturing, commercial, agricultural, housing, military, or governmental purposes, the board of county commissioners may lease it for such purposes for any period not to exceed thirty-five years: *Provided further*, Where the property involved is or is to be devoted to airport purposes and construction work or the installation of new facilities is contemplated, the board may lease said property for such period as may equal the estimated useful life of such work or facilities but not to exceed seventy-five years.

If property is leased for municipal purposes or for commercial buildings or manufacturing or industrial purposes the lessee shall prior to the execution of the lease file with the board of county commissioners general plans and specifications of the building or buildings to be erected thereon for such purposes. All leases when executed shall provide that they shall be canceled by failure of the lessee to construct such building or buildings or other improvements for such purposes within three years from date of the lease, and in case of failure so to do the lease and all improvements thereon including the rentals paid, shall thereby be forfeited to the county unless otherwise stipulated. No change or modification of the plans shall be made unless first approved by the board of county commissioners. If at any time during the life of the lease the lessee fails to use the property for the purposes leased, without first obtaining permission in writing from the board of county commissioners so to do, the lease shall be forfeited.

Any lease made for a longer period than ten years shall contain provisions requiring the lessee to permit the rentals for every five year period thereafter, or part thereof, at the commencement of such period, to be readjusted and fixed by the board of county commissioners. In the event that the lessee and the board cannot agree upon the rentals for said five year period, the lessee shall submit to have the disputed rentals for the subsequent period adjusted by arbitration. The lessee shall pick one arbitrator and the board one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories, or other improvements made upon property leased shall belong to and become property of such county, unless otherwise stipulated, at the expiration of the lease.

No lease shall be assigned without the assignment being first authorized by resolution of the board of county commissioners and the consent in writing of at least two members of the board endorsed on the lease. All leases when drawn shall contain this provision.

This section shall not be construed to limit the power of the board of county commissioners to sell, lease, or by gift convey any property of the county to the United States or any of its governmental agencies to be used for federal government purposes.

36.34.190 Lease to highest responsible bidder. No lease shall be made by the county except to the highest responsible bidder at the time of the hearing set forth in the notice of intention to lease.

36.34.200 Execution of lease agreement. Upon the decision of the board of county commissioners to lease the lands applied for, a lease shall be executed in duplicate to the lessee by the chairman of the board and the county auditor, attested by his seal of office, which lease shall also be signed by the lessee. The lease shall refer to the order of the board directing the lease, with a description of the lands conveyed, the periods of payment, and the amounts to be paid for each period.

36.34.210 Forest lands may be conveyed to United States. The board of county commissioners of any county which acquires any lands through foreclosure of tax liens or otherwise, which by reason of their location, topography, or geological formation are chiefly valuable for the purpose of developing and growing timber, and which are situated within the boundaries of any national forest, may, upon application by the proper forest service official of the United States government, convey such lands to the United States government for national forest purposes under the national forest land exchange regulations, for such compensation as may be deemed equitable.

36.34.220 Lease or conveyance to United States for flood control, navigation and allied purposes. If the board of county commissioners of any county adjudges that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to lease or convey property, real or personal, belonging to the county, however acquired, whether by tax foreclosure or in any other manner, to the United States for the purpose of flood control, navigation, power development, or for use in connection with federal projects within the scope of the federal reclamation act of June 17, 1902, and the act of congress of August 30, 1935, entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," and federal acts amendatory thereof and supplemental thereto, for the reclamation and irrigation of arid lands, the board, by majority vote, may lease or convey such property to the United States for flood control, navigation, and power development purposes, or for use in connection with federal projects for the reclamation and irrigation of arid lands. This property may be conveyed or leased by deed or other instrument of conveyance or lease without notice and upon such consideration, if any, as shall be determined by the board and the deed or lease may be signed by the county treasurer when authorized to do so by resolution of the board. Any deed issued heretofore by any county to the United States under authority of section 1, chapter 46, Laws of 1937 and the amendments thereto, is ratified and approved and declared to be valid.

36.34.230 ———State consents to conveyance. Pursuant to the Constitution and laws of the United States and the Constitution of this state, consent of the legislature is given to such conveyance by a county to the United States for such purposes.

36.34.240 ———Cession of jurisdiction. Pursuant to the Constitution and laws of the United States and the Constitution of this state, consent of the legislature is given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever on such tract or parcels of land so conveyed to it: *Provided*, That all civil process issued from the courts of the state and such criminal process as may issue under the authority of the state against any person charged with crime in cases arising outside of said tract may be served and executed thereon in the same manner as if such property were retained by the county.

36.34.250 Lease or conveyance to the state or to United States for military, housing and other purposes. The board of county commissioners of any county by a majority vote are hereby authorized to directly lease, sell, or convey by gift, all or any portion of real

estate, or any interest therein owned by the county, however acquired, by tax foreclosure or in any other manner, to the United States for the use and benefit of any branch of the army, navy, marine corps or air forces of the United States, or for enlarging or improving any military base thereof, or for any governmental housing project, or for the purpose of constructing and operating any federal power project, or to the state of Washington, without requiring competitive bids or notice to the public and at such price and terms as the board may deem for the best interests of the county. The property may be conveyed to the United States or to the state of Washington by deed or other instrument of conveyance and shall not require any consideration, if donated, other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government or the state.

36.34.260 ————**Same.** In any county where the federal government owns and maintains property under the jurisdiction of the navy department or war department, or any other federal department, the board of county commissioners by majority vote may sell, lease or transfer to the United States government any real or personal property owned by said county, however acquired, for the use and benefit of any branch of the army, navy, marine corps or air forces thereof or for enlarging or improving any military base thereof, or for any other governmental housing project, or to the state of Washington, without requiring competitive bids or notice to the public and at such price and terms as the board may deem for the best interests of the county. This property may be conveyed to the government of the United States by bill of sale or other instrument of conveyance and need not require consideration other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government. The state of Washington may buy and/or sell such property, or the state of Washington may buy and/or sell such property for the purposes herein stated; or mutually interchange or trade such property or purchase one from the other.

36.34.270 ————**Execution of instrument of transfer.** The resolution of the board of county commissioners to grant an option to purchase, contract to sell, lease, sell and convey, or donate, as provided, shall be entered by said board upon its journal, and any option to purchase, contract to sell, lease, sale and conveyance, or donation executed pursuant thereto, shall be signed on behalf of the county by the board of county commissioners, or a majority thereof, and shall be acknowledged in the manner prescribed by law.

36.34.280 **Conveyance to municipality.** Whenever any county

holds title to lands, for county purposes, acquired by grant, patent, or other conveyance from the United States executed under and pursuant to an act of congress, and the board of county commissioners of such county by resolution finds and determines that any portion thereof is not required for county purposes and that it would be for the best interest of the county to have such portion of the lands devoted to use by a municipality lying within the county, the board of county commissioners may, with the consent of the congress of the United States, by a proper instrument of conveyance executed by the board on behalf of the county, convey such lands to the municipality for municipal purposes, either with or without consideration, and shall not be required to advertise or offer such lands for sale or lease in the manner provided by law for the sale or lease of county property.

36.34.290 Dedication of county land for streets and alleys. The boards of county commissioners of the several counties may dedicate any county land to public use for public streets and alleys in any city or town.

36.34.300 ————Execution of dedication — Effective date. Whenever the board of county commissioners of any county deems it for the best interests of the public that any county land lying in any city or town should be dedicated to the public use for streets or alleys, it shall make and enter an order upon its records, designating the land so dedicated, and shall cause a certified copy of the order to be recorded in the auditor's office of the county in which the land is situated, and from and after entry of such order of dedication and the recording thereof as herein provided, such lands shall be thereby dedicated to the public use.

36.34.310 Long term leases to United States. Any county in the state may lease any property owned by it to the United States of America or to any agency thereof for a term not exceeding ninety-nine years upon such conditions as may be contained in a written agreement therefor executed on behalf of the county by its board of county commissioners, and by any person on behalf of the United States of America or any agency thereof who has been thereunto authorized: *Provided*, That any lease made for a longer period than ten years hereunder shall contain provisions requiring the lessee to permit the rentals for every five-year period thereafter, or part thereof, at the commencement of such period, to be readjusted upward and fixed by the board of county commissioners. In the event that the lessee and the board of county commissioners cannot agree upon the rentals for the five-year period, the lessee shall submit to have the disputed rentals for such subsequent period adjusted by arbitration. The lessee shall pick

one arbitrator and the board of county commissioners one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories or other improvements made upon property leased under this proviso shall belong to and become property of the county, unless otherwise stipulated, at the expiration of the lease.

Chapter 36.37

AGRICULTURAL FAIRS AND POULTRY SHOWS

36.37.010 Fairs authorized — Declared county purpose. The holding of county fairs and agricultural exhibitions of stock, cereals, and agricultural produce of all kinds, including dairy produce, as well as arts and manufactures, by any county in the state, and the participation by any county in a district fair or agricultural exhibition, is declared to be in the interest of public good and a strictly county purpose.

36.37.020 Property may be acquired for fairs. The board of county commissioners of any county in the state may acquire by gift, devise, purchase, condemnation and purchase, or otherwise, lands, property rights, leases, easements, and all kinds of personal property and own and hold the same and construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining county or district fairs for the exhibition of county or district resources and products.

36.37.040 Expenditure of funds—Revolving fund—Management of fairs. The board of county commissioners of any county may appropriate and expend each year such sums of money as they deem advisable and necessary for (1) acquisition of necessary grounds for fairs and world fairs, (2) construction, improvement and maintenance of buildings thereon, (3) payment of fair premiums, and (4) the general maintenance of such fair. The board of county commissioners of any county may also authorize the county auditor to provide a revolving fund to be used by the fair officials for the conduct of the fair. The board of county commissioners may employ persons to assist in the management of fairs or by resolution designate a nonprofit corporation as the exclusive agency to operate and manage such fairs.

36.37.050 District or multiple county fairs authorized. Each county is authorized to hold one county fair in each year, or, as an alternative, to participate with any other county or counties in the holding of a district fair. Where counties participate in the holding of a district fair, the boards of county commissioners of each of

participating counties may enter into mutual agreements setting forth the manner and extent of the participation by each county in the management and support of the district fair, subject to the limitations imposed on each respective county by the provisions of this chapter.

36.37.090 Poultry shows—Petition—Appropriation. Upon petition of twenty-five resident taxpayers of any county who are interested in the poultry industry, the board of county commissioners may set aside and include in its annual budget a sum equivalent to five percent of the assessed valuation of poultry in the county each year for the purpose of holding winter poultry shows, the said sum not to exceed five hundred dollars in any one year.

36.37.100 ———Open to public—Admission charge. All poultry shows shall be open to the public. Such admission charge may be made as is authorized by the board of county commissioners.

36.37.110 ———Conduct of shows. All such poultry shows shall be held under the rules of the American Poultry Association and only licensed poultry judges shall be employed thereat.

Chapter 36.38

ADMISSIONS TAX

36.38.010 Tax authorized—Exception as to schools. Any county may by ordinance enacted by its board of county commissioners, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: *Provided*, no county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also

include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: *Provided*, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the board of county commissioners.

36.38.020 Optional provisions in ordinance. In addition to the provisions levying and fixing the amount of tax, the ordinance may contain any or all of the following provisions:

- (1) A provision defining the words and terms used therein;
- (2) A provision requiring the price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold to be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place for which an admission charge is exacted, and making the violation of such provision a misdemeanor punishable by fine of not exceeding one hundred dollars;
- (3) Provisions fixing reasonable exemptions from such tax;
- (4) Provisions allowing as an offset against the tax, the amount of like taxes levied, fixed, and collected within their jurisdiction by incorporated cities and towns in the county;
- (5) A provision requiring persons receiving payments for admissions taxed under said ordinance to collect the amount of the tax from the persons making such payments;
- (6) A provision to the effect that the tax imposed by said ordinance shall be deemed to be held in trust by the person required to collect the same until paid to the county treasurer, and making it a misdemeanor for any person receiving payment of the tax and appropriating or converting the same to his own use or to any use other than the payment of the tax as provided in said ordinance to the extent that the amount of such tax is not available for payment on the due date for filing returns as provided in said ordinance;
- (7) A provision that in case any person required by the ordinance to collect the tax imposed thereby fails to collect the same, or having collected the tax fails to pay the same to the county treasurer in the manner prescribed by the ordinance, whether such failure is the result of such person's own acts or the result of acts or conditions beyond such person's control, such person shall nevertheless be personally liable to the county for the amount of the tax;
- (8) Provisions fixing the time when the taxes imposed by the ordinance shall be due and payable to the county treasurer; re-

quiring persons receiving payments for admissions to make periodic returns to the county treasurer on such forms and setting forth such information as the county treasurer may specify; requiring such return to show the amount of tax upon admissions for which such person is liable for specified preceding periods, and requiring such person to sign and transmit the same to the county treasurer together with a remittance for the amount;

(9) A provision requiring taxpayers to file with the county treasurer verified annual returns setting forth such additional information as he may deem necessary to determine tax liability correctly;

(10) A provision to the effect that whenever a certificate of registration, if required by the ordinance, is obtained for operating or conducting temporary places of amusement by persons who are not the owners, lessees, or custodians of the building, lot or place where the amusement is to be conducted, or whenever the business is permitted to be conducted without the procurement of a certificate, the tax imposed shall be returned and paid as provided in the ordinance by such owner, lessee, or custodian, unless paid by the person conducting the place of amusement;

(11) A provision requiring the applicant for a temporary certificate of registration, if required by the ordinance, to furnish with the application therefor, the name and address of the owner, lessee, or custodian of the premises upon which the amusement is to be conducted, and requiring the county treasurer to notify such owner, lessee, or custodian of the issuance of any such temporary certificate, and of the joint liability for such tax;

(12) A provision empowering the county treasurer to declare the tax upon temporary or itinerant places of amusement to be immediately due and payable and to collect the same, when he believes there is a possibility that the tax imposed under the ordinance will not be otherwise paid;

(13) Any or all of the applicable general administrative provisions contained in RCW 82.32.010 through 82.32.340 and 82.32.380, and the amendments thereto, except that unless otherwise indicated by the context of said sections, in all provisions so incorporated in such ordinance (a) the term "county treasurer" (of the county enacting said ordinance) shall be substituted for each reference made in said sections to the "commission," the "tax commission," "any member of the commission," or "secretary of the tax commission"; (b) the name of the county enacting such ordinance shall be substituted for each reference made in said sections to the "state" or to the "state of Washington"; (c) the term "this ordinance" shall be substituted for each reference made in said sections to "this chapter"; (d) the name of the county enacting said ordinance shall be substituted for each reference made in said sections to "Thurston

county”; and (e) the term “board of county commissioners” shall be substituted for each reference made in said sections to the “director of budget.”

36.38.030 Form of ordinance. The ordinance levying and fixing the tax shall be headed by a title expressing the subject thereof, and the style of the ordinance shall be: “Be it ordained by the Board of County Commissioners of County, State of Washington.” The ordinance shall be enacted by a majority vote of the board at a regular meeting thereof, and only after the form of such ordinance as ultimately enacted has been on file with the clerk of the board and open to public inspection for not less than ten days. The ordinance shall not become effective until thirty days following its enactment, and within five days following its enactment it shall be printed and published in a newspaper of general circulation in the county. The ordinance shall be signed by a majority of the board, attested by the clerk of the board, and shall be duly entered and recorded in the book wherein orders of the board are entered and recorded. The ordinance may be at any time amended or repealed by an ordinance enacted, published, and recorded in the same manner.

Chapter 36.39

ASSISTANCE AND RELIEF

36.39.030 Disposal of remains of indigent persons. The board of county commissioners of any county shall provide for the disposition of the remains of any indigent person including a recipient of public assistance who dies within the county and whose body is unclaimed by relatives or church organization.

36.39.040 Federal surplus commodities—County expenses—Handling commodities for certified persons—County program, cooperative program. The county commissioners of any county may expend from the county general fund for the purpose of receiving, warehousing and distributing federal surplus commodities for the use of or assistance to recipients of public assistance or other needy families and individuals when such recipients, families or individuals are certified as eligible to obtain such commodities by the state department of public assistance. The county commissioners may expend county general fund moneys to carry out any such program as a sole county operation or in conjunction or cooperation with any similar program of distribution by private individuals or organizations, any department of the state, or any political subdivision of the state.

Chapter 36.40**BUDGET**

36.40.010 Estimates to be filed by county officials. On or before the second Monday in July of each year the county auditor shall notify in writing each county official, elective or appointive, in charge of an office, department, service, or institution of the county, to file with him on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service, or institution for the ensuing fiscal year.

36.40.020 Commissioners to file road and bridge estimate and estimate of future bond expenditures. The county commissioners shall submit to the auditor a detailed statement showing all new road and bridge construction to be financed from the county road fund, and from bond issues theretofore issued, if any, for the ensuing fiscal year, together with the cost thereof as computed by the county road engineer or for constructions in charge of a special engineer, then by such engineer, and such engineer shall prepare such estimates of cost for the county commissioners. They shall also submit a similar statement showing the road and bridge maintenance program, as near as can be estimated.

The county commissioners shall also submit to the auditor detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or warrants not yet authorized.

36.40.030 Forms of estimates—Penalty for delay. The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the auditor and classified according to the classification established by the division of municipal corporations. The auditor shall provide such forms. He shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his office.

Each such official shall file his estimates within the time and in the manner provided in the notice and form and the auditor shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: *Provided*, That the total penalty against any one official shall not exceed fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the

office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

36.40.040 Preliminary budget prepared by auditor. Upon receipt of the estimates the auditor shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

Such estimates, appropriations, and expenditures shall be classified under the general classes of (1) salaries and wages (2) maintenance and operation (3) capital outlay (4) interest and debt redemption, and (5) expenditures proposed to be made from bond or warrant issues not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which they are to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by the division of municipal corporations. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds and warrant interest and redemption requirements shall be set out in a similar manner.

The county auditor shall set forth separately in the annual budget to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the board shall include in the annual

tax levy, a levy sufficient to raise an amount equal to the total of such warrants: *Provided*, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

36.40.050 Revision by county commissioners. The budget shall be submitted by the auditor to the board of county commissioners on or before the first Tuesday in September of each year. The board shall thereupon consider the same in detail, making any revisions or additions it deems advisable.

36.40.060 Notice of hearing on budget. The board shall then publish a notice stating that it has completed and placed on file its preliminary budget for the county for the ensuing fiscal year, a copy of which will be furnished any citizen who will call at its office for it, and that it will meet on the first Monday in October thereafter for the purpose of fixing the final budget and making tax levies, designating the time and place of such meeting, and that any taxpayer may appear thereat and be heard for or against any part of the budget. The notice shall be published once each week for two consecutive weeks immediately following adoption of the preliminary budget in the official newspaper of the county, or if there is none, in a legal newspaper in the county. The board shall provide a sufficient number of copies of the detailed and comparative preliminary budget to meet the reasonable demands of taxpayers therefor and the same shall be available for distribution not later than two weeks immediately preceding the first Monday in October.

36.40.070 Budget hearing. On the first Monday in October in each year the board of county commissioners shall meet at the time and place designated in the notice, whereat any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day until concluded but not to exceed a total of five days. The officials in charge of the several offices, departments, services, and institutions shall, at the time the estimates for their respective offices, departments, services or institutions are under consideration be called in and appear before such hearing by the board at the request of any taxpayer and may be questioned concerning such estimates by the commissioners or any taxpayer present.

36.40.080 Final budget to be fixed. Upon the conclusion of the budget hearing the board of county commissioners shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the division of municipal corporations.

36.40.090 Taxes to be levied. The board of county commissioners shall then fix the amount of the levies necessary to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation, including such portion of any available surplus as in the discretion of the board it shall be advisable to so use, and such expenditures as are to be met from bond or warrant issues: *Provided*, That no county shall retain an unbudgeted cash balance in the current expense fund in excess of a sum equal to the proceeds of a five mill levy against the assessed valuation of the county. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

36.40.100 Budget constitutes appropriations—Transfers. The estimates of expenditures itemized and classified as required in RCW 36.40.040 and as finally fixed and adopted in detail by the board of county commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and the county commissioners and every other county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: *Provided*, That upon a resolution formally adopted by the board at a regular or special meeting and entered upon the minutes, transfers or revisions within the general classes of "salaries and wages," "maintenance and operation" and "capital outlay" may be made: *Provided further*, That no salary class shall be increased above the total amount appropriated therefor. Transfers between the general classes provided in RCW 36.40.040 shall not be permitted, except that in the case of appropriations from the county road fund, any transfer between the general classes of (1) salaries and wages, (2) maintenance and operation, and (3) capital outlay may be made.

36.40.110 Additional limitation on road fund expenditures. In addition to the limitations set forth in RCW 36.40.100, neither the county commissioners nor any other county official shall make any expenditure or incur any liability, except for emergencies of the kind specified in RCW 36.40.180, for any purpose for which the county road fund may be properly expended in any amount in excess of eighty percent of the amount of the taxes levied for collection during the current fiscal year for such fund until the cash receipts from taxation or otherwise during the current fiscal year paid into the fund shall exceed such eighty percent of the tax levy by an amount not less than the amount of expenditure or liability in excess of such eighty percent of the tax levy sought to be made or incurred.

36.40.120 Limitation on use of borrowed money. Moneys received from borrowing shall be used for no other purpose than that for which borrowed except that if any surplus shall remain after the accomplishment of the purpose for which borrowed, it shall be used to redeem the county debt. Where the budget contains an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditure shall be made or incurred until such bonds have been duly authorized.

36.40.130 County not liable on overexpenditure—Penalty against officials. Expenditures made, liabilities incurred, or warrants issued in excess of any of the detailed budget appropriations or as revised by transfer as in RCW 36.40.100, 36.40.110 or 36.40.120 provided shall not be a liability of the county, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The county auditor shall issue no warrant and the county commissioners shall approve no claim for any expenditure in excess of the detailed budget appropriations or as revised under the provisions of RCW 36.40.100 through 36.40.130, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. Any county commissioner, or county auditor, approving any claim or issuing any warrant in excess of any such budget appropriation except as herein provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such county commissioner or auditor, or all of them, and the several sureties on their official bonds.

36.40.140 Emergencies subject to hearing. When a public emergency, other than such as are specifically described in RCW 36.40.180, and which could not reasonably have been foreseen at the time of making the budget, requires the expenditure of money not provided for in the budget, the board of county commissioners by unanimous vote of the commissioners present at any meeting the time and place of which all the commissioners have had reasonable notice, shall adopt and enter upon its minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet it, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein, which shall not be less than one week after the date of publication, at which any taxpayer may appear and be heard for or against the expenditure of money for the alleged emergency. The resolution and notice shall be published once in the official county newspaper, or if there is none, in a legal newspaper in the county. Upon the conclusion of the hearing, if the board of county commissioners approves it, an order shall be made and entered upon its official minutes by a unanimous

vote of all the members of the board setting forth the facts constituting the emergency, together with the amount of expenditure authorized, which order, so entered, shall be lawful authorization to expend said amount for such purpose unless a review is applied for within five days thereafter.

36.40.150 ————**Right of taxpayer to review order.** No expenditure shall be made or liability incurred pursuant to the order until a period of five days, exclusive of the day of entry of the order, have elapsed, during which time any taxpayer or taxpayers of the county feeling aggrieved by the order may have the superior court of the county review it by filing with the clerk of such court a verified petition, a copy of which has been served upon the county auditor. The petition shall set forth in detail the objections of the petitioners to the order and the reasons why the alleged emergency does not exist.

36.40.160 ————**Petition for review suspends order.** The service and filing of the petition shall operate to suspend the emergency order and the authority to make any expenditure or incur any liability thereunder until final determination of the matter by the court.

36.40.170 ————**Court's power on review.** Upon the filing of a petition the court shall immediately fix a time for hearing it which shall be at the earliest convenient date. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency such as is contemplated within the meaning and purpose of this chapter exists or not and whether the expenditure authorized by said order is excessive or not shall be final.

36.40.180 ————**Nondebatable emergencies.** Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by any law, the board of county commissioners may, upon the adoption by the unanimous vote of the commissioners present at any meeting the time and place of which all of such commissioners have had reasonable notice, of a resolution stating the facts constituting the emergency and

entering the same upon their minutes, make the expenditures necessary to meet such emergency without further notice or hearing.

36.40.190 Payment of emergency warrants. All emergency expenditures shall be paid for by the issuance of emergency warrants which shall be paid from any moneys on hand in the county treasury in the fund properly chargeable therewith and the county treasurer shall pay such warrants out of any moneys in the treasury in such fund. If at any time there are insufficient moneys on hand in the treasury to pay any of such warrants, they shall be registered, bear interest and be called in the manner provided by law for other county warrants.

36.40.200 Lapse of budget appropriations. All appropriations shall lapse at the end of the fiscal year: *Provided*, That the appropriation accounts shall remain open for a period of thirty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year.

After such period has expired all appropriations shall become null and void and any claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget: *Provided*, That this shall not prevent payments upon uncompleted improvements in progress at the close of the fiscal year.

36.40.210 Monthly report by auditor. On or before the twenty-fifth day of each month the auditor shall submit to the board of county commissioners a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of said month, together with the unexpended and unencumbered balance of each appropriation. He shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

36.40.220 Rules, classifications and forms. The division of municipal corporations may make such rules, classifications, and forms as may be necessary to carry out the provisions in respect to county budgets, define what expenditures shall be chargeable to each budget account, and establish such accounting and cost systems as may be necessary to provide accurate budget information.

36.40.230 No new funds created. This chapter shall not be construed to create any new fund.

36.40.240 Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars.

Chapter 36.43**BUILDING CODES AND FIRE REGULATIONS**

36.43.010 Authority to adopt. The boards of county commissioners may adopt standard building codes and standard fire regulations to be applied within their respective jurisdictions.

36.43.020 Area to which applicable. The building codes or fire regulations when adopted by the board of county commissioners shall be applicable to all the area of the county situated outside the corporate limits of any city or town, or to such portion thereof as may be prescribed in such building code or fire regulation.

36.43.030 Enforcement—Inspectors. The boards of county commissioners may appoint fire inspectors or other inspectors to enforce any building code or fire regulation adopted by them. The boards must enforce any building code or fire regulation adopted by them.

36.43.040 Penalty for violation of code or regulation. Any person violating the provisions of any building code or any fire regulation lawfully adopted by any board of county commissioners shall be guilty of a misdemeanor.

Chapter 36.45**CLAIMS AGAINST COUNTIES**

36.45.010 Time for filing. All claims for damages against any county must be presented before the board of county commissioners and filed with the clerk thereof within ninety days from the date that the damage occurred or the injury was sustained.

36.45.020 Requisites of claim. All such claims for damages must locate and describe the defect which caused the injury, describe the injury, and contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim accrued and be sworn to by the claimant: *Provided*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and the owner of the property is a nonresident of the county or is absent therefrom during the time within which a claim for damages is required to be filed, the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person or, in case of damages to property, representing the owner thereof.

36.45.030 Time for commencement of action. No action shall be maintained on any claim for damages until it has been presented to the board of county commissioners and sixty days have elapsed after such presentation, but such action must be commenced within three months after the sixty days have elapsed.

36.45.040 Labor and material claims. Whenever any county, by its board of county commissioners, has entered into a contract for the construction of any public improvement for the benefit of the county, whereby the contractor agreed to furnish all labor, material, and supplies necessary for the improvement, and the contractor has proceeded with such improvement and procured from other persons labor, material, or supplies and used the same in the construction of the improvement, but has failed to pay such persons therefor, and such persons have filed claims therefor against the county, and the claims have been audited in the manner provided by law and found to be just claims against the county, and valid obligations of the county except for the fact that they were not filed within the time provided by law; the board of county commissioners may provide funds sufficient therefor, and cause the payment, of such claims in the manner provided by law for the payment of valid claims against the county.

Chapter 36.47

COORDINATION OF ADMINISTRATIVE PROGRAMS

36.47.010 Declaration of necessity. The necessity and the desirability of coordinating the administrative programs of all of the counties in this state is recognized by this chapter.

36.47.020 Joint action by officers of each county—Joint reports to governor and legislature. It shall be the duty of the assessor, auditor, clerk, coroner, sheriff, superintendent of schools, treasurer, and prosecuting attorney of each county in the state to take such action as they jointly deem necessary to effect the coordination of the administrative programs of each county and to submit to the governor and the legislature biennially a joint report or joint reports containing recommendations for procedural changes which would increase the efficiency of the respective departments headed by such elected county officials.

36.47.030 State association of elected county officials may be coordinating agency. The elected county officials enumerated in RCW 36.47.020 are empowered to designate the Washington state association of elected county officials as a coordinating agency through which the duties imposed by RCW 36.47.020 may be performed, harmonized, or correlated.

36.47.040 ————Reimbursement for costs and expenses. Each county which designates the Washington state association of elected county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: *Provided*, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such elected county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the revenues produced by a levy of one-hundredth of a mill against the assessed valuation of taxable property in such county.

36.47.050 Elected county officials—Further action authorized—Meetings. The elected county officials enumerated in RCW 36.47.020 are authorized to take such further action as they deem necessary to comply with the intent of this chapter, including attendance at state and district meetings which may be required to formulate the reports provided for in RCW 36.47.020.

36.47.060 Association financial records subject to audit by division of municipal corporations. The financial records of the Washington state association of elected county officials shall be subject to audit by the Washington state division of municipal corporations.

Chapter 36.48

DEPOSITARIES

36.48.010 Depositaries to be designated by treasurer. Each county treasurer shall annually on the second Monday in January, and at such other times as he deems necessary, designate one or more banks in the state as depository or depositaries of all public funds held and required to be kept by him as such treasurer, and such designation or designations shall be in writing, and shall be filed with the board of county commissioners of his county, and no county treasurer shall deposit any public money in banks, except as herein provided.

36.48.020 ————Bond—Collateral insurance—Federal deposit insurance. Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank, the bank designated shall, within ten days after the designation has been filed, file with the county clerk of the county a surety bond to the county treasurer, properly executed by some reliable surety company qualified under the laws of the state to do business therein, in the maximum amount of deposits designated by the treasurer to be carried in the bank, conditioned for the prompt and faithful payment thereof on checks drawn by the treasurer.

The bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney, and the county treasurer, or any two of such officers, before being filed with the county clerk, and unless so approved, it shall not be received or filed by the county clerk.

The depository may deposit with the county treasurer in lieu of the surety bond, any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than one hundred and ten percent of the amount of the funds deposited by the treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligations of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the state;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision in the state, having the power to levy general taxes.

In counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds the provision of this section with reference to the limit of the amount to be deposited in any one depository may be waived by the county finance committee.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency, or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount of deposits exceeds the amount of such insurance, and if the depository elects to deposit securities in lieu of the bond, it shall be required to deposit securities only

to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

36.48.030 ————**Contract as to interest.** Before any designation shall become effectual and entitle the treasurer to make deposits, the bank so designated shall also enter into a written contract with the county whose treasurer is to make the deposits, to pay to the county, to be credited to the current expense fund thereof, such rate of interest on the average daily balances of all moneys so deposited by the county treasurer in the bank, while acting as depositary, as shall be fixed from time to time by the county finance committee; such payments to be made monthly to the county while the deposits continue in the depositary. The contract shall be in such form as shall be approved by the county finance committee and the prosecuting attorney.

36.48.040 ————**Deposited funds deemed in county treasury.** The county treasurer shall deposit with any depositary, which has fully complied with all requirements of RCW 36.48.010 through 36.48.060, any county money in his hands or under his official control, and for the purpose of making the quarterly settlement and counting funds in the hands of the treasurer any sums so on deposit shall be deemed to be in the county treasury.

36.48.050 ————**Treasurer's liability and bond additional.** The provisions of RCW 36.48.010 through 36.48.060 shall in no way relieve or release the county treasurer from any liability upon his official bond as such treasurer, or any surety upon such bond, and shall in no way affect the duty of the several county treasurers to give bond as required by law.

36.48.060 ————**Bank defined.** The word "bank" whenever it occurs in RCW 36.48.010 through 36.48.050 includes all national, foreign, state, and private banks and trust companies doing business in the state.

36.48.070 **County finance committee created—Records, rules and regulations.** The county treasurer, the county auditor, and the chairman of the board of county commissioners, ex officio, shall constitute the county finance committee. The county treasurer shall act as chairman of the committee and the county auditor as secretary thereof, and the office of the committee shall be in the office of the county auditor. The committee shall keep a full and complete record of all its proceedings in appropriate books of record and all such records and all correspondence relating to the committee shall be kept in the office of the county auditor and shall be open to public inspection. The committee shall make appropriate rules and regulations for the carrying out of the provisions of RCW 36.48.010 through 36.48.060, not inconsistent with law.

36.48.080 County clerk's funds may be deposited. The county clerks of all the counties of the state shall deposit all funds in their custody, as clerk of the superior court of their respective counties, in one or more banks as they may elect.

36.48.090 ———Clerk's trust fund created. Whenever any person has in his custody as clerk of the superior court any funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds, and in case any interest is paid upon a fund so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof.

36.48.100 ———Clerk's depository bond or collateral—Federal deposit insurance as affecting. Upon depositing any public or trust funds the clerk shall demand and the depository bank shall furnish to the clerk, a surety bond, to be approved by the clerk and the prosecuting attorney of said county, in a sufficient amount to equal the maximum deposit of the clerk with such depository, conditioned for the prompt and faithful payment of said deposits upon demand, said surety bond shall not be canceled during the time for which it has been written by the surety company: *Provided*, That the depository may deposit with the county clerk in lieu of the surety bond herein provided for, securities to be approved by said county clerk and the prosecuting attorney of said county, of a market value in an amount not less than the amount of the maximum funds deposited: *Provided further*, That all depositories which have qualified for insured deposits under the Federal Deposit Insurance Act (12 United States Code Annotated, page 264) or any acts amendatory, supplemental, or substituted therefor, shall not be required to furnish bonds or securities, except for so much of said fund deposited not insured under the Federal Deposit Insurance Act.

36.48.110 Trustee for safekeeping of collateral. Any depository of county funds having bonds or securities pledged by it to such county as security for public funds deposited or to be deposited with it, may, by written notice, require the treasurer of such county to designate a trust company or bank exercising trust powers and located within the state as a trustee for the safekeeping of such bonds and securities, or any such depository may elect, by the giving of written notice to the treasurer of the county to designate a trust company or bank exercising trust powers located without the state as trustee under the terms and provisions of RCW 36.48.110 through 36.48.150 for the safekeeping of such bonds and securities. A trust company or bank so designated and located without the state shall have a combined actual paid-up capital and surplus of not less than one million dollars. The identity of the

trustee, the terms of the agreement between the trustee and the depository, and the character of the bonds or securities pledged, shall all be subject to the approval of the county treasurer.

36.48.120 ————**Trustee's receipt.** The receipt of the trustee describing the securities held and the purpose, terms, and conditions of such holding, shall be issued by the trustee in duplicate and one of such duplicates shall be delivered to the treasurer of the county to which such securities are pledged, and the other shall be delivered to the depository by whom such bonds or securities are pledged. Such receipt shall be accepted by all public officers of the state or of any city, county, town or municipality thereof as prima facie evidence of the facts therein stated.

36.48.130 ————**Procedure on insolvency of depository.** In the event of the insolvency or closing of the bank depositing such bonds or securities, the trustee shall upon demand deliver the same to the treasurer of the county to which they are pledged. Prior to any default of the depository the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited with it, the interest coupons thereof and deliver them on demand to the depository by whom they were deposited.

36.48.140 ————**Compensation of trustee.** The charges or compensation of the trustee for keeping such securities shall be a charge against and shall be paid by the depository and shall not be chargeable to the county to which they are pledged nor to any treasurer thereof, nor shall such charges or compensation be a lien upon the bonds or securities in its custody.

36.48.150 ————**Bank cannot act as trustee of own collateral.** No bank or trust company shall act as trustee for the keeping of its own bonds or securities when pledged by it as a depository of public funds, but nothing herein shall prevent the treasurer of any county from keeping under his sole control in a safe or safe deposit box in the vault of any bank or trust company, bonds or securities pledged by such bank or trust company as a depository of public funds.

Chapter 36.49

DOG LICENSE TAX

36.49.010 Tax imposed — Rate—Tax optional with county. In each county which elects to proceed under the provisions of this chapter, which election shall be by the vote of its board of county commissioners, the county assessor annually, at the time of assessing personal property, shall make a list of all persons who own or keep a dog or dogs outside the corporate limits of any city and set opposite

the name of each owner or keeper the number of dogs owned or kept, stating whether male, sterilized female, or unsterilized female, and assess against every such owner or keeper a license tax as follows:

For each male dog	one dollar
For each sterilized female dog.....	one dollar
For each unsterilized female dog...	two and one-half dollars
For dogs kept in kennels for breeding, sale, or sporting purposes an individual license tax shall not be assessed, but the owner or keeper of such kennel shall be assessed a kennel license as follows:	
For twenty dogs, or less.....	ten dollars
For each additional twenty dogs, or fraction thereof	five dollars

36.49.020 Treasurer to collect—Tags. The county assessor shall turn over the list of dog owners to the county treasurer for collection of the taxes. Upon the payment of the license tax upon any dog or kennel the county treasurer shall deliver to the owner or keeper of such dog or kennel a license, and a metallic tag for each dog taxed and licensed or kept in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it, the name and address of the owner of the dog or kennel licensed; and if a dog license, a description of the dog including its breed, age, color, and markings; and if a kennel license, a description of the breed, number, and ages of the dogs kept in such kennel. The metallic tag shall bear the name of the county issuing it, a serial number corresponding with the number on the license, and the calendar year in which it is issued. Every owner or keeper of a dog shall keep a substantial collar on the dog and attached firmly thereto the license tag for the current year.

36.49.030 Application for license after assessor's list returned. Any person becoming the owner of a dog or kennel after the assessment has been returned by the assessor and any owner of a dog or kennel which for any reason the assessor has failed to assess, may at any time apply to the county treasurer, and upon the payment of the required fee procure a license and a metallic tag or tags.

36.49.040 Delinquent tax, how collected. If any person whose name appears upon the list prepared by the county assessor fails to pay the license tax to the county treasurer on or before the first day of August of the year in which the list is made, the county treasurer shall proceed to collect the delinquent license taxes in the manner provided by law for collection of delinquent personal property taxes.

36.49.050 "County dog license tax fund" created. All license taxes collected in accordance with the provisions of this chapter

shall be placed in a separate fund in the office of the county treasurer to be known as the "county dog license tax fund."

36.49.060 ————**Transfer of excess funds in.** On the first day of March of each year all moneys in the county dog license tax fund in excess of five hundred dollars shall be transferred and credited by the county treasurer to the current expense fund of the county.

36.49.070 **Penalty.** Any person or officer who refuses to comply with or enforce any of the provisions of this chapter shall be guilty of a misdemeanor.

36.49.080 **Fees payable out of county dog license tax fund.** The county treasurer shall allow two dollars for each witness and two dollars to a justice of the peace for each certificate of damage by a vicious dog as provided by RCW 16.08.010 filed by a justice of the peace with the county treasurer to be paid out of the county dog license tax fund.

Chapter 36.50

FARM AND HOME EXTENSION WORK

36.50.010 **Cooperative extension work in agriculture and home economics authorized.** The board of county commissioners of any county and the governing body of any municipality are authorized to establish and conduct extension work in agriculture and home economics in cooperation with Washington State University, upon such terms and conditions as may be agreed upon by any such board or governing body and the director of the extension service of Washington State University; and may employ such means and appropriate and expend such sums of money as may be necessary to effectively establish and carry on such work in agriculture and home economics in their respective counties and municipalities.

Chapter 36.53

FERRIES—PRIVATELY OWNED

36.53.010 **Grant of license—Term.** The board of county commissioners may grant a license to keep a ferry across any lake or stream within its county, upon being satisfied that a ferry is necessary at the point applied for, which license shall continue in force for a term to be fixed by the commissioners not exceeding five years.

36.53.020 **Licensing tax.** The board of county commissioners shall charge such sum as appears reasonable—not less than one dollar nor more than one hundred dollars per year—for such license, and the person to whom the license is granted shall pay to the

county treasurer the tax for one year in advance, taking his receipt therefor; and upon the production of such receipt the county auditor shall issue the license under the seal of his office.

36.53.030 To whom license granted—Notice of intention if non-owner. No license shall be granted to any person other than the owner of the land embracing or adjoining the lake or stream where the ferry is proposed to be kept, unless the owner neglects to apply therefor. Whenever application for a license is made by any person other than the owner, the board of county commissioners shall not grant it, unless proof is made that the applicant caused notice, in writing, of his intention to make such application to be given to such owner, if residing in the county, at least ten days before the session of the board of county commissioners at which application is made.

36.53.040 Notice of application to be posted. Every person intending to apply for a license to keep a ferry at any place shall give notice of his intention by posting up at least three notices in public places in the neighborhood where the ferry is proposed to be kept, twenty days prior to any regular session of the board of county commissioners at which the application is to be made.

36.53.050 Bond of licensee. Every person applying for a license to keep a ferry shall, before the same is issued, enter into a bond with one or more sureties, to be approved by the county auditor, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep the ferry according to law and that if default at any time is made in the condition of the bond, damages, not exceeding the penalty, may be recovered by any person aggrieved, before any court having jurisdiction.

36.53.060 Duties of licensee. Every person obtaining a license to keep a ferry shall provide and keep in good and complete repair the necessary boat or boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles, and other implements necessary for the service thereof, and shall keep a sufficient number of discreet and skillful men to attend and manage the same; and he shall also at all times keep the place of embarking and landing in good order and repair, by cutting away the bank of the stream so that persons and property may be embarked and landed without danger or unnecessary delay.

36.53.070 ———Duties as to ferriage—Liability for nonperformance. Every person obtaining a ferry license shall give constant and diligent attention to such ferry from daylight in the morning until dark in the evening of each day, and shall, moreover, at any hour in the night, if required, except in cases of imminent dan-

ger, give passage to all persons requiring the same on the payment of double rate of ferriage allowed to be taken in the daytime.

If he at any time neglects or refuses to give passage to any person or his property, he shall forfeit and pay to the party aggrieved for every such offense the sum of five dollars, to be recovered before any justice of the peace having jurisdiction; he shall, moreover, be liable in an action at law for any special damage which such person may have sustained in consequence of such neglect or refusal.

No forfeiture or damages shall be recovered for a failure or refusal to convey any person or property across the stream when it is manifestly hazardous to do so, by reason of any storm, flood, or ice; nor shall any keeper of a ferry be compelled to give passage to any person or property until the fare or toll chargeable by law has been fully paid or tendered.

36.53.080 Rates of ferriage. Whenever the board of county commissioners grants a license to keep a ferry across any lake or stream, it shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard for the breadth and situation of the stream, and the dangers and difficulties incident thereto, and the publicity of the place at which the same is established, and every keeper of a ferry who at any time demands and receives more than the amount so designated for ferrying shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, over and above the amount which has been illegally received, to be recovered before any justice of the peace having jurisdiction.

36.53.090 Commissioners may fix and alter rates. The boards of county commissioners may fix, alter, and establish from time to time, the rates of ferriage to be levied and collected at all ferries established by law, within or bordering upon the county lines of any of the counties in this state.

36.53.100 Rates to be posted. Every person licensed to keep a ferry shall post up, in some conspicuous place near his ferry landing a list of the rates of ferriage which are chargeable by law at such ferry, which list of rates shall at all times be plain and legible and posted up so near the place where persons pass across the ferry that it may be easily read. If the keeper neglects or refuses to post and keep up such list, it shall not be lawful to charge or take any ferriage or compensation at the ferry, during the time of such delinquency.

36.53.110 Order of ferriage—Liability for nonperformance. All persons shall be received into the ferry boats and conveyed across the stream over which a ferry is established according to their arrival thereat, and if the keeper of a ferry acts contrary to this

regulation, he shall forfeit and pay to the party aggrieved the sum of ten dollars for every such offense, to be recovered before any justice of the peace having jurisdiction: *Provided*, That public officers on urgent business, post riders, couriers, physicians, surgeons, and midwives shall in all cases be first carried over, when all cannot go at the same time.

36.53.120 Grant exclusive. Every person licensed to keep a ferry under the provisions of RCW 36.53.010 through 36.53.140 shall have the exclusive privilege of transporting all persons and property over and across the stream where the ferry is established, and shall be entitled to all the fare arising by law therefrom: *Provided*, That any person may cross such stream at the ferry location in his own boat, or take in and carry over his neighbor, when done without fee or charge, and not with intent to injure the person licensed to keep a ferry.

36.53.130 Revocation of license. If any person licensed to keep a ferry fails to pay the taxes assessed thereon when due, or to provide and keep in good and complete repair the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof, or to employ a sufficient number of skilled and discreet ferrymen within three months from the time license is granted, or if the ferry is not at any time kept in good condition and repair, or if it is abandoned, disused, or unfrequented for the space of six months at any one time, the board of county commissioners, on complaint being made in writing, may summon the person licensed to keep such ferry, to show cause why his license should not be revoked. The board may revoke or not according to the testimony adduced and the laws of this state, the decision subject to review by the superior court: *Provided*, That if disuse resulted because the stream is fordable at certain seasons of the year, or because travel by that route is subject to periodical fluctuations, it shall not work a forfeiture within the meaning of this section.

36.53.140 Penalty for maintaining unlicensed ferry. Any person who maintains any ferry and receives ferrriage without first obtaining a license therefor shall pay a fine of ten dollars for each offense, to be collected for the use of the county, by suit before any justice of the peace having jurisdiction, and any person may bring such suit: *Provided*, That it shall not be unlawful for any person to transport any other person or his property over any stream for hire, when there is no ferry, or the ferry established at such place was not in actual operation at the time, or in sufficient repair to have afforded to such person or his property a safe and speedy passage.

36.53.150 Interstate ferry—County may contribute to—Grant of permit to operator. Whenever the board of county commissioners of any county determines that the construction or maintenance of a ferry in a state adjoining such county or connecting such county with the adjoining state is of necessity or convenience to the citizens of the county, the board may enter into a contract for the construction or maintenance of such ferry, or make such contribution as may be deemed advisable toward the construction or maintenance thereof, and may lease, or grant exclusive permits to use, any wharf or landing owned or leased by the board to any person, firm or corporation furnishing, or agreeing to furnish, ferry service between such county and the adjoining state.

Chapter 36.54

FERRIES—COUNTY OWNED—FERRY DISTRICTS

36.54.010 County may acquire, construct, maintain and operate ferry. Any county may construct, condemn, or purchase, operate and maintain ferries or wharves at any unfordable stream, lake, estuary or bay within or bordering on said county, or between portions of the county, or between such county and other counties, together with all the necessary boats, grounds, roads, approaches, and landings appertaining thereto under the direction and control of the board of county commissioners free or for toll and as the board shall by resolution determine.

36.54.020 Joint ferries—Generally. The board of county commissioners of any county may, severally or jointly with any other county, city or town, or the state of Washington, or any other state or any county, city or town of any other state, construct or acquire by purchase, gift, or condemnation, and operate any ferry necessary for continuation or connection of any county road across any navigable water. The procedure with respect to the exercise of the power herein granted shall be the same as provided for the joint erection or acquisition of bridges, trestles, or other structures. Any such ferries may be operated as free ferries or as toll ferries under the provisions of law of this state relating thereto.

36.54.030 Joint ferries over water boundary between two counties. Whenever a river, lake, or other body of water is on the boundary line between two counties, the boards of county commissioners of the counties adjoining such stream or body of water may construct, purchase, equip, maintain, and operate a ferry across such river, lake, or other body of water, when such ferry connects the county roads or other public highways of their respective counties. All costs and expenses of constructing, purchasing, maintaining, and operating such ferry shall be paid by the two counties,

each paying such proportion thereof as shall be agreed upon by the boards of county commissioners.

36.54.040 ———Joint board of commissioners to administer—Records kept. The boards of county commissioners of the two counties, participating in a joint ferry, shall meet in joint session at the county seat of one of the counties interested, and shall elect one of their members as chairman of the joint board of commissioners, who shall act as such chairman during the remainder of his term of office, and, at the expiration of his term of office, the two boards of county commissioners shall meet and elect a new chairman, who shall act as such chairman during his term of office as county commissioner, and they shall continue to elect a chairman in like manner thereafter. The county auditors of the counties shall be clerks of such joint commission, and the county auditor of the county where each meeting is held shall act as clerk of the commission at all meetings held in his county. Each county auditor, as soon as the joint commission is organized, shall procure a record book and enter therein a complete record of the proceedings of the commission, and immediately after each adjournment the county auditor of the county in which the meeting is held shall forward a complete copy of the minutes of the proceedings of the commission to the auditor of the other county to be entered by him in his record. Each county shall keep a complete record of the proceedings of the commission.

36.54.050 ———Commission authority—Expenses shared. The joint commission is authorized to transact all business necessary in carrying out the purposes of RCW 36.54.030 through 36.54.070 and its acts shall be binding upon the two counties, and one-half of all bills and obligations created by the commission shall be binding and a legal charge against the road fund of each county and the claims therefor shall be allowed and paid out of the county road fund the same as other claims against said fund are allowed and paid.

36.54.060 ———Audit and allowance of claims. All claims and accounts for the construction, operation and maintenance of a joint county ferry shall be presented to and audited by the joint commission: *Provided*, That items of expense connected with the operation of such ferry which do not exceed the sum of thirty dollars may be presented to the chairman of the joint commission and allowed by him and when allowed shall be a joint charge against the road fund of each of the counties operating such ferry.

36.54.070 ———County commissioner duties enumerated—Omission as ground for impeachment. The members of the board of county commissioners of each county shall be members of the joint commission and their refusal to act shall be ground for impeachment.

They shall provide for the maintenance and operation of the ferry until it is discontinued by a majority vote of the joint commission.

36.54.080 Ferry districts authorized—Procedure—Powers. The establishment of a ferry district is hereby authorized. Written application for the formation of such a district signed by at least twenty-five percent of the registered voters, who reside and own real estate in the proposed district, shall be filed with the board of county commissioners. The board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence, and registration of the signers with the records of his office and shall, as soon as possible, certify to said board the number of qualified signers. If the requisite number of signers is so certified, the board shall thereupon place the proposition, "Shall a ferry district be established in the following area to operate ferries between the following termini: (describing the proposed district and ferry routes)?" upon the ballot for vote of the people of the proposed district at the next election, general or special. If sixty percent of the voters on such proposition vote in favor of the proposition, the board shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

The area of such district shall be the area within any island or group of islands outside incorporated cities and towns, or such portion or portions thereof as specifically defined in the application.

When established, a ferry district shall be a municipality as defined by the statutes of the state and entitled to all the powers conferred by law and exercised by municipal corporations in this state. A ferry district is hereby empowered to levy not more than five mills against the assessed valuation of the property lying within the district.

A ferry district shall have the right of eminent domain according to the laws of the state.

A ferry district is exempt and excepted from the provisions of the public service laws and is not subject to the control, rules and regulations of the Washington utilities and transportation commission; and it shall not be necessary for a ferry district to apply for or obtain a certificate of public convenience and necessity.

A ferry district may operate any vessel over its authorized routes upon any of the waters of the state that touch any of the area of the district.

36.54.090 ————Ferry district officers—Election, terms, vacancies, oath. The governing body of a ferry district shall be a board

of ferry commissioners consisting of three members. The first three commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether the ferry district shall be formed, and shall be elected to hold office respectively for the terms of one, two, and three years and until their respective successors are elected, the terms for each nominee for ferry commissioner to be expressed on the ballot. Thereafter there shall be held each year an election for a ferry commissioner to hold office for three years and until his successor is elected and qualified. No person shall be eligible to hold office as ferry commissioner unless he is a qualified voter and landowner in said ferry district. After the first election the time of the election shall be fixed by the ferry commissioners. Vacancies occurring may be filled by the remaining commissioners for the remainder of the unexpired term. Each commissioner shall take and file his oath in writing that he will honestly and to the best of his ability carry on the affairs of the ferry district.

36.54.100 ————**Construction of RCW 36.54.080 through 36.54.100—Landing facilities.** This section, RCW 36.54.080 and 36.54.090 shall be construed liberally, so far as may be necessary for the purpose of carrying out its general intent, which is, the creation of a ferry district for the purpose of owning and operating vessels for the public benefit and convenience of the district.

Nothing contained in this section, RCW 36.54.080 and 36.54.090 shall abridge or deny the right of a ferry district to acquire and maintain suitable landing facilities on the mainland.

Chapter 36.55

FRANCHISES ON ROADS AND BRIDGES

36.55.010 Pipe line and wire line franchises on county roads. Any board of county commissioners may grant franchises to persons or private or municipal corporations to use the right of way of county roads in their respective counties for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities.

36.55.020 Cattleguards, tramroad and railway rights. Any board of county commissioners may grant to any person the right to build and maintain tramroads and railway roads upon county roads under such regulations and conditions as the board may prescribe, and may grant to any person the right to build and maintain cattleguards across the entire right of way on any county road, under such regulations and conditions as the board may prescribe: *Provided*, That such tramroad or railway road shall not occupy more

than eight feet of the county road upon which the same is built and shall not be built upon the roadway of such county road nor in such a way as to interfere with the public travel thereon.

36.55.030 Franchises on county bridges. Any board of county commissioners may grant franchises upon bridges, trestles, or other structures constructed and maintained by it, severally or jointly with any other county or city or town of this state, or jointly with any other state or any county, city or town of any other state, in the same manner and under the same provisions as govern the granting of franchises on county roads.

36.55.040 Application—Notice of hearing. On application being made to the board of county commissioners for franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The board shall also publish a like notice two times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing.

36.55.050 Hearing—Order. The hearing may be adjourned from time to time by the order of the board of county commissioners. If, after the hearing, the board deems it to be for the public interest to grant the franchise in whole or in part, it may make and enter a resolution to that effect and may require the applicant to place his utility and its appurtenances in such location on or along the county road as the board finds will cause the least interference with other uses of the road.

36.55.060 Limitations upon grants. (1) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.

(2) No franchise shall be granted for a period of longer than fifty years.

(3) No exclusive franchise or privilege shall be granted.

(4) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event it is to be constructed, altered,

or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

36.55.070 Existing franchises validated. All rights, privileges, or franchises granted or attempted to be granted by the board of county commissioners of any county prior to April 1, 1937, when such board of county commissioners was in regular or special session and when the action of such board is shown by its records, to any person to erect, construct, maintain, or operate any railway or poles, pole lines, wires, or any other thing for the furnishing, transmission, delivery, enjoyment, or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter relating thereto; or to lay or maintain pipes for the distribution of water, or gas, or to or for any other such facilities in, upon, along, through or over any county roads, are confirmed and declared to be valid to the extent that such rights, privileges, or franchises specifically refer or apply to any county road or county roads, or to the extent that any such county road has prior to April 1, 1937, been actually occupied by the bona fide construction and operation of such utility, and such rights, privileges, and franchises hereby confirmed shall have the same force and effect as if the board of county commissioners prior to the time of granting said rights, privileges, and franchises, had been specifically authorized to grant them.

36.55.080 Record of franchises. The board of county commissioners shall cause to be recorded with the county auditor a complete record of all existing franchises upon the county roads of its county and the auditor shall keep and maintain a currently correct record of all franchises existing or granted with the information describing the holder of the franchise, the purpose thereof, the portion of county road over or along which granted, the date of granting, term for which granted, and date of expiration, and any other information with reference to any special provisions of such franchises.

Chapter 36.58

GARBAGE DISPOSAL

36.58.010 Acquisition of sites authorized. Any board of county commissioners may acquire by purchase or by gift, dedication, or donation, garbage sites for the use of the public in disposing of garbage and refuse.

36.58.020 Rules and regulations as to use—Penalty. Any board of county commissioners may make such rules and regulations as

may be deemed necessary for the use and occupation of such sites, and may provide for the maintenance and care thereof. Any person violating any of the rules and regulations made by the board relating to the use or occupation of any site owned or occupied by the county for garbage disposal purposes shall be guilty of a misdemeanor.

Chapter 36.59

HOMESITE LANDS

36.59.300 Definitions. The following words and phrases wherever used in this chapter shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

(1) "County commissioner." The duly elected, qualified and acting board of county commissioners of their respective counties.

(2) "County engineer." The duly appointed county road engineer, or such other county official as may be appointed by the board to carry out the duties prescribed for the county engineer under the provisions of this chapter.

(3) "Homesite or homesite lands." Any tract of land listed by the county commissioners and contained in the list certified by the county engineer to the county auditor.

(4) "Entryman." Any qualified person making and filing the application and affidavit herein required with the county auditor.

(5) "Settler." Any qualified person making and filing the application and affidavit herein required with the county auditor and having in accordance therewith settled upon a homesite tract.

(6) "Tract." Any piece or parcel of land separately described and listed by the county commissioners and by the county engineer filed with the county auditor.

36.59.310 Entry—Persons entitled. Every person who is the head of a family as defined by the laws of this state or who has arrived at the age of twenty-one years, is a citizen of the United States or who has filed his declaration of intention to become such as required by the naturalization laws of the United States, shall be entitled to enter upon eighty acres or a less quantity of land selected and designated by the county commissioners of any county in this state as county homesite lands.

36.59.320 Designation of homesite lands—Notice of opening for entry. The county commissioners may at any time designate and select the county owned lands as county homesite lands, subject to settlement and conveyance by the county as in this chapter provided. A list of county lands so selected shall be furnished to the county engineer whose duty it shall be to check the descriptions of

such listed lands, to approve the same and to file such list with the county auditor. Upon receiving such list from the county engineer the county auditor shall publish a notice by posting the same in three public places in his county and by publication thereof in at least three issues of the official county paper, stating that descriptions of the land in said list are on file in his office, are open to inspection by the public and at any time after thirty days from the date of the first publication of such notice said lands shall be open for entry as in this chapter provided.

36.59.330 Application for entry—Affidavit—Filing fee. Any person applying to enter land under the preceding sections shall first make and subscribe before a person authorized by the laws of the state of Washington to administer an oath and affidavit that he or she is the head of a family and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation and not for the benefit of any person or corporation, and that he or she will faithfully and honestly endeavor to comply with all of the requirements of law as to settlement, residence and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation or syndicate in making such entry nor in collusion with any person, corporation or syndicate to give them the benefit of the land entered or any part thereof or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation but in good faith to obtain a home for himself or herself and that he or she has not directly or indirectly made and will not make any agreement or contract in any way or manner with any person or persons, corporation or syndicate, whatsoever, by which the title which he or she might acquire from the county should enure in whole or in part for the benefit of any person except himself or herself, and upon filing such affidavit with the county auditor, on payment of five dollars he or she will thereupon be permitted to enter the amount of land specified.

36.59.340 Forms to be furnished—Oaths administered free. The county auditor shall furnish forms of application and affidavit containing the statements herein required and shall administer the oath to any person making such application and affidavit, without any fee therefor.

36.59.350 Acreage of tracts. The county commissioners in selecting and designating such homesite properties shall have the right to determine the amount of acreage in any tract, not however to exceed eighty acres, and on the list of homesite properties as furnished by the engineer, filed in the office of the auditor as in this chapter provided, the approximate acreage of each tract shall be stated.

36.59.360 Record of entries. The county auditor shall note all applications under the provisions of this chapter on tract books and plats to be kept in his office and shall keep a ledger of all such entries and make return thereof to the board of county commissioners, together with the proof upon which they have been founded.

36.59.370 Certificate of entry. Upon an applicant entering land as in this chapter provided there shall be issued to him by the county auditor a certificate of entry showing the day, date and time of such entry, and the description of the property entered as substantially the same appears upon the list certified to the auditor by the county engineer.

36.59.380 Final proof—Permitted absences—Annual minimum requirements—Proof upon entryman's death. No conveyance of said property shall be given or issued therefor until the expiration of five years from the date of such entry, and if, at the expiration of such time or at any time within two years thereafter, the person making such entry, or if he be dead, his widow, or in the case of her death, his heirs and devisees, or in the case of a woman making such entry, her heirs, or devisees in case of her death, or if she be dead, her widower proves by himself and by two creditable witnesses that he, she or they, have a habitable house upon the land and have actually resided upon and have by the construction of such house and the clearing and/or cultivation of such land, improved the same to the extent of not less than five hundred dollars in value, and makes affidavit that no part of such land has been alienated, and that he, she or they, will bear true allegiance to the government of the United States, then, in that case, she, he or they, shall be entitled to a deed duly executed by the county commissioners as in other cases provided by law, conveying and transferring said lands to him, her or them: *Provided*, That upon filing in the office of the county auditor notice of the beginning of such absence the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding three months in each year after established residence and upon the termination of such absence the entryman shall file a notice of such termination in the office of the auditor: *Provided further*, That the county commissioners may, if they find just cause therefor, extend such leave of absence period, not however exceeding six months in any one year: *Provided further*, That when the person making entry dies before the offer of final proof, those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects as would have been required of the entryman had he lived: *Provided further*, That the entryman shall, in order to comply with the requirements

of clearing and/or cultivation herein provided, cultivate not less than five percent of a homesite tract of forty or more acres, ten percent of a homesite tract containing twenty or more acres, and twenty percent of a homesite tract containing ten acres, more or less.

During the first year the entryman must either improve the property by constructing a habitable home thereon or do not less than ten percent of the clearing and/or cultivation required.

During the second year the entryman shall have constructed a habitable home upon the homesite tract and in addition thereto shall do not less than ten percent of the clearing and/or cultivation required. The entryman must during the remaining period do the balance of the clearing and/or cultivation required under this chapter but the county commissioners may, upon a satisfactory showing, reduce the required area to be cleared and/or cultivated.

36.59.390 Conflicting entries. Where two or more persons claim to be the first entryman to file on a homesite tract, or where said persons claim to have filed simultaneously upon the same homesite tract, it shall be the duty of the board of county commissioners and they are empowered to determine to what person the certificate of entry shall be issued. Before a final determination is made by the board of county commissioners they shall give each claimant notice of an opportunity to be heard at a stated time and place not less than five days from the time of service of such notice, such notice to be served as provided by law for the service of a summons in a civil action.

36.59.400 Marriage of entryman to entrywoman. The marriage of a homesite entryman to a homesite entrywoman, after each shall have fulfilled the requirements of this chapter for one year next preceding such marriage, shall not impair the right of either to a deed so long as they comply with the provisions of this chapter as to each homesite.

36.59.410 Reversion for nonresidence or abandonment—Board's discretionary power—Succession to right upon marital separation. If at any time after the filing of the application and affidavit as required in RCW 36.59.330, and before the expiration of the five years mentioned in RCW 36.59.380, it is proved, after due notice to the entryman to the satisfaction of the board of county commissioners that the person having filed such application and affidavit has failed to establish residence within six months after the date of entry or abandoned the land for more than six months at any time, then, and in that event, the land so entered shall revert to the county: *Provided*, That if, during the first year the entryman does the clearing and/or cultivation in this chapter required, it shall not be necessary for him to establish actual permanent resi-

dence upon the land during such year: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the board of county commissioners may, in their discretion, allow the settler reasonable additional time in which to commence his residence upon said land: *Providing*, Such entryman does the clearing and/or cultivation in this chapter required.

In any case of separation between husband and wife, after filing of a homesite entry, as in this chapter provided, either party may succeed to such right by agreement or by decree of a competent court and in such event, upon complying with the terms of this chapter, shall be entitled to the benefits thereof.

36.59.420 Transfer of entry rights. Any bona fide entryman may, with the consent of the board of county commissioners, sell and transfer his right as such entryman, to any person qualified under the terms of this chapter to have himself made such entry.

36.59.430 Reservation of mineral rights. The form of application which the county auditor is by this chapter required to furnish shall clearly state and each conveyance to land acquired under the terms of this chapter shall contain the following reservation which shall be effective from the time of entry:

“The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the com-

plete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer."

Chapter 36.62

HOSPITALS

36.62.010 Authority to establish. The board of county commissioners of any county may establish, provide, and maintain hospitals for the care and treatment of the indigent, sick, injured, and maternity cases, and for this purpose the board may:

(1) Purchase or lease real property therefor or use for this purpose lands already owned by the county providing such site is first approved by the state board of health;

(2) Erect all necessary buildings, make all necessary improvements and repairs and alter any existing building for the use of said hospitals;

(3) Use county moneys, levy taxes, and issue bonds as authorized by law, to raise a sufficient amount of money to cover the cost of procuring the site, constructing and operating hospitals, and for the maintenance thereof and all other necessary and proper expenses;

(4) Appoint a board of trustees for said hospital;

(5) Accept and hold in trust for the county any grant of land, gift or bequest of money, or any donation for the benefit of the purposes of this chapter, and apply the same in accordance with the terms of the gift;

(6) Authorize said hospital to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administra-

tion and in connection therewith to use tax funds for the payment of dues and fees.

For the purposes of this chapter the word "hospital" shall include almshouses.

36.62.020 Approval of board of health—Buildings separate from almshouses and infirmaries. Plans for buildings constructed or provided for county hospitals must be approved in advance by the state board of health and the buildings shall be separate and apart from those designated as almshouses and county infirmaries.

36.62.030 Hospital may be jointly owned and operated. Any number of counties or any county and any city in which the county seat of the county is situated may contract one with the other for the joint purchase, acquisition, ownership, control, and disposition of land and other property suitable as a site for a county hospital.

36.62.040 Contract for joint hospital. All contracts made in pursuance hereof shall be for such period of time and upon such terms and conditions as shall be agreed upon. The contract shall fully set forth the amount of money to be contributed by the county and city towards the acquisition of such site and the improvement thereof and the manner in which the property shall be improved and the character of the building or buildings to be erected thereon. It may provide for the amount of money to be contributed annually by the county and city for the upkeep and maintenance of the property and the building or buildings thereon, or it may provide for the relative proportion of such expense, which the county and city shall annually pay. The contract may specify the parts of such building or buildings which shall be set apart for the exclusive use and occupation of the county and city. The money to be contributed by the county or city may be raised by a sale of bonds of such county or city or by general taxation. Any such county or city now possessing funds or having funds available for a county or city hospital from a sale of bonds or otherwise may contract for the expenditure of such funds, as herein provided. Such contract shall be made only after a proper resolution of the board of county commissioners of the county and ordinance of the city have been passed specifically authorizing it. The contract when made shall be binding upon the county and city during its existence or until it is modified or abrogated by mutual consent evidenced by a proper resolution and ordinance. A site with or without buildings may be contributed in lieu of money at a valuation to be agreed upon.

36.62.050 Petition to establish—Beds limited. When it is proposed to establish such hospital, a petition shall be presented to the board of county commissioners, signed by three hundred or more resident taxpayers of the county, requesting the board to submit to

the electors the proposition to issue bonds for the purpose of procuring a site, and erecting, equipping, and maintaining such hospital, and specifying the amount of bonds proposed to be issued for that purpose and the number of hospital beds, which number shall not exceed one bed for each thousand population in counties of more than fifty thousand population.

36.62.060 Bond election. Upon presentation of the petition, the board of county commissioners, by order unanimously adopted, may submit to the voters of the county at the next general election the question of issuing bonds and levying a tax for such hospital.

36.62.070 Issuance of bonds—Terms. Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the board of county commissioners shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate not to exceed six percent per year, and payable annually or semiannually. The bonds shall be serial bonds finally maturing in twenty years from date of issuance.

36.62.080 Sale of bonds—Price. The county treasurer shall dispose of the bonds in the same manner as other county bonds, and they shall not be sold for less than par with accrued interest.

36.62.090 Tax levy for maintenance. If the hospital is established, the board of county commissioners, at the time of levying general taxes, shall levy a tax at the rate voted, not to exceed two mills in any one year, for the maintenance of the hospital.

36.62.100 Admission of patients—Priority—Liability for support. Patients shall be admitted to such hospitals in accordance with rules to be established by the board of county commissioners, but such rules shall provide that preference in the admission of patients shall be given to those unable to pay for their care in private institutions. Whenever a patient has been admitted to the hospital from the county in which the hospital is situated, the superintendent shall cause inquiry to be made as to his circumstances, and of the relatives legally liable for his support. If he finds that the patient or the relatives legally liable for his support, are able to pay for his treatment in whole or in part, an order shall be made directing the patient, or his relatives, to pay to the county treasurer for his support, a specified sum per week, in proportion to their financial ability, but such sum shall not exceed that charged by private hospitals of similar size in the county for service of like character. The county commissioners may collect such sum from the patient or his estate, or from his relatives legally liable for his support.

If the superintendent finds that the patient, or his relatives, are not able to pay, either in whole or in part, for his care and treatment in such hospital, he shall be admitted free of charge.

36.62.110 Board of trustees for two hundred-or-more-bed-hospitals. Whenever any county, or any county and city jointly, or two or more counties jointly, establish a hospital of two hundred, or more, beds, for the care of the sick, injured, or infirm, under the provisions of this chapter, and such hospital is completed and ready for operation, the board of county commissioners of the county in which the institution is located shall appoint as trustees for the institution six secular persons, two to be from each county commissioner district, nominated by the county commissioner elected from each such district. The six trustees, together with the additional trustees, if any, and the general superintendent, shall constitute a board of trustees for such hospital.

36.62.120 ————Initial appointment—Terms of office. The first members of the board of trustees of such institution shall be appointed by the board of county commissioners within thirty days after March 23, 1931 in any county having such a hospital or institution, and thereafter within thirty days after the institution has been completed and is ready for operation. The members of the board of trustees first appointed shall be appointed for the respective terms of one, two, three, four, five, and six years from and after the fifteenth day of January following their appointment, and until their successors are appointed and qualified; and thereafter their successors shall be appointed for terms of six years and until their successors are appointed and qualified. If the board of county commissioners is unable to determine by unanimous vote the terms of the first appointees, such terms shall be determined by lot.

36.62.130 ————Additional trustees for joint hospital. In case two or more counties establish a hospital jointly, the six members of the board of trustees shall be chosen as provided from the county in which the institution is located and each board of county commissioners of the other county or counties which contributed to the establishment of the hospital shall appoint two additional members of the board of trustees. The regular term of each of the two additional members shall be six years and until their successors are appointed and qualified. Such additional members shall be residents of the respective counties from which they are appointed and shall otherwise possess the same qualifications as other trustees. The first term of office of the persons first appointed as additional members shall be fixed by the board of county commissioners of the county in which said hospital or institution is located, but shall not be for more than six years.

36.62.140 ————Qualifications of trustees. No person shall be eligible for appointment as a trustee unless he is at least thirty-five years of age and has been a resident of the county commissioner district from which he is appointed, or in the case of additional trustees, of the county he represents, for a period of at least two years immediately prior to his appointment. No trustee shall be actively engaged in the healing or nursing arts; and no person, except an ex officio member, shall be eligible for appointment as a trustee who is a clergyman of any denomination or who holds or has held any office with pay during the period of two years immediately prior to his appointment in any office, department, or branch of the county, township, or city or town governments of the county from which the appointment is to be made.

36.62.150 ————Removal of trustee. The board of county commissioners which appointed a member of the board of trustees may by unanimous vote remove him for misconduct or neglect of duty, but no such removal shall be made unless the board serves written notice upon him, setting forth specifically the charges of misconduct or neglect of duty and fixing a time and place for hearing thereon at which the trustee charged shall be given full opportunity to be present, meet the charges and be heard in his own defense. Any trustee so removed may appeal from the order of removal to the superior court of the county of the removing board of county commissioners within the time and in the manner provided in RCW 36.32.330, and thereupon such board of county commissioners shall certify to the court the causes upon which the order of removal was based, together with all records and files in the office of the board pertaining to the matter of removal. The court shall hear the matter de novo and enter an order affirming, or setting aside, the order of removal. If the court sets aside the order of removal, it shall give appellant judgment against the county for his costs and disbursements, including a reasonable attorney's fee.

36.62.160 ————Vacancies. Any vacancy in the board of trustees except that of an ex officio member shall be filled by appointment by the board making the original appointment, and such appointee shall hold office for the remainder of the term of the trustee in whose stead he is appointed.

36.62.170 ————Organization of board—Meetings—Quorum. Within ten days after their appointment, the appointees shall qualify by taking the oath of office required of county officers and shall meet and organize. The board of trustees shall elect from among its members a president and vice president. The board of trustees shall meet upon the call of the president, or upon call signed by three members of the board and served upon all members. The call

shall fix the time, place, and purpose of the meeting. Any meeting may be adjourned from time to time. A majority of the trustees shall constitute a quorum for the transaction of business.

36.62.180 ————**Obligatory duties of board.** The board of trustees shall:

(1) Have general supervision and care of such hospitals and institutions and the buildings and grounds thereof and power to do everything necessary to the proper maintenance thereof within the limits of the appropriations authorized;

(2) Prepare, in accordance with the provisions of the county budget law, and file with the county auditor or if the hospital has been established by more than one county, with the county auditor of each county, and if a city has contributed to the establishment of the hospital, with the official of the city charged by law with the preparation of the city budget, a detailed and itemized estimate, both of probable revenues from sources other than taxation and of all expenditures required from such county, counties, and city, as the case may be, by the hospital or institution for the ensuing fiscal year;

(3) File during the first week in January of each year with the board of county commissioners of each county and the city council or governing body of any city contributing to the establishment of such hospital, a report covering the proceedings of the board with reference to the hospital, and a statement of all receipts and expenditures during the preceding calendar year.

36.62.190 ————**Additional powers.** The board of trustees may:

(1) Adopt bylaws and rules for its own guidance and for the government of the hospital or institution;

(2) Establish and maintain in connection with the hospital or institution a training school for nurses;

(3) Establish as a department in connection with the hospital or institution a suitable building for the isolation and detention of persons afflicted with contagious diseases subject to quarantine;

(4) Determine whether or not, and if so upon what terms, it will extend the privilege of the hospital or institution to nonresidents of the county or counties establishing the same;

(5) Operate the hospital or institution as a general hospital and provide as a department thereof suitable accommodations and means for the care of persons afflicted with tuberculosis;

(6) Formulate rules and regulations for the government of tuberculosis patients and for the protection of other patients, nurses, and attendants from infection;

(7) Accept property by gift, devise, bequest, or otherwise for the use of such institution.

36.62.200 ———Trustees not compensated—Contract interest barred. No trustee, except the ex officio member, shall receive any compensation or emolument whatever for services as trustee; nor shall any trustee have or acquire any personal interest in any lease or contract whatsoever, made by the county or board of trustees with respect to such hospital or institution.

36.62.210 General superintendent for two hundred or more bed hospitals. The board of trustees shall employ and fix the salary of a general superintendent, who shall furnish a bond in such amount as may be fixed by the board and which shall be subject to approval of the board. The general superintendent shall become an ex officio member and secretary of the board of trustees, and shall devote his entire time exclusively to the management of the hospital and institution and shall not engage in any other business or profession of any nature whatsoever. After January 1, 1947, the general superintendent shall not be qualified for appointment unless he has not less than three years of experience as superintendent, or assistant superintendent, of a general hospital.

36.62.220 ———Removal. The general superintendent may be removed for misfeasance or malfeasance in the following manner: Written notice setting forth the specific acts constituting the charges shall be served upon the general superintendent, and shall fix a time and place for hearing on the charges. At such hearing the general superintendent shall be given an opportunity to be present and meet the charges and be heard in his defense. The charges shall be heard before a tribunal consisting of the chairman of the board of county commissioners, the prosecuting attorney and the county auditor of the county in which the hospital or institution is situated.

36.62.230 ———Duties. The general superintendent shall be the chief executive officer of the hospital or institution and shall perform all administrative services necessary to the efficient and economical conduct of the hospital or institution and the admission and proper care of persons properly entitled to the services thereof as provided by law or by the rules and regulations of the board of trustees.

36.62.240 Inspection of two hundred or more bed hospitals. Any institution maintained and operated under the provisions of RCW 36.62.110 through 36.62.230 shall be subject to inspection by a duly authorized representative of the state department of health and any member of the board of county commissioners of the county or counties and governing officials of the cities by which the hospital has been established.

36.62.252 County hospital fund — Established — Purpose — Monthly report. Every county which maintains a county hospital shall establish a "county hospital fund" into which fund shall be deposited moneys received from any source for hospital care including funds from the state department of public assistance to cover the total cost of providing medical care to recipients of public assistance and other persons without income and resources sufficient to secure them who are assigned by the department of public assistance to county hospital for treatment. Obligations incurred from such hospitalization shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners and the state department of public assistance a monthly report of receipts and disbursements in the county hospital fund which report shall also show balance of cash on hand.

36.62.270 Supplementary budget. In the event that additional funds are needed for the operation of a county hospital, the board of county commissioners shall have authority to adopt a supplemental budget. Such supplemental budget shall set forth the amount and sources of funds and the items of expenditure involved. In the adoption of a supplemental budget the board of county commissioners shall follow the same procedure as required under the provisions of RCW 36.40.180.

36.62.280 Payments and advances from department of public assistance—Reimbursement. Payments from the state department of public assistance shall be made upon billing forms as prescribed by the department and shall be paid into the county hospital fund. Before the end of the 1959-1961 state fiscal biennium, each county which received an advance from the department of public assistance for the calendar year 1961 shall return the amount of such advance by county warrant or treasurer's check to the department. At the beginning of the 1961-63 state fiscal biennium and conditioned upon recovery of the advance made for the calendar year 1961, the state department of public assistance shall advance to the county an amount equal to the amount paid by the department to the county for the care of public assistance recipients in the county hospital for the preceding two months of February and March, which amount may be used to defray costs in the first month's operation of the state fiscal biennium.

At the beginning of each succeeding state fiscal biennium, the department will advance an amount approximating two months cost of operation as described in the preceding paragraph upon recovery in the preceding biennium of the amount advanced for that biennium. Reimbursements for the actual cost of operation

shall be made monthly by the state department of public assistance to the counties.

Chapter 36.63

JAILS

36.63.010 Establishment authorized. Counties may acquire, build, operate, and maintain jails, workhouses, workshops, stockades, and other places of detention and confinement at any place within their limits as may be designated by the board of county commissioners.

36.63.020 Jail as sheriff's charge—Rules and regulations. The sheriff shall have charge of the county jail of his county and of all persons by law confined therein and the sheriff shall conform to the rules and directions of the superior court of his county as provided by RCW 36.63.060 or which may from time to time by said court be made and communicated to him by the board of county commissioners.

36.63.030 Jailer to be deputy sheriff. The jailer or keeper of the jail, unless the sheriff elects to act as jailer in person, shall be a deputy appointed by the sheriff, and such jailer shall take the necessary oath before entering upon the duties of his office. The sheriff shall in all cases be liable for the negligence and misconduct of the jailer as of other deputies.

36.63.040 Sheriff to visit jail in person—Whitewashing. The sheriff shall visit the jail in person and examine into the condition of each prisoner at least once each month and it is hereby made his duty to cause all the cells and rooms used for the confinement of prisoners, to be thoroughly whitewashed at least three times in each year.

36.63.050 Jail register. The sheriff shall procure at the expense of the county a suitable book to be called the jail register, in which he, by himself or his jailer, shall enter:

(1) The name of each prisoner, with the date and cause of his commitment, together with a list and value of property taken from the prisoner, or delivered to the sheriff or other officer, at the time of the commitment;

(2) The date or manner of his discharge;

(3) What sickness, if any, has prevailed in the jail during the year, and if known, what was the cause thereof;

(4) Whether any or what labor has been performed by the prisoners, and the value thereof;

(5) The practice observed during the year of whitewashing and

cleaning the occupied cells or apartments, and the times and seasons of so doing;

(6) The habits of the prisoners as to personal cleanliness, diet, and order;

(7) The means furnished prisoners of literary, moral, and religious instruction;

(8) All other matters required by the rules or in the discretion of the sheriff deemed proper.

The sheriff shall carefully keep and preserve the jail register in the office of the jailer of his proper county, and at the expiration of his term shall deliver it to his successor.

36.63.060 Jail rules prescribed by superior judge. The judges of the superior courts of the several counties shall, from time to time, prescribe in writing, rules for the regulation and government of the jails, upon the following subjects:

(1) The cleanliness of the prisoners;

(2) The classification of prisoners in regard to sex;

(3) Bed and clothing for persons sentenced for felonies;

(4) Warming, lighting, and ventilation of the prison;

(5) The employment of medical and surgical aid, when necessary;

(6) Employment, temperance, and instruction of the prisoners;

(7) The supplying of each prisoner with a Bible;

(8) Communication between prisoners and their counsel and other persons;

(9) The punishment of prisoners for violation of the rules of the prison;

(10) Such other regulations as the judges deem necessary to promote the welfare of the prisoners: *Provided*, That such rules shall not be contrary to law.

36.63.070 Rules may be revised. The judges may, from time to time, as they deem necessary, revise, alter, or amend the rules, and the revised rules shall be printed and disposed of by the commissioners and sheriff, in the manner provided for in RCW 36.63.080 and 36.63.090.

36.63.080 Rules to be furnished officers. The judges shall cause a copy of the rules to be delivered to the board of county commissioners, which board shall forthwith cause them to be printed, and furnish the sheriff with a copy thereof for each room or cell of the jail, and also forward a copy to the secretary of state, who shall file and preserve it.

36.63.090 Sheriff to keep rules posted. The sheriff shall, on the receipt of the rules, cause a copy thereof to be posted up in some conspicuous place in each room or cell of the jail.

36.63.100 Grand jury informed of law, jail rules and regulations. The superior court shall give RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 and 36.63.200 in charge of the grand jury once during each session of court, if a grand jury is in attendance, and lay before them any and all rules, plans, or regulations established by the superior judge relating to county jails and prison discipline which shall then be in force.

36.63.110 Grand jury, prosecutor and commissioners to visit jail. The grand jury of each county shall visit the jail of the county where the court is held, examine its state and condition; examine and inquire into the discipline and treatment of prisoners, their habits, diet, and accommodation; and it shall report to the court, in writing, whether the rules of the judges have been faithfully kept and observed, or whether any of the provisions of RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 or 36.63.200 have been violated. The prosecuting attorney of each county shall also, once in each year, visit the jails not accessible to the grand jury, and he shall make a report to the superior court to the same effect as required of the grand jury. The county commissioners shall visit the jail of their county once during each of their regular meetings.

36.63.120 Price of prisoner's board. The board of county commissioners of each county in this state shall allow not to exceed one dollar and twenty cents per day for the boarding of each prisoner confined in the county jail.

36.63.130 Prisoner's hair may be cropped. The keeper of any prison may, upon the commitment of a person convicted of a felony punishable by imprisonment, cause the hair on the head of such prisoner to be closely cropped and so kept during his term of imprisonment.

36.63.140 Solitary confinement. Whenever any person committed to prison is unruly, or disobeys any of the regulations established for the management of prisons, the sheriff or keeper may order such prisoner in solitary confinement, and fed on bread and water only, unless other food is necessary for the preservation of his health, and no intercourse shall be allowed with the prisoner during such confinement, except for conveyance of food and other necessary purposes, but the period of confinement shall not exceed twenty days for each offense.

36.63.150 Joint county and city or town jails. Any county or any two or more counties acting jointly or under the provisions of a joint county jail district provision and any city within such county or counties may contract with each other for the joint acquisition, erection, ownership, control, and maintenance of any

place of detention of prisoners within the limits of the county or counties and for the custody and the employment upon public works, or as otherwise provided by law, of prisoners convicted of offenses against any statute or any ordinance of the contracting city punishable by a jail sentence.

36.63.160 ————Joint authority and powers. When such contract has been entered into by any city and county or counties or joint county jail district for the joint acquisition, ownership, control, and maintenance of any jail, or for the custody, and employment of any such person in a place of detention, the legislative authority of the city and the board of county commissioners of the county, acting under and by virtue of the sentence imposed by the court upon any person so convicted, may provide for the care, keep, and custody of such person in such place of detention, and provide for the employment of such person at or upon such public work, or as otherwise provided by law, as may be designated from time to time.

36.63.170 ————Unconvicted prisoner not to be worked. No person accused of an offense shall before conviction be put to any employment while confined in any place of detention.

36.63.180 Federal prisoners. County sheriffs or other officials having charge of jails shall receive and keep in their jail, where room is available, all prisoners committed thereto by process or order issued under the authority of the United States until discharged according to law, the same as if such prisoners had been committed under process issued under authority of the state if provision is made by the United States for the support of such prisoners, and for any extra guards or attendants required.

36.63.190 Temporary confinement of prisoners being moved. Any prisoner whom it may be necessary to convey to the place where the superior court is held, or to any place for an examination before the judge, if conveyed beyond the bounds of the county in which he is confined, shall be conveyed to and from his place of confinement by the sheriff of the county in which he is confined, or the sheriff of the county to which such prisoner belongs, at the expense, in the first instance, of the county to which he belongs; and such sheriff shall have a right to the custody of the prisoner within the limits of any county in this state through which he may pass; and for the temporary confinement of his prisoner may use the county jail of any county free of charge, except for board, which shall not exceed thirty cents a meal.

36.63.200 Annual report of sheriff. The sheriff shall, on or before the first day of October in each year, make out in writing from

the jail register a jail report, one copy of which he shall forthwith file in the office of the clerk of the superior court of his county, and one copy with the county auditor of his county for the use of the commissioners.

36.63.210 Farms and camps authorized. Each county of the state is authorized to establish and maintain, either within or without its territorial limits, farms or camps for confinement, care, treatment and employment of persons sentenced to the county jail as misdemeanants. The sheriff shall adopt reasonable rules and regulations for the transfer of such prisoners from the county jail to a farm or camp and shall also adopt reasonable rules and regulations for the management of such farms and camps.

36.63.220 Conviction and commitment deemed sentence to labor—Hours. Each person convicted of a criminal offense and by reason thereof committed to the county jail, or confined as such at a farm or camp, either as a punishment for such offense, or in satisfaction of any fine unpaid, or upon an order of probation, shall be deemed to have been sentenced or committed to labor. Such labor of not more than forty hours in any week may be performed by such persons upon the public streets, parks, or other public places of the county, or upon or in any farm or camp established under the provisions of this chapter or RCW 72.64.100 except in case of emergency, any provision of the laws of the state of Washington to the contrary notwithstanding.

36.63.230 Sheriff's order of transfer to farm or camp. Except as otherwise provided in RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110, whenever it appears to the sheriff of the county that the best interest of a person sentenced to the county jail will be best served by causing his period of confinement to be served at a farm or camp established hereunder, the sheriff shall order that said prisoner be transferred from the county jail to such farm or camp, and the confinement of such person on a farm or camp shall be a proper method of executing any order of the court directing that the person named in the commitment be confined in the county jail of such county: *Provided*, That the sheriff shall at no time cause to be transferred thereto a greater number of persons than can be reasonably accommodated thereon and furnished with constructive employment at such place of confinement.

36.63.240 Confinement in jail of another county. All persons judged guilty of an offense punishable by imprisonment in the county jail, may be confined in such jail located in another county to the same extent as if it were located in the county having jurisdiction of the offense.

36.63.250 Transfer to jail, farm, or camp maintained by state. Notwithstanding any other provisions of law, the sheriff of any county may, with the director of institutions approval, transfer prisoners committed to any jail of the county to any regional jail, industrial or agricultural farm, or any forestry camp maintained by the state.

36.63.260 Employment of prisoner—Conditions—Disposition of earnings—Diminution of term. (1) The provisions of this section shall be operative in any county in which the board of county commissioners finds by resolution, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible.

(2) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the court may direct that such person be permitted, subject to good conduct, to continue in his regular employment if such person has been regularly employed, or may authorize the sheriff or other appropriate officer to make every effort to secure some suitable employment or may authorize the person to secure employment for himself in the county.

(3) If the court so directs the prisoner be permitted to continue in his regular employment, the sheriff shall arrange for a continuation of such employment insofar as possible. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(4) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(5) The earnings of the prisoner shall be collected by the sheriff, or other appropriate officer. From such earnings the sheriff, or other appropriate officer, shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner, and, to the extent directed by the court, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the sheriff may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(6) If approved by the court, the prisoner shall obtain a diminution of one-fourth of his term if his conduct, diligence and general attitude merits such diminution.

(7) In case of the violation of the conditions laid down for his

conduct, custody and employment, he shall be returned to the court, and it may then require that the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

36.63.270 Judge may designate jail of contiguous county if facilities inadequate. When there are not adequate jail facilities in a county, the judge of the superior court may, by written order filed with the county clerk, designate the jail of a contiguous county for the confinement of prisoners of his county, or any of them, and may at any time modify or vacate such order.

36.63.280 Districts for joint jails, farms and camps authorized. Any two or more counties may form a district for the purpose of establishing and operating a joint county jail, including jail farms and camps, to serve such counties.

36.63.290 Powers of district. Any district organized under RCW 36.63.150, 36.63.160 and 36.63.280 to 36.63.440 shall have and exercise the powers expressly granted in such sections of this chapter, together with such other powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110.

36.63.300 County commissioners may initiate proceedings for joint district—Resolution of proposal. The board of commissioners of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county jail under the provisions of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110 to be composed of two or more counties by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district for the establishment or operation, or both, of a joint county jail to which persons from any of the counties proposed to be included in the proposed district may be committed.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment or operation, or both, of a county jail under the provisions of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110 for the counties so named.

36.63.310 Transmission of resolution for proposal of joint district to other counties concerned—Board of directors appointed. When adopted, certified copies of the resolution provided for in RCW 36.63.300, shall be transmitted to the several clerks of the boards

of commissioners in each of the counties named in the resolution other than that in which the proceedings are initiated.

Upon the adoption of the resolution provided for in RCW 36.63.300, the board of commissioners of the county adopting the same shall name and appoint two members of the board to represent the county upon the board of directors of the joint district proposed to be organized.

36.63.320 Resolution of other counties adopting or rejecting proposal for joint district—Transmission to initiating board. Upon receipt of the resolution adopted under RCW 36.63.300, the boards of commissioners of the counties affected and to whom the same may be directed shall consider the advisability of creating and organizing a joint district as proposed in said resolution and, upon determining the facts involved therein, shall severally adopt resolutions either rejecting or approving the proposal to create such joint district. Each resolution of approval shall, in addition to the matters otherwise required therein, also name and appoint the members of the board of commissioners of the county adopting the resolution qualified to represent such county upon the board of directors of the proposed joint district. A certified copy of the resolution of approval shall be forthwith transmitted to the clerk of the board of commissioners initiating the proceedings.

36.63.330 Resolution creating joint district—Filing with secretary of state. The board of commissioners of any county initiating proceedings for the creation of a joint district under this chapter shall, after the receipt of a copy of the resolution approving the proposal to form such district as provided in RCW 36.63.320 from the board of commissioners of each county proposed to be included within any such joint district, adopt a resolution declaring the creation and organization of said joint district and setting forth the names of the counties composing said district. A certified copy of the resolution shall be transmitted to and filed with the secretary of state, whereupon the joint district shall be deemed created and organized and shall exercise all the powers granted in this chapter and shall bear the name and designation of "Joint County Jail District No..... of the State of Washington."

36.63.340 Joint districts to be numbered by secretary of state. All districts organized under this chapter shall be numbered in the order of their creation, the number to be assigned to said district forthwith upon the organization thereof by the secretary of state, and the secretary of state shall keep and maintain in his office a list and register showing the joint county jail districts organized under this chapter.

36.63.350 Certificate of organization—First meeting of directors—Expenses of attending directors meetings. The secretary of state shall furnish and transmit to the clerk of the board of commissioners of the county adopting the initial resolution for the organization of any district under this chapter a certificate of the organization of the same. Upon receipt of the certificate the clerk shall within ten days send a certified copy of the certificate to each of the clerks of the several boards of commissioners of the counties constituting the district, and shall also within the time specified in this section notify each supervisor appointed as a member of the board of directors of the district of such fact and of the time and place of the first meeting of the board of directors of the district. The time and place of the meeting shall be fixed and determined by the clerk of the board adopting the initial resolution, but said time of meeting shall be within thirty days after the date of mailing notices thereof. The necessary expense incurred by commissioners in attending and in going to and coming from any meeting of the board of directors of the district shall constitute a county charge of their respective counties.

36.63.360 Designation as board of directors of joint district. The body formed under RCW 36.63.350 shall be called the board of directors of such district.

36.63.370 Agreement by directors of district to bind counties—Apportionment of costs. The members of the board of directors may enter into an agreement for and on behalf of the counties appointing them binding said counties to the joint enterprise provided for in RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64-.050, 72.64.060, 72.64.100 and 72.64.110 and apportioning the cost of establishing and maintaining a joint county jail.

36.63.380 Charges against county collectible by directors of joint district or by county commissioners—Civil action. All sums found due from any county according to the provisions of this chapter are a charge against said county, and may be collected in the manner provided by law by the board of directors of a district formed under this chapter, or, in its behalf by the board of commissioners of any county in the district by an action instituted and tried in any county in the district in which the same may be filed.

36.63.390 Directors may establish joint county jail—Conditions and standards. The board of directors may establish the joint county jail provided for in this chapter and shall provide for the feeding, care, and treatment of prisoners therein, and must conform to such standards for construction, feeding, clothing, bedding and programming as are imposed pursuant to law on county jails.

36.63.400 Cash revolving fund for joint county jail—Counties payments for expenses. Each county in a district formed under this chapter shall pay from its general fund its proportionate share to the board of directors of such amount as the board may designate to constitute a cash revolving fund to carry on the work and expense of maintaining such joint county jail. Each month a statement of the expense of the joint county jail shall be sent to the board of commissioners of each county in the district, together with a claim for its proportionate share of expenses. Amounts when received shall be paid into the cash revolving fund.

36.63.410 Commitments to joint county jail. Convicted persons may be committed to a joint county jail from a county comprising the district the same as if the commitment were to a jail maintained by that county alone.

36.63.420 Provisions of law applicable to joint county jails and superintendents. The provisions of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110 shall, so far as appropriate, be applicable to a joint county jail established pursuant to this chapter, and the person appointed by the board of directors to superintend a joint county jail has such powers and duties as has a sheriff, with respect to county jails, under RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110.

36.63.430 Director's rules for joint county jails. The board of directors may make rules and regulations for the government of a joint county jail not inconsistent with law.

36.63.440 Dissolution of joint district. A joint county jail district formed under this chapter may be dissolved in the following manner:

(1) The board or boards of commissioners of a county or counties containing more than fifty percent of the population of the entire district shall by a unanimous vote adopt a resolution stating that the existence of a joint county jail is no longer desirable for the public welfare and announcing the intention to withdraw therefrom and to dissolve said district.

(2) The resolution or resolutions so adopted shall be communicated to the clerks of the board of commissioners of all the counties comprising the district and also to the secretary of state.

(3) If it appears that the resolution was unanimously adopted by the board or boards of commissioners in the counties desiring to withdraw, and that such county or counties contain more than two-thirds of the entire population in the district, the secretary of state shall thereupon certify to the clerks of the boards of commissioners of the counties composing the district that the district is dissolved.

(4) Thereupon the board of directors of the district shall within ninety days:

(a) Abolish the joint county jail;

(b) Return all prisoners therein to the custody of the sheriffs of their respective counties;

(c) Dispose of all equipment belonging to said joint county jail and the district;

(d) Render an accounting to the clerks of the boards of commissioners of the counties composing such district of all sums of money received and paid out since their last previous accounting, including the balance of revolving fund on hand at said last previous accounting;

(e) Apportion and repay to said counties all sums of money then remaining in their hands, and they shall thereupon be relieved of further responsibility in said matter.

Chapter 36.64

JOINT GOVERNMENTAL ACTIVITIES

36.64.010 Joint courthouse and city hall. If the county seat of a county is in an incorporated city, the county and city may contract, one with the other, for the joint purchase, acquisition, leasing, ownership, control, and disposition of land and other property suitable as a site for a county courthouse and city hall and for the joint construction, ownership, control, and disposition of a building or buildings thereon for the use by such county and city as a county courthouse and city hall. Any county or city owning a site or any interest therein, or a site with buildings thereon, may, upon such terms as appear fair and just to the board of county commissioners of such county and to the legislative body of such city, contract with reference to the joint ownership, acquisition, leasing, control, improvement, and occupation of such property.

36.64.020 ————Terms of contract. A contract made in pursuance of RCW 36.64.010 shall fully set forth the amount of money to be contributed by each towards acquisition of the site and the improvement thereof and the manner in which such property shall be improved and the character of the building or buildings to be erected thereon. The contract may provide for the amount of money to be contributed annually by each for the upkeep and maintenance of the property and the building or buildings thereon, or it may provide for the relative proportion of such expense which such county and city shall annually pay. The contract shall specify the parts of such building or buildings which shall be set apart for the exclusive use and occupation of each.

36.64.030 ————**Approval of contract.** The contract between a county and a city shall be made only after a proper resolution of the board of county commissioners of the county and a proper ordinance of the city have been passed specifically authorizing it. The contract shall be binding upon the county and the city during the term thereof, or until it is modified or abrogated by mutual consent evidenced by a proper resolution and ordinance of the county and city.

36.64.040 ————**Funds, how provided.** The money to be contributed by a county or a city or both may be raised by a sale of its bonds, or by general taxation. Any county or city possessing funds or having funds available for a county courthouse or city hall from the sale of bonds or otherwise, may contract for the expenditure of such funds.

36.64.050 **Joint armory sites.** Any city or county in the state may expend money from its current expense funds in payment in whole or in part for an armory site whenever the legislature has authorized the construction of an armory within such city or county.

36.64.060 **Joint canal construction.** Whenever the board of county commissioners of a county of the first class deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36.67.020 through 36.67.060. Such construction or aid in construction is a county purpose.

Chapter 36.67

LIMITATION OF INDEBTEDNESS—COUNTY BONDS

36.67.010 **Limitation without vote of electors.** A county through its board of county commissioners may contract indebtedness for general county purposes, not exceeding in amount, together with the existing indebtedness of the county, one and one-half percent of the last assessed valuation of the taxable property in such county, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

36.67.020 **Additional indebtedness with vote of electors.** A county may contract indebtedness for strictly county purposes in excess of the amount named in RCW 36.67.010, but not exceeding in amount, together with the existing indebtedness, five percent of the last assessed valuation of the taxable property, to be ascertained

as provided in RCW 36.67.010, whenever three-fifths of the voters of the county assent thereto, at an election to be held for that purpose, consistent with the general election laws, which election may be either a special or general election.

36.67.030 Negotiable bonds may be issued. Whenever any debt is incurred under the provisions of either RCW 36.67.010 or 36.67.020 the board of commissioners of the county may issue its negotiable bonds in the name of the county for the purposes designated in the resolution or notice of election.

36.67.040 Content of bonds. The bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate not exceeding seven percent per year, payable annually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper, and shall state on its face that it is issued in accordance and in strict compliance with this chapter. The bonds shall be payable in any city containing a national bank.

36.67.050 Bonds may be exchanged for warrants or sold. The bonds may be exchanged at not less than their par value and accrued interest for an equal amount of warrants of the county issuing them or they may be sold by the county commissioners at not less than their par value and accrued interest, in which event the proceeds shall be applied only for the purpose for which the bonds were issued.

36.67.060 Payment of principal and interest. Bonds issued under this chapter shall be serial in form and maturity and interest shall be paid and the principal of the bonds retired by an annual tax levy in accordance with the provisions of chapter 39.44 RCW.

37.67.070 Coupons considered county warrants. The coupons for the payment of interest on the bonds shall be considered for all purposes as warrants drawn upon the current expense fund of the county issuing bonds, and if when presented to the treasurer of the county no funds are in the treasury to pay them, the treasurer shall indorse the coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter they shall bear interest at the same rate as county warrants presented and unpaid.

36.67.080 Registry of bonds. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the "bond register," in which register he shall enter the number of each bond, its date of issue and maturity, amount, rate of interest, to whom and when payable.

Chapter 36.68

PARKS AND RECREATIONAL FACILITIES

36.68.010 Counties may establish park and playground systems—Disposition of surplus park property. Counties may establish park and playground systems for public recreational purposes and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, purchase, lease, devise, bequest and condemnation. A county may lease or sell any park property, buildings or facilities surplus to its needs, or no longer suitable for park purposes: *Provided*, That such park property shall be subject to the requirements and provisions of notice, hearing, bid or intergovernmental transfer as provided in chapter 36.34: *Provided further*, That nothing in this section shall be construed as authorizing any county to sell any property which such county acquired by condemnation for park or playground or other public recreational purposes on or after January 1, 1960, until held for five years or more after such acquisition: *Provided further*, That funds acquired from the lease or sale of any park property, buildings or facilities shall be placed in the park and recreation fund to be used for capital purposes.

36.68.020 Programs of public recreation. Counties may conduct programs of public recreation, and in any such program property or facilities owned by any individual, group or organization, whether public or private, may be utilized by consent of the owner.

36.68.030 Park and recreation board—Composition. Each county may form a county park and recreation board composed of seven members, of whom one shall be the county superintendent of schools and the remainder shall be appointed by the board of county commissioners to serve without compensation.

36.68.040 ————Terms of members. For the appointive positions on the county park and recreation board the initial terms shall be two years for two positions, four years for two positions, and six years for the remaining two positions plus the period in each instance to the next following June 30th; thereafter the term for each appointive position shall be six years and shall end on June 30th.

36.68.050 ————Removal of members—Vacancies. Any appointed county park and recreation board member may be removed

by a majority vote of the board of county commissioners either for cause or upon the joint written recommendation of five members of the county park and recreation board. Vacancies on the county park and recreation board shall be filled by appointment, made by the board of county commissioners for the unexpired portions of the terms vacated.

36.68.060 ————**Powers and duties.** The county park and recreation board:

(1) Shall elect its officers, including a chairman, vice chairman and secretary, and such other officers as it may determine it requires.

(2) Shall hold regular public meetings at least monthly.

(3) Shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record.

(4) Shall initiate, direct, and administer county recreational activities, and shall select and employ a county park and recreation superintendent and such other properly qualified employees as it may deem desirable.

(5) Shall improve, operate, and maintain parks, playgrounds, and other recreational facilities, together with all structures and equipment useful in connection therewith, and may recommend to the board of county commissioners acquisition of real property.

(6) Shall promulgate and enforce reasonable rules and regulations deemed necessary in the operation of parks, playgrounds, and other recreational facilities, and may recommend to the board of county commissioners adoption of any rules or regulations requiring enforcement by legal process which relate to parks, playgrounds, or other recreational facilities.

(7) Shall each year submit to the board of county commissioners for approval a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by election or appointive county officials.

(8) May, subject to the approval of the board of county commissioners, enter into contracts with any other municipal corporation, governmental or private agency for the conduct of park and recreational programs.

36.68.070 Park and recreation fund. In counties in which county park and recreation boards are formed, a county park and recreation fund shall be established. Into this fund shall be placed the allocation as the board of county commissioners annually appropriates thereto, together with miscellaneous revenues derived from the operation of parks, playgrounds, and other recreational facilities, as well as grants, gifts, and bequests for park or recreational pur-

poses. All expenditures shall be disbursed from this fund by the county park and recreation board, and all balances remaining in this fund at the end of any year shall be carried over in such fund to the succeeding year.

36.68.080 Penalty for violations of regulations. Any person violating any rules or regulations adopted by the board of county commissioners relating to parks, playgrounds, or other recreational facilities shall be guilty of a misdemeanor.

Chapter 36.69

RECREATION DISTRICTS ACT

36.69.010 Park and recreation districts authorized. Park and recreation districts are hereby authorized to be formed in Class AA counties and in counties of the second, fourth, eighth or ninth class as municipal corporations for the purpose of providing leisure time activities and facilities, including swimming pools, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

36.69.020 Formation of district by petition—Procedure. The formation of a park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters within the area so described. No person signing the petition may withdraw his name therefrom after filing.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the county

commissioners who shall by resolution entered upon their minutes, receive it and fix a day and hour when they will publicly hear the petition, as provided in RCW 36.69.040.

36.69.030 Area which may be included—Resolution of governing body of city or town. A park and recreation district in Class AA counties and in counties of the second, fourth, eighth or ninth class may include any unincorporated area in the state and, when any part of the proposed district lies within the corporate limits of any city or town, said petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

36.69.040 Hearing on petition—Notice. The board of county commissioners shall set a time for a hearing on the petition for the formation of a park and recreation district to be held not more than sixty days following the receipt of such petition. Notice of hearing shall be given by publication three times, at intervals of not less than one week, in a newspaper of general circulation within the county. Such notice shall state the time and place of hearing and describe particularly the area proposed to be included within the district.

36.69.050 Boundaries—Name—Inclusion, exclusion of lands. The board of county commissioners shall designate a name for and fix the boundaries of the proposed district following such hearing. No land shall be included in the boundaries as fixed by the county commissioners which was not described in the petition, unless the owners of such land shall consent in writing thereto.

The board of county commissioners shall eliminate from the boundaries of the proposed district land which they find will not be benefited by inclusion therein.

36.69.060 District subdivisions—Candidates—Election for formation. The board of county commissioners, in addition to setting the boundaries of the proposed district, shall also divide it into five subdivisions and shall name five resident electors, no two of whom shall reside within the same subdivisions of said district, as candidates for election as the first park and recreation district commissioners of the district. The proposition for the formation of the proposed park and recreation district shall be submitted to the voters of such district for their approval or rejection at the next general election.

36.69.070 Elections—Procedure. All elections pursuant to this chapter regardless of county classification shall be conducted in accordance with the provisions of chapter 29.13 as for Class AA counties: *Provided*, That a special election for the formation of any park and recreation district may be held at such time as may be

ordered by the board of county commissioners. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district, and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.

36.69.080 Declaration of result of election. If a majority of all votes cast upon the proposition favors the formation of the district, the board of county commissioners shall, by resolution, declare the territory organized as a park and recreation district under the name theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district.

36.69.090 Commissioners — Residence qualification — Terms — Election procedure. Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election on the first Tuesday after the first Monday of November. Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election. Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than forty-five nor less than thirty days prior to said election. Any candidate may withdraw his declaration at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names. All commissioners shall serve until their successors are elected and qualified. The terms of office of all commissioners after the first commissioners shall begin on the first Monday in January following their respective elections. At the first election following the formation of the district, the candidate receiving the highest number of votes shall serve for a term of six years, the two candidates receiving the next highest number of votes shall serve for four years and the two candidates receiving the next highest number of votes

shall serve for two years. Thereafter all commissioners shall be elected for six year terms.

Note: See also section 18, chapter 200, Laws of 1963.

36.69.100 ————**Vacancies.** Vacancies on the board of park and recreation commissioners shall be filled by a majority vote of the remaining commissioners.

36.69.110 ————**Compensation, expenses.** The park and recreation commissioners shall receive no compensation for their services but shall receive necessary expenses in attending meetings of the board or when otherwise engaged on district business.

36.69.120 ————**Duties.** The park and recreation district board of commissioners shall:

(1) Elect its officers including a chairman, vice chairman, secretary, and such other officers as it may determine it requires;

(2) Hold regular public meetings at least monthly;

(3) Adopt policies governing transaction of board business, keeping of records, resolutions, transactions, findings and determinations, which shall be of public record;

(4) Initiate, direct and administer district park and recreation activities, and select and employ such properly qualified employees as it may deem necessary.

36.69.130 Powers of districts. Park and recreation districts in Class AA counties and in counties of the second, fourth, eighth or ninth class shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make charges for the use of facilities or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; and, (13) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: *Provided*, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation district.

36.69.140 Special levies authorized—Bonds. A park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to one and one-half percent of the assessed valuation of the taxable property within such district, and may provide for the retirement thereof by levies in excess of millage limitations in accordance with the provisions of RCW 84.52.056.

36.69.150 District treasurer—Warrants—Vouchers. The county treasurer of the county in which the district shall be located shall be the treasurer of the district, and expenditures shall be made upon warrants drawn by the county auditor pursuant to vouchers approved by the board of park and recreation commissioners.

36.69.160 Budget. The board of park and recreation commissioners of each park and recreation district shall annually compile a budget, in form prescribed by the state division of municipal corporations, for the ensuing calendar year, and which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the district. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities or towns, county, or any other governmental unit; gifts and donations; special tax levy; assessments; fees and charges; proceeds of bond issues; cumulative reserve funds.

36.69.170 Expenditures. Expenditures shall be made solely in accordance with the budget, and should revenues accrue at a rate below the anticipated amounts, the board of park and recreation commissioners shall reduce expenditures accordingly: *Provided*, That the board may, by unanimous vote, authorize such expenditures, or authorize expenditures in excess of those budgeted, if sufficient revenue to pay such expenditures is derived by the levy of the district or if provided by other governmental agencies specifically for such purposes.

36.69.180 Violation of rules—Penalty. The violation of any of the rules or regulations of a park and recreation district adopted by its board for the preservation of order, control of traffic, protection of life or property or for the regulation of the use of park property shall constitute a misdemeanor.

36.69.190 Additional area may be added to district. After a park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation district, except that no first commissioners shall be nominated by the board of county commissioners or elected, and all electors within both the organized park and recreation district and the proposed additional territory shall vote upon the proposition for enlargement.

36.69.200 L.I.D.'s — Authorization — Assessments, Warrants, Bonds—County treasurer's duties. Whenever the board of park and recreation commissioners of any district shall determine that any proposed capital improvement would be of special benefit to all or to any portion of the district, it may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection and enforcement of such assessments and issuance and redemption of local improvement warrants and bonds and the provisions regarding the conclusiveness of the assessment roll and the review by the superior court of any objections thereto shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class, including the restraints provided for in RCW 35.43.160 through 35.43.170, insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the board.

36.69.210 ————Initiation by resolution or petition. Local improvement districts may be initiated either (1) by resolution of the board of park and recreation commissioners, or, (2) by petition signed by the owners (according to the county auditor's records) of at least fifty-one percent of the area of land within the limits of the local improvement district to be created.

36.69.220 ————Procedure when by resolution. If the board of park and recreation commissioners desires to initiate the formation of a 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 local improvement district and 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.

36.69.230 ————Procedure when by petition. Publication of notice of intent by either resolution or petition. If such local improvement district is initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered 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 local improvement district to be created. Upon the filing of such petition the board of park and recreation commissioners shall determine whether it is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after it has been filed with the board. 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 and 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.

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.

36.69.240 ————Notice—Contents. 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 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 park and recreation commissioners; and in the case of improvements initiated by resolution, the 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 before the time fixed for said public hearing.

36.69.250 ———Public hearing—Inclusion, exclusion of property. Whether the improvement is initiated by petition or resolution, the board of park and recreation commissioners 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 the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of the district to include or exclude property not previously included or excluded 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.

36.69.260 ———Protests—Procedure—Jurisdiction of board. After said hearing the board of park and recreation commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the board to proceed with any improvement initiated by resolution shall be divested by a protest filed with the secretary of the board prior to said public hearing for the improvement signed by the owners of the property within the proposed local improvement district which is subject to sixty percent or more of the cost of the improvement as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district.

36.69.270 ———Powers and duties of board upon formation. If the board of park and recreation commissioners finds that the district should be formed, it shall by resolution order the improvement, adopt detailed plans of the 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 park and recreation district such eminent domain proceedings

as may be necessary to entitle the district to proceed with the work. The board shall thereupon 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 improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

36.69.280 ————Assessment roll—Procedure for approval—Objections. Before 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 board of park and recreation commissioners on the protests. 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 park and recreation district is located. At the hearing, or any adjournment thereof, the commissioners may correct, change or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior, to the date fixed for the original hearing upon the roll.

36.69.290 ————Segregation of assessments—Power of board. Whenever any land against which there has been levied any special assessment by any park and recreation district shall have been sold in part or subdivided, the board of park and recreation commissioners of such district shall have the power to order a segregation of the assessment.

36.69.300 ————Segregation of assessments—Procedure—Fee, charges. 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 park and recreation commissioners of the park and recreation district which levied the assessment. If the board determines that a segregation should be made, it shall by resolution order the county treasurer to make segregation on the original assessment roll as directed in the resolution. The segre-

gation 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 may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

36.69.310 Dissolution. Any park and recreation district formed under the provisions of this chapter may be dissolved in the manner provided in chapter 53.48, relating to port districts.

36.69.900 Short title. This chapter may be cited as the "Recreation Districts Act for Class AA counties and for counties of the second, fourth, eighth or ninth class."

Chapter 36.70

PLANNING ENABLING ACT

36.70.010 Purpose and intent. The purpose and intent of this chapter is to provide the authority for, and the procedures to be followed in, guiding and regulating the physical development of a county or region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare.

36.70.015 Expenditure of funds declared public purpose. Regional planning under the provisions of this chapter is hereby declared to be a proper public purpose for the expenditure of the funds of counties, school districts, public utility districts, housing authorities, port districts, cities or towns or any other public organization interested in regional planning.

36.70.020 Definitions. The following words or terms as used in this chapter shall have the following meaning unless a different meaning is clearly indicated by the context:

(1) "Approval by motion" is a means by which a board, through

other than by ordinance, approves and records recognition of a comprehensive plan or amendments thereto.

(2) "Board" means the board of county commissioners.

(3) "Certification" means the affixing on any map or by adding to any document comprising all or any portion of a comprehensive plan a record of the dates of action thereon by the commission and by the board, together with the signatures of the officer or officers authorized by ordinance to so sign.

(4) "Commission" means a county or regional planning commission.

(5) "Commissioners" means members of a county or regional planning commission.

(6) "Comprehensive plan" means the policies and proposals approved and recommended by the planning agency or initiated by the board and approved by motion by the board (a) as a beginning step in planning for the physical development of the county; (b) as the means for coordinating county programs and services; (c) as a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in RCW 36.70.330 and may also include the optional elements set forth in RCW 36.70.350 which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

(7) "Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the board of adjustment, or zoning adjustor if there be such, and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the county ordinances specify the standards and criteria that shall be applied.

(8) "Department" means a planning department organized and functioning as any other department in any county.

(9) "Element" means one of the various categories of subjects, each of which constitutes a component part of the comprehensive plan.

(10) "Ex officio member" means a member of the commission who serves by virtue of his official position as head of a department specified in the ordinance creating the commission.

(11) "Official controls" means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part

thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

(12) "Ordinance" means a legislative enactment by a board; in this chapter the word, "ordinance", is synonymous with the term "resolution", as representing a legislative enactment by a board of county commissioners.

(13) "Planning agency" means (a) a planning commission, together with its staff members, employees and consultants, or (b) a department organized and functioning as any other department in any county government together with its planning commission.

(14) "Variance". A variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

36.70.030 Commission—Creation. By ordinance a board may create a planning commission and provide for the appointment by the commission of a director of planning.

36.70.040 Department—Creation—Creation of commission to assist department. By ordinance a board may, as an alternative to and in lieu of the creation of a planning commission as provided in RCW 36.70.030, create a planning department which shall be organized and function as any other department of the county. When such department is created, the board shall also create a planning commission which shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.

36.70.050 Authority for planning. Upon the creation of a planning agency as authorized in RCW 36.70.030 and 36.70.040, a county may engage in a planning program as defined by this chapter. Two or more counties may jointly engage in a planning program as defined herein for their combined areas.

36.70.060 Regional planning commission—Appointment and powers. A county or a city may join with one or more other counties, cities and towns, and/or with one or more school districts, public utility districts, private utilities, housing authorities, port districts, or any other private or public organizations interested in regional planning to form and organize a regional planning commission and provide for the administration of its affairs. Such regional planning commission may carry on a planning program involving the same subjects and procedures provided by this chapter for planning by counties, provided this authority shall not include enacting official controls other than by the individual participating municipal corporations. The authority to initiate a regional planning program, define the boundaries of the regional planning district, specify the number, method of appointment and terms of office of members of the regional planning commission and provide for allocating the cost of financing the work shall be vested individually in the governing bodies of the participating municipal corporations.

Any regional planning commission or municipal corporation participating in any regional planning district is authorized to receive grants-in-aid from, or enter into reasonable agreement with any department or agency of the government of the United States or of the state of Washington to arrange for the receipt of federal funds and state funds for planning in the interests of furthering the planning program.

36.70.070 Commission—Composition. Whenever a commission is created by a county, it shall consist of five, seven, or nine members as may be provided by ordinance: *Provided*, That where a commission, on June 10, 1959, is operating with more than nine members, no further appointments shall be made to fill vacancies for whatever cause until the membership of the commission is reduced to five, seven or nine, whichever is the number specified by the county ordinance under this chapter. Departments of a county may be represented on the commission by the head of such departments as are designated in the ordinance creating the commission, who shall serve in an ex officio capacity, but such ex officio members shall not exceed one of a five-member commission, two of a seven-member commission, or three of a nine-member commission. At no time shall there be more than three ex officio members serving on a commission: *Provided further*, That in lieu of one ex officio member, only, one employee of the county other than a department head may be appointed to serve as a member of the commission.

36.70.080 ———Appointment—County. The members of a commission shall be appointed by the chairman of the board with

the approval of a majority of the board: *Provided*, That each member of the board shall submit to the chairman a list of nominees residing in his commissioner district, and the chairman shall make his appointments from such lists so that as nearly as mathematically possible, each commissioner district shall be equally represented on the commission.

36.70.090 ———Membership—Terms—Existing commissions. When a commission is created after June 10, 1959, the first terms of the members of the commission consisting of five, seven, and nine members, respectively, other than ex officio members, shall be as follows:

(1) For a five-member commission—one, shall be appointed for one year; one, for two years; one, for three years; and two, for four years.

(2) For a seven-member commission—one, shall be appointed for one year; two, for two years; two, for three years; and two, for four years.

(3) For a nine-member commission—two, shall be appointed for one year; two, for two years; two, for three years; and three, for four years.

Thereafter, the successors to the first member shall be appointed for four year terms: *Provided*, That where the commission includes one ex officio member, the number of appointive members first appointed for a four year term shall be reduced by one; if there are to be two ex officio members, the number of appointive members for the three year and four year terms shall each be reduced by one; if there are to be three ex officio members, the number of appointive members for the four year term, the three year term, and the two year term shall each be reduced by one. The term of an ex officio member shall correspond to his official tenure: *Provided further*, That where a commission, on the effective date of this chapter, is operating with members appointed for longer than four year terms, such members shall serve out the full term for which they were appointed, but their successors, if any, shall be appointed for four year terms.

36.70.100 ———Vacancies. Vacancies occurring for any reason other than the expiration of the term shall be filled by appointment for the unexpired portion of the term except if, on June 10, 1959, the unexpired portion of a term is for more than four years the vacancy shall be filled for a period of time that will obtain the maximum staggered terms, but shall not exceed four years. Vacancies shall be filled from the same commissioner district as that of the vacating member.

36.70.110 ———Removal. After public hearing, any appointee member of a commission may be removed by the chairman of the board, with the approval of the board, for inefficiency, neglect of duty, or malfeasance in office.

36.70.120 ———Officers. Each commission shall elect its chairman and vice chairman from among the appointed members. The commission shall appoint a secretary who need not be a member of the commission.

36.70.130 Planning agency—Meetings. Each planning agency shall hold not less than one regular meeting in each month: *Provided*, That if no matters over which the planning agency has jurisdiction are pending upon its calendar, a meeting may be canceled.

36.70.140 ———Rules and records. Each planning agency shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

36.70.150 ———Joint meetings. Two or more county planning agencies in any combination may hold joint meetings and by approval of their respective boards may have the same chairman.

36.70.160 Director—Appointment. If a director of planning is provided for, he shall be appointed:

(1) By the commission when a commission is created under RCW 36.70.030;

(2) If a planning department is established as provided in RCW 36.70.040, then he shall be appointed by the board.

36.70.170 Director—Employees. The director of planning shall be authorized to appoint such employees as are necessary to perform the duties assigned to him within the budget allowed.

36.70.180 Joint director. The boards of two or more counties or the legislative bodies of other political subdivisions or special districts may jointly engage a single director of planning and may authorize him to employ such other personnel as may be necessary to carry out the joint planning program.

36.70.190 Special services. Each planning agency, subject to the approval of the board, may employ or contract with the planning consultants or other specialists for such services as it requires.

36.70.200—Board of adjustment. Creation—Zoning adjustor. Whenever a board shall have created a planning agency, it shall also by ordinance, coincident with the enactment of a zoning ordinance, create a board of adjustment, and may establish the office of zoning adjustor: *Provided*, That any county that has prior to June 10, 1959, enacted a zoning ordinance, shall, within ninety days thereof, create a board of adjustment.

36.70.210 ————**Membership.** A board of adjustment shall consist of three or five members as may be provided by ordinance.

36.70.220 ————**Appointment — Appointment of zoning adjustor.** The members of a board of adjustment and the zoning adjustor shall be appointed in the same manner as provided for the appointment of commissioners in RCW 36.70.080. One member of the board of adjustment may be an appointee member of the commission.

36.70.230 ————**Terms.** If the board of adjustment is to consist of three members, when it is first appointed after June 10, 1959, the first terms shall be as follows: One shall be appointed for one year; one, for two years; and one, for three years. If it consists of five members, when it is first appointed after June 10, 1959, the first terms shall be as follows: One shall be appointed for one year; one, for two years; one, for three years; one, for four years; and one, for six years. Thereafter the terms shall be for six years and until their successors are appointed and qualified.

36.70.240 ————**Vacancies.** Vacancies in the board of adjustment shall be filled by appointment in the same manner in which the commissioners are appointed in RCW 36.70.080. Appointment shall be for the unexpired portion of the term.

36.70.250 ————**Removal.** Any member of the board of adjustment may be removed by the chairman of the board with the approval of the board for inefficiency, neglect of duty or malfeasance in office.

36.70.260 ————**Organization.** The board of adjustment shall elect a chairman and vice chairman from among its members. The board of adjustment shall appoint a secretary who need not be a member of the board.

36.70.270 ————**Meetings.** The board of adjustment shall hold not less than one regular meeting in each month of each year: *Provided*, That if no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be canceled.

36.70.280 ————**Rules and Records.** The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

36.70.290 **Appropriation for planning agency, board of adjustment.** The board shall provide the funds, equipment and accommodations necessary for the work of the planning agency. Such appropriations may include funds for joint ventures as set forth in RCW 36.70.180. The expenditures of the planning agency, exclusive of gifts, shall be within the amounts appropriated for the

respective purposes. The provisions herein for financing the work of the planning agencies shall also apply to the board of adjustment and the zoning adjustor.

36.70.300 Accept gifts. The planning agency of a county may accept gifts in behalf of the county to finance any planning work authorized by law.

36.70.310 Conference and travel expenses—Commission members and staff. Members of planning agencies shall inform themselves on matter affecting the functions and duties of planning agencies. For that purpose, and when authorized, such members may attend planning conferences, meetings of planning executives or of technical bodies; hearings on planning legislation or matters relating to the work of the planning agency. The reasonable travel expenses, registration fees and other costs incident to such attendance at such meetings and conferences shall be charges upon the funds allocated to the planning agency. In addition, members of a commission may also receive reasonable travel expenses to and from their usual place of business to the place of a regular meeting of the commission. The planning agency may, when authorized, pay dues for membership in organizations specializing in the subject of planning. The planning agency may, when authorized, subscribe to technical publications pertaining to planning.

36.70.320 Comprehensive plan. Each planning agency shall prepare a comprehensive plan for the orderly physical development of the county and may include any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county. The plan shall be referred to as the comprehensive plan and, after hearings by the commission and approval by motion of the board, shall be certified as the comprehensive plan. Amendments or additions to the comprehensive plan shall be similarly processed and certified.

36.70.330 ———Required elements. The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan;

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

36.70.340 ————Amplification of required elements. When the comprehensive plan containing the mandatory subjects as set forth in RCW 36.70.330 shall have been approved by motion by the board and certified, it may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the required elements set forth in RCW 36.70.330 and by adding provisions and proposals for the optional elements set forth in RCW 36.70.350. The comprehensive plan may also be amplified and augmented in scope by progressively including more completely planned areas consisting of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the total area of the county. In no case shall the comprehensive plan, whether in its entirety or area by area or subject by subject be considered to be other than in such form as to serve as a guide to the later development and adoption of official controls.

36.70.350 ————Optional elements. A comprehensive plan may include—

(1) a conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, water sheds, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources,

(2) a recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development,

(3) a transportation element showing a comprehensive system of transportation, including general locations of rights of way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities,

(4) a transit element as a special phase of transportation, showing proposed systems of rail transit lines, including rapid transit in any form, and related facilities,

(5) a public services and facilities element showing general plans for sewerage, refuse disposal, drainage and local utilities, and rights of way, easements and facilities for such services,

(6) a public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings,

(7) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivision, zoning, traffic, and other related matters,

(8) a renewal and/or redevelopment element comprising surveys, locations, and reports for the elimination of slums and other blighted areas and for community renewal and/or redevelopment, including housing sites, business and industrial sites, public building sites and for other purposes authorized by law,

(9) a plan for financing a capital improvement program,

(10) as a part of a comprehensive plan the commission may prepare, receive and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical development of the county.

36.70.360 ———Cooperation with affected agencies. During the formulation of the comprehensive plan, and especially in developing a specialized element of such comprehensive plan, the planning agency may cooperate to the extent it deems necessary with such authorities, departments or agencies as may have jurisdiction over the territory or facilities for which plans are being made, to the end that maximum correlation and coordination of plans may be secured and properly located sites for all public purposes may be indicated on the comprehensive plan.

36.70.370 ———Filing of copies. Whenever a planning agency has developed a comprehensive plan, or any addition or amendment thereto, covering any land outside of the boundaries of the county as provided in RCW 36.70.320, copies of any features of the comprehensive plan extending into an adjoining jurisdiction shall for purposes of information be filed with such adjoining jurisdiction.

36.70.380 ———Public hearing required. Before approving all or any part of the comprehensive plan or any amendment, extension or addition thereto, the commission shall hold at least one public hearing and may hold additional hearings at the discretion of the commission.

36.70.390 ———Notice of hearing. Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

36.70.400 ————**Approval—Required vote—Record.** The approval of the comprehensive plan, or of any amendment, extension or addition thereto, shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the commission to constitute the plan or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

36.70.410 ————**Amendment.** When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance.

36.70.420 ————**Referral to board.** A copy of a comprehensive plan or any part, amendment, extension of or addition thereto, together with the motion of the planning agency approving the same, shall be transmitted to the board for the purpose of being approved by motion and certified as provided in this chapter.

36.70.430 ————**Board may initiate or change—Notice.** When it deems it to be for the public interest, or when it considers a change in the recommendations of the planning agency to be necessary, the board may initiate consideration of a comprehensive plan, or any element or part thereof, or any change in or addition to such plan or recommendation. The board shall first refer the proposed plan, change or addition to the planning agency for a report and recommendation. Before making a report and recommendation, the commission shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time and place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

36.70.440 ————**Board may approve or change—Notice.** After the receipt of the report and recommendations of the planning agency on the matters referred to in RCW 36.70.430, or after the lapse of the prescribed time for the rendering of such report and recommendation by the commission, the board may approve by motion and certify such plan, change or addition without further reference to the commission: *Provided*, That the plan, change or addition conforms either to the proposal as initiated by the county or the recommendation thereon by the commission: *Provided fur-*

ther, That if the planning agency has failed to report within a ninety day period, the board shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing. Thereafter, the board may proceed to approve by motion and certify the proposed comprehensive plan or any part, amendment or addition thereto.

36.70.450 Planning agency—Relating projects to comprehensive plan. After a board has approved by motion and certified all or parts of a comprehensive plan for a county or for any part of a county, the planning agency shall use such plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report of the planning agency on any project shall indicate wherein the proposed project does or does not conform to the purpose of the comprehensive plan and may include proposals which, if effected, would make the project conform. If the planning agency finds that a proposed project reveals the justification or necessity for amending the comprehensive plan or any part of it, it may institute proceedings to accomplish such amendment, and in its report to the board on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being initiated.

36.70.460 ———Annual report. After all or part of the comprehensive plan of a county has been approved by motion and certified, the planning agency shall render an annual report to the board on the status of the plan and accomplishments thereunder.

36.70.470 ———Promotion of public interest in plan. Each planning agency shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related to it.

36.70.480 ———Cooperation with agencies. Each planning agency shall, to the extent it deems necessary, cooperate with officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the purpose of the comprehensive plan.

36.70.490 Information to be furnished agency. Upon request, all public officials or agencies shall furnish to the planning agency within a reasonable time such available information as is required for the work of the planning agency.

36.70.500 Right of entry—Commission or planning staff. In the performance of their functions and duties, duly authorized members of a commission or planning staff may enter upon any land and make examinations and surveys: *Provided*, That such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

36.70.510 Special referred matters—Reports. By general or special rule the board creating a planning agency may provide that other matters shall be referred to the planning agency before final action is taken thereupon by the board or officer having final authority on the matter, and final action thereon shall not be taken upon the matter so referred until the planning agency has submitted its report within such period of time as the board shall designate. In reporting upon the matters referred to in this section the planning agency may make such investigations, maps, reports and recommendations as it deems desirable.

36.70.520 Required submission of capital expenditure projects. At least five months before the end of each fiscal year each county officer, department, board or commission and each governmental body whose jurisdiction lies entirely within the county, except incorporated cities and towns, whose functions include preparing and recommending plans for, or constructing major public works, shall submit to the respective planning agency a list of the proposed public works being recommended for initiation or construction during the ensuing fiscal year.

36.70.530 Relating capital expenditure projects to comprehensive plan. The planning agency shall list all such matters referred to in RCW 36.70.520 and shall prepare for and submit a report to the board which report shall set forth how each proposed project relates to all other proposed projects on the list and to all features in the comprehensive plan both as to location and timing. The planning agency shall report to the board through the planning director if there be such.

36.70.540 Referral procedure—Reports. Whenever a board has approved by motion and certified all or part of a comprehensive plan, no street, square, park or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed or abandoned, and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does

not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the board, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the board or other governmental officer or body may indicate, shall be deemed to be approval.

36.70.550 Official controls. From time to time, the planning agency may, or if so requested by the board shall, cause to be prepared official controls which, when adopted by ordinance by the board, will further the objectives and goals of the comprehensive plan. The planning agency may also draft such regulations, programs and legislation as may, in its judgment, be required to preserve the integrity of the comprehensive plan and assure its systematic execution, and the planning agency may recommend such plans, regulations, programs and legislation to the board for adoption.

36.70.560 ———Forms of controls. Official controls may include:

(1) Maps showing the exact boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

(2) Maps for streets showing the exact alignment, gradients, dimensions and other pertinent features, and including specific controls with reference to protecting such accurately defined future rights of way against encroachment by buildings, other physical structures or facilities;

(3) Maps for other public facilities, such as parks, playgrounds, civic centers, etc., showing exact location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;

(4) Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements.

36.70.570 ————**Adoption.** Official controls shall be adopted by ordinance and shall further the purpose and objectives of a comprehensive plan and parts thereof.

36.70.580 ————**Public hearing by commission.** Before recommending an official control or amendment to the board for adoption, the commission shall hold at least one public hearing.

36.70.590 ————**Notice of hearing.** Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county at least ten days before the hearing. The board may prescribe additional methods for providing notice.

36.70.600 ————**Recommendation to board—Required vote.** The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

36.70.610 ————**Reference to board.** A copy of any official control or amendment recommended pursuant to RCW 36.70.550, 36.70.560, 36.70.570 and 36.70.580 shall be submitted to the board not later than fourteen days following the action by the commission and shall be accompanied by the motion of the planning agency approving the same, together with a statement setting forth the factors considered at the hearing, and analysis of findings considered by the commission to be controlling.

36.70.620 ————**Action by board.** Upon receipt of any recommended official control or amendment thereto, the board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance, adopt or reject the official control or amendment.

36.70.630 ————**Board to conduct hearing, adopt findings prior to incorporating changes in recommended control.** If after considering the matter at a public meeting as provided in RCW 36.70.620 the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until the board shall conduct its own public

hearing, giving notice thereof as provided in RCW 36.70.590, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

36.70.640 ————**Board may initiate.** When it deems it to be for the public interest, the board may initiate consideration of an ordinance establishing an official control, or amendments to an existing official control, including those specified in RCW 36.70.560. The board shall first refer the proposed official control or amendment to the planning agency for report which shall, thereafter, be considered and processed in the same manner as that set forth in RCW 36.70.630 regarding a change in the recommendation of the planning agency.

36.70.650 Board final authority. The report and recommendation by the planning agency, whether on a proposed control initiated by it, whether on a matter referred back to it by the board for further report, or whether on a matter initiated by the board, shall be advisory only and the final determination shall rest with the board.

36.70.660 Procedures for adoption of controls limited to planning matters. The provisions of this chapter with references to the procedures to be followed in the adoption of official controls shall apply only to establishing official controls pertaining to subjects set forth in RCW 36.70.560.

36.70.670 Enforcement—Official controls. The board may determine and establish administrative rules and procedures for the application and enforcement of official controls, and may assign or delegate such administrative functions, powers and duties to such department or official as may be appropriate.

36.70.680 Subdividing and platting. The planning agency shall review all proposed land plats and subdivisions and make recommendations to the board thereon with reference to approving, or recommending any modifications necessary to assure conformance to the general purposes of the comprehensive plan and to standards and specifications established by state law or local controls.

36.70.690 County improvements. No county shall improve any street or lay or authorize the laying of sewers or connections or other improvements to be laid in any street within any territory for which the board has adopted an official control in the form of precise street map or maps, until the matter has been referred to the planning agency by the department or official having jurisdiction for a report thereon and a copy of the report has been filed

with the department or official making the reference unless one of the following conditions apply:

(1) The street has been accepted, opened, or has otherwise received legal status of a public street;

(2) it corresponds with and conforms to streets shown on the official controls applicable to the subject;

(3) it corresponds with and conforms to streets shown on a subdivision (land plat) approved by the board.

36.70.700 Planning agency—Time limit for report. Failure of the planning agency to report on the matters referred to in RCW 36.70.690 within forty days after the reference, or such longer period as may be designated by the board, department or official making the reference, shall be deemed to be approval of such matter.

36.70.710 Final authority. Reports and recommendations by the planning agency on all matters shall be advisory only, and final determination shall rest with the administrative body, official, or the board whichever has authority to decide under applicable law.

36.70.720 Prerequisite for zoning. Zoning maps as an official control may be adopted only for areas covered by a comprehensive plan containing not less than a land use element and a circulation element. Zoning ordinances and maps adopted prior to June 10, 1959, are hereby validated, provided only that at the time of their enactment the comprehensive plan for the county existed according to law applicable at that time.

36.70.730 Text without map. The text of a zoning ordinance may be prepared and adopted in the absence of a comprehensive plan providing no zoning map or portion of a zoning map may be adopted thereunder until there has been compliance with the provisions of RCW 36.70.720.

36.70.740 Zoning map—Progressive adoption. Because of practical considerations, the total area of a county to be brought under the control of zoning may be divided into areas possessing geographical, topographical or urban identity and such divisions may be progressively and separately officially mapped.

36.70.750 Zoning—Types of regulations. Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will:

(1) Regulate the use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes;

(2) regulate location, height, bulk, number of stories and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which

may be occupied by buildings and structures; and the area required to provide off-street facilities for the parking of motor vehicles.

36.70.760 Establishing zones. For the purpose set forth in RCW 36.70.750 the county may divide a county, or portions thereof, into zones which, by number, shape, area and classification are deemed to be best suited to carry out the purposes of this chapter.

36.70.770 All regulations shall be uniform in each zone. All regulations shall be uniform in each zone, but the regulations in one zone may differ from those in other zones.

36.70.780 Classifying unmapped areas. After the adoption of the first map provided for in RCW 36.70.740, and pending the time that all property within a county can be precisely zoned through the medium of a zoning map, all properties not so precisely zoned by map shall be given a classification affording said properties such broad protective controls as may be deemed appropriate and necessary to serve public and private interests. Such controls shall be clearly set forth in the zoning ordinance in the form of a zone classification, and such classification shall apply to such areas until they shall have been included in the detailed zoning map in the manner provided for the adoption of a zoning map.

36.70.790 Interim zoning. If the planning agency in good faith, is conducting or intends to conduct studies within a reasonable time for the purpose of, or is holding a hearing for the purpose of, or has held a hearing and has recommended to the board the adoption of any zoning map or amendment or addition thereto, or in the event that new territory for which no zoning may have been adopted as set forth in RCW 36.70.800 may be annexed to a county, the board, in order to protect the public safety, health and general welfare may, after report from the commission, adopt as an emergency measure a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency.

36.70.800 Procedural amendments—Zoning ordinance. An amendment to the text of a zoning ordinance which does not impose, remove or modify any regulation theretofore existing and affecting the zoning status of land shall be processed in the same manner prescribed by this chapter for the adoption of an official control except that no public hearing shall be required either by the commission or the board.

36.70.810 Board of adjustment—Authority. The board of adjustment, subject to appropriate conditions and safeguards as provided by the zoning ordinance or the ordinance establishing the board of adjustment, if there be such, shall hear and decide:

(1) Applications for conditional uses or other permits when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed;

(2) Application for variances from the terms of the zoning ordinance: *Provided*, That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, and that the following circumstances are found to apply;

(a) because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification;

(b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

(3) Appeals, where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

36.70.820 ————**Quasi judicial powers.** The board of adjustment may also exercise such other quasi judicial powers as may be granted by county ordinance.

36.70.830 ————**Appeals—Time limit.** Appeals may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the board of adjustment within twenty days of the date of the action being appealed.

36.70.840 ————**Notice of time and place of hearing on conditional permit.** Upon the filing of an application for a conditional use permit or a variance as set forth in RCW 36.70.810, the board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of three hundred feet of the exterior boundaries of subject property. The written notice shall be mailed not less than twelve days prior to the hearing.

36.70.850 ————**Appeal—Notice of time and place.** Upon the filing of an appeal from an administrative determination, or from

the action of the zoning adjustor, the board of adjustment shall set the time and place at which the matter will be considered. At least a ten day notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.

36.70.860 ————**Scope of authority on appeal.** In exercising the powers granted by RCW 36.70.810 and 36.70.820, the board of adjustment may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

36.70.870 Zoning adjustor—Powers and duties. If the office of zoning adjustor is established as provided in this chapter, all of the provisions of this chapter defining the powers, duties, and procedures of the board of adjustment shall also apply to the zoning adjustor.

36.70.880 ————**Action final unless appealed.** The action by the zoning adjustor on all matters coming before him shall be final and conclusive unless within ten days after the zoning adjustor has made his order, requirement, decision or determination, an appeal in writing is filed with the board of adjustment. Such an appeal may be taken by the original applicant, or by opponents of record in the case.

36.70.890 Board of adjustment—Action final—Writs. The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the zoning adjustor or an administrative officer shall be final and conclusive unless within ten days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition or a writ of mandamus.

36.70.900 Inclusion of findings of fact. Both the board of adjustment and the zoning adjustor shall, in making an order, requirement, decision or determination, include in a written record of the case the findings of fact upon which the action is based.

36.70.910 Short title. This chapter shall be known as the "Planning Enabling Act of the State of Washington".

36.70.920 Duties and responsibilities imposed by other acts. Any duties and responsibilities which by other acts are imposed upon a planning commission shall, after June 10, 1959, be performed by a planning agency however constituted.

36.70.930 Chapter alternative method. This chapter shall not repeal, amend, or modify any other law providing for planning methods but shall be deemed an alternative method providing for such purpose.

36.70.940 Elective adoption. Any county or counties presently operating under the provisions of chapter 35.63 may elect to operate henceforth under the provisions of this chapter. Such election shall be effected by the adoption of an ordinance under the procedure prescribed by RCW 36.32.120(7), and by compliance with the provisions of this chapter.

Chapter 36.71

PEDDLERS' AND HAWKERS' LICENSES

36.71.010 Peddlers' license—"Peddler" defined. The term "peddler" for the purpose of this chapter includes all persons, both principals and agents, who go from place to place and house to house, carrying for sale and offering for sale or exposal for sale, goods, wares, or merchandise except agricultural, horticultural, or farm products, which they may grow or raise, and except vendors of books, periodicals, or newspapers: *Provided*, That nothing in this chapter shall apply to peddlers within the limits of any city or town which by ordinance regulates the sale of goods, wares, or merchandise by peddlers.

36.71.020 ———Application for and issuance of license. Every peddler, before commencing business in any county of the state, shall apply in writing and under oath to the county treasurer of the county in which he proposes to operate for a county license. The application must state the names and residences of the owners or parties in whose interest the business is to be conducted, and shall state the number of horses and/or vehicles to be used. Applicant at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares, and merchandise that is in the county for sale or to be kept or exposed for sale in the county, make a special deposit of five hundred dollars with the county treasurer, and pay the treasurer the county license fee as follows:

- (1) Peddler on foot, one hundred dollars.

(2) Peddler with one horse and a wagon, one hundred fifty dollars.

(3) Peddler with two horses and a wagon, two hundred fifty dollars.

(4) Peddler with any other conveyance, three hundred dollars.

The county treasurer shall thereupon issue to the applicant a peddler's license, authorizing him to do business in the county for the term of one year from the date thereof. Every county license shall contain a copy of the application therefor, shall not be transferable, and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his own proper person.

36.71.030 ————**Record of applications.** The county treasurer of each county shall keep on file all applications for peddlers' licenses that are issued. All files and records of the county treasurer shall be in convenient form and open to public inspection.

36.71.040 ————**Cancellation of license.** Upon the expiration and return of a county license, the county treasurer shall cancel it, indorse thereon the cancellation, and place it on file. After holding the special deposit of the licensee for a period of ninety days from the date of cancellation, he shall return the deposit or such portion as may remain in his hands after satisfying the claims made against it.

36.71.050 ————**Liability of deposit—Lien on.** Each deposit made with the county treasurer shall be subject to all taxes legally chargeable thereto, to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his license, and the treasurer may be held to answer as trustee in any civil action in contract or tort brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. Such deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of RCW 36.71.010, 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien upon the deposit and shall be collected in the manner provided by law.

36.71.060 ————**Penalty for peddling without license.** Every peddler who sells or offers for sale or exposes for sale, at public or private sale any goods, wares, or merchandise without a county license, shall be punished by imprisonment for not less than thirty days nor more than ninety days or by fine of not less than fifty dollars nor more than two hundred dollars or by both.

36.71.070 Hawkers, auctioneers and barterers must procure license—Exceptions. If any person sells any goods, wares, or merchandise, at auction or public outcry, or barterers goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket or other package carried on foot without first having obtained a license therefor from the board of county commissioners of the county in which such goods are sold or bartered, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, and shall stand committed to the county jail of the county in which the conviction is had until such fine and cost of prosecution are paid, or discharged by due course of law: *Provided*, That this section shall not be construed as to apply to any seagoing craft or to administrators or executors selling property of deceased persons, or to private individuals selling their household property, or furniture, or farming tools, implements, or livestock, or any produce grown or raised by them, either at public auction or private sale.

36.71.080 ————Issuance of license. The board of county commissioners may, by its order, direct the county auditor to issue a license to any person to do any business designated in RCW 36.71.070 for such sum not exceeding twenty-five dollars per year as it deems proper and expedient.

36.71.090 Farmers, gardeners, etc., peddling own produce exempt from license requirements. It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced, or manufactured by such person in any place in this state, each and every day except Sundays, and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as herein defined, and all city or town ordinances in violation hereof are hereby declared void: *Provided*, That this section shall not prohibit the sale or delivery of dairy products on Sunday.

Chapter 36.72

PRINTING

36.72.010 Official county paper. In all counties where two or more weekly, semiweekly or daily newspapers are published, the board of county commissioners, at its April meeting each year, shall let the advertising and official publication of all notices to the publisher thereof who is the best and lowest responsible bidder. The board of county commissioners shall consider the question of

circulation in awarding the county printing contract, with a view to giving such printing the widest publicity; and no newspaper shall be eligible as a competitor nor shall a contract be let to any newspaper, unless it has been established, published, and circulated in the county for at least six months, and has a general and bona fide circulation throughout the county in which it is published.

36.72.020 Procedure where county has no newspaper. In counties where no newspaper is published, the commissioners shall cause the printing of the county to be done in some newspaper in the state, of general circulation in the county, and the newspaper to which such contract is let, shall be designated as the official newspaper of the county.

36.72.030 ————Bond. The board of county commissioners shall require a bond in double the amount involved in the contract, for the correct and faithful performance of all contracts and the work to be done thereunder.

36.72.040 ————Term of contract. The term of the successful bidder shall not commence until the first day of July succeeding the letting of the contract.

36.72.050 ————Advertisement for proposals for printing. The county auditor, at least five weeks, but not more than eight weeks, before the meeting of the board of county commissioners in April of each year, shall advertise for proposals for the public printing, for the term of one year, beginning on the first day of July following, which advertisement shall be inserted for four consecutive weeks in the official newspaper of the county, or if there is no official newspaper, then in some other newspaper published in the county, or in a county adjacent to such county, and having a general circulation therein.

The board of county commissioners shall not be compelled in any event to accept any bid for a greater price than two dollars and forty cents per folio of one hundred words for the first insertion, and one dollar and eighty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words.

36.72.060 ————Specifications. The county auditor, when calling for bids, shall state how the matter shall be set, what kind of type, and whether solid or leaded.

36.72.070 All county officers to use official paper. All county officers shall cause all legal notices and delinquent tax lists to be advertised in the official paper designated by the board of county commissioners.

36.72.080 Forms for public blanks, compilation of. The state auditor, with the aid and advice of the attorney general shall com-

pile the forms for all public blanks used in the counties of this state in conformity with the general statutes thereof. The various blanks shall be uniform throughout the state.

36.72.090 ————**Material to be provided by state.** The material used in such blank forms and the printing and binding thereof shall be provided for by the state in the same manner and under the same rules and regulations as other public printing is now provided for under the general statutes of this state.

Chapter 36.75

ROADS AND BRIDGES—GENERAL PROVISIONS

36.75.010 Definitions. Terms used in this title, with relation to roads and bridges, mean:

(1) "Alley," a public highway not designed for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Board," the board of county commissioners;

(3) "Center line," the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway;

(4) "City street," every public highway or part thereof, located within the limits of incorporated cities and towns, except alleys;

(5) "County road," every public highway or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway;

(6) "Department," the department of highways of the state, or such state agency as may succeed to its powers and duties;

(7) "Director," the acting director of the department of highways or his duly authorized assistant;

(8) "Highway commission," the state highway commission as provided for in chapter 47.01 RCW;

(9) "Pedestrian," any person afoot;

(10) "Private road or driveway," every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(11) "Public highway," every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Railroad," a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(13) "Roadway," the paved, improved or proper driving portion

of a public highway designed, or ordinarily used for vehicular travel;

(14) "Sidewalk," property between the curb lines or the lateral lines of a roadway, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians;

(15) "State highway," includes every primary and secondary state highway or part thereof.

36.75.020 County commissioners as agents of state. All of the county roads in each of the several counties shall be established, laid out, constructed, altered, repaired, improved, and maintained by the board of county commissioners of the respective counties as agents of the state.

36.75.030 State and county cooperation. The state highway commission and the governing officials of any county may enter into reciprocal public highway improvement and maintenance agreements, providing for cooperation either in the county assisting the highway commission in the improvement or maintenance of state highways, or the highway commission assisting the county in the improvement or maintenance of county roads, under any circumstance where a necessity appears therefor or where economy in public highway improvement and maintenance will be best served.

36.75.040 Powers of county commissioners. The board of county commissioners of each county, in relation to roads and bridges, shall have the power and it shall be its duty to:

(1) Acquire in the manner provided by law property real and personal and acquire or erect structures necessary for the administration of the county roads of such county;

(2) Maintain a county engineering office and keep record of all proceedings and orders pertaining to the county roads of such county;

(3) Acquire land for county road purposes by purchase, gift, or condemnation, and exercise the right of eminent domain as by law provided for the taking of land for public use by counties of this state;

(4) Perform all acts necessary and proper for the administration of the county roads of such county as by law provided.

36.75.045 Powers—Transfer of duties of prior elective county engineer to county commissioners. At the general election in the year 1938 and thereafter no county engineer shall be elected in any county of the state. The board of county commissioners of each county shall exercise all the powers and perform all the duties

that have been or now are or shall be by law vested in the county engineer.

36.75.050 Powers—How exercised. The powers and duties vested in or imposed upon the boards with respect to establishing, examining, surveying, constructing, altering, repairing, improving, and maintaining county roads, shall be exercised under the supervision and direction of the county road engineer.

The board shall by resolution, and not otherwise, order the survey, establishment, construction, alteration, or improvement of county roads; the county road engineer shall prepare all necessary maps, plans, and specifications therefor, showing the right of way widths, the alignments, gradients, and standards of construction.

36.75.060 County road districts. For the purpose of administration of the county roads of each county the board may, but not more than once in each year, form their respective counties, or any part thereof, into suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records.

Unless the board decides otherwise by unanimous vote, there shall be at least one road district in each county commissioner's district embracing territory outside of cities and towns and no road district shall extend into more than one county commissioner's district.

Each county commissioner shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in each road district in his commissioner's district for the ensuing fiscal year, as provided by law.

36.75.070 Highways worked seven years are county roads. All public highways in this state, outside incorporated cities and towns and not designated as state highways, which have been used as public highways for a period of not less than seven years, where they have been worked and kept up at the expense of the public, are county roads.

36.75.080 Highways used ten years are county roads. All public highways in this state, outside incorporated cities and towns and not designated as state highways which have been used as public highways for a period of not less than ten years are county roads: *Provided*, That no duty to maintain such public highway nor any liability for any injury or damage for failure to maintain such public highway or any road signs thereon shall attach to the county until the same shall have been adopted as a part of the county road system by resolution of the county commissioners.

36.75.090 Abandoned state highways. All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such, if situated outside of the limits of incorporated cities or towns, shall, upon certification thereof by the state highway commission to the board of the county in which any portion of such highway is located, be and become a county road of such county, and if situated within the corporate limits of any city or town shall upon certification thereof by the state highway commission to the mayor of the city or town in which any portion of such highway is located be and become a street of such city or town, and upon such certification the state highway commission may certify to the governor the abandonment of such highways, giving a description thereof and the governor may execute and the secretary of state shall attest and deliver to the county or city as the case may be a deed of conveyance on behalf of the state to such abandoned highways or portions thereof.

36.75.100 Informalities not fatal. No informalities in the records in laying out, establishing, or altering any public highways existing on file in the offices of the various county auditors of this state or in the records of the department or highway commission, shall be construed to invalidate or vacate such public highways.

36.75.110 True locations to be determined—Survey. Whenever the board declares by resolution that the true location, course, or width of any county road is uncertain and that the same should be determined, it shall direct the county road engineer to make examination and survey thereof.

This shall embrace an examination and survey of the original petition, report, and field notes on the establishment of such road; a survey of the present traveled roadway; all topography within a reasonable distance and having a bearing on the true location of such road; the distance from the center line of the traveled roadway to the nearest section and quarter section corners; a map of sufficient scale accurately showing the above with field notes thereon; a map on the same scale showing the original field notes, such field notes to be transposed and the same meridian used on both maps.

36.75.120 Action to determine true location. When the true location, course, or width of a county road, which was prior thereto uncertain, has been reported by the examining engineer, the board shall file an action in the superior court of such county for the determination thereof. All persons affected by the determination of the true location, course, or width insofar as the same may vary from the originally established location, course, or width shall

be made parties defendant in such action and service had and return made as in the case of civil actions. Upon the hearing the court shall consider the survey, maps, and all data with reference to the investigation of the examining engineer and may demand such further examination as it may deem necessary and any objection of any party defendant may be heard and considered. The court shall determine the true location, course, and width of the road and may in its discretion assess the cost of such action against the county to be paid from the county road fund.

36.75.130 Approaches to county roads. No person shall be permitted to build or construct any approach to any county road without first obtaining permission therefor from the board.

36.75.140 ———Rules regarding construction. The boards of the several counties of the state may adopt reasonable rules for the construction of approaches which, when complied with, shall entitle a person to build or construct an approach from any abutting property to any county road. The rules may include provisions for the construction of culverts under the approaches, the depth of fills over the culverts and for such other drainage facilities as the board deems necessary. The construction of approaches, culverts, fills, or such other drainage facilities as may be required, shall be under the supervision of the board, and all such construction shall be at the expense of the person benefited by the construction.

36.75.150 ———Penalty. Any person violating any of the provisions of RCW 36.75.130 and 36.75.140 shall be guilty of a misdemeanor.

36.75.160 Power of county commissioners as to roads, bridges and other structures crossing boundary lines. The board of county commissioners of any county may erect and construct or acquire by purchase, gift, or condemnation, any bridge, trestle, or any other structure which crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation requiring such structure for the continuation or connection of any county road if such topographical formation constitutes the boundary of a city, town, another county or the state of Washington or another state or a county, city or town of such other state.

The board of such county may join with such city, town, other county, the state of Washington, or other state, or a county, city or town of such other state in paying for, erecting, constructing, acquiring by purchase, gift, or condemnation any such bridge, trestle, or other structure, and the purchase or condemnation of right of way therefor.

The board of any county may construct, maintain, and operate

any county road which forms the boundary line between another county within the state or another county in any other state or which through its meandering crosses and recrosses such boundary; and acquire by purchase or condemnation any lands or rights within this state, either within or without its county, necessary for such boundary road; and enter into joint contracts with authorities of adjoining counties for the construction, operation, and maintenance of such boundary roads. The power of condemnation herein granted may be exercised jointly by two counties in the manner provided in RCW 36.75.170 for bridges, or it may be exercised by a single county in the manner authorized by law.

36.75.170 ———Resolution to acquire or construct. The board may by original resolution entered upon its minutes declare its intention to pay for and erect or construct, or acquire by purchase, gift, or condemnation, any bridge, trestle, or other structure upon any county road which crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting a boundary, or to join therein with any other county, city or town, or with this state, or with any other state, or with any county, city or town of any other state, in the erection, or construction, or acquisition of any such structure, and declare that the same is a public necessity, and direct the county road engineer to report upon such project, dividing any just proportional cost thereof.

In the event two counties or any county and any city wish to join in paying for the erection or acquisition of any such structure, the resolution provided in this section shall be a joint resolution of the governing authorities of the counties and cities and they shall further, by such resolution, designate an engineer employed by one county to report upon the proposed erection or acquisition.

36.75.180 ———Freeholders' petition to acquire or construct. Ten or more freeholders of any county may petition the board for the erection and construction or acquisition by purchase, gift, or condemnation of any bridge, trestle, or any other structure in the vicinity of their residence, and upon any county road which crosses any stream, body of water, gulch, navigable waters, swamp or other topographical formation constituting a boundary by joining with any other county, city or town, or the state of Washington, or with any other state or with any county, city or town of any other state, setting forth and describing the location proposed for the erection of such bridge, trestle, or other structure, and stating that the same is a public necessity. The petition shall be accompanied by a bond with the same requirements, conditions, and amount and in the same manner as in case of a freeholders' petition for the establishing of a county road. Upon the filing of such petition and bond and being satisfied that the petition has been signed by freeholders

residing in the vicinity of such proposed bridge, trestle, or other structure, the board shall direct the county road engineer to report upon the project, dividing any just proportional cost thereof.

In the event two counties or any county and any city or town are petitioned to join in paying for the erection or acquisition of such structure, the board of county commissioners of the counties or the board of county commissioners of the county and governing authorities of the city or town shall act jointly in the selection of the engineer who shall report upon such acquisition or erection.

36.75.190 Engineer's report—Hearing—Order. Upon report by the examining engineer for the erection and construction upon any county road, or for acquisition by purchase, gift or condemnation of any bridge, trestle, or any other structure crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation, which constitutes a boundary, publication shall be made and joint hearing had upon such report in the same manner and upon the same procedure as in the case of resolution or petition for the laying out and establishing of county roads. If upon the hearing the governing authorities jointly order the erection and construction or acquisition of such bridge, trestle, or other structure, they may jointly acquire land necessary therefor by purchase, gift, or condemnation in the manner as provided for acquiring land for county roads, and shall advertise calls for bids, require contractor's deposit and bond, award contracts, and supervise construction as by law provided and in the same manner as required in the case of the construction of county roads.

Any such bridges, trestles or other structures may be operated free, or may be operated as toll bridges, trestles, or other structures under the provisions of the laws of this state relating thereto.

36.75.200 Bridges on city or town streets. The boards of the several counties may expend funds from the county road fund for the construction, improvement, repair, and maintenance of any bridge upon any city street within any city or town in such county where such city street and bridge are essential to the continuation of the county road system of the county. Such construction, improvement, repair, or maintenance shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as provided for the laying out and establishing of county roads by counties, and for the preparation of maps, plans, and specifications, advertising and award of contracts therefor.

36.75.205 Street as extension of road in town of less than one thousand. Whenever any street in any town, having a population of less than one thousand persons, forms an extension of a county road of the county in which such town is located, and

where the board of county commissioners of such county and the governing body of such town, prior to the commencement of any work, have mutually agreed and each adopted a resolution setting forth the nature and scope of the work to be performed and the share of the cost or labor which each shall bear, such county may expend county road funds for construction, improvement, repair, or maintenance of such street.

36.75.210 Roads crossing and recrossing boundaries. Whenever a county road is established within any county, and such county road crosses the boundary of the county and again enters the county, the board of the county within which the major portion of the road is located may expend the county road fund of such county in laying out, establishing, constructing, altering, repairing, improving, and maintaining that portion of the road lying outside the county, in the manner provided by law for the expenditure of county funds for the construction, alteration, repair, improvement, and maintenance of county roads within the county.

The board of any county may construct, maintain, and operate any county road which forms the boundary line between another county within the state or another county in any other state or which through its meandering crosses and recrosses such boundary; and acquire by purchase or condemnation any lands or rights within this state, either within or without its county, necessary for such boundary road; and enter into joint contracts with authorities of adjoining counties for the construction, operation, and maintenance of such boundary roads. The power of condemnation herein granted may be exercised jointly by two counties in the manner provided for bridges, or it may be exercised by a single county in the manner authorized by law.

36.75.220 Connecting road across segment of third county. Whenever two counties are separated by an intervening portion of a third county not exceeding one mile in width, and each of such counties has constructed or shall construct a county road to the boundary thereof, and the boards of the two counties deem it beneficial to such counties to connect the county roads by the construction and maintenance of a county road across the intervening portion of the third county, it shall be lawful for the boards of the two counties to expend jointly the county road funds of their respective counties in acquiring right of way for the construction, improvement, repair, and maintenance of such connecting county road and any necessary bridges thereon, in the manner provided by law for the expenditure of county road funds for the construction, improvement, repair, and maintenance of county roads lying within a county.

36.75.230 Acquisition of land under RCW 36.75.210 and 36.75.220. For the purpose of carrying into effect RCW 36.75.210 and 36.75.220 and under the circumstances therein set out the boards may acquire land necessary for the right of way for any portion of a county road lying outside such county or counties by gift or purchase or by condemnation in the manner provided for the taking of property for public use by counties.

36.75.240 Sidewalks and paths. The boards may expend funds credited to the county road fund from any county or road district tax levied for the construction of county roads for the construction of sidewalks and pedestrian allocated paths or walks, or either, parallel and adjacent to any county road.

36.75.250 State may intervene if maintenance neglected. If by any agreement with the federal government or any agency thereof or with the state or any agency thereof, a county has agreed to maintain certain county roads or any portion thereof and such maintenance is not being performed to the satisfaction of the federal government or the highway commission, reasonably consistent with original construction, notice thereof may be given by the highway commission to the board of such county and if the board of such county does not within ten days provide for such maintenance, the highway commission may perform such maintenance and the state treasurer shall pay the cost thereof on vouchers submitted by the highway commission and deduct the cost thereof from any sums in the motor vehicle fund credited or to be credited to the county in which such county road is located.

36.75.260 Annual report to director of highways. The board of each county shall on or before February 1st of each year submit such records and reports to the director, on forms furnished by the highway commission, as are necessary to enable the director to compile an annual report on county highway operations.

36.75.270 Limitation of type or weight of vehicles authorized—Penalty. The board of county commissioners of each county may by resolution limit or prohibit classes or types of vehicles on any county road or bridge and may limit the weight of vehicles which may travel thereon. Any such resolution shall be effective for a definite period of time which shall be stated in the resolution. If such resolution is published at least once in a newspaper of general circulation in the county and if signs indicating such closure or limitation of traffic have been posted on such road or bridge, any person violating such resolution shall be guilty of a misdemeanor.

36.75.280 Centralized repair and storage of machinery, equipment, supplies, etc. All county road machinery, equipment, stores, and supplies, excepting stockpiles and other road building material,

shall while not in use be stored and repaired at one centralized point in each county: *Provided*, That if the geography, topography, distance, or other valid economic considerations require more than one place for storage or repairs, the county commissioners may, by unanimous vote, authorize the same.

36.75.290 General penalty. It shall be a misdemeanor for any person to violate any of the provisions of this title relating to county roads and bridges unless such violation is by this title or other law of this state declared to be a felony or gross misdemeanor.

Chapter 36.76

ROADS AND BRIDGES—BONDS ACT OF 1890

36.76.010 Election to authorize issuance. The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding five percent of the assessed valuation of the taxable property in the county, bearing a rate of interest not exceeding six percent per year, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.

36.76.020 How to be held—Ballots—Issuance of bonds. The election may be held at the times and in the manner provided for holding general elections in this state, and it may be held as a special election at such time as the board of county commissioners may designate. The ballots used must contain the words "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.010 are in favor of bonds, the commissioners must issue the bonds in due and legal form, and negotiate them to the best advantage of the county, at not less than par value. The bonds must bear the signature of the chairman of the board of county commissioners, and be countersigned by the county auditor of the county in whose name they are issued, with the seal of the county thereunto attached; the coupons also must be signed by said chairman and said county auditor, and the bonds must be registered by the treasurer as other county bonds.

36.76.030 Notice of election. The board must give notice in some newspaper, having a general circulation in the county for a period of at least four weeks next preceding the date of election, setting forth the proposition as to amount, duration, and terms of the bonds to be issued and the roads or bridges to be built or improved.

36.76.040 Disposition of proceeds of bonds. When the bonds are sold, the money arising therefrom shall be immediately paid into the treasury of the county, and shall be used only for the improvement for which they were issued.

36.76.050 Tax levy to meet interest and principal. The board must ascertain and levy annually the tax necessary to pay the interest on the bonds when due, and to meet the various annual maturities of the bonds. The tax is a lien upon all property within the county, and must be collected in the same manner as other taxes are collected.

36.76.060 Form of bonds. The bonds shall be serial in form and maturity and in their issuance the county shall comply with the applicable provisions of Title 39.

36.76.070 Payment of interest. The county treasurer must pay out of any moneys belonging to the fund created by the annual tax levy the interest upon any bonds issued under this chapter when it becomes due, upon the presentation at his office of the proper coupon, which must show the amount due and the number of the bond to which it belongs; and all coupons so paid must be reported to the county commissioners at their first meeting thereafter.

ACT OF 1913

36.76.080 Bonds authorized—Election. The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue negotiable coupon road bonds of the county in an amount not exceeding five percent of the assessed valuation of the taxable property in the county for the purpose of constructing a new road or roads, or improving established roads within the county, or for aiding in so doing, as herein prescribed.

The word "improvement" wherever used in this act shall embrace any undertaking for any or all of such purposes. The word "road" shall embrace all highways, roads, streets, avenues, bridges, and other public ways.

The provisions of this act shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be constructed wholly or partly within the limits of any incorporated city or town therein, provided the board of county commissioners finds that they form or will become a part of the public highway system of the county, and will connect the existing roads therein. Such finding may be made by the board of county commissioners at any stage of the proceedings before the actual delivery of the bonds.

The constructing or improving of any and all such roads, or the aiding therein, is declared to be a county purpose.

The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state Constitution. If the county commissioners, in submitting a proposition relating to different roads or parts thereof, find that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds the presumption shall become conclusive.

No proposition for bonds shall be submitted which proposes that more than forty percent of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

36.76.090 How to be held—Ballots—Issuance of bonds—Form.

The election may be held at such times and in the manner provided for holding general elections in this state, or it may be held as a special election at such time as the board may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.080 are in favor of bonds, the board must issue negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall be payable either (1) to some person or corporation (named therein) or the bearer, or (2) simply to the bearer, at such time as shall be stated therein, not more than twenty years after the date of issue and bear interest at a rate not exceeding six percent per year, payable semiannually. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the board, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and the interest coupons shall be signed by said chairman and said county auditor, and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest, and the name and address of the person to whom issued. The county seal need not be affixed to the coupons. Each coupon must show the

number of the bond to which it belongs. The bonds and coupons shall be printed, engraved or lithographed on good bond paper.

36.76.100 Notice of election. The board must give notice in some newspaper having a general circulation in the county for a period of at least four weeks next preceding the date of the election, setting forth the proposition as to amount and duration of the bonds to be issued, and the rate of interest thereon which is not to be exceeded, and stating the road or roads to be built or improved. The notice need not describe the road or roads with particularity, but it shall be sufficient either to describe them by termini and with a general statement as to their course, or to use any other appropriate language sufficient to show the purpose intended to be accomplished. The commissioners may, at their option, give such other or further notice as they may deem advisable. When the bonds are issued they may be made to bear the rate of interest stated in the notice or any less rate.

36.76.110 Disposition of proceeds—City assistance. When the bonds are sold, the money arising therefrom shall be immediately paid into the treasury of the county, and shall be drawn only for the improvement for which they were issued, under the general direction of the board: *Provided*, That if the improvement includes in whole or in part the constructing or improving of one or more roads, or any part or parts thereof, within the limits of an incorporated city or town, and if the county commissioners find that the amount of the proceeds of the bonds intended to be expended for the improvements within such corporate limits will probably not be sufficient to defray the entire expense of the improvement therein, and if they further find it to be equitable that the city or town should bear the remainder of the expense, they may postpone any expenditure therefor from the proceeds of the bonds until the city or town makes provision by ordinance for proceeding with the improvement within its corporate limits at its own expense insofar as concerns the cost thereof over and above the amount of bond proceeds available therefor.

In such case it shall be lawful for the county commissioners to consent, under such general directions as they shall impose, that the proper authorities of the city or town shall have actual charge of making the proposed improvement within the corporate limits. The city or town shall acquire any needed property or rights and do the work by contract or otherwise in accordance with its charter or ordinances, but the same shall be subject to the approval of the county commissioners insofar as concerns any payment therefor from the proceeds of the bonds.

In such case, as the work progresses and money is needed to pay therefor, the county commissioners shall, from time to time, by

proper order, specifying the amount and purpose, direct the county treasurer to turn over to the city or town treasurer such part or parts of the proceeds of the bonds as may be justly applicable to such improvement or part thereof within such city or town, and any money so received by the city or town treasurer shall be inviolably applied to the purpose specified. When that portion of the entire improvement which lies within any such city or town can readily be separated into parts, the procedure authorized by this section may be pursued separately as to any one or more of such parts of the general improvement.

Nothing contained in this section shall be construed to render the county liable for any greater part of the expense of any improvement or part thereof within any city or town than the proper amount of the proceeds of such bonds, or to prevent the city or town from raising any part of the cost of any such improvement or part thereof, over and above the amount arising from the proceeds of the bonds, by assessment upon property benefited, or by contribution from any of its general or special funds in accordance with the provisions of the charter or laws governing such city or town. The provisions of this section, other than the direction for the payment into the county treasury of the money arising from the sale of the bonds, need not be complied with until after the issuance of the bonds and the validity of the bonds shall not be dependent upon such compliance.

36.76.120 Payment of principal and interest. The county commissioners must ascertain and levy annually a tax sufficient to pay the interest on all such bonds whenever it becomes due and to meet the annual maturities of principal as required by Title 39. All taxes levied either for interest or principal shall be a lien upon all property within the county and must be collected in the same manner as other taxes are collected. The county treasurer must pay out of any money accumulated from the taxes levied to pay the interest as aforesaid, the interest upon all such bonds when it becomes due upon presentation at the place of payment of the proper coupon. All coupons so paid must be reported to the county commissioners at their first meeting thereafter. Whenever the coupons are payable at any place other than the city in which the county treasurer keeps his office, the county treasurer shall seasonably remit to the state fiscal agent the amount of money required for the payment of any coupons which are about to fall due. When any such bonds or coupons are paid, the county treasurer shall suitably and indelibly cancel them.

36.76.130 Act cumulative. This act shall not be construed as repealing or affecting any other act relating to the issuance of bonds for road or other purposes, but shall be construed as conferring additional power and authority.

36.76.140 Toll bridge bonds authorized—Adjoining counties.

The board of a county may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Washington toll bridge authority to be sold by the authority for the purposes outlined herein: *Provided*, That in no event shall bonds be issued in excess of the limitations in chapter 36.67.

Chapter 36.77**ROADS AND BRIDGES—CONSTRUCTION**

36.77.010 Maps, plans and specifications. Whenever it is ordered by resolution of the board that any county road shall be laid out and established and altered, widened, or otherwise constructed or improved, the county road engineer employed by the county shall prepare such maps, plans, and specifications as shall be necessary and sufficient. A copy of such maps, plans, and specifications shall be approved by the board of county commissioners with its approval endorsed thereon, and such copy shall be filed with the clerk of the board.

36.77.020 Approval—Call for bids. Upon approval of such maps, plans, and specifications and the filing thereof the board shall, if it determines that the work shall be done by contract, advertise a call for bids upon such construction work by publication in the official county paper and also one trade paper of general circulation in the county, in one issue of each such paper at least once in each week for two consecutive weeks prior to the time set in the call for bids for the opening of bids. All bids shall be submitted under sealed cover before the time set for the opening of bids.

36.77.030 Opening of bids—Deposit. At the time fixed in the call for bids the board shall proceed to publicly open and read such bids as have been submitted, in the board room at the county seat. No bid shall be considered unless it is accompanied by a bid deposit in the form of a surety bond, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

36.77.040 Award of contract—Bond. The board shall proceed to award the contract to the lowest and best bidder but may reject any

or all bids if in its opinion good cause exists therefor. The board shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and placed in the county road fund and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board.

36.77.050 Limitation on award of contract. No contract shall be awarded for the construction or improvement of any county road, the total amount of the bid proposal for which or the contract for which exceeds the estimate of the engineer by more than ten percent thereof.

36.77.060 Minor projects by day labor. The board may cause any county road to be constructed or improved by day labor in an amount not to exceed twenty-five thousand dollars on any one project. This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of twenty-five thousand dollars shall be performed by contract as in this chapter provided.

36.77.070 Publication of information on day labor projects—Penalty—Prosecution under RCW 36.77.060, 36.77.070. If the board determines that any construction should be performed by day labor, and the estimated cost of the work exceeds twenty-five hundred dollars, it shall cause to be published in one issue of a newspaper of general circulation in the county, a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the board shall cause to be published in one issue of such a newspaper a similar brief description of the work together with an accurate statement of the true and complete cost of performing such construction by day labor.

Failure to make the required publication shall subject each county commissioner to a fine of one hundred dollars for which he shall be liable individually and upon his official bond and the prosecuting attorney shall prosecute for violation of the provisions of this section and RCW 36.77.060.

Chapter 36.80**ROADS AND BRIDGES—ENGINEER**

36.80.010 Employment of road engineer. The board shall employ a full time county road engineer residing in the county.

36.80.015 Office at county seat. The county road engineer shall keep his office at the county seat in such room or rooms as are provided by the county, and he shall be furnished with all necessary cases and other suitable articles, and also with all blank books and blanks necessary to the proper discharge of his official duties. The records and books in the county road engineer's office shall be public records, and shall at all proper times be open to the inspection and examination of the public.

36.80.020 Qualifications. He shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction. He shall serve at the pleasure of the board. He shall have supervision, under the direction of the board, of establishing, laying out, constructing, altering, improving, repairing, and maintaining all county roads of the county.

36.80.030 Duties of engineer—Bond. The county road engineer shall examine and certify to the board all estimates and all bills for labor, materials, provisions, and supplies with respect to county roads, prepare standards of construction of roads and bridges, and perform such other duties as may be required by order of the board.

Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such amount as the board shall determine, conditioned that he will faithfully perform all the duties of his employment and account for all property of the county entrusted to his care.

Each construction or improvement project shall be numbered and accurate records shall be kept of such work by the county road engineer.

36.80.040 Records to be kept. The office of elective county engineer shall be one of record; the county road engineer shall record and file in his office, all matters concerning the public roads, highways, bridges, ditches, or other surveys of his county, with the original papers, documents, petitions, surveys, repairs, and other papers, in order to have the complete history of any such road, highway, bridge, ditch, or other survey.

36.80.050 Highway plat book. He shall keep a highway plat book in his office in which he shall have accurately platted all public roads and highways established by the board.

36.80.060 Engineer to maintain record of road equipment, rental, etc. The county road engineer shall maintain in his office complete and accurate records of all expenditures for (1) overhead and operations, (2) bond and warrant retirement, (3) maintenance, (4) construction, and (5) purchase of road equipment, and shall maintain a true and complete inventory of all road equipment. He shall also maintain accurate and current records of the amounts expended for or properly chargeable to each commissioner's district for construction, special maintenance, maintenance, and equipment rental. He shall also maintain such other records as may be necessary or proper for the efficient conduct of the county's road work. Equipment rental shall be charged to the respective road operations or projects for each day the equipment is in use on such work, or is held idle in the district when demanded elsewhere, at the rates fixed by the county commissioners. The division of municipal corporations, with the advice and assistance of the highway commission, shall prescribe forms and types of records to be maintained by the county road engineers. No county commissioner shall maintain official records which duplicate the records of the county road engineer or any part thereof.

36.80.070 Plans and specifications to be prepared—Supervision of maintenance. All road construction work, except minor construction work, which by its nature does not require plans and specifications, whether performed pursuant to contract or by day labor, shall be in accordance with plans and specifications prepared therefor by or under direct supervision of the county road engineer. All maintenance work on county roads shall be performed under supervision of the county road engineer.

36.80.080 Cost-audit examination by division of municipal corporations—Expense. The division of municipal corporations shall annually make a cost-audit examination of the books and records of the county road engineer and make a written report thereon to the board of county commissioners. The expense of such examination shall be paid out of that portion of the motor vehicle fund allocated to the several counties and withheld for use of the director of highways under the terms of RCW 46.68.120(1). The state auditor shall certify the expense of such examination to the highway commission.

Chapter 36.81

ROADS AND BRIDGES—ESTABLISHMENT

36.81.010 Resolution of intention and necessity. The board may by original resolution entered upon its minutes declare its intention to establish any county road in the county and declare that it is

a public necessity and direct the county road engineer to report upon such project.

36.81.020 Freeholders' petition—Bond. Ten or more freeholders of any county may petition the board for the establishment of a county road in the vicinity of their residence, setting forth and describing the general course and terminal points of the proposed improvement and stating that the same is a public necessity. The petition must be accompanied by a bond in the penal sum of three hundred dollars, payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, conditioned that the petitioners will pay into the county road fund of the county all costs and expenses incurred by the county in examining and surveying the proposed road and in the proceedings thereon in case the road is not established by reason of its being impracticable or there not being funds therefor.

36.81.030 Deeds and waivers. The board may require the petitioners to secure deeds and waivers of damages for the right of way from the landowners, and, in such case, before an examination or survey by the county road engineer is ordered, such deeds and waivers shall be filed with the board.

36.81.040 Action on petition. Upon the filing of the petition and bond and being satisfied that the petition has been signed by freeholders residing in the vicinity of the proposed road, the board shall direct the county road engineer to report upon the project.

36.81.050 Engineer's report. Whenever directed by the board to report upon the establishment of a county road the engineer shall make an examination of the road and if necessary a survey thereof. After examination, if the engineer deems the road to be impracticable, he shall so report to the board without making any survey, or he may examine or examine and survey any other practicable route which would serve such purpose. Whenever he considers any road as proposed or modified as practicable, he shall report thereon in writing to the board giving his opinion: (1) As to the necessity of the road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of right of way therefor; (4) as to the estimated cost of construction, including all necessary bridges, culverts, clearing, grubbing, drainage, and grading; (5) and such other facts as he may deem of importance to be considered by the board.

36.81.060 Survey map, field notes and profiles. The county road engineer shall file with his report a correctly prepared map of the road as surveyed, which map must show the tracts of land over which the road passes, with the names, if known, of the several

owners thereof, and he shall file therewith his field notes and profiles of such survey.

36.81.070 Notice of hearing on report. The board shall fix a time and place for hearing the report of the engineer and cause notice thereof to be published once a week for two successive weeks in the county official newspaper and to be posted for at least twenty days at each termini of the proposed road.

The notice shall set forth the termini of the road as set out in the resolution of the board, or the freeholders' petition, as the case may be, and shall state that all persons interested may appear and be heard at such hearing upon the report and recommendation of the engineer either to proceed or not to proceed with establishing the road.

36.81.080 Hearing—Road established by resolution. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the board shall consider the report and any and all evidence relative thereto, and if the board finds that the proposed county road is a public necessity and practicable it may establish it by proper resolution.

36.81.090 Expense of proceedings. The cost and expense of the road, together with cost of proceedings thereon and of right of way and any quarries or other land acquired therefor, and the maintenance of the road shall be paid out of the county road fund. When the costs are assessed against the principals on the bond given in connection with a petition for the improvement, the county auditor shall file a cost bill with the county treasurer who shall proceed to collect it.

36.81.100 County road on or over dikes. The board of any county may establish county roads over, across or along any dike maintained by any diking, or diking and drainage, district in the manner provided by law for establishing county roads over or across private property, and shall determine and offer the amount of damages, if any, to the district and to the owners of the land upon which the dike is constructed and maintained: *Provided*, That every such county road must be so constructed, maintained, and used as not to impair the use of the dike.

36.81.110 ————Condemnation for dike roads. If any offer of damages to any diking, or diking and drainage, district is not accepted in the manner provided by law, it shall be deemed rejected, and the board by order, shall direct condemnation proceedings to procure the right of way to be instituted in the superior court of the county by the prosecuting attorney in the manner provided by

law for the taking of private property for public use, and to that end the board may institute and maintain in the name of the county such proceedings against the diking, or diking and drainage, district and the owners of any land on which the dike is located and that have failed to accept the offer of damages made by the board: *Provided*, That no taxes or assessments shall be charged or collected by any diking, or diking and drainage, district for any county road as provided in this section.

36.81.121 Perpetual advanced plans for coordinated road program. Prior to January 1, 1962, the board of county commissioners of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six years and shall file the same with the director of highways not more than thirty days after its adoption by the board. Biennially thereafter each board shall review the work accomplished under the program and determine current county road needs. Based on these findings each board shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the board. The purpose of this section shall be to assure that perpetually each county shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a coordinated road construction program. Such program may at any time be revised by a majority of the board but only after a public hearing thereon.

36.81.130 Procedure specified for establishment, construction and maintenance. The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

On or before the first Monday in July of each year each county road engineer shall file with the board of county commissioners a recommended plan for the laying out, construction, maintenance, and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects and their priority; the estimated cost of all work, including labor and materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be

made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

Within two weeks after the filing of the road engineer's recommended plan, the board of county commissioners shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the commissioners has been adopted: *Provided*, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county commissioners.

36.81.140 Columbia basin project road systems—Establishment by plat. When plats or blocks of farm units have been or are filed under the provisions of chapter 89.12 which contain a system of county roads, or when a supplemental plat of a system of county roads to serve such a plat is filed in connection therewith, the filing period and formal approval by the board of county commissioners shall constitute establishment as county roads: *Provided*, That the board of county commissioners have obtained the individual rights-of-way by deed or as otherwise provided by law.

Chapter 36.82

ROADS AND BRIDGES—FUNDS—BUDGET

36.82.010 "County road fund" created. There is created in each county of the state a county fund to be known as the "county road fund." Any funds which accrue to the credit of the secondary highway fund, general road and bridge fund, road district fund or any other fund of any county for use upon county roads, shall be credited to and deposited in the county road fund.

36.82.020 ————Limitation upon expenditure of road district levies. Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes entirely within the limits of the road district from which the same was or is collected: *Provided*, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county.

36.82.030 ————Separate account for each road district. The county auditor of each county shall set up within the county road fund of such county, a separate fund for each road district and keep a separate and detailed accounting of all funds arising from

any levy for proper county road purposes in each such road district and all expenditures made therefrom.

36.82.040 General tax levy for road fund. For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county road purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed ten mills on the dollar of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund.

36.82.050 Receipts from motor vehicle fund to road fund. Any funds accruing to the credit of any county from the motor vehicle fund shall be paid monthly to the county treasurer and deposited in the county road fund.

36.82.060 Federal reimbursement to road fund. Any funds accruing to any county by way of reimbursement by the federal government for expenditures made from the county road fund of such county for any proper county road purpose shall be credited to and deposited in the county road fund.

36.82.070 Purpose for which road fund can be used. Any money paid to any county from the motor vehicle fund may be used for the construction, alteration, repair, improvement, or maintenance of county roads and bridges thereon and for wharves necessary for ferriage of motor vehicle traffic, and for ferries, and for the acquiring, operating, and maintaining of machinery, equipment, quarries, or pits for the extraction of materials, and for the cost of establishing county roads, acquiring rights of way therefor, and expenses for the operation of the county engineering office, and for any other proper county road purpose. Such expenditure may be made either independently or in conjunction with the state or any city, town, or tax district within the county.

36.82.080 ————Payment of bond or warrant interest and principal. The payment of interest or principal on general obligation county road bonds, or independent highway district bonds, or retirement of registered warrants both as to principal and interest when such warrants have been issued for a proper county road purpose, are declared to be a proper county road purpose.

36.82.090 Anticipation warrants against road fund. The board may expend funds from the county road fund or register warrants

against the county road fund in anticipation of funds to be paid to the county from the motor vehicle fund.

36.82.100 Purchases of road material extraction equipment—Sale of surplus materials. The boards of the several counties may purchase and operate, out of the county road fund, rock crushing, gravel, or other road building material extraction equipment.

Any crushed rock, gravel, or other road building material extracted and not directly used or needed by the county in the construction, alteration, repair, improvement, or maintenance of its roads may be sold at actual cost of production by the board to the state or any other county, city, town, or other political subdivision to be used in the construction, alteration, repair, improvement, or maintenance of any state, county, city, town or other proper highway, road or street purpose: *Provided*, That in counties of less than twelve thousand five hundred population as determined by the 1950 federal census, the boards of commissioners, during such times as the crushing, loading or mixing equipment is actually in operation, or from stockpiles, may sell at actual cost of production such surplus crushed rock, gravel, or other road building material to any other person for private use where the place of contemplated use of such crushed rock, gravel or other road building material is more than fifteen miles distant from the nearest private source of such materials within the county, distance being computed by the closest traveled route: *And provided further*, That the purchaser presents, at or before the time of delivery to him, a treasurer's receipt for payment for such surplus crushed rock, gravel, or any other road building material.

36.82.110 ———Placing of materials at cost to abutters. Upon voluntary contribution and payment by any person for the actual cost thereof, the board may place crushed rock, gravel, or other road building material upon any county road.

36.82.120 ———Proceeds to road fund. All proceeds from the sale or placing of any crushed rock, gravel or other road building material shall be deposited in the county road fund to be expended under the same provisions as are by law imposed upon the funds used to produce the crushed rock, gravel, or other road building material extracted and sold.

36.82.130 Competitive bidding on purchase of equipment. No items of equipment shall be purchased by any county and paid for from the county road fund where the sales price thereof is in excess of five hundred dollars, except upon a call for bids published at least once a week for two consecutive weeks prior to the day of receiving and opening such bids. The call for bids shall specify

the equipment to be purchased and the time and place when bids will be received and opened. Bids shall be publicly opened and read and award shall be made to the lowest and best bidder: *Provided*, That in the event of any evidence of collusion as between bidders, or in the event that it is considered that an insufficient number of bids have been received, or for other good cause, the board may reject all bids and readvertise for bids.

36.82.140 Forest roads may be maintained from road fund. The board may maintain any forest roads within its county and expend for the maintenance thereof funds accruing to the county road fund.

36.82.150 County road budget. Highway commission estimate of available funds. On or before the eighth day of June of each year the highway commission shall prepare and file with the board of each county an estimate of the amount of money that will be paid to such county for the forthcoming calendar year in order that each board may prepare the necessary county road budget.

36.82.160 ———Road budget to be prepared. In the preparation and adoption of the county road budget the board shall determine and budget the respective percentages of the sum to become available for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance; (4) construction, and (5) operation of equipment rental and revolving fund; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

36.82.170 ———Budget as adopted filed with highway commission. Upon the final adoption of the county road budgets of the several counties, the boards shall file a copy thereof in the office of the highway commission.

36.82.180 ———Preliminary supplemental budget. In the event that any funds should be paid to any county from the motor vehicle fund in excess of the amount estimated by the highway commission and such excess funds have not been included by the board in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of the county road budget, the board may by unanimous consent, consider and adopt a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year.

36.82.190 ———Notice of hearing on supplemental budget. The board shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of hearing and that anyone

may appear thereat and be heard for or against any part of said preliminary supplemental budget. The notice shall be published once a week for two consecutive weeks immediately following the adoption of the preliminary supplemental budget in the official newspaper of the county, or if there is none, in a newspaper of general circulation in the county. The board shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and they shall be available not later than two weeks immediately preceding the hearing.

36.82.200 ————**Hearing on, adoption of, supplemental budget.** The board shall hold such hearing at the time and place designated in the notice, and it may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of the hearing the board shall fix and determine the supplemental budget and by resolution adopt it as finally determined and enter it in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the director and one to the division of municipal corporations.

36.82.210 Disposition of fines and forfeitures for violations. All fines and forfeitures collected for violation of any of the provisions of chapters 36.75, and 36.77 to 36.87, inclusive, when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

All fines and forfeitures collected for the violation of any of such provisions when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

36.82.220 "Equipment rental and revolving fund" created. There is hereby created in each county of the state a fund to be known as the "equipment rental and revolving fund." This fund shall be used by the county commissioners as a revolving fund to be expended only for (1) purchase of new or additional road equipment, (2) repair and/or maintenance of road equipment, (3) purchase of necessary supplies for operating road equipment, and (4) purchase or manufacture of road or bridge material in advance of its use. There shall be transferred monthly to the equipment rental and

revolving fund from the county road fund the rental value of each item of road equipment used during the preceding month. The rental value shall be determined and fixed by the board of county commissioners and shall be sufficient to include (1) depreciation, (2) maintenance and/or repair, and (3) supplies consumed in operating such road equipment. There shall also be transferred to the equipment rental and revolving fund from the county road fund an amount equivalent to the actual cost of road or bridge material previously purchased or manufactured by the equipment rental and revolving fund, as such material is actually used. Proceeds from the sale of road equipment shall be placed in the equipment rental and revolving fund.

County road equipment or materials owned by the equipment rental and revolving fund may be rented or sold to any agency of the United States of America, the state of Washington, and/or to any other county, city, town, or other municipal corporation. The proceeds of such rental or sale shall be placed in the equipment rental and revolving fund.

The board of county commissioners of any county may at any time alter or change the rental value of road equipment previously determined and fixed, or may transfer any excess funds accumulated in the equipment rental and revolving fund to the county road fund.

It shall be unlawful for the county commissioners of any county to charge the cost of (1) any new or additional road equipment, (2) the repair and/or maintenance of any road equipment, (3) supplies for operating road equipment, or (4) road or bridge material purchased or manufactured in advance of its use to any fund except to the equipment rental and revolving fund.

Chapter 36.85

ROADS AND BRIDGES—RIGHTS-OF-WAY

36.85.010 Acquisition—Condemnation. Whenever it is necessary to secure any lands for a right-of-way for any county road or for the drainage thereof or to afford unobstructed view toward any intersection or point of possible danger to public travel upon any county road or for any borrow pit, gravel pit, quarry, or other land for the extraction of material for county road purposes, or right-of-way for access thereto, the board may acquire such lands on behalf of the county by gift, purchase, or condemnation. When the board so directs, the prosecuting attorney of the county shall institute proceedings in condemnation to acquire such land for a county road in the manner provided by law for the condemnation of land for public use by counties. All cost of acquiring land for right-of-way or for other purposes by purchase or condemnation shall be paid out

of the county road fund of the county and chargeable against the project for which acquired.

36.85.020 Aviation site not exempt from condemnation. Whenever any county has established a public highway, which, in whole or in part, abuts upon and adjoins any aviation site in such county, no property shall be exempt from condemnation for such highway by reason of the same having been or being dedicated, appropriated, or otherwise reduced or held to public use.

36.85.030 Acceptance of federal grants over public lands. The boards in their respective counties may accept the grant of rights-of-way for the construction of public highways over public lands of the United States, not reserved for public uses, contained in section 2477 of the Revised Statutes of the United States. Such rights-of-way shall henceforward not be less than sixty feet in width unless a lesser width is specified by the United States. Acceptance shall be by resolution of the board spread upon the records of its proceedings: *Provided*, That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.

36.85.040 ————Prior acceptances ratified. Prior action of boards purporting to accept the grant of rights-of-way under section 2477 of the Revised Statutes of the United States for the construction of public highways over public lands of the United States, as provided in RCW 36.85.030, is hereby approved, ratified and confirmed and all such public highways shall be deemed duly laid out county roads and boards of county commissioners may at any time by recorded resolution cause any of such county roads to be opened and improved for public travel.

Chapter 36.86

ROADS AND BRIDGES—STANDARDS

36.86.010 Standard width of right-of-way prescribed. From and after April 1, 1937, the width of thirty feet on each side of the center line of county roads, exclusive of such additional width as may be required for cuts and fills, is the necessary and proper right-of-way width for county roads, unless the board of county commissioners, shall, in any instance, adopt and designate a different width. This shall not be construed to require the acquisition of increased right-of-way for any county road already established and the right-of-way for which has been secured.

36.86.020 Minimum standards of construction. In the case of roads the minimum width between shoulders shall be fourteen feet with eight feet of surfacing and in the case of bridges, which shall

include all decked structures, the minimum standard shall be for H-10 loading in accordance with the state highway commission standards. When such standards have been prepared by the county road engineer, they shall be submitted to the board for approval, and when approved shall be used for all road and bridge construction and improvement in the county.

36.86.030 Amendment of standards—Filing. Road and bridge standards may be amended from time to time by resolution of the board but no standard shall be approved by the board with any minimum requirement less than that specified in this chapter. Two copies of such approved standards shall be filed with the highway commission for its use in examinations of county road work.

36.86.040 Uniform standard for signs, signals, guideposts—Railroad grade crossings. The board shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards, and guideposts and appropriate stop, caution, warning, restrictive, and directional signs and markings as it deems necessary or as may be required by law. All such markings shall be in accordance with the uniform state standard of color, design, erection and location adopted and designed by the Washington state highway commission. In respect to existing and future railroad grade crossings over county roads the board shall be required to install and maintain standard, nonmechanical railroad approach warning signs on both sides of the railroad upon the approaches of the county road. All such signs shall be located a sufficient distance from the crossing to give adequate warning to persons traveling on county roads.

36.86.050 Monuments at government survey corners. The board and the road engineer, at the time of establishing, constructing, improving, or paving any county road, shall fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey, whenever any such original monuments or markers fall within the right-of-way of any county road, and shall aid in the reestablishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any county road heretofore established, by permitting inspection of the records in the office of the board and the county engineering office.

36.86.060 Restrictions on use of oil at intersections or entrances to county roads. No oil or other material shall be used in the treatment of any county road or private road or driveway, of such consistency, viscosity or nature or in such quantities and in such proximity to the entrance to or intersection with any state highway

or county road, the roadway of which is surfaced with cement concrete or asphaltic concrete, that such oil or other material is or will be tracked by vehicles thereby causing a coating or discoloration of such cement concrete or asphaltic concrete roadway. Any person violating the provisions of this section shall be guilty of a misdemeanor.

36.86.070 Classification of roads in accordance with design standards. From time to time the board of county commissioners of each county shall classify and designate as the county primary road system such trunk, connecting and feeder roads as, when integrated with state highways, city streets and adjoining county roads, will admit of the application of design standards and will best serve the major traffic needs of the county.

36.86.080 Application of design standards to construction and reconstruction. Upon the adoption of uniform design standards the board of county commissioners of each county shall apply the same to all new construction within, and as far as practicable and feasible to reconstruction of old roads comprising, the county primary road system. No deviation from such design standards as to such primary system shall be made without the approval of the assistant state director of highways for state aid.

36.86.090 Logs dumped on right-of-way—Removal—Confiscation. Logs dumped on any county road right-of-way or in any county road drainage ditch due to hauling equipment failure, or for any other reason, shall be removed within ten days. Logs remaining within any county road right-of-way for a period of thirty days shall be confiscated and removed or disposed of as directed by the boards of county commissioners in the respective counties. Confiscated logs may be sold by the county commissioners and the proceeds thereof shall be deposited in the county road fund.

36.86.100 Railroad grade crossings—Obstructions. Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a county road for a distance of one hundred feet from the crossing in such a manner as to permit a person upon the road to obtain an unobstructed view in both directions of an approaching train. The board shall cause brush and timber to be cleared from the right of way of county roads in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such a manner as to permit a person traveling upon the road to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or billboard at or near a county road or railroad and within a distance of five hundred feet from the point of intersection at grade of the road and railroad and in such

a way that it may obstruct the view or distract the attention of a person operating a vehicle or train and approaching the crossing.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a county road or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the board or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs conform to the "Manual for Uniform Traffic Control Devices" issued by the state highway commission. The board shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

Chapter 36.87

ROADS AND BRIDGES—VACATION

36.87.010 Resolution of intention to vacate. When a county road or any part thereof is considered useless, the board by unanimous resolution entered upon its minutes, may declare its intention to vacate and abandon the same or any portion thereof and shall direct the county road engineer to report upon such vacation and abandonment.

36.87.020 Freeholders' petition—Bond. Ten freeholders residing in the vicinity of any county road or portion thereof may petition the board to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The petition must be accompanied by a bond in the penal sum of one hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals, and two or more satisfactory sureties, and conditioned that the petitioners will pay into the county road fund of the county the amount of all cost and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon.

36.87.030 ————**Action on petition.** On the filing of the petition and bond and on being satisfied that the petition has been signed by petitioners residing in the vicinity of the county road or portion thereof, the board shall direct the county road engineer to report upon such vacation and abandonment.

36.87.040 Engineer's report. When directed by the board the county road engineer shall examine any county road or portion thereof proposed to be vacated and abandoned and report his opinion as to whether the county road should be vacated and abandoned, whether the same is in use or has been in use, the condition of the road, whether it will be advisable to preserve it for the county road system in the future, whether the public will be benefited by the vacation and abandonment, and all other facts, matters, and things which will be of importance to the board, and also file his cost bill.

36.87.050 Notice of hearing on report. Notice of hearing upon the report for vacation and abandonment of a county road shall be published at least once a week for two consecutive weeks preceding the date fixed for the hearing, in the county official newspaper and a copy of the notice shall be posted for at least twenty days preceding the date fixed for hearing at each termini of the county road or portion thereof proposed to be vacated or abandoned.

36.87.060 Hearing. On the day fixed for the hearing, the board shall proceed to consider the report of the engineer, together with any evidence for or objection against such vacation and abandonment. If the county road is found useful as a part of the county road system it shall not be vacated, but if it is not useful and the public will be benefited by the vacation, the board may vacate the road or any portion thereof.

36.87.070 Expense of proceeding. If the board determines to vacate the road, it shall certify all costs and expenses incurred in the proceedings to the county treasurer and upon payment of the certified costs and expenses by the principal or principals or sureties upon the bond the board shall declare the road, or portion thereof, vacated and enter its declaration in its minutes.

36.87.080 Unanimous vote required. No county road shall be vacated and abandoned except by unanimous vote of the board properly entered, or by operation of law, or judgment of a court of competent jurisdiction.

36.87.090 Vacation of road unopened for five years—Exceptions. Any county road, or part thereof, which remains unopen for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated, and the authority

for building it barred by lapse of time: *Provided*, That this section shall not apply to any highway, road, street, alley, or other public place dedicated as such in any plat, whether the land included in such plat is within or without the limits of an incorporated city or town, or to any land conveyed by deed to the state or to any county, city or town for highways, roads, streets, alleys, or other public places.

Chapter 36.88

COUNTY ROAD IMPROVEMENT DISTRICTS

36.88.010 Districts authorized in certain counties—Purposes—Limitations. Class AA, A and counties of the first class shall have the power to create county road improvement districts for the improvement of existing county roads and for the construction or improvement of necessary drainage facilities therefor, bridges, culverts, sidewalks, curbs and gutters, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction or improvement: *Provided*, That no road improvement district shall be created under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the portion of road to be improved shall be at least six.

Note: See also section 1, chapter 84, Laws of 1963.

36.88.015 Districts authorized in any county—Purposes—Limitations. All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and for safeguards to protect the public from the hazards of open canals, flumes, or ditches, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation: *Provided*, That no road improvement district shall be created for any such purpose under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the roads within the area to be so improved shall be at least six: *Pro-*

vided further, That said exception shall not apply to improvements for the purpose of protecting against open canal dangers.

Note: See also section 2, chapter 84, Laws of 1963.

36.88.020 Formation of district. How initiated. County road improvement districts may be initiated either by resolution of the board of county commissioners or by petition signed by the owners according to the records of the office of the county auditor of property to an aggregate amount of the majority of the lineal frontage upon the contemplated improvement and of the area within the limits of the county road improvement district to be created therefor.

36.88.030 ————By resolution of intention—Procedure. In case the board of county commissioners shall desire to initiate the formation of a county road 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 road improvement district and 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, stating the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the portion of road to be improved, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, 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 county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. 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 and place of the hearing before the board of county commissioners, and shall contain the directions hereinafter provided for voting upon the formation of the proposed improvement district.

The clerk of the board shall prepare and mail, together with the notice above referred to, a ballot for each owner or reputed owner of any lot, tract or parcel of land within the proposed improvement district. This ballot shall contain the following proposition:

“Shall.....county road improvement district No. be formed?

Yes

No

and, in addition, shall contain appropriate spaces for the signatures of the property owners, and a description of their property, and shall have printed thereon the direction that all ballots must be signed to be valid and must be returned to the clerk of the board of county commissioners not later than five o'clock p. m. of a day which shall be one week after the date of the public hearing.

The notice of adoption of the resolution of intention shall also contain the above directions, and, in addition thereto, shall state the rules by which the election shall be governed.

Note: See also section 3, chapter 84, Laws of 1963.

36.88.040 ———By resolution of intention—Election—Rules.

The election provided herein for cases where the improvement is initiated by resolution shall be governed by the following rules: (1) All ballots must be signed by the owner or reputed owner of property within the proposed district according to the records of the county auditor; (2) each ballot must be returned to the clerk of the board not later than one week after the public hearing; (3) each property owner shall have one vote for each full dollar of estimated assessment against his property as determined by the preliminary estimates and assessment roll; (4) the valid ballots shall be tabulated and a majority of the votes cast shall determine whether the formation of the district shall be approved or rejected.

36.88.050 ———By petition—Procedure. In case any such road improvement 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 property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor.

Upon the filing of such petition the board shall determine whether the same shall be sufficient and whether the property within the proposed district shall be sufficiently developed and if the board shall find the district to be sufficiently developed and the petition to be sufficient, it shall proceed to adopt a resolution setting forth the nature and territorial extent of the improvement petitioned for, designating the number of the proposed improvement district and 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, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, 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 county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. 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 and place of the hearing before the board of county commissioners, and the fact that property owners may withdraw their names from the petition or add their names thereto at any time prior to five o'clock p. m. of the day before the hearing.

36.88.060 ————Hearing—Resolution creating district. 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 may make such changes in the boundaries of the district or such modifica-

tions in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may neither so alter the improvement as to increase the estimated cost by an amount greater than ten percent above that stated in the notice, nor increase the proportionate share of the cost to be borne by assessments from the proportion stated in the notice, nor 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.

At said hearing, the board shall ascertain whether the plan of improvement or construction is feasible and whether the benefits to be derived therefrom by the property within the proposed district, together with the amount of any county road fund participation, exceed the costs and expense of the formation of the proposed district and the contemplated construction or improvement and shall make a written finding thereon. In case the proceedings have been initiated by petition, the board shall find whether the petition including all additions thereto or withdrawals therefrom made prior to five o'clock p. m. of the day before the hearing is sufficient. If said petition shall be found insufficient the board shall by resolution declare the proceedings terminated. In case the proceedings have been initiated by resolution if the board shall find the improvement to be feasible, it shall continue the hearing until a day not more than fifteen days after the date for returning ballots for the purpose of determining the results of said balloting.

After the hearing the board may proceed to adopt a resolution creating the district and ordering the improvement. Such resolution shall establish such district as the ".....county road improvement district No....." Such resolution shall describe the nature and territorial extent of the improvement to be made and the boundaries of the improvement district, shall declare the estimated cost and the proportion thereof to be borne by assessments, and shall contain a finding as to the result of the balloting by property owners in case the improvement shall have been initiated by resolution.

Upon the adoption of the resolution establishing the district, the board shall have jurisdiction to proceed with the improvement. The board's findings on the sufficiency of petitions or on the results of the balloting shall be conclusive upon all persons.

Note: See also section 4, chapter 84, Laws of 1963.

36.88.070 Diagram only preliminary determination. The diagram or print herein directed to be submitted to the board shall be in the nature of a preliminary determination upon the method, and estimated amounts, of assessments to be levied upon the property

specially benefited by such improvement and shall in no case be construed as being binding or conclusive as to the amount of any assessments which may ultimately be levied.

36.88.080 Property included in district—Method of assessment—Assessment limited by benefit. Every resolution ordering any improvement mentioned in this chapter, payment for which shall be in whole or in part by special assessments shall establish a road improvement district which shall embrace as near as may be all the property specially benefited by such improvement and the provisions of chapters 35.43 and 35.44, governing the method of assessment for local improvement districts in cities and towns shall apply to county road improvement districts created under this chapter: *Provided*, That no assessment shall be levied which shall be greater than the special benefits derived from the improvement as determined by the board of commissioners.

Note: See also section 5, chapter 84, Laws of 1963.

36.88.090 Assessment roll—Hearing—Notice—Objections—New hearing. Whenever the assessment roll for any county road improvement district shall have been prepared such roll shall be filed with the clerk of the board. The board shall thereupon by resolution set the date for hearing upon such roll before the board and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll and shall notify all persons who may desire to object thereto to make such objection in writing and to file the same with such clerk at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, the board will sit as a board of equalization for the purpose of considering such roll and at such hearing will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such roll or any part thereof, or set aside such roll in order that such assessment be made de novo as to such body shall appear just and equitable and then proceed to confirm the same by resolution.

Notice of the time and place of hearing under such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon, by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer; and in addition thereto such notice shall be published at least two times in a newspaper of general circulation in the county if the newspaper is published weekly, but shall be published at least five times in such newspaper if said newspaper is published daily. At least fifteen days must elapse

between the date of last publication thereof and the date fixed for such hearing.

The board, at the time fixed for hearing objections to the confirmation of said roll, or at such time or times as said hearing may be adjourned to, shall have power to correct, revise, raise, lower, change or modify such roll or any part thereof, and to set aside such roll in order that such assessment be made de novo as to the board shall appear equitable and just, and then shall confirm the same by resolution. All objections shall be in writing and filed with the board and shall state clearly the grounds objected to, and objections not made within the time and in the manner herein described shall be conclusively presumed to have been waived.

Whenever any such roll shall be amended so as to raise any assessments appearing thereon, or to include property subject to assessment which has been omitted from the assessment roll for any reason a new hearing, and a new notice of hearing upon such roll, as amended, shall be given as in the case of an original hearing and at the conclusion of such hearing the board may confirm the same or any portion thereof by resolution and certify the same to the treasurer for collection. Whenever any property shall have been entered originally on such roll, and the assessment upon such property shall not be raised, no objections thereto shall be considered by the board or by any court on appeal, unless such objections be made in writing at or prior to the date fixed for the original hearing upon such roll.

36.88.100 Appeal—Reassessment. The decision of the board upon any objections made within the time and in the manner herein prescribed may be reviewed by the superior court upon an appeal taken thereto in the manner provided for taking appeals from objections in local improvement districts of cities and towns.

The board shall have the same powers of reassessment and shall proceed to make such reassessments in the same manner and subject to the same limitations as are provided by law for the making of reassessments in local improvement districts of cities and towns.

36.88.110 Assessment roll—Conclusive. Whenever any assessment roll for construction or improvements shall have been confirmed by the board, as provided in this chapter, the regularity, validity and correctness of the proceedings relating to such construction or improvement and to the assessment therefor, including the action of the board on such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objection to such roll in the manner and within the time provided in this chapter, and not

appealing from the action of the board in confirming such assessment roll in the manner and within the time provided in this chapter. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment or for the sale of any property to pay such assessment or any certificate of delinquency issued therefor or the foreclosure of any lien issued therefor, but this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds that the property about to be sold does not appear upon the assessment roll, or that the assessment has been paid.

36.88.120 Assessment is lien on property — Superiority. The charge on the respective lots, tracts, parcels of land and other property for the purpose of special assessment to pay the cost and expense in whole or in part of any construction or improvement authorized in this chapter, when assessed, and the assessment roll confirmed by the board shall be a lien upon the property assessed from the time said assessment rolls shall be placed in the hands of the county treasurer for collection. Said liens shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

36.88.130 County treasurer—Duties. The county treasurer is hereby designated as the treasurer of all county road improvement districts created hereunder, and shall collect all road improvement district assessments, and the duties and responsibilities herein imposed upon him shall be among the duties and responsibilities of his office for which his bond is given as county treasurer.

36.88.140 Payment of assessment — Delinquent assessments — Penalties—Lien foreclosure. The board shall prescribe by resolution within what time such assessment or installments thereof shall be paid, and shall provide for the payment and collection of interest at a rate not to exceed six percent per annum on that portion of any assessment which remains unpaid over thirty days after such date. Assessments or installments thereof which are delinquent, shall bear, in addition to such interest, such penalty not less than five percent as shall be prescribed by resolution. Interest and penalty shall be included in and shall be a part of the assessment lien. All liens acquired by the county hereunder shall be foreclosed by the appropriate county officers in the same manner and subject to the same rights of redemption provided by law for the foreclosure of liens held by cities or towns against property in local improvement districts.

36.88.150 Payment of assessment—Record of. Whenever before the sale of any property the amount of any assessment thereon, with

interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid with the date of payment thereof on the assessment roll.

36.88.160 District fund — Purposes — Bond redemptions. All moneys collected by the treasurer upon any assessments under this chapter shall be kept as a separate fund to be known as “....., county road improvement district No. fund.” Such funds shall be used for no other purpose than the payment of costs and expense of construction and improvement in such district and the payment of interest or principal of warrants and bonds drawn or issued upon or against said fund for said purposes. Whenever after payment of the costs and expenses of the improvement there shall be available in the local improvement district fund a sum, over and above the amount necessary to meet the interest payments next accruing on outstanding bonds, sufficient to retire one or more outstanding bonds the treasurer shall forthwith call such bond or bonds for redemption.

36.88.170 Foreclosed property—Held in trust for district. Whenever any property shall be bid in by any county or be stricken off to any county under and by virtue of any proceeding for enforcement of the assessment provided in this chapter said property shall be held in trust by said county for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold: *Provided*, Such county may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust: *Provided further*, That property deeded to any county and which shall become a part of the trust being exercised by the said county for the benefit of any local improvement district fund of the said county, shall be exempt from taxation for general, state, county and municipal purposes during the period that it is so held.

36.88.180 Foreclosed property—Sale or lease—Disposition of proceeds. Any county may at any time after a deed is issued to it under and by virtue of any proceeding mentioned in this chapter, lease or sell or convey any such property at public or private sale for such price and on such terms as may be determined by resolution of the board, and all proceeds resulting from such sale shall ratably belong to and be paid into the fund of the county road improvement district or districts concerned after first reimbursing any fund or funds having advanced any money on account of said property.

36.88.190 Improvement bonds, warrants authorized. The board may provide for the payment of the whole or any portion of the cost and expense of any duly authorized road improvement by bonds and/or warrants of the improvement district which bonds shall be issued and sold as herein provided, but no bonds shall be issued in excess of the cost and expense of the project nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

36.88.200 Improvement bonds. Form, contents, execution. Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the board of county commissioners in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest not to exceed six percent per annum payable annually or semiannually as may be provided by the board, shall be signed by the chairman of the board and attested by the county auditor, shall have the seal of the county affixed thereto, shall be payable at the office of the county treasurer or elsewhere as may be designated by the board, shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the board and attested by the auditor or in lieu thereof may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

36.88.210 ————Issuance — Sale — Deposit of proceeds. The bonds issued under the provisions of this chapter may be issued to the contractor or sold by the board as authorized by the resolution directing their issuance at not less than their par value and accrued interest to the date of delivery. No bonds shall be sold except at public sale upon competitive bids and a notice calling for bids shall be published once a week for two consecutive weeks in the official newspaper of the county. Such notice shall specify a place and designate a day and hour subsequent to the date of last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The proceeds of all sales of bonds shall be deposited in the county road improvement district fund and applied to the cost and expense of the district.

36.88.220 ————Guaranty fund in certain counties. Class AA, A and counties of the first class may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its road improvement district bonds and warrants issued to pay for any road improvement ordered

under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated "..... county road improvement guaranty fund" and from moneys available for road purposes such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in obligations of the government of the United States or of this state.

36.88.230 ————Guaranty fund in certain counties—Operation.

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from bank deposits or government securities of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such road improvement fund. Warrants drawing interest at a rate not to exceed six percent shall be issued, as other warrants are issued by the county, against a guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for road purposes for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the county, and the county, acting on behalf of said fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the governing

authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the board of commissioners or other legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

36.88.240 ————Repayment restricted to special funds—Remedies of bondholder—Notice of restrictions. Neither the holder nor the owner of any bond or warrant issued under the provisions of this chapter shall have any claim therefor against the county by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued and except as against the improvement guaranty fund of such county, and the county shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the holder or owner of a bond, or warrant in case of non-payment, shall be confined to the enforcement of any assessments made in such road improvement district and to the guaranty fund. In case the bonds are guaranteed in accordance herewith a copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder.

36.88.250 ————Remedies of bondholders—Enforcement. If the board fails to cause any bonds to be paid when due or to promptly collect any assessments when due, the owner of any of the bonds may proceed in his own name to collect the assessments and foreclose the lien thereof in any court of competent jurisdiction and shall recover in addition to the amount of the bonds outstanding in his name, interest thereon at five percent per annum, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court. Any number of owners of bonds for any single project may join as plaintiffs and any number of the owners of property upon which the assessments are liens may be joined as defendants in the same suit.

36.88.260 Assessment where bonds issued. Payment in installments. In all cases where the board shall issue bonds to pay the cost and expense of any county road improvement district and shall provide that the whole or any part of the cost and expense shall be assessed against the lots, tracts, parcels of land, and other property therein, the resolution levying such assessment shall provide that

the sum charged thereby against each lot, tract, or parcel of land or any portion of said sum may be paid during the thirty day period provided for in RCW 36.88.270 and that thereafter the sum remaining unpaid may be paid in equal annual installments, the number of which installments shall be less by two than the number of years which the bonds issued to pay for the improvement may run. Interest upon all unpaid installments shall be charged at a rate fixed by said resolution. Each year such installments together with interest due thereon shall be collected in the manner provided in the resolution for the collection of the assessments.

36.88.270 ————Payment in cash—Notice of assessment. The owner of any lot, tract, or parcel of land, or other property charged with any such assessments may redeem the same from all or any portion of the liability for the cost and expense of such improvement by paying the entire assessment or any portion thereof charged against such lot, tract, or parcel of land without interest within thirty days after notice to him of such assessment, which notice shall be given as follows: The county treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice for two consecutive daily or weekly issues in the official newspaper of the county in which the district is located, which notice shall state that the assessment roll is in his hands for collection and that any assessment thereon or any portion of such assessment may be paid at any time within thirty days from the date of the first publication of said notice without penalty interest or costs.

36.88.280 ————Payment in cash during installment period—Duties of county treasurer—Use of funds. The owners of any lot, tract, or parcel of land may save the same from all liability for the unpaid amount of the assessment, at any time after the thirty-day period herein provided for their payment without interest, by paying the entire amount or all installments on said assessment together with all interest due to the date of maturity of any installment next falling due. All such payments shall be made to the county treasurer whose duty it shall be to collect all assessments under this chapter and all sums so paid or collected shall be applied solely to the payment of the cost and expense of the district and payment of principal and/or interest of any bonds issued.

36.88.290 Limitation of actions. An action to collect any special assessment or installment thereof for road improvements, or to enforce the lien of any such assessment or installment, whether such action be brought by the county or by the holder of any certificate of delinquency, or by any other person having the right to bring such action, shall be commenced within ten years after such assess-

ment shall have become delinquent or within ten years after the last installment of any such assessment shall have become delinquent, when said special assessment is payable in installments.

Actions to set aside or cancel any deed issued after midnight, June 6, 1951, upon the sale of property for road improvement assessments, or for the recovery of property sold for delinquent road improvement assessments must be brought within three years from and after date of the issuance of such deed.

36.88.300 District costs and expenses—What to include. Whenever any district is organized hereunder, there shall be included in the cost and expense thereof: (1) The cost of all of the construction or improvement authorized in the district, including that portion of the construction or improvement within the limits of any street or road intersection, space or spaces; (2) the estimated costs and expenses of all engineering and surveying necessary to be done by the county engineer or under his direction or by such other engineer as may be employed by the county commissioners; (3) the cost of all advertising, mailing, and publishing of all notices; (4) the cost of legal services and any other expenses incurred by the county for the district or in the formation thereof, or by the district in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds.

36.88.310 Acquisition of property—Eminent domain. All land, premises or property necessary for right-of-way or other purposes in the construction or improvement of any county road, including bridges, sidewalks, curbs and gutters and the drainage facilities therefor, under this chapter may be acquired by the county acting through its board of county commissioners, either by gift, purchase or by condemnation. In the event of any exercise of the power of eminent domain, the procedure shall be the same as is provided by law for the securing of right-of-way for county roads. The title to all property acquired for any construction or improvement under this chapter shall be taken in the name of the county. The county commissioners in any eminent domain action brought to secure any property for construction or improvement under this chapter may pay any final judgment entered in such action with county road funds and take possession of the particular property condemned. In the event of any such payment the county commissioners may require that the county road fund be reimbursed out of the particular county road improvement fund of the district for which the property was acquired.

36.88.320 Construction or improvement — Supervision — Contracts—Standards. All construction or improvement performed under this chapter shall be under the direction of the board of county

commissioners, acting by and through the county road engineer, or such other engineer as the board of county commissioners shall designate. Contracts let and/or work performed upon all construction or improvement hereunder shall be in accordance with the laws pertaining to work upon county roads. The construction and improvement standards of the respective counties for engineering and performance of work, shall apply to all construction or improvement under this chapter.

36.88.330 Warrants—Issuance—Priority—Acceptance. The board may provide by resolution for the issuance of warrants in payment of the costs and expenses of any project, payable out of the county road improvement fund. The warrants shall bear interest at the rate of not to exceed six percent per annum and shall be redeemed either in cash or by bonds for the same project authorized by the resolution.

All warrants issued against any such improvement fund shall be claims and liens against said fund prior and superior to any right, lien or claim of any surety upon the bond given to the county by or for the contract to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or furnished provisions and supplies for the carrying on of the work.

The county treasurer may accept warrants against any county road improvement fund upon such conditions as the board may prescribe in payment of: (1) Assessments levied to supply that fund in due order of priority; (2) judgments rendered against property owners who have become delinquent in the payment of assessments to that fund; and (3) certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply that fund.

36.88.340 Participation of county road fund—Arrangements with other public agencies, private utilities. Except as they may establish continuing guaranty fund requirements, the board of county commissioners shall be the sole judges as to the extent of county road fund participation in any project under this chapter and the decisions of the board shall be final; the said board may receive grants from or contract with any other county, municipal corporation, public agency or the state or federal government in order to effect any construction or improvement hereunder, including the construction, installation, improvement, operation, maintenance of and furnishing electric energy for any street and road lighting system, and to effect the construction, installation, improvement, operation and maintenance of and furnishing electric energy for

any such street and road lighting system, may contract with any private utility corporation.

36.88.350 Maintenance—Expense. After the completion of any construction or improvement under this chapter, all maintenance thereof shall be performed by the county at the expense of the county road fund, excepting furnishing electric energy for and operating and maintaining street and road lighting systems: *Provided*, That maintenance of canal protection improvements may, at the option of the board of commissioners of the county, be required of the irrigation, drainage, flood control, or other district, agency, person, corporation, or association maintaining the canal or ditch. If such option is exercised reimbursement must be made by the county for all actual costs of such maintenance.

36.88.360 State, county, school, municipal corporation lands—Assessment—Recipients of notices, ballots. Lands owned by the state, county, school district or any municipal corporation may be assessed and charged for road improvements authorized under this chapter in the same manner and subject to the same conditions as provided by law for assessments against such property for local improvements in cities and towns.

All notices and ballots provided for herein affecting state lands shall be sent to the department of natural resources whose designated agent is hereby authorized to sign petitions or ballots on behalf of the state. In the case of counties or municipal or quasi municipal bodies notices and ballots shall be sent to the legislative authority of said counties or municipality and petitions or ballots shall be signed by the officer duly empowered to act by said legislative authority.

36.88.370 Signatures on petitions, ballots, objections—Determining sufficiency. Wherever herein petitions, ballots or objections are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof: (1) The signature of the 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 ballot or 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.

Note: See also section 6, chapter 84, Laws of 1963.

36.88.380 Safeguarding open canals or ditches — Assessments and benefits. Whenever a county road improvement district is established for the safeguarding of open canals or ditches as authorized by RCW 36.88.015 the rate of assessment per square foot in the district may be determined by any one of the methods provided in chapter 35.44 for similar improvements in cities or towns, and the land specially benefited by such improvements shall be the same as provided in chapter 35.43 for similar improvements in cities or towns.

36.88.390 ————Authority. Every county shall have the right of entry upon every irrigation, drainage, or flood control canal or ditch right of way within its boundaries for all purposes necessary to safeguard the public from the hazards of open canals or ditches, including the right to clean such canals or ditches to prevent their flooding adjacent lands, and the right to cause to be constructed and maintained on such rights of way or adjacent thereto safeguards as authorized by RCW 36.88.015: *Provided*, That such safeguards must not unreasonably interfere with maintenance of the canal or ditch or with the operation thereof.

36.88.400 ————Installation and construction—Costs. Any county, establishing a road improvement district for canal protection, notwithstanding any laws to the contrary, may require the district, agency, person, corporation, or association, public or private, which operates and maintains the canal or ditch to supervise the installation and construction of safeguards, and must make reimbursement to said operator for all actual costs incurred and expended.

Chapter 36.90

SOUTHWEST WASHINGTON FAIR

36.90.010 Control of property. The property of the Southwest Washington Fair Association including the buildings and structures thereon, as constructed or as may be built or constructed from time to time, or any alterations or additions thereto, shall be under the jurisdiction and control of the board of county commissioners of Lewis county at all times except during the month or months in which the southwest Washington fair commission desires to use such property for the purpose of holding a fair or exposition in

conformity with the objects of such association, and for the two months immediately preceding the month or months fixed for the holding of such fair or exhibition, and such other or further time or times as the board of county commissioners of Lewis county may authorize the southwest Washington fair commission to use it.

36.90.020 Fair commission created. The southwest Washington fair commission shall be composed of, as ex officio members thereof, by virtue of their office, the members of the board of county commissioners of Lewis county and the chairman of the board of county commissioners of Thurston, Cowlitz, Wahkiakum, Pacific, Grays Harbor and such other counties, or so many of said counties, as evidenced by formal resolution of the respective boards of county commissioners thereof, as desire to participate in the fair or exhibition or other event held on such grounds.

36.90.030 Organization of commission—Funds. The board of county commissioners in the county of Lewis shall notify the board of county commissioners of each of the other counties comprising the southwest Washington fair commission of the time and place of meetings of the southwest Washington fair commission, which meetings shall be called for a time not less than thirty days from the giving of such notice. The first meeting of the commission shall be held at the courthouse of Lewis county, at which time and place the commission shall proceed to organize. The chairman of the board of county commissioners of Lewis county shall be chairman of the commission. The commission shall proceed to elect a president and secretary and define their duties and fix their compensation, and provide for the keeping of its records. The commission shall also select some person to act as treasurer, and for this purpose may designate the treasurer of Lewis county as treasurer. The funds of the commission shall be kept separate and apart from the funds of Lewis county, but shall be deposited in the regular depositories of Lewis county and all interest earned thereby shall be added to and become a part of the funds. The treasurer shall give such bond as the commission may determine for the safekeeping of the funds. The commission shall also provide for an auditing committee of three members to audit all accounts against the commission, and no funds shall be paid out of the treasury of the commission except upon warrants signed by the chairman of the commission, attested by the secretary, after the approval of the claim therefor by the auditing committee.

36.90.040 Support of fair. Each member county may make donations or appropriations to the funds of the commission and may take any other part in the commission, as may be deemed advisable by the board of county commissioners of such county, and may

exhibit the products or resources of such county in the manner deemed for its best interest.

36.90.050 Acquisition, improvement, control of property in member county. The southwest Washington fair commission may acquire by gift, exchange, devise, lease, or purchase, real property situated in any member county, and may construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining the southwest Washington fair. For the purposes of this section donations and appropriations made by member counties under the provisions of RCW 36.90.040 may be used, and in addition, member counties may lease, sell, or donate property to the southwest Washington fair commission or exchange property for property of the southwest Washington fair commission or of a member county. Property of the southwest Washington fair commission deemed surplus by the commission may be (1) sold at private sale after notice in a local publication of general circulation, or (2) exchanged by the commission for other property after notice in a local publication of general circulation.

36.90.060 Agent may manage property. The county commissioners of each county in which property of the southwest Washington fair commission is situated or any person, firm or corporation may be designated by the commission as agent of the commission, and may manage and maintain the commission's property within the county during periods of time the commission is not actively engaged in the preparation for or operation of the southwest Washington fair: *Provided*, That the use of such property shall at all times be first approved by the commission and subject to such conditions as the commission deems necessary.

Chapter 36.98

CONSTRUCTION

36.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

36.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

36.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the applica-

tion of the provision to other persons or circumstances is not affected.

36.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1 through 6, page 329, Laws of 1854;
- (2) Sections 1 through 4, page 330, Laws of 1854;
- (3) Sections 1 through 13, pages 354 through 357, Laws of 1854;
- (4) Sections 1 through 9, pages 366 and 367, Laws of 1854;
- (5) Sections 2, 4 and 6, pages 375 and 376, Laws of 1854;
- (6) Sections 1 through 13, pages 416 through 419, Laws of 1854;
- (7) Sections 1 through 24, pages 420 through 423, Laws of 1854;
- (8) Sections 1 through 12, pages 424 through 426, Laws of 1854;
- (9) Sections 1 through 14, pages 426 through 428, Laws of 1854;
- (10) Sections 1, 2, 4 and 6, pages 428 through 430, Laws of 1854;
- (11) Sections 1 through 9, pages 434 and 435, Laws of 1854;
- (12) Sections 1 through 20, pages 436 through 438, Laws of 1854;
- (13) Sections 1 through 14 and 16, pages 12 through 14, Laws of 1856;
- (14) Sections 4 and 5 and 9 through 12, pages 21 through 23, Laws of 1856;
- (15) Sections 1 through 14, pages 334 through 337, Laws of 1861;
- (16) Sections 2 through 7, pages 41 and 42, Laws of 1861;
- (17) Sections 2 through 8, pages 398 and 399, Laws of 1863;
- (18) Sections 1 through 12, and 14, pages 408 through 410, Laws of 1863;
- (19) Sections 4 and 5 and 9 through 12, pages 423 through 425, Laws of 1863;
- (20) Sections 1 through 13, pages 521 through 525, Laws of 1863;
- (21) Sections 1 through 7, pages 538 and 539, Laws of 1863;
- (22) Sections 1 through 31, pages 540 through 545, Laws of 1863;
- (23) Sections 1 through 19, pages 548 through 552, Laws of 1863;
- (24) Sections 1 through 14, pages 552 through 554, Laws of 1863;
- (25) Sections 1 through 10, pages 557 and 558, Laws of 1863;
- (26) Sections 1 through 22, pages 559 through 563, Laws of 1863;
- (27) Section 10, page 52, Laws of 1865;
- (28) Sections 4 and 10, pages 7 and 8, Laws of 1867;
- (29) Sections 1 through 29 and 31, pages 51 through 58, Laws of 1867;
- (30) Sections 1 through 4, pages 130 through 131, Laws of 1867 relating to the duties of county auditors;
- (31) Sections 40 through 53, pages 280 through 284, Laws of 1869;
- (32) Sections 1 through 29, pages 303 through 309, Laws of 1869;
- (33) Sections 1 through 17 and 22, pages 310 through 314, Laws of 1869;

- (34) Sections 1 through 25, pages 364 through 375, Laws of 1869;
- (35) Sections 1 through 6, pages 402 through 404, Laws of 1869 relating to county assessors;
- (36) Sections 5 through 6 and 9 through 11, pages 419 through 421, Laws of 1869;
- (37) Sections 1 through 3, pages 35 and 36, Laws of 1871;
- (38) Section 1, page 110, Laws of 1871 entitled "An act to amend an act entitled 'An act to create and regulate the office of sheriff', passed Jan. 19, 1863";
- (39) Sections 1 and 3, pages 437 and 438, Laws of 1873;
- (40) Sections 1 through 20 and 22, pages 245 through 249, Laws of 1877;
- (41) Sections 1 through 14, pages 302 through 305, Laws of 1877;
- (42) Sections 1 through 3 and 5 of "An act to prescribe the tenure of office in Washington territory", page 330, Laws of 1877;
- (43) Sections 38 through 51, pages 61 through 64, Laws of 1879;
- (44) Sections 1 through 20 and 22, pages 92 through 97, Laws of 1879;
- (45) Sections 1 and 2, pages 130 and 131, Laws of 1879;
- (46) Sections 1 through 4, pages 143 and 144, Laws of 1879;
- (47) Sections 1163 through 1165, chapter XCIII, Code of 1881;
- (48) Sections 2087, 2088, 2089 through 2091, 2094, 2096, 2098 and 2101 through 2102, chapter CLIII, Code of 1881;
- (49) Sections 2108 and 2110, chapter CLIV, Code of 1881;
- (50) Sections 2177, 2178, 2179, 2181 and 2185, chapter CLVII, Code of 1881;
- (51) Sections 2653 through 2662, chapter CCVIII, Code of 1881;
- (52) Sections 2663 and 2664, 2666 through 2669, 2671 through 2678, 2681, 2686 through 2687, 2692 through 2695, chapter CCIX, Code of 1881;
- (53) Section 2701, chapter CCX, Code of 1881;
- (54) Sections 2707 through 2725, chapter CCXI, Code of 1881;
- (55) Sections 2738 through 2751, chapter CCXII, Code of 1881;
- (56) Sections 2752 and 2753 and 2755 through 2757, chapter CCXIII, Code of 1881;
- (57) Sections 2766 through 2774, chapter CCXV, Code of 1881;
- (58) Sections 2775 through 2795, chapter CCXVI, Code of 1881;
- (59) Sections 3002 through 3015, chapter CCXXX, Code of 1881;
- (60) Sections 3150 and 3153, chapter CCXLIV, Code of 1881;
- (61) Sections 1 and 3, page 26, Code of 1881, Bagley's Supplement;
- (62) Sections 1 through 13, pages 33 through 36, Code of 1881, Bagley's Supplement relating to prison regulations;
- (63) Sections 1 and 3 of an act to amend section 2752 of the Code of Washington, page 39, Laws of 1883;

(64) Sections 1 through 7 and sections 9 through 26, pages 72 through 76, Laws of 1883;

(65) Section 21, page 52, Laws of 1885;

(66) Sections 4, 5, 7 through 9, 12 through 14, 18, and 23, pages 61 through 64, Laws of 1885;

(67) Sections 1, 2 and 3 of an act "To prescribe the tenure of office in the territory of Washington", pages 100 and 101, Laws of 1885;

(68) Sections 1, 2 and 4 of an act "To amend sections twenty-six hundred and ninety-two and twenty-six hundred and ninety-three, of the Code of Washington territory, relating to county printing, pages 108 and 109, Laws of 1885;

(69) Sections 1 and 3, of an act "Relating to the cancellation of county warrants", page 161, Laws of 1885;

(70) Sections 1 and 2 of an act "To amend section 2747 of the Code of Washington territory", page 162, Laws of 1885;

(71) Sections 1 and 2 of an act "To amend section 2752, of the Code of Washington territory", relating to county assessors, page 164, Laws of 1885;

(72) Sections 1 and 3 of an act "To amend section 2768 of the Code of Washington territory", page 174, Laws of 1885;

(73) Sections 1 and 3, chapter 103, Laws of 1887;

(74) Section 5, page 35, Laws of 1889;

(75) Sections 1 through 10, pages 37 through 40, Laws of 1889;

(76) Sections 1 through 8, pages 40 through 42, Laws of 1889;

(77) Sections 32 through 47, pages 312 through 316, Laws of 1889;

(78) Sections 1 through 3, page 317, Laws of 1889;

(79) Sections 1 through 9, pages 318 and 319, Laws of 1889;

(80) Section 1 of an act to amend an act entitled "An act to amend section 2752 of the Code of Washington Territory, relating to assessors" appearing on page 478, Laws of 1889;

(81) Chapter 5, Laws of 1891;

(82) Sections 1 through 4, chapter 45, Laws of 1891;

(83) Sections 3 through 7, chapter 55, Laws of 1891;

(84) Section 1, chapter 57, Laws of 1891;

(85) Sections 1 through 6, chapter 67, Laws of 1891;

(86) Sections 1 and 9, chapter 76, Laws of 1891;

(87) Chapter 90, Laws of 1891;

(88) Chapter 144, Laws of 1891;

(89) Chapter 14, Laws of 1893;

(90) Section 1, chapter 16, Laws of 1893;

(91) Sections 1 and 2, chapter 39, Laws of 1893;

(92) Section 2, chapter 48, Laws of 1893;

(93) Chapter 52, Laws of 1893;

(94) Sections 1, 4, 5 and 10, chapter 71, Laws of 1893;

(95) Sections 1, 2 and 7, chapter 75, Laws of 1893;

- (96) Chapter 81, Laws of 1893;
- (97) Section 1, chapter 82, Laws of 1893;
- (98) Sections 1 through 4, chapter 104, Laws of 1893;
- (99) Sections 1 and 2, chapter 105, Laws of 1893;
- (100) Sections 1 through 8, chapter 119, Laws of 1893;
- (101) Chapter 121, Laws of 1893;
- (102) Chapter 17, Laws of 1895;
- (103) Chapter 53, Laws of 1895;
- (104) Chapter 73, Laws of 1895;
- (105) Chapter 97, Laws of 1895;
- (106) Chapter 110, Laws of 1895;
- (107) Section 2, chapter 130, Laws of 1895;
- (108) Sections 1, 2 and 4, chapter 160, Laws of 1895;
- (109) Chapter 21, Laws of 1897;
- (110) Sections 1 and 2, chapter 35, Laws of 1897;
- (111) Chapter 62, Laws of 1897;
- (112) Chapter 76, Laws of 1897;
- (113) Chapter 29, Laws of 1899;
- (114) Chapter 87, Laws of 1901;
- (115) Chapter 131, Laws of 1901;
- (116) Chapter 7, Laws of 1903;
- (117) Chapter 15, Laws of 1903;
- (118) Chapter 57, Laws of 1903;
- (119) Chapter 89, Laws of 1903;
- (120) Chapter 25, Laws of 1905;
- (121) Section 2, chapter 34, Laws of 1905;
- (122) Chapter 60, Laws of 1905;
- (123) Chapter 157, Laws of 1905;
- (124) Chapter 51, Laws of 1907;
- (125) Sections 1 through 4, chapter 65, Laws of 1907;
- (126) Sections 1 and 2, chapter 158, Laws of 1907;
- (127) Sections 2 and 4 through 6, chapter 160, Laws of 1907;
- (128) Chapter 185, Laws of 1907;
- (129) Chapter 229, Laws of 1907;
- (130) Chapter 15, Laws of 1909;
- (131) Section 12, chapter 76, Laws of 1909;
- (132) Chapter 79, Laws of 1909;
- (133) Chapter 105, Laws of 1909;
- (134) Chapter 122, Laws of 1909;
- (135) Chapter 170, Laws of 1909;
- (136) Chapter 214, Laws of 1909;
- (137) Chapter 232, Laws of 1909;
- (138) Section 27, chapter 249, Laws of 1909;
- (139) Chapter 55, Laws of 1911;
- (140) Section 1, chapter 66, Laws of 1911;

- (141) Chapter 75, Laws of 1911;
- (142) Chapter 25, Laws of 1913;
- (143) Sections 1 through 5 and 7, chapter 47, Laws of 1913;
- (144) Chapter 90, Laws of 1913;
- (145) Chapter 91, Laws of 1913;
- (146) Chapter 93, Laws of 1913;
- (147) Chapter 150, Laws of 1913;
- (148) Chapter 162, Laws of 1913;
- (149) Chapter 26, Laws of 1915;
- (150) Chapter 74, Laws of 1915;
- (151) Sections 1, 2 and 4, chapter 32, Laws of 1917;
- (152) Chapter 45, Laws of 1917;
- (153) Chapter 69, Laws of 1917;
- (154) Sections 2, 3, 4, 5 and 6, chapter 103, Laws of 1917;
- (155) Chapter 114, Laws of 1917;
- (156) Sections 2, 57 and 72, chapter 156, Laws of 1917;
- (157) Chapter 158, Laws of 1917;
- (158) Chapter 87, Laws of 1919;
- (159) Chapter 115, Laws of 1919;
- (160) Chapter 149, Laws of 1919;
- (161) Section 4, chapter 168, Laws of 1919;
- (162) Sections 1 and 2, chapter 175, Laws of 1919;
- (163) Chapter 30, Laws of 1921;
- (164) Chapter 100, Laws of 1921;
- (165) Chapter 132, Laws of 1921;
- (166) Chapter 133, Laws of 1921;
- (167) Chapter 165, Laws of 1921;
- (168) Section 3, chapter 184, Laws of 1921;
- (169) Chapter 83, Laws of 1923;
- (170) Section 1, chapter 130, Laws of 1923;
- (171) Chapter 164, Laws of 1923;
- (172) Chapter 177, Laws of 1923;
- (173) Chapter 41, Laws of 1925 extraordinary session;
- (174) Section 55, chapter 130, Laws of 1925 extraordinary session;
- (175) Chapter 143, Laws of 1925 extraordinary session;
- (176) Chapter 148, Laws of 1925 extraordinary session;
- (177) Chapter 174, Laws of 1925 extraordinary session;
- (178) Section 1, chapter 37, Laws of 1927;
- (179) Chapter 89, Laws of 1927;
- (180) Section 1, chapter 163, Laws of 1927;
- (181) Chapter 220, Laws of 1927;
- (182) Section 1, chapter 266, Laws of 1927;
- (183) Chapter 274, Laws of 1927;
- (184) Chapter 301, Laws of 1927;
- (185) Sections 1, 2 and 5, 18 and 19, chapter 88, Laws of 1929;

- (186) Section 3, chapter 93, Laws of 1929;
- (187) Chapter 109, Laws of 1929;
- (188) Chapter 110, Laws of 1929;
- (189) Chapter 193, Laws of 1929;
- (190) Sections 1 through 10, chapter 198, Laws of 1929;
- (191) Chapter 69, Laws of 1931;
- (192) Section 1, chapter 87, Laws of 1931;
- (193) Chapter 95, Laws of 1931;
- (194) Sections 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11, chapter 139, Laws of 1931;
- (195) Chapter 100, Laws of 1933;
- (196) Sections 1, 2, 3, 4, 6 and 7, chapter 136, Laws of 1933;
- (197) Chapter 174, Laws of 1933;
- (198) Chapter 14, Laws of 1933 extraordinary session;
- (199) Chapter 40, Laws of 1933 extraordinary session;
- (200) Chapter 45, Laws of 1933 extraordinary session;
- (201) Chapter 33, Laws of 1935;
- (202) Chapter 94, Laws of 1935;
- (203) Chapter 95, Laws of 1935;
- (204) Chapter 46, Laws of 1937;
- (205) Sections 1 through 58, 66, 67, 75, 76, and 77, chapter 187, Laws of 1937;
- (206) Chapter 197, Laws of 1937;
- (207) Chapter 209, Laws of 1937;
- (208) Section 11, chapter 181, Laws of 1939;
- (209) Sections 2 through 4, chapter 188, Laws of 1939;
- (210) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16, chapter 201, Laws of 1939;
- (211) Chapter 26, Laws of 1941;
- (212) Chapter 46, Laws of 1941;
- (213) Chapter 99, Laws of 1941;
- (214) Section 2, chapter 110, Laws of 1941;
- (215) Chapter 138, Laws of 1941;
- (216) Chapter 142, Laws of 1941;
- (217) Chapter 191, Laws of 1941;
- (218) Sections 1, 2, 3, and 5, chapter 227, Laws of 1941;
- (219) Chapter 237, Laws of 1941;
- (220) Chapter 19, Laws of 1943;
- (221) Chapter 35, Laws of 1943;
- (222) Chapter 61, Laws of 1943;
- (223) Chapter 66, Laws of 1943;
- (224) Chapter 73, Laws of 1943;
- (225) Sections 1, 2, 3, 4, 5, 6, 7 and 8, chapter 82, Laws of 1943;
- (226) Chapter 87, Laws of 1943;
- (227) Chapter 101, Laws of 1943;

- (228) Chapter 139, Laws of 1943;
- (229) Chapter 145, Laws of 1943;
- (230) Chapter 174, Laws of 1943;
- (231) Chapter 199, Laws of 1943;
- (232) Chapter 204, Laws of 1943;
- (233) Chapter 249, Laws of 1943;
- (234) Chapter 260, Laws of 1943;
- (235) Chapter 269, Laws of 1943;
- (236) Chapter 51, Laws of 1945;
- (237) Chapter 61, Laws of 1945;
- (238) Chapter 62, Laws of 1945;
- (239) Chapter 73, Laws of 1945;
- (240) Chapter 85, Laws of 1945;
- (241) Section 1, chapter 87, Laws of 1945;
- (242) Chapter 94, Laws of 1945;
- (243) Chapter 118, Laws of 1945;
- (244) Chapter 125, Laws of 1945;
- (245) Section 3, chapter 172, Laws of 1945;
- (246) Chapter 201, Laws of 1945;
- (247) Sections 1 through 12, chapter 254, Laws of 1945;
- (248) Chapter 49, Laws of 1947;
- (249) Chapter 58, Laws of 1947;
- (250) Chapter 61, Laws of 1947;
- (251) Chapter 141, Laws of 1947;
- (252) Chapter 184, Laws of 1947;
- (253) Chapter 228, Laws of 1947;
- (254) Chapter 272, Laws of 1947;
- (255) Chapter 277, Laws of 1947;
- (256) Chapter 33, Laws of 1949;
- (257) Section 2, chapter 75, Laws of 1949;
- (258) Chapter 85, Laws of 1949;
- (259) Chapter 92, Laws of 1949;
- (260) Sections 1 through 9, chapter 94, Laws of 1949;
- (261) Chapter 131, Laws of 1949;
- (262) Chapter 156, Laws of 1949;
- (263) Sections 1 and 4, chapter 165, Laws of 1949;
- (264) Section 1, chapter 181, Laws of 1949;
- (265) Chapter 200, Laws of 1949;
- (266) Chapter 9, Laws of 1950 first extraordinary session;
- (267) Chapter 18, Laws of 1950 first extraordinary session;
- (268) Chapter 34, Laws of 1951;
- (269) Chapter 41, Laws of 1951;
- (270) Sections 4, 5 and 6, chapter 51, Laws of 1951;
- (271) Chapter 89, Laws of 1951;
- (272) Section 1, chapter 100, Laws of 1951;

- (273) Chapter 108, Laws of 1951;
- (274) Chapter 143, Laws of 1951;
- (275) Chapter 161, Laws of 1951;
- (276) Chapter 187, Laws of 1951;
- (277) Chapter 192, Laws of 1951;
- (278) Sections 1, 2, 3 and 4, chapter 256, Laws of 1951;
- (279) Chapter 258, Laws of 1951;
- (280) Chapter 14, Laws of 1951 second extraordinary session;
- (281) Chapter 22, Laws of 1953;
- (282) Chapter 37, Laws of 1953;
- (283) Chapter 57, Laws of 1953;
- (284) Chapter 152, Laws of 1953;
- (285) Chapter 172, Laws of 1953;
- (286) Sections 3 and 4, chapter 188, Laws of 1953;
- (287) Chapter 199, Laws of 1953;
- (288) Chapter 210, Laws of 1953;
- (289) Section 2, chapter 214, Laws of 1953;
- (290) Chapter 215, Laws of 1953;
- (291) Section 1, chapter 224, Laws of 1953;
- (292) Chapter 264, Laws of 1953
- (293) Chapter 9, Laws of 1955;
- (294) Chapter 10, Laws of 1955;
- (295) Chapter 48, Laws of 1955;
- (296) Chapter 51, Laws of 1955;
- (297) Chapter 129, Laws of 1955;
- (298) Sections 5, 6, 7, 8 and 10, chapter 157, Laws of 1955;
- (299) Chapter 194, Laws of 1955;
- (300) Section 10, chapter 251, Laws of 1955;
- (301) Chapter 297, Laws of 1955;
- (302) Sections 1 and 6, chapter 310, Laws of 1955;
- (303) Chapter 312, Laws of 1955;
- (304) Chapter 361, Laws of 1955;
- (305) Section 2, chapter 9, Laws of 1955 first extraordinary session;
- (306) Sections 1 through 14 and 16 through 33, chapter 58, Laws of 1957;
- (307) Chapter 106, Laws of 1957;
- (308) Section 1, chapter 124, Laws of 1957;
- (309) Section 2, chapter 126, Laws of 1957;
- (310) Chapter 134, Laws of 1957;
- (311) Chapter 146, Laws of 1957;
- (312) Section 5, chapter 187, Laws of 1957;
- (313) Chapter 201, Laws of 1957;
- (314) Chapter 219, Laws of 1957;
- (315) Sections 5, 6, 7, 8 and 9, chapter 224, Laws of 1957;

- (316) Chapter 30, Laws of 1959;
- (317) Chapter 34, Laws of 1959;
- (318) Chapter 67, Laws of 1959;
- (319) Sections 4, 5, 6, 7 and 8, chapter 75, Laws of 1959;
- (320) Chapter 130, Laws of 1959;
- (321) Chapter 134, Laws of 1959;
- (322) Section 2, chapter 142, Laws of 1959;
- (323) Chapter 201, Laws of 1959;
- (324) Sections 2 and 3, chapter 216, Laws of 1959;
- (325) Sections 6, 7, 8 and 10, chapter 263, Laws of 1961;
- (326) Section 1, chapter 300, Laws of 1961;
- (327) Sections 1, 2, 3, 4, 5, 6, 7 and 9, chapter 304, Laws of 1959;
- (328) Chapter 27, Laws of 1961;
- (329) Sections 1 and 2, chapter 35, Laws of 1961;
- (330) Section 1, chapter 41, Laws of 1961;
- (331) Chapter 55, Laws of 1961;
- (332) Section 1, chapter 79, Laws of 1961;
- (333) Chapter 92, Laws of 1961;
- (334) Chapter 144, Laws of 1961;
- (335) Chapter 169, Laws of 1961;
- (336) Sections 6 through 31, chapter 171, Laws of 1961;
- (337) Chapter 172, Laws of 1961;
- (338) Section 1, chapter 195, Laws of 1961;
- (339) Chapter 232, Laws of 1961;
- (340) Chapter 254, Laws of 1961;
- (341) Section 1, chapter 270, Laws of 1961;
- (342) Chapter 272, Laws of 1961;
- (343) Section 1, chapter 273, Laws of 1961; and
- (344) Section 1, chapter 304, Laws of 1961.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

Title 36
COUNTIES

Explanatory
note.

EXPLANATORY NOTE

I. Introductory

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 36. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 36, and the subsequent ratification by the legislature of parts of the title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 36 has been in use for a period of twelve years, the codifications subcommittee of the Statute Law Committee, after submitting the study and work materials relating to this title to the attorney general's office, the division of municipal corporations, the Association of Prosecuting Attorneys, the Washington State Association of County Commissioners and the Washington State Association of Elected County Officials, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 36, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

Omitted from this bill are two chapters presently codified in Title 36. Chapter 36.91 relating to trading stamp licenses is omitted for the reason that it more properly belongs as a chapter of Title 19 RCW relating to Miscellaneous Business Regulations. It will be recodified in such title upon publication of the 1963 supplement to RCW. Chapter 36.04 which defines county boundaries is omitted because certain actions have occurred to alter such boundaries in certain instances, which are not reflected in the statutes, for example, according to correspondence filed in the reviser's office a portion of the boundary between King and Pierce counties was changed as the result of an election held in 1901 pursuant to what is now RCW 36.08.010. In view of this and other similar occurrences it is felt that the reenactment of the boundaries should await a time when these matters might be thoroughly investigated, perhaps with the assistance of the various county engineers and assessors. Meanwhile the provisions relating to county boundaries are not herein repealed and the provisions of chapter 36.04 will be republished in their present form in the 1963 supplement to RCW.

Except as otherwise noted, the translations of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision, have been accepted without comment.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympia.

II. Section Comment

Chapter 36.01 General Provisions

36.01.010 Source—[Code 1881 § 2653; 1863 p 538 § 1; 1854 p 329 § 1; RRS § 3982.]

(1) "territory" changed to "state".

(2) The 1941 revisers deleted a comma following "capacity as bodies corporate" which is herein restored.

Explanatory
note.

- 36.01.020 Source—[Code 1881 § 2654; RRS § 3983.]
 36.01.030 Source—[Code 1881 § 2655; RRS § 3984.]
 36.01.040 Source—[Code 1881 § 2656; 1863 p 538 § 2; 1854 p 329 § 2; RRS § 3985.]
 36.01.050 Source—[1854 p 329; 6; No RRS.]
 36.01.060 Source—[Code 1881 § 2110; 1869 p 420 § 9; 1863 p 425 § 10; 1857 p 22 § 10; RRS § 508.]

Certain RCW phrases restored to session law language as follows:

- (1) “. . . the fees of the sheriff for maintaining prisoners . . .” to “. . . the fees of the sheriff for maintaining prisoners charged with crimes. . . .”
 (2) “the traveling expenses of the sheriff . . .” to “the per diem and mileage, or such other compensation as is allowed in lieu thereof, of the sheriff . . .”

Chapter 36.05 Actions to Establish Boundaries

- 36.05.010 Source—[1897 c 76 § 1; RRS § 3964.]
 Session law phrase “in the superior court” restored.
 36.05.020 Source—[1897 c 76 § 2; RRS § 3965.]
 36.05.030 Source—[1897 c 76 § 3; RRS § 3966.]
 1941 RCW version unacceptable.
 RCW version “territory embracing such disputed, lost, obscure or uncertain boundaries” restored to “territory affected by such disputed, lost, obscure or uncertain boundaries”.
 36.05.040 Source—[1897 c 76 § 5; RRS § 3968.]
 36.05.050 Source—[1897 c 76 § 6; RRS § 3969.]
 “. . . court may move or establish any county boundary line or any government section line or subdivisional line . . .” restored to “. . . court shall have power to move or establish such boundary line on any government section line or subdivisional line thereof . . .”.
 36.05.060 Source—[1897 c 76 § 7; RRS § 3970.]
 36.05.070 Source—[1897 c 76 § 8; RRS § 3971.]
 1941 RCW version unacceptable.
 RCW version: “. . . a decree is entered establishing a county boundary line . . .” restored to “. . . a decree is entered under the provisions of this chapter . . .”; the RCW translation appears erroneous in light of RCW 36.05.060 making civil practice and procedure applicable to boundary actions and thus a decree could be entered which does not “establish a county boundary line” but would be entered “under the provisions of this chapter”.
 36.05.080 Source—[1897 c 76 § 4; RRS § 3967.]

Chapter 36.08 Transfer of Territory Where City's Harbor Lies in Two Counties

- 36.08.010 Source—[1891 c 144 § 1; RRS § 3972.]
 This section was amended by 1903 c 121 § 1 which section was repealed by 1905 c 34 § 1 but such repealer has been deemed to revive 1891 c 144 § 1 (see note following RRS § 3972; and 1941 Reviser's note following 36.08.010) and the section appears necessary for the proper operation of the remainder of the chapter.
 36.08.020 Source—[1891 c 144 § 2; RRS § 3973.]
 36.08.030 Source—[1891 c 144 § 3; RRS § 3974.]
 RCW version “. . . all judicial proceedings commenced . . . shall be continued . . .” restored to “. . . all judicial or other official proceedings commenced . . . shall be continued . . .”.
 36.08.040 Source—[1891 c 144 § 4; RRS § 3975.]

- 36.08.050 Source—[1891 c 144 § 5; RRS § 3976.] Explanatory
 36.08.060 Source—[1891 c 144 § 6; RRS § 3977.] note.
 36.08.070 Source—[1891 c 144 § 7; RRS § 3978.]
 36.08.080 Source—[1891 c 144 § 8; RRS § 3979.]
 36.08.090 Source—[1891 c 144 § 9; RRS § 3980.]
 36.08.100 Source—[1891 c 144 § 10; RRS § 3981.]
 This section was repealed by 1903 c 121 § 2 which section was
 in turn repealed by 1905 c 34 § 1; RRS treated it as revised.
 The 1941 Code Committee omitted it as covered by 36.08.010.

Chapter 36.09 Division of County

- 36.09.010 Source—[Code 1881 § 2657; 1863 p 538 § 3; 1854 p 330 § 1; RRS § 3986.]
 RCW version: "Whenever a new county is organized . . ." restored to ". . . whenever a new county shall be or shall have been organized . . .".
- 36.09.020 Source—[(i) Code 1881 § 2658; 1863 p 538 § 4; 1854 p 330 § 2; RRS § 3987. FORMER PART OF SECTION: 1909 c 79 § 1, part; Code 1881 § 2662, part; RRS § 3991, part. Now codified in RCW 36.09.050.]
 1909 c 79 § 1 was divided by the 1941 revisers into this section, being commingled with Code 1881 § 2658, 36.09.030 and 36.09.050. Herein, Code 1881 § 2658 is restored as RCW 36.09.020 and 1909 c 79 § 1 is rejoined as a single section and codified as RCW 36.09.050, RCW 36.09.030 being decodified.
- 36.09.030 Source—[1909 c 79 § 1, part; Code 1881 § 2662, part; RRS § 3991, part.] Now codified in RCW 36.09.050.
- 36.09.035 Source—[Code 1881 § 2659; 1863 p 539 § 5; 1854 p 330 § 3; RRS § 3988.]
 Not presently in RCW. Session law restored.
- 36.09.040 Source—[Code 1881 § 2660; 1863 p 539 § 6; 1854 p 330 § 4; RRS § 3989.]
- 36.09.050 Source—[1909 c 79 § 1; Code 1881 § 2662; RRS § 3991.]
 (1) See 36.09.020 explanatory matter.
 (2) "act" changed to "section", this section appearing to be the only applicable part of either the original act (chapter 208, Code of 1881) or its amendatory act (chapter 79, Laws of 1909).

Chapter 36.12 Removal of County Seats

- 36.12.010 Source—[1890 p 318 § 1; RRS § 3998.]
 (1) Session law phrase "is fixed by law or otherwise" restored.
 (2) "city or town" restored to "towns or cities".
- 36.12.020 Source—[1890 p 318 § 2; RRS § 3999.]
- 36.12.030 Source—[1890 p 318 § 3; RRS § 4000.]
- 36.12.040 Source—[1890 p 318 § 4; RRS § 4001.]
- 36.12.050 Source—[1890 p 318 § 5; RRS § 4002.]
 Session law phrase "by the board" restored.
- 36.12.060 Source—[1890 p 318 § 6; RRS § 4003.]
- 36.12.070 Source—[1890 p 319 § 7; RRS § 4004.]
- 36.12.080 Source—[1890 p 319 § 8; RRS § 4005.]
- 36.12.090 Source—[1890 p 319 § 9; RRS § 4006.]

Chapter 36.13 Classification of Counties

- 36.13.010 Source—[1953 c 22 § 1; 1941 c 26 § 1; 1933 c 136 § 1; 1925 ex.s. c 148 § 1; 1919 c 168 § 1; 1917 c 88 § 1; 1901 c 136 § 1; 1890 p 302 § 1; Rem. Supp. 1941 § 4200-la.]
- 36.13.020 Source—[(i) 1923 c 177 § 1; RRS § 4200-6. (ii) 1923 c 177 § 5; RRS § 4200-10.]
 In proviso, "under this act" restored and translated to read "under the provisions of RCW 36.13.020 through 36.13.070".

- Explanatory note.
- 36.13.030 Source—[1923 c 177 § 2; RRS § 4200-7.]
- 36.13.040 Source—[1923 c 177 § 4; RRS § 4200-9.]
- 36.13.050 Source—[1923 c 177 § 3; RRS § 4200-8.]
- 36.13.060 Source—[1890 p 316 § 47; RRS § 4228.]
Section decodified and reenacted as 36.13.075, to preserve session law context of RCW 36.13.020--36.13.070.
- 36.13.070 Source—[1923 c 177 § 6; RRS § 4200-11.]
Internal reference revised to compensate for recodification of RCW 36.13.060.
- 36.13.075 Source—[1890 p 316 § 47; RRS § 4228.]
- 36.13.080 Source—[(i) 1950 ex.s. c 18 § 1; (ii) 1950 ex.s. c 18 § 2. (iii) 1950 ex.s. c 18 § 3.]
- 36.13.090 Source—[1953 c 22 § 2; 1921 c 133 § 1; RRS § 4204.]
- 36.13.100 Source—[1949 c 92 § 1; Rem. Supp. 1949 § 4200-6a.]

Chapter 36.16 County Officers—General

- 36.16.010 Source—[1919 c 175 § 2; RRS § 4030.]
Session law restored.
“effective date of this act” changed to “midnight, June 11, 1919”.
- 36.16.020 Source—[1959 c 216 § 2; 1919 c 175 § 1; 1886 p 101 § 2; Code 1881 § 3153; 1877 p 330 § 2; 1871 p 36 § 3; 1867 p 7 § 4; RRS § 4029.]
In first proviso “this section” revised to read “RCW 36.16.010 and this section” in order to reflect original session law phrase (1919 c 175 § 1) which read “Provided, That this act shall not apply to county commissioners.” This act is codified as RCW 36.16.010 and 36.16.020.
- 36.16.030 Source—[1955 c 157 § 5. Prior: (i) Code 1881 § 2707; 1869 p 310 §§ 1-3; 1863 p 549 §§ 1-3; 1854 p 424 §§ 1-31; RRS § 4083. (ii) Code 1881 § 2738; 1863 p 552 § 1; 1854 p 426 § 1; RRS § 4106. (iii) 1891 c 5 § 1; RRS § 4127. (iv) 1890 p 478 § 1; 1886 p 164 § 1; 1883 p 39 § 1; Code 1881 § 2752; 1869 p 402 § 1; 1854 p 428 § 1; RRS § 4140. (v) 1943 c 139 § 1; Code 1881 § 2766; 1863 p 557 § 1; 1854 p 434 § 1; Rem. Supp. 1949 § 4155. (vi) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (vii) 1933 c 136 § 2; 1925 ex.s. c 148 § 2; RRS § 4200-2a. (viii) 1937 c 197 § 1; 1933 c 136 § 3; 1925 ex.s. c 148 § 3; RRS § 4200-3a. (ix) 1937 c 197 § 2; 1933 c 136 § 4; 1925 ex.s. c 148 § 4; RRS § 4200-4a. (x) 1927 c 37 § 1; 1890 p 304 § 2; RRS § 4205-1.]
- 36.16.032 Source—[1957 c 219 § 4.]
- 36.16.040 Source—[1955 c 157 § 6. Prior: (i) Code 1881 § 2666; 1869 p 303 § 4; 1863 p 541 § 4; 1854 p 420 § 4; RRS § 4045. (ii) Code 1881 § 2708, part; 1869 p 310 § 4, part; 1863 p 549 § 4, part; 1854 p 424 § 4, part; RRS § 4084, part. (iii) 1943 c 249 § 1; Code 1881 § 2739; 1863 p 553 § 2, part; 1854 p 426 § 2; Rem. Supp. 1943 § 4107. (iv) 1886 p 61 § 4, part; 1883 p 73 § 9, part; Code 1881 § 2163, part; 1877 p 246 § 5, part; 1863 p 408 § 3, part; 1860 p 334 § 3, part; 1858 p 12 § 3, part; 1854 p 417 § 3, part; RRS § 4129, part. (v) 1897 c 71 § 44; 1893 c 124 § 46; Code 1881 § 2753; 1854 p 428 § 2; RRS § 4141. (vi) Code 1881 § 2774; 1863 p 558 § 9; 1854 p 435 § 9; RRS § 4156. (vii) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (viii) Code 1881 § 2096; 1869 p 374 § 18; RRS § 4231. (ix) 1909 c 97 p 280 § 1, part; 1903 c 104 § 13, part; 1899 c 142 § 5, part; 1897 c 118 § 30, part; 1890 p 355 § 10, part; Code 1881 § 3170, part; RRS § 4767, part. (x) 1925 ex.s. c 130 § 55; 1891 c 140 § 46; 1890 p 548 § 50; RRS § 11138.]
- 36.16.050 Source—[1955 c 157 § 7. Prior: (i) 1895 c 53 § 1; RRS § 70. (ii) 1895 c 53 § 2, part; RRS § 71, part. (iii) 1921 c 132 § 1, part; 1893 c 75 § 7, part; RRS § 4046, part. (iv) Code 1881

- § 2708, part; 1869 p 310 § 4, part; 1863 p 549 § 4, part; 1854 p 424 § 4, part; RRS § 4084, part. (v) 1943 c 249 § 1, part; Code 1881 § 2739, part; 1863 p 553 § 2, part; 1854 p 426 § 2, part; Rem. Supp. 1943 § 4107, part. (vi) 1886 p 61 § 4, part; 1883 p 73 § 9, part; Code 1881 § 2163, part; 1877 p 246 § 5, part; 1863 p 408 § 3, part; 1860 p 334 § 3, part; 1858 p 12 § 3, part; 1854 p 417 § 3, part; RRS § 4129, part. (vii) 1897 c 71 § 44, part; 1893 p 124 § 46, part; Code 1881 § 2753, part; 1854 p 428 § 2, part; RRS § 4141, part. (viii) 1943 c 139 § 1, part; Code 1881 § 2766, part; 1863 p 557 § 1, part; 1854 p 434 § 1, part; Rem. Supp. 1943 § 4155, part. (ix) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (x) 1909 c 97 p 280 § 1 part; 1903 c 104 § 13, part; 1899 c 142 § 5, part; 1897 c 118 § 30, part; 1890 p 355 § 10, part; Code 1881 § 3170, part; RRS § 4767, part. (xi) 1890 p 35 § 5, part; RRS § 9934, part. (xii) 1925 ex.s. c 130 § 55, part; 1891 c 140 § 46, part; 1890 p 548 § 50, part; RRS § 11138, part.]
- 36.16.060 Source—[1955 c 157 § 8. Prior: (i) 1895 c 53 § 2, part; RRS § 71, part. (ii) 1890 p 35 § 5, part; RRS § 9934, part.]
- 36.16.070 Source—[1959 c 216 § 3; 1957 c 219 § 2. Prior: (i) Code 1881 § 2716; 1869 p 312 § 10; 1863 p 550 § 7; 1854 p 425 § 7; RRS § 4093. (ii) Code 1881 § 2741; 1863 p 553 § 4; 1854 p 427 § 4; RRS § 4108. (iii) Code 1881 § 2767, part; 1871 p 110 § 1, part; 1863 p 557 § 2, part; 1854 p 434 § 2, part; RRS § 4160, part. (iv) 1905 c 60 § 1; RRS § 4177. (v) 1905 c 60 § 2; RRS § 4178. (vi) 1905 c 60 § 3; RRS § 4179. (vii) 1949 c 20 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1925 ex.s. c 148 § 6, part; Rem. Supp. 1949 § 4200-5a, part. (viii) 1943 c 260 § 1; Rem. Supp. 1943 § 4200-5b.]
- 36.16.080 Source—[(i) Code 1881 § 2672; 1854 p 421 § 10; RRS § 4069. (ii) Code 1881 § 2724; RRS § 4103. (iii) 1903 c 15 § 1; RRS § 4125.]
 Note: The 1941 Code Committee combined as 36.16.080 three session law sections: (i) Code 1881 § 2672 restored and reenacted herein as 36.32.135 with change in caption to "Official seal." and "territory" changed to "state" in body of section. (ii) Code 1881 § 2724, part, herein restored and reenacted in whole as 36.22.020 (where part was formerly codified); and (iii) 1903 c 15 § 1, restored and reenacted herein as 36.29.025. 36.16.080 is thus decodified.
- 36.16.087 Source—[1903 c 15 § 2; RRS § 4126.]
 (1) This section formerly footnoted to 36.16.080 is a validating clause for tax deeds issued prior to 1903 without treasurer's seals.
 (2) "the taking effect of this act" changed to "February 21, 1903".
- 36.16.090 Source—[1893 c 82 § 1; Code 1881 § 2677; 1869 p 306 § 15; 1854 p 422 § 15; RRS § 4032. SLC-RO-14.]
- 36.16.100 Source—[1955 1st ex.s. c 9 § 2. Prior: 1951 c 100 § 1; 1941 c 113 § 1, part; Rem. Supp. 1941 § 9963-1, part.]
- 36.16.110 Source—[1927 c 163 § 1; RRS § 4059. Prior: Code 1881 § 2689; 1867 p 57 § 28.]
- 36.16.120 Source—[1890 p 315 § 43; RRS § 4031.]

Chapter 36.17 Salaries of County Officers

- 36.17.010 Source—[1890 p 312 § 32; RRS § 4210.]
 Note that the 1941 code revisers omitted herefrom the two provisos relating respectively to the allowance of deputies by the board when in their opinion the salary of the principal is inadequate (as superseded by RCW 36.16.070) and to the payment of the traveling expenses of the sheriff (as super-

Explanatory
note.

- seded by 36.17.030). The omission appears warranted in that the above cited sections were part of 1929 ex.s. c 148, last generally amended by 1949 c 200 which was a general comprehensive act on the same subject.
- 36.17.020 Source—[1957 c 219 § 3. Prior: (1) 1953 c 264 § 1; 1949 c 200 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1933 c 136 § 6, part; 1925 ex.s. c 148 § 6, part; 1919 c 168 § 2, part; Rem. Supp. 1949 § 4200-5a, part. (2) 1921 c 184 § 2; RRS § 4203.]
(1) In first paragraph, RCW translation revised to reflect recodification of RCW 36.13.060 as 36.13.075.
(2) To conform to the proviso of RCW 36.16.030 [1955 c 157 § 5] which required the election of a treasurer-assessor, the paragraph relating to counties of the ninth class is changed to read in part as follows: "Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor . . ."
- 36.17.025 Source—[1953 c 215 § 1.]
Omitted as superseded by 36.17.020 [1957 c 219 § 3]; see last paragraph thereof.
- 36.17.030 Source—[1961 c 79 § 1; 1961 c 35 § 1. Prior: (1) 1949 c 200 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1933 c 136 § 6, part; 1925 ex.s. c 148 § 6, part; 1919 c 168 § 2, part; Rem. Supp. 1949 § 4200-5a, part. (2) 1921 c 184 § 2, part; RRS § 4203, part.]
- 36.17.040 Source—[1959 c 300 § 1; 1953 c 37 § 1; 1890 p 314 § 37; RRS § 4220.]
- 36.17.050 Source—[1890 p 314 § 38; RRS § 4221.]
Section revised on basis of amendment to 36.17.040 permitting payment of salaries semimonthly.
- 36.17.060 Source—[Code 1881 § 2109, part; 1869 p 419 § 7, part, 8, part; 1863 p 424 §§ 6, part, 8, part; 1857 p 21 §§ 6, part, 8, part; RRS §§ 509, part, 4230, part.]
This section being codified as RCW 2.40.030 is herein decodified.
- Chapter 36.18 County Officers—Fees
- 36.18.010 Source—[1959 c 263 § 6; 1953 c 214 § 2; 1951 c 51 § 4; 1907 c 56 § 1, part, p 92; 1903 c 151 § 1, part, p 295; 1893 c 130 § 1, part, p 423; Code 1881 § 2086, part, p 358; 1869 p 369 § 3; 1865 p 94 § 1, part; 1863 p 391 § 1, part, p 394; 1861 p 34 § 1, part, p 37; 1854 p 368 § 1, part, p 371; RRS §§ 497, part, 4105.]
- 36.18.020 Source—[1961 c 304 § 1; 1961 c 41 § 1; 1951 c 51 § 5; 1907 c 56 § 1, part, p 89; 1903 c 151 § 1, part, p 294; 1893 c 130 § 1, part, p 421; Code 1881 § 2086, part, p 355; 1869 p 364 § 1, part; 1863 p 391 § 1, part; 1861 p 34 § 1, part; 1854 p 368 § 1, part; RRS § 497, part.]
This section was twice amended by the 1961 legislature, see chapters 41 and 304, Laws of 1961. It appears that the amendments did not conflict in purpose and on the authority of RCW 1.12.025. The section is herein revised to give effect to both amendments by adding a proviso to subsection 16.
- 36.18.030 Source—[1959 c 263 § 7; 1907 c 56 § 1, part, p 93; 1903 c 151 § 1, part, p 296; 1893 c 130 § 1, part, p 424; Code 1881 § 2086, part, p 360; 1869 p 372 § 7, part; 1863 p 391 § 1, part, p 396; 1861 p 34 § 1, part, p 39; 1854 p 368 § 1, part, p 373; RRS §§ 497, part, 4185.]
- 36.18.040 Source—[1959 c 263 § 8; 1951 c 51 § 6; 1907 c 56 § 1, part, p 91; 1903 c 151 § 1, part, p 294; 1893 c 130 § 1, part, p 422; Code 1881 § 2086, part, p 356; 1869 p 364 § 1, part, p 365; 1865 p 94 § 1, part, p 97; 1863 p 391 § 1, part, p 392; 1861 p 34 § 1, part, p 35; 1854 p 368 § 1, part, p 369; RRS § 497, part.]
- 36.18.045 Source—[1959 c 263 § 10.]
- 36.18.050 Source—[Code 1881 § 2098; 1869 p 374 § 20; 1863 p 398 § 5; 1861 p 41 § 5; 1854 p 375 § 4; RRS § 4234.]

- 36.18.060 Source—[1890 p 315 § 39; RRS § 506.]
- 36.18.070 Source—[Code 1881 § 2094; 1869 p 373 § 16; RRS § 501.]
 “. . . any sheriff, coroner or other peace officer” restored to “. . . any sheriff, constable or coroner”.
- 36.18.080 Source—[1890 p 315 § 41; RRS § 4223. Cf. Code 1881 § 2091; 1869 p 373 § 13.]
- 36.18.090 Source—[(i) 1890 p 315 § 40; RRS § 4222. (ii) Code 1881 § 2102; 1869 p 374 § 24; 1863 p 398 § 3; 1861 p 41 § 3; 1854 p 376 § 6; RRS § 4235.]
- 36.18.100 Source—[1890 p 313 § 34; RRS § 4212. Cf. Code 1881 § 2087; 1869 p 372 § 9.]
- 36.18.110 Source—[1907 c 65 § 1; RRS § 4214.]
 After “duly verified” the phrase “as provided in section 1597 of Ballinger’s Annotated Codes and Statutes of Washington” restored and translated to “as provided in RCW 36.18.150”.
- 36.18.120 Source—[1907 c 65 § 2; RRS § 4215.]
- 36.18.130 Source—[1907 c 65 § 4; RRS § 4216.]
- 36.18.140 Source—[(i) 1893 c 81 § 1; RRS § 4218. (ii) 1890 p 313 § 33; RRS § 4211.]
 “during the preceding month” restored. “in his own use” restored to “to his own use”.
- 36.18.150 Source—[1907 c 65 § 3; 1890 p 313 § 35; RRS § 4213.]
 “fees and compensation collected in each month” restored to “fees and compensation collected and chargeable for the county in each month”.
- 36.18.160 Source—[Code 1881 § 2090; 1869 p 373 § 12; RRS § 4225. Cf. RCW 9.33.040.]
 “removed from office and” restored.
- 36.18.170 Source—[1893 c 81 § 2; RRS § 4226. Cf. RCW 42.20.070.]
 (1) “or by virtue of his office” restored.
 (2) proviso restored.
- 36.18.180 Source—[1890 p 315 § 42; RRS § 4224.]

Chapter 36.21 County Assessor

- 36.21.011 Source—[1955 c 251 § 10.]
- 36.21.020 Source—[1893 c 71 § 1; RRS § 11318.]
 At end of first paragraph “and also a list of all residents of such city liable to pay a poll tax” restored.
- 36.21.030 Source—[1893 c 72 § 2; RRS § 11329.]
- 36.21.040 Source—[1955 c 129 § 1.]
- 36.21.050 Source—[1955 c 129 § 2.]
- 36.21.060 Source—[1955 c 129 § 3.]
- 36.21.070 Source—[1955 c 129 § 4.]
- 36.21.080 Source—[1955 c 129 § 5.]

Chapter 36.22 County Auditor

- 36.22.010 Source—[1955 c 157 § 9. Prior: (i) Code 1881 § 2707; 1869 p 310 §§ 1, 2, 3; 1863 p 549 §§ 1, 2, 3; 1854 p 424 §§ 1, 2, 3; RRS § 4083. (ii) Code 1881 § 2709; RRS § 4085. (iii) Code 1881 § 2711; RRS § 4088. (iv) 1893 c 119 § 2; Code 1881 § 2712; 1869 p 311 § 6; 1863 p 550 § 6; 1854 p 425 § 6; RRS § 4089. (v) 1893 c 119 § 3; Code 1881 § 2571; RRS § 4090. (vi) 1893 c 119 § 4; Code 1881 § 2713; 1869 p 311 § 7; 1867 p 130 § 1; RRS § 4091. (vii) 1893 c 119 § 5; Code 1881 § 2714; 1869 p 311 § 8; 1867 p 131 § 2; RRS § 4092. (viii) 1893 c 119 § 7; Code 1881 § 2718; 1869 p 312 § 13; RRS § 4095. (ix) Code 1881 § 2719; RRS § 4098. (x) 1893 c 119 § 8; Code 1881 § 2720; RRS § 4099.]
- 36.22.020 Source—[Code 1881 § 2724; 1869 p 313 § 17; RRS §§ 4102, 4103.]
 The 1941 revisers split Code 1881 § 2724 into three parts and codified section in 36.16.080 (commingled with other session laws. See 36.16.080 explanatory matter.), 36.22.020, the section at hand, and 36.22.130. That part in 36.16.080 is decodified

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note.

- and returned with that part codified in 36.22.130 (herewith decodified) to this section in session law.
- 36.22.030 Source—[1893 c 119 § 6; Code 1881 § 2717; 1869 p 312 § 11; 1863 p 550 § 8; 1854 p 425 § 8; RRS § 4094.]
The 1941 revisers omitted the last proviso in the 1893 session law section which was a validating clause where oaths were administered or acknowledgments taken by a deputy in the name of his principal prior to effective date of the act; deputies had been given right to administer oaths and take acknowledgments since 1854; the 1893 section in question said they were henceforth to do this in their own name as deputy. To assure any property rights which might otherwise be affected, the proviso is restored.
- 36.22.040 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
“judicial” restored.
- 36.22.050 Source—[(i) 1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part. (ii) 1893 c 48 § 2; RRS § 4087.]
1941 RCW version unacceptable.
Session law provides that the claimants may have the warrants broken into two or more warrants in lieu of one; RCW omitted the claimant demand factor which is herewith restored.
- 36.22.060 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
- 36.22.070 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
- 36.22.080 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
- 36.22.090 Source—[1915 c 74 § 1; RRS § 4096.]
1915 c 74 § 1 reads in part as follows: “All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class shall be drawn and issued by the county auditor . . .” which was changed by the 1941 revisers to “All warrants for the payment of claims against political subdivisions within the county for which no other provision is made by law shall be drawn and issued by the county auditor . . .”. A review of the present law shows acts creating districts for certain tax purposes enacted after the 1941 revision obviously depended upon the 1941 reviser’s version of the law and thus possibly omitted specific provisions as to who was to draw warrants for claims against such districts. (See chapter 47.57, Toll facility aid districts, 1961 c 181; chapter 14.08, County airport districts, 1945 c 182 as amended by 1949 c 194; chapter 36.54, Ferry districts, 1947 c 272; chapter 36.69, Joint county jail districts, 1961 c 171, etc.). Herein the RCW version is retained and the session law language relating to specific districts is restored in addition thereto.
- 36.22.100 Source—[1909 c 170 § 1; 1886 p 161 § 1; RRS § 4097.]
- 36.22.110 Source—[Code 1881 § 2722; 1869 p 312 § 12; 1863 p 550 § 9; 1854 p 425 § 9; RRS § 4100.]
- 36.22.120 Source—[Code 1881 § 2723; 1869 p 313 § 15; 1863 p 550 § 12; 1854 p 425 § 11; RRS § 4101.]
- 36.22.130 Source—[Code 1881 § 2724, part; 1869 p 313 § 17; RRS § 4102.]
Section decodified. See 36.22.020 explanatory matter.
- 36.22.140 Source—[1909 c 76 § 12; RRS § 9962.]
- 36.22.150 Source—[Code 1881 § 2725; 1869 p 314 § 22; RRS § 4104.]

Chapter 36.23 County Clerk

Explanatory
note.

- 36.23.010 Source—[1891 c 57 § 3; RRS § 77.]
RCW section decodified as section has been restored to session law language as RCW 2.32.050. This will become a cross-reference section to 2.32.050.
- 36.23.020 Source—[1895 c 53 § 3; RRS § 72.]
- 36.23.030 Source—[(i) 1923 c 130 § 1; Code 1881 § 2179; 1863 p 417 § 6; 1854 p 366 § 6; RRS § 75. (ii) 1917 c 156 § 2; RRS § 1372. (iii) 1917 c 156 § 57; Code 1881 § 1384; 1863 p 219 § 118; 1860 p 181 § 85; RRS § 1427. (iv) 1917 c 156 § 72; Code 1881 § 1411; 1863 p 221 § 130; 1860 p 183 § 97; RRS § 1442.]
(1) "He shall also provide and keep such other books as are prescribed by law and required in the discharge of the duties of his office"; restored as subsection (12) to read "Such other books as are prescribed by law and required in the discharge of the duties of his office."
(2) Subsection 7 of 1917 c 156 § 2 lists among the books to be kept by the clerk "A record of marriages, in which certificates of all marriages solemnized in the county shall be recorded." See chapter 26.04 relating to marriages: it should be noted that before 1947, certificates of marriage were filed with the probate judge (1886 p 66 amending Code 1881); 1947 c 59 changed the law providing such certificates be filed with the county auditor; subsection 7 of 1917 c 156 § 2 has thus been superseded in this respect and is thus omitted. Note also that 1947 c 59 § 59 directed the county clerk to deliver all existing marriage records to the auditor.
- 36.23.040 Source—[Code 1881 § 2181; 1863 p 418 § 8; 1854 p 367 § 8; RRS § 76.]
- 36.23.050 Source—[Code 1881 § 2109, part; 1869 p 419 §§ 7, part, 8, part; 1863 p 424 §§ 6, part, 8, part; 1857 p 21 §§ 6, part, 8, part; RRS §§ 509, part, 4230, part.]
RCW section decodified as section has been restored to session law language as 2.40.030. This will become a cross-reference section to RCW 2.40.030.
- 36.23.060 Source—[1891 c 57 § 5; Code 1881 § 2183; 1863 p 418 § 10; 1854 p 367 § 10; RRS § 81.]
RCW section decodified. Section restored to session law language as 2.32.090. This will become a cross-reference section to RCW 2.32.090.
- 36.23.065 Source—[1957 c 201 § 1.]
- 36.23.067 Source—[1957 c 201 § 2.]
- 36.23.070 Source—[1957 c 201 § 3; 1947 c 277 § 1; Rem. Supp. 1947 § 81-1.]
- 36.23.080 Source—[1891 c 57 § 1; RRS § 73, part. Cf. Code 1881 § 2125.]

Chapter 36.24 County Coroner

- 36.24.010 Source—[1897 c 21 § 1; Code 1881 § 2776; 1863 p 559 § 2; 1854 p 436 § 2; RRS § 4180.]
Session law language restored.
- 36.24.020 Source—[1953 c 188 § 3; Code 1881 § 2777; 1863 p 560 § 3; 1854 p 436 § 3; RRS § 4181.]
- 36.24.030 Source—[Code 1881 § 2778; 1863 p 560 § 4; 1854 p 436 § 4; RRS § 4182.]
- 36.24.040 Source—[Code 1881 § 2779; 1863 p 560 § 5; 1854 p 436 § 5; RRS § 4183.]
- 36.24.050 Source—[(i) 1901 c 131 § 1, part; Code 1881 § 2780, part; 1863 p 560 § 6, part; 1854 p 436 § 6, part; RRS § 4184, part. (ii) Code 1881 § 2781; 1863 p 560 § 7; 1854 p 437 § 7; RRS § 4186.]
Third sentence restored to session law language.
- 36.24.060 Source—[(i) 1901 c 131 § 1, part; Code 1881 § 2780, part; 1863 p 560 § 6, part; 1854 p 436 § 6, part; RRS § 4184, part.]

- Explanatory note.
- 36.24.070 Source—[1953 c 188 § 4; Code 1881 § 2782; 1863 p 560 § 8; 1854 p 437 § 8; RRS § 4187.]
- 36.24.080 Source—[Code 1881 § 2783; 1863 p. 561 § 9; 1854 p 437 § 9; RRS § 4188.]
- 36.24.090 Source—[Code 1881 § 2784; 1863 p 561 § 10; 1854 p 437 § 10; RRS § 4189.]
- 36.24.100 Source—[Code 1881 § 2785; 1863 p 561 § 11; 1854 p 437 § 11; RRS § 4190.]
- 36.24.110 Source—[Code 1881 § 2786; 1863 p 561 § 12; 1854 p 437 § 12; RRS § 4191.]
- 36.24.120 Source—[Code 1881 § 2787; 1863 p 561 § 13; 1854 p 438 § 13; RRS § 4192.]
- 36.24.130 Source—[Code 1881 § 2789; 1863 p 562 § 15; 1854 p 438 § 15; RRS § 4194.]
- 36.24.140 Source—[Code 1881 § 2790; 1863 p 562 § 16; 1854 p 438 § 16; RRS § 4195.]
- 36.24.150 Source—[Code 1881 § 2791; 1863 p 562 § 17; 1854 p 438 § 17; RRS § 4196.]
- 36.24.160 Source—[(i) Code 1881 § 2793; 1863 p 562 § 19; 1854 p 438 § 19; RRS § 4198. (ii) Code 1881 § 2795; 1863 p 562 § 21; 1854 p 438 § 21; RRS § 4199.]
“with the like authority, and subject to the same obligations and penalties as the coroner” restored.
- 36.24.170 Source—[1891 c 45 § 4, part; Code 1881 § 2770, part; 1863 p 558 § 5, part; 1854 p 434 § 5, part; RRS § 4171, part.]
This section is codified twice, in 36.24.170 where reference to sheriff and deputy sheriff were deleted and in 36.28.110, where reference to coroner was deleted.
- 36.24.180 Source—[Code 1881 § 2792; 1863 p 562 § 18; 1854 p 438 § 18; RRS § 4197.]

Chapter 36.27 Prosecuting Attorney

- 36.27.005 Source—[1891 c 55 § 3; RRS § 113.]
This section was heretofore omitted from RCW.
- 36.27.010 Source—[(i) 1911 c 75 § 4; RRS § 4128.]
“voter” deleted and “elector” restored in lieu thereof.
- 36.27.020 Source—[(i) 1911 c 75 § 1; 1891 c 55 § 7; RRS § 116. (ii) 1886 p 65 § 5; 1883 p 73 § 10; Code 1881 § 2171; 1879 p 93 § 6; 1877 p 246 § 6; 1863 p 408 § 4; 1860 p 335 § 3; 1858 p 12 § 4; 1854 p 416 § 4; RRS § 4130. (iii) 1886 p 61 § 7; 1883 p 73 § 12; Code 1881 § 2168; 1879 p 94 § 8; 1877 p 247 § 8; RRS § 4131. (iv) 1886 p 61 § 8; 1883 p 74 § 13; Code 1881 § 2169; 1879 p 94 § 8; 1877 p 247 § 9; RRS § 4132. (v) 1886 p 61 § 9; 1883 p 74 § 14; Code 1881 § 2170; 1879 p 94 § 9; 1877 p 247 § 10; RRS § 4133. (vi) 1886 p 62 § 13; 1883 p 74 § 18; Code 1881 § 2165; 1879 p 95 § 13; 1877 p 248 § 14; 1863 p 409 § 5; 1860 p 334 § 4; 1858 p 12 § 5; 1854 p 417 § 5; RRS § 4134. (vii) Referendum No. 24; 1941 c 191 § 1; 1886 p 63 § 18; 1883 p 76 § 24; Code 1881 § 2146; 1879 p 96 § 18; RRS § 4136. (viii) Code 1881 § 3150; 1866 p 52 § 10; RRS § 4137. (ix) 1933 ex.s. c 62 § 81, part; RRS § 7306-81, part.]
- 36.27.030 Source—[(i) 1891 c 55 § 5; RRS § 114. (ii) 1893 c 52 § 1; 1886 p 62 § 14; 1883 p 74 § 19; Code 1881 § 2166; 1879 p 95 § 14; 1877 p 248 § 15; 1863 p 409 § 6; 1860 p 335 § 5; 1858 p 13 § 6; 1854 p 417 § 6; RRS § 4135.]
“a duly admitted and practicing attorney at law and” restored.
- 36.27.040 Source—[1959 c 30 § 1; 1943 c 35 § 1; 1903 c 7 § 1; 1891 c 55 § 6; 1886 p 63 § 17; 1883 p 76 § 23; Code 1881 § 2142; 1879 p 95 § 16; Rem. Supp. 1943 § 115.]

- 36.27.050 Source—[1888 p 189 § 1; 1886 p 62 § 12; 1883 p 74 § 17; Code 1881 § 2164; 1879 p 94 § 12; 1877 p 248 § 13; 1863 p 409 § 8; 1860 p 335 § 7; 1858 p 13 § 8; 1854 p 417 § 7; RRS § 4138.] Explanatory note.
- 36.27.060 Source—[1941 c 46 § 2; Rem. Supp. 1941 § 4139-1.]
- 36.27.070 Source—[1909 c 122 § 1; RRS § 4139.]

Chapter 36.28 County Sheriff

- 36.28.010 Source—[(i) 1891 c 45 § 1; RRS § 4157. (ii) Code 1881 § 2769; 1863 p 557 § 4; 1854 p 434 § 4; RRS § 4168.]
(1) Subsection (6) restored.
(2) Subsection (7) omitted as superseded by 36.28.011.
- 36.28.011 Source—[1955 c 10 § 1. Cf. Code 1881 § 2801, part; 1869 p 264 § 311, part; RRS § 4173, part.]
This section was enacted as a consequence of restoration of Title 3; Code 1881 § 2801 related to like duties being performed by sheriffs and constables; the section was repealed and reenacted as two separate sections by the 1955 legislature, one applicable to sheriffs (section in question) and one applicable to constables, 3.08.060. 36.28.011 was enacted to alleviate any doubt as to the legal effect of 36.28.010(6) on the matter in question. Since we are, in reenacting 36.28.010, deleting subsection (6), 36.28.011 is herein reenacted.
- 36.28.020 Source—[1961 c 35 § 2. Prior: (i) Code 1881 § 2767, part; 1871 p 110 § 1, part; 1863 p 557 § 2, part; 1854 p 434 § 2, part; RRS § 4160, part. (ii) 1886 p 174 § 1; Code 1881 § 2768; 1863 p 557 § 3; 1854 p 434 § 3; RRS § 4167.]
- 36.28.030 Source—[1943 c 139 § 2; Rem. Supp. 1943 § 4155-1.]
- 36.28.040 Source—[1941 c 237 § 1, part; 1935 c 33 § 1, part; Code 1881 § 2772, part; 1863 p 558 § 7, part; 1854 p 434 § 7, part; Rem. Supp. 1941 § 4172, part.]
“neglecting or refusing” restored in lieu of “failing”.
- 36.28.050 Source—[1941 c 237 § 1, part; 1935 c 33 § 1, part; Code 1881 § 2772, part; 1863 p 558 § 7, part; 1854 p 434 § 7, part; Rem. Supp. 1941 § 4172, part.]
- 36.28.060 Source—[(i) 1909 c 105 § 1; RRS § 4161. (ii) 1909 c 105 § 2; RRS § 4162.]
- 36.28.070 Source—[1909 c 105 § 3; RRS § 4163.]
- 36.28.080 Source—[(i) 1909 c 105 § 4; RRS § 464. (ii) 1909 c 105 § 5; RRS § 4165.]
- 36.28.090 Source—[Code 1881 § 745; 1869 p 172 § 687; RRS § 4170.]
- 36.28.100 Source—[1909 c 249 § 27; RRS § 2279.]
- 36.28.110 Source—[1891 c 45 § 4, part; Code 1881 § 2770, part; 1863 p 558 § 5, part; 1854 p 434 § 5, part; RRS § 4171.]
- 36.28.120 Source—[1895 c 17 § 1; RRS § 4174.]
“constables” restored.
- 36.28.130 Source—[1895 c 17 § 2; RRS § 4175.]
“constables” restored.
- 36.28.140 Source—[1909 c 105 § 6; RRS § 4166.]
- 36.28.150 Source—[Code 1881 § 2771; 1863 p 558 § 6; 1854 p 434 § 6; RRS § 4169.]
- 36.28.160 Source—[1891 c 45 § 2; RRS § 4158. SLC-RO-14.]
- 36.28.170 Cross-reference section to chapter 41.14.

Chapter 36.29 County Treasurer

- 36.29.010 Source—[(i) 1893 c 104 § 1; Code 1881 § 2740; 1863 p 553 § 3; 1854 p 427 § 3; RRS § 4109. (ii) Code 1881 § 2743; 1863 p 553 § 6; 1854 p 427 § 6; RRS § 4111. (iii) 1895 c 73 § 4; Code 1881 § 2744; 1863 p 553 § 7; 1854 p 427 § 7; RRS § 4113. (iv) Code 1881 § 2745; 1863 p 553 § 8; RRS § 4114. (v) 1893 c 104 § 3; Code 1881 § 2748; 1863 p 554 § 11; 1854 p 428 § 11; RRS § 4120.]

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note.

- (vi) Code 1881 § 2750; 1863 p 554 § 13; 1854 p 428 § 13; RRS § 4121. (vii) 1895 c 73 § 3; RRS § 4122.]
Code 1881 § 2750 reads in part "treasurer shall make complete settlement with the board of county commissioners, as required by law and shall, at the expiration of his term of office, deliver . . .". This restored in subd. (10) in lieu of "shall make a complete settlement with the board of county commissioners at the expiration of his term of office and deliver . . .".
- 36.29.020 Source—[1961 c 254 § 1; 1895 c 73 § 1; RRS § 4112.]
36.29.025 Source—[1903 c 15 § 1; RRS § 4125.]
36.29.030 Source—[1893 c 104 § 2; 1886 p 162 § 1; Code 1881 § 2747; 1863 p 554 § 10; 1854 p 428 § 10; RRS § 4115.]
Session law section restored.
- 36.29.040 Source—[1893 c 48 § 1, part; RRS § 4116, part.]
This section restored with "and taxing district warrants when not otherwise provided by law" added as similar language is presently contained in the 1941 Code Committee's version of this section and RCW 36.29.040, and similar provisions have been omitted from recent taxing district enactments in apparent reliance upon RCW 36.29.030 and 36.29.040 to cover this point.
- 36.29.050 Source—[Code 1881 § 2746; 1863 p 554 § 9; 1854 p 427 § 9; RRS § 4117.]
36.29.060 Source—[1895 c 152 § 1, part; RRS § 4118, part.]
36.29.070 Source—[1895 c 152 § 2, part; RRS § 4119, part.]
"shall be deemed guilty of a misdemeanor and" restored.
- 36.29.080 Source—[1893 c 104 § 4; 1886 p 52 § 21; Code 1881 § 2947; RRS § 4123.]
36.29.090 Source—[1895 c 73 § 2; Code 1881 § 2749; 1863 p 554 § 12; 1854 p 428 § 12; RRS § 4124.]
36.29.100 Source—[1895 c 160 § 1; 1893 c 71 § 4; RRS § 11321.]
36.29.110 Source—[1905 c 157 § 1; 1895 c 160 § 2; 1893 c 71 § 5; RRS § 11322.]
36.29.120 Source—[1893 c 72 § 3; RRS § 11330.]
36.29.130 Source—[1893 c 72 § 7; RRS § 11334.]
36.29.140 Source—[1893 c 72 § 8; RRS § 11335.]
36.29.150 Source—[1895 c 160 § 4; 1893 c 71 § 10; RRS § 11327.]
36.29.160 Source—[1959 c 142 § 2; 1953 c 210 § 1.]
36.29.170 Source—[Code 1881 § 2742; 1863 p 553 § 5; 1854 p 427 § 5; RRS § 4110.]
36.29.180 Source—[1961 c 270 § 1.]

Chapter 36.32 County Commissioners

- 36.32.010 Source—[Code 1881 § 2663; 1869 p 303 § 1; 1867 p 52 § 1; 1863 p 540 § 1; 1854 p 420 § 1; RRS § 4036.]
36.32.020 Source—[1893 c 39 § 2; 1890 p 317 §§ 1, 2; RRS § 4037.]
36.32.030 Source—[1951 c 89 § 1. Formerly: (i) 1891 c 97 §§ 1, 2; RRS § 4038. (ii) 1891 c 67 § 3; RRS § 4039. (iii) 1891 c 89 § 4; RRS § 4040. (iv) 1891 c 67 § 5; RRS § 4041.]
36.32.040 Source—[1909 c 232 § 1; RRS § 4043.]
36.32.050 Source—[1895 c 110 § 1; 1893 c 39 § 1; 1891 c 67 § 6; 1890 p 317 § 3; RRS § 4042.]
36.32.060 Source—[1955 c 157 § 10. Prior: 1921 c 132 § 1, part; 1893 c 75 § 1, part; RRS § 4046, part.]
36.32.070 Source—[1933 c 100 § 1; RRS § 4038-1.]
While portions of this section have been held to be unconstitutional, see *State ex rel. Carroll v. Munro*, 52 Wn. (2d), it is hereby reenacted as any proposed substantive change would be beyond the scope of this bill.
36.32.080 Source—[1893 c 105 § 1; Code 1881 § 2667; 1869 p 303 § 5;

- 1867 p 53 § 5; 1863 p 541 § 5; 1854 p 420 § 5; RRS § 4047. Cf. Explanatory
1893 c 75 § 1; RRS § 4048.] note.
- 36.32.090 Source—[Code 1881 § 2669; 1869 p 304 § 7; 1867 p 53 § 7; 1863
p 541 § 7; 1854 p 420 § 7; RRS § 4049. Cf. 1893 c 75 § 2; RRS
§ 4050.]
- 36.32.100 Source—[Code 1881 § 2676; 1869 p 305 § 14; 1867 p 55 § 14; 1863
p 542 § 14; 1854 p 421 § 14; RRS § 4051.]
“at their first session after the general election” restored.
- 36.32.110 Source—[Code 1881 § 2668; 1869 p 304 § 6; 1867 p 53 § 6; 1863
p 541 § 6; 1854 p 420 § 6; RRS § 4052.]
- 36.32.120 Source—[1961 c 27 § 2. Prior: (i) 1947 c 61 § 1; 1943 c 99
§ 1; Code 1881 § 2673; 1869 p 305 § 11; 1867 p 54 § 11; 1863 p
542 § 11; 1854 p 421 § 11; Rem. Supp. 1947 § 4056. (ii) Code 1881
§ 2681; 1869 p 307 § 20; 1867 p 56 § 20; 1863 p 543 § 20; 1854
p 422 § 20; RRS § 4061. (iii) Code 1881 § 2687; 1869 p 308 § 26;
1867 p 57 § 26; 1863 p 545 § 28; 1854 p 423 § 22; RRS § 4071.]
- 36.32.130 Source—[Code 1881 § 2671; 1869 p 304 § 9; 1867 p 53 § 9;
1863 p 541 § 9; 1854 p 421 § 9; RRS § 4055.]
- 36.32.135 Source—[Code 1881 § 2672; 1854 p 421 § 10; RRS § 4069.]
Presently codified in RCW 36.16.080.
- 36.32.140 Source—[Code 1881 § 2675; 1869 p 305 § 13; 1867 p 54 § 13; 1863
p 542 § 13; 1854 p 421 § 13; RRS § 4072.]
- 36.32.150 Source—[1893 c 14 § 1; RRS § 4065.]
“order the transcribing thereof by the county auditor” re-
stored to “and when in the judgment of the county commis-
sioners it may become necessary to, order the transcribing
of said records”.
- 36.32.155 Source—[1893 c 14 § 4; RRS § 4068.]
- 36.32.160 Source—[1893 c 14 § 2; RRS § 4066.]
“under whose direction said transcribing was done” restored.
- 36.32.170 Source—[1893 c 14 § 3; RRS § 4067.]
- 36.32.180 Source—[1893 c 105 § 2; Code 1881 § 2678; 1869 p 306 § 16;
1867 p 55 § 16; 1863 p 543 § 16; 1854 p 422 § 16; RRS § 4070.]
- 36.32.200 Source—[1905 c 25 § 1; RRS § 4075.]
(1) “in writing” deleted.
(2) “in writing endorsed thereon” restored.
- 36.32.210 Source—[(i) 1931 c 95 § 1; RRS § 4056-1. (ii) 1931 c 95 § 2;
RRS § 4056-2. (iii) 1931 c 95 § 3; RRS § 4056-3.]
RCW treatment of RRS 4056-1 through 4056-6 [1931 c 95 §§ 1-6]
combined and codified in 36.32.210 through 36.32.230 necessi-
tate a return to session law language and are herein restored
as follows:
1931 c 95 § 1 RRS § 4056-1 as 36.32.210*
1931 c 95 § 2 RRS § 4056-2 as 36.32.213
1931 c 95 § 3 RRS § 4056-3 as 36.32.215
1931 c 95 § 4 RRS § 4056-4 as 36.32.220*
1931 c 95 § 5 RRS § 4056-5 as 36.32.225
1931 c 95 § 6 RRS § 4056-6 as 36.32.230*
*Present location.
- 36.32.220 Source—[1931 c 95 § 4; RRS § 4056-4.]
See note to 36.32.210 above.
- 36.32.230 Source—[(i) 1931 c 95 § 5; RRS § 4056-5. (ii) 1931 c 95 § 6;
RRS § 4056-6.]
See note to 36.32.210 above.
- 36.32.240 Source—[1961 c 169 § 1; 1949 c 33 § 1; 1945 c 61 § 1; Rem
Supp. 1949 § 10322-15.]
- 36.32.250 Source—[1945 c 61 § 2; Rem. Supp. 1945 § 10322-16.]
“in lieu of publication” deleted as not in session law.
- 36.32.260 Source—[1961 c 169 § 2; 1945 c 61 § 6; Rem. Supp. 1945 § 10322-
17.]
- 36.32.270 Source—[1961 c 169 § 3; 1945 c 61 § 4; Rem. Supp. 1945 § 10322-
18.]

- Explanatory note.
- 36.32.280 Source—[1921 c 30 § 1; RRS § 4057-1.]
“public or private” restored.
- 36.32.290 Source—[1921 c 30 § 2; RRS § 4057-2.]
Session law language restored.
- 36.32.300 Source—[1921 c 30 § 3; RRS § 4057-3.]
- 36.32.310 Source—[1921 c 100 § 1; 1911 c 66 § 1; RRS § 4053.]
(1) “by the superior judge of such county or any superior judge holding court in such county” restored in lieu of “approved by a judge of the superior court”.
(2) “If the judge so approve it or any part thereof the same shall be certified by the clerk under the seal of his office and be returned to the county auditor who shall draw a warrant therefor” restored.
- 36.32.320 Source—[1950 ex.s. c 9 § 1; 1927 c 274 § 1; RRS § 4053-1.]
- 36.32.330 Source—[1957 c 224 § 5; 1893 c 121 § 1; Code 1881 § 2695; 1869 p 308 § 29; 1867 p 57 § 29; 1863 p 545 § 30; 1854 p 423 § 24; RRS § 4076. Cf. 1879 p 143 §§ 1, 2.]
- 36.32.335 Source—[1939 c 188 § 1; RRS § 4077-2.]
Section previously footnoted to RCW 36.32.340.
- 36.32.340 Source—[1939 c 188 § 2; RRS § 4077-3.]
- 36.32.350 Source—[1947 c 49 § 1; 1939 c 188 § 3; Rem. Supp. 1947 § 4077-4.]
(1) “this act” translated to “this chapter” by the 1941 revisers, is herein translated to specific RCW sections.
(2) “County current expense funds in the county commissioner’s budget for the costs of any such services rendered” restored in lieu of “county funds”.
(3) “other current expense funds” restored in lieu of “other funds”.
- 36.32.360 Source—[1939 c 188 § 4; RRS § 4077-5.]
Session law language restored.
- 36.32.370 Source—[(i) 1895 c 77 § 3; RRS § 4144. (ii) 1895 c 77 § 4; RRS § 4145.]
This section and 36.32.380 were derived from a part of the law providing elective county engineers. By 1937 c 187 the office of county engineer was abolished and his duties were transferred to the county commissioners. Subsequently the commissioners were authorized to appoint a county road engineer with powers and duties as set forth in chapter 36.80. The 1941 Code Committee extensively rewrote these sections, retaining such portions thereof as appear to be still effective. On the basis of apparent acceptance of these provisions by the bench and bar since publication thereof in 1951, they are hereby retained with the phrase “except as otherwise provided in this title” added to reconcile them with any contrary provisions which may exist relative to the current appointive office of county road engineer.
- 36.32.380 Source—[1895 c 77 § 5; RRS § 4150.]
See notes to 36.32.370.
- 36.32.390 Source—[1951 c 187 § 1.]
- 36.32.400 Source—[1957 c 106 § 1; 1955 c 51 § 1.]

Chapter 36.33 County Funds

- 36.33.010 Source—[1945 c 85 § 1; Rem. Supp. 1945 § 5634-1.]
- 36.33.020 Source—[1961 c 172 § 1; 1945 c 51 § 1; Rem. Supp. 1945 § 5634-10.]
- 36.33.030 Source—[1961 c 172 § 2; 1945 c 51 § 2; Rem. Supp. 1945 § 5634-11.]
- 36.33.040 Source—[1945 c 51 § 3; Rem. Supp. 1945 § 5634-12.]
- 36.33.060 Source—[1961 c 273 § 1. Prior: (i) 1935 c 94 § 1; 1933 ex.s. c 14 § 1; RRS § 4201-1. (ii) 1933 ex.s. c 14 § 2; RRS § 4201-2. (iii) 1933 ex.s. c 14 § 3; RRS § 4201-3.]
- 36.33.070 Source—[1943 c 61 § 1; Rem. Supp. 1943 § 5545-10.]

- 36.33.080 Source—[1943 c 61 § 2; Rem. Supp. 1943 § 5545-11.] “Upon receipt of any such warrant” restored in lieu of “Upon purchase of any warrant”. Explanatory note.
- 36.33.090 Source—[1943 c 61 § 3; Rem. Supp. 1943 § 5545-12.]
- 36.33.100 Source—[1943 c 61 § 4; Rem. Supp. 1943 § 5545-13.]
- 36.33.110 Source—[(i) 1907 c 185 § 1; RRS § 11021. (ii) 1949 c 131 § 1; 1907 c 185 § 2; Rem. Supp. 1949 § 4057.]
 (1) In paragraph 1 of the RCW section “Title 16, section 500, United States Code Annotated” has been substituted by the 1941 Code Committee for “an act of Congress, approved February 1, 1905” appearing in the session law. The reference to the act of Congress of February 1, 1905 is traceable to Title 16 § 500, see in this regard *King County v Seattle School Dist. # 1*, 44 S. Ct. 127, 263 U. S. 361, 68 L. Ed. 339; also *Everett School Dist. No. 24 v Pearson* 261 F. 631; and history note appended to Title 16 and 500 U. S. C.
 (2) “is authorized and required” restored in lieu of “may”.
- 36.33.120 Source—[1929 c 193 § 1; RRS § 4027-1.]
- 36.33.130 Source—[1929 c 193 § 2; RRS § 4027-2.]
- 36.33.140 Source—[1929 c 193 § 3; RRS § 4027-3.]
- 36.33.150 Source—[1929 c 193 § 4; RRS § 4027-4.]
- 36.33.160 Source—[1929 c 193 § 5; RRS § 4027-5.]
 “and an estimate of any maintenance or other assessments to be made against same, to fall due in the ensuing year” restored in lieu of “and an estimate of any maintenance or other assessments to be made against the same”.
- 36.33.170 Source—[1929 c 193 § 6; RRS § 4027-6.]
- 36.33.180 Source—[1951 c 161 § 1; 1937 c 209 § 1; RRS § 5646-11.]
- 36.33.190 Source—[1937 c 209 § 2; RRS § 5646-12.]
- 36.33.200 Source—[1955 c 48 § 1.]
- 36.33.210 Source—[1955 c 48 § 2.]

Chapter 36.34 County Property

- 36.34.010 Source—[1945 c 172 § 3; 1943 c 19 § 1; 1891 c 76 § 1; Rem. Supp. 1945 § 4007.]
 (1) “including tax title land” restored.
 While sales of tax title property are provided for in the property tax code, RCW 84.64.270, the above phrase was continued in the latest session law source of the instant section (1945 c 172 § 3).
 The instant section has been held to apply to sales of property held by a county in its proprietary capacity, see *State Ex Rel Lockwood v Glover*, 20 W 2d 124, (1944) wherein the instant section which had been amended by chapter 19, Laws of 1943 to authorize the sale or reservation of minerals, timber, and other resources apart from the land was held reconcilable with the precursor of RCW 84.64.270 on the basis that while said section governed the sale of tax title land as such, the instant section would govern separate sales or reservations of timber, minerals and other resources, apart from the land, on tax title land held by the county in its governmental capacity. Subsequently at the next session of the legislature a three section bill, 1945 c 172 was enacted. Sections 1 and 2 of said act amended the precursors of RCW 84.64.270 and 84.64.280 to include language similar to the instant section relative to reservations and sales of resources apart from the land and also amended the instant section in minor particulars to include gravel and timber among the resources reserved in the recital of the statutory form of deed (in conformity with the language added by said act in the precursor of RCW 84.64.270 and 84.64.280) but at the

Explanatory
note.

- same time, the legislature having both statutes before it, did not delete from the instant section the phrase "including tax title lands" and it is herein restored.
- (2) In the proviso following the first sentence of the last paragraph of the RCW section "refuses or neglects to settle damages" restored in lieu of "refuses to settle damages".
- 36.34.020 Source—[1945 c 254 § 1; Rem. Supp. 1945 § 4014-1. Prior: 1891 c 76 § 2, part; RRS § 4008, part.]
- 36.34.030 Source—[1945 c 254 § 2; Rem. Supp. 1945 § 4014-2. Prior: 1891 c 76 § 2, part; RRS § 4008, part.]
- 36.34.040 Source—[1945 c 254 § 3; Rem. Supp. 1945 § 4014-3. Prior: 1891 c 76 § 2, part; RRS § 4008, part.]
- 36.34.050 Source—[1945 c 254 § 4; Rem. Supp. 1945 § 4014-4. Prior: 1891 c 76 § 3; RRS § 4009.]
- 36.34.060 Source—[1945 c 254 § 5; Rem. Supp. 1945 § 4014-5. Prior: 1915 c 8 § 1, part; 1891 c 76 § 5, part; RRS § 4011, part.]
- 36.34.070 Source—[1945 c 254 § 6; Rem. Supp. 1945 § 4014-6.]
- 36.34.080 Source—[1945 c 254 § 7; Rem. Supp. 1945 § 4014-7. Prior: 1891 c 76 § 4, part; RRS § 4010, part.]
- 36.34.090 Source—[1945 c 254 § 8; Rem. Supp. 1945 § 4014-8. Prior: 1891 c 76 § 4, part; RRS § 4010, part.]
- 36.34.100 Source—[1945 c 254 § 9; Rem. Supp. 1945 § 4014-9. Prior: 1891 c 76 § 4, part; RRS § 4010, part.]
- 36.34.110 Source—[1945 c 254 § 10; Rem. Supp. 1945 § 4014-10. Prior: (i) 1915 c 8 § 1, part; 1891 c 76 § 5, part; RRS § 4011, part. (ii) 1891 c 76 § 6, part; RRS § 4013, part.]
- 36.34.120 Source—[1945 c 254 § 11; Rem. Supp. 1945 § 4014-11.]
- 36.34.130 Source—[1945 c 254 § 12; Rem. Supp. 1945 § 4014-12.]
- 36.34.140 Source—[1951 2nd ex.s. c 14 § 1. Formerly: (i) 1901 c 87 § 1; RRS § 4019. (ii) 1901 c 87 § 6, part; RRS § 4024, part.]
- 36.34.145 Source—[1957 c 134 § 1.]
- 36.34.150 Source—[1901 c 87 § 2; RRS § 4020.]
- 36.34.160 Source—[1901 c 87 § 3; RRS § 4021.]
- 36.34.170 Source—[1901 c 87 § 5; RRS § 4023.]
- (1) "or at any adjourned meeting thereof" restored.
- (2) "the same" restored in lieu of "the application for a lease".
- 36.34.180 Source—[1951 c 41 § 1; 1941 c 110 § 2; 1913 c 162 § 1; 1903 c 57 § 1; 1901 c 87 § 4; RRS § 4022.]
- 36.34.190 Source—[1901 c 87 § 6, part; RRS § 4024, part.]
- 36.34.200 Source—[1901 c 87 § 7; RRS § 4025.]
- 36.34.210 Source—[1931 c 69 § 1; RRS § 4015-1.]
- 36.34.220 Source—[1945 c 94 § 1; 1941 c 142 § 1; 1937 c 46 § 1; Rem. Supp. 1945 § 4015-6.]
- (1) "by majority vote" restored.
- (2) "under authority of 1937 c 46 § 1 and the amendments thereto" added to reflect "under this section" which appears in the session law.
- 36.34.230 Source—[1937 c 46 § 2; RRS § 4015-7.]
- 36.34.240 Source—[1937 c 46 § 3; RRS § 4015-8.]
- 36.34.250 Source—[1941 c 227 § 1; Rem. Supp. 1941 § 4026-1a.]
Session law restored.
- 36.34.260 Source—[1941 c 227 § 2; Rem. Supp. 1941 § 4026-1b.]
Session law restored.
- 36.34.270 Source—[1941 c 227 § 3; Rem. Supp. 1941 § 4026-1c.]
Session law restored.
- 36.34.280 Source—[1917 c 69 § 1; RRS § 4015.]
- 36.34.290 Source—[1903 c 89 § 1; RRS § 4026.]
- 36.34.300 Source—[1903 c 89 § 2; RRS § 4027.]
- ". . . and from and after the entry of such order of dedication and the recording thereof as herein provided, such land shall be thereby dedicated to the public use" restored.

- 36.34.310 Source—[1949 c 85 § 1; Rem. Supp. 1949 § 4019-1.] Explanatory
 “proviso” restored in lieu of “section”. note.
 36.34.320 Cross-reference section which will be retained upon publi-
 cation of this reenactment.

Chapter 36.37 Agricultural Fairs and Poultry Shows

- 36.37.010 Source—[1947 c 184 § 1; 1917 c 32 § 1; Rem Supp. 1947 § 2750.]
 36.37.020 Source—[1947 c 184 § 2; 1917 c 32 § 2; Rem. Supp. 1947 § 2751.]
 36.37.040 Source—[1957 c 124 § 1; 1955 c 297 § 1; Formerly: (i) 1947
 c 184 § 3; 1943 c 101 § 1; 1923 c 83 § 2; Rem. Supp. 1947 § 2753½.
 (ii) 1923 c 83 § 1; 1917 c 32 § 4; RRS § 2753.]
 36.37.050 Source—[1947 c 184 § 4; Rem. Supp. 1947 § 2753a.]
 36.37.090 Source—[1929 c 109 § 1; RRS § 2755-1.]
 36.37.100 Source—[1929 c 109 § 2; RRS § 2755-2.]
 36.37.110 Source—[1929 c 109 § 3; RRS § 2755-3.]

Chapter 36.38 Admissions Tax

- 36.38.010 Source—[1957 c 126 § 2; 1951 c 34 § 1; 1943 c 269 § 1; Rem.
 Supp. 1943 § 11241-10.]
 36.38.020 Source—[1943 c 269 § 3; Rem. Supp. 1943 § 11241-12.]
 The 1941 revisers deleted subdivision (m) of the session law
 in its entirety which permitted application of general ad-
 ministrative provisions applicable to state excise taxes [ch.
 82.32] to admissions tax in question; it is here restored as
 subsection (13) with “title XVIII, chapter 180, Laws of 1935,
 and the amendments thereto” translated to “RCW 82.32.010
 through 82.32.340 and 82.32.380, and the amendments thereto”.
 36.38.030 Source—[1943 c 269 § 2; Rem. Supp. 1943 § 11241-11.]

Chapter 36.39 Assistance and Relief

- 36.39.010 Cross-reference section to Title 74 will be retained upon
 publication after reenactment.
 36.39.030 Source—[1953 c 224 § 1; 1951 c 258 § 1.]
 36.39.040 Source—[1957 c 187 § 5.]
 36.39.050 Cross-reference section to 74.04.340 through 74.04.360 will be
 retained upon publication after reenactment.

Chapter 36.40 Budget

- 36.40.010 Source—[1923 c 164 § 1, part; RRS § 3997-1, part.]
 36.40.020 Source—[1923 c 164 § 1, part; RRS § 3997-1, part.]
 36.40.030 Source—[1923 c 164 § 1, part; RRS § 3997-1, part.]
 (1) “this chapter” to “RCW 36.40.010 and 36.40.020”.
 (2) “time provided” to “time and manner provided”.
 (3) “on the forms specified” to “form”.
 (4) “failing” to “failing or refusing”.
 36.40.040 Source—[(i) 1923 c 164 § 2; RRS § 3997-2. (ii) 1925 ex.s. c 143
 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
 36.40.050 Source—[1923 c 164 § 3, part; RRS § 3997-3, part.]
 36.40.060 Source—[1923 c 164 § 3, part; RRS § 3997-3, part.]
 36.40.070 Source—[1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164
 § 4, part; Rem. Supp. 1943 § 3997-4, part.]
 36.40.080 Source—[1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164
 § 4, part; Rem. Supp. 1943 § 3997-4, part.]
 36.40.090 Source—[1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164
 § 4, part; Rem. Supp. 1943 § 3997-4, part.]
 36.40.100 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301
 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
 (1) “section 2 hereof” as appears in session law language has
 been omitted in one instance in the RCW section and changed
 to “this chapter” in another place; section 2 is codified in
 whole in RCW 36.40.040 and translation is herein made ac-
 cordingly.

Explanatory
note.

- (2) The classes enumerated herein offer from the classes enumerated in 36.82.160, a later act, but revision hereof to bring them into conformity appears to be beyond the province of this bill.
- 36.40.110 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
“In addition to the above limitations” to “In addition to the limitations set forth in RCW 36.40.100”.
- 36.40.120 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
- 36.40.130 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
“as herein provided” and “provisions hereof” changed to specific RCW translation.
- 36.40.140 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.150 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.160 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.170 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
“within the meaning and purpose of this chapter” restored.
- 36.40.180 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.190 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.200 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.210 Source—[1923 c 164 § 7; RRS § 3997-7.]
- 36.40.220 Source—[1923 c 164 § 8; RRS § 3997-8.]
“of this chapter” restored in lieu of “in respect to county budgets”.
- 36.40.230 Source—[1923 c 164 § 9; RRS § 3997-9.]
- 36.40.240 Source—[1923 c 164 § 10; RRS § 3997-10.]

Chapter 36.43 Building Codes and Fire Regulations

- 36.43.010 Source—[1943 c 204 § 1; Rem. Supp. 1943 § 4077-10.]
- 36.43.020 Source—[1943 c 204 § 2; Rem. Supp. 1943 § 4077-11.]
- 36.43.030 Source—[1943 c 204 § 3; Rem. Supp. 1943 § 4077-12.]
- 36.43.040 Source—[1943 c 204 § 4; Rem. Supp. 1943 § 4077-13.]

Chapter 36.45 Claims Against Counties

- 36.45.010 Source—[1957 c 224 § 7. Prior: 1919 c 149 § 1, part; RRS § 4077, part.]
- 36.45.020 Source—[1957 c 224 § 8. Prior: 1919 c 149 § 1, part; RRS § 4077, part.]
- 36.45.030 Source—[1957 c 224 § 9. Prior: 1919 c 149 § 1, part; RRS § 4077, part.]
- 36.45.040 Source—[1927 c 220 § 1; RRS § 4077-1.]

Chapter 36.47 Coordination of Administrative Programs

- 36.47.010 Source—[1959 c 130 § 1.]
- 36.47.020 Source—[1959 c 130 § 2.]
- 36.47.030 Source—[1959 c 130 § 3.]
- 36.47.040 Source—[1959 c 130 § 4.]
- 36.47.050 Source—[1959 c 130 § 5.]
- 36.47.060 Source—[1959 c 130 § 6.]

Chapter 36.48 Depositaries

- 36.48.010 Source—[1907 c 51 § 1; RRS § 5562.]

- 36.48.020 Source—[1945 c 73 § 1; 1933 ex.s. c 45 § 3; 1931 c 87 § 3; 1909 c 15 § 1; 1907 c 51 § 2; Rem. Supp. 1945 § 5563.] Explanatory note.
- 36.48.030 Source—[1933 ex.s. c 45 § 1; 1907 c 51 § 3; RRS § 5564.]
- 36.48.040 Source—[1907 c 51 § 4; RRS § 5565.]
“as herein provided” restored and translated “of RCW 36.48.010 through 36.48.030”.
- 36.48.050 Source—[1907 c 51 § 5; RRS § 5566.]
“this chapter” to “RCW 36.48.010 through 36.48.060”.
- 36.48.060 Source—[1907 c 51 § 6; RRS § 5567.]
“this chapter” to “RCW 36.48.010 through 36.48.050”.
- 36.48.070 Source—[1933 ex.s. c 45 § 2; RRS § 5567-1.]
The last sentence of the session law reading “The committee shall make appropriate rules and regulations for the carrying out of the provisions of this act, not inconsistent with law” restored with appropriate translation of “this act”.
- 36.48.080 Source—[1933 ex.s. c 40 § 1; RRS § 5561-1.]
“clerk of the superior court of their respective counties” restored in lieu of “such clerks”.
- 36.48.090 Source—[1933 ex.s. c 40 § 2; RRS § 5561-2.]
- 36.48.100 Source—[1933 ex.s. c 40 § 3; RRS § 5561-3.]
Session law section restored.
- 36.48.110 Source—[1945 c 70 § 1, part; 1941 c 18 § 1, part; 1929 c 186 § 1, part; Rem. Supp. 1945 § 5574-1, part.]
“this chapter” to “RCW 36.48.110 through 36.48.150”.
- 36.48.120 Source—[1929 c 186 § 2, part; RRS § 5574-2, part.]
The last sentence of the session law reads:
“Such receipt shall be accepted by all public officers of the state or of any city, county, town or municipality thereof as prima facie evidence of the facts therein stated” restored.
- 36.48.130 Source—[1929 c 186 § 3, part; RRS § 5574-3, part.]
- 36.48.140 Source—[1929 c 186 § 4, part; RRS § 5574-4, part.]
- 36.48.150 Source—[1929 c 186 § 5, part; RRS § 5574-5, part.]

Chapter 36.49 Dog License Tax

- 36.49.010 Source—[1935 c 95 § 1; 1929 c 198 § 1; RRS § 8304-1. Prior: 1919 c 6 § 1.]
- 36.49.020 Source—[1929 c 198 § 2; RRS § 8304-2. Prior: 1919 c 6 § 2, part.]
- 36.49.030 Source—[1929 c 198 § 3, part; RRS § 8304-3, part.]
- 36.49.040 Source—[1929 c 198 § 3, part; RRS § 8304-3, part.]
- 36.49.050 Source—[1929 c 198 § 4; RRS § 8304-4. Prior: 1919 c 6 § 2, part.]
- 36.49.060 Source—[1929 c 198 § 8; RRS § 8304-5.]
- 36.49.070 Source—[1929 c 198 § 9; RRS § 8304-6.]
- 36.49.080 Source—[1929 c 198 § 10; RRS § 8304-7.]
“as provided by RCW 16.08.010” added.

Chapter 36.50 Farm and Home Extension Work

- 36.50.010 Source—[1949 c 181 § 1; Rem. Supp. 1949 § 4589-1.]
“State College of Washington” to “Washington State University”.

Chapter 36.53 Ferries—Privately Owned

- 36.53.010 Source—[Code 1881 § 3002; 1879 p 61 § 38; 1869 p 280 § 40; 1863 p 521 § 1; 1854 p 354 § 1; RRS § 5462.]
- 36.53.020 Source—[Code 1881 § 3003; 1879 p 61 § 39; 1869 p 280 § 41; 1863 p 522 § 2; 1854 p 354 § 2; RRS § 5463.]
“tax” restored in lieu of “fee”.
- 36.53.030 Source—[Code 1881 § 3004; 1879 p 61 § 40; 1869 p 280 § 42; 1863 p 522 § 3; 1854 p 354 § 3; RRS § 5464.]
Last sentence substantially restored.
- 36.53.040 Source—[Code 1881 § 3005; 1879 p 61 § 41; 1869 p 281 § 43; 1863 p 522 § 4; 1854 p 354 § 4; RRS § 5465.]

- Explanatory note.
- 36.53.050 Source—[Code 1881 § 3006; 1879 p 62 § 42; 1869 p 281 § 44; 1863 p 522 § 5; 1854 p 354 § 5; RRS § 5466.]
- 36.53.060 Source—[Code 1881 § 3007; 1879 p 62 § 43; 1869 p 281 § 45; 1863 p 522 § 6; 1854 p 354 § 6; RRS § 5467.]
- 36.53.070 Source—[Code 1881 § 3008; 1879 p 62 § 44; 1869 p 281 § 46; 1863 p 523 § 7; 1854 p 355 § 7; RRS § 5468.]
In first paragraph “except in cases of imminent danger” restored.
- 36.53.080 Source—[Code 1881 § 3009; 1879 p 63 § 45; 1869 p 282 § 47; 1863 p 523 § 8; 1854 p 355 § 8; RRS § 5469.]
- 36.53.090 Source—[Code 1881 § 3010; 1879 p 63 § 46; 1869 p 282 § 48; RRS § 5470.]
- 36.53.100 Source—[Code 1881 § 3011; 1879 p 63 § 47; 1869 p 283 § 49; 1863 p 523 § 9; 1854 p 355 § 9; RRS § 5471.]
- 36.53.110 Source—[Code 1881 § 3012; 1879 p 63 § 48; 1869 p 283 § 50; 1863 p 524 § 10; 1854 p 356 § 10; RRS § 5472.]
- 36.53.120 Source—[Code 1881 § 3013; 1879 p 63 § 49; 1869 p 283 § 51; 1863 p 524 § 11; 1854 p 356 § 11; RRS § 3013.]
(1) “under this chapter” restored with specific translation.
(2) “arising by law” restored.
- 36.53.130 Source—[Code 1881 § 3014; 1879 p 64 § 50; 1869 p 283 § 52; 1863 p 524 § 12; 1854 p 356 § 12; RRS § 5474.]
Session law substantially restored.
- 36.53.140 Source—[Code 1881 § 3015; 1879 p 64 § 51; 1869 p 284 § 53; 1863 p 525 § 13; 1854 p 356 § 13; RRS § 5475.]
- 36.53.150 Source—[1921 c 165 § 1; 1915 c 26 § 1; RRS § 5478.]
“person, firm or corporation” restored in lieu of “person”.

Chapter 36.54 Ferries—County Owned—Ferry Districts

- 36.54.010 Source—[1919 c 115 § 1; 1899 c 29 § 1; 1895 c 130 § 2; RRS § 5477.]
“any unfordable stream, lake, estuary or bay” restored in lieu of “any unfordable stream or body of water”.
- 36.54.020 Source—[1937 c 187 § 31; RRS § 6450-31.]
“under the provisions of the laws of this state relating thereto” restored in lieu of “under the provisions of law relating thereto”.
- 36.54.030 Source—[1917 c 158 § 1; RRS § 5479.]
- 36.54.040 Source—[1917 c 158 § 2; RRS § 5480.]
- 36.54.050 Source—[1917 c 158 § 3; RRS § 5481.]
“The acts of the joint commission within the scope of its authority shall be binding . . .” restored to “The joint commission shall be authorized to transact all business necessary in carrying out the purposes of this act and their said acts shall be binding . . .”.
- 36.54.060 Source—[1917 c 158 § 4; RRS § 5482.]
- 36.54.070 Source—[1917 c 158 § 5; RRS § 5483.]
- 36.54.080 Source—[1947 c 272 § 1; Rem. Supp. 1947 § 5477-1.]
“public service commission” to “Washington utilities and transportation commission”, (authority, RCW 80.01.010, 1961 c 307 § 4).
- 36.54.090 Source—[1947 c 272 § 2; Rem. Supp. 1947 § 5477-2.]
- 36.54.100 Source—[(i) 1947 c 272 § 3; Rem. Supp. 1947 § 5477-3. (ii) 1947 c 272 § 5; Rem. Supp. 1947 § 5477-4.]
(1) “RCW 36.54.080 and 36.54.090” to “This section, RCW 36.54.080 and 36.54.090”.
(2) “Nothing contained in this act shall abridge or deny the right of a Ferry District to acquire or maintain suitable landing facilities on the mainland” with appropriate translation of “this act”, restored in lieu of “A ferry district shall have the right to acquire and maintain suitable landing facilities on the mainland”.

Chapter 36.55 Franchises on Roads and Bridges

Explanatory
note.

- 36.55.010 Source—[1961 c 55 § 2. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.020 Source—[1941 c 138 § 1; 1937 c 187 § 39; Rem. Supp. 1941 § 6450-39.]
- 36.55.030 Source—[1937 c 187 § 40; RRS § 6450-40.]
- 36.55.040 Source—[1961 c 55 § 3. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.050 Source—[1961 c 55 § 4. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.060 Source—[1961 c 55 § 5. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.070 Source—[1937 c 187 § 41; RRS § 6450-41.]
"prior to the passage of this act" restored and translated as "prior to April 1, 1937".
- 36.55.080 Source—[1937 c 187 § 42; RRS § 6450-42.]

Chapter 36.58 Garbage Disposal

- 36.58.010 Source—[1943 c 87 § 1; Rem. Supp. 1943 § 6294-150.]
- 36.58.020 Source—[1943 c 87 § 2; Rem. Supp. 1943 § 6294-151.]

Chapter 36.59 Homesite Lands

This chapter consisting of 1939 c 201 was extensively rewritten by the 1941 Code Committee and codified as RCW 36.59.010 through 36.59.210. Herein 1939 c 201 is restored to session law language and organization, with such revisions made as are authorized by RCW 1.08.015, and the whole is recodified as RCW 36.59.300 through 36.59.430, and the former RCW sections will be memorialized upon publication of this act.

As there is no longer an elective county engineer, see note above at 36.32.370, the 1939 act has been herein modified to impose his duties upon another county officer.

In 1939 c 201 § 14, herein 36.59.340, last sentence thereof, "county" has been substituted for "state" as the chapter relates only to county lands.

Chapter 36.62 Hospitals

- 36.62.010 Source—[1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.020 Source—[1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.030 Source—[1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.040 Source—[(i) 1925 ex.s. c 174 § 2; RRS § 6090-2. (ii) 1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.050 Source—[1925 ex.s. c 174 § 3; RRS § 6090-3.]
- 36.62.060 Source—[1925 ex.s. c 174 § 4; RRS § 6090-4.]
- 36.62.070 Source—[1925 ex.s. c 174 § 5; RRS § 6090-5.]
- 36.62.080 Source—[1925 ex.s. c 174 § 7; RRS § 6090-7.]
- 36.62.090 Source—[1925 ex.s. c 174 § 6; RRS § 6090-6.]
- 36.62.100 Source—[1945 c 62 § 1; 1925 ex.s. c 174 § 8; Rem. Supp. 1945 § 6090-8.]
- 36.62.110 Source—[1931 c 139 § 1, part; RRS § 6090-9, part.]
- 36.62.120 Source—[(i) 1931 c 139 § 1, part; RRS § 6090-9, part. (ii) 1931 c 139 § 4, part; RRS § 6090-12, part.]
". . . first members . . . shall be appointed . . . within thirty days after this act takes effect . . . and thereafter within thirty days after such . . . institution shall have been completed . . ." restored (with date substituted) in lieu of ". . . first members . . . shall be appointed . . . within thirty days after the institution has been completed . . .".

- Explanatory note.
- 36.62.130 Source—[1931 c 139 § 1, part; RRS § 6090-9, part.]
 - 36.62.140 Source—[1931 c 139 § 2; RRS § 6090-10.]
“city or town” restored in lieu of “city”.
 - 36.62.150 Source—[1933 c 174 § 1, part; 1931 c 139 § 3, part; RRS § 6090-11, part.]
“in section 4076 of Remington’s Compiled Statutes of Washington” restored (translated to “in RCW 36.32.330”) in lieu of “for the taking of appeals from boards of county commissioners generally”.
 - 36.62.160 Source—[1933 c 174 § 1, part; 1931 c 139 § 3, part; RRS § 6090-11, part.]
 - 36.62.170 Source—[1931 c 139 § 4, part; RRS § 6090-12, part.]
 - 36.62.180 Source—[1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part.]
 - 36.62.190 Source—[(i) 1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part. (ii) 1931 c 139 § 8; RRS § 6090-16.]
 - 36.62.200 Source—[1931 c 139 § 5; RRS § 6090-13.]
 - 36.62.210 Source—[1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part.]
 - 36.62.220 Source—[1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part.]
 - 36.62.230 Source—[1931 c 139 § 9; RRS § 6090-17.]
 - 36.62.240 Source—[1931 c 139 § 10; RRS § 6090-18.]
“this chapter” to “RCW 36.62.110 through 36.62.230”.
 - 36.62.252 Source—[1961 c 144 § 1; 1951 c 256 § 1.]
 - 36.62.270 Source—[1951 c 256 § 3.]
 - 36.62.280 Source—[1961 c 144 § 2; 1951 c 256 § 4.]

Chapter 36.63 Jails

- 36.63.010 Source—[1917 c 103 § 2; RRS § 10205.]
- 36.63.020 Source—[1877 p 303 § 5; RRS § 10195.]
“and such sheriff . . . is hereby required to conform in all respects to the rules and directions of said district judge . . . or which may from time to time by such judge be made and communicated to him by said commissioners” heretofore omitted, restored as “and the sheriff shall conform to the rules and directions of the superior court of his county as provided by RCW 36.63.060 or which may from time to time by said court be made and communicated to him by the board of county commissioners”.
- 36.63.030 Source—[1877 p 305 § 13; RRS § 10203.]
- 36.63.040 Source—[1877 p 304 § 10; RRS § 10200.]
“and it is hereby made his duty to cause all the cells and rooms used for the confinement of prisoners, to be thoroughly whitewashed at least three times in each year” restored.
- 36.63.050 Source—[1877 p 303 § 6; RRS § 10196.]
- 36.63.060 Source—[1877 p 302 § 1; RRS § 10191.]
In first paragraph “shall” restored in lieu of “may”.
- 36.63.070 Source—[1877 p 303 § 4; RRS § 10194.]
“in the manner as is directed by sections two and three of this act” restored (with appropriate translation) in lieu of “in the same manner as directed for the original rules”.
- 36.63.080 Source—[1877 p 302 § 2; RRS § 10192.]
- 36.63.090 Source—[1877 p 303 § 3; RRS § 10193.]
- 36.63.100 Source—[1877 p 304 § 8; RRS § 10198.]
“this chapter” to “RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 and 36.63.200 in charge of”.
- 36.63.110 Source—[1877 p 304 § 9; RRS § 10199.]
“this chapter” to “RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 or 36.63.200”.
- 36.63.120 Source—[1947 c 58 § 1; 1893 c 16 § 1; Rem. Supp. 1947 § 10188.]
- 36.63.130 Source—[1877 p 304 § 12; RRS § 10202.]

- 36.63.140 Source—[1877 p 304 § 11; RRS § 10201.]
- 36.63.150 Source—[1961 c 171 § 29; 1917 c 103 § 3; RRS § 10206.]
- 36.63.160 Source—[1961 c 171 § 30; 1917 c 103 § 4; RRS § 10207.]
- 36.63.170 Source—[1917 c 103 § 5; RRS § 10208.]
- 36.63.180 Source—[1917 c 103 § 6; RRS § 10209.]
- 36.63.190 Source—[Code 1881 § 1165; RRS § 10187.]
- 36.63.200 Source—[1951 c 108 § 1; 1877 p 303 § 7; RRS § 10197.]
- 36.63.210 Source—[1961 c 171 § 6.]
- 36.63.220 Source—[1961 c 171 § 7.]
“this act” to “this chapter or RCW 72.64.100”.
- 36.63.230 Source—[1961 c 171 § 8.]
Chapter 171, Laws of 1961 relates to prisons and jails and contains sections codified in Title 72 as well as this chapter. The phrases contained therein “this act” and “this amendatory act” when possible have been translated to read “this chapter”; in other instances where such translation might be deemed too restrictive, the literal translation—“RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110” is used herein. Such instances occur in this section and in RCW 36.63.290, 36.63.300, 36.63.370 and 36.63.420.
- 36.63.240 Source—[1961 c 171 § 9.]
- 36.63.250 Source—[1961 c 171 § 10.]
- 36.63.260 Source—[1961 c 171 § 11.]
- 36.63.270 Source—[1961 c 171 § 12.]
- 36.63.280 Source—[1961 c 171 § 13.]
- 36.63.290 Source—[1961 c 171 § 14.]
See note for 36.63.230.
- 36.63.300 Source—[1961 c 171 § 15.]
See note for 36.63.230.
- 36.63.310 Source—[1961 c 171 § 16.]
- 36.63.320 Source—[1961 c 171 § 17.]
- 36.63.330 Source—[1961 c 171 § 18.]
“this amendatory act” to “this chapter”.
- 36.63.340 Source—[1961 c 171 § 19.]
“this amendatory act” to “this chapter”.
- 36.63.350 Source—[1961 c 171 § 20.]
“this amendatory act” to “this chapter”.
- 36.63.360 Source—[1961 c 171 § 21.]
- 36.63.370 Source—[1961 c 171 § 22.]
See note for 36.63.230.
- 36.63.380 Source—[1961 c 171 § 23.]
“this amendatory act” to “this chapter”.
- 36.63.390 Source—[1961 c 171 § 24.]
“this amendatory act” to “this chapter”.
- 36.63.400 Source—[1961 c 171 § 25.]
“this amendatory act” to “this chapter”.
- 36.63.410 Source—[1961 c 171 § 26.]
- 36.63.420 Source—[1961 c 171 § 27.]
See note for 36.63.230.
- 36.63.430 Source—[1961 c 171 § 28.]
- 36.63.440 Source—[1961 c 171 § 31.]
“this amendatory act” to “this chapter”.
- 36.63.450 Cross-reference section which will be carried upon publication of this reenactment.

Chapter 36.64 Joint Governmental Activities

- 36.64.010 Source—[1913 c 90 § 1; RRS § 3992.]
In first sentence “one with the other” and “an incorporated” restored.

Explanatory
note.

- 36.64.020 Source—[1913 c 90 § 2; RRS § 3993.]
“All contracts made in pursuance hereof” restored with appropriate translation, in lieu of “A contract between a county and a city relating to a courthouse, a city hall, or both”.
- 36.64.030 Source—[1913 c 90 § 4; RRS § 3995.]
- 36.64.040 Source—[1913 c 90 § 3; RRS § 3994.]
- 36.64.050 Source—[1913 c 91 § 1; RRS § 3996.]
- 36.64.060 Source—[(i) 1907 c 158 § 1; RRS § 9664. (ii) 1907 c 158 § 2; RRS § 9665.]
“. . . to issue . . . bonds . . . in the manner and form provided in sections 1846 to 1851, inclusive, of Ballinger’s Annotated Codes and Statutes of Washington” restored with appropriate translation in lieu of “issue . . . bonds therefor”.

Chapter 36.67 Limitation of Indebtedness—County Bonds

- 36.67.010 Source—[1890 p 37 § 1; RRS § 5575.]
- 36.67.020 Source—[1890 p 37 § 2; RRS § 5576.]
- 36.67.030 Source—[1890 p 38 § 3; RRS § 5577.]
- 36.67.040 Source—[1890 p 38 § 4; RRS § 5578.]
“Except as otherwise provided in RCW 39.44.100,” added. Session law and RCW read “The bonds and each coupon shall be signed by the chairman of the board of county commissioners”; RCW 39.44.100, 1955 c 375 § 1 only requires this on issues of less than one hundred bonds.
- 36.67.050 Source—[1890 p 39 § 5; RRS § 5579.]
“and accrued interest” added to conform this section to later enactment, 1923 c 151 § 3; RCW 39.44.030.
- 36.67.060 Source—[(i) 1890 p 39 § 6; RRS § 5580. (ii) 1890 p 39 § 7; RRS § 5581.]
“Title 39” to “chapter 39.44 RCW”.
- 36.67.070 Source—[1890 p 39 § 8; RRS § 5582.]
“general fund” to “current expense fund”.
- 36.67.080 Source—[1890 p 40 § 9; RRS § 5583.]

Chapter 36.68 Parks and Recreational Facilities

- 36.68.010 Source—[1961 c 92 § 1; 1949 c 94 § 1; Rem. Supp. 1949 § 3991-14.]
“act” to “section”.
- 36.68.020 Source—[1949 c 94 § 2; Rem. Supp. 1949 § 3991-15.]
- 36.68.030 Source—[1949 c 94 § 3; Rem. Supp. 1949 § 3991-16.]
- 36.68.040 Source—[1949 c 94 § 4; Rem. Supp. 1949 § 3991-17.]
- 36.68.050 Source—[1949 c 94 § 5; Rem. Supp. 1949 § 3991-18.]
- 36.68.060 Source—[1949 c 94 § 6; Rem. Supp. 1949 § 3991-19.]
- 36.68.070 Source—[1949 c 94 § 7; Rem. Supp. 1949 § 3991-20.]
- 36.68.080 Source—[1949 c 94 § 8; Rem. Supp. 1949 § 3991-21.]

Chapter 36.69 Recreation District Act

- 36.69.010 Source—[1961 c 272 § 1; 1959 c 304 § 1; 1957 c 58 § 1.]
- 36.69.020 Source—[1961 c 272 § 2; 1959 c 304 § 2; 1957 c 58 § 2.]
- 36.69.030 Source—[1961 c 272 § 3; 1959 c 304 § 3; 1957 c 58 § 3.]
- 36.69.040 Source—[1957 c 58 § 4.]
- 36.69.050 Source—[1957 c 58 § 5.]
- 36.69.060 Source—[1957 c 58 § 6.]
- 36.69.070 Source—[1959 c 304 § 4; 1957 c 58 § 7.]
- 36.69.080 Source—[1957 c 58 § 8.]
- 36.69.090 Source—[1957 c 58 § 9.]
- 36.69.100 Source—[1957 c 58 § 10.]
- 36.69.110 Source—[1957 c 58 § 11.]
- 36.69.120 Source—[1957 c 58 § 12.]
- 36.69.130 Source—[1961 c 272 § 4; 1959 c 304 § 5; 1957 c 58 § 13.]
- 36.69.140 Source—[1961 c 272 § 5; 1959 c 304 § 6; 1957 c 58 § 14.]
- 36.69.150 Source—[1957 c 58 § 16.]

36.69.160	Source—[1957 c 58 § 17.]	Explanatory note.
36.69.170	Source—[1957 c 58 § 18.]	
36.69.180	Source—[1957 c 58 § 19.]	
36.69.190	Source—[1961 c 272 § 6; 1959 c 304 § 7; 1957 c 58 § 20.]	
36.69.200	Source—[1957 c 58 § 21.]	
36.69.210	Source—[1957 c 58 § 22.]	
36.69.220	Source—[1957 c 58 § 23.]	
36.69.230	Source—[1957 c 58 § 24.]	
36.69.240	Source—[1957 c 58 § 25.]	
36.69.250	Source—[1957 c 58 § 26.]	
36.69.260	Source—[1957 c 58 § 27.]	
36.69.270	Source—[1957 c 58 § 28.]	
36.69.280	Source—[1957 c 58 § 29.]	
36.69.290	Source—[1957 c 58 § 30.]	
36.69.300	Source—[1957 c 58 § 31.]	
36.69.310	Source—[1957 c 58 § 32.]	
36.69.900	Source—[1961 c 272 § 7; 1959 c 304 § 9; 1957 c 58 § 33.]	

Chapter 36.70 Planning Enabling Act

36.70.010	Source—[1959 c 201 § 1.]
36.70.015	Source—[1961 c 232 § 6.]
36.70.020	Source—[1959 c 201 § 2.]
36.70.030	Source—[1959 c 201 § 3.]
36.70.040	Source—[1959 c 201 § 4.]
36.70.050	Source—[1959 c 201 § 5.]
36.70.060	Source—[1961 c 232 § 1; 1959 c 201 § 6.]
36.70.070	Source—[1959 c 201 § 7.] “on the effective date of this chapter” to “June 10, 1959”.
36.70.080	Source—[1959 c 201 § 8.]
36.70.090	Source—[1959 c 201 § 9.] “the effective date of this chapter” to “June 10, 1959”.
36.70.100	Source—[1959 c 201 § 10.] “on the effective date of this chapter” to “June 10, 1959”.
36.70.110	Source—[1959 c 201 § 11.]
36.70.120	Source—[1959 c 201 § 12.]
36.70.130	Source—[1959 c 201 § 13.]
36.70.140	Source—[1959 c 201 § 14.]
36.70.150	Source—[1959 c 201 § 15.]
36.70.160	Source—[1959 c 201 § 16.]
36.70.170	Source—[1959 c 201 § 17.]
36.70.180	Source—[1959 c 201 § 18.]
36.70.190	Source—[1959 c 201 § 19.]
36.70.200	Source—[1959 c 201 § 20.] “prior to the effective date of this chapter, enacted a zoning ordinance, shall, within ninety days of the effective date of this chapter” to “prior to June 10, 1959, enacted a zoning ordinance, shall, within ninety days thereof . . .”.
36.70.210	Source—[1959 c 201 § 21.]
36.70.220	Source—[1959 c 201 § 22.]
36.70.230	Source—[1959 c 201 § 23.] “effective date of this chapter” to “June 10, 1959”.
36.70.240	Source—[1959 c 201 § 24.]
36.70.250	Source—[1959 c 201 § 25.]
36.70.260	Source—[1959 c 201 § 26.]
36.70.270	Source—[1959 c 201 § 27.]
36.70.280	Source—[1959 c 201 § 28.]
36.70.290	Source—[1959 c 201 § 29.]
36.70.300	Source—[1959 c 201 § 30.]
36.70.310	Source—[1959 c 201 § 31.]
36.70.320	Source—[1959 c 201 § 32.]
36.70.330	Source—[1959 c 201 § 33.]

Explanatory
note.

- 36.70.340 Source—[1959 c 201 § 34.]
- 36.70.350 Source—[1959 c 201 § 35.]
- 36.70.360 Source—[1959 c 201 § 36.]
- 36.70.370 Source—[1959 c 201 § 37.]
- 36.70.380 Source—[1959 c 201 § 38.]
- 36.70.390 Source—[1959 c 201 § 39.]
- 36.70.400 Source—[1961 c 232 § 2; 1959 c 201 § 40.]
- 36.70.410 Source—[1959 c 201 § 41.]
- 36.70.420 Source—[1959 c 201 § 42.]
- 36.70.430 Source—[1959 c 201 § 43.]
- 36.70.440 Source—[1959 c 201 § 44.]
- 36.70.450 Source—[1959 c 201 § 45.]
- 36.70.460 Source—[1959 c 201 § 46.]
- 36.70.470 Source—[1959 c 201 § 47.]
- 36.70.480 Source—[1959 c 201 § 48.]
- 36.70.490 Source—[1959 c 201 § 49.]
- 36.70.500 Source—[1959 c 201 § 50.]
- 36.70.510 Source—[1959 c 201 § 51.]
- 36.70.520 Source—[1959 c 201 § 52.]
- 36.70.530 Source—[1959 c 201 § 53.]
- 36.70.540 Source—[1959 c 201 § 54.]
- 36.70.550 Source—[1959 c 201 § 55.]
- 36.70.560 Source—[1959 c 201 § 56.]
- 36.70.570 Source—[1959 c 201 § 57.]
- 36.70.580 Source—[1959 c 201 § 58.]
- 36.70.590 Source—[1959 c 201 § 59.]
- 36.70.600 Source—[1961 c 232 § 3; 1959 c 201 § 60.]
- 36.70.610 Source—[1961 c 232 § 4; 1959 c 201 § 61.]
- 36.70.620 Source—[1959 c 201 § 62.]
- 36.70.630 Source—[1961 c 232 § 5; 1959 c 201 § 63.]
- 36.70.640 Source—[1959 c 201 § 64.]
- 36.70.650 Source—[1959 c 201 § 65.]
- 36.70.660 Source—[1959 c 201 § 66.]
- 36.70.670 Source—[1959 c 201 § 67.]
- 36.70.680 Source—[1959 c 201 § 68.]
- 36.70.690 Source—[1959 c 201 § 69.]
- 36.70.700 Source—[1959 c 201 § 70.]
- 36.70.710 Source—[1959 c 201 § 71.]
- 36.70.720 Source—[1959 c 201 § 72.]
- “effective date of this chapter” to “June 10, 1959”.
- 36.70.730 Source—[1959 c 201 § 73.]
- 36.70.740 Source—[1959 c 201 § 74.]
- 36.70.750 Source—[1959 c 201 § 75.]
- 36.70.760 Source—[1959 c 201 § 76.]
- 36.70.770 Source—[1959 c 201 § 77.]
- 36.70.780 Source—[1959 c 201 § 78.]
- 36.70.790 Source—[1959 c 201 § 79.]
- 36.70.800 Source—[1959 c 201 § 80.]
- 36.70.810 Source—[1959 c 201 § 81.]
- 36.70.820 Source—[1959 c 201 § 82.]
- 36.70.830 Source—[1959 c 201 § 83.]
- 36.70.840 Source—[1959 c 201 § 84.]
- 36.70.850 Source—[1959 c 201 § 85.]
- 36.70.860 Source—[1959 c 201 § 86.]
- 36.70.870 Source—[1959 c 201 § 87.]
- 36.70.880 Source—[1959 c 201 § 88.]
- 36.70.890 Source—[1959 c 201 § 89.]
- 36.70.900 Source—[1959 c 201 § 90.]
- 36.70.910 Source—[1959 c 201 § 91.]
- 36.70.920 Source—[1959 c 201 § 92.]
- “effective date of this chapter” to “June 10, 1959”.
- 36.70.930 Source—[1959 c 201 § 93.]

- 36.70.940 Source—[1959 c 201 § 94.]
- 36.70.950 Source—[1959 c 201 § 95.]
 Section decodified for reenactment purposes. This section reads: "Section captions as used in this chapter do not constitute any part of the law." This will be covered by chapter 36.98.
- 36.70.960 Source—[1959 c 201 § 96.]
 Section decodified for reenactment purposes. This section is the standard severability section. As with 36.70.950 above, it will be covered by chapter 36.98.

Chapter 36.71 Peddlers' and Hawkers' Licenses

- 36.71.010 Source—[1929 c 110 § 1; 1909 c 214 § 1; RRS § 8353.]
- 36.71.020 Source—[1927 c 89 § 1; 1909 c 214 § 3; RRS § 8355.]
 Session law language speaks of "number of horses and vehicles" which RCW changes to "number of vehicles"; RCW license fee schedule changes "peddler with one horse and a wagon" to "peddler with one vehicle"; "peddler with two horses and a wagon" to "peddler with two vehicles"; "peddler with any other conveyance" to "peddler with more than two vehicles". The 1941 Code Committee's treatment of this section materially revised its substance and the session law language is to that extent restored to await such modernization by substantive revision as the counties may desire to propose by separate legislation.
- 36.71.030 Source—[1909 c 214 § 4; RRS § 8356.]
- 36.71.040 Source—[1909 c 214 § 5; RRS § 8357.]
- 36.71.050 Source—[1909 c 214 § 6; RRS § 8358.]
 "and 36.71.060" added, to complete translation of "of the preceding sections".
- 36.71.060 Source—[1909 c 214 § 2; RRS § 8354.]
- 36.71.070 Source—[1879 p 130 § 1; 1873 p 437 § 1; RRS § 8341.]
 Session law relating to "barter", restored.
- 36.71.080 Source—[1873 p 438 § 3; RRS § 8342.]
- 36.71.090 Source—[1917 c 45 § 1; 1897 c 62 § 1; RRS § 8343.]

Chapter 36.72 Printing

- 36.72.010 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.020 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.030 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.040 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.050 Source—[1955 c 312 § 2. Prior: 1947 c 141 § 1, part; 1917 c 114 § 2, part; 1907 c 229 § 1, part; 1886 p 108 § 2, part; Code 1881 § 2693, part; 1873 p 478 § 2, part; Rem. Supp. 1947 § 4081, part.]
- 36.72.060 Source—[1955 c 312 § 3. Prior: 1947 c 141 § 1, part; 1917 c 114 § 2, part; 1907 c 229 § 1, part; 1886 p 108 § 2, part; Code 1881 § 2693, part; 1873 p 478 § 2, part; Rem. Supp. 1941 § 4081, part.]
- 36.72.070 Source—[Code 1881 § 2694; 1873 p 478 § 3; RRS § 4082.]
- 36.72.080 Source—[1897 c 35 § 1; RRS § 4078.]
- 36.72.090 Source—[1897 c 35 § 2; RRS § 4079.]

Note: Upon codification of reenactment we intend a cross-reference section in this chapter to RCW 43.78.130-43.78.160, which provides county printing must be done in this state.

Chapter 36.75 Roads and Bridges—General Provisions

- 36.75.010 Source—[1937 c 187 § 1; RRS § 6450-1.]
 The 1941 Code Committee abridged 1937 c 187 § 1 by omitting

Explanatory
note.

- many definitions not used in the title. Such version is herein retained with the definitions of "county road" and "public highway" restored to session law language and a definition of "highway commission" added.
- 36.75.020 Source—[1943 c 82 § 1; 1937 c 187 § 2; Rem. Supp. 1943 § 6450-2.]
- 36.75.030 Source—[1939 c 181 § 11; RRS § 6450-2a.]
"director" and "department" to "state highway commission" in this and succeeding sections, in view of chapter 47.01 RCW.
- 36.75.040 Source—[1937 c 187 § 3; RRS § 6450-3.]
Session law substantially restored.
- 35.75.045 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
Previously uncodified but herein included to preserve devolution of powers of the county engineer.
- 36.75.050 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4.]
- 36.75.060 Source—[1937 c 187 § 5; RRS § 6450-5.]
- 36.75.070 Source—[1955 c 361 § 2. Prior: 1945 c 125 § 1, part; 1937 c 187 § 10, part; Rem. Supp. 1945 § 6450-10, part.]
- 36.75.080 Source—[1955 c 361 § 3. Prior: 1945 c 125 § 1, part; 1937 c 187 § 10, part; Rem. Supp. 1945 § 6450-10, part.]
- 36.75.090 Source—[1955 c 361 § 4. Prior: 1953 c 57 § 1; 1945 c 125 § 1, part; 1937 c 187 § 10, part; Rem. Supp. 1945 § 6450-10, part.]
Section herein restored to language of 1953 c 57 § 1 as the last source, 1955 c 361 § 4 appears to have omitted the 1953 amendment by inadvertence. 1945 c 125 § 1 had been divided and codified as RCW 36.75.070, 36.75.080 and 36.75.090, and 36.75.090 was amended in 1953. 1955 c 361 amended that part of 1945 c 125 § 1 set out in RCW 36.75.070 in accordance with bill drafting practice for the amendment of divided sections. It also set out in full the provisions of 36.75.080 and 36.75.090. The patent result of omitting the 1953 amendment was to revert 36.75.090 to its 1945 language. This does not seem to have been intended as the omission of the 1953 amendatory language was not indicated by customary deletion marks nor was the 1953 act referred to either in the title or in the legislative revision section of the act.
- 36.75.100 Source—[1937 c 187 § 11; RRS § 6450-11.]
"department" to "department or highway commission".
- 36.75.110 Source—[1937 c 187 § 12; RRS § 6450-12.]
- 36.75.120 Source—[1937 c 187 § 13; RRS § 6450-13.]
- 36.75.130 Source—[1943 c 174 § 1; Rem. Supp. 1943 § 6450-95.]
- 36.75.140 Source—[1943 c 174 § 2; Rem. Supp. 1943 § 6450-96.]
- 36.75.150 Source—[1943 c 174 § 3; Rem. Supp. 1943 § 6450-97.]
- 36.75.160 Source—[1943 c 82 § 3; 1937 c 187 § 26; Rem. Supp. 1943 § 6450-26.]
Session law formerly divided as RCW 36.75.160 and second paragraph of 36.75.210 herein recombined and substantially restored.
- 36.75.170 Source—[1937 c 187 § 27; RRS § 6450-27.]
"topographical formation" restored to "stream, body of water, gulch, navigable water, swamp or other topographical formation".
- 36.75.180 Source—[1937 c 187 § 28; RRS § 6450-28.]
"topographical formation" restored to "stream, body of water, gulch, navigable water, swamp or other topographical formation".
- 36.75.190 Source—[1937 c 187 § 29; RRS § 6450-29.]
"topographical formation" restored to "stream, body of water, gulch, navigable water, swamp or other topographical formation".
". . . under the provisions of law relating thereto" restored

- to "under the provisions of the laws of this state relating thereto". Explanatory note.
- 36.75.200 Source—[1937 c 187 § 30; RRS § 6450-30.]
 "upon any city street within any incorporated city or town in such county" restored in lieu of "upon any city street in such county".
 "in such county" to "within any city or town in such county".
- 36.75.205 Source—[1959 c 83 § 1.]
- 36.75.207 Cross-reference section which will appear upon publication of this reenactment.
- 36.75.210 Source—[1937 c 187 § 23; RRS § 6450-23. Former part of section: 1943 c 82 § 3, part; 1937 c 187 § 26, part; Rem. Supp. 1943 § 6450-26, part, now codified in RCW 36.75.160.]
 Second paragraph deleted and recombined with remainder of its session law source in RCW 36.75.160.
- 36.75.220 Source—[1937 c 187 § 24; RRS § 6450-24.]
- 36.75.230 Source—[1937 c 187 § 25, part; RRS § 6450-25, part.]
 "For the purpose of carrying into effect the two preceding sections and under the circumstances therein set out the boards . . ." restored and translated.
 "in the manner provided for the taking of property for public use by counties" restored.
- 36.75.240 Source—[1937 c 187 § 25, part; RRS § 6450-25, part.]
- 36.75.250 Source—[1937 c 187 § 46; RRS § 6450-46.]
 "director" to "highway commission" in view of chapter 47.01 RCW.
 "state auditor" to "state treasurer" in view of RCW 43.88.210.
- 36.75.260 Source—[1943 c 82 § 8; 1937 c 187 § 58; Rem. Supp. 1943 § 6450-58.]
 "department" to "highway commission".
- 36.75.270 Source—[1949 c 156 § 8; Rem. Supp. 1949 § 6450-8g.]
- 36.75.280 Source—[1949 c 156 § 4; Rem. Supp. 1949 § 6450-8d.]
- 36.75.290 Source—[1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

Chapter 36.76 Roads and Bridges—Bonds

This chapter containing the road and bridge bond acts of 1890 and 1913 was revised by the 1941 Code Committee to reconcile said acts with the serial bond act of 1923 codified as chapter 39.44. Such revision is herewith retained.

Act of 1890

- 36.76.010 Source—[1890 p 40 § 1; RRS § 5584.]
- 36.76.020 Source—[1913 c 150 § 1; 1891 c 90 § 1; 1890 p 41 § 2; RRS § 5585.]
- 36.75.030 Source—[1890 p 41 § 3; RRS § 5586.]
- 36.76.040 Source—[1890 p 41 § 4; RRS § 5587.]
- 36.76.050 Source—[1890 p 42 § 5; RRS § 5588.]
- 36.76.060 Source—[1890 p 42 § 6; RRS § 5589.]
- 36.76.070 Source—[1890 p 42 § 7; RRS § 5590.]

Act of 1913

- 36.76.080 Source—[1913 c 25 § 1; RRS § 5592.]
- 36.76.090 Source—[1913 c 25 § 2; RRS § 5593.]
- 36.76.100 Source—[1913 c 25 § 4; RRS § 5595.]
- 36.76.110 Source—[1913 c 25 § 5; RRS § 5596.]
- 36.76.120 Source—[1913 c 25 § 3; RRS § 5594.]
- 36.76.130 Source—[1913 c 25 § 7; RRS § 5598.]

Miscellaneous Acts

- 36.76.140 Source—[1955 c 194 § 1.]

Explanatory
note.

Chapter 36.77 Roads and Bridges—Construction

- 36.77.010 Source—[1959 c 67 § 2. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.020 Source—[1959 c 67 § 3. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.030 Source—[1959 c 67 § 4. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.040 Source—[1959 c 67 § 5. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.050 Source—[1937 c 187 § 33; RRS § 6450-33.]
- 36.77.060 Source—[1949 c 156 § 9, part; 1943 c 82 § 4, part; 1937 c 187 § 34, part; Rem. Supp. 1949 § 6450-34, part.]
- 36.77.070 Source—[1949 c 156 § 9, part; 1943 c 82 § 4, part; 1937 c 187 § 34, part; Rem. Supp. 1949 § 6450-34, part.]
“and it shall be the duty of the Prosecuting Attorney to file information and prosecute for violation of the provisions of this section” translated to “this section and RCW 36.77.060” and restored in lieu of “and the prosecuting attorney shall prosecute such violations”.

Chapter 36.80 Roads and Bridges—Engineer

- 36.80.010 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
- 36.80.015 Source—[1955 c 9 § 1. Prior: 1895 c 77 § 10; RRS § 4148.]
- 36.80.020 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
- 36.80.030 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
- 36.80.040 Source—[1907 c 160 § 4; RRS § 4147.]
“The office of the county engineer shall be one of record” restored.
- 36.80.050 Source—[1907 c 160 § 2; RRS § 4149.]
“in his office” restored.
- 36.80.060 Source—[1949 c 156 § 2; Rem. Supp. 1949 § 6450-8b.]
“department of highways” to “highway commission”.
- 36.80.070 Source—[1949 c 156 § 3; Rem. Supp. 1949 § 6450-8c.]
- 36.80.080 Source—[1957 c 146 § 1.]
“department of highways” to “highway commission”.

Chapter 36.81 Roads and Bridges—Establishment

- 36.81.010 Source—[1937 c 187 § 19; RRS § 6450-19.]
- 36.81.020 Source—[1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.030 Source—[1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.040 Source—[1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.050 Source—[1937 c 187 § 21, part; RRS § 6450-21, part.]
- 36.81.060 Source—[1937 c 187 § 21, part; RRS § 6450-21, part.]
- 36.81.070 Source—[1937 c 187 § 22, part; RRS § 6450-22, part.]
- 36.81.080 Source—[1937 c 187 § 22, part; RRS § 6450-22, part.]
“by proper resolution” restored.
- 36.81.090 Source—[(i) 1937 c 187 § 22, part; RRS § 6450-22, part. (ii) 1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.100 Source—[1937 c 187 § 15; RRS § 6450-15.]
- 36.81.110 Source—[1937 c 187 § 16; RRS § 6450-16.]
“. . . in the manner provided by law for the taking of private property for public use . . .” restored.
- 36.81.121 Source—[1961 c 195 § 1.]
- 36.81.130 Source—[1949 c 156 § 7; Rem. Supp. 149 § 6450-8f.]
- 36.81.140 Source—[1953 c 199 § 1.]

Chapter 36.82 Roads and Bridges—Funds—Budget

- 36.82.010 Source—[1943 c 82 § 2, part; 1937 c 187 § 6, part; Rem. Supp. 1943 § 6450-6, part.]

- 36.82.020 Source—[1943 c 82 § 2, part; 1937 c 187 § 6, part; Rem. Supp. 1943 § 6450-6, part.] Explanatory note.
- 36.82.030 Source—[1943 c 82 § 2, part; 1937 c 187 § 6, part; Rem. Supp. 1943 § 6450-6, part.]
- 36.82.040 Source—[1937 c 187 § 7; RRS § 6450-7.]
 “. . . not to exceed ten mills on the dollar of all taxable property in the county . . .” restored to “not to exceed ten mills on the dollar of the last assessed valuation of the taxable property in the county . . .” in view of RCW 84.52.050.
- 36.82.050 Source—[1937 c 187 § 8, part; RRS § 6450-8, part.]
- 36.82.060 Source—[1937 c 187 § 8, part; RRS § 6450-8, part.]
- 36.82.070 Source—[1943 c 82 § 5, part; 1937 c 187 § 53, part; Rem. Supp. 1943 § 6450-53, part.]
- 36.82.080 Source—[1943 c 82 § 5, part; 1937 c 187 § 53, part; Rem. Supp. 1943 § 6450-53, part.]
- 36.82.090 Source—[1943 c 82 § 6; 1937 c 187 § 54; Rem. Supp. 1943 § 6450-54.]
- 36.82.100 Source—[1953 c 172 § 1; 1937 c 187 § 44, part; RRS § 6450-44, part.]
- 36.82.110 Source—[1937 c 187 § 44, part; RRS § 6450-44, part.]
- 36.82.120 Source—[1937 c 187 § 44, part; RRS § 6450-44, part.]
- 36.82.130 Source—[1937 c 187 § 47; RRS § 6450-47.]
- 36.82.140 Source—[1937 c 187 § 45; RRS § 6450-45.]
- 36.82.150 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
 “director of highways” to “highway commission”.
- 36.82.160 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
- 36.82.170 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
 “director of highways” to “highway commission”.
- 36.82.180 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
 “director of highways” to “highway commission”.
- 36.82.190 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
- 36.82.200 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
- 36.82.210 Source—[1949 c 75 § 2; 1937 c 187 § 67; Rem. Supp. 1949 § 6450-67.]
- 36.82.220 Source—[1949 c 156 § 1; Rem. Supp. 1949 § 6450-8a.]

Chapter 36.85 Roads and Bridges—Rights of Way

- 36.85.010 Source—[1937 c 187 § 9; RRS § 6450-9.]
- 36.85.020 Source—[1925 ex.s. c 41 § 1; RRS § 905-2.]
- 36.85.030 Source—[1937 c 187 § 17; RRS § 6450-17.]
 “That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.” restored in lieu of “That the acceptance of any grant may also be evidence by general public use and enjoyment.”
- 36.85.040 Source—[1937 c 187 § 18; RRS § 6450-18.]

Chapter 36.86 Roads and Bridges—Standards

- 36.86.010 Source—[1937 c 187 § 14; RRS § 6450-14.]
 (1) “From and after the taking effect of this act” restored and translated to “from and after April 1, 1937”.
 (2) “and the right of way for which has been secured” restored.

- Explanatory
note.
- 36.86.020 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
“highway department” to “highway commission”.
- 36.86.030 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
(1) “Road standards may be amended” to “Road and bridge standards may be amended”.
(2) “but no standard shall be approved . . . with any minimum requirement less than that specified herein” to “with any minimum requirement less than those specified in this chapter”.
(3) “director” to “highway commission”.
- 36.86.040 Source—[1955 c 310 § 1; 1937 c 187 § 37; RRS § 6450-37.]
- 36.86.050 Source—[1937 c 187 § 36; RRS § 6450-36.]
- 36.86.060 Source—[1937 c 187 § 43; RRS § 6450-43.]
“primary state highway” to “state highway”.
- 36.86.070 Source—[1949 c 165 § 1; Rem. Supp. 1949 § 6450-8h.]
- 36.86.080 Source—[1949 c 165 § 4; Rem. Supp. 1949 § 6450-8k.]
- 36.86.090 Source—[1951 c 143 § 1.]
- 36.86.100 Source—[1955 c 310 § 6.]
“public service commission” to “Washington utilities and transportation commission”.

Chapter 36.87 Roads and Bridges—Vacation

- 36.87.010 Source—[1937 c 187 § 48; RRS § 6450-48.]
- 36.87.020 Source—[1937 c 187 § 49, part; RRS § 6450-49, part.]
- 36.87.030 Source—[1937 c 187 § 49, part; RRS § 6450-49, part.]
- 36.87.040 Source—[1937 c 187 § 50; RRS § 6450-50.]
- 36.87.050 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.060 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.070 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.080 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.090 Source—[1937 c 187 § 52; RRS § 6450-52.]

Chapter 36.88 County Road Improvement Districts

- 36.88.010 Source—[1959 c 134 § 1; 1951 c 192 § 1.]
- 36.88.015 Source—[1959 c 75 § 4; 1953 c 152 § 1.]
- 36.88.020 Source—[1951 c 192 § 2.]
- 36.88.030 Source—[1951 c 192 § 3.]
- 36.88.040 Source—[1951 c 192 § 4.]
- 36.88.050 Source—[1951 c 192 § 5.]
- 36.88.060 Source—[1951 c 192 § 6.]
- 36.88.070 Source—[1951 c 192 § 7.]
- 36.88.080 Source—[1951 c 192 § 8.]
- 36.88.090 Source—[1951 c 192 § 9.]
- 36.88.100 Source—[1951 c 192 § 10.]
- 36.88.110 Source—[1951 c 192 § 11.]
- 36.88.120 Source—[1951 c 192 § 12.]
- 36.88.130 Source—[1951 c 192 § 13.]
- 36.88.140 Source—[1951 c 192 § 14.]
- 36.88.150 Source—[1951 c 192 § 15.]
- 36.88.160 Source—[1951 c 192 § 16.]
- 36.88.170 Source—[1951 c 192 § 17.]
- 36.88.180 Source—[1951 c 192 § 18.]
- 36.88.190 Source—[1951 c 192 § 19.]
- 36.88.200 Source—[1951 c 192 § 20.]
- 36.88.210 Source—[1951 c 192 § 21.]
- 36.88.220 Source—[1959 c 134 § 2; 1951 c 192 § 22.]
- 36.88.230 Source—[1951 c 192 § 23.]
- 36.88.240 Source—[1951 c 192 § 24.]
- 36.88.250 Source—[1951 c 192 § 25.]
- 36.88.260 Source—[1951 c 192 § 26.]

- 36.88.270 Source—[1951 c 192 § 27.]
- 36.88.280 Source—[1951 c 192 § 28.]
- 36.88.290 Source—[1951 c 192 § 29.]
 “hereafter issued” to “issued after midnight, June 6, 1951”.
- 36.88.300 Source—[1951 c 192 § 30.]
- 36.88.310 Source—[1951 c 192 § 31.]
- 36.88.320 Source—[1951 c 192 § 32.]
- 36.88.330 Source—[1951 c 192 § 33.]
- 36.88.340 Source—[1953 c 152 § 2; 1951 c 192 § 34.]
- 36.88.350 Source—[1959 c 75 § 8; 1953 c 152 § 3; 1951 c 192 § 35.]
- 36.88.360 Source—[1951 c 192 § 36.]
 “state land commissioner and said commissioner” to “department of natural resources whose designated agent” in view of RCW 43.30.130.
- 36.88.370 Source—[1951 c 192 § 37.]
- 36.88.380 Source—[1959 c 75 § 5.]
- 36.88.390 Source—[1959 c 75 § 6.]
- 36.88.400 Source—[1959 c 75 § 7.]

Chapter 36.90 Southwest Washington Fair

- 36.90.010 Source—[1913 c 47 § 2; RRS § 2746.]
- 36.90.020 Source—[1959 c 34 § 1; 1913 c 47 § 3; RRS § 2747. Prior: 1909 c 237 § 4.]
- 36.90.030 Source—[1913 c 47 § 4; RRS § 2748.]
 (1) “shall notify the board of county commissioners of each of the other counties comprising the Southwest Washington Fair Commission” restored in lieu of “shall notify the board of county commissioners of each of the other counties . . . of meetings”.
 (2) “warrants signed by the chairman of the commission” restored in lieu of “warrants signed by the president”.
- 36.90.040 Source—[1913 c 47 § 5; RRS § 2749.]
- 36.90.050 Source—[1959 c 34 § 2.]
- 36.90.060 Source—[1959 c 34 § 3.]

Chapter 36.98 Construction

- 36.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 36.98.020 Provides that chapter, etc., headings are not part of the law.
- 36.98.030 Severability.
- 36.98.040 Repeals and saving.
 In accordance with the introductory note the laws relating to chapter 36.04—County Boundaries, and chapter 36.91—Trading Stamp Licenses, are not repealed. Except as to certain obsolete or temporary sections, the laws set forth in the schedule of repeals were either repealed previously or are substantially reenacted in this bill.
- 36.98.050 Emergency clause.

Passed the Senate January 31, 1963.

Passed the House February 14, 1963.

Approved by the Governor February 18, 1963.